

# ELECTION JUSTICE NEWS RELEASE

Contact: Shyla Nelson  
202.725.8459 / 802.280.1770  
sanelson@icloud.com

FOR IMMEDIATE RELEASE

Press Conference: Friday, May 20, noon (outside) San Francisco Federal Building, 450 Golden Gate Avenue

## CALIFORNIA LAWSUIT FILED OVER ELECTION LAW VIOLATIONS

SAN FRANCISCO, May 20, 2016: Civil rights attorneys and voter rights activists are filing a civil lawsuit in Federal Court over election materials sent out in advance of the California Primary. Critical omissions of instructions from county applications to vote by mail have violated state election laws, according to the plaintiffs.

Civil rights attorneys Bill Simpich and Stephen R. Jaffe have filed the suit on behalf of both left-leaning supporters of Bernie Sanders and the right-leaning American Independent Party. “These omissions will likely discourage thousands of California voters,” says Simpich. “Independent voters who have stated ‘No Party Preference’ (NPP) may not be able to vote in the June 7th Primary because of the confusion over how to obtain a party-based Presidential primary ballots. Those ballots are not automatically mailed with their nonpartisan ballot. They must be requested by the voters. That has not been made clear in the instructions sent.”

Collaborating on the lawsuit is Election Justice, a national election integrity and voting rights organization which made international news with their recent suit over the voter roll purges prior to the New York Primary. “We are proud to support this effort in California as it represents a real chance for voters to become educated and empowered to exercise their rights,” Election Justice spokeswoman Shyla Nelson said. “We are seeing an unprecedented level of civic engagement in this year’s election, and with that, the exposure of many flaws in our electoral system. Election Justice is committed to fixing what’s broken and renewing the spirit of true democracy in the selection of our nation’s leaders.”

Allegations in the lawsuit include the violation of Elections Code Section 3006(c) which mandates that all NPP voters have the right to apply for a Presidential party ballot for the Democratic, American Independent Party, or Libertarian parties.

Also alleged is the violation of Elections Code Section 3006(b)(3) which requires that voters be informed of the right to personally deliver their application for a vote-by-mail ballot directly to the county elections office by May 31 - not merely mail it. “These instructions are also missing from some of the applications to vote by mail,” says Simpich. “The polls have been open since May 9. Voters have the right to come to the polling place up to the final day of elections on

June 7 and ask for the ballot of their choice. We intend to make sure they know that this is their right.”

Further, defendants Tim Depuis and John Arntz, chiefs of the Alameda County Registrar of Voters and the San Francisco Department of Elections, distributed to voters an electronic application to vote by mail that does not contain the mandatory notice, as seen on Depuis’ Oakland website and Arntz’s San Francisco website.

In San Francisco and other counties, election officials mailed the proper version with the mandatory notice to independent voters, but an improper version to party-affiliated voters, which implicitly discourages party voters from re-registering as independents. “Registration/ party affiliation changes are still possible until May 23. We are seeking an extension of the registration period due to these errors,” Simpich said.

Voter suppression has become a central issue in this year’s hotly contested Presidential primary season, as increased numbers of voters take to the polls and public visibility, largely through social media, has brought a new level of transparency to public concerns. Blaire Fellows, New York attorney and coordinator of Election Justice’s national legal team, says the new level of public engagement on this issue is a welcome catalyst. “We have seen people get involved in petitioning, protesting their county Boards of Election, and publicly call elected officials to accountability. It is time this important issue get the attention it deserves,” said Fellows.

Simpich and Jaffee bring the lawsuit to protect the voting rights of millions of California voters. Nearly 70% of ballots cast in the 2014 California special election were by-mail, and over 65% of the ballots cast in the 2012 presidential preference primary were by-mail. (Source: <http://www.sos.ca.gov/elections/historical-absentee/>) “Because these problems are happening throughout the state of California, we are seeking statewide relief,” said Simpich.

For further information contact:

Bill Simpich - (415) 542-6809 email: bsimpich@gmail.com

Stephen R. Jaffe - (415) 618-0100 email: stephen.r.jaffe@jaffetriallaw.com

Shyla Nelson, Election Justice - (202) 725-8459 email: sanelson@icloud.com

**Election Justice is a national organization advancing election integrity, transparency, and the protection of voting rights for all Americans.**

# # #