

1 Tyler Green*
 2 Cameron T. Norris*
 3 Daniel Shapiro*
 4 CONSOVOY MCCARTHY PLLC
 5 1600 Wilson Blvd., Ste. 700
 6 Arlington, VA 22209
 7 (703) 243-9423
 8 tyler@consovoymccarthy.com
 9 cam@consovoymccarthy.com
 10 daniel@consovoymccarthy.com
 11 Kory Langhofer, Ariz. Bar No. 024722
 12 Thomas Basile, Ariz. Bar. No. 031150
 13 STATECRAFT PLLC
 14 649 North Fourth Avenue, First Floor
 15 Phoenix, Arizona 85003
 16 (602) 382-4078
 17 kory@statecraftlaw.com
 18 tom@statecraftlaw.com

19 *Attorneys for Proposed Intervenors*
 20 **pro hac vice application forthcoming*

21 **UNITED STATES DISTRICT COURT**
 22 **DISTRICT OF ARIZONA**

23 Mi Familia Vota, et al.,
 24 Plaintiffs,
 25 v.
 26 Katie Hobbs, et al.,
 27 Defendants,
 28 and
 29 Republican National Committee;
 30 National Republican Senatorial
 31 Committee,
 32 Proposed Intervenor-
 33 Defendants.

CV-21-01423-DWL

**[PROPOSED] INTERVENOR-
 DEFENDANTS' [PROPOSED] ANSWER**

1 Intervenors—the Republican National Committee and National Republican
2 Congressional Committee—now answer Plaintiffs’ complaint (Doc. 1). Unless expressly
3 admitted below, every allegation in the complaint is denied. When Intervenors say a factual
4 allegation “speaks for itself,” they mean they lack sufficient information to admit or deny
5 the allegation; they do not admit that the referenced material exists, is accurate, is relevant
6 and admissible for the truth of the matter asserted or otherwise, or is placed in the proper
7 context. Accordingly, Intervenors state:
8

9
10 1. This action concerns Senate Bills 1003 and 1485, which speak for
11 themselves. The remaining allegations are denied.

12 2. Denied.

13 3. Denied.

14 4. These legal arguments require no response.

15 5. Plaintiffs bring this action under 42 U.S.C. §§1983 and 1988, but have no
16 valid claim under either statute.
17

18 6. These legal arguments require no response.

19 7. These legal arguments require no response.

20 8. These legal arguments require no response.

21 9. Intervenors lack sufficient information to admit or deny this allegation.

22 10. Intervenors lack sufficient information to admit or deny this allegation.

23 11. Intervenors lack sufficient information to admit or deny this allegation.

24 12. Intervenors lack sufficient information to admit or deny this allegation.

25 13. Intervenors lack sufficient information to admit or deny this allegation.

26 14. Intervenors lack sufficient information to admit or deny this allegation.
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- 1 15. Intervenors lack sufficient information to admit or deny this allegation.
- 2 16. Intervenors lack sufficient information to admit or deny this allegation.
- 3 17. Intervenors lack sufficient information to admit or deny this allegation.
- 4 18. Intervenors lack sufficient information to admit or deny this allegation.
- 5 19. Intervenors lack sufficient information to admit or deny this allegation.
- 6 20. Intervenors lack sufficient information to admit or deny this allegation.
- 7 21. Katie Hobbs is the Arizona Secretary of State. The cited authorities speak
- 8 for themselves.
- 9
- 10
- 11 22. Admitted.
- 12 23. The first sentence is admitted. The cited authorities speak for themselves.
- 13 24. Admitted.
- 14 25. The cited authority speaks for itself. The second sentence is admitted.
- 15 26. Admitted.
- 16 27. Admitted.
- 17 28. Admitted.
- 18 29. Admitted.
- 19 30. Admitted.
- 20 31. Admitted.
- 21 32. Admitted.
- 22 33. Admitted.
- 23 34. Admitted.
- 24 35. Admitted.
- 25 36. Admitted.
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1 37. Admitted.

2 38. Admitted.

3 39. Admitted.

4 40. Admitted.

5 41. The first sentence is admitted. Because Plaintiffs cite nothing, Intervenor
6 lack sufficient information to admit or deny the other allegations.

7 42. The cited authorities speak for themselves.

8 43. The cited authorities speak for themselves.

9 44. Because Plaintiffs cite nothing, Intervenor lack sufficient information to
10 admit or deny this allegation.

11 45. Because Plaintiffs cite nothing, Intervenor lack sufficient information to
12 admit or deny this allegation.

13 46. Because Plaintiffs cite nothing, Intervenor lack sufficient information to
14 admit or deny this allegation.

15 47. Statements speak for themselves. According to Justice Stevens' lead opinion
16 in *Crawford v. Marion County Election Board*, the "risk of voter fraud" is "real," voter
17 fraud "could affect the outcome of a close election," and "[t]here is no question about the
18 legitimacy or importance of the State's interest" in combatting it. 553 U.S. 181, 196
19 (2008). And the Supreme Court just emphasized that "it should go without saying that a
20 State may take action to prevent election fraud without waiting for it to occur and be
21 detected within its own borders," and that "[f]raud is a real risk that accompanies mail-in
22 voting." *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2348 (2021).

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1 48. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
2 admit or deny this allegation.

3 49. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
4 admit or deny this allegation.

5 50. Because Plaintiffs cite nothing in support of the first sentence, Intervenors
6 lack sufficient information to admit or deny this allegation. The cited authorities speak for
7 themselves.
8

9 51. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
10 admit or deny this allegation.

11 52. Statements speak for themselves. According to Justice Stevens' lead opinion
12 in *Crawford v. Marion County Election Board*, the "risk of voter fraud" is "real," voter
13 fraud "could affect the outcome of a close election," and "[t]here is no question about the
14 legitimacy or importance of the State's interest" in combatting it. 553 U.S. at 196. And the
15 Supreme Court just emphasized that "it should go without saying that a State may take
16 action to prevent election fraud without waiting for it to occur and be detected within its
17 own borders," and that "[f]raud is a real risk that accompanies mail-in voting." *Brnovich*,
18 141 S. Ct. at 2348.
19

20 53. Statements speak for themselves. According to Justice Stevens' lead opinion
21 in *Crawford v. Marion County Election Board*, the "risk of voter fraud" is "real," voter
22 fraud "could affect the outcome of a close election," and "[t]here is no question about the
23 legitimacy or importance of the State's interest" in combatting it. 553 U.S. at 196. And the
24 Supreme Court just emphasized that "it should go without saying that a State may take
25 action to prevent election fraud without waiting for it to occur and be detected within its
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1 own borders,” and that “[f]raud is a real risk that accompanies mail-in voting.” *Brnovich*,
2 141 S. Ct. at 2348.

3 54. Statements speak for themselves. According to Justice Stevens’ lead opinion
4 in *Crawford v. Marion County Election Board*, the “risk of voter fraud” is “real,” voter
5 fraud “could affect the outcome of a close election,” and “[t]here is no question about the
6 legitimacy or importance of the State’s interest” in combatting it. 553 U.S. at 196. And the
7 Supreme Court just emphasized that “it should go without saying that a State may take
8 action to prevent election fraud without waiting for it to occur and be detected within its
9 own borders,” and that “[f]raud is a real risk that accompanies mail-in voting.” *Brnovich*,
10 141 S. Ct. at 2348.

11 55. Statements speak for themselves. According to Justice Stevens’ lead opinion
12 in *Crawford v. Marion County Election Board*, the “risk of voter fraud” is “real,” voter
13 fraud “could affect the outcome of a close election,” and “[t]here is no question about the
14 legitimacy or importance of the State’s interest” in combatting it. 553 U.S. at 196. And the
15 Supreme Court just emphasized that “it should go without saying that a State may take
16 action to prevent election fraud without waiting for it to occur and be detected within its
17 own borders,” and that “[f]raud is a real risk that accompanies mail-in voting.” *Brnovich*,
18 141 S. Ct. at 2348.

19 56. Statements speak for themselves. According to Justice Stevens’ lead opinion
20 in *Crawford v. Marion County Election Board*, the “risk of voter fraud” is “real,” voter
21 fraud “could affect the outcome of a close election,” and “[t]here is no question about the
22 legitimacy or importance of the State’s interest” in combatting it. 553 U.S. at 196. And the
23 Supreme Court just emphasized that “it should go without saying that a State may take
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1 action to prevent election fraud without waiting for it to occur and be detected within its
2 own borders,” and that “[f]raud is a real risk that accompanies mail-in voting.” *Brnovich*,
3 141 S. Ct. at 2348.

4
5 57. Because Plaintiffs cite nothing in support of the first two sentences,
6 Intervenors lack sufficient information to admit or deny those allegations. In early 2021
7 Maricopa County retained two firms to review its tabulation system.

8
9 58. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
10 admit or deny this allegation.

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12 59. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
13 admit or deny this allegation.

14 60. Intervenors lack sufficient information to admit or deny this allegation.

15
16 61. Intervenors lack sufficient information to admit or deny the motivations of
17 third parties.

18 62. Statements speak for themselves.

19 63. Statements speak for themselves. The final sentence is denied.

20
21 64. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
22 admit or deny this allegation.

23
24 65. The cited report speaks for itself. Because Plaintiffs cite nothing, Intervenors
25 lack sufficient information to admit or deny the other allegations.

26
27 66. Because Plaintiffs cite nothing in support of the first sentence, Intervenors
28 lack sufficient information to admit or deny this allegation. Intervenors lack sufficient
information to admit or deny the second sentence. According to Justice Stevens’ lead
opinion in *Crawford v. Marion County Election Board*, the “risk of voter fraud” is “real,”

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

9 68. Denied.
10

11 69. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
12 admit or deny this allegation.

13 70. The first sentence is admitted. Because Plaintiffs cite nothing in support of
14 the second sentence, Intervenors lack sufficient information to admit or deny this
15 allegation.
16

17 71. SB 1485 speaks for itself. Additionally, a voter’s inclusion on the list was
18 never truly “permanent,” as the Complaint implies, because even before SB 1485 voters
19 were subject to deregistration and removal from the list as part of routine voter list
20 maintenance.
21

22 72. SB 1485 speaks for itself.

23 73. Denied.
24

25 74. The cited report speaks for itself, the remaining allegations are denied.

26 75. The cited report speaks for itself, the remaining allegations are denied.

27 76. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
28 admit or deny this allegation.

1 77. The first sentence is denied. Because Plaintiffs cite nothing, Intervenors lack
2 sufficient information to admit or deny the other allegations.

3 78. Denied.

4 79. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
5 admit or deny this allegation.
6

7 80. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
8 admit or deny this allegation.
9

10 81. Arizona law speaks for itself. Because Plaintiffs cite nothing, Intervenors
11 lack sufficient information to admit or deny the other allegations.

12 82. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
13 admit or deny this allegation.
14

15 83. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
16 admit or deny this allegation.

17 84. Denied.

18 85. Arizona law, the cited judicial opinion, and the cited article speak for
19 themselves.
20

21 86. Arizona law speaks for itself.

22 87. The cited authority speaks for itself. The remaining allegations are legal
23 arguments that require no response.
24

25 88. The quoted authority speaks for itself. The remaining allegations are legal
26 arguments that require no response.

27 89. Arizona law speaks for itself. The last sentence is denied.

28 90. Denied.

1 91. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
2 admit or deny this allegation.

3 92. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
4 admit or deny this allegation.

5 93. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
6 admit or deny this allegation.

7 94. The first sentence is denied. Because Plaintiffs cite nothing, Intervenors lack
8 sufficient information to admit or deny the remaining allegations.

9 95. Denied.

10 96. Statements speak for themselves. The remaining allegations are denied.

11 97. Denied.

12 98. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
13 admit or deny this allegation.

14 99. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
15 admit or deny this allegation.

16 100. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
17 admit or deny this allegation.

18 101. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
19 admit or deny this allegation.

20 102. The cited authorities speak for themselves.

21 103. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
22 admit or deny this allegation.

1 104. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
2 admit or deny this allegation.

3 105. The cited authority speaks for itself.

4 106. The cited article speaks for itself.

5 107. Arizona was subjected to an unconstitutional preclearance regime in 1975
6 and, until the U.S. Supreme Court invalidated Section 4 of the Voting Rights Act in 2013,
7 the U.S. Department of Justice interposed several objections to proposed voting procedures
8 in Arizona. The remaining allegations are denied.
9

10 108. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
11 admit or deny this allegation.
12

13 109. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
14 admit or deny this allegation.
15

16 110. The cited articles speak for themselves.

17 111. The cited materials speak for themselves.

18 112. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
19 admit or deny this allegation.
20

21 113. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
22 admit or deny this allegation.
23

24 114. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
25 admit or deny this allegation.

26 115. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
27 admit or deny this allegation.
28

1 116. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
2 admit or deny this allegation.

3 117. Because Plaintiffs cite nothing in support of the first two sentences,
4 Intervenors lack sufficient information to admit or deny this allegation. The authority cited
5 in support of the final sentence speaks for itself.

6 118. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
7 admit or deny this allegation.

8 119. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
9 admit or deny this allegation.

10 120. The cited report speaks for itself.

11 121. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
12 admit or deny this allegation.

13 122. The cited report speaks for itself.

14 123. The cited report speaks for itself.

15 124. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
16 admit or deny this allegation.

17 125. Because Plaintiffs cite nothing, Intervenors lack sufficient information to
18 admit or deny this allegation.

19 126. Denied.

20 127. Intervenors repeat and reallege their responses in paragraphs 1 through 126.

21 128. The Fourteenth Amendment speaks for itself.

22 129. The First Amendment speaks for itself.

23 130. The cited authority speaks for itself.

1 131. The cited authorities speak for themselves.

2 132. Denied.

3 133. The first sentence is denied. The remaining allegations are further
4 specifically denied to the extent they insinuate that SB 1485 and SB 1003 discriminate
5 against certain voters or “discourage[e] or burden[] voting by particular groups of
6 Arizonans.”
7

8 134. Denied.

9 135. Denied.
10

11 136. Intervenors repeat and reallege their responses in paragraphs 1 through 135.

12 137. The Fourteenth Amendment speaks for itself.

13 138. The Fifteenth Amendment speaks for itself.

14 139. The cited authority speaks for itself.

15 140. Denied.

16 141. Denied.

17 142. Intervenors repeat and reallege their responses in paragraphs 1 through 141.

18 143. The Voting Rights Act speaks for itself.

19 144. Denied.

20 145. Denied.
21
22

23 **RESPONSE TO PRAYER FOR RELIEF**

24 Intervenors deny that Plaintiffs are entitled to any of the relief requested.

25 **AFFIRMATIVE DEFENSES**

26 1. The allegations in the complaint fail to state a claim.

27 2. Plaintiffs’ requested relief is barred by the *Purcell* principle.
28

1 Respectfully submitted this ____ day of September, 2021.

2
3 *By:* _____

4 Kory Langhofer
5 Thomas Basile
6 STATECRAFT PLLC
7 649 North Fourth Avenue, First Floor
8 Phoenix, Arizona 85003
9 (602) 382-4078
10 kory@statecraftlaw.com
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