AFFIDAVIT OF CONTESTANT LARRY ALGER
William M. Simpich, Attorney at Law
1736 Franklin St. 10th Floor
Oakland CA 94612

(415) 542-6809

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1	These notices contained a "soft deadline" to provide their NPP voting preferences,, and were sent
2 3	by US mail rather than by e-mail. When these voters failed to respond to the "soft deadline"
4	provided by these notices, many of them were left with the impression that they could no longer
5	vote for President of the United States.
6	1d. Many NPP voters were not properly informed by poll workers of their right to receive
7	a "Democratic crossover ballot" - a second primary ballot that would enable them to vote for
8	President of the United States. Thus, these voters did not receive a Presidential ballot at the
9	polls.
10	1e. Many voters were forced to vote provisionally for a variety of reasons, and in many
12	cases due to the fault of the Registrar and his/her employees.
13	1f. Contestant is informed and believes that the 1% tally procedure mandated by
14	Elections Code 15360 was not properly used by this Registrar and many others.
15	1g. Furthermore, the voters have a constitutional right to ensure that they are allowed to
16	write-in their preference for the listed Democratic candidates for President, regardless of any
17	obstacles created by statute, procedure, or other manner.
18	2a. That the precinct board, in conducting the election or in canvassing the returns, made
20	errors sufficient to change the result of the election as to any person who has been declared
21	elected. Contestant cites the problems listed from 2a-2f, above.
22	2b. Among other problems, according to Kim Alexander, director of the California Voter
23	Foundation, there are 2.2 million NPP voters who vote by mail and 85% of them did not return
24	the postcards they were sent to request a crossover ballot. Therefore, Alexander estimates that
25	1,870,000 voters were given ballots without presidential candidates. "Some voters don't realize
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1	they are vote-by-mail voters in the first place and aren't aware they were sent a ballot. Or they
2	waited until Election Day to open their ballot and only then realized that they have no presidentia
3	candidates on their ballot and don't fully understand what options they have to get a replacement
5	ballot at their polling place."
6	3. Other reasons are stated below, while incorporating the facts above.
7	4. Elections Code should be liberally construed in favor of the challenged voter and that in
8	this case the Code be interpreted to count the challenged votes.
9	5. Contestant is informed and believes that the Registrar did not comply with Sections
10	14310 and 3019 of the Elections Code, which states that the Registrar is supposed to compare the
11	signature on the provisional ball with the voter's registration, and then count the vote if they
12	
13	match;
14	6. That the Registrar did not comply with Section 14310 of the Elections Code by not
15	giving provisional voters sufficient notice of their provisional rights;
16	7. That the Registrar's use of Section 14311 of the Elections Code for "re-registering"
17	provisional voters in the past is believed to have been used on this occasion as well, and is
18	improper;
20	8. That the Supreme Court of California in <i>Wilks v. Mouton</i> (1986) 42 Cal.3d 400 held that
21	a registrar of voters is not supposed to consider the address on a ballot when determining a voter's
22	eligibility;
23	9. That the challenged ballots did not indicate that the voters intended to change their
24	domicile and that, under <i>Walters v. Weed</i> (1988) 45 Cal.3d 1 the Registrar erred by interpreting
domicile and that, under <i>Walters v. Weed</i> (1988) 45 Cal.3d 1 the Registrar 6	dominene and mat, under maners v. meea (1700) 43 Cal.3a 1 the Registral circu by interpreting
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1	the ballots in such a way as to disenfranchise the voters of their right to vote (also see Elec. Code
2	§§ 14310, 3019.)
4	10. That the Secretary of State and the California Association of Clerks and Election
5	Officials interpret the operative sections of the Elections Code to count the votes of provisional
6	ballots like the challenged ballots, and that the Secretary of State has the right to create uniform
7	regulations if he chooses.
8	Dated: July 10, 2016
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12	Xam. (1)
14	7 Wzer
15	LARRY ALGER
16	
17	Verification
18	I am a party to this action. I declare under penalty of perjury that the matters in this document are
19	true of my own personal knowledge, except for those matters alleged on information and belief, and as for those matters I believe them to be true. Executed on July 11, 2016, in San Bernardino
20	County, California.
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22	Leny Alger
23	LARRY ALGER
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28	AFFIDAVIT OF CONTESTANT LARRY ALGER William M. Simpich, Attorney at Law

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AFFIDAVIT OF CONTESTANT LARRY ALGER

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