

The Honorable Tiffany M. Cartwright

**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 KYMBERYL  
WALTMUNSON, in her official capacity as  
King County Auditor,

Defendants,

NO. 3:23-cv-06014-TMC

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

Defendant Secretary of State Steve Hobbs (Secretary Hobbs) hereby answers Plaintiffs' Amended Complaint for Declaratory And Injunctive Relief (Dkt. # 16) 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 purposes of readability and convenience. To the extent a response to any heading is required, the heading is denied. Secretary Hobbs reserves the right to amend this pleading as permitted by this Court's rules and orders, including Fed. R. Civ. P. 15

**I. NATURE OF THE CASE**

1  
2 1. 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 2. Secretary Hobbs admits that 52 U.S.C. § 10502(c) contains the quoted and  
6 excerpted language, without emphasis. The law speaks for itself. The remainder of this  
7 Paragraph asserts legal conclusions and questions of law to be determined by the Court, to which  
8 no response is required. To the extent a further response is required, denied.

9 3. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 336, 338 (1972)  
10 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
11 legal conclusions and questions of law to be determined by the Court, to which no response is  
12 required. To the extent a further response is required, denied.

13 4. Secretary Hobbs admits that *Marston v. Lewis*, 410 U.S. 679, 680-81 (1973)  
14 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
15 legal conclusions and questions of law to be determined by the Court, to which no response is  
16 required. To the extent a further response is required, denied.

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

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

23 7. Secretary Hobbs admits only that Wash. Const. art. VI, § 1 contains the quoted  
24 language. The law speaks for itself. The remainder of this Paragraph asserts legal conclusions  
25 and questions of law to be determined by the Court, to which no response is required. To the  
26 extent a further response is required, denied.





1           25. Secretary Hobbs admits that the cited sections of the Revised Code of  
2 Washington contain the quoted language. The law speaks for itself. The remainder of this  
3 Paragraph asserts legal conclusions and questions of law to be determined by the Court, to which  
4 no response is required. To the extent a further response is required, denied.

5           26. Secretary Hobbs admits that the cited sections of the Revised Code of  
6 Washington contain the quoted language, without emphasis. The law speaks for itself. The  
7 remainder of this Paragraph asserts legal conclusions and questions of law to be determined by  
8 the Court, to which no response is required. To the extent a further response is required, denied.

9           27. Secretary Hobbs admits that the cited section of the Washington Administrative  
10 Code contains the quoted language. The law speaks for itself. The remainder of this Paragraph  
11 asserts legal conclusions and questions of law to be determined by the Court, to which no  
12 response is required. To the extent a further response is required, denied

13           28. 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 further response is required,  
15 denied.

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

19           30. 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 denied.

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

25  
26

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

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

7           34.     Secretary Hobbs admits only that the cited sections of the Revised Code of  
8 Washington contain the quoted language. The law speaks for itself. The remainder of this  
9 Paragraph asserts legal conclusions and questions of law to be determined by the Court, to which  
10 no response is required. To the extent a further response is required, denied.

11          35.     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          36.     This Paragraph asserts legal conclusions and questions of law to be determined  
15 by the Court, to which no response is required. To the extent a further response is required,  
16 denied.

17          37.     Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
18 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
19 of law to be determined by the Court, to which no response is required. To the extent a further  
20 response is required, denied.

21          38.     Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
22 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
23 of law to be determined by the Court, to which no response is required. To the extent a further  
24 response is required, denied.

25          39.     This Paragraph asserts legal conclusions and questions of law to be determined  
26 by the Court, to which no response is required. To the extent a further response is required,

1 denied.

2 40. Secretary Hobbs admits that the cited New York and Nevada statutes contain the  
3 quoted language. The law speaks for itself. The remainder of this Paragraph asserts legal  
4 conclusions and questions of law to be determined by the Court, to which no response is required.  
5 To the extent a further response is required, denied.

6 41. Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language,  
7 without emphasis. The law speaks for itself. The remainder of this Paragraph asserts legal  
8 conclusions and questions of law to be determined by the Court, to which no response is required.  
9 To the extent a further response is required, denied.

10 42. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972)  
11 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
12 legal conclusions and questions of law to be determined by the Court, to which no response is  
13 required. To the extent a further response is required, denied.

14 43. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 338 (1972)  
15 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
16 legal conclusions and questions of law to be determined by the Court, to which no response is  
17 required. To the extent a further response is required, denied.

18 44. Secretary Hobbs admits that RCW 28B.15.013(1) contains the quoted language.  
19 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
20 of law to be determined by the Court, to which no response is required. To the extent a further  
21 response is required, denied.

22 45. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 334-35 (1972)  
23 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
24 legal conclusions and questions of law to be determined by the Court, to which no response is  
25 required. To the extent a further response is required, denied.

26 46. Secretary Hobbs admits that *Marston v. Lewis*, 410 U.S. 679, 680-81 (1973)

1 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
2 legal conclusions and questions of law to be determined by the Court, to which no response is  
3 required. To the extent a further response is required, denied.

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

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

10 **V. CLAIM FOR RELIEF**

11 **COUNT I**

12 **Voting Rights Section 202**

13 **52 U.S.C. §10502; 42 U.S.C. §1983; 28 U.S.C. §§ 2201, 2202**

14 49. Secretary Hobbs incorporates by references his responses to paragraphs 1 through  
15 48.

16 50. Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
17 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
18 of law to be determined by the Court, to which no response is required. To the extent a further  
19 response is required, denied.

20 51. Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
21 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
22 of law to be determined by the Court, to which no response is required. To the extent a further  
23 response is required, denied.

24 52. Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
25 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
26



1 of law to be determined by the Court, to which no response is required. To the extent a further  
2 response is required, denied.

3 53. Secretary Hobbs admits that 52 U.S.C. § 10502 contains the quoted language.  
4 The law speaks for itself. The remainder of this Paragraph asserts legal conclusions and questions  
5 of law to be determined by the Court, to which no response is required. To the extent a further  
6 response is required, denied.

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

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

13 56. This Paragraph contains Plaintiffs' request for relief to which no response is  
14 required. To the extent a response is required. Secretary Hobbs denies that Plaintiffs are entitled  
15 to relief.

## 16 **COUNT II**

### 17 **First and Fourteenth Amendments**

#### 18 **U.S. Const. Amend. I and XIV; 42 U.S.C. §1983, 28 U.S.C. §§ 2201, 2202**

19 57. Secretary Hobbs incorporates by reference his responses to Paragraphs 1 through  
20 56.

21 58. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 334-35 (1972)  
22 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
23 legal conclusions and questions of law to be determined by the Court, to which no response is  
24 required. To the extent a further response is required, denied.

25 59. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 334 (1972)  
26 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts

1 legal conclusions and questions of law to be determined by the Court, to which no response is  
2 required. To the extent a further response is required, denied.

3 60. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972)  
4 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
5 legal conclusions and questions of law to be determined by the Court, to which no response is  
6 required. To the extent a further response is required, denied.

7 61. Secretary Hobbs admits that *Dunn v. Blumstein*, 405 U.S. 330, 340-41 (1972)  
8 contains the quoted language. The law speaks for itself. The remainder of this Paragraph asserts  
9 legal conclusions and questions of law to be determined by the Court, to which no response is  
10 required. To the extent a further response is required, denied

11 62. 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 63. This Paragraph asserts legal conclusions and questions of law to be determined  
15 by the Court, to which no response is required. To the extent a further response is required,  
16 denied.

## 17 VI. PRAYER FOR RELIEF

18 The remainder of the Complaint contains Plaintiffs' request for relief to which no  
19 response is required. To the extent a response is required, Secretary Hobbs denies Plaintiffs are  
20 entitled to relief.

## 22 VII. DEFENSES

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

- 3 1. Plaintiffs have failed to state a claim upon which relief may be granted;
- 4 2. Plaintiffs have failed to join necessary and indispensable parties;
- 5 3. Plaintiffs' claims are barred in whole or in part by the doctrine of sovereign  
6 immunity;
- 7 4. Plaintiffs' claims are barred in whole or in part by the Eleventh Amendment;

8 **VIII. SECRETARY HOBBS'S REQUEST FOR RELIEF**

9 Wherefore, Secretary Hobbs prays that the Court:

- 10 1. Dismiss Plaintiffs' Complaint with prejudice such that Plaintiffs take nothing by  
11 the Complaint;
- 12 2. Allow Secretary Hobbs his costs and attorneys' fees herein;
- 13 3. Other relief that that the Court deems just and equitable.

14 DATED this 4th day of January 2024.

15  
16 ROBERT W. FERGUSON  
Attorney General

17  
18 /s/ William McGinty

19 WILLIAM MCGINTY, WSBA #41868

Assistant Attorney General

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Counsel for Secretary Steve Hobbs

**DECLARATION OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System, which will send notification of such filing to all counsel of record.

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

DATED this 4th day of January 2024, at Olympia, Washington.

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

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