

**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,

v.

BRIAN D. NEWBY, in his capacity as the Acting
Executive Director & Chief Operating Officer of The
United States Election Assistance Commission; and
**THE UNITED STATES ELECTION
ASSISTANCE COMMISSION,**

Defendants,

Civ. No. 1:16-cv-00236

**PROPOSED ANSWER AND DEFENSES OF INTERVENOR-DEFENDANT THE
PUBLIC INTEREST LEGAL FOUNDATION**

Proposed Defendant-Intervenor the Public Interest Legal Foundation (“Foundation”), by and through counsel, and without waiving any motions or defenses, hereby answers Plaintiffs’ Complaint (Doc. 1).

Many of the paragraphs in the complaint state conclusions of law, to which no response is required. Many others make factual allegations related to the Plaintiffs that are outside the scope of Intervenor’s knowledge; as a result, they can neither be admitted nor denied by Intervenor and thus are deemed denied. Any other allegations not admitted are deemed denied.

1. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this

paragraph alleges a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 1 are denied.

2. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph alleges a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 2 are denied.

3. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. The remaining statements are recitations or conclusions of law to which no response is, or may be, required. Other than as admitted, the allegations contained in paragraph 3 are denied.

4. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 4 are denied.

5. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 5 are denied.

6. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 6 are denied.

7-17. To the extent these paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 7-17 are denied.

18. Intervenor admits that this Court has subject matter jurisdiction pursuant to 28

U.S.C. §1331.

19. Admit.

20. Admit.

21. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 21.

22. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 22.

23. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 23.

24. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 24.

25-27. These paragraphs contain Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraphs 25-27.

28. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 28.

29. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 29.

30. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 30.

31. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 31.

32. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 32.

33. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 33.

34. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 34.

35. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 35.

36. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 36.

37. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 37.

38. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 38.

39. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 39.

40. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 40.

41. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

42. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

43. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

44. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

45. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

46. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

47. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 47.

48. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

49. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

50. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 50.

51. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 51.

52. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 52.

53. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 53.

54. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

55. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 55.

56. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

57. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 57.

58. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 58.

59. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 59.

60. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

61. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

62. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this

paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 62.

63. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required.

64. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 64.

65. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 65.

66. To the extent this paragraph states factual allegations, Intervenor lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph contains legal arguments or conclusions of law, no response is, or may be, required. To the extent a response is deemed required, Intervenor denies the allegations in paragraph 66.

67. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 67.

68. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 68.

69. This paragraph contains Plaintiffs' characterization of their action, legal arguments, or conclusions of law, to which no response is required. To the extent that a response is required, Intervenor denies the allegations in paragraph 69.

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

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

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

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

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

Respectfully submitted,

/s/ Kaylan L. Phillips

Kaylan L. Phillips (D.C. 1110583)
PUBLIC INTEREST LEGAL FOUNDATION
209 West Main Street
Plainfield, Indiana 46168
(317) 203-5599 (telephone)
(888) 815-5641 (fax)
kphillips@publicinterestlegal.org
Counsel for Defendant-Intervenor

J. Christian Adams*
PUBLIC INTEREST LEGAL FOUNDATION
300 N. Washington Street, Ste. 405
Alexandria, Virginia 22314
(703) 963-8611 (telephone)
adams@publicinterestlegal.org

**Pro Hac Vice Motion forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2016, I caused the foregoing to be filed with the United States District Court for the District of Columbia via the Court's CM/ECF system, which will serve all registered users.

Dated: February 20, 2016

/s/ Kaylan L. Phillips
Kaylan L. Phillips (D.C. 1110583)
kphillips@publicinterestlegal.org
*Counsel for Proposed Intervenor-
Defendant*