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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mi Familia Vota, et al.,
Plaintiffs,

v.

Katie Hobbs, et al.,
Defendants.

No. CV-21-01423-DWL

**DEFENDANT-INTERVENORS’
ANSWER TO DSCC’S AND DCCC’S
COMPLAINT IN INTERVENTION**

1 Defendant-Intervenors Republican National Committee and National Republican
2 Senatorial Committee now answer the Complaint in Intervention of Plaintiff-Intervenors
3 Democratic Senatorial Campaign Committee and Democratic Congressional Campaign
4 Committee (hereafter, the “Complaint”). Unless expressly admitted below, every
5 allegation in the Complaint is denied. When Defendant-Intervenors say a factual allegation
6 “speaks for itself,” they mean they lack sufficient information to admit or deny the
7 allegation; they do not admit that the referenced material exists, is accurate, is relevant and
8 admissible for the truth of the matter asserted or otherwise, or is placed in the proper
9 context. Subject to the foregoing, Defendant-Intervenors state:

10 1. Defendant-Intervenors admit that this action concerns Arizona Senate Bill
11 1003 and Arizona Senate Bill 1485. The Supreme Court’s opinion in *Westberry v.*
12 *Sanders*, 376 U.S. 1 (1964), speaks for itself. Defendant-Intervenors deny the remaining
13 allegations in paragraph 1.

14 2. Defendant-Intervenors deny the allegations in paragraph 2.

15 3. Defendant-Intervenors are without knowledge or information sufficient to
16 admit or deny the allegations in paragraph 3 relating to turnout in Arizona elections in
17 2012, 2016 and 2020, for which the Complaint cites no supporting sources. Defendant-
18 Intervenors deny that minority voter turnout is “significantly suppressed” and deny any
19 remaining allegations in paragraph 3.

20 4. Defendant-Intervenors admit that Arizona has permitted voting by mail since
21 1991 and has maintained the Permanent Early Voting List since 2007, but are without
22 knowledge or information sufficient to admit or deny the remaining allegations in
23 paragraph 4, for which the Complaint cites no supporting sources.

24 5. The alleged statements attributed to Governor Ducey, Secretary Hobbs and
25 third parties, and the legal proceedings referenced in paragraph 5 speak for themselves.
26 According to Justice Stevens’ lead opinion in *Crawford v. Marion County Election Board*,
27 the “risk of voter fraud” is “real,” voter fraud “could affect the outcome of a close
28 election,” and “[t]here is no question about the legitimacy or importance of the State’s

1 interest” in combatting it. 553 U.S. 181, 196 (2008). And the Supreme Court just
2 emphasized that “it should go without saying that a State may take action to prevent
3 election fraud without waiting for it to occur and be detected within its own borders,” and
4 that “[f]raud is a real risk that accompanies mail-in voting.” *Brnovich v. Democratic Nat’l*
5 *Comm.*, 141 S. Ct. 2321, 2348 (2021).

6 6. Defendant-Intervenors admit that the Arizona Legislature adopted S.B. 1003
7 and S.B. 1485 but deny the remaining allegations in paragraph 6. According to Justice
8 Stevens’ lead opinion in *Crawford v. Marion County Election Board*, the “risk of voter
9 fraud” is “real,” voter fraud “could affect the outcome of a close election,” and “[t]here is
10 no question about the legitimacy or importance of the State’s interest” in combatting it.
11 553 U.S. at 196. And the Supreme Court just emphasized that “it should go without saying
12 that a State may take action to prevent election fraud without waiting for it to occur and be
13 detected within its own borders,” and that “[f]raud is a real risk that accompanies mail-in
14 voting.” *Brnovich*, 141 S. Ct. at 2348.

15 7. Defendant-Intervenors admit that Governor Ducey signed S.B. 1003 on May
16 7, 2021. The provisions of S.B. 1003 and related statutes speak for themselves.

17 8. Defendant-Intervenors admit that Governor Ducey signed S.B. 1485 on May
18 11, 2021. The provisions of S.B. 1485 speak for themselves.

19 9. Defendant-Intervenors deny the allegations in paragraph 9.

20 10. Defendant-Intervenors deny the allegations in paragraph 10.

21 11. Defendant-Intervenors admit that Plaintiff-Intervenors purport to premise
22 their claims on 42 U.S.C. §§ 1983 and 1988, but deny that any such claims are valid.

23 12. Paragraph 12 states a legal conclusion to which no response is required.

24 13. The first sentence of paragraph 13 states a legal conclusion to which no
25 response is required. Defendant-Intervenors admit the allegations in the second sentence
26 of paragraph 13.

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1 14. The first sentence of paragraph 14 states a legal conclusion to which no
2 response is required. Defendant-Intervenors admit the allegations in the second sentence
3 of paragraph 14.

4 15. Defendant-Intervenors admit that the County Recorder Defendants work or
5 reside in Arizona. The remainder of paragraph 15 states a legal conclusion to which no
6 response is required.

7 16. Paragraph 16 states a legal conclusion to which no response is required.

8 17. Paragraph 17 states a legal conclusion to which no response is required.

9 18. Defendant-Intervenors admit that the DSCC is the national senatorial
10 committee of the Democratic Party but are without knowledge or information sufficient to
11 admit or deny the remaining allegations in paragraph 18.

12 19. Defendant-Intervenors admit that the DCCC is the national congressional
13 committee of the Democratic Party but are without knowledge or information sufficient to
14 admit or deny the remaining allegations in paragraph 19.

15 20. Defendant-Intervenors are without knowledge or information sufficient to
16 admit or deny the allegations in paragraph 20.

17 21. Defendant-Intervenors are without knowledge or information sufficient to
18 admit or deny the allegations in paragraph 21.

19 22. Defendant-Intervenors are without knowledge or information sufficient to
20 admit or deny the allegations in paragraph 22.

21 23. Defendant-Intervenors deny that the Arizona State Legislature “acted with
22 the discriminatory purpose.” Defendant-Intervenors are without knowledge or
23 information sufficient to admit or deny the remaining allegations in paragraph 23.

24 24. Defendant-Intervenors deny that the provisions of S.B. 1003 are
25 “unreasonable,” “burdensome,” or “unjustifiable,” and the district court opinion on which
26 the Complaint relies subsequently was vacated on the merits. *See Ariz. Democratic Party*
27 *v. Hobbs*, 18 F.4th 1179 (9th Cir. 2021). Defendant-Intervenors are without knowledge or
28 information sufficient to admit or deny the remaining allegations in paragraph 24.

1 25. Defendant-Intervenors are without knowledge or information sufficient to
2 admit or deny the allegations in paragraph 25.

3 26. Defendant-Intervenors are without knowledge or information sufficient to
4 admit or deny the allegations in paragraph 26.

5 27. Defendant-Intervenors admit the allegations in the first sentence of
6 paragraph 27. The cited statutes speak for themselves.

7 28. Defendant-Intervenors admit the allegations in the first sentence of
8 paragraph 28. The cited statutes speak for themselves.

9 29. Defendant-Intervenors admit the allegations in paragraph 29.

10 30. Defendant-Intervenors admit the allegations in paragraph 30.

11 31. Defendant-Intervenors admit the allegations in paragraph 31.

12 32. Defendant-Intervenors admit the allegations in paragraph 32.

13 33. Defendant-Intervenors admit the allegations in paragraph 33.

14 34. Defendant-Intervenors admit the allegations in paragraph 34.

15 35. Defendant-Intervenors admit the allegations in paragraph 35.

16 36. Defendant-Intervenors admit the allegations in paragraph 36.

17 37. Defendant-Intervenors admit the allegations in paragraph 37.

18 38. Defendant-Intervenors admit the allegations in paragraph 38.

19 39. Defendant-Intervenors admit the allegations in paragraph 39.

20 40. Defendant-Intervenors admit the allegations in paragraph 40.

21 41. Defendant-Intervenors admit the allegations in paragraph 41.

22 42. Defendant-Intervenors admit the allegations in paragraph 42.

23 43. Defendant-Intervenors admit that Robyn S. Pouquette was the Yuma County
24 Recorder when the Complaint was filed. Richard Colwell currently is the Yuma County
25 Recorder.

26 44. A.R.S. § 16-541 speaks for itself. Defendant-Intervenors are without
27 knowledge or information sufficient to admit or deny the allegations in paragraph 44.

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1 45. Defendant-Intervenors admit that the PEVL was established in 2007. A.R.S.
2 §§ 16-542 and 16-544 speak for themselves.

3 46. A.R.S. §§ 16-544 and 16-166 speak for themselves.

4 47. Defendant-Intervenors are without knowledge or information sufficient to
5 admit or deny the allegations in paragraph 47, for which the Complaint cites no supporting
6 source.

7 48. The source cited for the allegations in paragraph 48 speaks for itself.

8 49. The source cited for the allegations in paragraph 49 speaks for itself.

9 50. A.R.S. § 16-550 speaks for itself.

10 51. A.R.S. § 16-550 and amendments to the same speak for themselves.

11 52. A.R.S. § 16-579 and the 2019 Election Procedures Manual speak for
12 themselves.

13 53. The 2019 amendments to A.R.S. § 16-550 and the relevant provisions of the
14 EPM speak for themselves. Arizona law has never permitted any “post-election cure
15 period” for voters who failed to sign their early ballot affidavit before 7:00 p.m. on Election
16 Day. Defendant-Intervenors are without knowledge or information sufficient to admit or
17 deny the final sentence of paragraph 53, for which the Complaint cites no supporting
18 source.

19 54. The relevant provisions of the EPM and the Attorney General’s statements
20 and positions speak for themselves. Defendant-Intervenors are without knowledge or
21 information sufficient to admit or deny the remaining allegations in paragraph 54, for
22 which the Complaint cites no supporting source.

23 55. The disposition in the Florida judicial proceeding speaks for itself.
24 Defendant-Intervenors are without knowledge or information sufficient to admit or deny
25 the remaining allegations in paragraph 55, for which the Complaint cites no supporting
26 source.

27 56. Defendant-Intervenors admit that the DSCC and the ADP filed an action in
28 June 2020 relating to signature curing processes. Defendant-Intervenors are without

1 knowledge or information sufficient to admit or deny the remaining allegations in
2 paragraph 56.

3 57. The complaint in *ADP v. Hobbs* speaks for itself. Defendant-Intervenors
4 deny that the claims alleged in *ADP v. Hobbs* were valid or meritorious.

5 58. This Court's opinion in *ADP v. Hobbs*, 485 F. Supp. 3d 1073 (D. Ariz. 2020),
6 speaks for itself. Notably, the United States Court of Appeals for the Ninth Circuit
7 subsequently vacated that opinion on the merits. *See Ariz. Democratic Party v. Hobbs*, 18
8 F.4th 1179 (9th Cir. 2021).

9 59. Defendant-Intervenors admit that a Ninth Circuit motions panel stayed this
10 Court's order in the *ADP v. Hobbs* proceedings and that a disposition of the merits was
11 pending at the time the Complaint was filed. The Ninth Circuit subsequently vacated the
12 Court's opinion on the merits. *See Ariz. Democratic Party v. Hobbs*, 18 F.4th 1179 (9th
13 Cir. 2021).

14 60. The source cited for the allegations in paragraph 60 speaks for itself.

15 61. Defendant-Intervenors are without knowledge or information sufficient to
16 admit or deny the allegations in paragraph 61, for which the Complaint cites no supporting
17 sources. The unspecified alleged statements by county and state elections officials and
18 court rulings speak for themselves.

19 62. The results of the counties' hand audits speak for themselves.

20 63. The source cited for the allegations in paragraph 63 speaks for itself.

21 64. The source cited for the allegations in paragraph 64 speaks for itself.

22 65. A.R.S. § 16-648 and the alleged statements of the Governor and the
23 Secretary of State cited in paragraph 65 speak for themselves.

24 66. The dispositions in *Bowyer v. Ducey*, 506 F. Supp. 3d 699 (D. Ariz. 2020),
25 and any other unspecified legal proceedings referenced in paragraph 66 speak for
26 themselves.

27 67. The disposition in *Ward v. Jackson*, No. CV-20-0343-AP/EL, 2020 WL
28 8617817 (Ariz. Dec. 8, 2020), speaks for itself.

1 68. Defendant-Intervenors are without knowledge or information sufficient to
2 admit or deny the allegations in paragraph 68, for which the Complaint cites no supporting
3 sources.

4 69. Defendant-Intervenors admit that in the Spring of 2021 the Arizona Senate
5 launched an audit of the 2020 election in Maricopa County. Defendant-Intervenors deny
6 any remaining allegations in paragraph 69.

7 70. Defendant-Intervenors admit that the Arizona Senate engaged Cyber Ninjas,
8 Inc. in connection with its audit. Defendant-Intervenors are without knowledge or
9 information sufficient to admit or deny any remaining allegations in paragraph 70.

10 71. Defendant-Intervenors are without knowledge or information sufficient to
11 admit or deny the allegations in paragraph 71, for which the Complaint cites no supporting
12 sources.

13 72. The source cited for the allegations in paragraph 72 speaks for itself.

14 73. The content of the alleged letter of Maricopa County Recorder Stephen
15 Richer speaks for itself.

16 74. The source cited for the allegations in paragraph 74 speaks for itself.

17 75. Defendant-Intervenors are without knowledge or information sufficient to
18 admit or deny the allegations in paragraph 75. According to Justice Stevens' lead opinion
19 in *Crawford v. Marion County Election Board*, the "risk of voter fraud" is "real," voter
20 fraud "could affect the outcome of a close election," and "[t]here is no question about the
21 legitimacy or importance of the State's interest" in combatting it. 553 U.S. at 196. And the
22 Supreme Court just emphasized that "it should go without saying that a State may take
23 action to prevent election fraud without waiting for it to occur and be detected within its
24 own borders," and that "[f]raud is a real risk that accompanies mail-in voting." *Brnovich*,
25 141 S. Ct. at 2348.

26 76. Defendant-Intervenors are without knowledge or information sufficient to
27 admit or deny the allegations in paragraph 76, for which the Complaint cites no supporting
28 sources. According to Justice Stevens' lead opinion in *Crawford v. Marion County*

1 *Election Board*, the “risk of voter fraud” is “real,” voter fraud “could affect the outcome
2 of a close election,” and “[t]here is no question about the legitimacy or importance of the
3 State’s interest” in combatting it. 553 U.S. at 196. And the Supreme Court just emphasized
4 that “it should go without saying that a State may take action to prevent election fraud
5 without waiting for it to occur and be detected within its own borders,” and that “[f]raud
6 is a real risk that accompanies mail-in voting.” *Brnovich*, 141 S. Ct. at 2348.

7 77. Defendant-Intervenors deny the allegations in paragraph 77.

8 78. Defendant-Intervenors admit that legislative support “coalesced” for S.B.
9 1003 and S.B. 1485 but deny the remaining allegations in paragraph 78.

10 79. The provisions of S.B. 1003 and the statute it amended speak for themselves.

11 80. The alleged statements and positions of the Secretary of State, Attorney
12 General, and unspecified “county elections officials” speak for themselves. Arizona law
13 has never permitted any “post-election cure period” for voters who failed to sign their early
14 ballot affidavit before 7:00 p.m. on Election Day.

15 81. A.R.S. § 16-550(A), as amended by S.B. 1003, speaks for itself.

16 82. The source cited for the allegations in the final sentence of paragraph 82
17 speaks for itself. Defendant-Intervenors deny the remaining allegations in paragraph 82.

18 83. The laws governing deadlines for the receipt of ballots and curing of early
19 ballot affidavit signatures speak for themselves. Defendant-Intervenors are without
20 knowledge or information sufficient to admit or deny the allegations in the final sentence
21 of paragraph 83, for which the Complaint cites no supporting source.

22 84. A.R.S. §§ 16-550, 16-579 and other laws governing voter identification and
23 the curing of early ballot affidavit signatures speak for themselves.

24 85. A.R.S. § 16-550 and other laws governing the curing of missing early ballot
25 affidavit signatures speak for themselves.

26 86. Judge Rayes’ opinion in the *ADP* litigation speaks for itself. The Ninth
27 Circuit subsequently vacated that opinion on the merits. *See Ariz. Democratic Party v.*
28 *Hobbs*, 18 F.4th 1179 (9th Cir. 2021).

1 87. Judge Rayes’ opinion in the *ADP* litigation speaks for itself. The Ninth
2 Circuit subsequently vacated that opinion on the merits. *See Ariz. Democratic Party v.*
3 *Hobbs*, 18 F.4th 1179 (9th Cir. 2021).

4 88. The provisions of S.B. 1003 speak for themselves. Defendant-Intervenors
5 deny the allegation that Arizona’s early ballot affidavit signature curing regime was
6 “struck down in *ADP v. Hobbs*.” The Ninth Circuit subsequently vacated the district court
7 opinion on which the Complaint relies. *See Ariz. Democratic Party v. Hobbs*, 18 F.4th
8 1179 (9th Cir. 2021). Defendant-Intervenors deny any remaining allegations in paragraph
9 88.

10 89. Arizona law, as it existed prior to the enactment of S.B. 1485, speaks for
11 itself.

12 90. The provisions of S.B. 1485 speak for themselves.

13 91. The provisions of S.B. 1485 speak for themselves.

14 92. The provisions of S.B. 1485 speak for themselves.

15 93. The provisions of S.B. 1485 speak for themselves.

16 94. The provisions of S.B. 1485 and other provisions of A.R.S. § 16-544 speak
17 for themselves. Defendant-Intervenors are without knowledge or information sufficient to
18 admit or deny the remaining allegations in paragraph 94, for which the Complaint cites no
19 supporting source.

20 95. Defendant-Intervenors are without knowledge or information sufficient to
21 admit or deny the allegations concerning Mi Familia Vota’s alleged “early assessments,”
22 and deny the remaining allegations in paragraph 95.

23 96. Defendant-Intervenors are without knowledge or information sufficient to
24 admit or deny the allegations in paragraph 96, for which the Complaint cites no supporting
25 source.

26 97. Defendant-Intervenors deny the allegations in the first sentence of paragraph
27 97, and are without knowledge or information sufficient to admit or deny the remaining
28 allegations in paragraph 97, for which the Complaint cites no supporting source.

1 98. Defendant-Intervenors deny the allegations in the first sentence of paragraph
2 98, and are without knowledge or information sufficient to admit or deny the remaining
3 allegations in paragraph 98, for which the Complaint cites no supporting sources.

4 99. Defendant-Intervenors deny the allegations in the first sentence of paragraph
5 99, and are without knowledge or information sufficient to admit or deny the remaining
6 allegations in paragraph 99, for which the Complaint cites no supporting sources.

7 100. Defendant-Intervenors are without knowledge or information sufficient to
8 admit or deny the allegations in the second sentence, for which the Complaint cites no
9 supporting source. Defendant-Intervenors deny the remaining allegations in paragraph
10 100.

11 101. Defendant-Intervenors deny the allegations in paragraph 101.

12 102. Defendant-Intervenors are without knowledge or information sufficient to
13 admit or deny the allegations in paragraph 102, for which the Complaint cites no
14 supporting source.

15 103. Defendant-Intervenors deny the allegations in paragraph 103.

16 104. The provisions of S.B. 1485 speak for themselves. Defendant-Intervenors
17 are without knowledge or information sufficient to admit or deny the remaining allegations
18 in paragraph 104, for which the Complaint cites no supporting sources.

19 105. Defendant-Intervenors are without knowledge or information sufficient to
20 admit or deny the allegations in paragraph 105, and alleged testimony proffered in *ADP v.*
21 *Hobbs* speaks for itself. Further, the Ninth Circuit held in *ADP v. Hobbs* that “election
22 officials in all counties would face some added administrative burden during a short period
23 when officials are already busy tallying votes immediately following an election, in order
24 to meet a deadline” for curing missing early ballot affidavit signatures. 18 F.4th 1179,
25 1192 (9th Cir. 2021).

26 106. Defendant-Intervenors deny the allegations in paragraph 106.

27 107. Defendant-Intervenors deny the allegations in paragraph 107.

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1 108. Senator Leach’s alleged statements and provisions of Arizona law governing
2 the status of inactive voters on the PEVL speak for themselves.

3 109. The provisions of S.B. 1485 speak for themselves.

4 110. Defendant-Intervenors are without knowledge or information sufficient to
5 admit or deny the allegations in paragraph 110, for which the Complaint cites no
6 supporting source.

7 111. Defendant-Intervenors deny the allegations in paragraph 111.

8 112. Defendant-Intervenors deny the allegations in paragraph 112.

9 113. Defendant-Intervenors deny the allegations in paragraph 113.

10 114. The alleged statements of Representative Bolding and Representative
11 Grantham speak for themselves. Defendant-Intervenors deny the allegations in paragraph
12 114 to the extent they allege that Representative Grantham’s alleged statements reflect a
13 racially discriminatory purpose.

14 115. Defendant-Intervenors deny the allegations in paragraph 115.

15 116. Representative Kavanagh’s alleged statements speak for themselves.
16 Defendant-Intervenors deny the allegations in paragraph 114 to the extent they allege that
17 Representative Kavanagh’s alleged statements reflect a racially discriminatory purpose

18 117. The first sentence of paragraph 117 is a legal argument to which no response
19 is required. Defendant-Intervenors deny the remaining allegations in paragraph 117 to the
20 extent they allege that either S.B. 1003 or S.B. 1485 reflects a racially discriminatory
21 purpose.

22 118. Senator Quezada’s alleged statements speak for themselves. Defendant-
23 Intervenors deny the remaining allegations in paragraph 118.

24 119. Defendant-Intervenors deny the allegations in paragraph 119.

25 120. The provisions of S.B. 1485 and S.B. 1003 and the sources cited in paragraph
26 120 speak for themselves. Defendant-Intervenors deny any remaining allegations in
27 paragraph 120.

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1 121. The source cited in paragraph 121 speaks for itself. Defendant-Intervenors
2 deny any remaining allegations in paragraph 121.

3 122. Defendant-Intervenors reallege and incorporate by reference their responses
4 to paragraphs 1 through 121.

5 123. Paragraph 123 states a legal conclusion to which no response is required.
6 *Burdick v. Takushi*, 504 U.S. 428 (1992), and *Anderson v. Celebrezze*, 460 U.S. 780
7 (1983), speak for themselves.

8 124. The controlling opinion in *Crawford v. Marion County Election Board*, 553
9 U.S. 181 (2008), speaks for itself.

10 125. Defendant-Intervenors deny the allegations in paragraph 125.

11 126. Provisions of Arizona law governing the verification of ballots and
12 maintenance of the PEVL speak for themselves. Defendant-Intervenors deny the
13 remaining allegations in paragraph 126.

14 127. Defendant-Intervenors deny the allegations in paragraph 127.

15 128. Provisions of Arizona law governing the curing of early ballot affidavit
16 signature deficiencies speak for themselves. Defendant-Intervenors deny the remaining
17 allegations in paragraph 128.

18 129. Defendant-Intervenors deny the allegations in paragraph 129.

19 130. The alleged statements and positions of the Secretary of State and county
20 officials speak for themselves. The Ninth Circuit held in *ADP v. Hobbs* that “election
21 officials in all counties would face some added administrative burden during a short period
22 when officials are already busy tallying votes immediately following an election, in order
23 to meet a deadline” for curing missing early ballot affidavit signatures, and recognized that
24 at least one county had characterized any such proposed deadline extension as
25 “cumbersome.” 18 F.4th 1179, 1192 (9th Cir. 2021).

26 131. Defendant-Intervenors deny the allegations in paragraph 131.

27 132. Defendant-Intervenors reallege and incorporate by reference their responses
28 to paragraphs 1 through 131.

1 133. Section 2 of the Voting Rights Act speaks for itself.

2 134. Paragraph 134 states a legal conclusion to which no response is required.
3 Section 2 of the Voting Rights Act and *Thornburg v. Gingles*, 478 U.S. 30 (1986), speak
4 for themselves.

5 135. Paragraph 135 states legal conclusions to which no response is required.
6 *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252
7 (1977), speaks for itself.

8 136. Defendant-Intervenors deny the allegations in paragraph 136.

9 137. Defendant-Intervenors reallege and incorporate by reference their responses
10 to paragraphs 1 through 136.

11 138. The Fourteenth Amendment speaks for itself.

12 139. The Fifteenth Amendment speaks for itself.

13 140. Paragraph 140 states legal conclusions to which no response is required.
14 *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252
15 (1977), speaks for itself.

16 141. Defendant-Intervenors deny the allegations in paragraph 141.

17 **RESPONSE TO PRAYER FOR RELIEF**

18 Defendant-Intervenors deny that Plaintiff-Intervenors are entitled to any of the
19 relief requested.

20 **AFFIRMATIVE DEFENSES**

- 21 1. The allegations in the Complaint fail to state a claim.
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23 2. Plaintiff-Intervenors' requested relief is barred by the *Purcell* principle.
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1 Respectfully submitted this 27th day of July, 2022.

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