

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF NEVADA

APR 23 2024

LAILA A. WAHEED  
CLERK OF THE COURT  
By: S. SKOVERSKI, Deputy

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8 Patti Ingram-Spencer

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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF NEVADA**

**PATTI INGRAM-SPENCER,**

**Contestant,**

v.

**NATALIE ADONA, in her official  
capacity as Nevada County Registrar of  
Voters, and the CITY OF GRASS  
VALLEY,**

**Defendants.**

Case No. *CU0001344*

**VERIFIED COMPLAINT/STATEMENT  
OF ELECTION CONTEST**

[Elec. Code § 16000 *et seq.*]

**STATEMENT OF ELECTION CONTEST**

Patti Ingram-Spencer ("Contestant"), by this Verified Complaint/Statement of Election Contest ("Contest"), petitions this Court and allege as follows:

**PARTIES**

1. Contestant is a resident and qualified elector of the City of Grass Valley ("Defendant City") in which a contested election was held on March 5, 2024 ("Election").
2. Defendant City is an incorporated city within the County of Nevada, State of California, acting through its duly elected and seated City Council.

1 3. Natalie Adona is the Registrar of Voters for the County of Nevada (“Defendant Adona”)  
2 and, pursuant to Elec. Code § 10262, is the official legally responsible for conducting a canvas of  
3 returns and certifying the results of the elections within the County of Nevada including elections  
4 within the city limits of Defendant City.

5 **FACTS AND ELECTION HISTORY**

6 4. Contestant is contesting the results of the Election with respect to Defendant City’s sales tax  
7 measure (“Measure B”) of which Contestant was an opponent.

8 5. At the direction of Defendant City, Measure B was placed on the ballot by Defendant Adona  
9 during the Election in order to determine whether the sales tax within the limits of Defendant City  
10 should be increased to 8.875%.

11 6. The declaration of election results in connection with Defendant City’s Measure B was made  
12 and certified by Defendant Adona on March 27, 2024.

13 7. According to Defendant Adona’s Certification (which was unquestioningly accepted by the  
14 Nevada County Board of Supervisors on April 9, 2024), Defendant City’s Measure B passed.

15 8. According to Defendant Adona’s Certification, there were a total of 4,400 votes cast in the  
16 Measure B Election consisting of 2,137 votes in favor, 2,117 votes in opposition, 144 undervotes  
17 (voters refrained from voting in connection with Measure B), and two overvotes (voters voted both  
18 for and against Measure B). [Decl. of Barry W. Pruett in support hereof (“Decl. Pruett”), Attachment  
19 A].

20 9. Measure B passed by only 20 votes – a margin of less than half a percent.

21 **GROUND FOR CONTEST OF MEASURE B ELECTION**

22 10. This Contest is filed on the grounds that illegal votes were cast; that eligible voters who  
23 attempted to vote in accordance with the laws of the State of California were denied their right to  
24 vote; and, that Defendant Adona, in canvassing the returns, made errors sufficient to change the

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1 result of the Election as to Measure B which was declared passed by Defendant Adona and  
2 unquestioningly accepted by the Nevada County Board of Supervisors.

3 11. Contestant is informed and believes, and thereon alleges, that voters domiciled within the  
4 limits of Defendant City were denied the right to vote in the Election.

5 12. Contestant is informed and believes, and thereon alleges, that illegal votes were cast in the  
6 Election by individuals not domiciled within the limits of Defendant City.

7 13. Contestant is informed and believes, and thereon alleges, that Defendant Adona made other  
8 errors sufficient to change the result of the Election as to Defendant City's Measure B, such as ballots  
9 among the total votes counted by Defendant Adona which cannot be attributed to any voter.

10 14. Contestant is informed and believes, and thereon alleges, that a combination of voters being  
11 denied the right to vote, illegal votes, and significant errors made by Defendant Adona resulted in  
12 Defendant City's Measure B passing.

13 15. Based upon how Defendant Adona processes voters' mail-in ballots and the corresponding  
14 envelopes, Contestant is informed and believes, and thereon alleges, that, once separated from the  
15 corresponding envelope and counted, individual ballots are forever separated from the identity of  
16 the person who cast the ballot. In other words, once the individual cast ballot is counted by the  
17 voting system, the individual cast ballot becomes completely anonymous.

18 16. Because the individual cast ballots are completely anonymous after counting by the voting  
19 system, this Court will not have the ability to add or deduct votes from one side of the vote totals to  
20 the other side in order to determine whether or not Measure B actually passed or failed.

21 17. In any event, Contestant alleges that most of the issues related to the Election are not in  
22 connection with the counting of the individual cast ballots or the voting system but rather with  
23 erroneous or illegal voter registration within the Defendant City and within County of Nevada in  
24 general.

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1 **LEGAL ANALYSIS**

2 **A. Statute of Limitations**

3 18. Elec. Code § 16000 provides that the general election contest provisions of this division shall  
4 also apply to the recount of votes cast on a ballot measure, insofar as they can be made applicable.

5 19. Elec. Code § 16401(d) provides that the contestant shall file the statement of contest within  
6 30 days after the declaration of the result of the election.

7 20. The declaration of election results in connection with Defendant City’s Measure B was made  
8 and certified by Defendant Adona on March 27, 2024. [Decl. Pruett, Attachment B].

9 21. This Contest was filed prior to April 26, 2024, and consequently, this Contest is timely.

10 **B. Voters with Limits of Defendant City Were Denied the Right to Vote in the Election**

11 22. The California Constitution, art. II, § 2, provides that any “United States citizen 18 years of  
12 age and resident in this State may vote.

13 23. Pursuant to Elec. Code § 2000(a), “every person who qualifies under Section 2 of Article II  
14 of the California Constitution and who complies with this code governing the registration of electors  
15 may vote at any election held within the territory within which he or she resides and the election is  
16 held.” [emphasis added].

17 24. Pursuant to Elec. Code § 16204, “an election shall not be set aside on account of eligible  
18 voters being denied the right to vote, unless it appears that a sufficient number of voters were denied  
19 the right to vote as to change the result.”

20 25. In summary, any voters within Defendant City who cast a ballot which did not contain an  
21 option of voting for or against Measure B were denied their right to vote on Measure B and, as such  
22 and if in sufficient numbers, is grounds for setting aside the Election results as to Measure B.

23 **C. Illegal Votes by Cast by Nonresidents of Defendant City**

24 26. While voters have a constitutional right to vote in this state, votes cast by nonresidents of  
25 the precinct were properly rejected as illegal, though residential discrepancies were due to mistake of

1 registration officers, since constitutional qualifications of electors include residence in election  
2 precinct and only qualified electors are entitled to exercise voting franchise. Garrison v. Rourke  
3 (1948) 32 Cal.2d 430, 441.

4 27. Pursuant to Elec. Code § 16203,<sup>1</sup> “an election shall not be set aside on account of illegal  
5 votes, unless it appears that a number of illegal votes has been given to the person whose right to  
6 the office is contested or who has been certified as having tied for first place, which, if taken from  
7 him, would reduce the number of his legal votes below the number of votes given to some other  
8 person for the same office, after deducting therefrom the illegal votes which may be shown to have  
9 been given to that other person.

10 28. Consequently, any vote cast by a nonresident of Defendant City or anonymously is an illegal  
11 vote and, as such and if in sufficient numbers, is grounds for setting aside Measure B results.

12 **D. Remedy**

13 29. As held by the California Supreme Court, “integrity of the election process is not to be  
14 sacrificed on altar of electoral finality.” Gooch v. Hendrix, 5 Cal.4th 266, 282 (1993).

15 30. In Gooch, the California Supreme Court dealt with this very issue of what remedies are  
16 within the trial court’s authority when “it cannot be determined on a vote-by-vote basis for whom  
17 the illegal votes were cast” as is the case herein. Id. at 269.

18 31. After finding enough illegal votes to call into question the results of the election, the trial  
19 court in Gooch recognized that it could not determine with certainty how the illegal ballots were  
20 cast because of legal votes being comingled with illegal votes, and thus could not deduct the illegal  
21 votes from the defendants to see who received a majority of lawful votes for each office. Id. at 276.

22 32. The trial court in Gooch, “after careful consideration of the competing factors,” including  
23 “the wholesale violation of the mandatory requirements of the absentee voting laws in this case,”

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25 <sup>1</sup> Elec. Code § 16203 was enacted by Stats. 1994, Ch. 920, Sec. 2, and was formerly codified as Elec. Code § 20024  
with the identical text as the recodified Elec. Code § 16203 (1994).

1 concluded the evidence showed the great majority of illegal but counted ballots were voted for the  
2 defendants and had been sufficient to affect the election of many of them. Id.

3 33. The trial court annulled the elections concluding “[a]nything less, under these facts, would  
4 result in a loss of public respect for and diminution of the integrity of the absentee ballot process”  
5 and would “tend to encourage even greater abuse of the process in future elections.” Id.

6 34. On appeal, the Court of Appeal found substantial evidence supported the trial court’s factual  
7 findings regarding the illegal ballots but nonetheless concluded the results of the elections could not  
8 be set aside, because it could not be determined for whom the illegal ballots were cast. Id. at 277.

9 35. The irony of this conclusion was not lost on the Court of Appeal, which concluded: “The  
10 violations of election laws pertaining to absentee balloting in this case were pervasive and significant,  
11 yet the very nature and extent of the illegal voting renders any remedy illusory.” Id.

12 36. On appeal before the California Supreme Court, the Court also recognized the irony and  
13 concluded that the principle that “preservation of the integrity of the election process is far more  
14 important in the long run than the resolution of any one particular election.” Id. at 278; citing Fair  
15 v. Hernandez (1981) 116 Cal.App.3d 868, 881.

16 37. The Court further concluded that the policy in favor of upholding elections appears in the  
17 cases in conjunction with the rule that “[t]he errors or irregularities arising in carrying out  
18 directory provisions *which do not affect the result will not [void] the election.*” Gooch, 5 Cal.4th at 278; citing  
19 Davis v. County of Los Angeles (1938) 12 Cal.2d 412, 426 [84 P.2d 1034] (*emphasis supplied*); Rideout  
20 v. City of Los Angeles (1921) 185 Cal. 426, 430; People v. Prewett (1899) 124 Cal. 7, 10.

21 38. The Supreme Court in Gooch then reversed the appeal court holding that the Legislature  
22 did not intend by Elec. Code § 16203 that, “under circumstances such as these, where clear and  
23 convincing evidence established pervasive illegalities that permeated the election process, and where,  
24 although it cannot be determined on a vote-by-vote basis for whom the illegal votes were cast, it  
25 nonetheless ‘appears’ the illegal votes affected the outcome of the election, a trial court is without

1 authority to annul and set aside the election results within its discretion.” Gooch v. Hendrix, 5  
2 Cal.4th 266, 282 (1993).

3 39. Similar to the issue in Gooch where illegalities “appear” to have affected the outcome of an  
4 election, Contestant herein respectfully requests that this Court, after trial on this matter and if the  
5 evidence appears to be satisfactory to this Court to make a similar finding, set aside the Certification  
6 of the Election in connection with Defendant City’s Measure B.

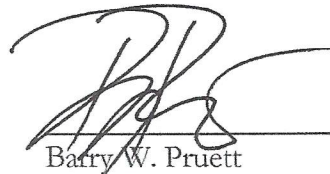
7 40. Consequently, Contestant respectfully requests the Clerk of the Nevada County Superior  
8 Court to set a hearing on the issue of the Contest within the time required and cite the Defendants  
9 to Court pursuant to Elec. Code § 16500.

10 **PRAYER**

11 **WHEREFORE**, Contestant respectfully request judgment as follows:

- 12 1. That the Court issue a temporary injunction restraining Defendant City from collecting any  
13 sales tax as a result of the contested Measure B;
- 14 2. That, after trial, the Court issue its findings of fact and conclusions of law annulling and  
15 setting aside the Certification of the Election in connection with Defendant City’s Measure B;
- 16 3. That the Court award Contestant her costs of this proceeding including reasonable attorneys’  
17 fees; and,
- 18 4. For any such additional and further relief as the Court may deem proper in the premises.

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21 DATED: April 23, 2024



Barry W. Pruett  
Attorney for Contestant

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**VERIFICATION**

I, Patti Ingram-Spencer, declare that I am one of the Contestant in the above-entitled action. I have read the foregoing Verified Complaint/Statement of Election Contest and know the contents thereof to be true to my own knowledge, except as to those statements made upon information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Verification was executed this 23rd day of April, 2024, at Grass Valley, California.

  
Patti Ingram-Spencer



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**PROOF OF SERVICE  
NEVADA COUNTY SUPERIOR COURT**

I am a citizen of the United States and am employed in the County of Nevada, State of California, where this mailing occurs. My business address is: 17799 Minnow Way, Penn Valley, CA 95946. I am over the age of eighteen and not a party to the within action. On the date noted below, I served the following document(s) described as:

**VERIFIED COMPLAINT/STATEMENT OF ELECTION CONTEST**

In the following manner, by placing a true copy thereof in a sealed envelope(s) addressed as follows:


Natalie Adona  
Nevada County Registrar of Voters  
950 Maidu Avenue, Suite 210  
Nevada City, CA 95959

Taylor Day  
City Clerk for City of Grass Valley  
125 East Main Street  
Grass Valley, CA 95945

**( X ) BY PERSONAL SERVICE.** I personally delivered the documents to the persons at the addresses listed above. For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed on April 23, 2024, at Penn Valley, California.

  
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Barry W. Pruett