

1 CHARLES H. BELL, JR. (SBN 60553)

2 Email: cbell@bmhlaw.com

3 Paul Gough (SBN 75502)

4 Email: pgough@bmhlaw.com

5 Brian T. Hildreth (SBN 214131)

6 Email: bhildreth@bmhlaw.com

7 Bell, McAndrews & Hiltachk, LLP

8 13406 Valleyheart Drive North

9 Sherman Oaks, CA 91423

10 Tel.: (818) 971-3660/(916) 442-7757

11 Facs.: (818) 619-3791/(916) 442-7759

12 ROBERT D. POPPER\*

13 Email: rpopper@judicialwatch.org

14 Judicial Watch, Inc.

15 425 Third Street SW, Suite 800

16 Washington, D.C. 20024

17 Tel.: (202) 646-5172

18 Facs.: (202) 646-5199

19 H. CHRISTOPHER COATES\*

20 Email: curriecoates@gmail.com

21 Law Office of H. Christopher Coates

22 934 Compass Point

23 Charleston, South Carolina 29412

24 Tel.: (843) 609-0800

25 \*Application for admission pro hac vice  
26 forthcoming

27 Attorneys for Plaintiffs

28 UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

JUDICIAL WATCH, INC.,  
ELECTION INTEGRITY PROJECT  
CALIFORNIA, INC., WOLFGANG  
KUPKA, RHUE GUYANT, JERRY

Case No. \_\_\_\_\_

1 GRIFFIN, and DELORES M. MARS,

2 Plaintiffs,

3 v.

4 DEAN C. LOGAN, in his official  
5 capacity as the Registrar-  
6 Recorder/County Clerk of Los Angeles  
7 County, California, and ALEX  
8 PADILLA, in his official capacity as  
9 the California Secretary of State,

10 Defendants.

COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF

11 **JURISDICTION AND VENUE**

12 1. Plaintiffs seek declaratory and injunctive relief to compel the Los Angeles  
13 County Registrar and the California Secretary of State to comply with their voter list  
14 maintenance obligations and their record production obligations under Section 8 of the  
15 National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507. This Court has  
16 jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this action arises under the  
17 laws of the United States, and under 52 U.S.C. § 20510(b)(2), as the action seeks  
18 injunctive and declaratory relief under the NVRA.

19 2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a  
20 defendant resides in this district and all defendants reside in California; and because a  
21 substantial part of the events and omissions giving rise to the claims herein occurred in  
22 this district.

23 **PARTIES**

24 3. Plaintiff JUDICIAL WATCH, INC. (“Judicial Watch”) is a not-for-  
25 profit, educational organization incorporated under the laws of the District of  
26  
27  
28

1 Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, D.C.  
2 20024. Its mission is to promote transparency, integrity, and accountability in  
3 government and fidelity to the rule of law. As part of this mission, Judicial Watch  
4 regularly requests records from state and local governments pursuant to federal and state  
5 laws, analyzes the responses and disseminates both its findings and the requested records  
6 to the American public to inform it about “what the government is up to.” Judicial Watch  
7 will sue to enforce compliance with federal and state laws concerning the provision of  
8 records, public integrity, government accountability, and voting rights. It has undertaken  
9 investigations and commenced other lawsuits to enforce the NVRA.  
10  
11  
12

13 4. Plaintiff ELECTION INTEGRITY PROJECT CALIFORNIA, INC.  
14 (“EIPC”) is a registered non-profit organization incorporated under the laws of the State  
15 of California and headquartered at 27943 Seco Canyon Road #521, Santa Clarita,  
16 California, 91350. EIPC seeks to promote citizen engagement through education and  
17 training to protect the integrity of the electoral process in California. To this end, EIPC  
18 regularly requests voter registration records from jurisdictions in California, analyzes  
19 those records to determine compliance with the NVRA’s list maintenance obligations,  
20 and notifies the jurisdictions about their findings.  
21  
22  
23

24 5. Plaintiff WOLFGANG KUPKA is a resident and a registered voter of Los  
25 Angeles County, California, who has voted and intends to vote in the County.  
26

27 6. Plaintiff RHUE GUYANT is a resident and a registered voter of Los  
28 Angeles County, California, who has voted and intends to vote in the County.



1           13. Section 8(i) of the NVRA requires that each state “ shall maintain for at  
2 least 2 years and shall make available for public inspection and . . . photocopying at a  
3 reasonable cost, all records concerning the implementation of programs and activities  
4 conducted for the purpose of ensuring the accuracy and currency of official lists of  
5 eligible voters.” 52 U.S.C. § 20507(i).

6  
7  
8           14. Under federal law, a voter becomes “ineligible,” and the voter’s name is  
9 subject to removal from a jurisdiction’s voter rolls, when the voter moves out of the  
10 jurisdiction; specifically asks to be removed from the rolls; dies; is disqualified from  
11 voting under state law because of a criminal conviction or mental incapacity; or when an  
12 erroneous registration record is corrected, as when a registrant has registered in the wrong  
13 jurisdiction or is a noncitizen. 52 U.S.C. § 20507(a)(3), (4)(A), 4(B), (c)(2)(B)(ii).

14  
15  
16           15. The NVRA provides that the registration of a voter who is believed to have  
17 moved out of a jurisdiction is only subject to removal from the voter rolls if (1) the voter  
18 confirms this move in writing, or (2) the voter fails to respond to an address confirmation  
19 notice, and then fails to vote during a statutory waiting period extending from the date of  
20 the notice through the next two general federal elections. 52 U.S.C. § 20507(d)(2)(B).

21  
22  
23           16. California law provides that an “inactive voter” is a voter for whom a county  
24 has received a returned confirmation residency mailing without a forwarding address in  
25 the same county, or a voter who has been identified by the United States Postal Service’s  
26 National Change of Address database as having moved outside the county. CAL. CODE  
27 REGS. tit. 2, § 20108(l).

1           17. Under both the NVRA and California law, voters whose registrations are  
2 designated as “inactive” may still vote on election day. 52 U.S.C. § 20507(d)(2)(A);  
3 CAL. CODE REGS. tit. 2, § 20108(l).  
4

5           18. Because voters with inactive registrations may still vote on election day,  
6 inactive registrations must be counted as part of a county’s voter registration list.  
7

8 **Los Angeles County’s Excessive Registration Rate**

9           19. In June of each odd-numbered year, the U.S. Election Assistance  
10 Commission (“EAC”) is required by law to release a report regarding state voter  
11 registration practices. 52 U.S.C. § 20508(a)(3).  
12

13           20. States are required by federal regulations to provide various kinds of  
14 registration data to the EAC for use in this biennial report. This data must include “the  
15 total number of registered voters statewide, including both ‘active’ and ‘inactive’ voters  
16 if such a distinction is made by the state,” for the last two general federal elections. 11  
17 C.F.R. § 9428.7(b)(1), (2).  
18

19           21. In June 2017, the EAC published its most recent report as well as datasets  
20 containing voter registration statistics based on information provided by the states. This  
21 report and these datasets are available at [https://www.eac.gov/research-and-data/election-](https://www.eac.gov/research-and-data/election-administration-voting-survey/)  
22 [administration-voting-survey/](https://www.eac.gov/research-and-data/election-administration-voting-survey/).  
23  
24

25           22. Judicial Watch analyzed the data provided by the EAC in June 2017 and  
26 compared it to the most recent census data to determine the adult citizen registration rates  
27  
28

1 for United States counties. Judicial Watch was able to do this for 2,958 of the  
2 approximately 3,100 counties or county equivalents in the United States.

3  
4 23. Whenever a jurisdiction has more voter registrations than resident citizens  
5 over the age of 18, meaning that its registration rate, including active and inactive  
6 registrations, is greater than 100%, it is a strong indication that that jurisdiction is not  
7 taking the steps required by law to cancel the registrations of ineligible registrants.  
8

9 24. Approximately 15% of the United States counties for which data is available  
10 from the EAC and the Census Bureau have adult citizen registration rates – including  
11 active and inactive registrations – exceeding 100%.  
12

13 25. Eleven of California's 58 counties have registration rates exceeding 100% of  
14 the age-eligible citizenry.  
15

16 26. Los Angeles County has more voter registrations on its voter rolls than it has  
17 citizens who are old enough to register. Specifically, according to data provided to and  
18 published by the EAC, Los Angeles County has a registration rate of 112% of its adult  
19 citizen population.  
20

21 27. The entire State of California has a registration rate of about 101% of its  
22 age-eligible citizenry.  
23

24 28. The high registration rates in Los Angeles County and in and throughout the  
25 State of California indicate that Defendants have failed to conduct a general program that  
26 makes a reasonable effort to cancel the registrations of ineligible registrants.  
27  
28

1 **Los Angeles County's Excessive Number of Inactive Registrations**

2 29. Removing registrations that have been in an inactive status for more than  
3 two general federal elections is a necessary part of any effort to comply with the NVRA's  
4 mandate to conduct a general program that makes a reasonable effort to remove the  
5 registrations of ineligible registrants.  
6

7  
8 30. Having a high number of inactive registrations is a strong indication that a  
9 state or jurisdiction is not removing inactive registrations after two general federal  
10 elections.  
11

12 31. Inactive registrations which may be voted by mail or in person on election  
13 day are particularly vulnerable to fraudulent abuse by a third party, because a voter who  
14 has moved to a different state is unlikely to monitor the use of or communications  
15 concerning an old registration.  
16

17 32. Inactive registrations are also inherently vulnerable to abuse by voters who  
18 plan to fraudulently double-vote in two different jurisdictions on the same election day.  
19

20 33. About 21% of all of California's voter registrations, or more than one in  
21 five, are designated as inactive.  
22

23 34. California has the highest rate of inactive registrations of any state in the  
24 country.  
25

26 35. According to data provided to and published by the EAC, Los Angeles  
27 County has a reported 1,515,330 inactive registrations.  
28



1           36. Los Angeles County has the highest number of inactive registrations of any  
2 single county in the country.

3  
4           37. On information and belief, a significant number of Los Angeles County's  
5 inactive registrations have been inactive for a period of time extending years beyond the  
6 most recent two general federal elections.

7  
8           38. Los Angeles County's high total number of inactive registrations indicates  
9 that Defendants have failed to conduct a general program that makes a reasonable effort  
10 to cancel the registrations of ineligible registrants.

11  
12 **The Higher Registration Numbers Reported Directly to Judicial Watch**

13           39. On June 15, 2017, Judicial Watch made a telephone call to the Los Angeles  
14 County Office of the Registrar-Recorder/County Clerk to determine whether the website  
15 listing of "total registration" included both active and inactive registrants. An employee  
16 at the Los Angeles County Registrar-Recorder's office told Judicial Watch during that  
17 call that the published number displayed only active registrants and that total inactive  
18 registrants were not publicly available. When asked how many total active and total  
19 inactive registrations were in Los Angeles County as of June 15, 2017, the employee told  
20 Judicial Watch that there were currently 5,238,465 active registrations, and 3,475,328  
21 inactive registrations, which is more than twice the 1,515,330 inactive registrations  
22 previously reported to the EAC.  
23  
24  
25  
26  
27  
28

1           40. A total of 3,475,328 inactive registrations means that Los Angeles  
2 County's adult citizen registration rate is about 144%, which is one of the ten  
3 highest registrations rates among the thousands of counties in the United States.  
4

5           41. That number of inactive registrations in Los Angeles County raises  
6 the statewide percentage of inactive registrations in California to almost 27%, not  
7 21% as reported by the EAC.  
8

9           42. That number of inactive registrations means that 40% of Los Angeles  
10 County's registrations are inactive.  
11

12           43. On November 16, 2017, Plaintiff Judicial Watch sent a request under  
13 the California Public Records Act (CPRA), CAL. GOV'T CODE § 6250 *et seq.*, on  
14 behalf of Plaintiff Delores M. Mars to the office of the Los Angeles County  
15 Registrar-Recorder/County Clerk seeking "[a]ll public records dated or created  
16 after April 10, 2017, that concern, refer to, state, estimate, or predict the number of  
17 inactive registrations on the voter rolls in Los Angeles County."  
18

19           44. On November 28, 2017, a representative of Defendant Logan  
20 responded that "there are no responsive documents available."  
21

22           45. On November 29, 2017, Plaintiff Judicial Watch sent a second request  
23 under the CPRA on behalf of Plaintiff Delores M. Mars to the office of the Los  
24 Angeles County Registrar-Recorder/County Clerk seeking "[a]ll public records  
25 dated or created between January 1, 2016 and April 10, 2017, that concern, refer  
26  
27  
28

1 to, state, estimate, or predict the number of inactive registrations on the voter rolls in Los  
2 Angeles County.”

3  
4 46. On December 11, 2017, a representative of Defendant Logan responded to  
5 this second request that “there are no responsive documents available.”

6  
7 47. On information and belief, the data Judicial Watch received from the Los  
8 Angeles County Registrar-Recorder’s office in June 2017 accurately reflects the true  
9 number of inactive registrations in Los Angeles County.

10 **Defendants Are Violating the NVRA by Refusing to Cancel Old, Inactive Registrations**

11  
12 48. California law provides that the “voter registration of any voter whose name  
13 has been placed on the inactive file . . . for failure to respond to an address verification  
14 mailing . . . who does not vote or offer to vote” for “two federal general elections . . . *may*  
15 be canceled.” CAL. ELEC. CODE §2226 (emphasis added).

16  
17 49. The “California NVRA Manual,” updated August 2015 and issued by  
18 Defendant Padilla, which is available on the Secretary of State’s website, states that the  
19 registration of a voter who does not return an address confirmation notice “may be  
20 cancelled,” adding that “California law makes removal in this instance permissive rather  
21 than mandatory.”  
22

23  
24 50. In or about August 2017, Defendant Logan told a reporter for the  
25 Sacramento Bee that inactive registrations were being maintained on the voter rolls as a  
26 “fail-safe” for voters who may have moved but were eligible to vote.  
27  
28

1           51. California reported to the EAC that Los Angeles County removed  
2 *zero* registrations between November 2014 and November 2016 for “[f]ailure to  
3 respond to notice sent and failure to vote in the two most recent Federal elections.”  
4

5           52. The plain terms of the NVRA and related statutes require the removal  
6 of a registration where a voter fails to respond to an address confirmation notice  
7 and then does not vote in two general federal elections.  
8

9           53. The NVRA contains extensive provisions regarding the sending of  
10 address confirmation notices and the processing and removal of registrations where  
11 voters do not respond to such notices or vote during the statutory waiting period.  
12 52 U.S.C. § 20507(d). Simply refusing to cancel the registrations of voters who  
13 failed to respond to a confirmation notice and to vote during the prescribed waiting  
14 period, as Los Angeles County is doing, renders the NVRA’s provisions regarding  
15 address confirmation notices superfluous and meaningless.  
16  
17

18           54. As a practical matter, given that Los Angeles County has the highest  
19 number of inactive registrations of any county in the country, the registrations of  
20 those placed on the inactive list for two general federal elections after failing to  
21 respond to address confirmation notices must be removed to comply with the  
22 NVRA’s mandate to conduct a general program that makes a reasonable effort to  
23 remove the registrations of ineligible registrants.  
24  
25

26           55. Los Angeles County’s practice of refusing to cancel the registrations  
27 of ineligible registrants, and any California law or guidance sanctioning that  
28

1 practice, conflict with the NVRA, are superseded and preempted by it, and are invalid  
2 and unenforceable as a matter of federal preemption law.

3  
4 56. Los Angeles County's practice of refusing to cancel the registrations of  
5 ineligible registrants violates the NVRA.

6 **Defendants Are Violating the NVRA by Failing to Send Enough Address Confirmation**  
7 **Notices**

8  
9 57. California reported to the EAC that Los Angeles County sent 187,329  
10 address confirmation notices during the period from November 2014 to November 2016.  
11 This is about 93,664 confirmation notices each year.

12  
13 58. California reported to the EAC that Los Angeles County has about  
14 5,238,894 active registrations. This means that about 2% of those holding active  
15 registrations in Los Angeles County receive a confirmation notice each year.

16  
17 59. The Census Bureau reports that about 13% of the residents of Los Angeles  
18 County move each year.

19  
20 60. Los Angeles County is sending so few address confirmation notices relative  
21 to the size of its registration list that it is failing to conduct a general program that makes  
22 a reasonable effort to remove the registrations of ineligible registrants.

23  
24 61. Los Angeles County's failure to send enough confirmation notices to allow  
25 it to conduct proper list maintenance violates the NVRA.

1 ***Defendants Are Violating the NVRA in a Number of Ways Identified by the Los***  
2 ***Angeles County Auditor-Controller***

3 62. In May 2016, a local media outlet reported that 265 deceased voters, 215 of  
4 them from Los Angeles County, had voted in California elections. Thirty-two had voted  
5 in eight elections each. The reporter found that 212 of these voters were still registered  
6 and eligible to vote in the 2016 primaries. David Goldstein, *CBS2 Investigation*  
7 *Uncovers Votes Being Cast from Grave Year After Year*, CBS LOS ANGELES, May 23,  
8 2016, [http://losangeles.cbslocal.com/2016/05/23/cbs2-investigation-uncovers-votes-](http://losangeles.cbslocal.com/2016/05/23/cbs2-investigation-uncovers-votes-being-cast-from-grave-year-after-year/)  
9 [being-cast-from-grave-year-after-year/](http://losangeles.cbslocal.com/2016/05/23/cbs2-investigation-uncovers-votes-being-cast-from-grave-year-after-year/).

10  
11  
12 63. On May 24, 2016, in response to this report, the Los Angeles County Board  
13 of Supervisors instructed the Los Angeles County Auditor-Controller to report on  
14 protocols relating to voter file maintenance.

15  
16 64. On August 25, 2016, the Auditor-Controller submitted to the Board a  
17 follow-up review (the “Review”) of previous recommendations regarding a number of  
18 topics, including duplicate registrations.

19  
20 65. Referring to an earlier report from February 2015 regarding duplicate  
21 registrations, the Review noted that six of ten prior recommendations had been only  
22 partially implemented, including recommendations relating to employee training.

23  
24 66. The Review noted that there was an ongoing issue with the submission of  
25 new registrations that did not contain a birthdate, and that that information was crucial to  
26 any effort to identify duplicate registrations. The Review further noted that a test of 15  
27  
28

1 registrations without a birthdate showed that four (27%) “appear to be duplicate  
2 registrations based on their signed voter affidavits.”

3  
4 67. The Review suggested that the Registrar should more accurately ensure that  
5 voting privileges are timely suspended in the Data Information Management System for  
6 individuals ineligible to vote. The Review noted that updates to voter registrations  
7 concerning those deemed ineligible to vote on account of felony convictions, mental  
8 incompetence, or duplicate registrations were frequently made only after a considerable  
9 lapse of time, and that the State’s computer system was limited in its ability to produce  
10 exception reports and audit trails. The Review noted that the Auditor-Controller’s  
11 recommendations on these issues were only “partially implemented.”

12  
13  
14 68. On information and belief, Los Angeles County is failing to properly  
15 conduct the list maintenance required by the NVRA by failing to properly train  
16 employees, failing to require and enter registrants’ birthdates, and failing to timely  
17 process reports that registrants have died, have committed disqualifying felonies, are  
18 mentally incompetent, or have registered twice.

19  
20  
21 **Plaintiffs’ Statutory Notice Letters to Defendants**

22  
23 69. On August 1, 2017, Judicial Watch sent a letter by email and by certified  
24 mail to Defendants Padilla and Logan, along with election officials in ten other California  
25 counties (the “First Notice Letter”), on behalf of itself, EIPC, and 21 individuals,  
26 including all of the individual plaintiffs in this action.  
27  
28

1           70. The First Notice Letter observed that there were more registered voters than  
2 citizens of voting age in each of the identified counties, including Los Angeles County.

3  
4           71. The First Notice Letter stated that “these kinds of registration rates  
5 indicate a failure to comply with the voter list maintenance requirements of the  
6 NVRA,” and asked Defendant Padilla “and, to the extent that they wish to respond  
7 separately, each county identified in this letter, to please respond to this letter in  
8 writing no later than 30 days from today informing us” of the steps being taken to  
9 come into compliance with the NVRA.  
10

11  
12           72. Citing Section 8(i) of the NVRA, 52 U.S.C. § 20507(i), the First  
13 Notice Letter also requested that:

14           your [Defendant Padilla’s] office and, to the extent that they keep  
15 records separately from your office, each county named in this letter,  
16 [] make available to us all pertinent records concerning “the  
17 implementation of programs and activities conducted for the purpose  
18 of ensuring the accuracy and currency” of California’s official eligible  
19 voter lists during the past 2 years.

20           The First Notice Letter added that “[t]hese records should include, but are not limited to”  
21 six particular subcategories of records described in further detail in the letter. The First  
22 Notice Letter asked Defendants either to provide records within 14 days or to advise  
23 Judicial Watch when they would be made available.

24  
25           73. To date Defendant Padilla has made no independent response to the  
26 First Notice Letter, except indirectly by way of press statements, comments to  
27 reporters, and tweets.  
28



1           74. Defendant Logan responded by letter on August 16, 2017 (the “Response  
2 Letter”), which copied Defendant Padilla, although it did not specifically claim to  
3 respond for him.  
4

5           75. The Response Letter briefly suggested that inactive registrations should not  
6 be considered, and that without them Los Angeles County’s registration rates were at  
7 acceptable levels.  
8

9           76. The Response Letter did not mention any steps that Los Angeles County  
10 planned to take to comply with the NVRA. Instead, the Response Letter posed a series of  
11 inquiries to Judicial Watch regarding its sources and methods.  
12

13           77. The Response Letter made no mention of the First Notice Letter’s general  
14 request for all records from the past two years concerning the implementation of  
15 programs and activities designed to ensure the accuracy and currency of the State’s voter  
16 rolls.  
17

18           78. Instead, the Response Letter purported to specifically address the six  
19 subcategories of record requests contained in the First Notice Letter. Ultimately, the  
20 Response Letter refused to make available a single record in response to any of the  
21 subcategories of record requests, other than to identify “Advisories to County Election  
22 Officials” posted on the Secretary of State’s website.  
23  
24

25           79. On August 31, 2017, Judicial Watch wrote back (the “Second Notice  
26 Letter”) to both Defendants, objecting to the Response Letter, disputing its assumption  
27 that inactive registrations were irrelevant to list maintenance, and pointing out that its  
28

1 claims that there were no responsive records suggested either that Defendants were  
2 not conducting list maintenance activities or that there had been no serious effort at  
3 a response.  
4

5 80. The Second Notice Letter notified Defendants that they were in  
6 violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i).  
7

8 81. The Second Notice Letter invited a further response on the matters it  
9 discussed. To date there has been no further response.  
10

11 **Defendants Are Violating the NVRA by Failing to Provide Requested Records**

12 82. Defendant Padilla made no response to any of the First Notice Letter's  
13 requests for records pursuant to Section 8(i) of the NVRA, 52 U.S.C. § 20507(i).  
14

15 83. In response to the First Notice Letter's request for Los Angeles  
16 County's voter registration list, Defendant Logan in the Response Letter refused to  
17 provide that list on the grounds that he did not "maintain separate records of the  
18 statewide California database," and that disclosure was barred by 52 U.S.C. §  
19 20504(b) and various State laws.  
20

21 84. The stated reasons are faulty, given that Defendant Logan can access  
22 the voter registration database, that 52 U.S.C. § 20504(b) refers to information  
23 relating to an applicant's failure to sign a voter registration application, which the  
24 First Notice Letter did not seek, and that any California statutes purporting to  
25 proscribe the right to obtain access to records described by Section 8(i) are  
26 superseded and preempted by federal law.  
27  
28

1           85. Defendant Logan contended in the Response Letter that he knows of no  
2 other records responsive to any of the other requests in the First Notice Letter (except for  
3 advisories posted on the Secretary of State's website). This contention is demonstrably  
4 incorrect.  
5

6           86. The May 24, 2016 correspondence from the Los Angeles County Board of  
7 Supervisors to the Los Angeles County Auditor-Controller, and the August 25, 2016  
8 Auditor-Controller's follow-up review, discussed above, and other records they  
9 incorporate or refer to, were records concerning activities conducted for the purpose of  
10 ensuring the accuracy and currency of California's voter list, and should have been  
11 provided in response to the First Notice Letter.  
12  
13

14           87. California law mandates the creation of many different kinds of records that  
15 should have been produced in response to the First Notice Letter's request. *See, e.g.,* 2  
16 CAL. CODE REGS. tit. 2, § 20108.55 (Secretary of State must transmit to counties *notices*  
17 *of potential matches* of persons who have died or been convicted of disqualifying  
18 felonies) (emphasis added); CAL. ELEC. CODE § 2205 (local registrar of births and deaths  
19 must contact county election officials with a *monthly report*) (emphasis added); CAL.  
20 CODE REGS. tit. 2, § 20108.25 (registration records that are missing substantive  
21 information are to be returned to the submitting local official along with a *deficiency*  
22 *notice*) (emphasis added); CAL. CODE REGS. tit. 2, § 20108.60 (Secretary of State must  
23 check for duplicate registrations and send *notices of duplicates* to county officials)  
24 (emphasis added).  
25  
26  
27  
28

1           88. On information and belief, Los Angeles County, with over 5 million  
2 active voters and massive list maintenance responsibilities, and the Secretary of  
3 State of California have exchanged emails responsive to the First Notice Letter’s  
4 request for “all email or other communications between the Secretary’s Office and  
5 all California County voter registration officials concerning . . . [i]nstructions to the  
6 counties concerning their general list maintenance practices and obligations” and  
7 “[n]otices to the counties concerning any failure to comply with their voter list  
8 maintenance obligations.” Such emails should have been produced.

9  
10  
11  
12           89. On information and belief, Defendants made no effort to search for  
13 records responsive to First Notice Letter’s requests.

14  
15           90. Defendant Padilla’s failure to make any response to either the general  
16 or the six specific requests for records contained in the First Notice Letter violates  
17 his obligations under Section 8(i) of the NVRA.

18  
19           91. Defendant Logan’s failure in the Response Letter to answer or  
20 acknowledge the First Notice Letter’s general request for records as well as his  
21 inadequate responses to the First Notice Letter’s six specific requests for records  
22 violate his obligations under Section 8(i) of the NVRA.

23  
24           **Plaintiffs’ Interest in Compliance With the NVRA**

25           92. As part of its mission to promote transparency, integrity, and accountability  
26 in government and fidelity to the rule of law, Plaintiff Judicial Watch regularly requests  
27 records from state and local governments pursuant to Section 8(i) of the NVRA. Judicial  
28

1 Watch analyzes all responses, as well as federal, state, and local data from any available  
2 source, to determine whether jurisdictions are properly maintaining accurate voter rolls as  
3 required by Section 8(a)(4) of the NVRA. If it believes that a jurisdiction is not  
4 complying with Section 8 of the NVRA, Judicial Watch will sue under 52 U.S.C. §  
5 20510(b) to enforce that statute.  
6

7  
8 93. Judicial Watch recently wrote to eleven other states besides California to  
9 inform them of perceived violations of the NVRA and to request NVRA-related  
10 documents. Judicial Watch has a current NVRA lawsuit against Montgomery County,  
11 Maryland, and the Commonwealth of Kentucky, and in the recent past has sued and  
12 resolved NVRA cases against Ohio and Indiana. Judicial Watch also has submitted  
13 several friend-of-the-court briefs at all levels of the federal court system in cases  
14 concerning enforcement of the NVRA.  
15

16  
17 94. Defendants' failure to comply with Section 8 of the NVRA has caused and  
18 will cause Plaintiff Judicial Watch to expend significant additional time and resources to  
19 achieve its basic organizational mission.  
20

21 95. As part of its institutional mission, Plaintiff EIPC requests voter registration  
22 records from California counties and analyzes those records to determine compliance  
23 with the NVRA's list maintenance requirements. The purpose of such an analysis is to  
24 produce what is known as a "Findings Report," which is then typically presented to the  
25 county administration. A Findings Report sets forth EIPC's statistical analysis of a  
26 county's voter registration rolls, detailing, for example, the number of voter registrations  
27  
28

1 exceeding the age-eligible population; the number of same-address duplicate registration;  
2 suspected duplicate registrations in other California counties; deceased registrants  
3 matching a State death record; registrants who are either underage or older than 105  
4 based on their listed birth dates; registrations missing crucial information; and suspected  
5 instances of double voting or deceased voting.  
6

7  
8 96. EIPC previously submitted several Findings Reports to various California  
9 counties in recent years, including Los Angeles County. EIPC currently is preparing  
10 another Findings Report for Los Angeles County.  
11

12 97. Defendants' failure to comply with Section 8 of the NVRA has made  
13 Plaintiff EIPC's basic organizational mission more difficult to accomplish and has  
14 caused and will cause EIPC to expend significant, additional time and resources to  
15 accomplish this mission.  
16

17 98. A person becomes a member of Judicial Watch by making a financial  
18 contribution, in any amount, to the organization. The financial contributions of members  
19 are by far the single most important source of income to Judicial Watch and provide the  
20 means by which the organization finances its activities in support of its mission.  
21

22 99. Judicial Watch has approximately 160,734 members in the State of  
23 California, and 22,205 members in Los Angeles County. As a membership  
24 organization, Judicial Watch represents the interests of these members, many of  
25 whom are lawfully registered to vote and have the right to vote in California and  
26 Los Angeles County, including the right to vote in elections for federal office.  
27  
28

1           100. Judicial Watch solicits the views of its members in carrying out activities in  
2 support of its mission, including the views of its members in Los Angeles County. The  
3 views of Judicial Watch’s members significantly influence how Judicial Watch chooses  
4 activities to engage in to further its mission.  
5

6           101. About 2600 of Judicial Watch’s Los Angeles County members have an  
7 email address and have contributed \$5 or more to Judicial Watch within the past two  
8 years. Of these, 375 who are lawfully registered to vote in Los Angeles County have  
9 directly informed Judicial Watch that they are concerned about Los Angeles County’s  
10 failure to satisfy its obligations under Section 8 of the NVRA, and wish Judicial Watch to  
11 take legal action on their behalf to protect their rights. The views of Judicial Watch’s  
12 members were a substantial factor weighing in favor of initiating this lawsuit.  
13  
14  
15

16           102. Protecting the rights of Judicial Watch members who are lawfully registered  
17 to vote in Los Angeles County and ensuring compliance with the voter list maintenance  
18 obligations of Section 8 of the NVRA are part of Judicial Watch’s mission. They also are  
19 well within the scope of the reasons why members of Judicial Watch join the  
20 organization and support its mission.  
21  
22

23           103. Members of Judicial Watch who are lawfully registered to vote in Los  
24 Angeles County not only have the constitutional right to vote in state elections, including  
25 elections for federal office, but they also have a statutory right to the safeguards and  
26 protections set forth in the NVRA.  
27  
28

1           104. Plaintiffs Wolfgang Kupka, Rhue Guyant, Jerry Griffin, and Delores M.  
2 Mars, are lawfully registered voters in Los Angeles County and members of Judicial  
3 Watch.  
4

5           105. Los Angeles County's failure to comply with the NVRA inflicts a burden on  
6 the constitutional right to vote of those members of Judicial Watch who are lawfully  
7 registered to vote in Los Angeles County, including the individual plaintiffs in this  
8 action, by undermining their confidence in the integrity of the electoral process,  
9 discouraging their participation in the democratic process, and instilling in them the fear  
10 that their legitimate votes will be outweighed by fraudulent or ineligible ones.  
11

12           106. Los Angeles County's failure to satisfy its voter list maintenance obligations  
13 under Section 8 of the NVRA infringes the statutory rights of those members of Judicial  
14 Watch who are lawfully registered to vote in Los Angeles County, including the  
15 individual plaintiffs in this action. These individuals have a statutory right to vote in  
16 elections for federal office that comply with the procedures and protections required by  
17 the NVRA, including the voter list maintenance obligations set forth in Section 8.  
18

19           107. Absent action by Judicial Watch, it is unlikely that any individual  
20 member of Judicial Watch would have the ability or the resources to take legal  
21 action to protect their rights or redress their injuries with respect to Los Angeles  
22 County's failure to satisfy its voter list maintenance obligations under the NVRA.  
23

24           108. Judicial Watch; its Los Angeles County members, including  
25 Wolfgang Kupka, Rhue Guyant, Jerry Griffin, and Delores M. Mars; and EIPC are  
26  
27  
28



1 all persons aggrieved by a violation of the NVRA, as set forth in 52 U.S.C. §  
2 20510(b)(1).

3  
4 109. The First Notice Letter and the Second Notice Letter constitute statutory  
5 notice, pursuant to 52 U.S.C. § 20510(b)(1), of violations of Sections 8(a)(4) and 8(i) of  
6 the NVRA.

### 7 8 **First Claim for Relief**

#### 9 **(Violation of Section 8(a)(4) of the NVRA, 52 U.S.C. § 20507(a)(4))**

10 110. Plaintiffs reallege all preceding paragraphs as if fully set forth herein.

11  
12 111. Defendants have failed to fulfill Los Angeles County's obligations under  
13 Section 8(a)(4) of the NVRA to conduct a general program that makes a reasonable effort  
14 to cancel the registrations of registrants who are ineligible to vote in California federal  
15 elections.

16  
17 112. Plaintiffs have suffered, and will continue to suffer, irreparable injury as a  
18 direct result of Defendants' failure to fulfill Los Angeles County's obligations to comply  
19 with Section 8(a)(4) of the NVRA.

20  
21 113. Plaintiffs have no adequate remedy at law.

### 22 23 **Second Claim for Relief**

#### 24 **(Violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i))**

25 114. Plaintiffs reallege all preceding paragraphs as if fully set forth herein.

26  
27 115. Defendants have failed to fulfill their obligations under Section 8(i) of the  
28 NVRA to make available to Plaintiffs "all records" within the past two years "concerning

1 the implementation of programs and activities conducted for the purpose of ensuring the  
2 accuracy and currency of official lists of eligible voters.”

3  
4 116. Plaintiffs have suffered, and will continue to suffer, irreparable injury as a  
5 direct result of Defendants’ failure to fulfill their obligations under Section 8(i) of the  
6 NVRA.

7  
8 117. Plaintiffs have no adequate remedy at law.

9  
10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray for entry of a judgment:

- 12 a. Declaring Defendants to be in violation of Section 8(a)(4) of the NVRA;  
13 b. Permanently enjoining Defendants from violating Section 8(a)(4) of the  
14 NVRA;  
15 c. Declaring that Section 8(a)(4) of the NVRA supersedes and preempts any  
16 contrary California law;  
17 d. Ordering Defendants to develop and implement a general program that  
18 makes a reasonable effort to remove from Los Angeles County’s rolls the registrations of  
19 ineligible registrants;  
20 e. Declaring that Section 8(i) of the NVRA supersedes and preempts any  
21 contrary California law;  
22 f. Declaring that Defendants are in violation of Section 8(i) of the NVRA by  
23 refusing to allow Plaintiffs to inspect and copy the requested records;  
24  
25  
26  
27  
28

1 g. Permanently enjoining Defendants from refusing to allow Plaintiffs to  
2 inspect and copy the requested records;

3  
4 h. Ordering Defendants to pay Plaintiffs' reasonable attorney's fees, including  
5 litigation expenses and costs; and

6  
7 i. Awarding Plaintiffs such other and further relief as this Court deems just and  
8 proper.

9 Dated: December 13, 2017

Respectfully submitted,

10 CHARLES H. BELL, JR. (SBN 60553)

11 Email: cbell@bmhlaw.com

12 Paul Gough (SBN 75502)

13 Email: pgough@bmhlaw.com

14 Brian T. Hildreth (SBN 214131)

15 Email: bhildreth@bmhlaw.com

16 Bell, McAndrews & Hiltachk, LLP

17 13406 Valleyheart Drive North

18 Sherman Oaks, CA 91423

19 Tel.: (818) 971-3660/(916) 442-7757

20 Facs.: (818) 619-3791/(916) 442-7759

21 ROBERT D. POPPER\*

22 Email: rpopper@judicialwatch.org

23 Judicial Watch, Inc.

24 425 Third Street SW, Suite 800

25 Washington, D.C. 20024

26 Tel.: (202) 646-5172

27 Facs.: (202) 646-5199

28 H. CHRISTOPHER COATES\*

Email: curriecoates@gmail.com

Law Office of H. Christopher Coates

934 Compass Point

Charleston, South Carolina 29412

Tel.: (843) 609-0800

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*\*Application for admission pro hac vice  
forthcoming*

Attorneys for Plaintiffs