

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ACORN, CONNECTICUT COMMON	:	CIVIL ACTION NO. 3:04CV01627(MRK)
CAUSE, CONNECTICUT CITIZEN	:	
ACTION GROUP, CONNECTICUT	:	
PUBLIC INTEREST RESEARCH	:	
GROUP, PEOPLE FOR THE AMERICAN	:	
WAY, CONNECTICUT WORKING	:	
FAMILIES PARTY, SANDEEPAN	:	
MUKHERGEE, STEVEN CANADY,	:	
JOSE CAMPODONICO, JEZEL	:	
DUPIGNY, AND ROBIN GARRO,	:	
<i>Plaintiffs</i>	:	
	:	
v.	:	
	:	
SUSAN BYSIEWICZ, in her official	:	
Capacity as Secretary of the State for the	:	
the State of Connecticut,	:	
<i>Defendant</i>	:	November 15, 2004

ANSWER AND AFFIRMATIVE DEFENSE

The defendant, Secretary of State Susan Bysiewicz, hereby answers and asserts her affirmative defense to the Second Amended Complaint dated November 21, 2004 as follows:

1. Defendant denies the allegations in Paragraph 1.
2. Defendant denies that Connecticut's 14-day voter registration deadline is unconstitutional. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 2 and, therefore, leaves plaintiffs to their proof.
3. Defendant is without sufficient knowledge or information to admit or deny the allegations in first two sentences of Paragraph 3 and, therefore, leaves plaintiffs to their proof.
The remainder of Paragraph 3 is denied.
4. Defendant denies the allegations in Paragraph 4.
5. Defendant denies the allegations in Paragraph 5.

6. Defendant denies the allegations in the first sentence of Paragraph 6. The remainder of Paragraph 6 is admitted.

7. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 7 and, therefore, leaves plaintiffs to their proof.

8. As to Paragraph 8, defendant admits that she testified before the Legislature regarding election day registration. Reference is made to the entirety of her testimony and the transcript thereof, which speak for themselves.

9. Defendant denies the allegations in the first two sentences of Paragraph 9. Defendant is without sufficient knowledge or information to admit or deny the allegations in last sentence of Paragraph 9 and, therefore, leaves plaintiffs to their proof.

10. Defendant admits the jurisdictional allegations set forth in Paragraph 10.

11. Defendant admits the allegations concerning venue set forth in Paragraph 11.

12. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 12 and, therefore, leaves plaintiffs to their proof.

13. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 13 and, therefore, leaves plaintiffs to their proof.

14. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 14 and, therefore, leaves plaintiffs to their proof.

15. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 15 and, therefore, leaves plaintiffs to their proof.

16. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 16 and, therefore, leaves plaintiffs to their proof.

17. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 17 and, therefore, leaves plaintiffs to their proof.

18. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 18 and, therefore, leaves plaintiffs to their proof.

19. Defendant denies the allegations in the last sentence of Paragraph 19. Defendant without sufficient knowledge or information to admit or deny the allegations in the remainder of Paragraph 19 and, therefore, leaves plaintiffs to their proof.

20. Defendant denies the allegations in the last sentence of Paragraph 20. Defendant without sufficient knowledge or information to admit or deny the allegations in the remainder of Paragraph 20 and, therefore, leaves plaintiffs to their proof.

21. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 21 and, therefore, leaves plaintiffs to their proof.

22. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 22 and, therefore, leaves plaintiffs to their proof.

23. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 23 and, therefore, leaves plaintiffs to their proof.

24. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 24 and, therefore, leaves plaintiffs to their proof.

25. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 25 and, therefore, leaves plaintiffs to their proof.

26. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 26 and, therefore, leaves plaintiffs to their proof.

27. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 27 and, therefore, leaves plaintiffs to their proof.

28. Defendant admits the allegations in Paragraph 28.

29. Paragraph 29 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

30. Paragraph 30 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

31. Paragraph 31 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

32. Paragraph 32 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

33. Paragraph 33 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

34. Paragraph 34 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

35. Paragraph 35 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

36. Paragraph 36 is a statement of law to which no response is required. The statutes referenced therein speaks for themselves.

37. Paragraph 37 is a statement of law to which no response is required. The statutes referenced therein speaks for themselves.

38. Paragraph 38 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

39. Defendant admits the allegations in the first sentence of Paragraph 39. The remainder of that paragraph is statement of law to which no response is required. The statute referenced therein speaks for itself.

40. Defendant denies the allegations in Paragraph 40.

41. Defendant denies the allegations in the first sentence of Paragraph 41. Defendant is without sufficient knowledge or information to admit or deny the allegations in the remainder of Paragraph 41 and, therefore, leaves plaintiffs to their proof.

42. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 42 and, therefore, leaves plaintiffs to their proof.

43. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 43 and, therefore, leaves plaintiffs to their proof.

44. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 44 and, therefore, leaves plaintiffs to their proof.

45. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 45 and, therefore, leaves plaintiffs to their proof.

46. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 46 and, therefore, leaves plaintiffs to their proof.

47. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first sentence of Paragraph 47 and, therefore, leaves plaintiffs to their proof. Defendant denies the allegations in the remainder of Paragraph 47.

48. Defendant denies the allegation in Paragraph 48.

49. Defendant denies the allegations in Paragraph 49, including those in Footnote 2.

50. Defendant denies the allegations in the first two sentences of Paragraph 50.

Defendant is without sufficient knowledge or information to admit or deny the allegations in the last sentence of Paragraph 50 and, therefore, leaves plaintiffs to their proof.

51. Defendant admits the allegations in the first sentence of Paragraph 51. Defendant denies the allegations in the remainder of Paragraph 51, including those in the chart.

52. Defendant admits the allegations in the first sentence of Paragraph 52. Defendant is without sufficient knowledge or information to admit or deny the allegations in the second sentence of Paragraph 52 and, therefore, leaves plaintiffs to their proof. Defendant denies the allegations in the remainder of Paragraph 52, including those in the chart.

53. Defendant denies the allegations in the first sentence of Paragraph 53. Defendant admits the allegations in the second sentence of Paragraph 53. Defendant is without sufficient knowledge or information to admit or deny the allegations in the remainder of Paragraph 53 and, therefore, leaves plaintiffs to their proof.

54. Defendant admits the allegations in Paragraph 54.

55. Defendant admits the allegations in Paragraph 55.

56. Defendant denies the allegations in the first sentence of Paragraph 56. Defendant is without sufficient knowledge or information to admit or deny the allegations in the remainder of Paragraph 56 and, therefore, leaves plaintiffs to their proof.

57. Defendant denies the allegations in the first sentence of Paragraph 57. Defendant is without sufficient knowledge or information to admit or deny the allegations in the second and third sentences of Paragraph 57 and, therefore, leaves plaintiffs to their proof. Defendant denies the allegations in the last sentence of Paragraph 57.

58. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first sentence of Paragraph 58 and, therefore, leaves plaintiffs to their proof. The second and third sentences of Paragraph 58 are statements of law to which no response is required. The statutes referenced therein speaks for themselves. Defendant admits the allegations in the fourth sentence of Paragraph 58. Defendant is without sufficient knowledge or information to admit or deny the allegations in the fifth sentence of Paragraph 58 and, therefore, leaves plaintiffs to their proof. Defendant denies the allegations in the sixth sentence of Paragraph 58.

59. Defendant admits the allegations in Paragraph 59.

60. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 60 and, therefore, leaves plaintiffs to their proof.

61. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 61 and, therefore, leaves plaintiffs to their proof.

62. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 62 and, therefore, leaves plaintiffs to their proof.

63. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first three rows of the chart appearing Paragraph 63 and, therefore, leaves plaintiffs to their proof. Defendant denies the allegations in the bottom row of the chart concerning registration and voter turnout in Connecticut.

64. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 64 and, therefore, leaves plaintiffs to their proof.

65. Defendant denies the allegations in Paragraph 65.

66. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 66 and, therefore, leaves plaintiffs to their proof.

67. Defendant admits the allegations in the first sentence of Paragraph 67. As to the remainder of Paragraph 67, defendant admits that she testified before the Legislature regarding election day registration. Reference is made to the entirety of her testimony and the transcript thereof, which speak for themselves.

68. Defendant denies the allegations in Paragraph 68.

69. Defendant admits the allegations in Paragraph 69.

70. Defendant admits the allegations in the first sentence of Paragraph 70. As to the remainder of Paragraph 70, defendant admits that the named individuals testified before the Legislature regarding election day registration. Reference is made to the entirety of their testimony and the transcript thereof, which speak for themselves.

71. As to Paragraph 71, defendant admits that, in 2003, the Legislature passed P.A. 03-204. Reference is made to the entirety of the Public Act, which speaks for itself.

72. As to Paragraph 72, defendant admits that Jeffrey Garfield testified before the Legislature regarding election day registration. Reference is made to the entirety of his testimony and the transcript thereof, which speak for themselves.

73. As to Paragraph 73, defendant admits that Senator DeFronzo participated in the Senate debate concerning election day registration. Reference is made to the entirety of the debate and the transcript thereof, which speak for themselves.

74. As to Paragraph 74, reference is made to the entirety of the Public Act, which speaks for itself.

75. As to Paragraph 75, reference is made to the entirety of the Public Act, which speaks for itself.

76. As to Paragraph 76, defendant admits that Governor Rowland vetoed Public Act 03-204. Reference is made to the entirety of Governor Rowland's veto message, which speaks for itself.

77. Defendant admits that all 169 cities and towns have been connected to the database, as alleged in the first sentence of Paragraph 77, but cannot admit that officials in all cities and towns routinely update the database in a timely fashion, maintain their hardware in satisfactory condition, or will have uninterrupted access to the database on election and primary days. Defendant denies the allegations in the second sentence of Paragraph 77.

78. Defendant admits the allegations in Paragraph 78.

79. Defendant denies the allegations in Paragraph 79.

80. Paragraph 80 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

81. The first sentence of Paragraph 81 is a statement of law to which no response is required. The statute referenced therein speaks for itself. Defendant denies the allegations in the last sentence of Paragraph 81.

82. The first sentence of Paragraph 82 is a statement of law to which no response is required. The statute referenced therein speaks for itself. Defendant admits the allegations in the second sentence of Paragraph 82.

83. Paragraph 83 is a statement of law to which no response is required. The statute referenced therein speaks for itself. Defendant admits the allegations in the second sentence of Paragraph 83.

84. Defendant admits the allegations in Paragraph 84.

85. Defendant admits the allegations in the first sentence of Paragraph 85. As to the second sentence of Paragraph 85, reference is made to the entirety of Secretary of the State Rapoport's testimony and the transcript thereof, which speak for themselves.

86. Defendant admits that Mary Guinan testified concerning presidential ballots as alleged in Paragraph 86. Reference is made to the entirety of her testimony and the transcript thereof, which speak for themselves.

87. Defendant admits that Jeffrey Garfield and some town clerks testified or submitted written testimony concerning presidential ballots as alleged in Paragraph 87. Reference is made to the entire testimony, transcript and records concerning the legislation in question, which speak for themselves.

88. Defendant admits the allegations in the last sentence of Paragraph 88. The remainder of Paragraph 88 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

89. Paragraph 89 is a statement of law to which no response is required. The statute referenced therein speaks for itself.

90. Defendant admits the allegations in Paragraph 90.

91. Defendant admits the allegations in the first and last sentences of Paragraph 91. As to the second sentence, reference is made to the entirety of the legislative record concerning the EDR act, which speaks for itself.

92. Defendant admits the first clause of the first sentence of Paragraph 92. The meaning of the second clause of that sentence ("while furthering its interests through these

administrative procedures.”) is unclear and too vague to permit defendant to formulate a response. Defendant denies the allegations in the remainder of Paragraph 92.

93. Defendant denies the allegations in Paragraph 93.

94. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 94.

95. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first sentence of Paragraph 95. The remainder of Paragraph 95 is a statement of law to which no response is required. The statutes referenced therein speak for themselves.

96. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first sentence of Paragraph 96. The remainder of Paragraph 96 is a statement of law to which no response is required. The statutes referenced therein speak for themselves.

97. Defendant is without sufficient knowledge or information to admit or deny the allegations in the first sentence of Paragraph 97. The remainder of Paragraph 97 is a statement of law to which no response is required. The statutes referenced therein speak for themselves.

98. Defendant admits the allegations in the first sentence of Paragraph 98. The remainder of Paragraph 98 is a statement of law to which no response is required. The statutes referenced therein speak for themselves.

99. Defendant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 99.

100. The responses set forth above to Paragraphs 1-99 are incorporated and restated herein as defendant's response to Paragraph 100.

101. Defendant denies the allegations in Paragraph 101.

102. Defendant denies the allegations in Paragraph 102.

103. Defendant denies the allegations in Paragraph 103.

104. Defendant denies the allegations in Paragraph 104.

105. The responses set forth above to Paragraphs 1-95 are incorporated and restated herein as defendant's response to Paragraph 105.

106. Defendant denies the allegations in Paragraph 106.

107. Defendant denies the allegations in Paragraph 107.

108. Defendant denies the allegations in Paragraph 108.

109. The responses set forth above to Paragraphs 1-99 are incorporated and restated herein as defendant's response to Paragraph 109.

110. Defendant denies the allegations set forth in Paragraph 110.

111. Defendant denies the allegations set forth in Paragraph 111.

112. Defendant denies the allegations set forth in Paragraph 112.

113. Defendant denies allegations set forth in Paragraph 113.

114. Defendant denies that plaintiffs are entitled to any of the relief requested in their Prayer For Relief.

AFFIRMATIVE DEFENSE

1. Defendant hereby asserts the affirmative defense that the plaintiffs fail to state a claim upon which relief can be granted.

DEFENDANT,
SUSAN BYSIEWICZ, in her official
capacity as Secretary of State for the State of
Connecticut

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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed in accordance with Rule 5(b) of the Federal Rules of Civil Procedure on this 15th day of November, 2004 to:

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