

1 Roopali H. Desai (024295)  
2 D. Andrew Gaona (028414)  
3 Kristen Yost (034052)  
4 **COPPERSMITH BROCKELMAN PLC**  
5 2800 North Central Avenue, Suite 1900  
6 Phoenix, Arizona 85004  
7 T: (602) 381-5478  
8 F: (602) 224-6020  
9 rdesai@cblawyers.com  
10 agaona@cblawyers.com  
11 kyost@cblawyers.com

12 *Attorneys for Defendant Arizona Secretary of State*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF ARIZONA**

15 The Arizona Democratic Party; The  
16 Democratic National Committee; DSCC,

17 Plaintiffs,

18 v.

19 Katie Hobbs, in her official capacity as  
20 Arizona Secretary of State; Edison  
21 Wauneka, in his official capacity as  
22 Apache County Recorder; David Stevens,  
23 in his official capacity as Cochise County  
24 Recorder; Patty Hansen, in her official  
25 capacity as Coconino County Recorder;  
26 Sadie Jo Bingham, in her official capacity  
27 as Gila County Recorder; Wendy John, in  
28 her official capacity as Graham County  
Recorder; Shari Milheiro, in her official  
capacity as Greenlee County Recorder;  
Richard Garcia, in his official capacity as  
La Paz County Recorder; Adrian Fontes, in  
his official capacity as Maricopa County  
Recorder; Kristi Blair, in her official  
capacity as Mohave County Recorder;  
Michael Sample, in his official capacity as  
Navajo County Recorder; F. Ann  
Rodriguez, in her official capacity as Pima  
County Recorder; Virginia Ross, in her  
official capacity as Pinal County Recorder;  
Suzanne Sainz, in her official capacity as

) No. CV-20-01143-PHX-DLR  
)  
)

) **ANSWER OF DEFENDANT KATIE**  
) **HOBBS, IN HER OFFICIAL**  
) **CAPACITY AS ARIZONA**  
) **SECRETARY OF STATE**

1 Santa Cruz County Recorder; Leslie )  
 Hoffman, in her official capacity as )  
 2 Yavapai County Recorder; and Robyn )  
 Stallworth Pouquette, in her official )  
 3 capacity as Yuma County Recorder, )  
 4 Defendants. )  
 5 )

6 Defendant Katie Hobbs, in her official capacity as Arizona Secretary of State  
 7 (“Secretary”) answers Plaintiffs’ Complaint for Declaratory and Injunctive Relief [Dkt. 1  
 8 (“Complaint”)] as follows:

9 **NATURE OF THE CASE**

10 1. Paragraph 1 of the Complaint states only legal conclusions to which no  
 11 response is required. The cited decisions of the United States Supreme Court speak for  
 12 themselves.

13 2. Responding to the allegations in Paragraph 2, the Secretary admits that  
 14 these allegations appear to generally describe Plaintiffs’ claims in this lawsuit. The  
 15 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
 16 remaining allegations in this paragraph.

17 3. The Secretary admits the allegations in Paragraph 3.

18 4. The Secretary admits the allegations in Paragraph 4.

19 5. Responding to the allegations in Paragraph 5, the Secretary admits the first  
 20 two sentences. With respect to the third sentence, the Secretary admits that each general  
 21 election cycle, some mail ballots are rejected because the mail ballot affidavit is not  
 22 signed or the signature does not match the signature in the voter’s registration record. The  
 23 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
 24 remaining allegations.

25 6. Responding to the allegations in Paragraph 6, the Secretary admits that  
 26 certain mail ballots cast by registered voters may be rejected by elections officials during  
 27 the signature verification process due to a missing or mismatched signature, and that  
 28 Arizona law now provides for a “post-Election Day opportunity” to confirm to election

1 officials that the signature on the mail ballot affidavit is actually theirs. The Secretary  
2 lacks knowledge or information sufficient to form a belief about the truth of the remaining  
3 allegations in that paragraph.

4 7. Responding to the allegations in Paragraph 7, the Secretary admits that “[i]n  
5 the upcoming 2020 General Election, not all mail ballots that are initially rejected will be  
6 treated equally regarding the ability of a voter to ‘cure’ his or her ballot.” The Secretary  
7 lacks knowledge or information sufficient to form a belief about the truth of the remaining  
8 allegations in that paragraph.

9 8. Responding to the allegations in Paragraph 8, the Secretary admits that  
10 “[v]oters whose signatures on their mail ballots do not match the signature in the voter’s  
11 registration record are afforded an opportunity to correct their signature after Election  
12 Day, for up to five days” after any election with a federal race, or for up to three days  
13 after any other election. The Secretary admits the second sentence of Paragraph 8 based  
14 on the 2019 Elections Procedures Manual as approved by the Arizona Attorney General  
15 and Governor. The Secretary lacks knowledge or information sufficient to form a belief  
16 about the truth of the remaining allegations in that paragraph.

#### 17 **JURISDICTION AND VENUE**

18 9. The Secretary admits the allegations in Paragraph 9.

19 10. The Secretary admits the allegations in Paragraph 10.

20 11. The Secretary admits the allegations in Paragraph 11.

21 12. The Secretary lacks knowledge or information sufficient to form a belief  
22 about the truth of the allegations in Paragraph 12.

23 13. The Secretary admits the allegations in Paragraph 13.

24 14. The Secretary admits the allegations in Paragraph 14.

#### 25 **PARTIES**

26 15. The Secretary lacks knowledge or information sufficient to form a belief  
27 about the truth of the allegations in Paragraph 15.

28

1           16.    The Secretary lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 16.

3           17.    The Secretary lacks knowledge or information sufficient to form a belief  
4 about the truth of the allegations in Paragraph 17.

5           18.    The Secretary lacks knowledge or information sufficient to form a belief  
6 about the truth of the allegations in Paragraph 18.

7           19.    The Secretary lacks knowledge or information sufficient to form a belief  
8 about the truth of the allegations in Paragraph 19.

9           20.    The Secretary lacks knowledge or information sufficient to form a belief  
10 about the truth of the allegations in Paragraph 20.

11          21.    The Secretary lacks knowledge or information sufficient to form a belief  
12 about the truth of the allegations in Paragraph 21.

13          22.    The Secretary lacks knowledge or information sufficient to form a belief  
14 about the truth of the allegations in Paragraph 22.

15          23.    The Secretary lacks knowledge or information sufficient to form a belief  
16 about the truth of the allegations in Paragraph 23.

17          24.    The Secretary lacks knowledge or information sufficient to form a belief  
18 about the truth of the allegations in Paragraph 24.

19          25.    The Secretary lacks knowledge or information sufficient to form a belief  
20 about the truth of the allegations in Paragraph 25.

21          26.    Responding to the allegations in Paragraph 26, the Secretary admits the  
22 first, third, and fourth sentences of that paragraph. With respect to the second sentence of  
23 that paragraph, the Secretary admits that she has certain authority over the “voting process  
24 in Arizona” and certain “authority to carry out that responsibility.” The Secretary lacks  
25 knowledge or information sufficient to form a belief about the truth of the remaining  
26 allegations in that paragraph.

27          27.    The Secretary admits the allegations in Paragraph 27.

28          28.    The Secretary admits the allegations in Paragraph 28.

- 1 29. The Secretary admits the allegations in Paragraph 29.
- 2 30. The Secretary admits the allegations in Paragraph 30.
- 3 31. The Secretary admits the allegations in Paragraph 31.
- 4 32. The Secretary admits the allegations in Paragraph 32.
- 5 33. The Secretary admits the allegations in Paragraph 33.
- 6 34. The Secretary admits the allegations in Paragraph 34.
- 7 35. The Secretary admits the allegations in Paragraph 35.
- 8 36. The Secretary admits the allegations in Paragraph 36.
- 9 37. The Secretary admits the allegations in Paragraph 37.
- 10 38. The Secretary admits the allegations in Paragraph 38.
- 11 39. The Secretary admits the allegations in Paragraph 39.
- 12 40. The Secretary admits the allegations in Paragraph 40.
- 13 41. The Secretary admits the allegations in Paragraph 41.

14 **STATEMENT OF FACTS**

- 15 42. The Secretary admits the allegations in Paragraph 42.
- 16 43. The Secretary admits the allegations in Paragraph 43.
- 17 44. Responding to the allegations in Paragraph 44, the Secretary denies the first  
18 sentence of that paragraph. With respect to the second sentence, the Secretary admits that  
19 voters’ “signatures change” at times. The Secretary lacks knowledge or information  
20 sufficient to form a belief about the truth of the remaining allegations in that paragraph.
- 21 45. Responding to the allegations in Paragraph 45, the Secretary lacks  
22 knowledge or information sufficient to form a belief about the truth of the phrase “perhaps  
23 in recognition of the fact that the signature verification process invariably disenfranchises  
24 lawful voters.” The Secretary admits the remaining allegations in that paragraph.
- 25 46. The Secretary admits the allegations in Paragraph 46.
- 26 47. The Secretary admits the allegations in Paragraph 47.

27  
28

1           48.     Responding to the allegations in Paragraph 48, the Secretary admits the first  
2 sentence of that paragraph. The Secretary lacks knowledge or information sufficient to  
3 form a belief about the truth of the remaining allegations in that paragraph.

4           49.     The Secretary admits the allegations in Paragraph 49.

5           50.     The Secretary admits the allegations in Paragraph 50.

6           51.     The Secretary lacks knowledge or information sufficient to form a belief  
7 about the truth of the allegations in Paragraph 51.

8           52.     The Secretary lacks knowledge or information sufficient to form a belief  
9 about the truth of the allegations in Paragraph 52.

10          53.     The Secretary lacks knowledge or information sufficient to form a belief  
11 about the truth of the allegations in Paragraph 53.

12          54.     The Secretary lacks knowledge or information sufficient to form a belief  
13 about the truth of the allegations in Paragraph 54.

14          55.     The Secretary lacks knowledge or information sufficient to form a belief  
15 about the truth of the allegations in Paragraph 55.

16          56.     The Secretary lacks knowledge or information sufficient to form a belief  
17 about the truth of the allegations in Paragraph 56.

18          57.     The Secretary lacks knowledge or information sufficient to form a belief  
19 about the truth of the allegations in Paragraph 57.

20          58.     Responding to the allegations in Paragraph 58, the Secretary admits that the  
21 law already requires that counties allow voters to correct or confirm inconsistent  
22 signatures for up to five days after the election if the election includes a federal race. The  
23 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
24 remaining allegations in that paragraph.

25  
26  
27  
28

1 **COUNT I**

2 **(Undue Burden on the Right to Vote in Violation of the First Amendment and the**  
3 **Equal Protection Clause of the Fourteenth Amendment)**

4 59. Paragraph 59 contains no new allegations, and the Secretary incorporates  
5 by reference her responses to Paragraphs 1-58, *supra*.

6 60. Paragraph 60 contains only legal conclusions to which no response is  
7 required. The cited decisions of the United States Supreme Court speak for themselves.

8 61. Paragraph 61 contains only legal conclusions to which no response is  
9 required. The cited decision of the United States Supreme Court speaks for itself.

10 62. The Secretary lacks knowledge or information sufficient to form a belief  
11 about the truth of the allegations in Paragraph 62.

12 63. The Secretary lacks knowledge or information sufficient to form a belief  
13 about the truth of the allegations in Paragraph 63.

14 **COUNT II**

15 **(Denial of Procedural Due Process in Violation of the Fourteenth Amendment)**

16 64. Paragraph 64 contains no new allegations, and the Secretary incorporates  
17 by reference her responses to Paragraphs 1-63, *supra*.

18 65. Paragraph 65 contains only legal conclusions to which no response is  
19 required. The cited decisions of the United States Court of Appeals for the Ninth Circuit  
20 speak for themselves.

21 66. The Secretary lacks knowledge or information sufficient to form a belief  
22 about the truth of the allegations in Paragraph 66.

23 67. The Secretary lacks knowledge or information sufficient to form a belief  
24 about the truth of the allegations in Paragraph 67.

25 68. Responding to the allegations in Paragraph 68, the Secretary admits that the  
26 law already requires that counties allow voters to correct or confirm inconsistent  
27 signatures for up to five days after the election if the election includes a federal race. The  
28

1 Secretary lacks knowledge or information sufficient to form a belief about the truth of the  
2 remaining allegations in that paragraph.

3 69. The Secretary lacks knowledge or information sufficient to form a belief  
4 about the truth of the allegations in Paragraph 69.

5 70. The Secretary denies any matter not specifically admitted herein, including  
6 headings, footnotes, and other material.

7 **PRAYER FOR RELIEF**

8 Responding to Plaintiffs' prayer for relief, the Secretary states that because of the  
9 State's intervention in this matter, and to preserve State and judicial resources, she takes  
10 a nominal position regarding Plaintiffs' request for substantive relief in the form of a  
11 declaratory judgment and a permanent injunction. The Secretary denies that Plaintiffs  
12 should be entitled to an award of their costs, fees, expenses, and reasonable attorneys'  
13 fees as against her.

14  
15 Respectfully submitted this 2nd day of July, 2020.

16 **COPPERSMITH BROCKELMAN PLC**

17 By s/ Roopali H. Desai

18 Roopali H. Desai

19 D. Andrew Gaona

Kristen Yost

20 *Attorneys for Defendant*

21 *Katie Hobbs*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2020, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

*s/ Verna Colwell* \_\_\_\_\_