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13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 VOTING RIGHTS DEFENSE PROJECT,
17 AMERICAN INDEPENDENCE PARTY,
18 CLARA DAIMS, and SUZANNE
19 BUSHNELL,

20 Plaintiffs,

21 v.

22 TIM DEPUIS, in his official capacity as chief
23 of the Alameda County Registrar of Voters,
24 JOHN ARNTZ, in his official capacity as
25 Director of the San Francisco Board of
26 Elections, ALEX PADILLA, in his official
27 capacity as Secretary of State and an
28 indispensable party, AND DOES I-X,

Defendants.

Case No.

COMPLAINT FOR INJUNCTIVE RELIEF,
DECLARATORY RELIEF, AND
MANDAMUS

- 1. Voting Rights Act, 52 USC 10101
- 2. US Const., 1st/14th Amendments
- 3. Cal. Elections Code § 3000 *et seq.*

1 Plaintiffs, by and through their undersigned counsel, hereby complain of the Defendants
2 and allege as follows:

3 **NATURE OF THE ACTION**

4 1. This action is brought pursuant to 42 U.S.C. § 1983 to secure equitable relief from
5 Defendants' unlawful deprivation of Plaintiffs' rights, privileges and immunities guaranteed by
6 the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
7 Section 2 of the Voting Rights Act of 1965, 52 U.S.C. 10101(a)(2)(A) and (B); and other laws of
8 the United States and the state of California. This action is also brought pursuant to 28 U.S.C. §
9 1361 to seek a writ of mandamus. Jurisdiction is conferred pursuant to 28 U.S.C. § 1331 and §
10 1343. Declaratory relief can be sought pursuant to 28 U.S.C. § 2201 and § 2202.

11 2. "No right is more precious in a free country than that of having a voice in the
12 election of those who make the laws..." *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). Plaintiffs
13 bring the instant lawsuit to protect the right to vote by mail, early voting, registration, and
14 informational voting rights of millions of California voters. Nearly 70% of ballots cast in the
15 2014 California special election were by mail, and over 65% of the ballots cast in the 2012
16 presidential preference primary were by mail. [http://www.sos.ca.gov/elections/historical-](http://www.sos.ca.gov/elections/historical-absentee/)
17 [absentee/](http://www.sos.ca.gov/elections/historical-absentee/)

18 3. The impact of failure to inform NPP voters (no party preference voters) of their
19 right to obtain a "crossover ballot" and to vote in the Presidential primary is significant, as is the
20 failure to inform party-affiliated voters of their right to re-register as no party preference voters
21 and still receive the Presidential primary ballots of the Democratic, American Independent, and
22 Libertarian parties. All Californians' voting rights have been and will continue to be denied or
23 unreasonably infringed upon due to the lack of oversight of the California Secretary of State and
24 county Boards of Elections.
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1 4. This action seeks declaratory and injunctive relief to redress the widespread and
2 ongoing failure to provide information regarding the protected voting rights of “no party
3 preference” voters to receive a Democratic, American Independent or Libertarian presidential
4 ballot. Inadequate information has also been provided regarding the right of “no party
5 preference voters” to personally deliver their application to vote by mail to the county board of
6 elections office by May 31, 2016 in order to mail their ballot in by the last day of the primary on
7 June 7.
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9 5. This failure to provide adequate information is in violation of the Voting Rights Act of
10 1965, 52 U.S.C.A. § 10101 *et seq.*, California Elections Code Section 3000 *et seq.*, and the U.S.
11 Constitution’s guarantee of Equal Protection, applied to states pursuant to the Fourteenth
12 Amendment. Plaintiffs are eligible California voters (one Democratic and one no party
13 preference); Voting Rights Defense Project (an organization campaigning to heighten voter
14 education and voter turnout for their candidate Bernie Sanders); and the American Independent
15 Party itself. These Plaintiffs and their associational members have been deprived of voting
16 rights, as have the many similarly situated voters who have complained to their local Boards of
17 Elections regarding applications to vote by mail, early voting, registration, and informational
18 voting rights. Thousands of Californians are in imminent danger of being disenfranchised in the
19 2016 presidential primary election ending on June 7, 2016, and will continue to be shut out of the
20 democratic process unless and until Defendants reform their voting by mail practices.
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23 6. Congress enacted section 2 of the Voting Rights Act of 1965 to prevent certain
24 types of situations. One situation is where some voters in a county are being treated in a
25 different manner from other voters in the county. 52 U.S.C. § 10101(a)(2)(A). The other
26 situation is where individuals are denied the right to vote “because of an error or omission on any
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1 record or paper” which is “not material in determining whether such individual is qualified under
2 State law to vote.” 52 U.S.C. § 10101(a)(2)(B)

3 7. Defendant Tim Depuis, the chief of the Alameda County Registrar of Voters, has
4 engaged in a pattern and practice that will disenfranchise thousands of Alameda County voters.
5 During the last two weeks, this Defendant distributed a series of notices to Alameda County
6 voters that did not provide information that is required to be given to California voters pursuant
7 to Elections Code Section 3000 et seq. Because of this failure to provide proper notice, these
8 voters will be unable to vote for the candidate of their choice unless there is prompt and effective
9 intervention by this court.
10

11 8. Specifically, both the Defendants Tim Depuis and John Arntz (chief of the San
12 Francisco Department of Elections) distributed to the voters an electronic application to vote for
13 mail on Depuis’ Oakland [website](#) and Arntz’s San Francisco [website](#) that violated Elections
14 Code § 3006(c) and 3007.7(e). Both of these applications failed to provide the mandatory notice
15 to all voters of their right to state no party preference; and, further, that a no party preference
16 voter shall be provided with a Democratic, American Independent Party or a Libertarian Party
17 Presidential primary ballot.
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19 9. Furthermore, Defendant Arntz (and on information and belief, Defendant Depuis)
20 violated Elections Code Section 3006 by preparing the Voter Information Pamphlet and Sample
21 Ballot in a non-uniform manner. This time, the aforementioned mandatory notice was properly
22 provided at the back page of the pamphlet to all the no party preference voters. However, the
23 mandatory notice was not provided to the voters that were members of political parties. It was
24 mandatory to provide this information by law to all voters, not just the no party preference
25 voters.
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27 10. The failure to provide this information meant that Bay Area citizens who were
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1 members of political parties were not provided with choices that reasonably could have led them
2 to select no party preference and request a Presidential primary ballot. This same error was
3 committed in Santa Barbara County and other counties throughout the state of California. This
4 statewide error occurred even after the Secretary of State created a uniform vote by mail
5 application that conformed with Elections Code 3007.5 and included the proper language that
6 was missing as described above. For reasons of their own, the Defendants and many of their
7 colleagues throughout the state elected not to use the Secretary of State's uniform vote by mail
8 application, but instead omitted essential terms in their applications.

10 11. Another essential term that was missing in certain applications created by the
11 Defendants was the mandatory notice contained in Elections Code 3006(b)(3) that applicants to
12 vote by mail have the "legal right" to personally "deliver" the application to the County
13 Elections Office by May 31 rather than rely on mail or fax. These particular application forms
14 would mention the May 31 date, but did not mention the "personal delivery" option or that the
15 applicant had the "legal right" to deliver the application in this fashion.

17 12. It is reasonable to assume that this omission will result in more late applications
18 and less early voting, as applicants who deliver the application could receive the proper
19 Presidential primary ballot and vote right there on the spot. In turn, it is reasonable to assume
20 that late applications will result in many more citizens failing to obtain a Presidential primary
21 ballot.

23 **PARTIES TO THE ACTION**

24 13. Both Defendants Tim Depuis and John Arntz, as part of their official duties, are
25 responsible for conducting Federal, State, County, special and local elections. Thus, they are
26 sued in their official capacities. Pursuant to the leadership of these Defendants, the Alameda
27 County Registrar of Voters and the San Francisco Department of Elections prepare the published
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1 notices of elections and lists of offices for which candidates are to be nominated. It is the duty of
2 these agencies to prepare and print official and sample ballots; mail sample ballots to registered
3 voters; recruit election officers and polling places; and provide the roster and street index and
4 other supplies for use by the election officers at the polls. These agencies are also required to
5 establish and revise voting precincts, provide for the tabulation of returns on election night, and
6 conduct the official canvass of votes cast.
7

8 14. Furthermore, these agencies had the duty to prepare applications to vote by mail that
9 complied with the mandatory notices contained in the uniform vote by mail application prepared
10 by the Secretary of State. As described above, the defendants and similar agencies throughout
11 the state failed in providing these mandatory notices.
12

13 15. The Secretary of State Alex Padilla is named as an indispensable party. The
14 Secretary of State created the regulations that the Elections Code rely on. On information and
15 belief, the Secretary of State failed to properly advise the other Defendants, despite the enormous
16 autonomy that the Defendants enjoy in running their own affairs free of interference from the
17 Secretary.
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19 16. Plaintiff Voting Rights Defense Project is an unincorporated association based in
20 Oakland, California. The organizational plaintiff was created to campaign for the success of
21 Bernie Sanders in his quest for votes in the California Presidential primary. It has no formal
22 relationship with the Sanders campaign. This Plaintiff is engaged in taking action of various
23 kinds with like-minded voters to ensure that the turnout for their preferred candidate is as large
24 as possible. As voting in this primary began on May 9 and will continue until June 7, the
25 primary election has officially begun and the campaigning activity is ongoing.
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1 17. Plaintiff American Independent Party is a political party that has obtained ballot
2 space in California. The rules governing its ballot access are contained within Elections Code
3 6500 *et seq.*

4 18. Plaintiff Suzanne Bushnell is a registered Democratic voter in the City and County
5 of San Francisco. As a Democratic voter in San Francisco and the state of California, she has
6 been injured due to the failure of the Defendants to comply with the mandatory notice provisions
7 set forth above. She has “informational standing” due to these omissions by the Defendants, and
8 she is entitled to relief designed to restore her to the situation she would have been in if this
9 information was not denied to her. She is uncertain whether she will be able to obtain a
10 Presidential party ballot for Bernie Sanders if she becomes a no party preference voter. Her
11 rights as a voter have been chilled as a result.

12 19. Plaintiff Clara Daims is a registered no party preference voter in the City and
13 County of San Francisco. As a no party preference voter in San Francisco and the state of
14 California, she has been injured due to the failure of the Defendants to comply with the
15 mandatory notice provisions set forth above. She has “informational standing” due to these
16 omissions by the Defendants, and she is entitled to relief designed to restore her to the situation
17 she would have been in if this information was not denied to her. She is uncertain whether she
18 will be able to obtain a Presidential party ballot for Bernie Sanders if she remains a no party
19 preference voter. Her rights as a voter have been chilled as a result.

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24 **FIRST CAUSE OF ACTION (52 USC 10101(a)(2)(A) and 42 USC 1983)**

25 20. Paragraphs 1-19 are incorporated by reference.

26 21. Defendants’ actions violate 52 USC 10101(a)(2), generally known as “Section 2”
27 of the Voting Rights Act of 1965.

1 22. 52 U.S.C. § 10301(a) grants rights to voters by providing, in relevant part:

2 (2) No person acting under color of law shall –

3 (A) in determining whether any individual is qualified under State
4 law or laws to vote in any election, apply any standard, practice, or
5 procedure difference from the standards, practices or procedures
6 applied under such law or laws to other individuals within the same
7 county, parish, or similar political subdivision who have been found
8 by State officials to be qualified to vote. . .

9
10 23. Private litigants may enforce their rights under 52 U.S.C. § 10101(a) by bringing
11 a suit under 42 U.S.C. § 1983. Defendants, acting under color of state law,
12 applied different standards, practices, or procedures in determining whether party
13 voters would be given voter informational rights than were applied to no party
14 preference voters.
15

16 24. Plaintiffs will continue to suffer the violation of their rights as alleged in the
17 Complaint absent relief granted by the Court.

18 **SECOND CAUSE OF ACTION (52 USC 10101(a)(2)(B) and 42 USC 1983)**

19 25. Paragraphs 1-24 are incorporated by reference.

20
21 26. 52 USC 10101(a)(2)(B) grants rights to voters by providing, in relevant part: "No
22 person acting under color of state law shall ... deny the right of any individual to
23 vote in any election because of an error or omission on any record or paper relating
24 to any application, registration, or other act requisite to voting, if such error or
25 omission is not material in determining whether such individual is qualified under
26 State law to vote in such election." See [Schwier v. Cox, 412 F. Supp. 2d 1266](#)
27 [\(N.D. Ga. 2005\)](#) (finding a Georgia requirement that voting registrants disclose
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1 Social Security number before voting violated materiality provision of Voting
2 Rights Act), aff'd, [439 F.3d 1285 \(11th Cir. 2006\)](#).

3 27. Certain Plaintiffs – or the individuals that they represent - are in imminent danger
4 of being denied the right to vote in the Presidential primary election because of the
5 errors and omissions contained in the mandatory notices containing crucial
6 information necessary in order to obtain the ballot. These errors or omissions are
7 not material in determining whether these individuals are qualified under State law
8 to vote in the June 2016 Presidential primary election.
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10 **THIRD CAUSE OF ACTION (First and Fourteenth Amendments, and 42 USC 1983)**

11 28. Paragraphs 1-27 are incorporated by reference.

12 29. Defendants' actions violated the 1st Amendment to the United States Constitution
13 and the equal protection clause of the 14th Amendment to the United States
14 Constitution, as the acts of the defendants towards the no party preference voters
15 constituted arbitrary discrimination of these plaintiffs as well as the associational
16 classes that Voting Rights Defense Project and American Independent Party
17 represent.
18

19 30. The First and Fourteenth Amendments of the Constitution require that courts
20 closely scrutinize challenged election regulations, weighing “the character and
21 magnitude of the asserted injury . . . against the precise interests put forward by the
22 State as justifications for the burden imposed by its rule.” *Burdick v. Takushi*, 504
23 U.S. 428, 434 (1992).
24

25 31. Even when voters are only modestly burdened by State action, the State's “precise
26 interests” must be able to justify the regulation, which must in turn be both
27 “reasonable” and “nondiscriminatory,” *id.*; *see also U.S. Taxpayers Party of*
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1 *Florida v. Smith*, 871 F. Supp. 426, 435 (N.D. Fla. 1993) (citing *New Alliance*
2 *Party v. Hand*, 933 F.2d 1568 (11th Cir. 1991), as holding that “although the
3 burden imposed on minor parties was not insurmountable, the interests put forth by
4 the state were inadequate to justify the restriction imposed.”).

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6 32. When the burden is more severe, the regulation in question must be able to survive
7 strict scrutiny. *Burdick*, 504 U.S. at 434. When the law applies differently to pre-
8 existing classes of similarly situated citizens seeking to exercise their fundamental
9 rights, the distinction is analyzed under strict scrutiny. *See, e.g., Wexler v.*
10 *Anderson*, 452 F.3d 1226, 1231-32 (11th Cir. 2006) (indicating heightened
11 scrutiny if the plaintiffs had pled that voters in touchscreen counties were less
12 likely to cast an effective vote than voters in optical scan counties, and citing *Dunn*
13 *v. Blumstein*, 405 U.S. 330, 336 (1972) (“[A] citizen has a constitutionally
14 protected right to participate in elections on an equal basis with other citizens in
15 the jurisdiction.”) .

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18 **FOURTH CAUSE OF ACTION (Mandamus)**

19 33. Paragraphs 1-32 are incorporated by reference.

20 34. Defendants’ actions violated existing state law pursuant to Elections Code Section
21 3000 et seq. Because these actions violated state law, Plaintiffs seek mandamus
22 pursuant to 28 USC 1361 to ensure that the voters’ informational rights are
23 protected; that the voters are able to register either with a political party or without
24 a political party as they see fit; that the voters are able to obtain the proper ballots
25 at the Board of Elections and are able to vote before the last day of elections; and
26 that the ballots are properly accepted and counted by the Board of Elections.

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1 **PRAYER**

2 For good cause, Plaintiffs seek injunctive relief, declaratory relief, and a writ of
3 mandamus.

- 4 1. Plaintiffs seek a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202
5 declaring that Defendants' challenge and removal procedures (a) violate Section 2 of
6 the Voting Rights Act of 1965, 52 U.S.C. § 10301, (b) were made with a arbitrarily
7 discriminatory purpose in violation of Section 2 of the Voting Rights Act, 52 U.S.C. §
8 10301, and the Fourteenth Amendment to the United States Constitution; (c) violate
9 the Equal Protection Clause under the Fourteenth Amendment. Furthermore, grant
10 Plaintiffs the specific relief sought without regard as to label:
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- 12 2. Wide distribution of this information via radio, TV, newspaper, internet social media
13 platforms in Alameda County and throughout the state of California;
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- 15 3. Ensuring that sufficient ballot forms for all of the Presidential primary candidates are
16 at all of the polling places on June 7;
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- 18 4. That no party preference voters are not refused a Presidential primary ballot if they
19 personally appear at their proper polling place;
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- 21 5. Changing the applications at the Board of Elections websites in Alameda County, San
22 Francisco, and throughout the state of California to conform with the essential terms
23 set forth in the uniform application created by the Secretary of State;
24
- 25 6. An order permitting the write-in of the Democratic, American Independent Party, and
26 Libertarian candidates, or, in the alternative, segregation of the ballots that have
27 already been cast by those with no party preference registration in order to permit
28 voters to re-vote for the candidate of their choice by June 7;
7. An order extending the registration deadline to June 7, in order to ensure that no party

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preference voters are properly informed of the option to either re-register with a party or request a Democratic, American Independent Party or Libertarian Party Presidential primary ballot;

8. An order, as well, stating that party voters are properly informed of the option to re-register as no party preference and request a Democratic, American Independent Party or Libertarian Party Presidential primary ballot if that is their preference;
9. Reasonable attorneys' fees pursuant to CC Section 1988 and CCP Section 1021.5;
10. Reasonable costs;
11. Such other relief as the court may deem proper.

DATED: May 20, 2016

By: _____/s/_____
William M. Simpich
Stephen R. Jaffe
Attorneys for Plaintiffs

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Voting Rights Defense Project, American Independent Party, Clara Daims, Suzanne Bushnell

(b) County of Residence of First Listed Plaintiff Alameda
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William M. Simpich, Attorney at Law
1736 Franklin Street, 10th Floor, Oakland, CA 94612
Telephone: (415) 542-6809

DEFENDANTS

Alameda County chief of Registrar of Voters Tim Depuis, City and County of San Francisco Department of Elections chief John Arntz, California Secretary of State Alex Padilla.

County of Residence of First Listed Defendant Alameda
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
				FEDERAL TAX SUITS	
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION		
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
52 USC 10101(a)(2)

Brief description of cause:
Injunctive relief in June 7, 2016 involving errors in applications to vote by mail

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)
(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND SAN JOSE EUREKA

May 20, 2016

/s/ William M. Simpich

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.