

1 Callie A. Castillo, WSBA No. 38214  
2 Devon J. McCurdy, WSBA No. 52663  
3 LANE POWELL PC  
4 1420 Fifth Avenue, Suite 4200  
5 P.O. Box 91302  
6 Seattle, Washington 98111-9402  
7 Telephone: 206.223.7000  
8 Facsimile: 206.223.7107  
9 castilloc@lanepowell.com  
10 mcurdyd@lanepowell.com  
11 Attorneys for Defendants

THE HONORABLE  
ROSANNA MALOUF PETERSON

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 OF WASHINGTON,

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,  
ROBERT SEALBY, 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-RMP

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

**I. ANSWER**

Defendants answer Plaintiffs' Complaint as follows:

1. Complaint Paragraph 1 of the Introduction alleges quotations from a case opinion to which no response is required. To the extent a response is required, Defendants respectfully submit that the opinion should be read for the context in which the alleged quotation appears.

2. Defendants admit that since 2013 Washington State has conducted its elections primarily via mail-in ballots. Defendants further admit that in accordance with RCW 29A.40.110(3), mail-in ballots are reviewed by county canvassing boards or their designated representatives to verify that a voter's signature on the ballot declaration is the same as the signature of that voter in the county's registration files.

3. Defendants admit only that signature verification training is not mandated for county canvassing review boards under RCW 29A.40.110. The other allegations in Complaint Paragraph 3 of the Introduction state Plaintiffs' purported reasons for bringing this action. To the extent that any answer is required, Defendants deny all allegations.

4. Defendants admit only that ballot rejection based on a perceived signature mismatch is not a usual burden of voting. Defendants deny all other allegations in Complaint Paragraph 4 of the Introduction.

5. Complaint Paragraph 5 of the Introduction states a legal conclusion for which no answer is required. To the extent that any answer is required, Defendants deny all allegations.

6. Complaint Paragraph 6 of the Introduction states a legal conclusion for which no answer is required. To the extent that any response is required, Defendants deny that their conduct at issue is unconstitutional or in violation of the Voting Rights Act or U.S. Const. amendments I, XIV, XV.

1 7. Complaint Paragraph 7 of the Introduction states a legal conclusion for  
2 which no answer is required. To the extent that any answer is required, Defendants  
3 deny all allegations.

4 8. Defendants state that the allegations in Complaint Paragraph 1<sup>1</sup> state  
5 matters related to the Court's subject matter jurisdiction to which no response is  
6 required. To the extent a response is required Defendants admit that the Court has  
7 statutory jurisdiction and state they lack information sufficient to admit or deny  
8 Article III jurisdiction and therefore deny it on that basis.

9 9. Defendants admit that the Court has personal jurisdiction over them.  
10 The other allegations in Complaint Paragraph 2 states Plaintiffs' framing of the relief  
11 they seek. To the extent that any answer is required, Defendants admit that relief is  
12 sought against them in their official capacities only and deny all other allegations.

13 10. Defendants admit that venue is proper in this district.

14 11. Defendants state that the allegation in Complaint Paragraph 4 sets forth  
15 legal conclusions to which no response is required. To the extent that any response  
16 is required, Defendants deny that Plaintiffs are entitled to a declaration or injunction  
17 in this case.

18 12. Defendants admit that Chelan County voter registration records show  
19 that Plaintiff Jesse Reyes is a registered voter over the age of 18.

20 13. Defendants lack information sufficient to admit or deny that Jesse  
21 Reyes is Latino, however, they have no reason to contest that allegation.

22 14. Defendants lack information sufficient to admit or deny the allegation  
23 in Complaint Paragraph 7 and therefore deny it on that basis.

24 15. Defendants admit that Jesse Reyes had ballots challenged for a  
25 signature mismatch in 2017 and 2020.

26 \_\_\_\_\_  
27 <sup>1</sup> The Second Amended Complaint begins renumbering after the Jurisdiction and Venue section  
header on page 5.

1 16. Defendants lack information sufficient to admit or deny the allegations  
2 in Complaint Paragraph 9 and therefore deny those allegations on that basis.

3 17. Defendants admit that Jesse Reyes had ballots that were not counted  
4 after he did not cure them. Defendants lack information sufficient to admit or deny  
5 the other allegations stated in Complaint Paragraph 10.

6 18. Defendants lack information sufficient to admit or deny that Plaintiff  
7 Cinthia Álvarez Lucatero is a registered voter over the age of 18.

8 19. Defendants lack information sufficient to admit or deny that Cinthia  
9 Álvarez Lucatero is Latino, however, they have no reason to contest that allegation.

10 20. Defendants lack information sufficient to admit or deny the allegation  
11 in Complaint Paragraph 13 and therefore deny it on that basis.

12 21. Defendants lack information sufficient to admit or deny the allegation  
13 in Complaint Paragraph 14 and therefore deny it on that basis.

14 22. Defendants lack information sufficient to admit or deny the allegations  
15 in Complaint Paragraph 15 that Cinthia Álvarez Lucatero is a naturalized citizen  
16 who values her right to vote, however, they have no reason to contest these  
17 allegations. Defendants lack information sufficient to admit or deny the remainder  
18 of Complaint Paragraph 15 and therefore deny those allegations on that basis.

19 23. Defendants lack information sufficient to admit or deny the allegation  
20 in Complaint Paragraph 16 and therefore deny it on that basis.

21 24. Defendants lack information sufficient to admit or deny the allegation  
22 in Complaint Paragraph 17 and therefore deny it on that basis.

23 25. Defendants lack information sufficient to admit or deny the allegation  
24 in Complaint Paragraph 18 therefore deny it on that basis.

25 26. Defendants admit that Yakima County voter registration records show  
26 that Plaintiff Daniel Reynoso is a registered voter over the age of 18.

27 27. Defendants lack information sufficient to admit or deny that Plaintiff

1 Daniel Reynoso is Latino, however, they have no reason to contest that allegation.

2 28. Defendants lack information sufficient to admit or deny the allegation  
3 in Complaint Paragraph 21 and therefore deny it on that basis.

4 29. Defendants admit that Daniel Reynoso's ballot was not counted in 2019  
5 because the signature on the declaration did not match the signature in Mr.  
6 Reynoso's voter file. Defendants lack information sufficient to admit or deny that  
7 Mr. Reynoso signed his own ballot, and therefore deny the allegation on that basis.

8 30. Defendants admit that Daniel Reynoso's 2018 ballot was challenged  
9 and rejected after he did not cure it. Defendants lack information sufficient to admit  
10 or deny the other allegation stated in Complaint Paragraph 23 and therefore deny it  
11 on that basis.

12 31. Defendants admit that Daniel Reynoso did not vote in the 2019 election.  
13 Defendants lack information sufficient to admit or deny the other allegation in  
14 Complaint Paragraph 24 and therefore deny it on that basis.

15 32. Defendants admit that Daniel Reynoso voted in the 2020 election.  
16 Defendants lack information sufficient to admit or deny the other allegations stated  
17 in Complaint Paragraph 25 and therefore deny those allegations on that basis.

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

20 34. Defendants lack information sufficient to admit or deny the allegation  
21 in Complaint Paragraph 27 and deny it on that basis.

22 35. Defendants lack information sufficient to admit or deny the allegation  
23 in Complaint Paragraph 28 and deny it on that basis.

24 36. Defendants lack information sufficient to admit or deny the allegation  
25 in Complaint Paragraph 29 and deny it on that basis.

26 37. Defendants lack information sufficient to admit or deny the allegation  
27 in Complaint Paragraph 30 and deny it on that basis.

1 38. Defendants lack information sufficient to admit or deny the allegation  
2 in Complaint Paragraph 31 and deny it on that basis.

3 39. Defendants lack information sufficient to admit or deny the allegation  
4 in Complaint Paragraph 32 and deny it on that basis.

5 40. Defendants lack information sufficient to admit or deny the allegation  
6 in Complaint Paragraph 33 and deny it on that basis.

7 41. Defendants lack information sufficient to admit or deny the allegation  
8 in Complaint Paragraph 34 and deny it on that basis.

9 42. Defendants lack information sufficient to admit or deny the allegation  
10 in Complaint Paragraph 35 and deny it on that basis.

11 43. Defendants lack information sufficient to admit or deny the allegation  
12 in Complaint Paragraph 36 and deny it on that basis.

13 44. Defendants lack information sufficient to admit or deny the allegation  
14 in Complaint Paragraph 37 and deny it on that basis.

15 45. Defendants lack information sufficient to admit or deny the allegation  
16 in Complaint Paragraph 38 and deny it on that basis.

17 46. Defendants admit the persons stated may or have been members of the  
18 Benton County Canvassing Board for certain elections.

19 47. Defendants lack information sufficient to admit or deny the allegation  
20 in Complaint Paragraph 40 that the Benton County Canvassing Board has “authority  
21 to determine whether a signature matches the signature on file for a given voter  
22 during the ballot processing stage,” due to ambiguity and vagueness, and therefore  
23 deny the same.

24 48. The allegation in Complaint Paragraph 41 states Plaintiffs’ framing of  
25 the relief they seek. To the extent any answer is required, Defendants admit that  
26 relief is sought against them in their official capacities only and deny that Plaintiffs  
27 are entitled to relief.

1 49. Defendants admit the persons stated may or have been members of the  
2 Yakima County Canvassing Board for certain elections.

3 50. Defendants lack information sufficient to admit or  
4 deny the allegation in Complaint Paragraph 43 that the Yakima County Canvassing  
5 Board has the “authority to determine whether a signature matches the signature on  
6 file for a given voter during the ballot processing stage,” due to ambiguity and  
7 vagueness and therefore deny the allegation on that basis.

8 51. The allegation in Complaint Paragraph 44 states Plaintiffs’ framing of  
9 the relief they seek. To the extent any answer is required, Defendants admit that  
10 relief is sought against them in their official capacities only and deny that Plaintiffs  
11 are entitled to relief.

12 52. Defendants admit the persons stated may or have been members of the  
13 Chelan County Canvassing Board for certain elections.

14 53. Defendants lack information sufficient to admit or deny the allegation  
15 in Complaint Paragraph 46 that the Chelan County Canvassing Board has the  
16 “authority to determine whether a signature matches the signature on file for a given  
17 voter during the ballot processing stage,” due to ambiguity, and therefore deny the  
18 same.

19 54. The allegation in Complaint Paragraph 47 states Plaintiffs’ framing of  
20 the relief they seek. To the extent any answer is required, Defendants admit that  
21 relief is sought against them in their official capacities only and deny that Plaintiffs  
22 are entitled to relief.

23 55. Defendants admit that in 2005 the State of Washington passed a law  
24 that gave counties the option to conduct all elections entirely by mail ballot.  
25 Defendants lack information sufficient to admit or deny the remaining allegation in  
26 Complaint Paragraph 48 and therefore deny it.

27

1 56. Defendants admit that in 2011 the State of Washington passed a law  
2 that required each county to automatically issue a mail ballot to each registered voter  
3 of the state, overseas voter, and service voter for each election. Defendants deny that  
4 the legislation replaced “the existing election infrastructure.”

5 57. Defendants admit that nearly all Washington State voters vote by mail.

6 58. 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.

10 59. Defendants admit that RCW 29A.40.010 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 60. Defendants admit that nearly all Washington state voters cast their  
14 ballots by mail. Defendants admit counties establish voting centers pursuant to RCW  
15 29A.40.160 to enable voters to cast their ballots in person. Defendants lack  
16 information sufficient to admit or deny the remaining allegation in Complaint  
17 Paragraph 53 and therefore deny it.

18 61. Defendants admit that a voter must take certain actions after receiving  
19 a ballot if the voter chooses to vote. Defendants deny Plaintiffs’ characterization of  
20 RCW 29A.40.091, which speaks for itself. Defendants deny all other allegations in  
21 Complaint Paragraph 54.

22 62. Defendants admit that a voter must sign a declaration in order to vote.  
23 Defendants admit that each county auditor must send each voter a ballot, a security  
24 envelope in which to conceal the ballot after voting, a larger envelope in which to  
25 return the security envelope, a declaration that the voter must sign, and certain  
26 instructions. Defendants deny the remainder of the allegations in Complaint  
27 Paragraph 55.



1 63. Complaint Paragraph 56 appears to be a paraphrase of RCW  
2 29A.40.091(2), which statutory provision speaks for itself. Defendants deny the  
3 allegation to the extent the paragraph misquotes the statute.

4 64. Defendants deny Plaintiffs' characterization of RCW 29A.40.091,  
5 which speaks for itself.

6 65. Defendants deny Plaintiffs' characterization of RCW 29A.40.110,  
7 which speaks for itself.

8 66. Defendants admit that each county in Washington State has a County  
9 Canvassing Board comprised of the county auditor, the county prosecutor, and the  
10 chair of the county board of commissioners, as set out in RCW 29A.60.140 and  
11 WAC 434-262-010.

12 67. Defendants admit that each county canvassing board is responsible for  
13 certifying the results of Washington State elections under RCW 29A.60.190.  
14 Defendants lack information sufficient to admit or deny the remaining allegation in  
15 Complaint Paragraph 60 due to ambiguity and deny the allegation on that basis.

16 68. Defendants admit that the meetings of the county canvassing board are  
17 public meetings under RCW 42.30. RCW 29A.60.140(5).

18 69. Defendants admit that the meetings of the county canvassing board are  
19 public meetings under RCW 42.30, and therefore subject to the notice provisions of  
20 that chapter.

21 70. Defendants deny Plaintiffs' characterization of RCW 29A.40.110(3),  
22 which statute speaks for itself.

23 71. Defendants appear to cite to WAC 434-261-050. Defendants deny  
24 Plaintiffs' characterization of WAC 434-261-050, which speaks for itself.

25 72. Complaint Paragraph 65 appears to quote WAC 434-379-020. The  
26 regulation speaks for itself.

27

1 73. Complaint Paragraph 66 appears to quote a sentence in RCW  
2 29A.40.110(3). The provision speaks for itself.

3 74. Complaint Paragraph 67 appears to quote WAC 434-261-050. The  
4 regulation speaks for itself.

5 75. Defendants deny the allegation stated in Complaint Paragraph 68.

6 76. Complaint Paragraph 69 appears to quote WAC 434-261-050. The  
7 regulation speaks for itself.

8 77. Complaint Paragraph 70 appears to partially quote WAC 434-261-050.  
9 The regulation speaks for itself.

10 78. Defendants deny Plaintiffs' characterization of WAC 434-261-050,  
11 which speaks for itself.

12 79. Defendants deny the allegation stated in Complaint Paragraph 72.

13 80. Defendants lack information sufficient to admit or deny the allegations  
14 in Complaint Paragraph 73 and deny those allegations on that basis.

15 81. Defendants admit the allegation in Complaint Paragraph 74.

16 82. Defendants deny the allegation stated in Complaint Paragraph 75.

17 83. Defendants lack information sufficient to admit or deny the allegations  
18 in Complaint Paragraph 76 and deny those allegations on that basis.

19 84. Defendants deny Plaintiffs characterization of RCW 29A.40.110(3) to  
20 the extent they replaced "staff members" for "all personnel" in the statute. The  
21 statute speaks for itself.

22 85. Defendants admit only that signature verification training is not  
23 mandated for county canvassing review boards under RCW 29A.40.110.

24 86. Complaint Paragraph 79 appears to quote WAC 434-260-320. The  
25 regulation speaks for itself.

26 87. Defendants deny the allegation stated in Complaint Paragraph 80.  
27

1 88. Defendants admit that no two signatures are exactly the same. To the  
2 extent Complaint Paragraph 81 states any other allegation, Defendants deny it.

3 89. Defendants admit the allegation in Complaint Paragraph 82.

4 90. Defendants admit that no two signatures are exactly the same.  
5 Defendants lack information sufficient to admit or deny the other allegations in  
6 Complaint Paragraph 83 and deny those allegations on that basis.

7 91. Defendants lack information sufficient to admit or deny the allegation  
8 in Complaint Paragraph 84 and deny it on that basis.

9 92. Defendants deny the allegation stated in Complaint Paragraph 85.

10 93. Defendants deny the allegation stated in Complaint Paragraph 86.

11 94. Defendants deny the allegation stated in Complaint Paragraph 87.

12 95. Defendants deny the allegation stated in Complaint Paragraph 88.

13 96. Defendants deny the allegation stated in Complaint Paragraph 89.

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

16 98. Defendants deny the allegation stated in Complaint Paragraph 91.

17 99. Complaint Paragraph 92 states a legal conclusion for which no answer  
18 is required. To the extent that any answer is required, Defendants lack information  
19 sufficient to admit or deny the allegations in the paragraph and therefore deny them.

20 100. Complaint Paragraph 93 states a legal conclusion for which no answer  
21 is required. To the extent that any answer is required, Defendants lack information  
22 sufficient to admit or deny the allegation in the paragraph and therefore deny it.

23 101. Complaint Paragraph 94 states a legal conclusion for which no answer  
24 is required. To the extent that any answer is required, Defendants lack information  
25 sufficient to admit or deny the allegation in the paragraph and therefore deny it.

26 102. Defendants admit only that ballot rejection based on a perceived  
27 signature mismatch is not a usual burden of voting. Defendants deny all other

1 allegations in Complaint Paragraph 95.

2 103. Defendants deny the allegation stated in Complaint Paragraph 96.

3 104. Defendants deny the allegation stated in Complaint Paragraph 97.

4 105. Defendants lack information sufficient to admit or deny the allegations  
5 in Complaint Paragraph 98 and deny those allegations on that basis

6 106. Defendants lack information sufficient to admit or deny the allegations  
7 in Complaint Paragraph 99 and deny those allegations on that basis.

8 107. Defendants lack information sufficient to admit or deny the allegations  
9 in Complaint Paragraph 100 and deny those allegations on that basis.

10 108. Defendants lack information sufficient to admit or deny the allegations  
11 in Complaint Paragraph 101 and deny those allegations on that basis.

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

14 110. Defendants lack information sufficient to admit or deny the allegations  
15 in Complaint Paragraph 103 and deny those allegations on that basis.

16 111. Defendants lack information sufficient to admit or deny the allegations  
17 in Complaint Paragraph 104 and deny those allegations on that basis.

18 112. To the extent the graph in Complaint Paragraph 105 states a discernable  
19 allegation, Defendants lack information sufficient to admit or deny the allegation  
20 and deny it on that basis.

21 113. Defendants lack information sufficient to admit or deny the allegations  
22 in Complaint Paragraph 106 and deny those allegations on that basis.

23 114. Defendants lack information sufficient to admit or deny the allegations  
24 in Complaint Paragraph 107 and deny those allegations on that basis.

25 115. Complaint Paragraph 108 states, in part, a legal conclusion for which  
26 no answer is required. Further, Defendants lack information sufficient to admit or  
27 deny the allegations in Complaint Paragraph 108 and deny those allegations on that

1 basis.

2 116. Defendants lack information sufficient to admit or deny the allegations  
3 in Complaint Paragraph 109 and deny those allegations on that basis.

4 117. To the extent the table in Complaint Paragraph 110 states a discernable  
5 allegation, Defendants lack information sufficient to admit or deny the allegation  
6 and deny it on that basis.

7 118. Defendants lack information sufficient to admit or deny the allegations  
8 in Complaint Paragraph 111 and deny those allegations on that basis.

9 119. Defendants lack information sufficient to admit or deny the allegations  
10 in Complaint Paragraph 112 and deny those allegations on that basis.

11 120. Defendants lack information sufficient to admit or deny the allegations  
12 in Complaint Paragraph 113 and deny those allegations on that basis.

13 121. Defendants lack information sufficient to admit or deny the allegations  
14 in Complaint Paragraph 114 and deny those allegations on that basis.

15 122. Defendants lack information sufficient to admit or deny the allegations  
16 in Complaint Paragraph 115 and deny those allegations on that basis.

17 123. Defendants deny the allegation stated in Complaint Paragraph 116.

18 124. Defendants lack information sufficient to admit or deny the allegations  
19 in Complaint Paragraph 117 and deny those allegations on that basis.

20 125. Defendants lack information sufficient to admit or deny the allegations  
21 in Complaint Paragraph 118 and deny those allegations on that basis.

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

24 127. Defendants lack information sufficient to admit or deny the allegations  
25 in Complaint Paragraph 120 and deny those allegations on that basis.

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

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

3 130. To the extent the table in Complaint Paragraph 123 states a discernable  
4 allegation, Defendants lack information sufficient to admit or deny the allegation  
5 and deny it on that basis.

6 131. Defendants deny the allegations stated in Complaint Paragraph 124.

7 132. Defendants deny the allegations stated in Complaint Paragraph 125.

8 133. Defendants deny the allegations stated in Complaint Paragraph 126.

9 134. Defendants deny the allegations stated in Complaint Paragraph 127.

10 135. Defendants deny the allegations stated in Complaint Paragraph 128.

11 136. Defendants lack information sufficient to admit or deny the allegations  
12 in Complaint Paragraph 129 and deny those allegations on that basis.

13 137. Defendants lack information sufficient to admit or deny the allegations  
14 in Complaint Paragraph 130 and deny those allegations on that basis.

15 138. Defendants lack information sufficient to admit or deny the allegations  
16 in Complaint Paragraph 131 and deny those allegations on that basis.

17 139. Defendants admit that the City of Yakima and the City of Pasco were  
18 found in violation of Section 2 of the Voting Rights Act for different election-related  
19 issues. Defendants deny the remainder of the allegation in Complaint Paragraph 132  
20 and deny any legal significance to the City of Yakima City of Pasco matters to the  
21 claims in this Complaint.

22 140. Defendants lack information sufficient to admit or deny the allegations  
23 in Complaint Paragraph 133 and deny those allegations on that basis.

24 141. Defendants deny the allegations stated in Complaint Paragraph 134.

25 142. Defendants lack information sufficient to admit or deny the allegations  
26 in Complaint Paragraph 135 and deny those allegations on that basis.

27

1 143. Defendants deny the allegations stated in Complaint Paragraph 136.

2 144. Defendants lack information sufficient to admit or deny the allegations  
3 in Complaint Paragraph 137 and deny those allegations on that basis.

4 145. Defendants lack information sufficient to admit or deny the allegations  
5 in Complaint Paragraph 138 and deny those allegations on that basis.

6 146. Defendants lack information sufficient to admit or deny the allegations  
7 in Complaint Paragraph 139 and deny those allegations on that basis.

8 147. Defendants deny the allegations stated in Complaint Paragraph 140.

9 148. Defendants lack information sufficient to admit or deny the allegations  
10 in Complaint Paragraph 141 and deny those allegations on that basis.

11 149. Defendants lack information sufficient to admit or deny the allegations  
12 in Complaint Paragraph 142 and deny those allegations on that basis.

13 150. Defendants incorporate by reference their answers to other Complaint  
14 Paragraphs.

15 151. Defendants deny the first sentence Complaint Paragraph 144. As to the  
16 remaining allegations, Defendants lack information sufficient to admit or deny the  
17 remaining allegations in Complaint Paragraph and deny those allegations on that  
18 basis.

19 152. Defendants lack information sufficient to admit or deny the allegations  
20 in Complaint Paragraph 145 and deny those allegations on that basis.

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

23 154. Defendants lack information sufficient to admit or deny the allegations  
24 in Complaint Paragraph 147 and deny those allegations on that basis. Defendants  
25 deny the last sentence of Complaint Paragraph 147.

26 155. Defendants deny the allegations stated in Complaint Paragraph 148.

27 156. Defendants deny the allegations stated in Complaint Paragraph 149.

1 157. Defendants lack information sufficient to admit or deny the allegations  
2 in Complaint Paragraph 150 and deny those allegations on that basis. Defendants  
3 deny the last sentence of Complaint Paragraph 150.

4 158. Defendants deny the allegations stated in Complaint Paragraph 151.

5 159. Defendants incorporate by reference their answers to other Complaint  
6 Paragraphs.

7 160. Defendants deny the allegation stated in Complaint Paragraph 153.

8 161. Defendants deny the allegation stated in Complaint Paragraph 154.

9 162. Defendants deny the allegations stated in Complaint Paragraph 155.

10 163. Defendants deny the allegations stated in Complaint Paragraph 156.

11 164. Defendants deny the allegation stated in Complaint Paragraph 157.

12 165. Defendants deny the allegations stated in Complaint Paragraph 158.

13 166. Defendants incorporate by reference their answers to other Complaint  
14 Paragraphs.

15 167. Defendants deny the allegations stated in Complaint Paragraph 160.

16 168. Complaint Paragraph 161 alleges quotations from case opinions to  
17 which no response is required. To the extent a response is required, Defendants  
18 respectfully submit that the opinions should be read for the context in which the  
19 alleged quotations appear. Defendants deny all other allegations stated in Complaint  
20 Paragraph 161.

21 169. Defendants deny the allegations stated in Complaint Paragraph 162.

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

24 171. Complaint Paragraph 163 alleges citations and quotations from  
25 constitutional amendments and case opinions to which no response is required. To  
26 the extent a response is required, Defendants respectfully submit that the opinions  
27 and constitutional provisions should be read for the context in which the alleged



1 citations appear.

2 172. Defendants deny the allegations stated in Complaint Paragraph 164.

3 173. Defendants deny the allegations stated in Complaint Paragraph 165.

4 174. Defendants lack information sufficient to admit or deny the allegations  
5 in Complaint Paragraph 166 and deny those allegations on that basis

6 175. Complaint Paragraph 167 alleges citations from a U.S. Const.  
7 amendment I and case opinions to which no response is required. To the extent a  
8 response is required, Defendants respectfully submit that the amendment and  
9 opinions should be read for the context in which the alleged quotations appear.

10 176. Defendants deny the allegations stated in Complaint Paragraph 168.

11 177. Defendants deny the allegations stated in Complaint Paragraph 169.

12 178. Defendants incorporate by reference their answers to other Complaint  
13 Paragraphs.

14 179. Defendants deny the allegations stated in Complaint Paragraph 196.<sup>2</sup>

15 180. Defendants deny the allegations stated in Complaint Paragraph 197.

16 181. Defendants deny the allegations stated in Complaint Paragraph 198.

17 182. Defendants deny the allegations stated in Complaint Paragraph 199.

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

20 184. Complaint Paragraph 201 appears to partially quote U.S. Const.  
21 amendment XIV, § 1, which speaks for itself.

22 185. Complaint Paragraph 202 sets forth legal conclusions and quotations  
23 from case opinions to which no response is required. To the extent a response is  
24 required, Defendants respectfully submit that the opinions should be read for the  
25 context in which the alleged quotations appear and deny all other allegations stated  
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27 <sup>2</sup> The paragraph numbering in the Second Amended Complaint abruptly changes from 170 to 196.

1 in Complaint Paragraph.

2 186. Complaint Paragraph 203 sets forth legal conclusions and quotations  
3 from case opinions to which no response is required. To the extent a response is  
4 required, Defendants respectfully submit that the opinions should be read for the  
5 context in which the alleged quotations appear.

6 187. Defendants deny the allegations stated in Complaint Paragraph 204.

7 188. Defendants deny the allegations stated in Complaint Paragraph 205.

8 189. Defendants deny the allegation stated in Complaint Paragraph 206.

9 190. Defendants admit that voters may still have their ballots rejected even  
10 after attempting to cure their ballot. Defendant lack information sufficient to admit  
11 or deny the remaining allegations in Complaint Paragraph 207 and deny those  
12 allegations on that basis.

13 191. Defendants lack information sufficient to admit or deny the allegations  
14 in Complaint Paragraph 208 and deny those allegations on that basis.

15 192. Defendants lack information sufficient to admit or deny the remaining  
16 allegations in Complaint Paragraph 209 and deny those allegations on that basis.

17 193. Defendants lack information sufficient to admit or deny the remaining  
18 allegations in Complaint Paragraph 210 and deny those allegations on that basis.

19 194. Complaint Paragraph 211 alleges quotations from a case opinion to  
20 which no response is required. To the extent a response is required, Defendants  
21 respectfully submit that the opinion should be read for the context in which the  
22 alleged quotations appear.

23 195. Defendants deny the allegations stated in Complaint Paragraph 212.

24 196. Complaint Paragraph 213 states a legal conclusion for which no answer  
25 is required. To the extent that any answer is required, Defendants deny all  
26 allegations.

27 197. Defendants deny the allegations stated in Complaint Paragraph 214.

1 198. To the extent that Plaintiffs' Prayer for Relief requires a response,  
2 Defendants deny that Plaintiffs are entitled to any relief.

3 199. To the extent that Plaintiffs' Prayer for Relief requires a response,  
4 Defendants deny that Plaintiffs are entitled to any relief.

5 200. To the extent that Plaintiffs' Prayer for Relief requires a response,  
6 Defendants deny that Plaintiffs are entitled to any relief.

7 201. To the extent that Plaintiffs' Prayer for Relief requires a response,  
8 Defendants deny that Plaintiffs are entitled to any relief.

9 202. To the extent that Plaintiffs' Prayer for Relief requires a response,  
10 Defendants deny that Plaintiffs are entitled to any relief.

11 203. To the extent that Plaintiffs' Prayer for Relief requires a response,  
12 Defendants deny that Plaintiffs are entitled to any relief.

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

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

17 **II. AFFIRMATIVE DEFENSES**

18 By way of further answer, Defendants set forth the following affirmative  
19 defenses.

- 20 1. Plaintiffs lack standing to assert the claims set forth in the Complaint.  
21 2. Defendants Brenda Chilton, Andy Miller, Jerome Delvin, Charles Ross,  
22 Joseph Brusic, Ron Anderson, Skip Moore, Douglas J. Shae, and Bob Bugert are not  
23 proper Defendants and should be dismissed in their official capacities.  
24 3. Plaintiffs have failed to state a claim upon which relief may be granted.  
25 4. Plaintiffs have failed to join necessary parties.  
26 5. Plaintiffs Reyes, Álvarez Lucatero, and Reynoso failed to exhaust  
27 available state and administrative remedies.

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

4 **III. PRAYER FOR RELIEF**

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

11  
12 DATED: December 6, 2021

13 LANE POWELL PC

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15  
16 By: Callie A. Castillo

17 Callie A. Castillo, WSBA No. 38214  
18 Devon J. McCurdy, WSBA No. 52663  
19 1420 Fifth Avenue, Suite 4200  
20 P.O. Box 91302  
21 Seattle, Washington 98111-9402  
22 Telephone: 206.223.7000  
23 castilloc@lanepowell.com  
24 mcurdyd@lanepowell.com  
25 Attorneys for Defendants  
26  
27