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KING COUNTY
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CASE #: 22-2-19384-1 SEA

STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

VET VOICE FOUNDATION; THE
WASHINGTON BUS; EL CENTRO DE LA
RAZA; KAELEENE ESCALANTE
MARTINEZ; BETHAN CANTRELL;
DAISHA BRITT; GABRIEL BERSON; and
MARI MATSUMOTO,

Plaintiffs,

v.

STEVE HOBBS, in his official capacity as
Washington State Secretary of State;
JULIE WISE, in her official capacity as the
Auditor/Director of Elections in King
County and a King County Canvassing
Board Member; SUSAN SLONECKER, in
her official capacity as a King County
Canvassing Board Member; and
STEPHANIE CIRKOVICH, in her official
capacity as a King County Canvassing
Board Member,

Defendants.

NO. 22-2-19384-1 SEA

DEFENDANT STEVE HOBBS'
ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF

Defendant Secretary of State Steve Hobbs hereby answers Plaintiffs' Complaint for Declaratory Judgement as follows. Except as herein expressly admitted or qualified, Secretary Hobbs denies each and every allegation, statement, or charge contained in the Complaint, and denies that Plaintiffs are entitled to any of the relief requested. The Complaint includes headings, which are not specifically responded to herein and are re-produced for the

1 purposes of readability and convenience. To the extent a response to any heading is required, the
2 heading is denied.

3 Secretary Hobbs reserves the right to amend this pleading as permitted by this Court's
4 rules and orders, including Fed. R. Civ. P. 15.

5 I. NATURE OF THE ACTION

6 1. Secretary Hobbs admits that the cases and statute cited in this Paragraph, which
7 speak for themselves, are accurately quoted.

8 2. This Paragraph asserts legal conclusions and questions of law to be determined
9 by the Court, to which no response is required. To the extent a further response is required,
10 denied.

11 3. Secretary Hobbs admits that comparison of a voter's signature on the declaration
12 accompanying a ballot to the signature on a voter's registration is a means to verify that the ballot
13 was cast by the person to whom it was issued; Secretary Hobbs admits that the elections officials
14 comparing such signatures are human; Secretary Hobbs admits that in the event an elections
15 official determines that the signatures do not match there is an opportunity to cure the signature
16 such that the ballot may be counted. The remainder of this Paragraph consists of argument and
17 characterization to which no response is required. To the extent a further response is required,
18 denied.

19 4. Secretary Hobbs admits that from the 2018 Primary Election through the
20 2022 Primary Election, tens of thousands of voters whose ballots were initially rejected for
21 mismatched signatures were able to cure their ballots and have their ballots counted.
22 Secretary Hobbs denies the remainder.

23 5. Secretary Hobbs admits that the Washington State Auditor conducted an audit
24 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
25 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
26

1 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remainder of the allegations
2 in this Paragraph.

3 6. Secretary Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 7. Secretary Hobbs admits that comparison of a voter's signature on the declaration
6 accompanying a ballot to the signature on a voter's registration is a means to verify that the ballot
7 was cast by the person to whom it was issued. Secretary Hobbs admits that successful voter fraud
8 is rare in Washington. The remainder of this Paragraph asserts legal conclusions and questions
9 of law to be determined by the Court, to which no response is required. To the extent a further
10 response is required, denied.

11 8. This paragraph summarizes Plaintiff's request for relief, and requires no
12 response. To the extent a further response is required, denied.

13 II. PARTIES

14 9. Secretary Hobbs admits that Plaintiff Vet Voice Foundation is a charitable
15 organization with a status of "involuntarily closed" in the Secretary of State's records.
16 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
17 allegations in this Paragraph, and therefore denies.

18 10. Secretary Hobbs admits that Plaintiff The Washington Bus is a charitable
19 organization. Secretary Hobbs is without information sufficient to form a belief as to the truth
20 of the remaining allegations in this Paragraph, and therefore denies.

21 11. Secretary Hobbs admits that Plaintiff El Centro de la Raza is a charitable,
22 organization. Secretary Hobbs is without information sufficient to form a belief as to the truth
23 of the remaining allegations in this Paragraph, and therefore denies.

24 12. Secretary Hobbs admits that Plaintiff Kaeleene Escalante Martinez has attested
25 that she is a United States citizen and over the age of 18, and is a registered voter in the State of
26

1 Washington. Secretary Hobbs is without information sufficient to form a belief as to the truth of
2 the remaining allegations in this Paragraph, and therefore denies.

3 13. Secretary Hobbs is without information sufficient to form a belief as to the truth
4 of the remaining allegations in this Paragraph, and therefore denies.

5 14. Secretary Hobbs is without information sufficient to form a belief as to the truth
6 of the remaining allegations in this Paragraph, and therefore denies.

7 15. Secretary Hobbs is without information sufficient to form a belief as to the truth
8 of the remaining allegations in this Paragraph, and therefore denies.

9 16. Secretary Hobbs admits that Plaintiff Bethan Cantrell has attested that she is a
10 United States citizen and over the age of 18, and is a registered voter in the State of Washington.
11 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
12 allegations in this Paragraph, and therefore denies.

13 17. Secretary Hobbs admits that Plaintiff Daisha Britt has attested that she is a
14 United States citizen and over the age of 18, and is a registered voter in the State of Washington.
15 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
16 allegations in this Paragraph, and therefore denies.

17 18. Secretary Hobbs is without information sufficient to form a belief as to the truth
18 of the remaining allegations in this Paragraph, and therefore denies.

19 19. Secretary Hobbs admits that Plaintiff Gabriel Berson, M.D. has attested that he is
20 a United States citizen and over the age of 18, and is a registered voter in the State of Washington.
21 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
22 allegations in this Paragraph, and therefore denies.

23 20. Secretary Hobbs is without information sufficient to form a belief as to the truth
24 of the remaining allegations in this Paragraph, and therefore denies.

1 21. Secretary Hobbs admits that Plaintiff Mari Matsumoto is an attorney.
2 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
3 allegations in this Paragraph, and therefore denies.

4 22. Secretary Hobbs admits that Plaintiff Mari Matsumoto has attested that she is a
5 United States citizen and over the age of 18, and is a registered voter in the State of Washington.
6 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
7 allegations in this Paragraph, and therefore denies.

8 23. Secretary Hobbs is without information sufficient to form a belief as to the truth
9 of the remaining allegations in this Paragraph, and therefore denies

10 24. Secretary Hobbs is without information sufficient to form a belief as to the truth
11 of the remaining allegations in this Paragraph, and therefore denies.

12 25. Secretary Hobbs is without information sufficient to form a belief as to the truth
13 of the allegations in this Paragraph, and therefore denies.

14 26. Secretary Hobbs admits that he is the Secretary of State of Washington and that
15 the Complaint purports to assert a claim against Secretary Hobbs in his official capacity.
16 Secretary Hobbs admits that Plaintiff has accurately quoted portions of the Revised Code of
17 Washington. The remaining allegations in this Paragraph assert legal conclusions and questions
18 of law to be determined by the Court, to which no response is required

19 27. Secretary Hobbs admits that the Complaint purports to assert a claim against
20 Julie Wise in her capacity as the Auditor/Director of Elections in King County; Susan Slonecker
21 in her capacity as Supervising Attorney at the King County Prosecuting Attorney's Office;
22 Stephanie Cirkovich in her capacity as the Chief of Staff at the King County Council; and
23 Ms. Wise, Ms. Slonecker, and Ms. Cirkovich in their official capacities as members of the
24 King County Canvassing Board. The remaining allegations in this Paragraph assert legal
25 conclusions and questions of law to be determined by the Court, to which no response is required.
26

1 **III. JURISDICTION AND VENUE**

2 28. This Paragraph asserts legal conclusions and questions of law to be determined
3 by the Court, to which no response is required. To the extent a further response is required,
4 denied.

5 29. This Paragraph asserts legal conclusions and questions of law to be determined
6 by the Court, to which no response is required. To the extent a further response is required,
7 denied.

8 30. This Paragraph asserts legal conclusions and questions of law to be determined
9 by the Court, to which no response is required. To the extent a further response is required,
10 denied.

11 31. This Paragraph asserts legal conclusions and questions of law to be determined
12 by the Court, to which no response is required. To the extent a further response is required,
13 denied.

14 **IV. FACTUAL ALLEGATIONS**

15 32. Denied.

16 33. This Paragraph asserts legal argument and characterization to which no response
17 is required. To the extent a response is required, denied.

18 34. This Paragraph contains legal characterization and argument to which no
19 response is required. To the extent a response is required, denied.

20 35. This Paragraph asserts legal argument and characterizations to which no response
21 is required. To the extent a response is required, denied.

22 36. This Paragraph asserts legal argument and characterizations to which no response
23 is required. To the extent a response is required, denied.

24 37. This Paragraph asserts legal argument and characterizations to which no response
25 is required. To the extent a response is required, denied.
26

1 38. This Paragraph asserts legal argument and characterizations, to which no
2 response is required. To the extent a response is required, denied.

3 39. Secretary Hobbs denies that comparison of the signature on the voter declaration
4 accompanying a ballot with the signature on a voter registration addresses a problem virtually
5 non-existent in Washington. Secretary Hobbs is without information sufficient to form a belief
6 as to the truth of the remaining allegations in this Paragraph, and therefore denies.

7 40. Secretary Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

9 41. Secretary Hobbs is without information sufficient to form a belief as to the truth
10 of the allegations in this Paragraph, and therefore denies.

11 42. Secretary Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 43. This Paragraph asserts legal conclusions and questions of law to be determined
14 by the Court, to which no response is required. To the extent a response is required, denied.

15 44. Admit.

16 45. Secretary Hobbs admits that every active registered voter is mailed a mail ballot
17 at their address of registration for every election by local election officials at least 18 days before
18 the election. Secretary Hobbs is without information to form a belief as to the truth of the
19 remaining allegations in this Paragraph, and accordingly denies the same.

20 46. Admit.

21 47. Signatures on voter declarations are verified according to RCW 29A.40.110,
22 WAC 434-250-120, and WAC 434-379-020, which speak for themselves. To the extent this
23 Paragraph is inconsistent with RCW 29A.40.110, WAC 434-250-120, and WAC 434-379-020
24 it is denied.

25 48. Signatures on voter declarations are verified according to RCW 29A.40.110,
26 WAC 434-250-120, and WAC 434-379-020, which speak for themselves. To the extent this

1 Paragraph is inconsistent with RCW 29A.40.110, WAC 434-250-120, and WAC 434-379-020
2 it is denied.

3 49. Signatures on voter declarations are verified according to RCW 29A.40.110,
4 WAC 434-250-120, and WAC 434-379-020, which speak for themselves. Mismatched
5 signatures are cured according to the procedure specified in WAC 434-261-050. To the extent
6 this Paragraph is inconsistent with RCW 29A.40.110, WAC 434-250-120, WAC 434-379-020,
7 and WAC 434-261-050 it is denied.

8 50. Secretary Hobbs admits that personnel must subscribe to an oath and be instructed
9 in the signature verification process prior to actually canvassing any signatures. Secretary Hobbs
10 denies the remaining allegations in this paragraph.

11 51. Secretary Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 52. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
14 of the Revised Code of Washington, which otherwise speaks for itself. To the extent a further
15 response is required, denied.

16 53. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
17 of the Washington Administrative Code, which otherwise speaks for itself. To the extent a
18 further response is required, denied.

19 54. Secretary Hobbs admits that a training is offered to election officials on signature
20 verification. Secretary Hobbs denies the remainder of the allegations in this Paragraph.

21 55. This paragraph alleges that a document contains certain language without
22 providing the title of the document, its author, or a means to view the document to verify the
23 accuracy of the allegations. Accordingly, Secretary Hobbs is without information sufficient to
24 form a belief as to the truth of the allegations in this Paragraph, and therefore denies.

25 56. This paragraph alleges that a document contains certain language without
26 providing the title of the document, its author, or a means to view the document to verify the

1 accuracy of the allegations. Accordingly, Secretary Hobbs is without information sufficient to
2 form a belief as to the truth of the allegations in this Paragraph, and therefore denies.

3 57. This Paragraph consists of legal argument and characterizations to which no
4 response is required. To the extent a response is required, denied.

5 58. Secretary Hobbs denies that verification of signatures on voter declarations are
6 highly error-prone. Secretary Hobbs lacks sufficient information to admit or deny the remaining
7 allegations in this this Paragraph, and therefore denies.

8 59. Secretary Hobbs admits that tens of thousands of voters successfully cured
9 mismatched signatures on their voter's declarations in the 2020 general election.
10 Secretary Hobbs lacks sufficient information to admit or deny the remaining allegations in this
11 this Paragraph, and therefore denies.

12 60. Denied.

13 61. Denied.

14 62. Denied.

15 63. Secretary Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 64. Secretary Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 65. Secretary Hobbs is without information sufficient to form a belief as to the truth
20 of the allegations in this Paragraph, and therefore denies.

21 66. Secretary Hobbs is without information sufficient to form a belief as to the truth
22 of the allegations in this Paragraph, and therefore denies.

23 67. Secretary Hobbs is without information sufficient to form a belief as to the truth
24 of the allegations in this Paragraph, and therefore denies.

25 68. Secretary Hobbs is without information sufficient to form a belief as to the truth
26 of the allegations in this Paragraph, and therefore denies.

1 69. Secretary Hobbs is without information sufficient to form a belief as to the truth
2 of the allegations in this Paragraph, and therefore denies.

3 70. Secretary Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 71. Secretary Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 72. Secretary Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

9 73. Secretary Hobbs is without information sufficient to form a belief as to the truth
10 of the allegations in this Paragraph, and therefore denies.

11 74. Secretary Hobbs admits only that this Paragraph has accurately quoted or
12 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself.
13 Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining
14 allegations in this Paragraph, and therefore denies.

15 75. Secretary Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 76. Secretary Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 77. Secretary Hobbs is without information sufficient to form a belief as to the truth
20 of the remaining allegations in this Paragraph, and therefore denies.

21 78. Secretary Hobbs is without information sufficient to form a belief as to the truth
22 of the remaining allegations in this Paragraph, and therefore denies.

23 79. Secretary Hobbs is without information sufficient to form a belief as to the truth
24 of the remaining allegations in this Paragraph, and therefore denies.

25 80. Secretary Hobbs is without information sufficient to form a belief as to the truth
26 of the remaining allegations in this Paragraph, and therefore denies.

1 81. Secretary Hobbs is without information sufficient to form a belief as to the truth
2 of the remaining allegations in this Paragraph, and therefore denies.

3 82. Uniformed service voters, service voters, and overseas voters may vote as
4 provided in chapter 434-235 WAC. To the extent this Paragraph conflicts with chapter
5 434-235 WAC, it is denied. Secretary Hobbs denies the remainder of the allegations in this
6 Paragraph.

7 83. Secretary Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

9 84. Secretary Hobbs is without information sufficient to form a belief as to the truth
10 of the allegations in this Paragraph, and therefore denies.

11 85. Secretary Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 86. Secretary Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 87. Secretary Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 88. Secretary Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 89. Secretary Hobbs is without information sufficient to form a belief as to the truth
20 of the remaining allegations in this Paragraph, and therefore denies.

21 90. Secretary Hobbs is without information sufficient to form a belief as to the truth
22 of the remaining allegations in this Paragraph, and therefore denies.

23 91. This Paragraph asserts legal argument and characterization to which no response
24 is required. To the extent a further response is required, denied.

25 92. This Paragraph asserts legal argument and characterizations to which no response
26 is required. To the extent a further response is required, denied.

1 93. Denied.

2 94. The cited statute and rule speak for themselves. Secretary Hobbs denies the
3 remaining allegations in this Paragraph.

4 95. Admit.

5 96. Secretary Hobbs admits that WAC 434-230-015 contains a declaration that must
6 accompany a ballot which is substantially set forth in this Paragraph. WAC 434-230-015 speaks
7 for itself. To the extent this Paragraph is inconsistent with WAC 434-230-015 it is denied.

8 97. Admit.

9 98. Secretary Hobbs admits that Washington participates in the Electronic
10 Registration and Information Center (“ERIC”), which tracks voters who have moved from one
11 member jurisdiction to another and receives data on deceased voters from the Social Security
12 Administration. Secretary Hobbs denies the remainder of the allegations in this Paragraph.

13 99. Secretary Hobbs admits that the Secretary of State works with the Social Security
14 Administration, the Washington Department of Licensing, the Washington Department of
15 Health and the Washington Department of Corrections to improve the accuracy of voter
16 registration data and prevent fraudulently cast ballots from occurring. Secretary Hobbs denies
17 the remainder of the allegations in this Paragraph.

18 100. Denied.

19 101. This Paragraph asserts legal conclusions and questions of law to be determined
20 by the Court, to which no response is required. To the extent a further response is required,
21 Secretary Hobbs admits that Washington law provides voters the opportunity to cure ballots that
22 were rejected as part of the signature verification process and denies the remaining allegations
23 in this Paragraph.

24 102. The procedure for curing a mismatched signature is specified in
25 WAC 434-261-050, which speaks for itself. To the extent this Paragraph differs from the rule,
26 Secretary Hobbs denies the allegations in this Paragraph.

1 103. The procedure for curing a mismatched signature is specified in
2 WAC 434-261-050, which speaks for itself. To the extent this Paragraph differs from the rule,
3 Secretary Hobbs denies the allegations in this Paragraph.

4 104. The procedure for curing a mismatched signature is specified in
5 WAC 434-261-050, which speaks for itself. To the extent this Paragraph differs from the rule,
6 Secretary Hobbs denies the allegations in this Paragraph.

7 105. Denied.

8 106. Secretary Hobbs admits that the Washington State Auditor conducted an audit
9 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
10 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
11 [1029711.pdf](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
12 this Paragraph.

13 107. Secretary Hobbs admits that the Washington State Auditor conducted an audit
14 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
15 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
16 [1029711.pdf](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
17 this Paragraph.

18 108. Secretary Hobbs admits that the Washington State Auditor conducted an audit
19 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
20 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
21 [1029711.pdf](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
22 this Paragraph.

23 109. Secretary Hobbs admits that the Washington State Auditor conducted an audit
24 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
25 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
26

1 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
2 this Paragraph.

3 110. Secretary Hobbs admits that the Washington State Auditor conducted an audit
4 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
5 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)

6 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
7 this Paragraph.

8 111. Secretary Hobbs admits that the Washington State Auditor conducted an audit
9 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
10 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)

11 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
12 this Paragraph.

13 112. Secretary Hobbs admits that the Washington State Auditor conducted an audit
14 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
15 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)

16 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
17 this Paragraph.

18 113. Secretary Hobbs admits that the Washington State Auditor conducted an audit
19 which can be found at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)
20 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-)

21 [1029711.pdf](#). The audit speaks for itself. Secretary Hobbs denies the remaining allegations in
22 this Paragraph.

V. FIRST CAUSE OF ACTION
VIOLATION OF ARTICLE I, SECTION 19 OF THE WASHINGTON STATE
CONSTITUTION – ALL DEFENDANTS
(UNCONSTITUTIONAL BURDEN ON THE RIGHT TO VOTE)

114. Secretary Hobbs restates and incorporates by reference his responses to the allegations in the Complaint.

115. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion of the Washington State Constitution, which otherwise speaks for itself. To the extent a further response is required, denied.

116. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion of *Madison v. State*, 161 Wn. 2d 85, 97, 163 P.3d 757 (2007), which otherwise speaks for itself. To the extent a further response is required, denied.

117. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion of *Madison v. State*, 161 Wn. 2d 85, 99, 163 P.3d 757 (2007), which otherwise speaks for itself. To the extent a further response is required, denied.

118. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

119. Secretary Hobbs denies the allegations in this Paragraph.

120. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

121. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

122. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

1 130. This Paragraph states a legal conclusion to which no response is required. To the
2 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

3 **VII. THIRD CAUSE OF ACTION**
4 **VIOLATION OF ARTICLE I, SECTIONS 3 AND 12 OF THE WASHINGTON STATE**
5 **CONSTITUTION**
6 **(COUNTY DISPARITY; DUE PROCESS)**

7 131. Secretary Hobbs restates and incorporates by reference his responses to the
8 allegations in the Complaint.

9 132. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
10 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
11 response is required, denied.

12 133. Secretary Hobbs admits that the quoted language can be found in the
13 State Auditor's report available at this URL: [https://sao.wa.gov/wp-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
14 [content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf)
15 [1029711.pdf](https://sao.wa.gov/wp-content/uploads/Tabs/PerformanceAudit/PA_Evaluating_WA_Ballot_Rejections_ar-1029711.pdf). Plaintiffs allege rejection rates for mismatched signatures without specifying the
16 election or elections to which they refer and, accordingly, these allegations are denied. The
17 remainder of this Paragraph consists of legal argument and characterization to which no response
18 is required. To the extent a response is required, Secretary Hobbs denies the remainder of the
19 allegations in this Paragraph.

20 134. This Paragraph states a legal conclusion to which no response is required. To the
21 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

22 135. This Paragraph states a legal conclusion to which no response is required. To the
23 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.
24
25
26

1 **VIII. FOURTH CAUSE OF ACTION**
2 **VIOLATION OF ARTICLE I, SECTION 3 OF THE WASHINGTON STATE**
3 **CONSTITUTION – ALL DEFENDANTS**
4 **(ARBITRARY AND CAPRICIOUS GOVERNMENT ACTION)**

5 136. Secretary Hobbs restates and incorporates by reference his responses to the
6 allegations in the Complaint.

7 137. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
8 of *Carlson v. San Juan Cty.*, 183 Wn. App. 354, 375, 333 P.3d 511 (2014), which otherwise
9 speaks for itself. To the extent a further response is required, denied.

10 138. This Paragraph consists of legal argument and characterization to which no
11 response is required. To the extent a response is required, Secretary Hobbs denies the allegations
12 in this Paragraph.

13 139. This Paragraph states a legal conclusion to which no response is required. To the
14 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

15 140. This Paragraph states a legal conclusion to which no response is required. To the
16 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

17 **IX. FIFTH CAUSE OF ACTION**
18 **VIOLATION OF RCW 29A.04.206 – ALL DEFENDANTS**
19 **(RIGHT TO VOTE)**

20 141. Secretary Hobbs restates and incorporates by reference his responses to the
21 allegations in the Complaint.

22 142. This Paragraph states a legal conclusion to which no response is required. To the
23 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

24 143. This Paragraph states a legal conclusion to which no response is required. To the
25 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

26 144. This Paragraph states a legal conclusion to which no response is required. To the
extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

1 145. This Paragraph states a legal conclusion to which no response is required. To the
2 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

3 146. This Paragraph states a legal conclusion to which no response is required. To the
4 extent a response is required, Secretary Hobbs denies the allegations in this Paragraph.

5 **X. PRAYER FOR RELIEF**

6 Paragraphs A through E assert Plaintiffs' requested relief, to which no response is
7 required. To the extent a response is required, Secretary Hobbs denies that Plaintiffs are entitled
8 to the relief requested or to any relief whatsoever.

9 **XI. DEFENDANTS' DEFENSES**

10 Secretary Hobbs's defenses to the Complaint are set forth below. By setting forth the
11 following defenses. Secretary Hobbs does not assume burden of proof on the matter and issue
12 other than those on which he has the burden of proof as a matter of law. Secretary Hobbs reserves
13 the right to supplement these defenses.

- 14 1. Plaintiffs have sued Secretary Hobbs in the improper venue;
- 15 2. Plaintiffs have failed to state a claim upon which relief can be granted;
- 16 3. Plaintiffs have failed to join necessary and indispensable parties;
- 17 4. Plaintiffs have failed to exhaust administrative remedies;
- 18 5. Plaintiffs' remedy is administrative rather than judicial;
- 19 6. Plaintiffs' claims are barred, in whole or in part, pursuant to the doctrines of
20 waiver, laches, estoppel, collateral estoppel, equitable estoppel, judicial estoppel, acquiescence,
21 ratification, unclean hands, accord and satisfaction, settlement, and release;
- 22 7. Secretary Hobbs acted in good faith and in reasonable reliance on statutory,
23 regulatory, and judicial guidance;
- 24 8. Plaintiffs' claims are barred in whole or in part by the doctrine of sovereign
25 immunity;
- 26

1 **XII. SECRETARY HOBBS’S REQUEST FOR RELIEF**

2 Wherefore, Secretary Hobbs prays that the Court:

3 1. Dismiss Plaintiffs’ Complaint with prejudice such that Plaintiffs take nothing by
4 the Complaint;

5 2. Allow Secretary Hobbs his costs and attorneys’ fees herein;

6 3. Other relief that that the Court deems just and equitable.

7 DATED this 18th day of January 2023.

8 ROBERT W. FERGUSON
9 Attorney General

10 s/ William McGinty
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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be served, via electronic mail, on the following:

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I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

DATED this 18th day of January 2023, at Olympia, Washington.

/s/ William McGinty
WILLIAM MCGINTY, WSBA #41868
Assistant Attorney General