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7 **IN THE UNITED STATES DISTRICT COURT**
 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

**DEFENDANT YAVAPAI COUNTY
 RECORDER LESLIE HOFFMAN'S
 ANSWER**

14
 15 Defendant, Yavapai County Recorder, Leslie Hoffman answers Plaintiffs'
 16 Complaint (Doc. 1) as set out below. Unless expressly admitted below, every allegation
 17 in the Complaint is denied. When Defendant Hoffman says a factual allegation "speaks
 18 for itself," she means that she lacks sufficient information to admit or deny the allegation
 19 and does not admit that the referenced material exists, is accurate, is relevant and
 20 admissible for the truth of the matter asserted or otherwise, or is place in the proper
 21

1 context. As such, Defendant Hoffman states:

2 1. Admit the action concerns Arizona Senate Bills 1003 and 1485 which
3 speak for themselves. Deny the remainder of the allegations in Paragraph 1 of the
4 complaint

5 2. Deny

6 3. Deny.

7 4. Allegations are legal arguments and require no response.

8 5. Admit Plaintiffs bring this action under 42 U.S.C. § 1983 and 1988, but
9 deny Plaintiffs have a valid claim under either Statute.

10 6. Allegations are legal arguments and require no response.

11 7. Admit.

12 8. Admit.

13 9. Defendant Hoffman lacks sufficient information to admit or deny this
14 allegation.

15 10. Defendant Hoffman lacks sufficient information to admit or deny this
16 allegation.

17 11. Defendant Hoffman lacks sufficient information to admit or deny this
18 allegation.

19 12. Defendant Hoffman lacks sufficient information to admit or deny this
20 allegation.

21

1 13. Defendant Hoffman lacks sufficient information to admit or deny this
2 allegation.

3 14. Defendant Hoffman lacks sufficient information to admit or deny this
4 allegation.

5 15. Defendant Hoffman lacks sufficient information to admit or deny this
6 allegation.

7 16. Defendant Hoffman lacks sufficient information to admit or deny this
8 allegation.

9 17. Defendant Hoffman lacks sufficient information to admit or deny this
10 allegation.

11 18. Defendant Hoffman lacks sufficient information to admit or deny this
12 allegation.

13 19. Defendant Hoffman lacks sufficient information to admit or deny this
14 allegation.

15 20. Defendant Hoffman lacks sufficient information to admit or deny this
16 allegation.

17 21. Admit that Katie Hobbs is the Arizona Secretary of State. The cited
18 authorities speak for themselves.

19 22. Admit.

20 23. Admit that Mark Brnovich is the Arizona Attorney General and chief legal
21 officer of the State of Arizona. The cited authorities speak for themselves.

1 24. Admit.

2 25. The cited authority speaks for itself. The second sentence of paragraph 25
3 is admitted.

4 26. Admit.

5 27. Admit.

6 28. Admit.

7 29. Admit.

8 30. Admit.

9 31. Admit.

10 32. Admit.

11 33. Admit.

12 34. Admit.

13 35. Admit.

14 36. Admit.

15 37. Admit.

16 38. Admit.

17 39. Admit.

18 40. Admit.

19 41. Admit the first sentence. Defendant Hoffman lacks sufficient information
20 to admit or deny the remaining allegation.

21 42. The cited authorities speak for themselves.

1 43. The cited authorities speak for themselves.

2 44. Defendant Hoffman lacks sufficient information to admit or deny this
3 allegation.

4 45. Defendant Hoffman lacks sufficient information to admit or deny this
5 allegation.

6 46. Defendant Hoffman lacks sufficient information to admit or deny this
7 allegation.

8 47. Admit the first sentence of Paragraph 47. Defendant Hoffman lacks
9 sufficient information to admit or deny the remainder of allegations of Paragraph 47.

10 48. Defendant Hoffman lacks sufficient information to admit or deny this
11 allegation.

12 49. Defendant Hoffman lacks sufficient information to admit or deny this
13 allegation.

14 50. Defendant Hoffman lacks sufficient information to admit or deny this
15 allegation. The states authority speaks for itself.

16 51. Defendant Hoffman lacks sufficient information to admit or deny this
17 allegation.

18 52. The Statements speak for themselves.

19 53. The Statements speak for themselves.

20 54. The Statements speak for themselves.

21 55. The Statements speak for themselves.

1 56. The Statements speak for themselves.

2 57. Defendant Hoffman admits Maricopa County hired two independent
3 auditing firms to review its voting tabulation system but lacks sufficient information to
4 admit or deny the remaining allegations.

5 58. Admits that the Arizona Senate hired Cyber Ninjas, Inc. to conduct a
6 review of the 2020 Maricopa County election results but lacks sufficient information to
7 admit or deny the remaining allegations.

8 59. Defendant Hoffman lacks sufficient information to admit or deny this
9 allegation.

10 60. Defendant Hoffman lacks sufficient information to admit or deny this
11 allegation.

12 61. Defendant Hoffman lacks sufficient information to admit or deny this
13 allegation.

14 62. The Statements speak for themselves.

15 63. The Statements speak for themselves. Defendant Hoffman lacks
16 sufficient information to admit or deny the allegations.

17 64. Defendant Hoffman lacks sufficient information to admit or deny this
18 allegation.

19 65. The Statement speaks for itself. Defendant Hoffman lacks sufficient
20 information to admit or deny the allegations.

21

1 66. Defendant Hoffman lacks sufficient information to admit or deny the
2 allegations.

3 67. The Statements speak for themselves. The remaining allegations are
4 denied.

5 68. Denied.

6 69. Defendant Hoffman lacks sufficient information to admit or deny the
7 allegations.

8 70. Admit the first sentence of Paragraph 70 of the Complaint. Defendant
9 Hoffman lacks sufficient information to admit or deny the allegations.

10 71. Admit the allegations in the first sentence of paragraph 71 of the
11 Complaint. Deny the allegations of the second sentence and affirmatively allege that
12 A.R.S. § 16-544(H)(4) reads as follows:

13 4. The voter fails to vote an early ballot in all elections for two
14 consecutive election cycles. For the purposes of this paragraph,
15 "election" means any regular primary or regular general
16 election for which there was a federal race on the ballot or for
17 which a city or town candidate primary or first election or city
18 or town candidate second, general or runoff election was on the
19 ballot. This paragraph does not apply to:

18 (a) A special taxing district that is authorized pursuant to
19 section 16-191 to conduct its own elections.

19 (b) A special district mail ballot election that is conducted
20 pursuant to article 8.1 of this chapter.

21 72. SB1485 speaks for itself.

1 73. Defendant Hoffman lacks sufficient information to admit or deny the
2 allegations.

3 74. The cited report speaks for itself. The remaining allegations of paragraph
4 74 are denied.

5 75. The cited report speaks for itself. The remaining allegations of paragraph
6 75 are denied.

7 76. Defendant Hoffman lacks sufficient information to admit or deny the
8 allegations.

9 77. Defendant Hoffman lacks sufficient information to admit or deny the
10 allegations.

11 78. Deny.

12 79. Defendant Hoffman lacks sufficient information to admit or deny the
13 allegations.

14 80. Defendant Hoffman lacks sufficient information to admit or deny the
15 allegations.

16 81. A.R.S. § 16-544(L) speaks for itself. Defendant Hoffman lacks sufficient
17 information to admit or deny the remaining allegations.

18 82. Defendant Hoffman lacks sufficient information to admit or deny the
19 allegations.

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1 83. Admit that if a voter is removed from the early voting list, the voter can
2 vote in person. Defendant Hoffman lacks sufficient information to admit or deny the
3 remaining allegations.

4 84. Defendant Hoffman lacks sufficient information to admit or deny the
5 allegations.

6 85. Defendant Hoffman admits that in some elections, election officials
7 receive some ballots with unsigned affidavits or signatures that appear not to match
8 voter registration records. The cited Arizona law, judicial opinions and election manuals
9 speak for themselves.

10 86. A.R.S. § 16-550(A) speaks for itself.

11 87. A.R.S. § 16-548(A) speaks for itself. The remaining argument are legal
12 arguments that require no response.

13 88. A.R.S. § 16-550(A) speaks for itself. The remaining argument are legal
14 arguments that require no response.

15 89. Admit the first sentence of paragraph 89 and deny the remaining
16 allegations paragraph 89.

17 90. Deny.

18 91. Deny.

19 92. Defendant Hoffman lacks sufficient information to admit or deny the
20 allegations.

21

1 93. Defendant Hoffman lacks sufficient information to admit or deny the
2 allegations.

3 94. Denies the first sentence of paragraph 94. Defendant Hoffman lacks
4 sufficient information to admit or deny the remaining allegations.

5 95. Deny.

6 96. Deny the first sentence of paragraph 96. The remaining statements of
7 Katie Hobbs speak for themselves. Defendant Hoffman further alleges that allowing
8 five business days after and the date of an election (the following Tuesday) to cure a
9 ballot signature, whether the signature is missing or inconsistent, may conflict with the
10 early ballot challenge provisions under A.R.S. §16-522. Pursuant to A.R.S. § 16-522(E)
11 such challenges must be complete by 5:00 p.m. on the Monday following the election
12 with service of notice of such a challenge to be completed at least 48 hours earlier.

13 97. Deny.

14 98. Defendant Hoffman lacks sufficient information to admit or deny the
15 allegations.

16 99. Defendant Hoffman lacks sufficient information to admit or deny the
17 allegations.

18 100. Defendant Hoffman lacks sufficient information to admit or deny the
19 allegations.

20 101. Defendant Hoffman lacks sufficient information to admit or deny the
21 allegations.

1 102. The cited authorities speak for themselves. Defendant Hoffman lacks
2 sufficient information to admit or deny the remaining allegations.

3 103. Defendant Hoffman lacks sufficient information to admit or deny the
4 allegations.

5 104. Defendant Hoffman lacks sufficient information to admit or deny the
6 allegations.

7 105. The cited article speaks for itself.

8 106. The cited article speaks for itself.

9 107. Admit the first sentence of paragraph 107. Defendant Hoffman lacks
10 sufficient information to admit or deny the remaining allegations.

11 108. Defendant Hoffman lacks sufficient information to admit or deny the
12 allegations.

13 109. Defendant Hoffman lacks sufficient information to admit or deny the
14 allegations.

15 110. Greg Stanton's statements speak for themselves. Defendant Hoffman
16 lacks sufficient information to admit or deny the remaining allegations.

17 111. Defendant Hoffman lacks sufficient information to admit or deny the
18 allegations.

19 112. Defendant Hoffman lacks sufficient information to admit or deny the
20 allegations.

21

1 113. Defendant Hoffman lacks sufficient information to admit or deny the
2 allegations.

3 114. Defendant Hoffman lacks sufficient information to admit or deny the
4 allegations.

5 115. Defendant Hoffman lacks sufficient information to admit or deny the
6 allegations.

7 116. Defendant Hoffman lacks sufficient information to admit or deny the
8 allegations.

9 117. Defendant Hoffman lacks sufficient information to admit or deny the
10 allegations.

11 118. Defendant Hoffman lacks sufficient information to admit or deny the
12 allegations.

13 119. Defendant Hoffman lacks sufficient information to admit or deny the
14 allegations.

15 120. The cited report speaks for itself.

16 121. Defendant Hoffman lacks sufficient information to admit or deny the
17 allegations.

18 122. The cited report speaks for itself.

19 123. The cited report speaks for itself.

20 124. Defendant Hoffman lacks sufficient information to admit or deny the
21 allegations.

1 125. Defendant Hoffman lacks sufficient information to admit or deny the
2 allegations.

3 126. Deny.

4 127. Defendant Hoffman realleges and incorporates by reference all prior
5 answers to paragraphs 1 through 126 of the Complaint, as if fully set forth herein.

6 128. The cited authority speaks for itself.

7 129. The cited authority speaks for itself.

8 130. The cited authority speaks for itself.

9 131. The cited authorities speaks for themselves.

10 132. Deny.

11 133. Deny the first sentence of paragraph 133 of the Complaint. The remainder
12 of the allegations are denied to the extent they insinuate SB 1485 and SB1003
13 discriminate against certain voters or discourage or burden voting by particular
14 groups of Arizonans.

15 134. Deny.

16 135. Deny.

17 136. Defendant Hoffman realleges and incorporates by reference all prior
18 answers to paragraphs 1 through 135 of the Complaint, as if fully set forth herein.

19 137. The cited authority speaks for itself.

20 138. The cited authority speaks for itself.

21 139. The cited authority speaks for itself.

1 140. Deny.

2 141. Deny.

3 142. Defendant Hoffman realleges and incorporates by reference all prior
4 answers to paragraphs 1 through 141 of the Complaint, as if fully set forth herein.

5 143. The cited authority speaks for itself.

6 144. Deny.

7 145. Deny.

8

9

RESPONSE TO PRAYER FOR RELIEF.

10

11 Defendant Hoffman denies that Plaintiffs are entitled to any of the requested
12 relief. Respond Hoffman further alleges that she, like all of the Arizona County
13 Recorders named in this suit, is a nominal party. Neither Defendant Hoffman,
14 nor the Arizona Recorders created or passed SB1485 or SB 1003. The bills will
15 be appropriately defended by the Arizona Attorney General. Defendant
16 Hoffman should be treated as a nominal party in this matter.

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AFFIRMATIVE DEFENSES

1. The Complaint fails to State a claim.

RESPECTFULLY SUBMITTED this 16th day of November, 2021.

SHEILA POLK
YAVAPAI COUNTY ATTORNEY

By: /s/Thomas M. Stoxen
Thomas M. Stoxen
Chief Civil Deputy County Attorney
Attorney for Defendant Yavapai County
Recorder, Leslie Hoffman

CERTIFICATE OF SERVICE

I certify that on November 16th 2021, I electronically transmitted the foregoing Notice of Appearance 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/Thomas M. Stoxen