

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Jill Clark,

Plaintiff,

v.

Mark Ritchie, in his official

capacity as Minnesota

Secretary of State, and

Hennepin County Registrar,

Defendant.

COMPLAINT FOR MANDATORY AND PROHIBITORY INJUNCTION

PARTIES

Jill Clark is a Minnesota licensed attorney who filed to run for the Office of Chief Justice of the Minnesota Supreme Court.

Mark Ritchie is the Minnesota Secretary of State. In that role he is charged with ensuring that elections in the State of Minnesota are fair, and comport with the Constitution of the United States. This lawsuit seeks only injunctive relief, and in that regard, Ritchie as Secretary of State is named in his official capacity.

The Hennepin County Registrar is charged with supervising, recording and certifying Hennepin County votes for judicial elections.

FACTUAL STATEMENT

Clark filed to run for the office of Chief Justice on June 6, 2012. Ritchie conducted a so-called "primary election" on August 14, 2012, the date set by the Legislature.

The Hennepin County Registrar was responsible for compiling and tallying the votes for that election, from Hennepin County.

On or about August 15, 2012, Ritchie published through the internet his "unofficial" results of that election, declaring that Gildea received the most votes, that Griffith received the next most votes, and that Clark received the lowest number of votes.

Minnesota statute 204D.10, Subd. 3 does state that "the candidates for each office on the state and county nonpartisan primary ballot receiving the highest and next highest number of votes shall be the nominees for that office." However, Ritchie knew or should have known that Minnesota Statute 211A.01, Subd. 3 defines the term "candidate" to not include those vying for judicial office.

Therefore, Ritchie should never have placed those three candidates' named on the ballot for a "primary" election. And he knew or should have known this.

#### COUNT I

Defendants violated 42 USC 1983 because Minnesotans have a substantive due process to a fair election based on the law, and on the Constitution of the United States.

Defendants deprived Plaintiffs of her rights, privileges, and immunities secured by the United States Constitution (or other federal laws), and specifically the Fourteenth Amendment to the United States Constitution, in conjunction with other rights, including but not limited to the following clearly established rights:

Defendants knew they were violating the federal law and constitutional rights of Plaintiff and other Minnesotans, or knew they had a duty to enforce the laws and were aware of the conduct of others and could have interceded to protect Plaintiff and other Minnesotans, and acted with deliberate indifference or with malice to rights as noted above, or were indifferent to same. The defendants acted under color of law and under statute, ordinance, regulation, policy, custom, usage, lack of training, lack of supervision and/or lack of supervision/discipline when they deprived Plaintiffs or their rights, privileges or immunities under federal law.

As a direct and proximate result of the Defendant's conduct, inaction, policy or customs as set forth in more detail above, Plaintiff suffered the deprivation of her constitutional and/or federal statutory rights (the right to run for office in the general election in November) and suffered other harm to be proven at trial.

By reason of the foregoing, Plaintiff entitled to the Relief set forth in the Prayer and as qualified above.

#### CLAIM FOR INJUNCTION

For Count I, Plaintiffs seeks mandatory injunction, placing her name on the ballot in November, and a prohibitory injunction, preventing Ritchie from certifying the primary election results, or otherwise preventing that election from having any force or effect.

WHEREFORE, Plaintiff prays for the following relief:

Issue a temporary, preliminary and/or permanent mandatory injunction requiring Ritchie to place Clark's name on the November ballot.

Issue a temporary, preliminary and/or permanent injunction preventing Ritchie from treat the August 14 primary as an actual election, from certifying said election (or from taking steps to have it certified), or from reporting is as an official election.

Awarding reasonable attorney fees and costs and disbursements incurred herein; and

September 3, 2012

JILL CLARK PRO SE

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Jill Clark, Pro Se

2005 Aquila Av. N.

Golden Valley, MN 55427

763/417-9102

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SUMMONS IN A CIVIL CASE

You are hereby commanded to appear in the United States District Court for the District of Minnesota, and to serve and file an answer to the allegations in the complaint within 21 days.

September 3, 2012

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CIVIL COVER SHEET

This is a new civil case seeking injunctive relief (only), against the Minnesota Secretary of State and the Hennepin County Registrar. Claims are brought pursuant to 42 USC 1983.

There is no related case.

September 3, 2012

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