

1 Brett W. Johnson (#021527)  
Sara J. Agne (#026950)  
2 Colin P. Ahler (#023879)  
Joy L. Isaacs (#030693)  
3 SNELL & WILMER L.L.P.  
One Arizona Center  
4 400 E. Van Buren, Suite 1900  
Phoenix, Arizona 85004-2202  
5 Telephone: 602.382.6000  
Facsimile: 602.382.6070  
6 E-Mail: [bwjohnson@swlaw.com](mailto:bwjohnson@swlaw.com)  
[sagne@swlaw.com](mailto:sagne@swlaw.com)  
7 [cahler@swlaw.com](mailto:cahler@swlaw.com)  
[jisaacs@swlaw.com](mailto:jisaacs@swlaw.com)

8 *Attorneys for Intervenor-Defendants*  
9 *Arizona Republican Party, Bill Gates, Suzanne*  
10 *Klapp, Debbie Lesko, and Tony Rivero*

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE DISTRICT OF ARIZONA

13 Arizona Democratic Party, et al.,  
14 Plaintiffs,  
15 v.  
16 Arizona Secretary of State’s Office, et al.,  
17 Defendants.

No. CV-16-1065-PHX-DLR  
**INTERVENOR-DEFENDANTS’  
ANSWER TO THE SECOND  
AMENDED COMPLAINT**

18  
19 For their Answer to Plaintiffs’ Second Amended Complaint (Doc. 233), Intervenor-  
20 Defendants the Arizona Republican Party, Bill Gates, Suzanne Klapp, Debbie Lesko, and  
21 Tony Rivero (“Intervenor-Defendants”) admit, deny, and allege as follows:

22 **NATURE OF THE ACTION**

23 1. Intervenor-Defendants admit that Plaintiffs brought the above-captioned  
24 action under 42 U.S.C. § 1983. Intervenor-Defendants deny the remaining allegations in  
25 paragraph 1 of the Second Amended Complaint.

26 2. Intervenor-Defendants admit that the language quoted in paragraph 2 of the  
27 Second Amended Complaint can be found in *Wesberry v. Sanders*, 376 U.S. 1 (1964). To  
28 the extent that Plaintiffs intend to draw legal conclusions from that quotation, no response

1 is required. Intervenor-Defendants are without knowledge or information sufficient to  
2 form a belief as to the truth of the allegations in paragraph 2 of the Second Amended  
3 Complaint as to Plaintiffs' rationale for bringing suit, and therefore deny the same.  
4 Intervenor-Defendants deny the remaining allegations in paragraph 2 of the Second  
5 Amended Complaint.

6 3. Intervenor-Defendants admit that the language quoted in paragraph 3 of the  
7 Second Amended Complaint can be found in 52 U.S.C. § 10302(c) (2006) (formerly cited  
8 as 42 U.S.C. § 1973(c)). To the extent that Plaintiffs intend to draw legal conclusions  
9 from that quotation, no response is required. Intervenor-Defendants admit that Arizona  
10 became a covered jurisdiction subject to the requirements of Section 5 of the Voting  
11 Rights Act on September 18, 1975. Voting Rights Act Amendments of 1975: Partial List  
12 of Determinations, 40 Fed. Reg. 43746 (Sept. 23, 1975). Intervenor-Defendants deny the  
13 remaining allegations in paragraph 3 of the Second Amended Complaint.

14 4. Intervenor-Defendants admit that the *Shelby County v. Holder*, 133 S. Ct.  
15 2612 (2013), decision was issued on June 25, 2013. The remaining allegations in  
16 paragraph 4 are legal conclusions to which a response is not required. To the extent a  
17 response is required, Intervenor-Defendants deny the allegations in paragraph 4 of the  
18 Second Amended Complaint.

19 5. Intervenor-Defendants deny the allegations in paragraph 5 of the Second  
20 Amended Complaint.

21 6. Intervenor-Defendants admit that, for certain counties, Arizona law  
22 prohibits counting provisional ballots cast in the wrong precinct. Intervenor-Defendants  
23 are without knowledge or information sufficient to form a belief as to the truth of the  
24 remaining allegations in paragraph 6 of the Second Amended Complaint, and therefore  
25 deny the same. To the extent that Plaintiffs intend to draw conclusions from the  
26 statements of Jonathan Rodden, the Intervenor-Defendants affirmatively allege that  
27 Jonathan Rodden's report is based on insufficient facts and data, is the product of  
28

1 unreliable principles and methods, and does not reliably apply acceptable principles and  
2 methods to the facts of the above-captioned case.

3 7. Intervenor-Defendants admit that Arizona law prohibits counting  
4 provisional ballots cast in the wrong precinct. Intervenor-Defendants are without  
5 knowledge or information sufficient to form a belief as to the truth of the allegations  
6 regarding the number of provisional ballots rejected in the 2016 general election due to  
7 being cast in the wrong precinct, and therefore deny the same. Intervenor-Defendants  
8 deny the remaining allegations in paragraph 7 of the Second Amended Complaint.

9 8. Intervenor-Defendants are without knowledge or information sufficient to  
10 form a belief as to the truth of the allegations in paragraph 8 of the Second Amended  
11 Complaint, and therefore deny the same. To the extent that Plaintiffs intend to draw  
12 conclusions from the statements of Jonathan Rodden, the Intervenor-Defendants  
13 affirmatively allege that Jonathan Rodden’s report is based on insufficient facts and data,  
14 is the product of unreliable principles and methods, and does not reliably apply acceptable  
15 principles and methods to the facts of the above-captioned case.

16 9. Intervenor-Defendants admit that H.B. 2023 was enacted by the Arizona  
17 State Legislature in March 2016. To the extent that Plaintiffs mischaracterize the language  
18 and legal effect of H.B. 2023, the language of the bill speaks for itself and no response is  
19 required. Intervenor-Defendants deny the remaining allegations in paragraph 9 of the  
20 Second Amended Complaint.

21 10. Intervenor-Defendants deny the allegations in paragraph 10 of the Second  
22 Amended Complaint.

23 11. Intervenor-Defendants deny the allegations in paragraph 11 of the Second  
24 Amended Complaint.

25 **JURISDICTION AND VENUE**

26 12. Intervenor-Defendants deny the allegations in paragraph 12.

27 13. Intervenor-Defendants admit that this Court has personal jurisdiction over  
28 the parties for purposes of this action.

1 14. Intervenor-Defendants admit that venue is proper in this Court.

2 **PARTIES**

3 15. Intervenor-Defendants are without knowledge or information sufficient to  
4 form a belief as to the truth of the allegations in paragraph 15 of the Second Amended  
5 Complaint, and therefore deny the same.

6 16. Intervenor-Defendants are without knowledge or information sufficient to  
7 form a belief as to the truth of the allegations in paragraph 16 of the Second Amended  
8 Complaint, and therefore deny the same.

9 17. Intervenor-Defendants are without knowledge or information sufficient to  
10 form a belief as to the truth of the allegations in paragraph 17 of the Second Amended  
11 Complaint, and therefore deny the same.

12 18. Intervenor-Defendants are without knowledge or information sufficient to  
13 form a belief as to the truth of the allegations in paragraph 18 of the Second Amended  
14 Complaint, and therefore deny the same.

15 19. Intervenor-Defendants are without knowledge or information sufficient to  
16 form a belief as to the truth of the allegations in paragraph 19 of the Second Amended  
17 Complaint, and therefore deny the same.

18 20. Intervenor-Defendants are without knowledge or information sufficient to  
19 form a belief as to the truth of the allegations in paragraph 20 of the Second Amended  
20 Complaint, and therefore deny the same.

21 21. The allegations in paragraph 21 relate to the Arizona Secretary of State's  
22 Office, which has been dismissed as a Defendant. Therefore, no response is required. To  
23 the extent a response is required, Intervenor-Defendants deny the allegations in paragraph  
24 21 of the Second Amended Complaint.

25 22. The Intervenor-Defendants admit that Michele Reagan is the Arizona  
26 Secretary of State, and admit that she has been sued in her official capacity. The  
27 remainder of paragraph 22 in the Second Amended Complaint contains legal conclusions  
28 to which a response is not required. To the extent a response is required, Intervenor-

1 Defendants deny the remaining allegations in paragraph 22 of the Second Amended  
2 Complaint.

3 23. The Intervenor-Defendants admit that Mark Brnovich is the Attorney  
4 General of Arizona, and admit that he has been sued in his official capacity. The  
5 remainder of paragraph 23 in the Second Amended Complaint contains legal conclusions  
6 to which a response is not required. To the extent a response is required, Intervenor-  
7 Defendants deny the remaining allegations in paragraph 23 of the Second Amended  
8 Complaint.

9 **GENERAL ALLEGATIONS**

10 24. Intervenor-Defendants admit that Arizona became a covered jurisdiction  
11 subject to the requirements of Section 5 of the Voting Rights Act on September 18, 1975.  
12 Voting Rights Act Amendments of 1975: Partial List of Determinations, 40 Fed. Reg.  
13 43746 (Sept. 23, 1975). Intervenor-Defendants deny the remaining allegations in  
14 paragraph 24 of the Second Amended Complaint.

15 25. Intervenor-Defendants admit that Arizona became a state in 1912, and that  
16 Native Americans were able to vote in Arizona in 1948. Intervenor-Defendants deny the  
17 remaining allegations in paragraph 25 of the Second Amended Complaint.

18 26. Intervenor-Defendants admit that the Voting Rights Act was amended in  
19 1970 to suspend the use of literacy tests. To the extent that Plaintiffs make allegations  
20 asserting legal conclusions in paragraph 26, no response is required. To the extent that  
21 Plaintiffs make allegations in paragraph 26 related to *Oregon v. Mitchell*, 400 U.S. 112  
22 (1970), the case speaks for itself and no response is required. Intervenor-Defendants deny  
23 the remaining allegations in paragraph 26 of the Second Amended Complaint.

24 27. Plaintiffs' allegations relating to *Brown v. Board of Education*, *Dameron v.*  
25 *Bayless*, 126 P. 273 (Ariz. 1912), *Ortiz v. Jack*, No. Civ-1723 (D. Ariz. 1955), and  
26 *Gonzales v. Sheely*, 96 F. Supp. 1004 (D. Ariz. 1951) assert legal conclusions to which no  
27 response is required. To the extent a response is required, Intervenor-Defendants deny the  
28 allegations relating to *Brown v. Board of Education*, *Dameron v. Bayless*, 126 P. 273

1 (Ariz. 1912), *Ortiz v. Jack*, No. Civ-1723 (D. Ariz. 1955), and *Gonzales v. Sheely*, 96 F.  
2 Supp. 1004 (D. Ariz. 1951). Intervenor-Defendants are without knowledge or information  
3 sufficient to form a belief as to the truth of the remaining allegations in paragraph 27 of  
4 the Second Amended Complaint, and therefore deny the same.

5 28. Intervenor-Defendants admit that Arizona law currently mandates that all  
6 children in Arizona public schools shall be taught in English. *See* A.R.S. § 15-752.  
7 Intervenor-Defendants are without knowledge or information sufficient to form a belief as  
8 to the truth of the remaining allegations in paragraph 28 of the Second Amended  
9 Complaint, and therefore deny the same.

10 29. Intervenor-Defendants admit that Proposition 203 was passed in Arizona on  
11 November 7, 2000. Intervenor-Defendants are without knowledge or information  
12 sufficient to form a belief as to the truth of the remaining allegations in paragraph 29 of  
13 the Second Amended Complaint, and therefore deny the same.

14 30. Plaintiffs' allegations relating to *Flores v. Arizona*, 405 F. Supp. 2d 1112  
15 (D. Ariz. 2005), *vacated*, 204 Fed. App'x 580 (9th Cir. 2006), assert legal conclusions to  
16 which no response is required. To the extent a response is required, Intervenor-Defendants  
17 deny the allegations relating to *Flores v. Arizona*, 405 F. Supp. 2d 1112 (D. Ariz. 2005),  
18 *vacated*, 204 Fed. App'x 580 (9th Cir. 2006). Intervenor-Defendants are without  
19 knowledge or information sufficient to form a belief as to the truth of the remaining  
20 allegations in paragraph 30 of the Second Amended Complaint, and therefore deny the  
21 same.

22 31. Intervenor-Defendants deny the allegations in paragraph 31 of the Second  
23 Amended Complaint.

24 32. Intervenor-Defendants admit that Proposition 200 was passed in Arizona in  
25 2004. Plaintiffs' allegations relating to Proposition 200 and to *Arizona v. Inter Tribal*  
26 *Council of Arizona, Inc.*, 133 S. Ct. 2247 (2013), assert legal conclusions to which no  
27 response is required. To the extent a response is required, Intervenor-Defendants deny the  
28 allegations relating to Proposition 200 and to *Arizona v. Inter Tribal Council of Arizona*,

Snell & Wilmer  
LLP  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren, Suite 1900  
Phoenix, Arizona 85004-2202  
602.382.6000

1 *Inc.*, 133 S. Ct. 2247 (2013). Intervenor-Defendants are without knowledge or information  
2 sufficient to form a belief as to the truth of the remaining allegations in paragraph 32 of  
3 the Second Amended Complaint, and therefore deny the same.

4 33. Intervenor-Defendants admit that Sheriff Arpaio was reelected in 2012.  
5 Plaintiffs’ allegations relating to *Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz.  
6 2013), assert legal conclusions to which no response is required. To the extent a response  
7 is required, Intervenor-Defendants deny the allegations relating to *Melendres v. Arpaio*,  
8 989 F. Supp. 2d 822 (D. Ariz. 2013). Intervenor-Defendants are without knowledge or  
9 information sufficient to form a belief as to the truth of the remaining allegations in  
10 paragraph 33 of the Second Amended Complaint, and therefore deny the same.

11 34. Intervenor-Defendants admit that the Arizona Legislature passed Senate Bill  
12 1070 in 2010. The remaining allegations in paragraph 34 assert legal conclusions to which  
13 a response is not required. To the extent a response is required, Intervenor-Defendants  
14 deny the remaining allegations in paragraph 34 of the Second Amended Complaint.

15 35. Intervenor-Defendants admit that Maricopa County is Arizona’s most  
16 populous county. Intervenor-Defendants admit that the Maricopa County Election  
17 Department was in the news in 2016 for election-related matters. Intervenor-Defendants  
18 are without knowledge or information sufficient to form a belief as to the truth of the  
19 remaining allegations in paragraph 35 of the Second Amended Complaint, and therefore  
20 deny the same.

21 36. Intervenor-Defendants are without knowledge or information sufficient to  
22 form a belief as to the truth of the remaining allegations in paragraph 36 of the Second  
23 Amended Complaint, and therefore deny the same.

24 37. Intervenor-Defendants admit that Arizona became a covered jurisdiction  
25 subject to the requirements of Section 5 of the Voting Rights Act on September 18, 1975.  
26 Voting Rights Act Amendments of 1975: Partial List of Determinations, 40 Fed. Reg.  
27 43746 (Sept. 23, 1975). Intervenor-Defendants are without knowledge or information  
28

1 sufficient to form a belief as to the truth of the remaining allegations in paragraph 37 of  
2 the Second Amended Complaint, and therefore deny the same.

3 38. Plaintiffs' allegations relating to *Gonzalez v. Arizona*, 677 F.3d 383 (9th Cir.  
4 2012), *aff'd sub nom. Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247  
5 (2013), assert legal conclusions to which no response is required. To the extent a response  
6 is required, Intervenor-Defendants deny the allegations relating to *Gonzalez v. Arizona*,  
7 677 F.3d 383 (9th Cir. 2012), *aff'd sub nom. Arizona v. Inter Tribal Council of Arizona*,  
8 *Inc.*, 133 S. Ct. 2247 (2013). Intervenor-Defendants are without knowledge or information  
9 sufficient to form a belief as to the truth of the remaining allegations in paragraph 38 of  
10 the Second Amended Complaint, and therefore deny the same.

11 39. Intervenor-Defendants are without knowledge or information sufficient to  
12 form a belief as to the truth of the allegations in paragraph 39 of the Second Amended  
13 Complaint, and therefore deny the same.

14 40. Intervenor-Defendants are without knowledge or information sufficient to  
15 form a belief as to the truth of the allegations in paragraph 40 of the Second Amended  
16 Complaint, and therefore deny the same.

17 41. Intervenor-Defendants are without knowledge or information sufficient to  
18 form a belief as to the truth of the allegations in paragraph 41 of the Second Amended  
19 Complaint, and therefore deny the same.

20 42. Intervenor-Defendants are without knowledge or information sufficient to  
21 form a belief as to the truth of the allegations in paragraph 42 of the Second Amended  
22 Complaint, and therefore deny the same.

23 43. Intervenor-Defendants are without knowledge or information sufficient to  
24 form a belief as to the truth of the allegations in paragraph 43 of the Second Amended  
25 Complaint, and therefore deny the same.

26 44. Intervenor-Defendants deny the allegations in paragraph 44 of the Second  
27 Amended Complaint.

28



1 45. Intervenor-Defendants deny the allegations in paragraph 45 of the Second  
2 Amended Complaint.

3 46. Intervenor-Defendants deny the allegations in paragraph 46 of the Second  
4 Amended Complaint.

5 47. Intervenor-Defendants deny the allegations in paragraph 47 of the Second  
6 Amended Complaint.

7 48. Plaintiffs' allegations in paragraph 48 of the Second Amended Complaint  
8 assert legal conclusions to which no response is required. To the extent a response is  
9 required, Intervenor-Defendants deny the allegations relating to A.R.S. § 16-411(B)(4).

10 49. Plaintiffs' allegations relating to A.R.S. § 16-411(B)(4) and A.R.S. § 16-  
11 583 assert legal conclusions to which no response is required. To the extent a response is  
12 required, Intervenor-Defendants deny the allegations relating to A.R.S. § 16-411(B)(4)  
13 and A.R.S. § 16-583. Intervenor-Defendants are without knowledge or information  
14 sufficient to form a belief as to the truth of the remaining allegations in paragraph 49 of  
15 the Second Amended Complaint, and therefore deny the same.

16 50. Intervenor-Defendants admit that between 2006 and 2015, there were  
17 provisional ballots cast in the State of Arizona that were rejected. Intervenor-Defendants  
18 are without knowledge or information sufficient to form a belief as to the truth of the  
19 remaining allegations in paragraph 50 of the Second Amended Complaint, and therefore  
20 deny the same.

21 51. Plaintiffs' allegations relating to A.R.S. § 16-122, A.R.S. § 16-135, A.R.S. §  
22 16-584, and Arizona Election Procedures Manual assert legal conclusions to which no  
23 response is required. To the extent a response is required, Intervenor-Defendants deny the  
24 allegations relating to A.R.S. § 16-122, A.R.S. § 16-135, A.R.S. § 16-584, and Arizona  
25 Election Procedures Manual.

26 52. Intervenor-Defendants admit that Maricopa County is Arizona's most  
27 populous county. Intervenor-Defendants are without knowledge or information sufficient  
28

1 to form a belief as to the truth of the remaining allegations in paragraph 52 of the Second  
2 Amended Complaint, and therefore deny the same.

3 53. Intervenor-Defendants are without knowledge or information sufficient to  
4 form a belief as to the truth of the allegations in paragraph 53 of the Second Amended  
5 Complaint, and therefore deny the same.

6 54. Intervenor-Defendants are without knowledge or information sufficient to  
7 form a belief as to the truth of the allegations in paragraph 54 of the Second Amended  
8 Complaint, and therefore deny the same.

9 55. Intervenor-Defendants are without knowledge or information sufficient to  
10 form a belief as to the truth of the allegations in paragraph 55 of the Second Amended  
11 Complaint, and therefore deny the same.

12 56. Intervenor-Defendants are without knowledge or information sufficient to  
13 form a belief as to the truth of the allegations in paragraph 56 of the Second Amended  
14 Complaint, and therefore deny the same. To the extent that Plaintiffs intend to draw  
15 conclusions from the statements of Jonathan Rodden, the Intervenor-Defendants  
16 affirmatively allege that Jonathan Rodden's report is based on insufficient facts and data,  
17 is the product of unreliable principles and methods, and does not reliably apply acceptable  
18 principles and methods to the facts of the above-captioned case.

19 57. Intervenor-Defendants are without knowledge or information sufficient to  
20 form a belief as to the truth of the allegations in paragraph 57 of the Second Amended  
21 Complaint, and therefore deny the same.

22 58. Intervenor-Defendants deny the allegations in paragraph 58 of the Second  
23 Amended Complaint.

24 59. Intervenor-Defendants are without knowledge or information sufficient to  
25 form a belief as to the truth of the allegations in paragraph 59 of the Second Amended  
26 Complaint, and therefore deny the same.

27 60. Plaintiffs' allegations relating to A.R.S. § 16-541, A.R.S. § 16-544, A.R.S. §  
28 16-542, A.R.S. § 16-545, A.R.S. § 16-548, and A.R.S. § 16-1005 assert legal conclusions

1 to which no response is required. To the extent a response is required, Intervenor-  
2 Defendants deny the allegations relating to A.R.S. § 16-541, A.R.S. § 16-544, A.R.S. §  
3 16-542, A.R.S. § 16-545, A.R.S. § 16-548, and A.R.S. § 16-1005. Intervenor-Defendants  
4 deny the remaining allegations in paragraph 60 of the Second Amended Complaint.

5 61. Plaintiffs' allegations relating to A.R.S. § 16-548 assert legal conclusions to  
6 which no response is required. To the extent a response is required, Intervenor-Defendants  
7 deny the allegations relating to A.R.S. § 16-548. Intervenor-Defendants deny that H.B.  
8 2023 enhances and exacerbates any alleged discriminatory effects. Intervenor-Defendants  
9 further deny that "ballot collection and delivery" is a "means of voting," and deny that it  
10 has been necessary in order for minority voters to have "an equal opportunity to  
11 participate in the political process and to elect representatives of their choice." Intervenor-  
12 Defendants are without knowledge or information sufficient to form a belief as to the truth  
13 of the remaining allegations in paragraph 61 of the Second Amended Complaint, and  
14 therefore deny the same.

15 62. Intervenor-Defendants admit that Senate Bill 1412 was passed by the  
16 Arizona Legislature in 2011. Intervenor-Defendants deny the remaining allegations in  
17 paragraph 62 of the Second Amended Complaint.

18 63. Intervenor-Defendants admit that Senate Bill 1412 was sponsored by  
19 Senator Don Shooter, and admit that Senator Shooter is a Republican from Yuma County.  
20 Intervenor-Defendants are without knowledge or information sufficient to form a belief as  
21 to the truth of the remaining allegations in paragraph 63 of the Second Amended  
22 Complaint, and therefore deny the same.

23 64. Intervenor-Defendants are without knowledge or information sufficient to  
24 form a belief as to the truth of the allegations in paragraph 64 of the Second Amended  
25 Complaint, and therefore deny the same.

26 65. Intervenor-Defendants admit that the Senate Judiciary Committee gave  
27 Senate Bill 1412 a "do pass" recommendation to the Committee of the Whole by a vote of  
28 6-2, with six Republicans voting in favor of the bill, and two Democrats voting against the

1 bill. Intervenor-Defendants are without knowledge or information sufficient to form a  
2 belief as to the truth of the remaining allegations in paragraph 65 of the Second Amended  
3 Complaint, and therefore deny the same.

4 66. Intervenor-Defendants admit that Senate Bill 1412 was amended before its  
5 enactment, and became law in 2011. The remaining allegations in paragraph 66 of the  
6 Second Amended Complaint assert legal conclusions to which no response is required. To  
7 the extent a response is required, Intervenor-Defendants deny the remaining allegations in  
8 paragraph 66 of the Second Amended Complaint.

9 67. Plaintiffs' allegations in paragraph 67 of the Second Amended Complaint  
10 assert legal conclusions to which no response is required. To the extent a response is  
11 required, Intervenor-Defendants deny the allegations in paragraph 67 of the Second  
12 Amended Complaint.

13 68. Intervenor-Defendants admit that the Arizona Attorney General sought  
14 preclearance of A.R.S. § 16-1005. To the extent that Plaintiffs make allegations in  
15 paragraph 68 of the Second Amended Complaint related to correspondence with the  
16 Department of Justice, the correspondence speaks for itself and no response is required.  
17 To the extent a response is required, Intervenor-Defendants deny the remaining  
18 allegations in paragraph 68 of the Second Amended Complaint.

19 69. Intervenor-Defendants are without knowledge or information sufficient to  
20 form a belief as to the truth of the allegations in paragraph 69 of the Second Amended  
21 Complaint, and therefore deny the same.

22 70. Intervenor-Defendants are without knowledge or information sufficient to  
23 form a belief as to the truth of the allegations in paragraph 70 of the Second Amended  
24 Complaint, and therefore deny the same.

25 71. Intervenor-Defendants admit that the Arizona Attorney General voluntarily  
26 withdrew A.R.S. § 16-1005(D) from the preclearance process. Intervenor-Defendants  
27 further admit that H.B. 2033 was introduced by Representative Kimberly Yee during the  
28 2012 legislative session, was passed by the Legislature, and was signed into law by

1 Governor Brewer on May 15, 2012. The remaining allegations in paragraph 71 of the  
2 Second Amended Complaint assert legal conclusions to which no response is required. To  
3 the extent a response is required, Intervenor-Defendants deny the remaining allegations in  
4 paragraph 71 of the Second Amended Complaint.

5 72. Intervenor-Defendants admit that the Legislature enacted H.B. 2305 during  
6 the 2013 legislative session and subsequently repealed it. Intervenor-Defendants further  
7 admit that various groups sought a referendum on the law. The remaining allegations in  
8 paragraph 72 of the Second Amended Complaint assert legal conclusions to which no  
9 response is required. To the extent a response is required, Intervenor-Defendants deny the  
10 remaining allegations in paragraph 72 of the Second Amended Complaint.

11 73. Intervenor-Defendants admit that H.B. 2023 was introduced by Republican  
12 Representative Michelle Ugenti-Rita during the 2016 legislative session. The remaining  
13 allegations in paragraph 73 of the Second Amended Complaint assert legal conclusions to  
14 which no response is required. To the extent a response is required, Intervenor-Defendants  
15 deny the remaining allegations in paragraph 73 of the Second Amended Complaint.

16 74. Plaintiffs' allegations in paragraph 74 of the Second Amended Complaint  
17 assert legal conclusions to which no response is required. To the extent a response is  
18 required, Intervenor-Defendants deny the allegations in paragraph 74 of the Second  
19 Amended Complaint.

20 75. Intervenor-Defendants admit that H.B. 2023 was heard by the House  
21 Elections Committee. Intervenor-Defendants further admit that the House Elections  
22 Committee voted to allow H.B. 2023 to move to the Committee of the Whole, by a vote of  
23 4-2, with four Republicans voting in favor of the bill, and two Democrats voting against  
24 the bill. Intervenor-Defendants are without knowledge or information sufficient to form a  
25 belief as to the truth of the remaining allegations in paragraph 75 of the Second Amended  
26 Complaint, and therefore deny the same.

27 76. Intervenor-Defendants admit that during the Arizona House of  
28 Representatives Committee of the Whole's consideration of H.B. 2023, Representative

1 Ken Clark unsuccessfully attempted to amend the bill. Intervenor-Defendants deny the  
2 remaining allegations of paragraph 76 of the Second Amended Complaint.

3 77. Intervenor-Defendants admit that the Committee of the Whole of the  
4 Arizona House of Representatives passed H.B. 2023 on February 4, 2016, with thirty-four  
5 representatives voting in favor, and only twenty-three against. Intervenor-Defendants are  
6 without knowledge or information sufficient to form a belief as to the truth of the  
7 remaining allegations in paragraph 77 of the Second Amended Complaint, and therefore  
8 deny the same.

9 78. Intervenor-Defendants admit that H.B. 2023 was referred to the Senate's  
10 Standing Committee on Government, and admit that the bill was given a "do pass"  
11 recommendation by the Senate Government Committee, by a vote of four members voting  
12 in favor and three against. Intervenor-Defendants are without knowledge or information  
13 sufficient to form a belief as to the truth of the remaining allegations in paragraph 78 of  
14 the Second Amended Complaint, and therefore deny the same.

15 79. Intervenor-Defendants admit that during the Arizona Senate Committee of  
16 the Whole's consideration of H.B. 2023, Senator Andrew Sherwood unsuccessfully  
17 attempted to amend the bill. Intervenor-Defendants are without knowledge or information  
18 sufficient to form a belief as to the truth of the remaining allegations in paragraph 79 of  
19 the Second Amended Complaint, and therefore deny the same.

20 80. Intervenor-Defendants deny the allegations in paragraph 80 of the Second  
21 Amended Complaint.

22 81. Intervenor-Defendants are without knowledge or information sufficient to  
23 form a belief as to the truth of the allegations in paragraph 81 of the Second Amended  
24 Complaint, and therefore deny the same.

25 82. Intervenor-Defendants are without knowledge or information sufficient to  
26 form a belief as to the truth of the allegations in paragraph 82 of the Second Amended  
27 Complaint, and therefore deny the same.

28

1 83. Intervenor-Defendants admit that H.B. 2023 was passed by the Arizona  
2 House of Representatives on February 4, 2016, by a vote of thirty-four representatives  
3 voting in favor, and only twenty-three against. Intervenor Defendants further admit that  
4 H.B. 2023 was passed by the Arizona State Senate on March 9, 2016, and was signed into  
5 law by Governor Ducey the same day. Intervenor-Defendants are without knowledge or  
6 information sufficient to form a belief as to the truth of the remaining allegations in  
7 paragraph 83 of the Second Amended Complaint, and therefore deny the same.

8 84. Intervenor Defendants further admit that H.B. 2023 was passed by the  
9 Arizona State Senate on March 9, 2016. Intervenor-Defendants are without knowledge or  
10 information sufficient to form a belief as to the truth of the remaining allegations in  
11 paragraph 84 of the Second Amended Complaint, and therefore deny the same.

12 85. Intervenor Defendants further admit that H.B. 2023 was passed by the  
13 Arizona State Senate on March 9, 2016, and was signed into law by Governor Ducey the  
14 same day. Intervenor-Defendants are without knowledge or information sufficient to form  
15 a belief as to the truth of the remaining allegations in paragraph 85 of the Second  
16 Amended Complaint, and therefore deny the same.

17 86. Intervenor-Defendants admit that H.B. 2023's effective date was August 6,  
18 2016. Intervenor-Defendants deny the remaining allegations in paragraph 86 of the  
19 Second Amended Complaint.

20 87. Plaintiffs' allegations in paragraph 87 of the Second Amended Complaint  
21 assert legal conclusions about H.B. 2023 to which no response is required. To the extent a  
22 response is required, Intervenor-Defendants deny the allegations relating to the effect of  
23 H.B. 2023. Intervenor-Defendants deny the remaining allegations of paragraph 87 of the  
24 Second Amended Complaint.

25 88. Intervenor-Defendants deny the allegations in paragraph 88 of the Second  
26 Amended Complaint.

27  
28

**CAUSES OF ACTION**

1  
2 89. Intervenor-Defendants incorporate by this reference the previous answers to  
3 Plaintiffs’ Second Amended Complaint as if fully set forth herein.

4 90. Paragraph 90 contains legal conclusions to which a response is not required.  
5 To the extent a response is required, Intervenor-Defendants deny the allegations in  
6 paragraph 90 of the Second Amended Complaint.

7 91. Intervenor-Defendants deny the allegations in paragraph 91 of the Second  
8 Amended Complaint.

9 92. Intervenor-Defendants deny the allegations in paragraph 92 of the Second  
10 Amended Complaint.

11 93. Intervenor-Defendants deny the allegations in paragraph 93 of the Second  
12 Amended Complaint.

13 94. Intervenor-Defendants deny the allegations in paragraph 94 of the Second  
14 Amended Complaint.

15 95. Intervenor-Defendants incorporate by this reference the previous answers to  
16 Plaintiffs’ Second Amended Complaint as if fully set forth herein.

17 96. Paragraph 96 contains legal conclusions to which a response is not required.  
18 To the extent a response is required, Intervenor-Defendants deny the allegations in  
19 paragraph 96 of the Second Amended Complaint.

20 97. Intervenor-Defendants deny the allegations in paragraph 97 of the Second  
21 Amended Complaint.

22 98. Intervenor-Defendants deny the allegations in paragraph 98 of the Second  
23 Amended Complaint.

24 99. Intervenor-Defendants incorporate by this reference the previous answers to  
25 Plaintiffs’ Second Amended Complaint as if fully set forth herein.

26 100. Intervenor-Defendants deny the allegations in paragraph 100 of the Second  
27 Amended Complaint.  
28



1           101. Intervenor-Defendants deny the allegations in paragraph 101 of the Second  
2 Amended Complaint.

3           102. Intervenor-Defendants deny the allegations in paragraph 102 of the Second  
4 Amended Complaint.

5           103. Intervenor-Defendants deny the allegations in paragraph 103 of the Second  
6 Amended Complaint.

7           104. Intervenor-Defendants incorporate by this reference the previous answers to  
8 Plaintiffs' Second Amended Complaint as if fully set forth herein. The language of the  
9 Fifteenth Amendment to the United States Constitution speaks for itself and no response  
10 is required to the remaining allegations in paragraph 104 of the Second Amended  
11 Complaint.

12           105. Intervenor-Defendants deny the allegations in paragraph 105 of the Second  
13 Amended Complaint.

14           106. Intervenor-Defendants are without knowledge or information sufficient to  
15 form a belief as to the truth of the allegations in paragraph 106 of the Second Amended  
16 Complaint, and therefore deny the same.

17           107. Intervenor-Defendants deny the allegations in paragraph 107 of the Second  
18 Amended Complaint.

19           108. Intervenor-Defendants deny the allegations in paragraph 108 of the Second  
20 Amended Complaint.

21           109. Intervenor-Defendants deny the allegations in paragraph 109 of the Second  
22 Amended Complaint.

23           110. Paragraph 110 contains legal conclusions to which a response is not  
24 required. To the extent a response is required, Intervenor-Defendants deny the allegations  
25 in paragraph 110 of the Second Amended Complaint.

26           111. Intervenor-Defendants deny the allegations in paragraph 111 of the Second  
27 Amended Complaint.

28

1 112. Intervenor-Defendants deny the allegations in paragraph 112 of the Second  
2 Amended Complaint.

3 113. Paragraph 113 contains legal conclusions to which a response is not  
4 required. To the extent a response is required, Intervenor-Defendants deny the allegations  
5 in paragraph 113 of the Second Amended Complaint.

6 114. Intervenor-Defendants deny the allegations in paragraph 114 of the Second  
7 Amended Complaint.

8 115. Intervenor-Defendants deny the allegations in paragraph 115 of the Second  
9 Amended Complaint.

10 116. Intervenor-Defendants deny the allegations in paragraph 116 of the Second  
11 Amended Complaint.

12 **GENERAL DENIAL**

13 Intervenor-Defendants deny all allegations in the Second Amended  
14 Complaint not expressly admitted herein.

15 **PRAYER FOR RELIEF**

16 Intervenor-Defendants deny Plaintiffs' prayer for relief contained in the  
17 unnumbered paragraph beginning "Wherefore," including every subparagraph, to the  
18 extent that such requested relief violates applicable state and federal law.

19 **AFFIRMATIVE DEFENSES**

20 1. Plaintiffs fail to state a claim upon which relief can be granted.

21 2. Plaintiffs' claims are futile because the actions described are neither  
22 discriminatory nor suppressive.

23 3. Plaintiffs lack standing to bring some or all of the claims asserted in this  
24 suit.

25 4. The Court lacks jurisdiction over some or all of the claims asserted by  
26 Plaintiffs, including but not limited to, because not all parties who enforce the laws at  
27 issue are before the Court.

28

1           5.       Certain Plaintiffs are not qualified electors as required by state law and  
2 therefore cannot bring some or all of the claims asserted in this action.

3           6.       Plaintiffs are estopped from bringing some or all of the claims asserted in  
4 this action.

5           7.       Plaintiffs are equitably estopped from bringing some or all of the claims  
6 asserted in this action.

7           8.       Plaintiffs' claims are barred in whole or part by the doctrine of laches.

8           9.       Plaintiffs' unclean hands preclude the relief they seek herein.

9           10.      Plaintiffs have waived their rights to bring some or all of the claims asserted  
10 in this action.

11          11.      Plaintiffs' claims are barred in whole or in part by the doctrine of res  
12 judicata.

13          12.      Plaintiffs' claims are barred in whole or in part by the doctrine of illegality.

14          13.      Plaintiffs have failed to take reasonable steps to avoid harm.

15          14.      Plaintiffs have failed to exhaust administrative remedies.

16          15.      Plaintiffs' requested relief violates the Tenth Amendment to the United  
17 States Constitution.

18          16.      Plaintiffs' requested relief violates the equal protection provisions of the  
19 Arizona and United States Constitutions.

20          17.      Plaintiffs' claims fail, in whole or in part, to the extent that they rely on  
21 inadmissible hearsay.

22          18.      Plaintiffs' claims for equitable relief are barred to the extent they seek an  
23 affirmative or mandatory injunction.

24          19.      Defendants and Intervenor-Defendants appropriately, completely and fully  
25 performed and discharged any and all obligations and legal duties arising out of the  
26 matters alleged in the Second Amended Complaint.

1 20. Plaintiffs have not sustained any injury or damage as a result of any actions  
2 taken by Defendants and Intervenor-Defendants, and thus are barred from asserting any  
3 claim against them.

4 21. Plaintiffs' claims fail and this action must be dismissed in its entirety with  
5 prejudice or a default judgment entered because electronically stored information that  
6 should have been preserved in the anticipation or conduct of litigation has been lost  
7 because Plaintiffs failed to take reasonable steps to preserve it, and it cannot be restored or  
8 replaced through additional discovery.

9 **Wherefore**, Intervenor-Defendants pray for judgment as follows:

- 10 A. That Plaintiffs take nothing by way of their Second Amended
- 11 Complaint, including that Plaintiffs not be awarded attorneys' fees
- 12 and costs;
- 13 B. That the Court enter judgment in favor of Defendants and Intervenor-
- 14 Defendants and against Plaintiffs on any and all claims for relief
- 15 alleged in the Second Amended Complaint;
- 16 C. That Intervenor-Defendants recover their attorneys' fees and costs in
- 17 this suit; and
- 18 D. For such other relief as the Court deems fair, just, and proper.

19 DATED this 27th day of April, 2017.

20 Respectfully submitted,

21 SNELL & WILMER L.L.P.

22 By: /s/ Brett W. Johnson

23 Brett W. Johnson  
24 Sara J. Agne  
25 Colin P. Ahler  
26 Joy L. Isaacs  
27 One Arizona Center  
28 400 E. Van Buren, Suite 1900  
Phoenix, Arizona 85004-2202

*Attorneys for Intervenor-Defendants  
Arizona Republican Party, Bill Gates,  
Suzanne Klapp, Debbie Lesko, and  
Tony Rivero*

Snell & Wilmer

LLP

LAW OFFICES  
One Arizona Center, 400 E. Van Buren, Suite 1900  
Phoenix, Arizona 85004-2202  
602.382.6000

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2017, I electronically served the attached document to counsel of record for the Plaintiffs and Intervenor-Plaintiffs via email.

/s/ Tracy Hobbs

Snell & Wilmer  
LLP  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren, Suite 1900  
Phoenix, Arizona 85004-2202  
602.382.6000