

**IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS**

FAITH RIVERA, DIOSSELYN TOT-  
VELASQUEZ, KIMBERLY WEAVER,  
PARIS RAITE, DONNAVAN DILLON,  
and LOUD LIGHT,

Plaintiffs,

TOM ALONZO, SHARON AL-UQDAH,  
AMY CARTER, CONNIE BROWN  
COLLINS, SHEYVETTE DINKENS,  
MELINDA LAVON, ANA MARCELA  
MALDONADO MORALES, LIZ MEITL,  
RICHARD NOBLES, ROSE SCHWAB,  
and ANNA WHITE,

Plaintiffs,

SUSAN FRICK, LAUREN SULLIVAN,  
DARRELL LEA, and SUSAN SPRING  
SCHIFFELBEIN,

Plaintiffs.

v.

SCOTT SCHWAB, MICHAEL ABBOTT,  
and JAMIE SHEW.

Defendants.

Case No.: 2022-CV-000089

(Consolidated with 2022-CV-000090 and  
2022-CV-000071)

Division: 6

**DEFENDANT SCHWAB'S ANSWER TO DOUGLAS COUNTY PLAINTIFFS' PETITION**

Defendant Scott Schwab ("Defendant"), for his answer to the Petition filed in Douglas County case number 2022-cv-000071 (the "Petition"), denies all allegations except those specifically admitted herein, and in further answer, states as follows:

Paragraph 1: The allegations of Paragraph 1 are denied as stated.

Paragraph 2: The allegations of Paragraph 2 are denied.

Paragraph 3: Paragraph 3 states legal conclusions and are denied as stated.

Paragraph 4: The allegations of Paragraph 4 are denied as stated.

Paragraph 5: The allegations of Paragraph 5 are denied as stated.

Paragraph 6: The allegations of Paragraph 6 are denied as stated.

Paragraph 7: The allegations of Paragraph 7 are denied as stated.

Paragraph 8: The allegations of Paragraph 8 are denied as stated.

Paragraph 9: Answering Paragraph 9, Defendant denies that Plaintiffs' purported claims are justiciable and therefore deny the allegations in Paragraph 9 as stated.

Paragraph 10: Answering Paragraph 10, Defendant denies that Plaintiffs' purported claims are justiciable.

Paragraph 11: Answering Paragraph 11, Defendant denies that Plaintiffs' purported claims are justiciable.

Paragraph 12: Answering Paragraph 12, Defendant denies that there is venue over claims against him, the Secretary of State, in Douglas County, Kansas.

Paragraph 13: The allegations of Paragraph 13 are denied.

Paragraph 14: Defendant denies that Plaintiff Susan Frick's vote, under SB 355, is "diluted by intentional and purposeful partisan political gerrymandering in violation of the Kansas Constitution Bill of Rights, Sections 1, 2, 3, 11, 20, and Article V, Section 1." (Pet. ¶ 14). Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 14 and therefore the same are denied.

Paragraph 15: Defendant denies that Plaintiff Lauren Sullivan's vote, under SB 355, is "diluted by intentional and purposeful partisan political gerrymandering in violation of the Kansas Constitution Bill of Rights, Sections 1, 2, 3, 11, 20, and Article V, Section 1." (Pet. ¶ 15). Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 15 and therefore the same are denied.

Paragraph 16: Defendant denies that Plaintiff Susan Spring's vote, under SB 355, is "diluted by intentional and purposeful partisan political gerrymandering in violation of the Kansas Constitution Bill of Rights, Sections 1, 2, 3, 11, 20, and Article V, Section 1." (Pet. ¶ 16). Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 16 and therefore the same are denied.

Paragraph 17: Defendant denies that Plaintiff Darrell Lea's vote, under SB 355, is "diluted by intentional and purposeful partisan political gerrymandering in violation of the Kansas Constitution Bill of Rights, Sections 1, 2, 3, 11, 20, and Article V, Section 1." (Pet. ¶ 17). Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 17 and therefore the same are denied.

Paragraph 18: Admitted.

Paragraph 19: The allegations of Paragraph 19 do not pertain to this defendant and are therefore denied.

Paragraph 20: Defendant admits the vote totals alleged in Paragraph 20.

Paragraph 21: The allegations of Paragraph 21 are denied as stated.

Paragraph 22: Answering Paragraph 22, Defendant admits that the 2012 map includes Douglas County in the Second District.

Paragraph 23: The allegations of Paragraph 23 are denied as stated.

Paragraph 24: Defendant admits that the Kansas legislature's redistricting committees adopted redistricting guidelines, but states that those guidelines speak for themselves. Thus, any allegations in Paragraph 24 that can be viewed as commentary on or a characterization of said guidelines are denied.

Paragraph 25: The allegations of Paragraph 25 are denied as stated.

Paragraph 26: The allegations of Paragraph 26 are denied as stated.

Paragraph 27: Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27 and therefore the same are denied.

Paragraph 28: The allegations of Paragraph 28 are denied as stated.

Paragraph 29: Defendant admits that multiple maps were proposed during the recent redistricting process. All other allegations in Paragraph 29 are denied.

Paragraph 30: The allegations of Paragraph 30 are denied as stated.

Paragraph 31: Defendant admits that SB 355 placed Lawrence, Kansas in the First District. All other allegations in Paragraph 31 are denied.

Paragraph 32: Answering Paragraph 32, Defendant states that the 2010 and 2020 census numbers speak for themselves.

Paragraph 33: Answering Paragraph 33, Defendant states that the 2010 and 2020 census numbers speak for themselves. Defendant admits that the results of the 2020 census required redistricting in Kansas. All other allegations in Paragraph 33 are denied.

Paragraph 34: Answering Paragraph 34, Defendant states that the 2010 and 2020 census numbers speak for themselves.

Paragraph 35: Admitted.

Paragraph 36: Defendant admits the Kansas results of the last congressional election.

Paragraph 37: Answering Paragraph 37, Defendant states that the results of general elections in Kansas from 2016 to 2020 speak for themselves and any allegations in Paragraph 37 that can be viewed as commentary on or a characterization of said results are therefore denied.

Paragraph 38: The allegations of Paragraph 38 are denied as stated.

Paragraph 39: The allegations of Paragraph 39 are denied as stated.

Paragraph 40: The allegations of Paragraph 40 are denied as stated.

Paragraph 41: The allegations of Paragraph 41 are denied as stated.

Paragraph 42: The allegations of Paragraph 42 are denied as stated.

### **Defenses**

1. Plaintiffs have failed to state a claim to which relief may be granted. Neither the United States Constitution nor any exercise of the State's lawmaking power, including the Kansas Constitution, authorizes this Court to invalidate federal congressional maps. The U.S. Constitution prohibits it from doing so.

2. There is no established standard under the Kansas Constitution by which this Court can lawfully measure alleged claims of political gerrymandering.

3. There is no established standard under the Kansas Constitution by which this Court can lawfully measure alleged racial gerrymandering.

4. The Court is under a legal obligation to avoid interference with the legislative branch.

5. The United States Constitution commits legislative redistricting to the legislative branch.

6. Plaintiffs' political gerrymandering claims are non-justiciable.

7. This Court lacks subject matter jurisdiction.

8. To the extent the case is permitted to proceed, venue is improper in Douglas County and is only proper in Shawnee County.

9. To the extent the Petition may construed to include a racial vote dilution claim, Plaintiffs have failed to allege facts sufficient to state such a claim.

10. Defendant is not a proper party because he cannot provide the relief requested by Plaintiffs.

11. Plaintiffs lack standing to bring their claims as they have suffered no injury in fact.

12. The Petition presents non-justiciable political questions.

13. The expedited nature of this case, including suspension of nearly all rules, prejudices Defendant.

14. To the extent that the Court finds in favor of Plaintiffs, this Court does not have authority to draw or adopt a map itself and must return the matter to the Legislature.

WHEREFORE, Defendant Schwab prays for judgment in his favor, for the costs of this action, and for such other and further relief as the Court deems just and equitable.

Respectfully submitted by:

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1st day of April, 2022, I presented the foregoing to the clerk of the court for filing and uploading to the e-flex electronic court filing system and service by electronic notification to the following counsel of record:

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