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12 *Attorneys for Defendant Arizona Secretary of State*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 The Arizona Democratic Party; The
16 Democratic National Committee; DSCC,

17 Plaintiffs,

18 v.

19 Katie Hobbs, in her official capacity as
20 Arizona Secretary of State; Edison
21 Wauneka, in his official capacity as
22 Apache County Recorder; David Stevens,
23 in his official capacity as Cochise County
24 Recorder; Patty Hansen, in her official
25 capacity as Coconino County Recorder;
26 Sadie Jo Bingham, in her official capacity
27 as Gila County Recorder; Wendy John, in
28 her official capacity as Graham County
Recorder; Shari Milheiro, in her official
capacity as Greenlee County Recorder;
Richard Garcia, in his official capacity as
La Paz County Recorder; Adrian Fontes, in
his official capacity as Maricopa County
Recorder; Kristi Blair, in her official
capacity as Mohave County Recorder;
Michael Sample, in his official capacity as
Navajo County Recorder; F. Ann
Rodriguez, in her official capacity as Pima
County Recorder; Virginia Ross, in her
official capacity as Pinal County Recorder;
Suzanne Sainz, in her official capacity as

) No. CV-20-01143-PHX-DLR

) **ANSWER OF DEFENDANT KATIE**
) **HOBBS, IN HER OFFICIAL**
) **CAPACITY AS ARIZONA**
) **SECRETARY OF STATE**

1 Santa Cruz County Recorder; Leslie)
 Hoffman, in her official capacity as)
 2 Yavapai County Recorder; and Robyn)
 Stallworth Pouquette, in her official)
 3 capacity as Yuma County Recorder,)
 4)
 Defendants.)
 5)

6 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State
 7 (“Secretary”) answers Plaintiffs’ Complaint for Declaratory and Injunctive Relief [Dkt. 1
 8 (“Complaint”)] as follows:

9 **NATURE OF THE CASE**

10 1. Paragraph 1 of the Complaint states only legal conclusions to which no
 11 response is required. The cited decisions of the United States Supreme Court speak for
 12 themselves.

13 2. Responding to the allegations in Paragraph 2, the Secretary admits that
 14 these allegations appear to generally describe Plaintiffs’ claims in this lawsuit. The
 15 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
 16 remaining allegations in this paragraph.

17 3. The Secretary admits the allegations in Paragraph 3.

18 4. The Secretary admits the allegations in Paragraph 4.

19 5. Responding to the allegations in Paragraph 5, the Secretary admits the first
 20 two sentences. With respect to the third sentence, the Secretary admits that each general
 21 election cycle, some mail ballots are rejected because the mail ballot affidavit is not
 22 signed or the signature does not match the signature in the voter’s registration record. The
 23 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
 24 remaining allegations.

25 6. Responding to the allegations in Paragraph 6, the Secretary admits that
 26 certain mail ballots cast by registered voters may be rejected by elections officials during
 27 the signature verification process due to a missing or mismatched signature, and that
 28 Arizona law now provides for a “post-Election Day opportunity” to confirm to election

1 officials that the signature on the mail ballot affidavit is actually theirs. The Secretary
2 lacks knowledge or information sufficient to form a belief about the truth of the remaining
3 allegations in that paragraph.

4 7. Responding to the allegations in Paragraph 7, the Secretary admits that “[i]n
5 the upcoming 2020 General Election, not all mail ballots that are initially rejected will be
6 treated equally regarding the ability of a voter to ‘cure’ his or her ballot.” The Secretary
7 lacks knowledge or information sufficient to form a belief about the truth of the remaining
8 allegations in that paragraph.

9 8. Responding to the allegations in Paragraph 8, the Secretary admits that
10 “[v]oters whose signatures on their mail ballots do not match the signature in the voter’s
11 registration record are afforded an opportunity to correct their signature after Election
12 Day, for up to five days” after any election with a federal race, or for up to three days
13 after any other election. The Secretary admits the second sentence of Paragraph 8 based
14 on the 2019 Elections Procedures Manual as approved by the Arizona Attorney General
15 and Governor. The Secretary lacks knowledge or information sufficient to form a belief
16 about the truth of the remaining allegations in that paragraph.

17 **JURISDICTION AND VENUE**

18 9. The Secretary admits the allegations in Paragraph 9.

19 10. The Secretary admits the allegations in Paragraph 10.

20 11. The Secretary admits the allegations in Paragraph 11.

21 12. The Secretary lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in Paragraph 12.

23 13. The Secretary admits the allegations in Paragraph 13.

24 14. The Secretary admits the allegations in Paragraph 14.

25 **PARTIES**

26 15. The Secretary lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in Paragraph 15.

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1 16. The Secretary lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in Paragraph 16.

3 17. The Secretary lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in Paragraph 17.

5 18. The Secretary lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in Paragraph 18.

7 19. The Secretary lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in Paragraph 19.

9 20. The Secretary lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in Paragraph 20.

11 21. The Secretary lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in Paragraph 21.

13 22. The Secretary lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in Paragraph 22.

15 23. The Secretary lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in Paragraph 23.

17 24. The Secretary lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in Paragraph 24.

19 25. The Secretary lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in Paragraph 25.

21 26. Responding to the allegations in Paragraph 26, the Secretary admits the
22 first, third, and fourth sentences of that paragraph. With respect to the second sentence of
23 that paragraph, the Secretary admits that she has certain authority over the “voting process
24 in Arizona” and certain “authority to carry out that responsibility.” The Secretary lacks
25 knowledge or information sufficient to form a belief about the truth of the remaining
26 allegations in that paragraph.

27 27. The Secretary admits the allegations in Paragraph 27.

28 28. The Secretary admits the allegations in Paragraph 28.

1 48. Responding to the allegations in Paragraph 48, the Secretary admits the first
2 sentence of that paragraph. The Secretary lacks knowledge or information sufficient to
3 form a belief about the truth of the remaining allegations in that paragraph.

4 49. The Secretary admits the allegations in Paragraph 49.

5 50. The Secretary admits the allegations in Paragraph 50.

6 51. The Secretary lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in Paragraph 51.

8 52. The Secretary lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in Paragraph 52.

10 53. The Secretary lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in Paragraph 53.

12 54. The Secretary lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in Paragraph 54.

14 55. The Secretary lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in Paragraph 55.

16 56. The Secretary lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in Paragraph 56.

18 57. The Secretary lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in Paragraph 57.

20 58. Responding to the allegations in Paragraph 58, the Secretary admits that the
21 law already requires that counties allow voters to correct or confirm inconsistent
22 signatures for up to five days after the election if the election includes a federal race. The
23 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
24 remaining allegations in that paragraph.

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COUNT I

(Undue Burden on the Right to Vote in Violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment)

59. Paragraph 59 contains no new allegations, and the Secretary incorporates by reference her responses to Paragraphs 1-58, *supra*.

60. Paragraph 60 contains only legal conclusions to which no response is required. The cited decisions of the United States Supreme Court speak for themselves.

61. Paragraph 61 contains only legal conclusions to which no response is required. The cited decision of the United States Supreme Court speaks for itself.

62. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62.

63. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 63.

COUNT II

(Denial of Procedural Due Process in Violation of the Fourteenth Amendment)

64. Paragraph 64 contains no new allegations, and the Secretary incorporates by reference her responses to Paragraphs 1-63, *supra*.

65. Paragraph 65 contains only legal conclusions to which no response is required. The cited decisions of the United States Court of Appeals for the Ninth Circuit speak for themselves.

66. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66.

67. The Secretary lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67.

68. Responding to the allegations in Paragraph 68, the Secretary admits that the law already requires that counties allow voters to correct or confirm inconsistent signatures for up to five days after the election if the election includes a federal race. The

1 Secretary lacks knowledge or information sufficient to form a belief about the truth of the
2 remaining allegations in that paragraph.

3 69. The Secretary lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in Paragraph 69.

5 70. The Secretary denies any matter not specifically admitted herein, including
6 headings, footnotes, and other material.

7 **PRAYER FOR RELIEF**

8 Responding to Plaintiffs' prayer for relief, the Secretary states that because of the
9 State's intervention in this matter, and to preserve State and judicial resources, she takes
10 a nominal position regarding Plaintiffs' request for substantive relief in the form of a
11 declaratory judgment and a permanent injunction. The Secretary denies that Plaintiffs
12 should be entitled to an award of their costs, fees, expenses, and reasonable attorneys'
13 fees as against her.

14
15 Respectfully submitted this 2nd day of July, 2020.

16 **COPPERSMITH BROCKELMAN PLC**

17 By s/ Roopali H. Desai

18 Roopali H. Desai

19 D. Andrew Gaona

Kristen Yost

20 *Attorneys for Defendant*

21 *Katie Hobbs*

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2020, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

s/ Verna Colwell _____

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