	Case 2:21-cv-01423-DWL Document 64	Filed 11/15/21 Page 1 of 11
1	WILLIAM P. RING COCONINO COUNTY ATTORNEY	
2	Rose Winkeler	
3	Deputy County Attorney State Bar No. 025023	
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6	Attorneys for Defendant Coconino County Recorder Patty Hansen	
7		
8	DISTRICT C	DF ARIZONA
0	Mi Familia Vota; Arizona Coalition for	Case No.: 2:21-cv-01423-DWL
9	Change; Living United for Change in	
327	Arizona; and League of Conservation	
⁴ / ₂ 10	Voters, Inc. d/b/a Chispa AZ,	DEFENDANT COCONINO
		COUNTY RECORDER PATTY
820 AN	Plaintiff,	HANSEN'S ANSWER TO COMPLAINT
CHENNY AVENUE F, ARIZONA 86001-4627 328) 679-8200 7 1 7	V.	ANSWER TO COMPLAINT
1 A 8 4		
FLAGSTAFF, (92, 13, 13, 14, 14, 14, 14, 14, 14, 14, 14, 14, 14	Katie Hobbs, in her official capacity as	
- AG:	Arizona Secretary of State; Mark Brnovich,	
 ^{□} 14	In his official capacity as Arizona Attorney	
15	General; and the County Recorder	
15	Defendants, Apache County Recorder Larry Noble; Cochise County Recorder	
16	David W. Stevens; Coconino County	
	Recorder Patty Hansen; Gila County	
17	Recorder Sadie Jo Bingham; Graham	
10	County Recorder Wendy John; Greenlee	
18	County Recorder Sharie Milheiro; La Paz	
19	County Recorder Richard Garcia; Maricopa County Recorder Stephen Richer; Mohave	
17	County Recorder Kristi Blair; Navajo	
20	County Recorder Michael Sample; Pima	
	County Recorder Gabriella Cazares-Kelly;	
21	Pinal County Recorder Virginia Ross;	
~~	Santa Cruz County Recorder Suzanne	J
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1	Sainz; Yavapai County Recorder Leslie M.		
2	Hoffman; and Yuma County Recorder Robyn S. Pouquette, in their official		
3	Capacities,		
4	Defendants.		
5	The Federal Rules of Civil Procedure 8 and 12 require that a Defendant Coconino		
6	County Recorder Patty Hansen timely serve a responsive pleading, and when the pleading is		
7	an Answer, to respond to allegations made. As set forth in their Answer below, Defendant		
8	Coconino County Recorder Patty Hansen (hereinafter "Defendant Hansen"), in her official		
9	capacity, affirmatively states that she is a nominal party to this litigation and her inclusion in		
10	this action is nominal only. Defendant Hansen takes no position with regard to the		
11 ⁸³ 12 ⁸⁵⁰⁰	constitutionality of Senate Bill 1485 (the "Voter Purge law") and Senate Bill 1003 (the		
(³²⁸⁾ ⁶⁷⁹	"Cure Period Law"). Defendant Hansen will comply with the Federal Rules of Civil		
13	Procedure and orders of the Court entered into relative to this case.		
14	Defendant Hansen answers Plaintiffs' Complaint as follows:		
15	PRELIMINARY STATEMENT		
16	1. Defendant Hansen Answers Paragraph 1 of Plaintiffs' Complaint and admits		
17	that there were two changes to Arizona's early-voting system, the "Voter Purge Law" and		
18	the "Cure Period Law." Defendant Hansen asserts that she is without knowledge or		
19	information sufficient to form a belief as to the truth of the remaining allegations contained		
20	therein. Nonetheless, Defendant Hansen responds that she was a defendant in litigation		
21	titled Navajo Nation, et al., v. Hobbs, et al., No. CV-18-08329-PCT-DWL (D. Ariz.)		
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1 initiated in 2018 by the Navajo Nation alleging that certain Arizona electoral practices 2 violated the federal and state constitutions as well as the Voting Rights Act. As a part of a 3 settlement agreement to resolve that litigation, Defendant Hansen agreed to provide voters 4 who had submitted a ballot with an unsigned ballot affidavit the same 5-day period of time 5 to cure their ballot deficiency as provided to those voters whose signatures were 6 determined to not match their registration and those voters who did not provide photo 7 identification upon voting at a polling place or voting center. The Voter Purge Law and its 8 identical language contained in the current Elections Procedures Manual prevent Defendant 9 Hansen from providing this remedy as offered in the settlement agreement. As Defendant 10 Hansen is a nominal party in this matter, she will abide by whatever relief the Court may grant and whatever order or judgment the Court may enter.

2. Defendant Hansen Answers Paragraphs 2, 3, and 4 of Plaintiffs' Complaint by stating that she is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein or that the allegations contained therein are legal conclusions to which no response is required.

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COCONINO COUNTY ATTORNEY

WILLIAM P. RING

JURISDICTION AND VENUE

Defendant Hansen Answers Paragraph 5 and admits that Plaintiffs have filed
 suit pursuant to 42 U.S.C. §§ 1983 and 1988 for violations of Plaintiffs' rights under the
 First, Fourteenth, and Fifteenth Amendments to the U.S. Constitution and the Voting
 Rights Act of 1965, but otherwise reiterates that she is a nominal party to the matter and is
 without knowledge or information sufficient to form a belief as to whether Plaintiffs' civil

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rights have been violated or whether Plaintiffs are entitled to any relief under the statute.

2 4. Defendant Hansen Answers Paragraphs 6, 7, and 8 and admits the allegations
3 contained therein.

PARTIES

A. Plaintiffs

5. Defendant Hansen Answers Paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
19, and 20 that she without knowledge or information sufficient to form a belief as to the allegations therein.

B. State Defendants

Defendant Hansen Answers Paragraphs 21 and 23 regarding defendants Katie
 Hobbs and Mark Brnovich, and admits the allegations therein.

7. Defendant Hansen Answers Paragraphs 22 and 24 regarding defendants Katie Hobbs and Mark Brnovich acting under color of state law, that the allegations constitute legal conclusions, to which Defendant Hansen states that she is a nominal party to the matter and takes no position

- 15 matter and takes no position.
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C. County Recorder Defendants

17 8. Defendant Hansen Answers Paragraphs 25, 26, and 27, 29, 30, 31, 32, 33, 34,
18 35, 36, 37, 38, 39, and 40, and admits the allegations therein.

19 9. Defendant Hansen Answers Paragraph 28, and admits the allegations therein,
20 and reiterates that she is a nominal party to this matter.

FACTS

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WILLIAM P. RING

Arizona's Early Voting System.

2 10. Defendant Hansen Answers Paragraphs 41, 42, and 43 and admits the 3 allegations stated therein.

4 11. Defendant Hansen Answers Paragraphs 44, 45, 46, and 47 and states she is 5 without knowledge or information sufficient to form a belief as to the truth of the 6 allegations in Plaintiff's Complaint, Paragraphs 44, 45, 46, and 47.

II. **Baseless Efforts To Undermine Voter Confidence in the 2020 Election.**

12. Defendant Hansen Answers Paragraphs 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63 stating that she is a nominal party to the matter and is without knowledge or information sufficient to form a belief as to the truth of the allegations in Plaintiff's Complaint, Paragraphs 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63.

Arizona Uses False Allegations of Voter Fraud to Enact Measures To Burden III. the Voting Rights of Arizonans.

15 13. Defendant Hansen Answers Paragraphs 64, 65, 66, 67, and 68 stating that she is a nominal party to the matter and is without knowledge or information sufficient to form 16 17 a belief as to the truth of the allegations in Plaintiff's Complaint, Paragraphs 64, 65, 66, 67, 18 and 68.

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SB 1485 – The Voter Purge Law. A.

20 14. Defendant Hansen Answers Paragraph 69, stating that she is a nominal party 21 to the matter and is without knowledge or information sufficient to form a belief as to the 22

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truth of the allegations in Plaintiff's Complaint, Paragraphs 69.

2 15. Defendant Hansen Answers Paragraphs 70, 71, 72, and admits the allegations
3 stated therein.

16. Defendant Hansen Answers Paragraphs 73, 74, 75, 76, 77, 78, 79, 80, 81, 82,
83, and 84 stating that she is without knowledge or information sufficient to form a belief
as to the truth of the allegations contained therein or that the allegations contained therein
are legal conclusions to which no response is required.

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WILLIAM P. RING

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B. SB 1003 – The Cure Period Law.

17. Defendant Hansen Answers Paragraphs 85 and 86 and admits the allegations stated therein.

18. Defendant Hansen Answers Paragraphs 87, 88, 89, 90, 91, 92, 93, 94, and 95, stating that she is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein or that the allegations contained therein are legal conclusions to which no response is required.

15 19. Defendant Hansen Answers Paragraph 96 stating that she is a nominal party to 16 the matter and is without knowledge or information sufficient to form a belief as to the 17 truth of the allegations in Plaintiff's Complaint, Paragraph 96. Defendant Hansen further 18 responds that as a defendant in litigation titled Navajo Nation, et al., v. Hobbs, et al., No. 19 CV-18-08329-PCT-DWL (D. Ariz.), Defendant Hansen agreed to provide voters who had 20 submitted a ballot with an unsigned ballot affidavit the same 5-day period of time to cure 21 their ballot deficiency as provided to those voters whose signatures were determined to not 22

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1 match their registration and those voters who did not provide photo identification upon 2 voting at a polling place or voting center. The Voter Purge Law and its identical language 3 contained in the current Elections Procedures Manual prevent Defendant Hansen from 4 providing this remedy as offered in the settlement agreement.

IV. Arizona's History of Discrimination and Voter Suppression.

20. Defendant Hansen Answers Paragraphs 97, 98, and 99, stating that she is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein or that the allegations contained therein are legal conclusions to which no response is required.

FLAGSTAFF, ARIZONA 86001-4627 COCONINO COUNTY ATTORNEY 10 110 E. CHERRY AVENUE WILLIAM P. RING (11 et al. 10 et 13

A. Arizona's History of Discrimination in Voting.

21. Defendant Hansen Answers Paragraphs 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, and 111, stating that stating that she is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein or that the allegations contained therein are legal conclusions to which no response is required.

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B. Arizona's History of Other Systemic Discrimination.

17 22. Defendant Hansen Answers Paragraphs 112, 113, 114, 115, 116, 117, 118, 18 119, and 120, stating that stating that she is without knowledge or information sufficient to 19 form a belief as to the truth of the allegations contained therein or that the allegations 20 contained therein are legal conclusions to which no response is required.

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- С. The Effects on Voting of Arizona's History of Discrimination.

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23. 1 Defendant Hansen Answers Paragraphs 121, 122, 123, 124, 125, and 126, 2 stating that she is without knowledge or information sufficient to form a belief as to the 3 truth of the allegations contained therein or that the allegations contained therein are legal 4 conclusions to which no response is required. 5

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

First and Fourteenth Amendments U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983; 28 U.S.C. §§ 2201, 2202 **Undue Burden on Right to Vote** 24. Defendant Hansen Answers Paragraph 127 and realleges and incorporates by

reference all prior paragraphs of her Answer, as if fully set forth herein.

25. Defendant Hansen Answers Paragraphs 128, 129, 130, 131, 132, 133, 134, and 135, and states the allegations contained therein constitute legal conclusions to which no 13 14 response is required.

SECOND CAUSE OF ACTION

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COCONINO COUNTY ATTORNEY

WILLIAM P. RING

110 E. CHERRY AVENUE

Fourteenth and Fifteenth Amendments

U.S. Const. Amend. XIV, 42 U.S.C. § 1983; 28 U.S.C. §§ 2201, 2202

Discriminatory Purpose

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19 26. Defendant Hansen Answers Paragraph 136 and realleges and incorporates by 20 reference all prior paragraphs of her Answer, as if fully set forth herein.

- 27. Defendant Hansen Answers Paragraphs 137, 138, 139, 140, and 141, and 21
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1 states the allegations contained therein constitute legal conclusions to which no response is 2 required.

THIRD CAUSE OF ACTION

Voting Rights Act § 2

52 U.S.C. § 10301 et seq.; 42 U.S.C. § 1983; 28 U.S.C. §§ 2201, 2202 **Intentional Racial Discrimination**

28. Defendant Hansen Answers Paragraph 142 and realleges and incorporates by reference all prior paragraphs of her Answer, as if fully set forth herein.

29. Defendant Hansen Answers Paragraphs 143, 144, and 145, and states the allegations contained therein constitute legal conclusions to which no response is required.

PRAYER FOR RELIEF

13 WHEREFORE, having fully responded to Plaintiffs' Complaint, Defendant Hansen 14 respectfully requests:

15 1. That this Court designate Defendant Hansen as a nominal party and to deny 16 Plaintiffs any award of costs or attorneys fees as against Defendant Hansen;

2. 17 Defendant Hansen reiterates that she takes no position in regard to the merits 18 of the Complaint and will abide by whatever relief the Court may grant and whatever order 19 or judgment the Court may enter.

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FLAGSTAFF, ARIZONA 86001-4627

110 E. CHERRY AVENUE

COCONINO COUNTY ATTORNEY

WILLIAM P. RING

- DATED: November 15, 2021 21
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WILLIAM P. RING Coconino County Attorney

/s/Rose Winkeler

Rose Winkeler Deputy County Attorney

