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PRO SE PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT CALIFORNIA

SAN FRANCISCO DIVISION

FRANCIS DROUILLARD, MARK GALPERIN,
JOHN TURNACLIFF, CHRIS CARPINIELLO,
WALTER JENSEN, MATTHEW BENNETT
AND MIA CAMERA

Plaintiffs,

vs.

LYNDA ROBERTS in her official capacity as
MARIN COUNTY REGISTRAR OF VOTERS
AND SHIRLEY WEBER, PH.D., in her official
Capacity as CALIFORNIA SECRETARY OF
STATE,

Defendants.

Case No.: 24-cv-06969 – CRB

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' AMENDED
MOTION TO DISMISS AND TO
STAY DISCOVERY**

I. INTRODUCTION

1. Plaintiffs agree to voluntarily dismiss the First Cause of Action (Equal Protection) and the Third Cause of Action (Help America Vote Act). However, Plaintiffs oppose Defendants' motion to dismiss the Second Cause of Action under the National Voter Registration Act (NVRA).

2. Contrary to Defendants' assertions, Plaintiffs have adequately alleged that Defendants failed to implement and enforce reasonable voter roll maintenance practices required by 52 U.S.C. § 20507. Plaintiffs' allegations identify systemic deficiencies in Marin County's compliance with NVRA mandates, and these claims should proceed to discovery.

3. Plaintiffs' assertions are further reinforced by the post-election findings described in Plaintiff Drouillard's declaration.

II. ARGUMENT

A. Plaintiffs Have Standing to Pursue the NVRA Claim

4. Defendants argue that Plaintiffs lack standing because they have not suffered a concrete, particularized injury. This argument is unpersuasive for the following reasons:

a. **Direct Harm to Plaintiffs as Voters.** Plaintiffs have alleged that the inclusion of ineligible voters in Marin County's voter rolls dilutes their votes, a harm that courts have recognized as sufficient to establish standing under the NVRA. The failure to maintain accurate voter rolls undermines the integrity of elections and directly impacts Plaintiffs' ability to participate in fair elections.

b. **Failure to Make a Reasonable Effort.** Plaintiffs assert that Defendants failed to comply with NVRA requirements to make a "reasonable effort" to maintain accurate voter rolls by identifying and removing ineligible voters who have moved out of Marin County. This failure harms Plaintiffs as eligible voters, satisfying the standing requirement.

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B. Plaintiffs Have Stated a Plausible NVRA Claim

5. Plaintiffs have sufficiently pleaded facts to support their Second Cause of Action under the NVRA.

a. **Defendants' Voter Roll Maintenance Practices Are Deficient.**

Plaintiffs allege that Marin County's voter rolls contain numerous ineligible voters, including individuals who have moved out of state. These allegations demonstrate that Defendants have not implemented a reasonable program to ensure the accuracy of voter registration rolls, as required by 52 U.S.C. § 20507(a)(4).

b. **NVRA Compliance Requires More Than Minimal Effort.**

Defendants contend that they comply with the NVRA's "safe harbor" provisions. However, Plaintiffs allege that Defendants' implementation of these provisions is insufficient and fails to meet the "reasonable effort" standard set by federal law.

c. **The NVRA's Procedural Safeguards Are Relevant.** Plaintiffs allege that Defendants failed to follow required procedures, such as changing a voter's status from "active" to "inactive" when learning that the voter moved from the state or county, sending residency confirmation cards and adhering to timelines for removing ineligible voters. These allegations are not conclusory but grounded in verifiable deficiencies in Marin County's voter roll maintenance practices.

III. Discovery Should Proceed on the NVRA Claim

6. Defendants' request to stay discovery is premature. Plaintiffs cannot fully substantiate their claims without access to voter roll maintenance records and related data exclusively within Defendants' possession. Allowing limited discovery on the NVRA claim will ensure that Plaintiffs can present evidence supporting their allegations.

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IV. CONCLUSION

7. Plaintiffs respectfully request that the Court:

a. Grant dismissal of the First Cause of Action (Equal Protection) and Third Cause of Action (HAVA).

b. Deny Defendants' motion to dismiss the Second Cause of Action (NVRA).

c. Allow the parties to proceed with discovery on the NVRA claim.

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1 DATED: January 10, 2024,

Respectfully Submitted,

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3 FRANCIS DROUILLARD (Pro Se)

4 *I, Francis Drouillard, attest, under penalty of*
5 *perjury, that the six Signatories below have*
6 *concurred in the filing of opposition to*
7 *Defendants' motion to dismiss and stay of*
8 *discovery.*

9 /s/

10 MARK GALPERIN (Pro Se)

11 /s/

12 JOHN TURNACLIFF (Pro Se)

13 /s/

14 CHRIS CARPINIELLO (Pro Se)

15 /s/

16 WALTER JENSEN (Pro Se)

17 /s/

18 MATTHEW BENNETT (Pro Se)

19 /s/

20 MIA CAMERA (Pro Se)