

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[PLAINTIFFS TO BE NAMED]

Civil Case No.

Plaintiffs
v.

PRESIDENT WILLIAM JEFFERSON CLINTON,
WILLIAM J. GALVIN, SECRETARY OF THE
COMMONWEALTH OF MASSACHUSETTS

Defendants

Draft

COMPLAINT

STATEMENT OF THE CASE

1. On March 1st, “Super Tuesday” in the Massachusetts Democratic primary election, William Jefferson Clinton, hereafter referred to as Bill Clinton, did disenfranchise a large group of voters by diluting their votes through illegal campaign activity in and near polling stations. This disenfranchisement was deliberate, carefully crafted, and effective. As a result of the illegal activity, a critical battleground state at a critical juncture in the primary season may have gone to Hillary Clinton rather than to Bernie Sanders. Bill Clinton’s illegal activity throughout the day was neither trivial nor inconsequential. It significantly diluted the votes of people who in good faith voted for Bernie Sanders.

THE PARTIES

2. William Jefferson Clinton, hereafter referred to as Bill Clinton, is a former president of the United States.
3. William J. Galvin is Secretary of the Commonwealth of Massachusetts, the duly sworn officer overseeing the Elections Division of the state of Massachusetts.
4. [Plaintiffs to be named]

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 1983 because Defendants, acting under color of Massachusetts state law, are subjecting Plaintiffs, and/or causing Plaintiffs to be subjected, to the deprivation of their rights under the Constitution of the United States and the constitution and laws of the State of Massachusetts to cast a meaningful vote.

STATEMENT OF FACTS

6. On March 1st, 2016, in violation of the law, President Bill Clinton did enter within 150 feet of numerous polling stations in the Massachusetts cities of Boston and Newton, in numerous and extended high-impact visibility stops for the campaign of Hillary Clinton, Democratic presidential candidate for president of the United States. Photographic evidence of Clinton inside polling stations during voting hours appeared in local newspapers and on the Internet in real time.
7. Once inside polling stations, with no other business there, photographic and video evidence show Bill Clinton smiling, shaking hands, greeting people, having photographs taken with people, and otherwise generating goodwill for the candidacy of his wife Hillary Clinton.
8. At one point during the day, video shows Clinton apologizing to an audience that he was so hoarse from campaigning that he had lost his voice.
9. Campaigning within 150 feet of a polling station is illegal in the state of Massachusetts, following laws governing electioneering near polling stations which are well-known and in effect in all 50 states of the United States.
10. In Newton and West Roxbury, Bill Clinton entered not only within the 150 foot perimeter outside the polling stations, but actually walked inside the polling stations and proceeded to meet and shake hands with election workers and other people.
11. The Massachusetts primary election on that day was a critical turning point in the race between Hillary Clinton and Bernie Sanders for the Democratic presidential nomination.
12. As the voting day progressed, the two candidates were reported to be “neck and neck” by the media, with Sanders at one point pulling ahead. Sanders had closed in on Clinton quickly in recent prior polls, and overtook her in a February 17th poll by 7 points.
13. A February 28, 2016 Suffolk University poll showed a full 8% of likely Democratic primary voters to be undecided just two days before the primary, for a total of roughly 100,000 votes.

14. Bill Clinton also made campaign stops in other cities and towns, clearly saying, in one city through a bullhorn, "I especially want to thank those of you who came out to support Hillary." Video of this is available. Throughout the day, Bill Clinton was in campaign mode for his wife, as his motorcade, security detail, and large entourage occasionally reportedly blocked people from voting at the times they had set aside to do so, due to his large security presence and security requirements.
15. By the end of the day Hillary Clinton had eked out a narrow victory by 1.4%, which represented about 16,800 votes. 14. The narrow victory in this closely watched race, deemed "critical" for each candidate, bolstered the Clinton candidacy in future primaries, making this a live and active issue to the present day.

CLAIMS: VOTE DILUTION

16. Defendants' actions in engaging or allowing individuals to engage in illegal campaign activity violates Plaintiffs' right to due process and equal protection of the laws under the Fourteenth Amendment to the U.S. Constitution because said actions allow Plaintiffs' lawful votes to be diluted.
17. U.S.C. § 1983 provides that any person acting under color of state law who deprives a citizen of the United States of any federal right, privilege, or immunity "shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress"
18. Defendant Secretary Galvin, in his official capacity, is such a person.
19. 950 CMR 53.03(18); 54.04.22 of the Massachusetts General Laws states that "Within 150 feet of a polling place...no person shall solicit votes for or against, or otherwise promote or oppose, any person or political party or position on a ballot question, to be voted on at the current election."
20. Given the large number of "undecided" voters and the extremely narrow margin of victory for Hillary Clinton, there was sufficient fluidity in the race for Bill Clinton's illegal electioneering to have made a significant impact, and to have reversed the verdict of the voters by handing victory to Clinton rather than to Sanders. With 100,00 undecided voters and a margin of victory of only 16,800 votes, it is eminently plausible that Bill Clinton impacted the final result.
21. Bill Clinton's illegal actions were carefully and deliberately calibrated to impact the electoral battlefield in such a way that the entire course of future primaries was affected.
22. Defendant Secretary Galvin issued a statement during the controversy which surrounded Clinton's activity inside polling places, which declared that Clinton's entering the polling places alone was not illegal, as long he did not utter words such as "vote for Hillary." This notion is beyond absurd. The former president did not land at ground zero of a key battleground state and enter the polls because there was no place else to get a cup of coffee. Bill Clinton does not need

a button or a sign (which it is illegal to wear or display inside a polling place.) In his very person, the presidential candidate's fabulously famous husband amounts to a walking, talking sign for Hillary.

23. Bill Clinton's illegal actions served to demoralize Sanders workers, who now became convinced that no matter how hard they worked, a person of Bill Clinton's stature, with trappings of his former office and with the tacit cooperation of MA election officials, could always reverse that work, and prevent them from reaping the fruit of any labor performed for their candidate. This further dilutes votes for Sanders by causing possible future voters for him to cease participating in the political process in disgust.

24. Bill Clinton's illegal behavior on Super Tuesday is a blow to democracy itself, in that a democratic system's legitimacy is anchored in a people's faith in its basic integrity, despite flaws. Clinton's behavior was arrogant, highly visible, and demoralizing to any believer in the rule of law, and impacts negatively on the willingness of citizens to participate in the political process, a vital steam valve for society. One of our truly great presidents, John F. Kennedy, once said: "Those who make peaceful revolution impossible, make violent revolution inevitable."

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court:

1. In 1920, the U.S. Supreme Court adopted the "fruit of the poisonous tree" doctrine in the case of *Silverthorne Lumber Co. v. United States*, which required that evidence which was illegally obtained by police against a suspect must be thrown out. In the present case, it is delegates which constitute the "fruit of the poisonous tree," and the claim of victory which was meaningful to the Clinton campaign. To merely reapportion a small number of delegates would do nothing to discourage similar future violations of electioneering laws, because in some cases, a small risk for getting caught might be worth it. Therefore plaintiffs request the court to invalidate the Massachusetts primary results for such open and egregious lawbreaking and to award all Massachusetts pledged delegates to Bernie Sanders.
2. Declare that Defendants have violated the Massachusetts Election Code and the Fourteenth Amendment to the U.S. Constitution by engaging in or allowing illegal electioneering activity intended to swing the vote in a significant way.
3. Declare that Defendants have violated 42 U.S.C. § 1983 by virtue of said acts;
4. Preliminarily and permanently enjoin Defendants, their agents, their successors in office, and all persons acting in concert with them from engaging or allowing similar future activity;
5. Award Plaintiffs reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

6. Award such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED

EXHIBITS

Exhibit A: Bill Clinton inside Newton, Massachusetts, Library polling station during voting hours



Exhibit B: Clinton inside West Roxbury polling station during voting hours



Exhibit C: Video showing Clinton within 150 feet of polling station with bullhorn saying “I especially want to thank those of you who are supporting Hillary.”

<https://www.youtube.com/watch?v=wD-7Tv2RET0>