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6 **IN THE UNITED STATES DISTRICT COURT**
7
8 **FOR THE DISTRICT OF ARIZONA**

9 Mi Familia Vota, et. al.,

10 Plaintiffs,

11 vs.

12 Katie Hobbs; et al.

13 Defendants.

No.: CV-21-1423-PHX-DWL

**ANSWER OF DEFENDANT
MOHAVE COUNTY RECORDER,
KRISTI BLAIR**

14
15 Defendant Mohave County Recorder, Kristi Blair, by and through undersigned
16 counsel, affirmatively alleges that she is not a proper or necessary party to this action,
17 and she takes a nominal position on the issues presented. Recorder Blair takes no
18 position on the substantive questions concerning the laws that Plaintiffs challenge in their
19 Complaint. Recorder Blair is only a party to this lawsuit because Plaintiffs have named
20 her in the lawsuit, she has been served with the Complaint, and she has a statutory duty to
21 implement the laws being challenged. Recorder Blair will comply with any Orders of
22 this Court, including any Orders from appellate Courts.
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1 Kristi Blair should be dismissed from the lawsuit, or in the alternative, be
2 designated as a nominal party. Every allegation made by Plaintiffs in their Complaint,
3 which is not expressly admitted in this Answer, is denied.

4 Defendant Blair answers the Complaint as follows:

- 5 1. Defendant admits the allegations contained in paragraphs 6-9, 21-24, 26-41, and
6 86 of Plaintiffs' Complaint.
- 7 2. Regarding paragraph 1 of the Complaint, Defendant admits that the Arizona
8 legislature passed Senate Bill 1485 which, among other things, made changes to
9 the early voting list. Further, Defendant admits that the Arizona legislature passed
10 Senate Bill 1003 that made changes to the curing process of unsigned early ballot
11 envelopes. As to the remaining parts of paragraph 1, Defendant denies the same.
- 12 3. Regarding paragraph 4 of the Complaint, Defendant admits that Plaintiffs are
13 seeking to obtain a judgment declaring the Voter Purge Law and Cure Period Law
14 illegal and unenforceable, but does not take a position as to the substantive merits
15 of their lawsuit.
- 16 4. Regarding paragraph 5 of the Complaint, Defendant admits that Plaintiffs are
17 filing this Action pursuant to 42 U.S.C. §§ 1983 and 1988, but denies the
18 remaining parts of the paragraph.
- 19 5. Regarding paragraph 25 of the Complaint, Defendant admits that SB 1485 requires
20 the County Records to remove a voter from the early voting list if certain criteria
21 are met, but denies that Ariz. Rev. Stat. § 16-168(K) imposes that duty. Instead,
22 the statutory duty referenced herein is found at Ariz. Rev. Stat. § 16-544(K). As
23 to the remaining part of the paragraph, Defendant admits that she is being sued in
24

1 her official capacity. Whether she is a person within the meaning of 42 U.S.C. §
2 1983 and acts under color of state law are legal in nature, and no response is
3 necessary.

4 6. Regarding paragraph 57 of the Complaint, Defendant admits that ten of Arizona's
5 fifteen counties completed hand counts of a sample of ballots to confirm the
6 accuracy of the vote tabulation equipment, and each confirmed the accuracy of the
7 results. Further, Defendant admits that Maricopa County retained two
8 independent auditing firms to conduct forensic audits of the tabulation
9 equipment's software and hardware used for the 2020 election. Regarding the
10 results of the audits Defendant lacks knowledge or information sufficient to form a
11 belief about the truth of the allegations, and therefore denies the same.

12 7. Regarding paragraph 81 of the Complaint, if the voter wishes to remain on the
13 active early voting list, the voter shall both (1) confirm in writing the voter's
14 desire to remain on the active early voting list, and (2) return the completed notice
15 to the county recorder or other officer in charge of elections within ninety days
16 after the notice is sent to the voter. As to the remaining parts of the paragraph,
17 Defendant lacks knowledge or information sufficient to form a belief about the
18 truth of the allegations, and therefore denies the same.

19 8. Regarding paragraph 85 of the Complaint, Defendant admits that early vote ballots
20 must be accompanied by a signed affidavit, but lack knowledge or information
21 sufficient to form a belief as to whether election officials in other counties receive
22 unsigned ballots and mismatching signatures for every election, and therefore
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1 deny the same. As to the changes to subsequent changes to the law and its effect,
2 and the remaining parts of the paragraph, Defendant denies the same.

3 9. Regarding paragraph 87 of the Complaint, early-voting ballots, in order to be
4 counted and valid, must be received by the County Recorder or other officer in
5 charge of elections or deposited at any polling place in the county no later than
6 7:00pm on election day, but as to the remaining parts of the paragraph, Defendant
7 lacks knowledge or information sufficient to form a belief about the truth of the
8 allegations, and therefore denies the same.

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10 10. Defendant denies the allegations in paragraphs 2, 3, 64, 66, 67, 68, 127, 136, and
11 142 of Plaintiffs' complaint.

12 11. Defendant lacks knowledge or information sufficient to form a belief about the
13 truth of the allegations contained in paragraphs 10-20, 42, 44-56, 58-63, 65, 69-71,
14 73-80, 82-84, 88-126, 132-135, 140-141, and 144-145, and therefore denies the
15 same.

16 12. Defendant asserts that the allegations in paragraphs 43, 72, 128-131, 137-139, and
17 143 state legal conclusions to which no response is required.

18 **RESPONSE TO PRAYER FOR RELIEF**

19 Mohave County Recorder takes no position on the substantive questions
20 concerning the laws that Plaintiffs challenge, and so takes no position concerning
21 whether the Court should grant the relief that Plaintiffs request.

22 **AFFIRMATIVE DEFENSES**

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24 1. Defendant affirmatively alleges that she is not a proper or necessary party to this
25 action, and her role in this action is nominal.

- 1 2. Defendant affirmatively alleges that even if she is a necessary party for purposes
2 of injunctive relief, her role in this action would remain nominal.
- 3 3. Defendant affirmatively alleges that she has qualified immunity for performing her
4 official duties as required by law. *See Pierson v. Ray*, 386 U.S. 547 (1967);
5 *Luchunski v. Congrove*, 193 Ariz. 176, 971 P.2d 636 (App. 1998).
- 6 4. Additional facts may be revealed by future discovery which support affirmative
7 defenses available to, but presently unknown to, this Defendant. Accordingly,
8 Defendant hereby incorporates by reference all applicable affirmative defenses
9 pursuant to Rule 8 and 12 of the Federal Rules of Civil Procedure as though set
10 forth fully herein.

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12 **RELIEF**

13 A. Mohave County Recorder hereby requests this Court to dismiss the Complaint
14 with Prejudice as to this Defendant; or in the alternative, designate her as a
15 nominal party, and granting such other and further relief as the Court deems
16 proper. Further, Mohave County Recorder requests the Court to deny any efforts
17 by Plaintiffs or any other parties to seek the reimbursement of attorneys fees and
18 court costs against her.

19
20 RESPECTFULLY SUBMITTED this 15th day of November, 2021.

21 MOHAVE COUNTY ATTORNEY

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23 /s/ Ryan H. Esplin
24 RYAN H. ESPLIN,
Attorney for Defendant County Recorder Kristi Blair

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CERTIFICATE OF SERVICE

I certify that on November 15, 2021, I electronically transmitted the foregoing **Answer of Defendant Mohave County Recorder, Kristi Blair** to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants on record.

By: /s/ Ryan H. Esplin