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HONORABLE SALVADOR MENDOZA, JR.

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 MARISSA REYES, LEAGUE OF
10 UNITED LATIN AMERICAN
11 CITIZENS, LATINO COMMUNITY
12 FUND,

13 Plaintiffs,

14 v.

15 BRENDA CHILTON, in her official
16 capacity as Benton County Auditor
17 and Canvassing Review Board
18 member, ANDY MILLER, in his
19 official capacity as Benton County
20 Prosecutor and Canvassing Review
21 Board member, JEROME DELVIN, in
22 his official capacity as Benton County
23 Canvassing Review Board member,
24 CHARLES ROSS, in his official
25 capacity as Yakima County Auditor
26 and Canvassing Review Board
27 Member, JOSEPH BRUSIC, in his
official capacity as Yakima County
Prosecutor and Canvassing Review
Board member, RON ANDERSON, in
his official capacity as Yakima County
Canvassing Review Board member,
SKIP MOORE, in his official capacity
as Chelan County Auditor and
Canvassing Review Board Member,
DOUGLAS J. SHAE, in his official
capacity as Chelan County Prosecutor
and Canvassing Review Board
member, and BOB BUGERT, in his
official capacity as Chelan County
Canvassing Review Board member,

Defendants.

No. 4:21-cv-05075-SMJ

**DEFENDANTS' ANSWER TO
AMENDED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1
2 **I. ANSWER**

3 Defendants answer Plaintiffs' Complaint as follows:

4 1. Complaint paragraph 1 states the Plaintiffs' purported reasons for
5 bringing this action. To the extent that any answer is required, Defendants deny that
6 Bob Bugert is Chelan County Prosecutor and deny that Douglas Shae is a current
7 Chelan County Canvassing Board member. To the extent an answer is required,
8 Defendants admit that the parties listed are named as plaintiffs and defendants in this
9 action. To the extent an answer is required, Defendants otherwise deny all other
10 allegations.

11 2. Complaint Paragraph 2 states a legal conclusion for which no answer is
12 required. To the extent that any answer is required, Defendants lack information
13 sufficient to admit or deny the allegations in the paragraph and therefore deny it.

14 3. Complaint Paragraph 3 states a legal conclusion for which no answer is
15 required. To the extent that any answer is required, Defendants lack information
16 sufficient to admit or deny Complaint Paragraph 3's allegation that Latino voters
17 have been denied the right to vote and deny it on that basis. Defendants deny all
18 other allegations in Complaint Paragraph 3.

19 4. Defendants lack information sufficient to admit or deny the allegation
20 in Complaint Paragraph 4 and deny it on that basis.

21 5. Defendants lack information sufficient to admit or deny the allegation
22 in Complaint Paragraph 5 and deny it on that basis.

23 6. Defendants lack information sufficient to admit or deny the allegation
24 in Complaint Paragraph 6 and deny it on that basis.

25 7. Defendants lack information sufficient to admit or deny the allegations
26 in Complaint Paragraph 7 and deny it on that basis.

27 8. Defendants lack information sufficient to admit or deny the allegation

1 in Complaint Paragraph 8 and deny it on that basis.

2 9. Defendants lack information sufficient to admit or deny the allegation
3 in Complaint Paragraph 9 and deny it on that basis.

4 10. Defendants lack information sufficient to admit or deny the allegation
5 in Complaint Paragraph 10 and deny it on that basis.

6 11. Defendants lack information sufficient to admit or deny the allegation
7 in Complaint Paragraph 11 and deny it on that basis.

8 12. Defendants lack information sufficient to admit or deny the allegations
9 in Complaint Paragraph 12 and deny those allegations on that basis.

10 13. Defendants lack information sufficient to admit or deny the allegations
11 in Complaint Paragraph 13 and deny those allegations on that basis.

12 14. Defendants admit the allegation in Complaint Paragraph 14.

13 15. Defendants admit that RCW 29A.40.010 requires that each active
14 registered voter of the state, overseas voter, and service voter automatically be issued
15 a mail ballot for each general election, special election, or primary. Defendants lack
16 information sufficient to admit or deny the phrase “under this system” in Complaint
17 Paragraph 15, and therefore deny that portion of the allegation.

18 16. Defendants admit that most Washington voters vote by mail and that
19 there are opportunities to vote in-person. Defendants lack information sufficient to
20 admit or deny the other allegations in Complaint Paragraph 16 and deny those
21 allegations on that basis.

22 17. Defendants admit that RCW 29A.40.110 provides that “[p]ersonnel
23 shall verify the voter’s signature on the ballot declaration is the same as the signature
24 of that voter in the registration files of the county.” Defendants deny Complaint
25 Paragraph 17’s allegation that the statute addresses the location of the voter’s
26 declaration and deny all other allegations in Complaint Paragraph 17.

27 18. Defendants admit that local election officers undertake a signature

1 matching process and that a county's canvassing board or designated representatives
2 verify that the voter's signature on the ballot declaration is the same as the signature
3 of the voter in the registration files of the county. Defendants lack information
4 sufficient to admit or deny all other allegations in Complaint Paragraph 18 and deny
5 those allegations on that basis.

6 19. Defendants deny the allegation stated in Complaint Paragraph 19.

7 20. Complaint Paragraph 20 appears to paraphrase WAC 434-379-020,
8 which regulation speaks for itself and therefore Defendants deny Plaintiffs'
9 characterization of it. Defendants deny that a petition sheet is the "outer envelope of
10 the ballot."

11 21. Complaint Paragraph 21 appears to partially quote RCW
12 29A.40.110(3), which statutory provision speaks for itself.

13 22. Complaint Paragraph 22 appears to quote WAC 434-261-050(4)(b),
14 which regulation speaks for itself.

15 23. Defendants deny the allegation in Complaint Paragraph 23.

16 24. Defendants deny the allegation in Complaint Paragraph 24.

17 25. Defendants deny the allegation in Complaint Paragraph 25.

18 26. Defendants deny the allegation in Complaint Paragraph 26.

19 27. Defendants state that the allegations in Complaint Paragraph 27 set
20 forth legal conclusions to which no response is required. To the extent that any
21 response is required, Defendants deny that their conduct at issue is unconstitutional
22 or in violation of the Voting Rights Act.

23 28. Defendants state that the allegations in Complaint Paragraph 28 state
24 matters related to the Court's subject matter jurisdiction to which no response is
25 required. To the extent a response is required Defendants admit that the Court has
26 statutory jurisdiction and state they lack information sufficient to admit or deny
27 Article III jurisdiction and therefore deny it on that basis.

1 29. Defendants admit that the Court has personal jurisdiction over them and
2 that all aside from Douglas Shae are current county officials or employees. The other
3 allegations in Complaint Paragraph 29 states Plaintiffs' framing of the relief they
4 seek. To the extent that any answer is required, Defendants admit that relief is sought
5 against them in their official capacities only and deny all other allegations.

6 30. Defendants admit that venue is proper in this district.

7 31. Defendants state that the allegation in Complaint Paragraph 31 sets
8 forth legal conclusions to which no response is required. To the extent that any
9 response is required, Defendants deny that Plaintiffs are entitled to a declaration or
10 injunction in this case.

11 32. Defendants admit that Benton County voter registration records show
12 that Marissa Reyes is a registered voter over the age of 18. Defendants lack
13 information sufficient to admit or deny that Plaintiff Marissa Reyes is Latino,
14 however, they have no reason to contest that allegation.

15 33. Defendants lack information sufficient to admit or deny the allegation
16 in Complaint Paragraph 33 and therefore deny it.

17 34. Defendants admit that Marissa Reyes's ballot was returned with a
18 signature. Defendants lack information sufficient to admit or deny any other
19 allegations stated in Complaint Paragraph 34 and deny those allegations on that
20 basis.

21 35. Defendants admit that Marissa Reyes's ballot was challenged and
22 rejected after she did not cure it. Defendants deny all other allegations stated in
23 Complaint Paragraph 35.

24 36. Defendants admit that a letter was sent to Ms. Reyes, that she
25 presumably received it, and that she did not cure her signature. Defendants deny all
26 other allegations stated in Complaint Paragraph 36.

27 37. Defendants lack information sufficient to admit or deny the allegations

1 in Complaint Paragraph 37 and deny those allegations on that basis.

2 38. Defendants lack information sufficient to admit or deny the allegations
3 in Complaint Paragraph 38 and deny those allegations on that basis.

4 39. Defendants lack information sufficient to admit or deny the allegations
5 in Complaint Paragraph 39 and deny those allegations on that basis.

6 40. Defendants lack information sufficient to admit or deny the allegations
7 in Complaint Paragraph 40 and deny those allegations on that basis.

8 41. Defendants lack information sufficient to admit or deny the allegations
9 in Complaint Paragraph 41 and deny those allegations on that basis.

10 42. Defendants lack information sufficient to admit or deny the allegations
11 in Complaint Paragraph 42 and deny those allegations on that basis.

12 43. Defendants lack information sufficient to admit or deny the allegations
13 in Complaint Paragraph 43 and deny those allegations on that basis.

14 44. Defendants lack information sufficient to admit or deny the allegations
15 in Complaint Paragraph 44 and deny those allegations on that basis.

16 45. Defendants lack information sufficient to admit or deny the allegations
17 in Complaint Paragraph 45 and deny those allegations on that basis.

18 46. Defendants lack information sufficient to admit or deny the allegations
19 in Complaint Paragraph 46 and deny those allegations on that basis.

20 47. Defendants lack information sufficient to admit or deny the allegation
21 in Complaint Paragraph 47 and deny it on that basis.

22 48. Defendants admit the persons stated may or have been members of the
23 Benton County Canvassing Board for certain elections. Defendants lack information
24 sufficient to admit or deny the allegation “authority to determine whether a signature
25 matches the signature on file for a given voter during the ballot processing stage,”
26 due to ambiguity, and therefore deny the same. The other allegations in Complaint
27 Paragraph 48 state Plaintiffs’ framing of the relief they seek. To the extent any

1 answer is required, Defendants admit that relief is sought against them in their
2 official capacities only and deny that Plaintiffs are entitled to relief.

3 49. Defendants admit the persons stated may or have been members of the
4 Yakima County Canvassing Board for certain elections. Defendants lack
5 information sufficient regarding the meaning of “authority to determine whether a
6 signature matches the signature on file for a given voter during the ballot processing
7 stage,” and therefore deny the allegation on that basis. The other allegations in
8 Complaint Paragraph 48 state Plaintiffs’ framing of the relief they seek. To the extent
9 any answer is required, Defendants admit that relief is sought against them in their
10 official capacities only and deny that Plaintiffs are entitled to relief.

11 50. Defendants admit the persons stated may or have been members of the
12 Chelan County Canvassing Board for certain elections. Defendants lack information
13 sufficient to admit or deny the allegation “authority to determine whether a signature
14 matches the signature on file for a given voter during the ballot processing stage,”
15 due to ambiguity, and therefore deny the same. The other allegations in Complaint
16 Paragraph 48 state Plaintiffs’ framing of the relief they seek. To the extent any
17 answer is required, Defendants admit that relief is sought against them in their
18 official capacities only and deny that Plaintiffs are entitled to relief.

19 51. Defendants admit that in 2005 the State of Washington passed a law
20 that gave counties the option to conduct all elections entirely by mail ballot.
21 Defendants deny Complaint Paragraph 51’s characterization of Washington’s vote
22 by mail system as a “scheme.” Defendants lack information sufficient to admit or
23 deny the remaining allegations in Complaint Paragraph 51 and deny those
24 allegations on that basis.

25 52. Defendants admit that in 2011 the State of Washington passed a law
26 that required each county to automatically issue a mail ballot to each registered voter
27 of the state, overseas voter, and service voter for each election. Defendants deny that

1 the legislation was enacted via Senate Bill 5142 and that the legislation replaced “the
2 existing election infrastructure.”

3 53. Defendants admit that most Washington voters cast their ballots by
4 mail. Defendants lack information sufficient to admit or deny the remaining
5 allegations in Complaint Paragraph 51 and deny those allegations on that basis.

6 54. Defendants admit that Chapter 29A.40 of the Revised Code of
7 Washington is entitled “Elections by Mail” and that the chapter, along with other
8 provisions of Title 29A of the Revised Code of Washington govern the State’s
9 elections. Defendants otherwise deny the allegations in Complaint Paragraph 54.

10 55. Defendants admit that RCW 29A.40.110 provides that “[e]ach active
11 registered voter of the state, overseas voter, and service voter shall automatically be
12 issued a mail ballot for each general election, special election, or primary.”

13 56. Defendants admit that a voter must take certain actions after receiving
14 a ballot if the voter chooses to vote. Defendants deny Plaintiffs’ characterization of
15 RCW 29A.40.091, which speaks for itself. Defendant deny all other allegations in
16 Complaint Paragraph 56.

17 57. Defendants admit that a voter must sign a declaration in order to vote.
18 Defendants admit that each county auditor must send each voter a ballot, a security
19 envelope in which to conceal the ballot after voting, a larger envelope in which to
20 return the security envelope, a declaration that the voter must sign, and certain
21 instructions. Defendants deny the remainder of the allegations in Complaint
22 Paragraph 57.

23 58. Complaint Paragraph 58 appears to be a paraphrase of RCW
24 29A.40.091(2), which statutory provision speaks for itself. Defendants deny the
25 allegation to the extent the paragraph misquotes the statute.

26 59. Defendants deny Plaintiffs’ characterization of RCW 29A.40.091,
27 which speaks for itself.

1 60. Defendants deny Plaintiffs' characterization of RCW 29A.40.110,
2 which speaks for itself.

3 61. Defendants deny Plaintiffs' characterization of RCW 29A.40.110,
4 which speaks for itself. Defendants deny the remainder of the allegations in
5 Complaint Paragraph 61.

6 62. Defendants admit the allegation in Complaint Paragraph 62.

7 63. Defendants deny the allegation in Complaint Paragraph 63.

8 64. Defendants lack information sufficient to admit or deny the allegations
9 in Complaint Paragraph 64 and deny those allegations on that basis.

10 65. Defendants deny Plaintiffs characterization of RCW 29A.40.110(3) to
11 the extent they replaced "staff" for "all personnel" in the statute. The statute speaks
12 for itself.

13 66. Defendants admit the allegation in Complaint Paragraph 66.

14 67. Complaint Paragraph 67 appears to quote WAC 434-260-320, which
15 regulation speaks for itself.

16 68. Complaint Paragraph 68 appears to quote a sentence in RCW
17 29A.40.110(3), which provision speaks for itself.

18 69. Complaint Paragraph 67 appears to quote WAC 434-261-050(4)(b),
19 which regulation speaks for itself.

20 70. Defendants deny Plaintiffs' characterization of WAC 434-261-050,
21 which speaks for itself.

22 71. Complaint Paragraph 71 appears to partially quote WAC 434-261-
23 050(3), which regulation speaks for itself.

24 72. Defendants deny Plaintiffs' characterization of WAC 434-261-050(1),
25 which speaks for itself.

26 73. Defendants deny the allegations in Complaint Paragraph 73.

27 74. Defendants lack information sufficient to admit or deny the allegations

1 in Complaint Paragraph 74 and deny those allegations on that basis.

2 75. Defendants deny the allegation stated in Complaint Paragraph 75.

3 76. Defendants admit that no two signatures are exactly the same. To the
4 extent Complaint Paragraph 76 states any other allegation, Defendants deny it.

5 77. Defendants admit the allegation in Complaint Paragraph 77.

6 78. Defendants admit that no two signatures are exactly the same.
7 Defendants lack information sufficient to admit or deny the other allegations in
8 Complaint Paragraph 78 and deny those allegations on that basis.

9 79. Defendants lack information sufficient to admit or deny the allegation
10 in Complaint Paragraph 79 and deny it on that basis.

11 80. Defendants lack information sufficient to admit or deny the allegations
12 in Complaint Paragraph 80 and deny those allegations on that basis.

13 81. Defendants admit the allegation in Complaint Paragraph 81.

14 82. Complaint Paragraph 82 appears to paraphrase RCW 29A.40.110(3),
15 which provision speaks for itself.

16 83. Complaint Paragraph 83 appears to paraphrase WAC 434-261-
17 050(4)(a), which provision speaks for itself.

18 84. Defendants state that the allegations in Complaint Paragraph 84 set
19 forth legal conclusions to which no response is required. To the extent that any
20 response is required, Defendants admit that Title 29A of the Revised Code of
21 Washington does not provide an express definition of the term “clearly the same.”
22 To the extent that Complaint Paragraph 84 states any other allegation, Defendants
23 deny it.

24 85. Defendants deny the allegations in Complaint Paragraph 85.

25 86. Defendants deny the allegations in Complaint Paragraph 86.

26 87. Defendants deny the allegations in Complaint Paragraph 87.

27 88. Defendants lack information sufficient to admit or deny the Complaint

1 Paragraph 88's allegation of disproportionate effect on Latino voters and deny the
2 allegations on that basis. Defendants deny all other allegations in Complaint
3 Paragraph 88.

4 89. Defendants lack information sufficient to admit or deny the allegations
5 in Complaint Paragraph 89 and deny those allegations on that basis.

6 90. Defendants lack information sufficient to admit or deny the allegations
7 in Complaint Paragraph 90 and deny those allegations on that basis.

8 91. Defendants lack information sufficient to admit or deny the allegation
9 in Complaint Paragraph 91 and deny it on that basis.

10 92. Defendants lack information sufficient to admit or deny the allegation
11 in Complaint Paragraph 92 and deny it on that basis.

12 93. Defendants lack information sufficient to admit or deny the allegation
13 in Complaint Paragraph 93 and deny it on that basis.

14 94. Defendants lack information sufficient to admit or deny the allegation
15 in Complaint Paragraph 94 and deny it on that basis.

16 95. Defendants lack information sufficient to admit or deny the allegation
17 in Complaint Paragraph 95 and deny it on that basis.

18 96. To the extent the graph in Complaint Paragraph 96 states a discernable
19 allegation, Defendants lack information sufficient to admit or deny the allegation
20 and deny it on that basis.

21 97. Defendants lack information sufficient to admit or deny the allegation
22 in Complaint Paragraph 97 and deny it on that basis.

23 98. Defendants lack information sufficient to admit or deny the allegation
24 in Complaint Paragraph 98 and deny it on that basis.

25 99. Defendants lack information sufficient to admit or deny the allegation
26 in Complaint Paragraph 99 and deny it on that basis.

27 100. Defendants lack information sufficient to admit or deny the allegations

1 in Complaint Paragraph 100 and deny those allegations on that basis.

2 101. Defendants lack information sufficient to admit or deny the allegation
3 in Complaint Paragraph 101 and deny it on that basis.

4 102. Defendants lack information sufficient to admit or deny the allegations
5 in Complaint Paragraph 102 and deny those allegations on that basis.

6 103. Defendants lack information sufficient to admit or deny the allegation
7 in Complaint Paragraph 103 and deny it on that basis.

8 104. Defendants lack information sufficient to admit or deny the allegation
9 in Complaint Paragraph 104 and deny it on that basis.

10 105. Defendants lack information sufficient to admit or deny the allegations
11 in Complaint Paragraph 105 and deny those allegations on that basis.

12 106. Defendants lack information sufficient to admit or deny the allegations
13 in Complaint Paragraph 106 and deny it on that basis.

14 107. Defendants lack information sufficient to admit or deny the allegations
15 in Complaint Paragraph 107 and deny it on that basis.

16 108. Defendants lack information sufficient to admit or deny the allegations
17 in Complaint Paragraph 108 and deny it on that basis.

18 109. To the extent the graph in Complaint Paragraph 109 states a discernable
19 allegation, Defendants lack information sufficient to admit or deny the allegation
20 and deny it on that basis.

21 110. Defendants deny the allegations stated in Complaint Paragraph 110.

22 111. Defendants deny the allegations stated in Complaint Paragraph 111.

23 112. Defendants deny the allegations stated in Complaint Paragraph 112.

24 113. Defendants deny the allegation stated in Complaint Paragraph 113.

25 114. Defendants lack information sufficient to admit or deny the allegations
26 in Complaint Paragraph 114 and deny it on that basis.

27 115. Defendants lack information sufficient to admit or deny the allegations

1 in Complaint Paragraph 115 and deny those allegations on that basis.

2 116. Defendants lack information sufficient to admit or deny the allegation
3 in Complaint Paragraph 116 and deny it on that basis.

4 117. Defendants admit that the City of Yakima and the City of Pasco have
5 been found in violation of Section 2 of the Voting Rights Act for different election-
6 related issues. Defendants deny the remainder of the allegation in Complaint
7 Paragraph 117 and deny any legal significance to the City of Yakima or City of
8 Pasco matters to the claims in this Complaint.

9 118. Defendants lack information sufficient to admit or deny the allegation
10 in Complaint Paragraph 118 and deny it on that basis.

11 119. Defendants lack information sufficient to admit or deny the allegations
12 in Complaint Paragraph 119 and deny those allegations on that basis.

13 120. Defendants deny the allegation stated in Complaint Paragraph 120.

14 121. Defendants lack information sufficient to admit or deny the allegations
15 in Complaint Paragraph 121 and deny those allegations on that basis.

16 122. Defendants lack information sufficient to admit or deny the allegations
17 in Complaint Paragraph 122 and deny those allegations on that basis.

18 123. Defendants incorporate by reference their answers to other Complaint
19 Paragraphs.

20 124. Defendants lack information sufficient to admit or deny the first two
21 sentences in Complaint Paragraph 124 and deny those allegations on that basis.
22 Defendants deny the last sentence in Complaint Paragraph 124.

23 125. Defendants lack information sufficient to admit or deny the allegation
24 in Complaint Paragraph 125 and deny it on that basis.

25 126. Defendants lack information sufficient to admit or deny the allegations
26 in Complaint Paragraph 126 and deny those allegations on that basis.

27 127. Defendants deny the allegations in Complaint Paragraph 127.

1 128. Defendants lack information sufficient to admit or deny the allegations
2 in Complaint Paragraph 128 and deny those allegations on that basis.

3 129. Defendants deny the allegations in Complaint Paragraph 129.

4 130. Defendants incorporate by reference their answers to other Complaint
5 Paragraphs.

6 131. Defendants deny the allegation stated in Complaint Paragraph 131.

7 132. Defendants deny the allegation stated in Complaint Paragraph 132.

8 133. Defendants deny the allegations stated in Complaint Paragraph 133.

9 134. Defendants deny the allegation stated in Complaint Paragraph 134.

10 135. Defendants deny the allegations stated in Complaint Paragraph 135.

11 136. Defendants incorporate by reference their answers to other Complaint
12 Paragraphs.

13 137. Defendants deny the allegations stated in Complaint Paragraph 137.

14 138. Defendants deny the allegations stated in Complaint Paragraph 138.

15 139. Complaint Paragraph 139 alleges quotations from case opinions to
16 which no response is required. To the extent a response is required, Defendants
17 respectfully submit that the opinions should be read for the context in which the
18 alleged quotations appear.

19 140. Defendants lack information sufficient to admit or deny the allegation
20 of disparate burdens on Latino voters in Complaint Paragraph 140 and deny it on
21 that basis. Defendants deny all other allegations stated in Complaint Paragraph 140.

22 141. Defendants incorporate by reference their answers to other Complaint
23 Paragraphs.

24 142. Complaint Paragraph 142 alleges quotations from case opinions to
25 which no response is required. To the extent a response is required, Defendants
26 respectfully submit that the opinions should be read for the context in which the
27 alleged quotations appear.

1 143. Complaint Paragraph 143 alleges quotations from case opinions to
2 which no response is required. To the extent a response is required, Defendants
3 respectfully submit that the opinions should be read for the context in which the
4 alleged quotations appear.

5 144. Defendants lack information sufficient to admit or deny the allegations
6 in Complaint Paragraph 144 and deny those allegations on that basis.

7 145. Defendants deny the allegations stated in Complaint Paragraph 145.

8 146. Defendants lack information sufficient to admit or deny the allegations
9 in Complaint Paragraph 146 and deny those allegations on that basis.

10 147. Defendants deny the allegations stated in Complaint Paragraph 147.

11 148. Defendants incorporate by reference their answers to other Complaint
12 Paragraphs.

13 149. Defendants deny the allegation stated in Complaint Paragraph 149.

14 150. Defendants deny the allegation stated in Complaint Paragraph 150.

15 151. Defendants incorporate by reference their answers to other Complaint
16 Paragraphs.

17 152. Complaint Paragraph 152 appears to partially quote U.S. Const.
18 amendment XIV, § 1, which speaks for itself.

19 153. Defendants state that the allegations in Complaint Paragraph 153 set
20 forth legal conclusions and quotations from case opinions to which no response is
21 required. To the extent a response is required, Defendants respectfully submit that
22 the opinions should be read for the context in which the alleged quotations appear
23 and deny all other allegations stated in Complaint Paragraph 153.

24 154. Defendants state that the allegations in Complaint Paragraph 154 set
25 forth legal conclusions and quotations from case opinions to which no response is
26 required. To the extent a response is required, Defendants respectfully submit that
27 the opinions should be read for the context in which the alleged quotations appear

1 and deny all other allegations stated in Complaint Paragraph 154.

2 155. Defendants deny the allegations in Complaint Paragraph 155.

3 156. Defendants deny the allegations in Complaint Paragraph 156.

4 157. Complaint Paragraph 157 alleges a quotation from a case opinion to
5 which no response is required. To the extent a response is required, Defendants
6 respectfully submit that the opinion should be read for the context in which the
7 alleged quotation appears.

8 158. Defendants deny the allegation in Complaint Paragraph 158.

9 159. Defendants state that the allegations in Complaint Paragraph 159 set
10 forth legal conclusions to which no response is required. To the extent a response is
11 required, Defendants admit that all legitimately cast ballots should be counted in an
12 election and deny all other allegations stated in Complaint Paragraph 159.

13 160. Defendants deny the allegation stated in Complaint Paragraph 160.

14 161. To the extent that Plaintiffs' Prayer for Relief requires a response,
15 Defendants deny that Plaintiffs are entitled to any relief.

16 162. To the extent that Plaintiffs' Prayer for Relief requires a response,
17 Defendants deny that Plaintiffs are entitled to any relief.

18 163. To the extent that Plaintiffs' Prayer for Relief requires a response,
19 Defendants deny that Plaintiffs are entitled to any relief.

20 164. To the extent that Plaintiffs' Prayer for Relief requires a response,
21 Defendants deny that Plaintiffs are entitled to any relief.

22 165. To the extent that Plaintiffs' Prayer for Relief requires a response,
23 Defendants deny that Plaintiffs are entitled to any relief.

24 **II. AFFIRMATIVE DEFENSES**

25 By way of further answer, Defendants set forth the following affirmative
26 defenses.

27 1. Plaintiffs lack standing to assert the claims set forth in the Complaint.

2. Defendants Brenda Chilton, Andy Miller, Jerome Delvin, Charles Ross, Joseph Brusic, Ron Anderson, Skip Moore, Douglas J. Shae, and Bob Bugert are not proper Defendants and should be dismissed in their official capacities.
3. Plaintiffs have failed to state a claim upon which relief may be granted.
4. Plaintiffs have failed to join necessary parties.
5. Plaintiff Reyes failed to exhaust available state and administrative remedies.
6. The doctrine of unclean hands prevents Plaintiff Reyes from seeking an injunction.

Defendants reserve the right to withdraw, amend, or assert additional defenses or affirmative defenses upon discovery of additional facts or as otherwise appropriate as this action proceeds.

III. PRAYER FOR RELIEF

Having answered the allegations in the Complaint, Defendants respectfully request that judgment be entered in their favor with respect to all claims asserted by Plaintiffs; that Plaintiffs' Complaint be dismissed with prejudice; that the costs of this proceeding, including attorney fees, be assessed against Plaintiffs; and that Defendants be awarded such other and further relief as this Court deems just and equitable.

DATED: June 28, 2021

LANE POWELL PC

By: Callie A. Castillo

Callie A. Castillo, WSBA No. 38214
Devon J. McCurdy, WSBA No. 52663
castilloc@lanepowell.com
mccurdyd@lanepowell.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington and United States that on the date listed below, I caused to be served a copy of the attached document to the following persons in the manner indicated below at the following addresses:

<p><i>Attorneys for Plaintiffs:</i></p> <p>Molly P. Matter Amend Law, LLC PO Box 13203 Burton, WA 98013 T: 206-280-8724 molly@amendlawmatter.com</p> <p>Chadd W. Dunn Sonni Waknin AlanA Friedman UCLA Voting Rights Project 3250 Public Affairs Building Los Angeles, CA 90065 T: 310-400-6019 chad@uclavrp.org sonni@uslavr.org</p> <p>Luis Roberta Vera, Jr. Law Offices of Luis Roberta Vera, Jr. 1325 Riverview Towers 111 Soledad Street, Suite 1325 San Antonio, TX 78205-2260 T: 210-225-3300 lrqlaw@sbcglobal.net</p>	<p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p> <p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p> <p><input type="checkbox"/> by CM/ECF <input checked="" type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery</p>
<p><i>Attorneys for Yakima County Defendants: Charles Ross, Joseph Brusnic, and Ron Anderson:</i></p> <p>Don L. Anderson, WSBA No. 12445 Yakima County Chief Civil Deputy Prosecuting Attorney Corporate Counsel Division 128 N. 2d Street, Room 211</p>	<p><input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery</p>

1 Yakima, WA 98901 2 T: 509-574-1200 3 don.anderson@co.yakima.wa.us	<input type="checkbox"/> by Overnight Delivery
4 <i>Attorneys for Chelan County Defendants Skip</i> 5 <i>Moore, Douglas Shae, and Bob Bugert:</i> 6 Robert W. Sealby, WSBA No. 21330 7 Deputy Prosecuting Attorney 8 Chelan County Prosecuting Attorney’s Office 9 P.O. Box 2596 10 Wenatchee, WA 98807-2596 11 T: 509-667-6490 12 robert.sealby@co.chelan.wa.us	<input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
13 <i>Attorneys for Benton County Defendants</i> 14 <i>Brenda Chilton, Andy Miller, and Jerome</i> 15 <i>Devlin:</i> 16 Ryan K. Brown, WSBA No. 43377 17 Benton County Chief Deputy Prosecuting 18 Attorney, Civil 19 7122 W. Okanogan Place, Bldg. A 20 Kennewick, WA 99336 21 T: 509-222-3705 22 ryan.brown@co.benton.wa.us	<input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery

23 DATED this 28th day of June, 2021, at Seattle, Washington.

24 s/ Lou Rosenkranz
 25 Lou Rosenkranz, Legal Assistant