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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

JOHN C. FRANK,	)	
GRASSFIRE, LLC,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 2:20-cv-00138-NDF
	)	
ED BUCHANAN, Wyoming Secretary of	)	
State,	)	
LEIGH ANNE MANLOVE, Laramie	)	
County District Attorney,	)	
DEBRA LEE, Laramie County Clerk,	)	
in their official capacities,	)	
	)	
Defendants.	)	

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**ANSWER OF DEFENDANTS**

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Defendants Ed Buchanan, Wyoming Secretary of State, and Leigh Anne Manlove, Laramie County District Attorney, through the Office of the Attorney General, submit their Answer to the Verified Complaint in this matter.

## **INTRODUCTION**

1. This paragraph asserts a legal conclusion and does not require an answer.

## **JURISDICTION AND VENUE**

2. This paragraph asserts a legal conclusion and does not require an answer.
3. This paragraph asserts a legal conclusion and does not require an answer.
4. This paragraph asserts a legal conclusion and does not require an answer.

## **PARTIES**

5. Admit that Plaintiff Frank is a resident of Laramie County, Wyoming. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

6. Admit that Plaintiff Grassfire, LLC is registered as a limited liability company in Wyoming. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

7. Admit.

8. Admit.

9. Admit.

## **STATEMENT OF FACTS**

10. Admit that Plaintiff Frank is a resident of Laramie County, Wyoming. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

13. Admit that August 18, 2020 was the date of the primary election. Denied that November 4, 2020 is the date of the general election. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

14. Admit that the cited statutes govern the topics Plaintiffs indicate. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

16. Admit that the Laramie County Governmental Complex is located at 309 West 20th Street, Cheyenne, Wyoming, and is connected to the Historic Courthouse. Admit that the Complex houses court rooms, the Laramie County Commission room, the Laramie County Clerk's office, and other county agencies. Otherwise, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

18. Admit that Wyo. Stat. Ann. § 22-26-113 criminalizes electioneering within 100 yards of a polling place on the day of an election and criminalizes electioneering within 100 feet of an absentee polling place during the absentee polling period. Otherwise denied.

19. Admit.

20. Admit that the Campbell County Clerk's Office interpreted Wyo. Stat. Ann. § 22-26-113 to include the entire property of a government facility in which voting is occurring. Otherwise Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

21. Admit.

22. Admit.

23. Admit that on Election Day, Wyo. Stat. Ann. § 22-26-113 will prohibit electioneering within 300 feet of any public entrance of a polling place. Otherwise Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

24. Admit that during the absentee polling period, Wyo. Stat. Ann. § 22-26-113 will prohibit electioneering within 100 feet of any public entrance of an absentee polling place. Deny that Wyo. Stat. Ann. § 22-26-113 makes signature gathering impracticable. Otherwise Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments.

25. This paragraph asserts a legal statement and does not require an answer.

**COUNT I**

26. Admit.

27. This paragraph asserts a legal statement and does not require an answer.

28. This paragraph asserts a legal statement and does not require an answer.

29. This paragraph asserts a legal statement and does not require an answer.

30. This paragraph asserts a legal statement and does not require an answer.

31. This paragraph asserts a legal statement and does not require an answer.

32. This paragraph asserts a legal statement and does not require an answer.

33. This paragraph asserts a legal statement and does not require an answer.

34. This paragraph asserts a legal statement and does not require an answer.

35. Admit that the Supreme Court upheld an electioneering ban in *Burson v. Freeman*, 504 U.S. 191 (1992). Otherwise, this paragraph asserts a legal statement and does not require an answer.

36. This paragraph asserts a legal statement and does not require an answer.

37. This paragraph asserts a legal statement and does not require an answer.

38. This paragraph asserts a legal statement and does not require an answer.

39. Admit that there has been a coronavirus outbreak. As to Frank and Grassfire's intention to comply with coronavirus-related health restrictions, Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments. As to the First Amendment's protection for political speech during outbreaks, this paragraph asserts a legal statement and does not require an answer.

40. This paragraph asserts a legal statement and does not require an answer.

41. Any allegations not specifically admitted in this Answer are denied.

### **PRAYER FOR RELIEF**

1. Defendants request the Court deny Plaintiffs' request for declaratory relief.

2. Defendants request the Court deny Plaintiffs' request for declaratory relief.

3. The Court has denied Plaintiff's request for a preliminary injunction.

Defendants request the Court deny Plaintiffs' request for a permanent injunction.

4. Defendants request the Court deny Plaintiffs' request for a permanent injunction.

5. Defendants request the Court deny Plaintiff's request for a permanent injunction.

6. Defendants request the Court deny Plaintiffs' request for costs and attorneys' fees.

7. Defendants request the Court deny Plaintiffs' request for relief.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs are unable to meet the requirements for the entry of declaratory and injunctive relief.

2. Defendants reserve the right to assert additional affirmative defenses as they become known.

WHEREFORE, Defendants request that this Court deny Plaintiffs' requests for relief and that Defendants be awarded such other relief as this Court deems just and appropriate.

DATED this 15th day of October 2020.

*/s/ James LaRock*

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Assistant Attorney General

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Senior Assistant Attorney General

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*ATTORNEYS FOR DEFENDANTS*

## CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of October 2020, a copy of the foregoing **ANSWER OF DEFENDANTS** was served in the following manner, addressed to:

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*/s/ Tara Powers*

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Office of the Attorney General

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