

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE

KRISTINA KARAMO; PHILIP
O'HALLORAN, MD; BRADEN
GIACOBAZZI; TIMOTHY MAHONEY;
KRISTIE WALLS; PATRICIA FARMER;
and ELECTION INTEGRITY FUND AND
FORCE,

Case No. 22-012759-AW

HON. TIMOTHY M. KENNY

Plaintiffs,

v.

JANICE WINFREY, in her official capacity
as the CLERK OF THE CITY OF DETROIT;
CITY OF DETROIT BOARD OF
ELECTION INSPECTORS, in their official
capacity,

Defendants,

v.

GWENDOLYN BABB; MATTHEW
BAKKO; ALEXANDER HOWBERT;
PRIORITIES USA; and
DETROIT/DOWNRIVER CHAPTER OF
THE A. PHILIP RANDOLPH INSTITUTE,

[Proposed] Intervenor
Defendants

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**Pro hac vice motion forthcoming*

**MOTION OF GWENDOLYN BABB, MATTHEW BAKKO, ALEXANDER HOWBERT,
PRIORITIES USA, AND DETROIT/DOWNRIVER CHAPTER OF THE A. PHILIP
RANDOLPH INSTITUTE
TO INTERVENE AS DEFENDANTS**

Pursuant to Michigan Court Rule 2.209, Proposed Intervenor Defendants Gwendolyn Babb, Matthew Bakko, Alexander Howbert, Priorities USA (“Priorities”), and the Detroit/Downriver Chapter of the A. Philip Randolph Institute (“DAPRI”) (collectively, “Proposed Intervenor”) respectfully request that they be permitted to intervene as defendants in this matter.

Proposed Intervenor rely on the attached brief in support. Attached as Exhibit A is Proposed Intervenor’s proposed Answer to Plaintiffs’ Complaint for Mandamus, Preliminary Injunction, Declaratory Judgment and Other Relief, in accordance with Michigan Court Rule 2.209(C)(2).

Pursuant to Local Rule 2.119(B)(2), counsel for Proposed Intervenor sought the concurrence of counsel via email on October 31, 2022. At the time of filing, the parties have not yet responded.

Proposed Intervenor asks the Court to promptly issue its ruling on this Motion.

I hereby certify that I have complied with all provisions of LCR 2.119(B) on motion practice.

Respectfully submitted,

Dated: November 1, 2022

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**Pro hac vice motion forthcoming*

PROOF OF SERVICE

Sarah Prescott certifies that on the 1st day of November 2022, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* via MiFILE.

s/ Sarah S. Prescott
Sarah Prescott

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Exhibit A

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**[PROPOSED] ANSWER TO 10/26/22 COMPLAINT OF KARAMO ET AL. FOR
DECLARATORY, INJUNCTIVE, AND MANDAMUS RELIEF**

Pursuant to MCR 2.209(C)(2), Proposed Intervenor Defendants Gwendolyn Babb, Matthew Bakko, Alexander Howbert, Priorities USA (“Priorities”), and the Detroit/Downriver Chapter of the A. Philip Randolph Institute (“DAPRI”) (collectively, “Proposed Intervenors”), through their counsel, submit the following proposed Answer to the Karamo Plaintiffs’ Complaint for Declaratory, Injunctive, and Mandamus Relief.

PARTIES

1. Proposed Intervenors admit that Plaintiff Kristina Karamo is the Republican Candidate for Michigan Secretary of State. Proposed Intervenors are otherwise without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 1.

2. Proposed Intervenors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 2.

3. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 3.

4. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 4.

5. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 5.

6. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 6.

7. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 7.

8. Proposed Intervenor admits that Defendant Janice Winfrey is the Clerk for the City of Detroit. Paragraph 8 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

9. Paragraph 9 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

JURISDICTION

10. Paragraph 10 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

11. Paragraph 11 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

GENERAL ALLEGATIONS

12. Proposed Intervenor admit that in 2018, Michiganders voted to adopt a constitutional amendment providing all voters the right to vote absentee without an excuse. Paragraph 12 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

13. Paragraph 13 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

14. Proposed Intervenor admit that in 2018, Michiganders voted to adopt a constitutional amendment providing all voters the right to vote absentee without an excuse. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the remaining allegations in Paragraph 14.

15. Paragraph 15 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

16. Proposed Intervenor admit that Huntington Place (formerly known as the TCF Center) has been used to host Absent Voter Counting Boards. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the remaining allegations in Paragraph 16.

17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

18. Proposed Intervenor deny the allegations in Paragraph 18.

19. Proposed Intervenor admit that Huntington Place was used as to host Absentee Voter Counting Boards on August 2, 2022. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the remaining allegations in Paragraph 19.

20. Paragraph 20 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

REQUEST FOR AN ABSENTEE BALLOT BY APPLICATION

21. Paragraph 21 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

22. Paragraph 22 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

23. Paragraph 23 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

24. Paragraph 24 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

25. Proposed Intervenor admit the allegations in Paragraph 25.

26. Paragraph 26 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

27. Paragraph 27 of the Complaint consists of a request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor deny that Plaintiffs are entitled to the requested relief or any other relief.

RETURN OF THE ABSENTEE BALLOT

28. Proposed Intervenor admit that absentee ballots can be returned to a county clerk's office, at drop boxes, or through the mail.

29. Paragraph 29 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

30. Paragraph 30 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

31. Paragraph 31 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

32. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 32.

33. Paragraph 33 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

34. Paragraph 34 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

35. Paragraph 35 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

36. Paragraph 36 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

37. Paragraph 37 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

38. Paragraph 38 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

39. Paragraph 39 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

40. Proposed Intervenor admits the allegation in Paragraph 40 that a documentary called 2000 Mules is available. Paragraph 40 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

41. Paragraph 41 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

42. Paragraph 42 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

43. Paragraph 43 of the Complaint consists of a request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to the requested relief or any other relief.

**VERIFICATION OF IDENTITY FOR ABSENTEE BALLOT MAILED-IN
OR DROPPED OFF**

44. Paragraph 44 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

45. Paragraph 45 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

46. Paragraph 46 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

47. Paragraph 47 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

48. Paragraph 48 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

49. Paragraph 49 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

50. Paragraph 50 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

51. Proposed Intervenor deny the allegation in Paragraph 51 that the City of Detroit used unauthorized or illegal technology to conduct signature comparison. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraphs 51(a)-(c). Paragraphs 51(d)-(g) contain mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

52. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 52.

53. Paragraph 53 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenorors deny the allegations.

COUNTING OF BALLOTS AT AN AVCB

54. Paragraph 54 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenorors deny the allegations.

55. Paragraph 55 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenorors deny the allegations.

POSTING OR MAKING PUBLIC THE NUMBERS OF ABSENTEE BALLOTS SENT AND RETURNED

56. Paragraph 56 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenorors deny the allegations.

57. Paragraphs 57(a)-(b) and 57(e) contain mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenorors deny the allegations. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 57(c)-(d) and (f).

THE PUBLIC OBSERVATION REQUIREMENT

58. Paragraph 58 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

59. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 59.

60. Paragraph 60 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

61. Paragraph 61 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

62. Paragraph 62 contains characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegation in Paragraph 62 that “there is a strong possibility that [the signature comparison] will occur again behind closed doors.”

63. Paragraph 63 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

64. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 64.

65. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 65.

66. Paragraph 66 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

THE USE OF HIGH-SPEED SCANNERS

67. Paragraph 67 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

68. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 68.

69. Paragraph 69 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

70. Paragraph 70 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

71. Paragraph 71 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

72. Paragraph 72 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

73. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 73.

74. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 74.

75. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 75.

76. Paragraph 76 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenorors deny the allegations.

THE ADJUDICATION PROCESS

77. Paragraph 77 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenorors deny the allegations.

78. Paragraph 78 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenorors deny the allegations.

79. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraphs 79(a)-(c). Paragraphs 79(d)-(e) contain mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenorors deny the allegations.

80. Proposed Intervenorors admit that the URL listed in Paragraph 80 links to a video that discusses adjudicating ballots. Proposed Intervenorors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegation in Paragraph 80

about the identity of the speaker. Proposed Intervenor deny the allegations in Paragraphs 80(a)-(b) to the extent the allegations misstate what is stated in the video.

81. Paragraph 81 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

82. Paragraph 82 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

83. Paragraph 83 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

84. Paragraph 84 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

85. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraphs 85(a)-(c). Paragraphs 85(d)-(e) contain characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

86. Proposed Intervenor admit that Chapter 8 of the Election Officials' Manual is a 15-page guidance on Absent Voter Ballot Election Day Processing. Paragraph 86 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate what is in the cited source, Proposed Intervenor denies the allegations.

87. Proposed Intervenor deny the allegations in Paragraph 87.

88. Paragraph 88 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

89. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 89 about the number of ballots that were adjudicated in the 2020 election. Paragraph 89 also contains characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

90. Paragraph 90 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

91. Paragraph 91 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

92. Paragraph 92 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

93. Paragraph 93 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

94. Paragraph 94 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

95. Paragraph 95 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenors deny the allegations.

96. Proposed Intervenors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 96.

97. Paragraph 97 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

98. Proposed Intervenors deny the allegations in Paragraph 98.

THE MISMATCHED BALLOT PROCESS USED BY DETROIT AVCB

99. Paragraph 99 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenors deny the allegations.

100. Paragraph 100 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenors deny the allegations.

101. Proposed Intervenors are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 101.

102. Proposed Intervenors deny the allegations in Paragraph 102.

THE RIGHTS AND RESPONSIBILITIES OF A POLL CHALLENGER

103. Paragraph 103 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

104. Paragraph 104 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

105. Paragraph 105 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

106. Paragraph 106 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

107. Paragraph 107 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

108. Paragraph 108 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

109. Paragraph 109 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

110. Proposed Intervenor admit that Huntington Place is the location of an Absent Voter Counting Board. Paragraph 110 otherwise contains mere characterizations, legal

contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

111. Proposed Intervenor deny the allegation in Paragraph 111 that poll challengers were unlawfully denied access to counting boards. Paragraph 111 otherwise contains characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

POST-ELECTION DUTIES AS TO QVF UPDATE

112. Paragraph 112 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

113. Proposed Intervenor are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations in Paragraph 113 about the status of the QVF. Paragraph 113 otherwise contains characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

COUNT ONE: DECLARATORY RELIEF

114. Proposed Intervenor incorporate by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

115. Paragraph 115 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

116. Paragraph 116 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

117. Paragraph 117 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

118. Paragraph 118 consists of Plaintiffs' request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to any of the requested relief or any other relief. Paragraphs 118(a)-(j) contain mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

119. Paragraph 119 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

120. Paragraph 120 consists of Plaintiffs' request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to any of the requested relief or any other relief.

121. Paragraph 121 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

COUNT TWO: INJUNCTIVE RELIEF

122. Proposed Intervenor incorporates by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

123. Paragraph 123 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

124. Paragraph 124 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor denies the allegations.

125. Proposed Intervenor admits the allegations in Paragraph 125.

126. Paragraph 126 consists of Plaintiffs' request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to any of the requested relief or any other relief.

127. Paragraph 127 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

128. Paragraph 128 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

129. Proposed Intervenor admits that this lawsuit must be disposed of before the election. Paragraph 129 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

130. Paragraph 130 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

131. Paragraph 131 consists of Plaintiffs' request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to any of the requested relief or any other relief.

132. Paragraph 132 consists of Plaintiffs' request for relief, to which no response is required. To the extent that any response is deemed necessary, Proposed Intervenor denies that Plaintiffs are entitled to any of the requested relief or any other relief.

133. Paragraph 133 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

COUNT THREE: MANDAMUS RELIEF

134. Proposed Intervenor incorporate by reference all of its responses in the preceding and ensuing paragraphs as if fully set forth herein.

135. Paragraph 135 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

136. Paragraph 136 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

137. Paragraph 137 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

138. Paragraph 138 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

139. Paragraph 139 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

140. Paragraph 140 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations misstate the law, Proposed Intervenor deny the allegations.

141. Paragraph 141 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

WHEREFORE, Proposed Intervenor respectfully request that this Court:

- A. Deny that Plaintiffs are entitled to any relief;
- B. Dismiss the complaint in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and proper.

AFFIRMATIVE DEFENSES

Proposed Intervenor set forth their affirmative defenses without assuming the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that any

particular issue or subject matter is relevant to the allegations in the Complaint. Proposed Intervenor reserve the right to amend or supplement their affirmative defenses as additional facts concerning defenses become known.

As separate and distinct affirmative defenses, Proposed Intervenor allege as follows:

This Court lacks jurisdiction over Plaintiffs' complaint;

Plaintiffs' claims are barred by laches;

Plaintiffs fail to state a claim on which relief can be granted.

Dated: November 1, 2022

Respectfully submitted,

s/ Sarah S. Prescott
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**Pro hac vice motion forthcoming*

PROOF OF SERVICE

Sarah Prescott certifies that on the 1st day of November 2022, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* via MiFILE.

s/ Sarah S. Prescott
Sarah Prescott

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