

The Honorable Tiffany M. Cartwright
United States District Judge

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WASHINGTON STATE ALLIANCE)
FOR RETIRED AMERICANS,)
)
Plaintiff,)
v.)
STEVE HOBBS, in his official capacity as)
Washington State Secretary of State, MARY)
HALL, in her official capacity as Thurston)
County Auditor, and JULIE WISE, in her official)
capacity as King County Elections Director,)
Defendants.)

No. 3:23-cv-06014-TMC

ANSWER OF DEFENDANT JULIE
WISE, DIRECTOR OF KING
COUNTY ELECTIONS, TO
AMENDED COMPLAINT

COMES NOW Defendant Julie Wise, Director of King County Elections (Defendant Wise), to answer Plaintiff’s Amended Complaint for Declaratory and Injunctive Relief (“Amended Complaint”). In answer to Plaintiff’s Amended Complaint, King County Defendant Wise admits, denies, and alleges as set forth below. Each allegation contained in Plaintiff’s Amended Complaint not expressly admitted in full below is denied. The paragraph numbers below correspond to the paragraph numbers in Plaintiff’s Amended Complaint for Declaratory and Injunctive Relief.

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NATURE OF THE CASE

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2 1. In answering paragraph 1 of Plaintiff's Amended Complaint, Defendant Wise makes no
3 response as the allegations appear to contain only legal conclusions for which no response is
4 required. However, to the extent factual allegations are intended or legal conclusions contrary to
5 applicable law are alleged, they are hereby denied.

6 2. In answering paragraph 2 of Plaintiff's Amended Complaint, Defendant Wise admits
7 only that 52 U.S.C. § 10502(c) speaks for itself.

8 3. In answering paragraph 3 of Plaintiff's Amended Complaint, Defendant Wise admits
9 only that *Dunn v. Blumstein*, 405 U.S. 330, 336, 338 (1972) speaks for itself.

10 4. In answering paragraph 4 of Plaintiff's Amended Complaint, Defendant Wise makes no
11 response as the allegations appear to contain only legal conclusions for which no response is
12 required. However, to the extent factual allegations are intended or legal conclusions contrary to
13 applicable law are alleged, they are hereby denied.

14 5. In answering paragraph 5 of Plaintiff's Amended Complaint, Defendant Wise makes no
15 response as the allegations appear to contain only legal conclusions for which no response is
16 required. However, to the extent factual allegations are intended or legal conclusions contrary to
17 applicable law are alleged, they are hereby denied.

18 6. In answering paragraph 6 of Plaintiff's Amended Complaint, Defendant Wise makes no
19 response as the allegations appear to contain only legal conclusions for which no response is
20 required. However, to the extent factual allegations are intended or legal conclusions contrary to
21 applicable law are alleged, they are hereby denied.

22 7. In answering paragraph 7 of Plaintiff's Amended Complaint, Defendant Wise admits
23 only that article VI, § 1 of the Washington Constitution speaks for itself.

1 8. In answering paragraph 8 of Plaintiff's Amended Complaint, Defendant Wise makes no
2 response as the allegations appear to contain only legal conclusions for which no response is
3 required. However, to the extent factual allegations are intended or legal conclusions contrary to
4 applicable law are alleged, they are hereby denied.

5 9. In answering paragraph 9 of Plaintiff's Amended Complaint, Defendant Wise admits
6 only that RCW 29A.08.230 and WAC 434-230-015 speak for themselves.

7 10. In answering paragraph 10 of Plaintiff's Amended Complaint, Defendant Wise makes
8 no response as the allegations appear to contain only legal conclusions for which no response is
9 required. However, to the extent factual allegations are intended or legal conclusions contrary to
10 applicable law are alleged, they are hereby denied.

11 11. Paragraph 11 of Plaintiff's Amended Complaint does not appear to contain any
12 allegations requiring an answer, but to the extent any further response is necessary, the allegations in
13 paragraph 11 of the complaint are denied.

14 **JURISDICTION AND VENUE**

15 12. In answering paragraph 12 of Plaintiff's Amended Complaint, Defendant Wise leaves
16 the matters of jurisdiction and venue to the Court.

17 13. In answering paragraph 13 of Plaintiff's Amended Complaint, Defendant Wise leaves
18 the matters of jurisdiction and venue to the Court.

19 14. In answering paragraph 14 of Plaintiff's Amended Complaint, Defendant Wise leaves
20 the matters of jurisdiction and venue to the Court.

21 15. In answering paragraph 15 of Plaintiff's Amended Complaint, Defendant Wise leaves
22 the matters of jurisdiction and venue to the Court.

1 required. However, to the extent factual allegations are intended or legal conclusions contrary to
2 applicable law are alleged, they are hereby denied.

3 22. In answering paragraph 22 of Plaintiff's Amended Complaint, Defendant Wise admits
4 only that Wash. Const. art. VI, § 1. (incorporating Wash. Const. art. VI, § 3) speaks for itself.
5 Defendant Wise makes no additional response as the allegations appear to contain only legal
6 conclusions for which no response is required. However, to the extent factual allegations are
7 intended or legal conclusions contrary to applicable law are alleged, they are hereby denied.

8 23. In answering paragraph 23 of Plaintiff's Amended Complaint, Defendant Wise is
9 without sufficient information to form a belief as to the truth or falsity of the allegations contained
10 therein and, therefore, denies the same.

11 24. In answering paragraph 24 of Plaintiff's Amended Complaint, Defendant Wise admits
12 only that the voter registration form contains a declaration that "I will have lived at this address in
13 Washington for at least thirty days immediately before the next election at which I vote," and that
14 WAC 434-230-015 governs the ballot declaration on envelopes and speaks for itself. Defendant
15 Wise makes no additional response as the allegations appear to contain only legal conclusions for
16 which no response is required. However, to the extent factual allegations are intended or legal
17 conclusions contrary to applicable law are alleged, they are hereby denied.

18 25. In answering paragraph 25 of Plaintiff's Amended Complaint, Defendant Wise admits.
19 See [VRF English.pdf \(wa.gov\)](#).

20 26. In answering paragraph 26 of Plaintiff's Amended Complaint, Defendant Wise admits
21 only that RCW § 29A.08.010 speaks for itself. Defendant Wise makes no additional response as
22 the allegations appear to contain only legal conclusions for which no response is required.
23

1 However, to the extent factual allegations are intended or legal conclusions contrary to applicable
2 law are alleged, they are hereby denied.

3 27. In answering paragraph 27 of Plaintiff's Amended Complaint, Defendant Wise admits
4 only that RCW 29A.40.091(2) and WAC 434-230-015 speak for themselves. Defendant Wise
5 makes no additional response as the allegations appear to contain only legal conclusions for which
6 no response is required. However, to the extent factual allegations are intended or legal
7 conclusions contrary to applicable law are alleged, they are hereby denied.

8 28. In answering paragraph 28 of Plaintiff's Amended Complaint, Defendant Wise admits.

9 29. In answering paragraph 29 of Plaintiff's Amended Complaint, Defendant Wise admits.

10 II. In answering paragraph II of Plaintiff's Amended Complaint, Defendant Wise makes
11 no response as the allegations appear to contain only legal conclusions for which no response is
12 required. However, to the extent factual allegations are intended or legal conclusions contrary to
13 applicable law are alleged, they are hereby denied.

14 30. In answering paragraph 30 of Plaintiff's Amended Complaint, Defendant Wise makes
15 no response as the allegations appear to contain only legal conclusions for which no response is
16 required. However, to the extent factual allegations are intended or legal conclusions contrary to
17 applicable law are alleged, they are hereby denied.

18 31. In answering paragraph 31 of Plaintiff's Amended Complaint, Defendant Wise admits
19 only that RCW § 29A.08.140(1) speaks for itself. Defendant Wise makes no additional response
20 as the allegations appear to contain only legal conclusions for which no response is required.
21 However, to the extent factual allegations are intended or legal conclusions contrary to applicable
22 law are alleged, they are hereby denied.

23 32. In answering paragraph 32 of Plaintiff's Amended Complaint, Defendant Wise admits.

1 33. In answering paragraph 33 of Plaintiff's Amended Complaint, Defendant Wise admits.

2 34. In answering paragraph 34 of Plaintiff's Amended Complaint, Defendant Wise makes
3 no response as the allegations appear to contain only legal conclusions for which no response is
4 required. However, to the extent factual allegations are intended or legal conclusions contrary to
5 applicable law are alleged, they are hereby denied.

6 35. In answering paragraph 35 of Plaintiff's Amended Complaint, Defendant Wise makes
7 no response as the allegations appear to contain only legal conclusions for which no response is
8 required. However, to the extent factual allegations are intended or legal conclusions contrary to
9 applicable law are alleged, they are hereby denied.

10 36. In answering paragraph 36 of Plaintiff's Amended Complaint, Defendant Wise makes
11 no response as the allegations appear to contain only legal conclusions for which no response is
12 required. However, to the extent factual allegations are intended or legal conclusions contrary to
13 applicable law are alleged, they are hereby denied.

14 III. In answering paragraph III of Plaintiff's Amended Complaint, Defendant Wise makes
15 no response as the allegations appear to contain only legal conclusions for which no response is
16 required. However, to the extent factual allegations are intended or legal conclusions contrary to
17 applicable law are alleged, they are hereby denied.

18 37. In answering paragraph 37 of Plaintiff's Amended Complaint, Defendant Wise admits
19 only that Section 202 of Voting Rights Act speaks for itself. Defendant Wise makes no additional
20 response as the allegations appear to contain only legal conclusions for which no response is
21 required. However, to the extent factual allegations are intended or legal conclusions contrary to
22 applicable law are alleged, they are hereby denied.

1 38. In answering paragraph 38 of Plaintiff's Amended Complaint, Defendant Wise admits
2 only that Section 202 of Voting Rights Act speaks for itself. Defendant Wise makes no additional
3 response as the allegations appear to contain only legal conclusions for which no response is
4 required. However, to the extent factual allegations are intended or legal conclusions contrary to
5 applicable law are alleged, they are hereby denied.

6 39. In answering paragraph 39 of Plaintiff's Amended Complaint, Defendant Wise makes
7 no response as the allegations appear to contain only legal conclusions for which no response is
8 required. However, to the extent factual allegations are intended or legal conclusions contrary to
9 applicable law are alleged, they are hereby denied.

10 40. In answering paragraph 40 of Plaintiff's Amended Complaint, Defendant Wise makes
11 no response as the allegations appear to contain only legal conclusions for which no response is
12 required. However, to the extent factual allegations are intended or legal conclusions contrary to
13 applicable law are alleged, they are hereby denied.

14 41. In answering paragraph 41 of Plaintiff's Amended Complaint, Defendant Wise makes
15 no response as the allegations appear to contain only legal conclusions for which no response is
16 required. However, to the extent factual allegations are intended or legal conclusions contrary to
17 applicable law are alleged, they are hereby denied.

18 IV. In answering paragraph IV of Plaintiff's Amended Complaint, Defendant Wise makes
19 no response as the allegations appear to contain only legal conclusions for which no response is
20 required. However, to the extent factual allegations are intended or legal conclusions contrary to
21 applicable law are alleged, they are hereby denied.

22 42. In answering paragraph 42 of Plaintiff's Amended Complaint, Defendant Wise makes
23 no response as the allegations appear to contain only legal conclusions for which no response is

1 required. However, to the extent factual allegations are intended or legal conclusions contrary to
2 applicable law are alleged, they are hereby denied.

3 43. In answering paragraph 43 of Plaintiff's Amended Complaint, Defendant Wise makes
4 no response as the allegations appear to contain only legal conclusions for which no response is
5 required. However, to the extent factual allegations are intended or legal conclusions contrary to
6 applicable law are alleged, they are hereby denied.

7 44. In answering paragraph 44 of Plaintiff's Amended Complaint, Defendant Wise makes
8 no response as the allegations appear to contain only legal conclusions for which no response is
9 required. However, to the extent factual allegations are intended or legal conclusions contrary to
10 applicable law are alleged, they are hereby denied.

11 45. In answering paragraph 45 of Plaintiff's Amended Complaint, Defendant Wise makes
12 no response as the allegations appear to contain only legal conclusions for which no response is
13 required. However, to the extent factual allegations are intended or legal conclusions contrary to
14 applicable law are alleged, they are hereby denied.

15 46. In answering paragraph 46 of Plaintiff's Amended Complaint, Defendant Wise makes
16 no response as the allegations appear to contain only legal conclusions for which no response is
17 required. However, to the extent factual allegations are intended or legal conclusions contrary to
18 applicable law are alleged, they are hereby denied.

19 47. In answering paragraph 47 of Plaintiff's Amended Complaint, Defendant Wise makes
20 no response as the allegations appear to contain only legal conclusions for which no response is
21 required. However, to the extent factual allegations are intended or legal conclusions contrary to
22 applicable law are alleged, they are hereby denied.
23

1 48. In answering paragraph 48 of Plaintiff's Amended Complaint, Defendant Wise makes
2 no response as the allegations appear to contain only legal conclusions for which no response is
3 required. However, to the extent factual allegations are intended or legal conclusions contrary to
4 applicable law are alleged, they are hereby denied.

5 **CLAIM FOR RELIEF**

6 **COUNT I**

7 **Voting Rights Act Section 202**

8 **52 U.S.C. § 10502; 42 U.S.C. § 1983; 28 U.S.C. §§ 2201, 2202**

9 49. Paragraph 49 of Plaintiff's Amended Complaint does not appear to contain any
10 allegations requiring an answer, but to the extent any further response is necessary, the allegations in
11 paragraph 49 of the complaint are denied.

12 50. In answering paragraph 50 of Plaintiff's Amended Complaint, Defendant Wise admits
13 only that 52 U.S.C. § 10502(a) speaks for itself.

14 51. In answering paragraph 51 of Plaintiff's Amended Complaint, Defendant Wise makes
15 no response as the allegations appear to contain only legal conclusions for which no response is
16 required. However, to the extent factual allegations are intended or legal conclusions contrary to
17 applicable law are alleged, they are hereby denied.

18 52. In answering paragraph 52 of Plaintiff's Amended Complaint, Defendant Wise admits
19 only that 52 U.S.C. § 10502(b) speaks for itself.

20 53. In answering paragraph 53 of Plaintiff's Amended Complaint, Defendant Wise admits
21 only that 52 U.S.C. § 10502(c) speaks for itself.

22 54. In answering paragraph 54 of Plaintiff's Amended Complaint, Defendant Wise makes
23 no response as the allegations appear to contain only legal conclusions for which no response is

1 required. However, to the extent factual allegations are intended or legal conclusions contrary to
2 applicable law are alleged, they are hereby denied.

3 55. In answering paragraph 55 of Plaintiff's Amended Complaint, Defendant Wise makes
4 no response as the allegations appear to contain only legal conclusions for which no response is
5 required. However, to the extent factual allegations are intended or legal conclusions contrary to
6 applicable law are alleged, they are hereby denied.

7 56. In answering paragraph 56 of Plaintiff's Amended Complaint, Defendant Wise makes
8 no response as the allegations appear to contain only legal conclusions for which no response is
9 required. However, to the extent factual allegations are intended or legal conclusions contrary to
10 applicable law are alleged, they are hereby denied.

11 **COUNT II**
12 **First and Fourteenth Amendments**
13 **U.S. Const. Amend. I and XIV; 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202**

14 57. Paragraph 57 of Plaintiff's Amended Complaint does not appear to contain any
15 allegations requiring an answer, but to the extent any further response is necessary, the allegations in
16 paragraph 57 of the complaint are denied.

17 58. In answering paragraph 58 of Plaintiff's Amended Complaint, Defendant Wise makes
18 no response as the allegations appear to contain only legal conclusions for which no response is
19 required. However, to the extent factual allegations are intended or legal conclusions contrary to
20 applicable law are alleged, they are hereby denied.

21 59. In answering paragraph 59 of Plaintiff's Amended Complaint, Defendant Wise makes
22 no response as the allegations appear to contain only legal conclusions for which no response is
23 required. However, to the extent factual allegations are intended or legal conclusions contrary to
24 applicable law are alleged, they are hereby denied.

1 BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSES, and without
2 admitting anything previously denied, Defendant Wise states as follows:

- 3 1. Plaintiff has failed to state a claim upon which relief may be granted;
- 4 2. Plaintiff has failed to join necessary and indispensable parties;
- 5 3. Plaintiff's claims in the action are barred in that Plaintiff does not have standing to
6 bring them;
- 7 4. Plaintiff's claims are not ripe;
- 8 5. The Complaint, and each cause of action therein, is improper as Plaintiff has an
9 adequate remedy of law;
- 10 6. To the extent that Defendant Wise has undertaken conduct with regard to subjects and
11 events underlying Plaintiff's Amended Complaint, such conduct was, at all times
12 material thereto, undertaken in good faith and in reasonable reliance on existing law;
- 13 7. Defendant Wise has immunity;
- 14 8. Defendant Wise has not knowingly or intentionally waived any applicable affirmative
15 defense. Defendant Wise reserves the right to assert and rely upon other defenses as
16 may become available to apparent during discovery proceedings or as may be raised
17 or asserted by others in this case, and to amend the Answer and/or affirmative defenses
18 accordingly;
- 19 9. Defendant Wise is not liable for pre-judgment interest because the State of
20 Washington of which King County is a political subdivision, has not consented to pre-
21 judgment interest. RCW 4.56.115;
- 22 10. Defendant Wise reserves the right to amend this answer and these affirmative
23 defenses, if and when additional facts are discovered which support such


1 amendments.

2 WHEREFORE, Defendant Wise prays as follows:

3 That Plaintiff takes nothing by their Amended Complaint, that the Amended Complaint be
4 dismissed with prejudice and that Defendant Wise be awarded her costs and reasonable attorneys'
5 fees incurred herein, and other relief that the Court deems just and equitable.

6 DATED this 12th day of December, 2023.

7 LEESA MANION (she/her)
8 King County Prosecuting Attorney

9 By: 
10 ANN SUMMERS, WSBA #21509
11 Senior Deputy Prosecuting Attorney
12 Attorney for Defendant Julie Wise
13 701 5th Avenue, Suite 600
14 Seattle, WA 98104
15 Phone: (206) 477-1120/Fax: (206) 296-
16 ann.summers@kingcounty.gov


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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will serve a copy of this document on all counsel of record.

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

DATED this 12th day of December, 2023.



RAFAEL A. MUNOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office

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