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13 **UNITED STATES DISTRICT COURT**

14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 COMMON CAUSE, SOUTHERN) Case No.
CHRISTIAN LEADERSHIP)
16 CONFERENCE OF GREATER LOS) **COMPLAINT FOR INJUNCTIVE AND**
ANGELES, SOUTHWEST VOTER) **DECLARATORY RELIEF**
17 REGISTRATION EDUCATION)
PROJECT, CHICANO FEDERATION) [Fourteenth Amendment to the
18 OF SAN DIEGO COUNTY,) United States Constitution; 42
AMERICAN FEDERATION OF LABOR) U.S.C. § 1983]
19 AND CONGRESS OF INDUSTRIAL)
ORGANIZATIONS, BRYAN CAHN,)
20 MIGUEL CONTRERAS, LAURA HO,)
REVEREND NORMAN JOHNSON,)
21 JOANNE MCKRAY, TRISHA)
MURAKAWA, THOMAS RANKIN, and)
22 BOB RICHARDS,)
)
23 Plaintiffs,)
vs.)
24)
BILL JONES, in his official)
25 capacity as California)
Secretary of State,)
26)
27 Defendant.)

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identification only; counsel acting in individual capacity.

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1 Plaintiffs allege as follows:

2 **JURISDICTION AND VENUE**

3 1. This case challenges widespread violations of the
4 voting rights of California citizens, arising from the absence
5 of constitutionally adequate statewide standards and procedures
6 for voting equipment and recounts. This case is brought under
7 42 U.S.C. §1983 and the Fourteenth Amendment to the United
8 States Constitution. This court has jurisdiction of this
9 action pursuant to 28 U.S.C. §§ 1331 and 1343. Plaintiffs'
10 action for declaratory relief is authorized by 28 U.S.C. §§
11 2201 and 2202; and by Rules 57 and 65 of Federal Rules of Civil
12 Procedure.

13 2. Venue is proper pursuant to 28 U.S.C. §1391(b) because
14 a substantial part of the events or omissions giving rise to
15 the claims herein occurred in this district, and because
16 Defendant resides in this district.

17 **INTRODUCTORY STATEMENT**

18 3. The right to vote is fundamental to our constitutional
19 democracy. At the heart of the right to vote is the principle
20 that equal weight must be accorded to each vote and equal
21 dignity to each voter. Thus, voting systems that
22 disproportionately deny some citizens the right to have their
23 votes counted, or that dilute the collective political power of
24 certain groups, are anathema to the one-person, one-vote basis
25 of our representative government.

26 4. Defendant Secretary of State has failed to set
27 constitutionally adequate standards for voting equipment that
28 may be used in federal, state, and local elections. As a

1 direct result, voters in nine California counties have
2 disproportionately been denied their right to have their votes
3 counted. Counties in the State of California use a variety of
4 voting mechanisms with widely disparate levels of effectiveness
5 in accurately recording voters' intentions. The result of this
6 hodgepodge of voting systems is that a disproportionate number
7 of votes in some counties are not counted at all, and that a
8 disproportionate number of African-American, Latino, and Asian-
9 American voters in the State do not have their votes counted at
10 all.

11 5. In the most recent general election, occurring
12 November 7, 2000, millions of California registered voters used
13 pre-scored punch card voting machines that result in
14 disproportionately high rates of spoiled, uncounted, and
15 unmarked ballots compared to other systems used in the state.
16 In the November 2000 election, 53.4% of voters statewide used
17 pre-scored punch card machines. Yet ballots cast using pre-
18 scored punch card machines accounted for 74.8% of all ballots
19 that did not register a vote for the President of the United
20 States. Pre-scored punch card machines resulted in an average
21 combined overvote (the machine reading more than one vote and
22 thus disqualifying that vote) and undervote (the failure of the
23 machine reading the punch card to read any vote) rate of 2.23%.
24 The combined overvote and undervote, herein referred to as the
25 "error rate," for these machines is more than double the error
26 rate of any other type of machine or system used in California.
27 For example, the County of San Bernardino (which uses Pollstar
28 pre-scored punch card machines) and the County of Los Angeles

1 (which uses VotoMatic pre-scored punch card machines) both had
2 error rates more than three times that of neighboring Riverside
3 County, which uses touch-screen voting machines.

4 6. On information and belief, over 8.4 million people in
5 counties using pre-scored punch card machines were registered
6 to vote at the time of the November 2000 general election, over
7 5.9 million people actually voted, and there were over 132,000
8 overvotes and undervotes. The use of pre-scored punch card
9 machines has a disproportionate adverse impact upon people of
10 color, including African-American, Asian-American, and Latino
11 voters, who are more likely to reside in counties using such
12 machines.

13 7. Compounding the absence of adequate standards for
14 voting equipment is the absence of legally binding standards to
15 govern procedures for determining voter intent in the case of
16 manual recounts. The absence of mandatory specific standards
17 to ensure equal application of recount procedures exacerbates
18 the inequalities resulting from the use of voting systems with
19 widely disparate error rates for purposes of federal, state,
20 and local elections.

21 **PARTIES**

22 8. Plaintiff COMMON CAUSE is a non-partisan, non-profit,
23 citizens' organization whose mission is to ensure open,
24 accountable, and effective government at the federal, state,
25 and local levels. Among Common Cause's goals are to promote
26 fair and honest elections and to strengthen public
27 participation and public faith in institutions of self-
28 government. Common Cause has more than 200,000 members

1 nationwide, with active members and volunteers in every state,
2 including California. Common Cause has approximately 25,000
3 members in the State of California, including over 10,000
4 members in counties that use VotoMatic and Pollstar pre-scored
5 punch card machines. Common Cause's members are directly and
6 adversely affected by the continuing use of pre-scored punch
7 card machines. Common Cause's members have been denied their
8 right to have their votes counted and are threatened with being
9 denied their right to have their votes counted in future
10 elections, as a result of the acts and omissions set forth
11 herein.

12 9. Plaintiff SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE OF
13 GREATER LOS ANGELES ("SCLC") is a non-profit, non-sectarian,
14 inter-faith, advocacy organization committed to non-violent
15 action to achieve social, economic, and political justice. SCLC
16 was established by the Reverend Martin Luther King, Jr. and
17 other religious leaders in 1957. Since then, it has worked to
18 promote the full equality of African Americans and other
19 minority groups in all aspects of American life, including
20 voting, elections, and political participation. SCLC has
21 approximately 20,000 members in the greater Los Angeles area,
22 where VotoMatic pre-scored punch card machines are used.
23 SCLC's members are directly and adversely affected by the
24 continuing use of pre-scored punch card machines for elections.
25 SCLC's members have been denied their right to have their votes
26 counted and are threatened with being denied their right to
27 have their votes counted in future elections, as a result of
28 the acts and omissions set forth herein.

1 10. Plaintiff SOUTHWEST VOTER REGISTRATION EDUCATION
2 PROJECT ("SVREP") is a non-profit, non-partisan Latino civic
3 education organization, committed to educating Latino
4 communities across the Southwest about the democratic process,
5 the importance of voter registration, and voter participation.
6 SVREP's mission is to increase the registration and political
7 participation of Latinos and other disenfranchised voters, so
8 as to enhance civic engagement in the American electoral
9 system. SVREP was founded in San Antonio, Texas in 1974.
10 SVREP opened its California office in 1984, and has been
11 working to increase the civic and political participation of
12 Latinos statewide since then. SVREP has a network of more than
13 30,000 Latino civic leaders and activists nationwide working
14 toward this end, including people in California counties that
15 use pre-scored punch card machines. SVREP and its network of
16 civil leaders and activists are directly and adversely affected
17 by the continuing use of pre-scored punch card machines in
18 those counties.

19 11. Plaintiff CHICANO FEDERATION OF SAN DIEGO COUNTY
20 ("the Federation") is a non-profit community-based organization
21 established in 1969 to serve the Latino community. The
22 Federation's service area encompasses the entire County of San
23 Diego. The Federation's mission is to promote the
24 self-sufficiency of San Diego County residents by building
25 partnerships and providing education, economic development,
26 advocacy, housing and social service programs. In addition to
27 its direct service programs for children, youth adults and
28 seniors, the Federation is well known for its advocacy role on

1 issues affecting the Latino community. A keystone of the
2 Federation's advocacy efforts is to ensure that Latinos enjoy
3 all the rights and benefits of citizenship, including the right
4 to vote. The Federation brought and won a federal lawsuit
5 against the City of San Diego for violation of the Federal
6 Voting Rights Act, resulting in a major redistricting
7 settlement benefitting the Latino community. The Federation
8 and the communities it serves are directly and adversely
9 affected by the continuing use of pre-scored punch card
10 machines in San Diego County.

11 12. Plaintiff AMERICAN FEDERATION OF LABOR AND CONGRESS
12 OF INDUSTRIAL ORGANIZATIONS ("AFL-CIO") is a federation with 66
13 member national and international unions (the "affiliate
14 unions") with a total membership of approximately 13 million
15 working men and women, including in excess of one and three-
16 quarter million workers in the State of California. The
17 objects and principles of the AFL-CIO include: "To protect and
18 strengthen our democratic institutions, to secure full
19 recognition and enjoyment of the rights and liberties to which
20 we are justly entitled, and to preserve and perpetuate the
21 cherished traditions of our democracy," and "to encourage
22 workers to register and vote, to exercise their full rights and
23 responsibilities of citizenship, and to perform their rightful
24 part in the political life of the local, state and national
25 communities." The affiliate unions have members in California
26 who reside in counties that use pre-scored punch card machines,
27 including tens of thousands of members in the counties of
28 Alameda, Los Angeles, Mendocino, Sacramento, San Bernardino,

1 San Diego, Santa Clara, Shasta, and Solano. The affiliate
2 unions have African-American, Asian-American, and Latino
3 members in California who reside in counties that use pre-
4 scored punch card machines. Members of the affiliate unions
5 are directly and adversely affected by the continuing use of
6 pre-scored punch card machines. Members have been denied their
7 right to have their votes counted, and are threatened with
8 being denied their right to have their votes counted in future
9 elections, as a result of the acts and omissions set forth
10 herein. The AFL-CIO brings this action on behalf of the
11 California members of its affiliate unions.

12 13. Plaintiff BRYAN CAHN is a citizen of the United
13 States and the State of California. He resides in the City of
14 Colton, California which is located in San Bernardino County.
15 Plaintiff is directly and adversely affected by the continuing
16 use of pre-scored punch card machines. He is a registered
17 voter and is threatened with not having his vote counted, as
18 the result of the continuing use of Pollstar pre-scored punch
19 card machines in San Bernardino County.

20 14. Plaintiff MIGUEL CONTRERAS is a citizen of the United
21 States and the State of California. He resides in the City of
22 Los Angeles, California, which is located in Los Angeles
23 County. Plaintiff is the Executive Secretary/Treasurer of the
24 Los Angeles County Federation of Labor, AFL-CIO ("LA
25 Federation"). Labor unions affiliated with the LA Federation
26 represent more than 700,000 members throughout Los Angeles
27 County. Plaintiff is directly and adversely affected by the
28 continuing use of pre-scored punch card machines. He is a

1 registered voter and is threatened with not having his vote
2 counted, as the result of the continuing use of VotoMatic pre-
3 scored punch card machines in Los Angeles County.

4 15. Plaintiff LAURA HO is a citizen of the United States
5 and the State of California. She resides in the City of
6 Oakland, California which is located in Alameda County.
7 Plaintiff is directly and adversely affected by the continuing
8 use of pre-scored punch card machines. She is a registered
9 voter and is threatened with not having her vote counted, as
10 the result of the continuing use of VotoMatic pre-scored punch
11 card machines in Alameda County.

12 16. Plaintiff REVEREND NORMAN JOHNSON is a citizen of the
13 United States and the State of California. He resides in the
14 City of Los Angeles, California which is located in Los Angeles
15 County. Plaintiff is directly and adversely affected by the
16 continuing use of pre-scored punch card machines. He is a
17 registered voter and is threatened with not having his vote
18 counted, as the result of the continuing use of VotoMatic pre-
19 scored punch card machines in Los Angeles County.

20 17. Plaintiff JOANNE MCKRAY is a citizen of the United
21 States and the State of California. She resides in the City of
22 Alameda, California which is located in Alameda County.
23 Plaintiff is directly and adversely affected by the continuing
24 use of pre-scored punch card machines. She is a registered
25 voter and is threatened with not having her vote counted, as
26 the result of the continuing use of VotoMatic pre-scored punch
27 card machines in Alameda County.

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1 18. Plaintiff TRISHA MURAKAWA is a citizen of the United
2 States and the State of California. She resides in the City of
3 Redondo Beach, California which is located in Los Angeles
4 County. Plaintiff is directly and adversely affected by the
5 continuing use of pre-scored punch card machines. She is a
6 registered voter and is threatened with not having her vote
7 counted, as the result of the continuing use of VotoMatic pre-
8 scored punch card machines in Los Angeles County.

9 19. Plaintiff THOMAS RANKIN is a citizen of the United
10 States and the State of California. He resides in the City of
11 Berkeley, California, which is located in Alameda County.
12 Plaintiff is the President of the California Labor Federation,
13 AFL-CIO, which is a voluntary federation of affiliated labor
14 organizations, affiliated with the AFL-CIO, representing in
15 excess of one and three-quarter million workers in the State of
16 California. Plaintiff is directly and adversely affected by
17 the continuing use of pre-scored punch card machines. He is a
18 registered voter and is threatened with not having his vote
19 counted, as the result of the continuing use of VotoMatic pre-
20 scored punch card machines in Alameda County.

21 20. Plaintiff BOB RICHARDS is a citizen of the United
22 States and the State of California. He resides in the City of
23 Elverta, California which is located in Sacramento County.
24 Plaintiff is directly and adversely affected by the continuing
25 use of pre-scored punch card machines. He is a registered
26 voter and is threatened with not having his vote counted, as
27 the result of the continuing use of Pollstar pre-scored punch
28 card machines in Sacramento County.

1 21. Defendant BILL JONES is the Secretary of State of
2 California. He is sued in his official capacity in connection
3 with actions taken under color of state law. As Secretary of
4 State, Defendant JONES is the chief election officer of the
5 State of California and has responsibility for general
6 supervision and administration of the election laws, including
7 approval of and setting standards for voting machines. Under
8 California Elections Code §19100 *et. seq.*, the Secretary of
9 State must set specifications and establish regulations for
10 voting machines and devices. Among the statutory criteria is
11 that the machines or devices be suitable for their intended
12 purposes. The Secretary of State also has the responsibility
13 to obtain and maintain uniformity in the application, operation
14 and interpretation of the election laws, and to provide
15 technical assistance to local supervisors of elections on
16 voting systems. He also has the duty to set and enforce
17 specific standards and procedures to govern the conduct of
18 manual recounts.

19 **FACTUAL ALLEGATIONS**

20 22. The voting machines that Defendant has approved for
21 use and that are in fact used in the State of California are
22 not uniform, either in their operation or in their reliability
23 in terms of accurately recording votes.

24 23. There are four types of voting systems used in
25 California: pre-scored punch cards, Datavotes, optical scans,
26 and touch screens.

27 24. In counties using pre-scored punch card machines
28 (VotoMatic or Pollstar machines), a voter entering the polling

1 place is given a paper ballot in the form of a long piece of
2 relatively heavy stock paper. The ballot card is pre-scored
3 with columns of small, perforated rectangles, known as chads.
4 Once inside the voting booth, the voter inserts the card into a
5 slot and opens a booklet that lists the candidates for a given
6 office. The voter then uses a metal stylus to attempt to punch
7 out the rectangle on the card lined up next to the candidate or
8 ballot measure of choice. The voter is required to turn to
9 subsequent pages of the booklet, which list other candidates or
10 ballot measures, for which the voter must punch out the
11 adjacent rectangles in order to vote. If the ballot is not
12 placed in the correct location in the machine, then the
13 candidates' names or ballot measures will not line up properly
14 with the rectangles that must be removed to register a vote.
15 Because the candidates' names and ballot measure identifiers do
16 not appear on the ballot itself, voters may not be able to tell
17 from a visual inspection if their votes were cast as intended.
18 In addition, pressing the stylus against the pre-scored
19 rectangle sometimes does not cause the chad to be removed
20 completely, which may result in the vote not being counted.

21 25. Datavote machines use a stapler-like tool that
22 creates a hole in ballots. In contrast to pre-scored punch
23 card machines like VotoMatic and Pollstar, no pre-scoring of
24 the ballot is necessary. In order for the tool to be used,
25 the ballot is placed in a holder which positions the row to be
26 punched under the hole-punching part of the tool. The tool is
27 mounted on the holder so that it can move up and down the row
28 to the desired column. The names and parties of the

1 candidates are printed directly on the Datavote ballot, which
2 allows voters to ascertain after completing their ballot
3 whether they voted as intended. Because Datavote machines do
4 not rely on pre-scored punch cards, this system does not have
5 the problem that exists with VotoMatic and Pollstar machines
6 caused by chads that are not completely dislodged.

7 26. Optical scan systems (also referred to as "Mark
8 Sense" systems), function in a similar way as standardized
9 tests. The voter is given a ballot that lists the names of the
10 candidates and any ballot measures. Next to each choice is
11 either a small circle or an arrow with a gap. The voter must
12 darken the bubble next to the preferred candidate or measure,
13 or draw a straight line connecting the two parts of the arrow.
14 The ballot is then placed in a box and, once ballots are
15 collected, counted using an optical scanner. Some versions of
16 the technology permit the voter to scan the ballot at the
17 polling place to make certain that he or she voted as intended.

18 27. Touch screen voting machines (also known as direct
19 recording electronic devices or DREs) resemble ATM machines in
20 appearance. Upon entering the booth, the voter touches the
21 name of the candidate or the ballot measure on a screen to
22 register his or her preference. Typically, the voter may
23 review the entire ballot to check the votes cast. It is not
24 possible to vote twice, or "overvote," for the same office or
25 measure. The computer tallies the votes and sends them to a
26 central location. Only Riverside County uses a touch screen
27 voting system in California.

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1 28. The voting systems used in California differ markedly
2 in their propensity accurately and reliably to record the
3 intentions of voters. In the November 2000 presidential
4 election, pre-scored punch card machines resulted in average
5 combined overvotes and undervotes of 2.23% or 223 overvotes and
6 undervotes per 10,000 votes. This is at least double the
7 average error rate of any other type of voting system used in
8 California and nearly 3¼ times the error rate of the touch-
9 screen voting machines used in Riverside County (2.23% error
10 rate, compared to .59%). The error rate in Los Angeles County,
11 which uses VotoMatic pre-scored punch card machines and where
12 4,075,037 registered voters reside, was more than 4½ times the
13 error rate in Riverside County (2.7% error rate, compared to
14 .59%). The overall error rate for the optical scan voting
15 system in the last election was .85. The error rate for pre-
16 scored punch card machines was therefore more than 2½ times
17 greater than that of the optical scan voting systems.

18 29. The following tables identify the counties using pre-
19 scored punch card machines and the number of registered voters
20 in each county in the November 2000 election:

21 **PRE-SCORED PUNCH CARD COUNTIES**

22 VotoMatic

23 County	Registered Voters
24 Alameda	669,918
25 Los Angeles	4,075,037
26 Mendocino	49,145
27 San Diego	1,411,672
28 Shasta	86,924

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PRE-SCORED PUNCH CARD COUNTIES

Solano	194,415
Total	6,487,111

Pollstar

County Registered Voters

Sacramento	611,014
San Bernardino	691,548
Santa Clara	789,332
Total	2,091,894

30. The VotoMatic pre-scored punch card machines used in the six listed counties in California are identical to machines used in several counties in Florida during the last election.

31. Among the approximately 2.7 million people in the County of Los Angeles who voted or attempted to vote in the November 2000 election, there were over 72,000 overvotes and undervotes. The number of overvotes and undervotes in the County of Los Angeles alone is greater than the number of registered voters in 27 California counties.

32. The use of pre-scored punch card machines in some counties results in the systematic failure to count disproportionately large numbers of votes in comparison with counties using other machines. The continued approval and use of this equipment in some counties operates to deny equal treatment to voters in those counties and equal dignity to their votes. The use of different machines with widely disparate error rates dilutes the collective votes of people in those counties that use pre-scored punch card machines. No legitimate or compelling state interest is served by the

1 differential treatment accorded to voters in those counties as
2 the result of the continued approval of these machines by
3 Defendant and his failure to establish standards that would
4 ensure equal treatment to all voters statewide.

5 33. There exist in California no legally binding
6 standards to govern procedures for determining voter intent in
7 the case of manual recounts. The absence of binding specific
8 standards exacerbates the problems created by the use of
9 differing voting systems in different California counties.
10 While the County Clerks' Association and the Secretary of
11 State's office have jointly issued guidelines for determining
12 voter intent in manual recounts, those procedures are not
13 legally binding. The formulation of uniform and legally
14 binding standards and rules to determine voter intent is
15 practicable and necessary so that all votes are accorded equal
16 treatment.

17 34. There is no provision of California law that requires
18 an automatic recount of undervotes and overvotes in close
19 races. Under California Elections Code §15620 *et seq.*, any
20 voter may request, within five days after completion of the
21 official canvas, a recount at the requestor's expense. There
22 is no provision of California law, however, that provides for
23 an automatic recount at public expense in cases where margin of
24 victory falls below the error rate or any other threshold. The
25 absence of any such provision exacerbates the unfairness caused
26 by the use of pre-scored punch card machines.

27 35. California's voting system as described herein,
28 including the use of pre-scored punch card machines, has a

1 disparate and adverse impact upon African-American, Asian-
2 American, and Latino voters. In the State of California, a
3 higher percentage of African-American, Asian-American, and
4 Latino voters than white voters reside in counties that use
5 pre-scored punch card machines. Overall, people of color
6 (including African Americans, Asian Americans, Latinos, and
7 American Indians) constitute 45.5% of the population of
8 counties using pre-scored punch card equipment, but only 30.9%
9 of the population of counties using other, more reliable types
10 of equipment. According to one recent study, based on data
11 from the 1996 election, only 58.3% of white voters in
12 California resided in counties using pre-scored punch card
13 machines, compared to 80.8% of African-American voters and
14 66.6% of Latino voters. The use of pre-scored punch card
15 equipment, combined with the lack of adequate standards and
16 procedures for manual recounts, causes the disproportionate
17 denial of the voting rights of African-American, Asian-
18 American, and Latino voters.

19 36. Plaintiffs have suffered and will continue to suffer
20 irreparable harm as the result of the unequal system of voting
21 approved by Defendant. Plaintiffs have no adequate remedy at
22 law for the deprivation of their rights, privileges, and
23 immunities.

24 **CLAIM FOR RELIEF**

25 **Fourteenth Amendment to the United States Constitution**

26 **42 U.S.C. §1983**

27 37. Plaintiffs hereby reallege and incorporate by
28 reference each of the foregoing paragraphs.

1 38. Defendant, acting under color of state law, has
2 approved and administers an unequal system of voting, which
3 denies equal treatment and equal dignity to voters residing in
4 counties that use pre-scored punch card machines.

5 39. The absence of any requirement for manual recounts at
6 public expense in close races and the absence of uniform,
7 binding standards for manual recounts exacerbate the
8 inequalities caused by the use of pre-scored punch card
9 machines in some California counties but not others.

10 40. The absence of adequate standards and procedures for
11 voting machines and recounts results in the disproportionate
12 undercounting of the votes of people residing in counties that
13 use pre-scored punch card machines.

14 41. Defendant, acting under color of state law, has
15 deprived and threatens to deprive Plaintiffs, including the
16 individual Plaintiffs and members of the organizational
17 Plaintiffs, of their fundamental right to vote.

18 42. Defendants' acts and omissions violate Plaintiffs'
19 rights to equal protection, due process, and the privileges or
20 immunities of citizens of the United States guaranteed by the
21 Fourteenth Amendment to the United States Constitution.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, PLAINTIFFS respectfully request that this Court
24 enter judgment in their favor:

25 (1) Declaring that Defendant's failure to set adequate
26 standards for voting equipment, and in particular the
27 continuing approval of Pollstar and VotoMatic pre-scored punch
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1 card machines for use in the State of California, denies and
2 abridges Plaintiffs' rights under the Fourteenth Amendment;

3 (2) Declaring that the failure to establish adequate
4 standards and procedures to govern manual recounts, including
5 the circumstances under which recounts are required, denies and
6 abridges Plaintiffs' rights under the Fourteenth Amendment;

7 (3) Enjoining the continuing application of the standards,
8 specifications, and regulations that Defendant has set for
9 voting machines in the State of California to the extent that
10 they permit the use of Pollstar and VotoMatic pre-scored punch
11 card machines; ordering Defendant to withdraw his approval of
12 Pollstar and VotoMatic pre-scored punch card machines; and
13 requiring Defendant to promulgate specifications, regulations,
14 standards, guidelines, and procedures that will protect the
15 voting rights of all Californians, and ensure that pre-scored
16 punch card machines are replaced with more reliable equipment
17 by the time of the March 2002 election;

18 (4) Awarding Plaintiffs their expenses, costs, fees, and
19 other disbursements associated with the filing and maintenance
20 of this action, including reasonable attorneys fees pursuant to
21 42 U.S.C. § 1988;

22 (5) Awarding such other equitable and further relief as
23 the Court deems just and proper.

24 DATED: April 17, 2001 Respectfully submitted,
25 Alan L. Schlosser ACLU FOUNDATION OF SAN DIEGO AND
26 ACLU FOUNDATION OF NORTHERN IMPERIAL COUNTIES
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27 Jordan C. Budd Stephen P. Berzon
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