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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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13

14 **DON WAGNER and THE**
15 **AMERICAN INDEPENDENT**
16 **PARTY OF CALIFORNIA,**
17 Plaintiffs,
18
19 **v.**
20 **SHIRLEY N. WEBER, in her official**
21 **capacity as California Secretary of**
State,
22 Defendant.

8:26-cv-01263-MCS-PVC

**ANSWER TO COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Judge: Hon. Mark C. Scarsi

Action Filed: 5/20/2026

23 Defendant California Secretary of State Shirley N. Weber, in her official
24 capacity (“Defendant”), answers the Complaint for Declaratory and Injunctive
25 Relief, ECF No. 1 (the “Complaint”) filed by plaintiffs Don Wagner and the
26 American Independent Party of California (“AIPCA” and together, “Plaintiffs”) as
27 follows:

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1 1. Paragraph 1: This paragraph does not contain factual allegations, but
2 rather states the statutory basis for Plaintiffs' claims and the relief they seek, and
3 therefore does not require an answer. If an answer is deemed necessary, Defendant
4 denies the allegations.

5 2. Paragraph 2: Defendant admits that this court has jurisdiction over this
6 matter under 28 U.S.C. § 1331. Except as expressly admitted, Defendant denies the
7 allegations.

8 3. Paragraph 3: Defendant admits that venue is proper in this district, and
9 that Plaintiff Don Wagner resides in this district. Except as expressly admitted,
10 Defendant denies the allegations.

11 4. Paragraph 4: Defendant admits the allegations of this paragraph.

12 5. Paragraph 5: Defendant admits that AIPCA is a qualified political party
13 in California. Defendant lacks sufficient knowledge or information to admit or
14 deny the remaining allegations and denies them on that basis.

15 6. Paragraph 6: Defendant admits the allegations of this paragraph.

16 7. Paragraph 7: This paragraph does not contain factual allegations, but
17 rather cites statutory provisions, and therefore does not require an answer.

18 8. Paragraph 8: This paragraph does not contain factual allegations, but
19 rather cites statutory provisions, and therefore does not require an answer.

20 9. Paragraph 9: Defendant denies that "this lawsuit is necessary because
21 Defendant does not maintain the required program to make these mandatory
22 removals." The remaining statements in this paragraph are not factual allegations,
23 but rather citations to statutory provisions and case law, and therefore do not
24 require an answer.

25 10. Paragraph 10: This paragraph does not contain factual allegations, but
26 rather cites statutory provisions, and therefore does not require an answer. If an
27 answer is required, Defendant denies the allegations.

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11. Paragraph 11: This paragraph does not contain factual allegations, but rather cites statutory provisions, and therefore does not require an answer.

12. Paragraph 12: This paragraph does not contain factual allegations, but rather cites statutory provisions, and therefore does not require an answer.

13. Paragraph 13: This paragraph does not contain factual allegations, but rather cites statutory provisions, and therefore does not require an answer.

14. Paragraph 14: This paragraph does not contain factual allegations, but rather cites statutory provisions, and therefore does not require an answer.

15. Paragraph 15: This paragraph does not contain factual allegations, but rather cites statutory provisions, and therefore does not require an answer.

16. Paragraph 16: Defendant admits the allegations of this paragraph.

17. Paragraph 17: Defendant admits that the EAC published a document entitled “2024 Election Administration and Voting Survey (EAVS)” that is available at the Internet link alleged. Defendant lacks sufficient information or knowledge information to admit or deny the remaining allegations and denies them on that basis.

18. Paragraph 18: Defendant admits that the EAC published EAVS Datasets Version 1.0 on June 30, 2025, and EAVS Datasets Version 2.0 on February 12, 2026, and that the EAC makes those Datasets available to the public at <https://www.eac.gov/research-and-data/studies-and-reports>. Defendant lacks sufficient information or knowledge to admit or deny the remaining allegations and denies them on that basis.

19. Paragraph 19: Defendant lacks sufficient information or knowledge to admit or deny the allegations of this paragraph and on that basis denies them.

20. Paragraph 20: Defendant admits certifying that the information presented to the EAC in response to the 2024 Election Administration and Voting Survey (EAVS) was true and accurate to the best of Defendant’s knowledge and that the submission was complete. Defendant further admits that the ten alleged counties

1 reported a value of zero in response to Question A12e on the 2024 EAVS, which
2 requests the number of voter registration record removals for the reason “Voter
3 failed to respond to a sent confirmation notice and failed to vote in the two most
4 recent federal elections” between the close of registration for the November 2022
5 general election and the close of registration for the November 2024 general
6 election. Defendant further admits that the ten alleged counties reported a
7 combined value of 1,796,437 in response to Question A1a on the 2024 EAVS,
8 which requests the “TOTAL number of registered and eligible voters” in the
9 jurisdiction. Except as expressly admitted, Defendant denies the allegations.

10 21. Paragraph 21: Defendant admits certifying that the information presented
11 to the EAC in response to the 2024 EAVS was true and accurate to the best of
12 Defendant’s knowledge and that the submission was complete. Defendant further
13 admits that the ten alleged counties reported a value of less than fifty in response to
14 Question A12e on the 2024 EAVS. Defendant further admits that the ten alleged
15 counties reported a combined value of 1,643,921 in response to Question A1a on
16 the 2024 EAVS. Except as expressly admitted, Defendant denies the allegations.

17 22. Paragraph 22: Defendant admits that the twenty counties identified in
18 Paragraphs 20 and 21 reported a combined total value of 3,440,358 in response to
19 Question A1a, and a combined total value of 218 in response to Question A12e on
20 the 2024 EAVS. Except as expressly admitted, Defendant denies the allegations.

21 23. Paragraph 23: Defendant admits that San Diego County reported a value
22 of 2,228,462 in response to Question A1a and a value of 306,033 registrations in
23 response to Question A12e on the 2024 EAVS. Except as expressly admitted,
24 Defendant denies the allegations.

25 24. Paragraph 24: Defendant admits that Mono County reported a value of
26 9,175 in response to Question A1a and a value of 574 in response to Question
27 A12e on the 2024 EAVS. Except as expressly admitted, Defendant denies the
28 allegations.

1 25. Paragraph 25: Defendant admits that Stanislaus County reported a value
2 of 381,632 in response to Question A1a and a value of 1,853 in response to
3 Question A12e on the 2024 EAVS. Except as expressly admitted, Defendant
4 denies the allegations.

5 26. Paragraph 26: Defendant admits that Sutter County reported a value of
6 61,437 in response to Question A1a and a value of 144 in response to Question
7 A12e on the 2024 EAVS. Except as expressly admitted, Defendant denies the
8 allegations.

9 27. Paragraph 27: Defendant admits that Riverside County reported a value
10 of 1,709,363 in response to Question A1a and a value of 478 in response to
11 Question A12e on the 2024 EAVS. Except as expressly admitted, Defendant
12 denies the allegations.

13 28. Paragraph 28: Defendant denies the allegations.

14 29. Paragraph 29: Defendant denies the allegations.

15 30. Paragraph 30: Defendant denies the allegations.

16 31. Paragraph 31: Defendant lacks sufficient information or knowledge to
17 admit or deny the allegations, and on that basis denies them.

18 32. Paragraph 32: Defendant lacks sufficient information or knowledge to
19 admit or deny the allegations, and on that basis denies them.

20 33. Paragraph 33: The paragraph does not contain factual allegations, but
21 rather legal argument that requires no answer. If an answer is deemed necessary,
22 Defendant denies the allegations.

23 34. Paragraph 34: The paragraph does not contain factual allegations, but
24 rather legal argument that requires no answer. If an answer is deemed necessary,
25 Defendant denies the allegations.

26 35. Paragraph 35: The paragraph does not contain factual allegations, but
27 rather legal argument that requires no answer. If an answer is deemed necessary,
28 Defendant denies the allegations.

1 36. Paragraph 36: The paragraph does not contain factual allegations, but
2 rather legal argument that requires no answer. If an answer is deemed necessary,
3 Defendant denies the allegations.

4 37. Paragraph 37: The paragraph does not contain factual allegations, but
5 rather legal argument that requires no answer. If an answer is deemed necessary,
6 Defendant denies the allegations.

7 38. Paragraph 38: Defendant denies the allegations.

8 39. Paragraph 39: Defendant denies the allegations.

9 40. Paragraph 40: Defendant denies the allegations.

10 41. Paragraph 41: Defendant denies the allegations.

11 42. Paragraph 42: Defendant admits that some California counties revised the
12 form of their confirmation notices in 2023 in accordance with Section 8(d)(2).
13 Except as expressly admitted, Defendant denies the allegations.

14 43. Paragraph 43: Defendant denies the allegations.

15 44. Paragraph 44: Defendant denies the allegations.

16 45. Paragraph 45: Defendant denies the allegations.

17 46. Paragraph 46: Defendant denies the allegations.

18 47. Paragraph 47: Defendant denies the allegations.

19 48. Paragraph 48: Defendant denies the allegations.

20 49. Paragraph 49: Defendant denies the allegations.

21 50. Paragraph 50: Defendant denies the allegations.

22 51. Paragraph 51: Defendant denies the allegations.

23 52. Paragraph 52: The paragraph does not contain factual allegations, but
24 rather legal argument that requires no answer. If an answer is deemed necessary,
25 Defendant denies the allegations.

26 53. Paragraph 53: The paragraph does not contain factual allegations, but
27 rather legal argument that requires no answer. If an answer is deemed necessary,
28 Defendant denies the allegations.

1 54. Paragraph 54: Defendant admits that the interrogatory response
2 referenced states: “To the best of the Secretary’s knowledge, as of December 9,
3 2025:”; “873,092 inactive registrations in California have been continuously since
4 before November 8, 2022;” “326,808 inactive registrations in California have been
5 continuously inactive since before November 3, 2020;” “151,202 inactive
6 registrations in California have been continuously inactive since before November
7 5, 2018;” and “33,922 inactive registrations in California have been continuously
8 inactive since before November 5, 2016.” Except as expressly admitted, Defendant
9 denies the allegations.

10 55. Paragraph 55: Defendant admits that the Secretary of State’s Office
11 obtains information from the California Department of Public Health to identify
12 deceased registrants. Except as expressly admitted. Defendant denies the
13 allegations.

14 56. Paragraph 56: Defendant denies the allegations.

15 57. Paragraph 57: The paragraph does not contain factual allegations, but
16 rather legal argument that requires no answer. If an answer is deemed necessary,
17 Defendant denies the allegations.

18 58. Paragraph 58: Defendant admits receiving a letter dated March 23, 2026,
19 from Plaintiffs’ counsel that purported to notify Defendant of an NVRA violation
20 and Plaintiffs’ intention to file a lawsuit unless the violations were cured within 20
21 days. Defendant further admits that this letter purported to constitute pre-suit
22 notice under 52 U.S.C. § 20510. Except as expressly admitted, Defendant denies
23 the allegations.

24 59. Paragraph 59: Defendant admits that counsel for the Secretary of State
25 responded to Plaintiffs’ letter by a letter dated April 10, 2026. Defendant further
26 admits that the April 10, 2026, letter stated that “none of the facts you cite
27 constitutes or even supports any reasonable inference of an NVRA violation.”
28 Except as expressly admitted, Defendant denies the allegations.

1 60. Paragraph 60: The paragraph does not contain factual allegations, but
2 rather legal argument that requires no answer. If an answer is deemed necessary,
3 Defendant denies the allegations.

4 61. Paragraph 61: Defendant admits the allegations of this paragraph.

5 62. Paragraph 62: Defendant admits the allegations of this paragraph.

6 63. Paragraph 63: Defendant admits the allegations of this paragraph.

7 64. Paragraph 64: Defendant lacks sufficient information or knowledge to
8 admit or deny the allegations, and on that basis denies them.

9 65. Paragraph 65: Defendant lacks sufficient information or knowledge to
10 admit or deny the allegations, and on that basis denies them.

11 66. Paragraph 66: Defendant admits that California mails ballots
12 automatically to all active registrants. The remaining statements in the paragraph
13 are legal argument to which no answer is necessary. If an answer is deemed
14 necessary, Defendant denies the allegations except as expressly admitted.

15 67. Paragraph 67: Defendant lacks sufficient information or knowledge to
16 admit or deny the allegations, and on that basis denies them.

17 68. Paragraph 68: Defendant admits that VoteCal, California's centralized
18 voter registration database, is the official system of record for voter registration in
19 California. Except as expressly admitted, Defendant denies the allegations of this
20 paragraph.

21 69. Paragraph 69: The paragraph does not contain factual allegations, but
22 rather legal argument that requires no answer. If an answer is deemed necessary,
23 Defendant denies the allegations.

24 70. Paragraph 70: Defendant denies the allegations.

25 71. Paragraph 71: Defendant lacks sufficient information or knowledge to
26 admit or deny the allegations, and on that basis denies them.

27 72. Paragraph 72: Defendant lacks sufficient information or knowledge to
28 admit or deny the allegations, and on that basis denies them.

1 73. Paragraph 73: Defendant lacks sufficient information or knowledge to
2 admit or deny the allegations, and on that basis denies them.

3 74. Paragraph 74: Defendant lacks sufficient information or knowledge to
4 admit or deny the allegations, and on that basis denies them.

5 75. Paragraph 75: Defendant lacks sufficient information or knowledge to
6 admit or deny the allegations, and on that basis denies them.

7 76. Paragraph 76: Defendant denies the allegations.

8 77. Paragraph 77: Defendant denies the allegations.

9 78. Paragraph 78: Defendant denies the allegations.

10 79. Paragraph 79: Defendant denies the allegations.

11 80. Paragraph 80: Defendant lacks sufficient information or knowledge to
12 admit or deny the allegations, and on that basis denies them.

13 81. Paragraph 81: Defendant lacks sufficient information or knowledge to
14 admit or deny the allegations that “Mr. Wagner obtains voters’ telephone numbers
15 from California’s voter roll,” and that “Because voters typically do not change
16 their cell numbers when they move, the fact that a voter has moved will not be
17 apparent to a service sending text ads,” and on that basis denies those allegations.
18 The remaining allegations are legal argument that requires no answer. If an answer
19 is deemed necessary, Defendant denies the allegations.

20 82. Paragraph 82: Defendant lacks sufficient information or knowledge to
21 admit or deny the allegations, and on that basis denies them.

22 83. Paragraph 83: Defendant denies the allegations.

23 84. Paragraph 84: Defendant lacks sufficient information or knowledge to
24 admit or deny the allegations, and on that basis denies them.

25 85. Paragraph 85: Defendant lacks sufficient information or knowledge to
26 admit or deny the allegations, and on that basis denies them.

27 86. Paragraph 86: Defendant denies the allegations.

28 87. Paragraph 87: Defendant admits the allegations of this paragraph.

1 88. Paragraph 88: Defendant lacks sufficient information or knowledge to
2 admit or deny the allegations, and on that basis denies them.

3 89. Paragraph 89: Defendant lacks sufficient information or knowledge to
4 admit or deny the allegations, and on that basis denies them.

5 90. Paragraph 90: Defendant lacks sufficient information or knowledge to
6 admit or deny the allegations, and on that basis denies them.

7 91. Paragraph 91: Defendant lacks sufficient information or knowledge to
8 admit or deny the allegations, and on that basis denies them.

9 92. Paragraph 92: Defendant lacks sufficient information or knowledge to
10 admit or deny the allegations, and on that basis denies them.

11 93. Paragraph 93: Defendant admits the allegations of the paragraph.

12 94. Paragraph 94: Defendant lacks sufficient information or knowledge to
13 admit or deny the allegations, and on that basis denies them.

14 95. Paragraph 95: Defendant lacks sufficient information or knowledge to
15 admit or deny the allegations, and on that basis denies them.

16 96. Paragraph 96: Defendant lacks sufficient information or knowledge to
17 admit or deny the allegations, and on that basis denies them.

18 97. Paragraph 97: Defendant denies the allegations.

19 98. Paragraph 98: The paragraph does not contain factual allegations, but
20 rather legal argument that requires no answer. If an answer is deemed necessary,
21 Defendant denies the allegations.

22 99. Paragraph 99: The paragraph does not contain factual allegations, but
23 rather legal argument that requires no answer. If an answer is deemed necessary,
24 Defendant denies the allegations.

25 100. Paragraph 100: The paragraph does not contain factual allegations, but
26 rather legal argument that requires no answer. If an answer is deemed necessary,
27 Defendant denies the allegations.

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101. Paragraph 101: The paragraph contains no allegations to be admitted or denied.

102. Paragraph 102: Defendant denies the allegations.

103. Paragraph 103: Defendant denies the allegations.

104. Paragraph 104: Defendant denies the allegations.

105. Paragraph 105: Defendant denies the allegations.

106. Paragraph 106: Defendant denies the allegations.

PRAYER FOR RELIEF

Defendant denies that Plaintiffs are entitled to the relief set forth in the Prayer for relief immediately following Paragraph 106, or to any relief whatsoever. To the extent the Prayer for Relief restates any allegations, Defendant denies them.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs lack constitutional and statutory standing to bring this claim.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs failed to provide adequate written notice of an alleged violation of NVRA Section 8(a)(4) before bringing this action, as required by 52 U.S.C. § 20510(b)(1).

THIRD AFFIRMATIVE DEFENSE

Defendant is and has at all times been compliant with Section 8(a)(4) of the NVRA because California has established a voter list maintenance program that meets the requirements of 52 U.S.C. § 20507(c)(1).

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are moot.

FIFTH AFFIRMATIVE DEFENSE

The Complaint, and the claim for relief alleged therein, fails to state facts sufficient to state a cause of action.

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DEFENDANT'S PRAYER FOR RELIEF

Defendant prays that:

1. Judgment be rendered in favor of Defendant and against Plaintiffs;
2. Plaintiffs take nothing by way of their Complaint;
3. Defendant be awarded the costs of suit herein;
4. Defendant be awarded such other and further relief as the Court may deem necessary and proper.

Dated: July 20, 2026

Respectfully submitted,

ROB BONTA
Attorney General of California
ANNA FERRARI
Supervising Deputy Attorney General
KIANA HEROLD
Deputy Attorney General

/s/ Edward P. Wolfe

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Weber, in her official capacity as
California Secretary of State*