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21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF ARIZONA**

23 Mi Familia Vota,
24 Plaintiff,
25 v.
26 Katie Hobbs, in her official capacity as
27 Arizona Secretary of State, et al.,
28 Defendants.

Case No: 2:22-cv-00509-SRB (Lead)

**INTERVENOR DEFENDANT'S
ANSWER TO PROMISE ARIZONA
AND SOUTHWEST VOTER
REGISTRATION EDUCATION
PROJECT'S COMPLAINT**

AND CONSOLIDATED CASES

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1 Pursuant to Federal Rule of Civil Procedure 8, Defendant-Intervenor Republican
2 National Committee (“RNC”) answers the complaint of Plaintiffs Promise Arizona and
3 Southwest Voter Registration Education Project (the “Complaint”). Unless expressly
4 admitted below, every allegation in the Complaint is denied. When the RNC says a factual
5 allegation “speaks for itself,” it means it lacks sufficient information to admit or deny the
6 allegation; it does not admit that the referenced material exists, is accurate, is relevant and
7 admissible for the truth of the matter asserted or otherwise, or is placed in the proper
8 context. Subject to the foregoing, the RNC states as follows:

9 1. The nature of the action speaks for itself. The RNC denies that Plaintiffs are
10 entitled to any relief.

11 2. The provisions of H.B. 2243 speak for themselves. The RNC denies the
12 remaining allegations in paragraph 2.

13 3. The provisions of H.B. 2243 speak for themselves.

14 4. The RNC admits that Governor Ducey signed H.B. 2243 into law and denies
15 the remaining allegations in paragraph 4.

16 5. The RNC denies the allegations in paragraph 5.

17 6. Paragraph 6 consists of legal arguments and conclusions to which no
18 response is required.

19 7. Paragraph 7 consists of legal arguments and conclusions to which no
20 response is required.

21 8. Paragraph 8 consists of legal arguments and conclusions to which no
22 response is required.

23 9. Paragraph 9 consists of legal arguments and conclusions to which no
24 response is required.

25 10. Paragraph 10 consists of legal arguments and conclusions to which no
26 response is required.

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1 11. Paragraph 11 consists of legal arguments and conclusions to which no
2 response is required.

3 12. Paragraph 12 consists of legal arguments and conclusions to which no
4 response is required.

5 13. Paragraph 13 consists of legal arguments and conclusions to which no
6 response is required.

7 14. Paragraph 14 consists of legal arguments and conclusions to which no
8 response is required.

9 15. Paragraph 15 consists of legal arguments and conclusions to which no
10 response is required.

11 16. Paragraph 16 consists of legal arguments and conclusions to which no
12 response is required.

13 17. The RNC is without knowledge or information sufficient to admit or deny
14 the allegations in paragraph 17.

15 18. The RNC is without knowledge or information sufficient to admit or deny
16 the allegations in paragraph 18.

17 19. The RNC admits that Katie Hobbs was the Arizona Secretary of State at the
18 time the Complaint was filed. The applicable laws defining the Secretary of State's
19 responsibilities speak for themselves.

20 20. The RNC admits that Mark Brnovich was the Arizona Attorney General at
21 the time the Complaint was filed. The applicable laws defining the Attorney General's
22 responsibilities speak for themselves.

23 21. The RNC admits that John S. Halikowski was the Director of the Arizona
24 Department of Transportation at the time the Complaint was filed. The applicable laws
25 defining the Director of the Arizona Department of Transportation's responsibilities speak
26 for themselves.

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1 22. The RNC admits that the individuals identified in paragraph 22 were the
2 recorders of their respective counties at the time the Complaint was filed. The applicable
3 laws defining the county recorders' responsibilities speak for themselves.

4 23. The article cited in footnote 1, *Democratic National Committee v. Hobbs*,
5 948 F.3d 989 (9th Cir. 2020), *reversed and remanded sub nom. Brnovich v. Democratic*
6 *National Committee*, 141 S. Ct. 2321 (2021), and *Oregon v. Mitchell*, 400 U.S. 112 (1970),
7 speak for themselves. The RNC denies the remaining allegations in paragraph 23.

8 24. *Fisher v. Tucson Unified Sch. Distr.*, 652 F.3d 1131 (9th Cir. 2011), and
9 *Gonzales v. Sheely*, 96 F. Supp. 1004 (D. Ariz. 1951), speak for themselves. The RNC
10 denies the remaining allegations in paragraph 24.

11 25. The RNC is without knowledge or information sufficient to admit or deny
12 the allegations in paragraph 25, for which the Complaint cites no supporting source.

13 26. The RNC is without knowledge or information sufficient to admit or deny
14 the allegations in the first sentence. The sources cited in footnotes 3, 4 and 5 speak for
15 themselves. The RNC denies the remaining allegations in paragraph 26.

16 27. The RNC is without knowledge or information sufficient to admit or deny
17 the allegations in paragraph 27 concerning alleged unspecified "claims" of unspecified
18 "elected officials," for which the Complaint cites no supporting source.

19 28. The RNC admits that Representative Finchem introduced HCR 2033 on
20 February 7, 2022 and that Rep. Finchem was a candidate for Secretary of State at the time
21 the Complaint was filed. The sources cited in paragraph 28 speak for themselves. The
22 RNC is without knowledge or information sufficient to admit or deny the remaining
23 allegations in paragraph 28.

24 29. The source cited in paragraph 29 speaks for itself, and the RNC is without
25 knowledge or information sufficient to form a belief as to the truth or accuracy of the
26 information contained in such source.

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1 30. The sources cited in paragraph 30 speak for themselves and the RNC is
2 without knowledge or information sufficient to form a belief as to the truth or accuracy of
3 the information contained in such sources.

4 31. The sources cited in paragraph 31 speak for themselves and the RNC is
5 without knowledge or information sufficient to form a belief as to the truth or accuracy of
6 the information contained in such sources.

7 32. The RNC denies the allegations in paragraph 32.

8 33. The RNC admits that on May 25, 2022 the Arizona Legislature passed H.B.
9 2617, the provisions of which speak for themselves.

10 34. The provisions of H.B. 2617 speak for themselves.

11 35. The letter cited in paragraph 35 speaks for itself.

12 36. The RNC admits that Governor Ducey vetoed H.B. 2617 on May 27, 2022.
13 The contents of the Governor's veto message speak for themselves.

14 37. The contents of the Governor's veto message speak for themselves.

15 38. The contents of the Governor's veto message speak for themselves.

16 39. The amendments to H.B. 2243 speak for themselves.

17 40. Senator Warren Petersen's statements speak for themselves.

18 41. Senator Martin Quezada's statements speak for themselves.

19 42. The provisions of the Arizona Voter Protection Act of 1998 speak for
20 themselves.

21 43. The RNC admits the allegations in paragraph 43.

22 44. The statements of Jennifer Marson speak for themselves.

23 45. The RNC admits that on July 6, 2022, Governor Ducey signed H.B. 2243,
24 the provisions of which speak for themselves.

25 46. The provisions of H.B. 2243 speak for themselves.

26 47. The provisions of H.B. 2243 and H.B. 2617 speak for themselves.

27 48. The RNC denies the allegations in paragraph 48.

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1 49. The provisions of H.B. 2243 speak for themselves. The RNC denies any
2 remaining allegations in paragraph 49, and further answering states that, according to
3 Justice Stevens’ lead opinion in *Crawford v. Marion County Election Board*, the “risk of
4 voter fraud” is “real,” voter fraud “could affect the outcome of a close election,” and
5 “[t]here is no question about the legitimacy or importance of the State’s interest” in
6 combatting it. 553 U.S. 181, 196 (2008).

7 50. The RNC denies the allegations in paragraph 50 and denies that Plaintiffs
8 are entitled to any relief.

9 51. Paragraph 51 consists of legal arguments and conclusions to which no
10 response is required.

11 52. A.R.S. § 16-101 speaks for itself.

12 53. A.R.S. § 16-152 speaks for itself.

13 54. Section 2 of H.B. 2243 speaks for itself.

14 55. Section 2 of H.B. 2243 speaks for itself.

15 56. Section 2 of H.B. 2243 speaks for itself.

16 57. Section 2 of H.B. 2243 speaks for itself.

17 58. Section 2 of H.B. 2243 speaks for itself.

18 59. Section 2 of H.B. 2243 speaks for itself.

19 60. Section 2 of H.B. 2243 speaks for itself.

20 61. Section 2 of H.B. 2243 speaks for itself.

21 62. The RNC denies the allegations in paragraph 62.

22 63. The RNC is without knowledge or information sufficient to admit or deny
23 the allegations in paragraph 63.

24 64. The RNC is without knowledge or information sufficient to admit or deny
25 the allegations in paragraph 64.

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1 65. The sources cited in paragraph 65 speak for themselves. The RNC is without
2 knowledge or information sufficient to admit or deny the remaining allegations in
3 paragraph 65.

4 66. Section 2 of H.B. 2243 speaks for itself. The RNC denies the remaining
5 allegations in paragraph 66.

6 67. A.R.S. § 16-165(A)(9)-(10) speaks for itself. The RNC is without
7 knowledge or information sufficient to admit or deny allegations concerning alleged
8 effects on the Plaintiffs' organizational resources. The RNC denies the remaining
9 allegations in paragraph 67.

10 68. A.R.S. § 16-165(F) speaks for itself. The RNC denies the remaining
11 allegations in paragraph 68.

12 69. A.R.S. §§ 28-3171 and 16-165(F) speak for themselves. The RNC denies
13 the remaining allegations in paragraph 69.

14 70. A.R.S. § 16-165(G) speaks for itself. The RNC denies the remaining
15 allegations in paragraph 70.

16 71. A.R.S. § 16-165(H) speaks for itself. The RNC denies the remaining
17 allegations in paragraph 71.

18 72. The RNC is without knowledge or information sufficient to admit or deny
19 the allegations in paragraph 72.

20 73. The letter cited in paragraph 73 speaks for itself.

21 74. The RNC is without knowledge or information sufficient to admit or deny
22 the allegations in paragraph 74.

23 75. The RNC denies the allegations in paragraph 75.

24 76. A.R.S. § 16-165(I) speaks for itself. The RNC denies the remaining
25 allegations in paragraph 76.

26 77. A.R.S. § 16-165(J) speaks for itself. The RNC denies the remaining
27 allegations in paragraph 77.

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1 78. The provisions of H.B. 2243 speak for themselves. The RNC denies the
2 remaining allegations in paragraph 78.

3 79. The provisions of H.B. 2243 speak for themselves. The RNC denies the
4 remaining allegations in paragraph 79.

5 80. The RNC is without knowledge or information sufficient to admit or deny
6 the allegations in paragraph 80.

7 81. The RNC is without knowledge or information sufficient to admit or deny
8 the allegations in paragraph 81.

9 82. The RNC is without knowledge or information sufficient to admit or deny
10 the allegations in paragraph 82.

11 83. The RNC is without knowledge or information sufficient to admit or deny
12 the allegations in paragraph 83.

13 84. The RNC is without knowledge or information sufficient to admit or deny
14 the allegations in paragraph 84.

15 85. The RNC is without knowledge or information sufficient to admit or deny
16 the allegations in paragraph 85.

17 86. The RNC is without knowledge or information sufficient to admit or deny
18 the allegations in paragraph 86.

19 87. The RNC is without knowledge or information sufficient to admit or deny
20 the allegations in paragraph 87.

21 88. The RNC realleges and incorporates by reference its responses to the
22 foregoing allegations.

23 89. The RNC denies the allegations in paragraph 89.

24 90. The text of the Fourteenth Amendment speaks for itself.

25 91. The text of the First Amendment speaks for itself.

26 92. *Harper v. Va. Bd. Of Elections*, 383 U.S. 663 (1966), speaks for itself.

27 93. *Burdick v. Takushi*, 504 U.S. 428 (1992), speaks for itself.

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1 94. *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), and
2 *Veasey v. Perry*, 71 F. Supp. 3d (S.D. Tex. 2014), speak for themselves. The remaining
3 allegations in paragraph 94 are legal arguments and conclusions to which no response is
4 required.

5 95. *Burdick v. Takushi*, 504 U.S. 428 (1992), and *Norman v. Reed*, 502 U.S. 279
6 (1992), speak for themselves.

7 96. *League of Women Voters v. Hargett*, 400 F. Supp. 3d 706 (M.D. Tenn. 2019),
8 speaks for itself.

9 97. The RNC denies the allegations in paragraph 97.

10 98. Paragraph 98 states legal arguments and conclusions to which no response
11 is required.

12 99. The RNC denies the allegations in paragraph 99.

13 100. The RNC denies the allegations in paragraph 100, and further answering
14 states that, according to Justice Stevens' lead opinion in *Crawford v. Marion County*
15 *Election Board*, the "risk of voter fraud" is "real," voter fraud "could affect the outcome
16 of a close election," and "[t]here is no question about the legitimacy or importance of the
17 State's interest" in combatting it. 553 U.S. 181, 196 (2008).

18 101. The RNC denies the allegations in paragraph 101.

19 102. The RNC denies the allegations in paragraph 102.

20 103. The RNC denies the allegations in paragraph 103.

21 104. The RNC denies the allegations in paragraph 104.

22 105. The RNC realleges and incorporates by reference its responses to the
23 foregoing allegations.

24 106. Paragraph 106 states legal arguments and conclusions to which no response
25 is required.

26 107. The text of the Fourteenth Amendment speaks for itself.
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1 108. Paragraph 108 states legal arguments and conclusions to which no response
2 is required.

3 109. Paragraph 109 states legal arguments and conclusions to which no response
4 is required.

5 110. Paragraph 110 states legal arguments and conclusions to which no response
6 is required.

7 111. Paragraph 111 states legal arguments and conclusions to which no response
8 is required.

9 112. The RNC denies the allegations in paragraph 112.

10 113. The RNC denies the allegations in paragraph 113.

11 114. The RNC denies the allegations in paragraph 114.

12 115. The RNC denies the allegations in paragraph 115.

13 116. The RNC is without knowledge or information sufficient to admit or deny
14 the allegations in paragraph 116.

15 117. The RNC denies the allegations in paragraph 117.

16 118. The RNC denies the allegations in paragraph 118.

17 119. The RNC is without knowledge or information sufficient to admit or deny
18 the allegations in paragraph 119 concerning unspecified “comments” by unidentified
19 “Arizona elected officials and candidates.”

20 120. The RNC is without knowledge or information sufficient to admit or deny
21 the allegations in the first sentence of paragraph 120 concerning unspecified “promise[s]”
22 by unidentified “candidates.” The RNC denies the remaining allegations in paragraph 120.

23 121. The RNC denies the allegations in paragraph 121.

24 122. The RNC denies the allegations in paragraph 122.

25 123. The RNC realleges and incorporates by reference its responses to the
26 foregoing allegations.

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1 224. Paragraph 124 states legal arguments and conclusions to which no response
2 is required.

3 225. The text of the Fourteenth Amendment speaks for itself.

4 226. *Graham v. Richardson*, 403 U.S. 365 (1971), speaks for itself.

5 227. Paragraph 127 states legal arguments and conclusions to which no response
6 is required.

7 228. *Vaughn v. City of New York*, 2010 WL 2076926 (E.D.N.Y. May 24, 2010),
8 speaks for itself.

9 229. The RNC denies the allegations in paragraph 129.

10 230. A.R.S. § 16-165(H) speaks for itself. The RNC denies the remaining
11 allegations in paragraph 130.

12 231. A.R.S. § 16-165(F). The RNC is without knowledge or information
13 sufficient to admit or deny the allegations in the third and fourth sentences of paragraph
14 131. The RNC denies the remaining allegations in paragraph 131.

15 232. The provisions of H.B. 2243 speak for themselves.

16 233. The RNC denies the allegations in paragraph 133.

17 234. The RNC denies the allegations in paragraph 134.

18 235. The RNC denies the allegations in paragraph 135.

19 236. The RNC denies the allegations in paragraph 136.

20 237. The RNC realleges and incorporates by reference its responses to the
21 foregoing allegations.

22 238. The text of the Fourteenth Amendment speaks for itself.

23 239. A.R.S. §§ 16-165(A)(10) and 16-165(H) speak for themselves. The RNC
24 denies the remaining allegations in paragraph 139.

25 240. Section 2 of H.B. 2243 speaks for itself.

26 241. The RNC denies the allegations in paragraph 141.

27 242. The RNC denies the allegations in paragraph 142.

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1 143. The RNC realleges and incorporates by reference its responses to the
2 foregoing allegations.

3 144. The text of the Fifteenth Amendment speaks for itself.

4 145. Paragraph 145 states legal arguments and conclusions to which no response
5 is required.

6 146. The RNC denies the allegations in paragraph 146.

7 147. The RNC denies the allegations in paragraph 147.

8 148. The RNC denies the allegations in paragraph 148.

9 149. The RNC denies the allegations in paragraph 149.

10 150. The RNC denies the allegations in paragraph 150.

11 151. The RNC realleges and incorporates by reference its responses to the
12 foregoing allegations.

13 152. 52 U.S.C. § 20507(a)(3)–(4) speaks for itself.

14 153. 52 U.S.C. § 20507(b)(1)–(2) speaks for itself.

15 154. The cited excerpt from the Congressional Record speaks for itself.

16 155. The RNC denies the allegations in paragraph 155.

17 156. The RNC denies the allegations in paragraph 156.

18 157. The RNC denies the allegations in paragraph 157.

19 158. The RNC denies the allegations in paragraph 158.

20 **RESPONSE TO PRAYER FOR RELIEF**

21 The RNC denies that the Plaintiffs are entitled to any of the relief requested.

22 **AFFIRMATIVE DEFENSES**

- 23 1. The allegations in the complaint fail to state a claim.
24 2. Plaintiffs lack a cause of action for one or more of their claims.
25 3. Plaintiffs lack standing for one or more of their claims.
26 4. Plaintiffs' requested relief is barred by the *Purcell* principle.
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RESPECTFULLY SUBMITTED this 17th day of March, 2023.

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