

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, LEAGUE OF
WOMEN VOTERS OF ALABAMA, LEAGUE
OF WOMEN VOTERS OF GEORGIA,
LEAGUE OF WOMEN VOTERS OF KANSAS,
GEORGIA STATE CONFERENCE OF THE
NAACP, GEORGIA COALITION FOR THE
PEOPLE'S AGENDA, MARVIN BROWN, JOANN
BROWN, and PROJECT VOTE,

Plaintiffs,

vs.

BRIAN D. NEWBY, in his capacity as the Executive
Director of The United States Election Assistance
Commission, and

THE UNITED STATES ELECTION ASSISTANCE
COMMISSION,

Defendants.

Case No. 16-cv-236 (RJL)

**ANSWER AND DEFENSES OF PROPOSED INTERVENOR-DEFENDANT KRIS W.
KOBACH, KANSAS SECRETARY OF STATE, TO PLAINTIFFS' COMPLAINT**

Proposed Intervenor-Defendant Kris W. Kobach, in his official capacity as the Kansas Secretary of State, hereby responds to Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 (filed February 12, 2016), as follows:

RESPONSES TO SPECIFIC ALLEGATIONS IN THE COMPLAINT

Subject to and without waiving the foregoing affirmative defenses, Proposed Intervenor responds to the specific allegations of the Complaint for Declaratory and Injunctive Relief as follows:

Nature of the Action

1. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 1, and finding nothing in paragraph 1 pertaining to Proposed Intervenor, therefore denies the same.

2. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 2, and finding nothing in paragraph 2 pertaining to Proposed Intervenor, therefore denies the same.

3. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 3, and finding nothing in paragraph 3 pertaining to Proposed Intervenor, therefore denies the same.

4. Proposed Intervenor admits Mr. Brian Newby is a former Kansas election official appointed by former Kansas Secretary of State, Ron Thornburgh. Proposed Intervenor lacks knowledge or information to form a belief to respond to the balance of the allegations in paragraph 4, and finding nothing else in paragraph 4 pertaining to Proposed Intervenor, therefore denies the same.

5. Proposed Intervenor admits the Kansas caucus will be held on March 5, 2016. Proposed Intervenor lacks knowledge or information to form a belief to respond to the balance of the allegations in paragraph 5, and finding nothing else in paragraph 5 pertaining to Proposed Intervenor, therefore denies the same.

6. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 6, and finding nothing in paragraph 6 pertaining to Proposed Intervenor, therefore denies the same.

7-17. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraphs 7-17, and finding nothing in paragraphs 7-17 pertaining to Proposed Intervenor, therefore denies the same.

18. Proposed Intervenor admits subject matter jurisdiction lies within at least one of these statutes mentioned.

19. Proposed Intervenor admits the allegations in paragraph 19 of the Complaint.

20. Proposed Intervenor admits the allegations in paragraph 20 of the Complaint.

21. Paragraph 21 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 21.

22. Paragraph 22 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 22.

23. Paragraph 23 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 23.

24. Paragraph 24 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 24.

25. Paragraph 25 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 25.

26. Paragraph 26 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 26.

27. Paragraph 27 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 27.

28. Paragraph 28 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 28.

29. Paragraph 29 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 29.

30. Paragraph 30 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 30.

31. Paragraph 31 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 31.

32. Paragraph 32 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 32.

33. Paragraph 33 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 33.

34. Paragraph 34 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 34.

35. Paragraph 35 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 35.

36. Paragraph 36 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 36.

37. Paragraph 37 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 37.

38. Paragraph 38 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 38.

39. Paragraph 39 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 39.

40. Paragraph 40 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 40.

41. Paragraph 41 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 41.

42. Paragraph 42 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 42.

43. At this time, Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 43 of the Complaint, and therefore denies the same.

44. Proposed Intervenor admits the allegations in paragraph 44 of the Complaint.

45. Upon consulting the documents listed on http://www.eac.gov/national_voter_registration_act/related_documents.aspx, Proposed Intervenor was unable to confirm the count of requests submitted by Kansas, and thus lacks knowledge or information to form a belief to respond to the allegations in paragraph 45 of the Complaint at this time, and therefore denies the same.

46. Proposed Intervenor admits the allegations in paragraph 46 of the Complaint.

47. Paragraph 47 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 47.

48. Paragraph 48 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 48.

49. Proposed Intervenor admits appearing before a Kansas Senate Committee. Proposed Intervenor denies that he assured the committee members that the Federal Form would be changed by the next election.

50. Paragraph 50 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 50.

51. Paragraph 51 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 51.

52. Paragraph 52 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 52.

53. Paragraph 53 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 53.

54. Paragraph 54 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 54.

55. Paragraph 55 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 55.

56. Paragraph 56 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 56.

57. Paragraph 57 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 57.

58. Paragraph 58 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 58.

59. Paragraph 59 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 59.

60. Paragraph 60 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 60.

61. Paragraph 61 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 61.

62. Paragraph 62 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 62.

63. Proposed Intervenor lacks knowledge or information to form a belief to respond to the allegations in paragraph 63, and finding nothing in paragraph 63 pertaining to Proposed Intervenor, therefore denies the same.

64. Paragraph 64 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 64.

65. Paragraph 65 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 65.

66. Paragraph 66 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 66.

67. Paragraph 67 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 67.

68. Paragraph 68 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 68.

69. Paragraph 69 of the Complaint contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent a response is deemed required, Proposed Intervenor denies the allegations in paragraph 69.

70-74. The allegations in paragraph 70-74 of the Complaint are legal arguments or conclusions of law, to which no answer is required. If deemed to allege facts, Proposed Intervenor denies the allegations in paragraph 70-74.

75-82. The allegations in paragraph 75-82 of the Complaint are legal arguments or conclusions of law, to which no answer is required. If deemed to allege facts, Proposed Intervenor denies the allegations in paragraph 75-82.

83-86. The allegations in paragraph 83-86 of the Complaint are legal arguments or conclusions of law, to which no answer is required. If deemed to allege facts, Proposed Intervenor denies the allegations in paragraph 83-86.

87-91. The allegations in paragraph 87-91 of the Complaint are legal arguments or conclusions of law, to which no answer is required. If deemed to allege facts, Proposed Intervenor denies the allegations in paragraph 87-91.

92-96. The allegations in paragraph 92-96 of the Complaint are legal arguments or conclusions of law, to which no answer is required. If deemed to allege facts, Proposed Intervenor denies the allegations in paragraph 92-96.

Dated this 19th day of February, 2016

Respectfully submitted,

/s/ Kris W. Kobach*

Kris W. Kobach

**Pro hac vice* application pending

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CERTIFICATE OF SERVICE

I hereby certify that I did serve a copy of this ANSWER AND DEFENSES OF PROPOSED INTERVENOR-DEFENDANT KRIS W. KOBACH, KANSAS SECRETARY OF STATE, TO PLAINTIFFS' COMPLAINT on all counsel who have made appearance in this case and consented to service by electronic means through the Electronic Case Filing system.

Dated: February 19, 2016

/s/ John M. Miano

John M. Miano