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14 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **IN AND FOR THE COUNTY OF SAN DIEGO**

<p>16 RAYMOND LUTZ,</p> <p>17 Contestant,</p> <p>18 vs.</p> <p>19 MICHAEL VU, Registrar of Voters 20 for the County of San Diego; 21 HILLARY CLINTON, Democratic 22 Presidential Party candidate named 23 as an indispensable party, and 24 DOES 1-10,</p> <p>25 Defendants.</p>	<p>26 Case No.</p> <p>27 AFFIDAVIT OF CONTESTANT 28 RAYMOND LUTZ RE DEMOCRATIC PARTY PRESIDENTIAL PRIMARY ELECTION</p> <p>(Elections Code Section 16000 et seq.)</p>
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I, RAYMOND LUTZ, am an elector in San Diego County, where this contested election was held.

AFFIDAVIT OF CONTESTANT RAYMOND LUTZ
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2 The names of the defendants in this action are MICHAEL VU, Registrar of Voters for
3 the County of San Diego; HILLARY CLINTON, Democratic Presidential Party candidate named
4 as an indispensable party. Ms. Clinton will be presented with a stipulation to dismiss her from
5 the action if that is her preference, as the focus of the improper acts is Defendant Vu.
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7 The focus of this action is the Democratic Presidential Party primary election of 2016.
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9 This statement is filed pursuant to Sections 16100, 16440 and 16460 of the Elections Code.
10 Contestant is named pursuant to Elections Code Section 16002 and 16100.

11 The particular grounds of contest are as follows:

12 1. Defendant Michael Vu has committed misconduct as set forth in Elections Code Section
13 18000, et seq, and was supported by the seven registrars of voters (ROVs) of Los Angeles (Dean
14 Logan), Orange (Neal Kelley), Contra Costa (Joseph Canciamella), Sacramento (Jill LaVine),
15 Sonoma (William Rousseau), Kern (Mary Bedard) and Santa Cruz (Gail Pellerin) who admitted
16 under penalty of perjury that they failed to include the provisional ballots and the late arriving
17 vote-by-mail ballots within the 1% tally procedure mandated by Elections Code 15360.
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19 2a. That eligible voters who attempted to vote in accordance with the laws of the state
20 were denied their right to vote. Contestant alleges, on information and belief, that the errors
21 detailed in this affidavit occurred in every precinct in the county. On information and belief,
22 contestant declares that the date of completion of the official canvass of the Board of Supervisors
23 of the county was no earlier than Tuesday, July 5.
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25 2b. Among other problems, provisional and vote-by mail ballots have not been counted
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1 due to various improper ploys such as “no proper address” or “failure to provide a signature”.

2
3 2c. No-party-preference (NPP) voters were given ambiguous and misleading notices in
4 writing prior to the election. These voters were provided with a notice regarding their NPP
5 voting rights that violated Elections Code Section 3006 for providing inadequate information.
6 These notices contained a “soft deadline” to provide their NPP voting preferences,, and were sent
7 by US mail rather than by e-mail. When these voters failed to respond to the “soft deadline”
8 provided by these notices, many of them were left with the impression that they could no longer
9 vote for President of the United States.

10
11 2d. Many NPP voters were not properly informed by poll workers of their right to receive
12 a “Democratic crossover ballot” - a second primary ballot that would enable them to vote for
13 President of the United States. Thus, these voters did not receive a Presidential ballot at the
14 polls.

15 2e. Many voters were forced to vote provisionally for a variety of reasons, and in many
16 cases due to the fault of the Registrar and his/her employees.

17 2f. As stated above, the 1% tally procedure mandated by Elections Code 15360 was not
18 properly used by this Registrar and many others.

19
20 2g. Numerous irregularities occurred, including but not limited to the use of whiteout on
21 the ballots; the lack of security in the warehouse where the ballots were stored; the presence of a
22 shredder truck in front of the Registrar’s office during the count on June 28; and the systemic
23 excusal of observers from being able to observe the count in a meaningful fashion between June
24 7-July 5. A reasonable person would conclude that there has been no effective chain of custody
25 of the ballots.
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1 the voter's registration, and then count the vote if they match;

2 7. That the Registrar did not comply with Section 14310 of the Elections Code by not
3 giving provisional voters sufficient notice of their provisional rights;

4 8. That the Registrar's use of Section 14311 of the Elections Code for "re-registering"
5 provisional voters in the past is believed to have been used on this occasion as well, and is
6 improper;

7 9. That the Supreme Court of California in *Wilks v. Mouton* (1986) 42 Cal.3d 400 held
8 that a registrar of voters is not supposed to consider the address on a ballot when determining a
9 voter's eligibility;

10 10. That the challenged ballots did not indicate that the voters intended to change their
11 domicile and that, under *Walters v. Weed* (1988) 45 Cal.3d 1, the Registrar erred by interpreting
12 the ballots in such a way as to disenfranchise the voters of their right to vote (also see Elec. Code
13 §§ 14310, 3019.)

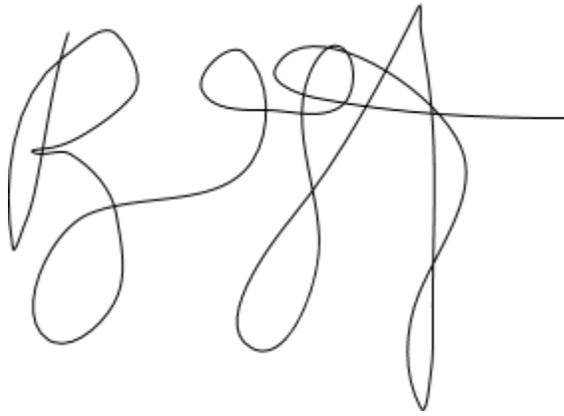
14 11. That the Secretary of State and the California Association of Clerks and Election
15 Officials interpret the operative sections of the Elections Code to count the votes of provisional
16 ballots like the challenged ballots, and that the Secretary of State has the right to create uniform
17 regulations if he chooses;

18 12. That upholding the San Diego County Registrar's application of the Elections Code
19 results in registrars, in California, applying voting laws differently in each county,
20 violating the Equal Protection Clause of the United States Constitution as per the holding in *Bush*
21 *v. Gore* (2000) 531 U.S. 98, 103.

22 Dated: July 11, 2016

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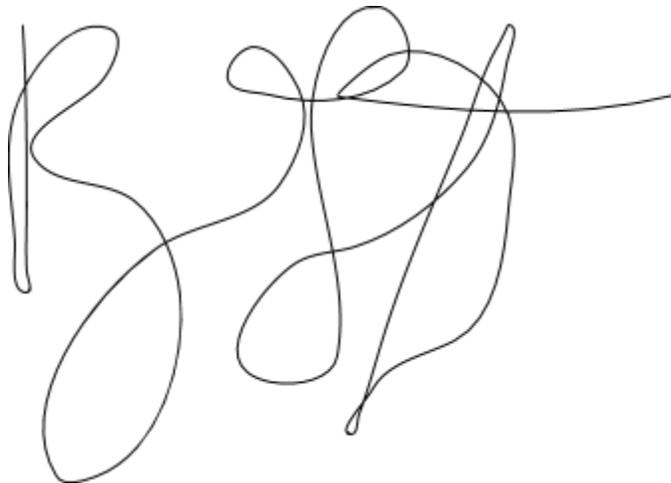
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RAYMOND LUTZ

Verification

I am a party to this action. I declare under penalty of perjury that the matters in this document are 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 Diego County, California.



RAYMOND LUTZ

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