

EXHIBIT A

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 Brett W. Johnson (#021527)
Eric H. Spencer (#022707)
2 Colin P. Ahler (#023879)
Derek C. Flint (#034392)
3 SNELL & WILMER L.L.P.
One Arizona Center
4 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
5 Telephone: 602.382.6000
Facsimile: 602.382.6070
6 E-Mail: bwjohnson@swlaw.com
espencer@swlaw.com
7 cahler@swlaw.com
dflint@swlaw.com
8 *Attorneys for Proposed Intervenor-Defendants*
Donald J. Trump for President, Inc., Republican
9 *National Committee, National Republican*
Senatorial Committee, National Republican
10 *Congressional Committee, Arizona Republican*
Party, Coconino County Republican Committee,
11 *Maricopa County Republican Committee, and*
Yuma County Republican Committee

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

16 Darlene Yazzie, Caroline Begay, Leslie
Begay, Irene Roy, Donna Williams, and
17 Alfred McRoye,

18 Plaintiffs,

19 v.

20 Katie Hobbs, in her official capacity as
Secretary of State for the State of Arizona,

21 Defendant.

No. 3:20-cv-08222-GMS

**Intervenor-Defendants’ [Proposed]
Answer**

23 For their Answer to Plaintiffs’ Complaint, Intervenor-Defendants Donald J. Trump
24 for President, Inc., Republican National Committee, National Republican Senatorial
25 Committee, National Republican Congressional Committee, Arizona Republican Party,
26 Coconino County Republican Committee, Maricopa County Republican Committee, and
27 Yuma County Republican Committee (collectively, “Intervenor-Defendants”) admit, deny,
28 and allege as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION

Intervenor-Defendants admit that Plaintiffs brought the above-captioned action against Secretary of State Katie Hobbs, and that ballots must be received by no later than 7:00 p.m. on Election Day pursuant to State law. Intervenor-Defendants deny the remainder of the allegations in the Introduction.

PARTIES

1. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint, and therefore deny the same.

2. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Complaint, and therefore deny the same.

3. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Complaint, and therefore deny the same.

4. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Complaint, and therefore deny the same.

5. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Complaint, and therefore deny the same.

6. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint, and therefore deny the same.

7. Intervenor-Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint, and therefore deny the same.

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 8. Intervenor-Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in paragraph 8 of the Complaint, and therefore
3 deny the same.

4 9. Intervenor-Defendants admit the allegation in Paragraph 9 of the Complaint
5 with respect to the Secretary of State’s role in overseeing elections for federal office in
6 Arizona. Intervenor-Defendants deny that the Secretary of State has authority to “issu[e]
7 directives concerning the conduct of all election in the state,” as her authority is limited to
8 the statutory duties prescribed by federal and state law. The Secretary may also propose
9 regulations via the Election Procedures Manual issued pursuant to A.R.S. § 16-452, but that
10 Manual has already been completed for the 2020 election cycle and the Governor and
11 Attorney General have equal approval authority over that Manual.

12 10. Intervenor-Defendants deny that jurisdiction in this Court is proper under 28
13 U.S.C. § 1362 because this action is not “brought by any Indian tribe or band.” Intervenor-
14 Defendants further deny that the authorities cited in paragraph 10 of the Complaint give this
15 Court jurisdiction over Plaintiffs’ claim under Article 2, § 21 of the Arizona Constitution.
16 Intervenor-Defendants admit the remaining allegations in paragraph 10 of the Complaint.

17 11. Intervenor-Defendants admit that 28 U.S.C. §§ 2201-2202 authorize courts to
18 issue declaratory relief. However, Intervenor-Defendants deny that Plaintiffs are entitled to
19 such relief in this case.

20 12. Intervenor-Defendants admit that this Court is the proper venue for Plaintiffs’
21 claims.

22 13. Intervenor-Defendants admit that the language quoted in paragraph 13 can be
23 found in *McCutcheon v. FEC*, 134 S. Ct. 1434 (2014), *Burdick v. Takushi*, 504 U.S. 428
24 (1992), and *Reynolds v. Sims*, 377 U.S. 533 (1964).

25 14. Intervenor-Defendants deny the allegations in paragraph 14 of the Complaint.

26 15. Intervenor-Defendants are without knowledge or information sufficient to
27 form a belief as to the truth of the allegations in paragraph 15 of the Complaint, and
28 therefore deny the same.

1 16. Intervenor-Defendants admit that the Secretary of State has announced that
2 “[a]ll ballots must be received by 7:00 p.m.” on November 3, 2020. However, this
3 announcement is merely a restatement of the black-letter law in A.R.S. § 16-548(A), not a
4 policy statement.

5 17. Intervenor-Defendants admit that, in order for an early ballot to be counted,
6 A.R.S. § 16-548(A) requires the ballot to “be received by the county recorder or other
7 officer in charge of elections or deposited at any polling place in the county no later than
8 7:00 p.m. on election day.”

9 18. Intervenor-Defendants admit that an elector’s request for an early ballot
10 “must be received by the county recorder or other officer in charge of elections no later than
11 5:00 p.m. on the eleventh day preceding the election,” *see* A.R.S. § 16-542(E), which, for
12 the November 3, 2020 General Election, is October 23, 2020. However, a voter has several
13 additional options to vote despite missing the early ballot request deadline, including
14 requesting a special election board pursuant to A.R.S. § 16-549(A), use of emergency early
15 voting procedures pursuant to A.R.S. § 16-542(H), or voting early in person before or on
16 Election Day.

17 19. Intervenor-Defendants admit that paragraph 19 of the Complaint purports to
18 reference a 12 News article, which speaks for itself. To the extent a response is required,
19 Intervenor-Defendants are without knowledge or information sufficient to form a belief as
20 to the truth of the allegations in paragraph 19 of the Complaint, and therefore deny the same.

21 20. Intervenor-Defendants are without knowledge or information sufficient to
22 form a belief as to the truth of the allegations in paragraph 20 of the Complaint, and
23 therefore deny the same.

24 21. Intervenor-Defendants are without knowledge or information sufficient to
25 form a belief as to the truth of the allegations in paragraph 21 of the Complaint, and
26 therefore deny the same.

27 22. Intervenor-Defendants are without knowledge or information sufficient to
28 form a belief as to the truth of the allegations in paragraph 22 of the Complaint, and

1 therefore deny the same.

2 23. Intervenor-Defendants are without knowledge or information sufficient to
3 form a belief as to the truth of the allegations in paragraph 23 of the Complaint, and
4 therefore deny the same.

5 24. Intervenor-Defendants are without knowledge or information sufficient to
6 form a belief as to the truth of the allegations in paragraph 24 of the Complaint, and
7 therefore deny the same.

8 25. Intervenor-Defendants are without knowledge or information sufficient to
9 form a belief as to the truth of the allegations in paragraph 25 of the Complaint, and
10 therefore deny the same.

11 26. Intervenor-Defendants are without knowledge or information sufficient to
12 form a belief as to the truth of the allegations in paragraph 26 of the Complaint, and
13 therefore deny the same.

14 27. Intervenor-Defendants are without knowledge or information sufficient to
15 form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and
16 therefore deny the same.

17 28. Intervenor-Defendants are without knowledge or information sufficient to
18 form a belief as to the truth of the allegations in paragraph 28 of the Complaint, and
19 therefore deny the same.

20 29. Intervenor-Defendants are without knowledge or information sufficient to
21 form a belief as to the truth of the allegations in paragraph 29 of the Complaint, and
22 therefore deny the same.

23 30. Intervenor-Defendants are without knowledge or information sufficient to
24 form a belief as to the truth of the allegations in paragraph 30 of the Complaint, and
25 therefore deny the same.

26 31. Intervenor-Defendants are without knowledge or information sufficient to
27 form a belief as to the truth of the allegations in paragraph 31 of the Complaint, and
28 therefore deny the same.

1 32. Intervenor-Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in paragraph 32 of the Complaint, and
3 therefore deny the same.

4 33. Intervenor-Defendants are without knowledge or information sufficient to
5 form a belief as to the truth of the allegations in paragraph 33 of the Complaint, and
6 therefore deny the same.

7 34. Intervenor-Defendants are without knowledge or information sufficient to
8 form a belief as to the truth of the allegations in paragraph 34 of the Complaint, and
9 therefore deny the same.

10 35. Intervenor-Defendants are without knowledge or information sufficient to
11 form a belief as to the truth of the allegations in paragraph 35 of the Complaint, and
12 therefore deny the same.

13 36. Intervenor-Defendants deny the allegations in paragraph 36 of the Complaint.

14 37. Intervenor-Defendants are without knowledge or information sufficient to
15 form a belief as to the truth of the allegations in paragraph 37 of the Complaint, and
16 therefore deny the same.

17 38. Intervenor-Defendants are without knowledge or information sufficient to
18 form a belief as to the truth of the allegations in paragraph 38 of the Complaint, and
19 therefore deny the same.

20 39. Intervenor-Defendants are without knowledge or information sufficient to
21 form a belief as to the truth of the allegations in paragraph 39 of the Complaint, and
22 therefore deny the same.

23 40. Intervenor-Defendants are without knowledge or information sufficient to
24 form a belief as to the truth of the allegations in paragraph 40 of the Complaint, and
25 therefore deny the same.

26 41. Intervenor-Defendants are without knowledge or information sufficient to
27 form a belief as to the truth of the allegations in paragraph 41 of the Complaint, and
28 therefore deny the same.

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 42. Intervenor-Defendants deny the allegations in paragraph 42 of the Complaint.

2 43. Intervenor-Defendants are without knowledge or information sufficient to
3 form a belief as to the truth of the allegations in paragraph 43 of the Complaint, and
4 therefore deny the same.

5 44. Intervenor-Defendants deny the allegations in paragraph 44 of the Complaint.
6 Under A.R.S. § 16-548(A), no ballot received after 7:00 p.m. on Election Day may be
7 counted by the Secretary of State or any other government official. In addition, Intervenor-
8 Defendants deny that the Secretary of State is the party that actually counts votes in Arizona
9 elections. Vote-counting largely occurs at “central counting places” under the supervision
10 of county officials. *See, e.g., Arizona Secretary of State, 2019 Elections Procedures*
11 *Manual*, at 195 (2019), [https://azsos.gov/sites/default/files/2019_ELECTIONS_](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEEDURES_MANUAL_APPROVED.pdf)
12 [PROCEEDURES_MANUAL_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEEDURES_MANUAL_APPROVED.pdf).

13 45. Intervenor-Defendants deny the allegations in paragraph 45 of the Complaint.

14 46. Intervenor-Defendants deny the allegations in paragraph 46 of the Complaint.

15 47. Intervenor-Defendants deny the allegations in paragraph 47 of the Complaint.

16 48. Intervenor-Defendants admit that Plaintiffs seek declaratory and injunctive
17 relief. To the extent that Plaintiffs make allegations asserting legal conclusions in paragraph
18 48, no response is required. Intervenor-Defendants deny the allegations in paragraph 48 to
19 the extent a response is required.

20 49. Plaintiffs’ allegations in paragraph 49 of the Complaint assert legal
21 conclusions to which no response is required. To the extent a response is required,
22 Intervenor-Defendants deny the allegations in paragraph 49 of the Complaint.

23 50. Intervenor-Defendants admit that Plaintiffs ask the Court to grant them
24 declaratory and injunctive relief. However, Intervenor-Defendants deny that Plaintiffs are
25 entitled to such relief with respect to paragraph 50.

26 51. Intervenor-Defendants admit the allegations in paragraph 51.

27 52. Intervenor-Defendants deny that Arizona held its “primary” on March 17,
28 2020; rather, the State held a presidential preference election. Arizona actually held its

1 primary on August 4, 2020. Intervenor-Defendants are without knowledge or information
2 sufficient to form a belief as to the truth of the remaining allegations in paragraph 52 of the
3 Complaint, and therefore deny the same.

4 53. Intervenor-Defendants are without knowledge or information sufficient to
5 form a belief as to the truth of the allegations in paragraph 53 of the Complaint, and
6 therefore deny the same.

7 54. Intervenor-Defendants admit the allegations in paragraph 54 of the
8 Complaint.

9 55. Intervenor-Defendants are without knowledge or information sufficient to
10 form a belief as to the truth of the allegations in paragraph 55 of the Complaint, and
11 therefore deny the same.

12 56. Intervenor-Defendants are without knowledge or information sufficient to
13 form a belief as to the truth of the allegations in paragraph 56 of the Complaint, and
14 therefore deny the same.

15 57. Intervenor-Defendants are without knowledge or information sufficient to
16 form a belief as to the truth of the allegations in paragraph 57 of the Complaint, and
17 therefore deny the same.

18 58. Intervenor-Defendants are without knowledge or information sufficient to
19 form a belief as to the truth of the allegations in paragraph 58 of the Complaint, and
20 therefore deny the same.

21 59. Intervenor-Defendants deny the allegations in paragraph 59 of the Complaint.

22 60. Intervenor-Defendants are without knowledge or information sufficient to
23 form a belief as to the truth of the allegations in paragraph 60 of the Complaint, and
24 therefore deny the same.

25 61. Intervenor-Defendants are without knowledge or information sufficient to
26 form a belief as to the truth of the allegations in paragraph 61 of the Complaint, and
27 therefore deny the same.
28

1 62. Intervenor-Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in paragraph 62 of the Complaint, and
3 therefore deny the same.

4 63. Intervenor-Defendants are without knowledge or information sufficient to
5 form a belief as to the truth of the allegations in paragraph 63 of the Complaint, and
6 therefore deny the same.

7 64. Intervenor-Defendants are without knowledge or information sufficient to
8 form a belief as to the truth of the allegations in paragraph 64 of the Complaint, and
9 therefore deny the same.

10 65. Intervenor-Defendants are without knowledge or information sufficient to
11 form a belief as to the truth of the allegations in paragraph 65 of the Complaint, and
12 therefore deny the same.

13 66. Intervenor-Defendants are without knowledge or information sufficient to
14 form a belief as to the truth of the allegations in paragraph 66 of the Complaint, and
15 therefore deny the same.

16 67. Intervenor-Defendants admit the allegations in paragraph 67 of the
17 Complaint.

18 68. Intervenor-Defendants are without knowledge or information sufficient to
19 form a belief as to the truth of the allegations in paragraph 68 of the Complaint, and
20 therefore deny the same.

21 69. Intervenor-Defendants are without knowledge or information sufficient to
22 form a belief as to the truth of the allegations in paragraph 69 of the Complaint, and
23 therefore deny the same.

24 70. Intervenor-Defendants are without knowledge or information sufficient to
25 form a belief as to the truth of the allegations in paragraph 70 of the Complaint, and
26 therefore deny the same.

27 71. Intervenor-Defendants deny that voting-by-mail “breaks down in Indian
28 Country.” Intervenor-Defendants are without knowledge or information sufficient to form

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 a belief as to the truth of the remaining allegations in paragraph 71 of the Complaint, and
2 therefore deny the same.

3 72. Intervenor-Defendants are without knowledge or information sufficient to
4 form a belief as to the truth of the allegations in paragraph 72 of the Complaint, and
5 therefore deny the same.

6 73. Intervenor-Defendants are without knowledge or information sufficient to
7 form a belief as to the truth of the allegations in paragraph 73 of the Complaint, and
8 therefore deny the same.

9 74. Intervenor-Defendants are without knowledge or information sufficient to
10 form a belief as to the truth of the allegations in paragraph 74 of the Complaint, and
11 therefore deny the same.

12 75. Intervenor-Defendants are without knowledge or information sufficient to
13 form a belief as to the truth of the allegations in paragraph 75 of the Complaint, and
14 therefore deny the same.

15 76. Intervenor-Defendants are without knowledge or information sufficient to
16 form a belief as to the truth of the allegations in paragraph 76 of the Complaint, and
17 therefore deny the same.

18 77. Intervenor-Defendants are without knowledge or information sufficient to
19 form a belief as to the truth of the allegations in paragraph 77 of the Complaint, and
20 therefore deny the same.

21 78. Intervenor-Defendants are without knowledge or information sufficient to
22 form a belief as to the truth of the allegations in paragraph 78 of the Complaint, and
23 therefore deny the same.

24 79. Intervenor-Defendants deny that “[g]etting mail-in ballots is a ‘big problem’
25 for Native Voters.” Intervenor-Defendants are without knowledge or information sufficient
26 to form a belief as to the truth of the remaining allegations in paragraph 79 of the Complaint,
27 and therefore deny the same.
28

1 80. Intervenor-Defendants are without knowledge or information sufficient to
2 form a belief as to the truth of the allegations in paragraph 80 of the Complaint, and
3 therefore deny the same.

4 81. Intervenor-Defendants admit the allegations in paragraph 81 of the
5 Complaint.

6 82. Intervenor-Defendants admit that the Indian Citizenship Act of 1924 granted
7 citizenship to all Native Americans. Intervenor-Defendants are without knowledge or
8 information sufficient to form a belief as to the truth of the remaining allegations in
9 paragraph 82 of the Complaint, and therefore deny the same.

10 83. Intervenor-Defendants are without knowledge or information sufficient to
11 form a belief as to the truth of the allegations in paragraph 83 of the Complaint, and
12 therefore deny the same.

13 84. With respect to paragraph 84 of the Complaint, Plaintiffs refer to the Arizona
14 Supreme Court's decision in *Porter v. Hall*, 271 P. 411 (Ariz. 1928), which speaks for itself.

15 85. Intervenor-Defendants admit the allegations in paragraph 85 of the
16 Complaint.

17 86. Intervenor-Defendants are without knowledge or information sufficient to
18 form a belief as to the truth of the allegations in paragraph 86 of the Complaint, and
19 therefore deny the same.

20 87. With respect to paragraph 87 of the Complaint, Intervenor-Defendants admit
21 that Plaintiffs refer to a Determination of the Attorney General, which speaks for itself.

22 88. With respect to paragraph 88 of the Complaint, Intervenor-Defendants admit
23 that Plaintiffs refer to a Determination of the Attorney General, which speaks for itself.

24 89. With respect to paragraph 89 of the Complaint, Intervenor-Defendants admit
25 that Plaintiffs refer to Section 5 of the VRA, which speaks for itself.

26 90. With respect to paragraph 90 of the Complaint, Intervenor-Defendants admit
27 that Plaintiffs refer to the case of *Apache County v. United States*, 256 F. Supp. 903 (D.D.C.
28 1966), which speaks for itself.

1 91. Intervenor-Defendants admit that Plaintiffs refer to the Voting Rights Act
2 Amendments of 1970 and *Oregon v. Mitchell*, 400 U.S. 112 (1970), which speak for
3 themselves. Intervenor-Defendants deny the remaining allegations in paragraph 91 of the
4 Complaint.

5 92. Intervenor-Defendants admit that the State of Arizona was a covered
6 jurisdiction under Section 5 of the Voting Rights Act before the U.S. Supreme Court
7 invalidated the preclearance formula in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013).
8 The remainder of the allegations in paragraph 92 assert legal conclusions to which no
9 response is required. To the extent a response is required, the Intervenor-Defendants deny
10 the remaining allegations in paragraph 92.

11 93. Intervenor-Defendants are without knowledge or information sufficient to
12 form a belief as to the truth of the allegations in paragraph 93 of the Complaint, and
13 therefore deny the same.

14 94. Intervenor-Defendants admit that paragraph 94 of the Complaint refers to
15 *Shirley v. Superior Court for Apache County*, 513 P.2d 939 (Ariz. 1973), which speaks for
16 itself.

17 95. Intervenor-Defendants admit that Plaintiffs accurately stated the population
18 of Apache County Districts 1, 2, and 3 as of 1970. *See Goodluck v. Apache Cty.*, 417 F.
19 Supp. 13, 14 (D. Ariz. 1975). Intervenor-Defendants further admit that Plaintiffs reference
20 *Goodluck v. Apache County*, which speaks for itself. Intervenor-Defendants are without
21 sufficient knowledge or information to form a belief as the truth of the remaining allegations
22 in paragraph 95, and therefore deny the same.

23 96. Intervenor-Defendants are without knowledge or information sufficient to
24 form a belief as to the truth of the allegations in paragraph 96 of the Complaint, and
25 therefore deny the same.

26 97. Intervenor-Defendants are without knowledge or information sufficient to
27 form a belief as to the truth of the allegations in paragraph 97 of the Complaint, and
28 therefore deny the same.

1 98. Intervenor-Defendants admit that the Navajo Nation and Navajo voters filed
2 suit against the Secretary of State following the 2018 election. Intervenor-Defendants are
3 without knowledge or information sufficient to form a belief as to the truth of the remaining
4 allegations in paragraph 98 of the Complaint, and therefore deny the same.

5 99. Intervenor-Defendants admit that Plaintiffs purport to refer to the settlement
6 agreement in *Navajo Nation v. Hobbs*, No. CV-18-08329-PCT-DWL (D. Ariz. 2019) (Doc.
7 44-2), which speaks for itself. Intervenor-Defendants are without knowledge or information sufficient
8 to form a belief as to the truth of the remaining allegations in paragraph 99 of the Complaint,
9 and therefore deny the same.

10 100. Intervenor-Defendants deny the allegations in paragraph 100 of the
11 Complaint.

12 101. Intervenor-Defendants admit that Plaintiffs brought this action pursuant to the
13 statutes cited in paragraph 101 of the Complaint. The remaining allegations in paragraph
14 101 of the Complaint assert legal conclusions to which no response is required. To the extent
15 a response is required, Intervenor-Defendants deny the allegations in paragraph 101 of the
16 Complaint.

17 102. Intervenor-Defendants admit that paragraph 102 of the Complaint correctly
18 quotes the text of Article 2, Section 21 of the Arizona Constitution.

19 103. Intervenor-Defendants deny the allegations in paragraph 103 of the
20 Complaint.

21 104. Intervenor-Defendants deny the allegations in paragraph 104 of the
22 Complaint because Plaintiffs incorrectly quote Section 4(f)(4) of the Voting Rights Act. *See*
23 52 U.S.C. § 10303(f)(4).

24 105. Intervenor-Defendants admit that paragraph 105 of the Complaint correctly
25 quotes the text of A.R.S. § 16-541(A).

26 106. Intervenor-Defendants deny the allegations in paragraph 106 of the
27 Complaint.
28

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 107. Intervenor-Defendants admit that paragraph 107 of the Complaint correctly
2 quotes part of 52 U.S.C. § 10301(b). The remaining allegations in paragraph 107 of the
3 Complaint assert legal conclusions to which no response is required. To the extent a
4 response is required, Intervenor-Defendants deny the allegations in paragraph 107 of the
5 Complaint.

6 108. Plaintiffs' allegations in paragraph 108 of the Complaint assert legal
7 conclusions to which no response is required. To the extent a response is required,
8 Intervenor-Defendants deny the allegations in paragraph 108 of the Complaint.

9 109. Plaintiffs' allegations in paragraph 109 of the Complaint assert legal
10 conclusions to which no response is required. To the extent a response is required,
11 Intervenor-Defendants deny the allegations in paragraph 109 of the Complaint.

12 110. Plaintiffs' allegations in paragraph 110 of the Complaint assert legal
13 conclusions to which no response is required. To the extent a response is required,
14 Intervenor-Defendants deny the allegations in paragraph 110 of the Complaint.

15 111. Plaintiffs' allegations in paragraph 111 of the Complaint assert legal
16 conclusions to which no response is required. To the extent a response is required,
17 Intervenor-Defendants deny the allegations in paragraph 111 of the Complaint.

18 **CAUSES OF ACTION**

19 112. Intervenor-Defendants incorporate by reference the previous answers to the
20 Complaint as if fully set forth herein.

21 113. Intervenor-Defendants admit that paragraph 113 of the Complaint accurately
22 quotes part of the Fourteenth Amendment to the U.S. Constitution.

23 114. Intervenor-Defendants deny the allegations in paragraph 114 of the
24 Complaint.

25 115. Intervenor-Defendants deny the allegations in paragraph 115 of the
26 Complaint.

27 116. Paragraph 116 is a sentence fragment that does not make any allegation. To
28 the extent the Court reads paragraph 116 as an extension of paragraph 115, Intervenor-

1 Defendants deny the allegations in paragraph 116 of the Complaint.

2 117. With respect to paragraph 117, Intervenor-Defendants incorporate by
3 reference the previous answers to the Complaint as if fully set forth herein.

4 118. Intervenor-Defendants deny the allegations in paragraph 118 of the
5 Complaint.

6 119. With respect to paragraph 119, Intervenor-Defendants incorporate by
7 reference the previous answers to the Complaint as if fully set forth herein.

8 120. Intervenor-Defendants deny the allegations in paragraph 120 of the
9 Complaint because Plaintiffs incorrectly attribute the quotation in that paragraph to 52
10 U.S.C. § 10301. In addition, Plaintiffs' allegations in paragraph 120 of the Complaint assert
11 legal conclusions to which no response is required. To the extent a response is required,
12 Intervenor-Defendants deny the allegations in paragraph 120 of the Complaint.

13 121. Plaintiffs' allegations in paragraph 121 of the Complaint assert legal
14 conclusions to which no response is required. To the extent a response is required,
15 Intervenor-Defendants deny the allegations in paragraph 121 of the Complaint.

16 122. Plaintiffs' allegations in paragraph 122 of the Complaint assert legal
17 conclusions to which no response is required. To the extent a response is required,
18 Intervenor-Defendants deny the allegations in paragraph 122 of the Complaint.

19 123. Intervenor-Defendants deny the allegations in paragraph 123 of the
20 Complaint.

21 124. Intervenor-Defendants deny the allegations in paragraph 124 of the
22 Complaint.

23 **GENERAL DENIAL**

24 Intervenor-Defendants deny all allegations in the Complaint not expressly admitted
25 herein.

26 **PRAYER FOR RELIEF**

27 Intervenor-Defendants deny the allegations of Plaintiffs' prayer for relief contained
28 in the unnumbered paragraph beginning, "WHEREFORE," including every subparagraph,

1 and deny that Plaintiffs are entitled to such relief.

2 **AFFIRMATIVE DEFENSES**

3 1. Plaintiffs fail to state a claim upon which relief can be granted.

4 2. Plaintiffs' claims are futile because the actions described are neither
5 discriminatory nor suppressive.

6 3. Plaintiffs lack standing to bring some or all of the claims asserted in this suit.

7 4. The Court lacks jurisdiction over some or all of the claims asserted by
8 Plaintiffs, including but not limited to, because not all parties that enforce the laws at issue
9 are before the Court, including Arizona county recorders, Arizona county election directors,
10 and the relevant election officials from New Mexico and Utah that administer federal
11 elections in areas for Navajo members live on-reservation.

12 5. Certain Plaintiffs are not qualified electors as required by state law and
13 therefore cannot bring some or all of the claims asserted in this action.

14 6. Plaintiffs are estopped from bringing some or all of the claims in this action.

15 7. Plaintiffs' claims are barred in whole or in part by the doctrine of laches,
16 including the *Purcell* principle.

17 8. Plaintiffs' unclean hands preclude the relief they seek herein.

18 9. Plaintiffs have waived their rights to bring some or all of the claims asserted
19 in this action.

20 10. Plaintiffs have failed to take reasonable steps to avoid harm.

21 11. Plaintiffs have failed to exhaust administrative remedies.

22 12. Plaintiffs' requested relief violates the Tenth Amendment to the United States
23 Constitution.

24 13. Plaintiffs' requested relief violates the equal protection provisions of the
25 Arizona and United States Constitutions.

26 14. Plaintiffs' requested relief violates the Elections Clause, Art. 1, § 4, cl. 1, of
27 the United States Constitution.
28

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1 15. Plaintiffs’ claims fail, in whole or in part, to the extent they rely on
2 inadmissible hearsay.

3 16. Plaintiffs’ claims for equitable relief are barred to the extent they seek an
4 affirmative or mandatory injunction.

5 17. Defendants and Intervenor-Defendants appropriately, completely and fully
6 performed and discharged any and all obligations and legal duties arising out of the matters
7 alleged in the Complaint.

8 18. Plaintiffs have not sustained any injury or damage as a result of any actions
9 taken by Defendants or Intervenor-Defendants, and thus are barred from asserting any claim
10 against them.

11 19. Plaintiffs have not alleged a cognizable claim under the Voting Rights Act.

12 **Wherefore**, Intervenor-Defendants pray for judgment as follows:

13 A. That Plaintiffs take nothing by way of their Complaint, including that Plaintiffs
14 not be awarded attorneys’ fees and costs;

15 B. That the Court enter judgment in favor of Defendant and Intervenor-Defendants
16 and against Plaintiffs on any and all claims for relief alleged in the Complaint;

17 C. That Intervenor-Defendants recover their attorneys’ fees and costs in this suit;
18 and

19 D. For such other relief as the Court deems fair, just, and proper.

20 DATED this 3rd day of September, 2020.

21 SNELL & WILMER L.L.P.

22
23 By: /s/ Brett W. Johnson
24 Brett W. Johnson
25 Eric H. Spencer
26 Colin P. Ahler
27 Derek C. Flint
28 One Arizona Center
400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
*Attorneys for Proposed Intervenor-
Defendants Donald J. Trump for
President, Inc., Republican National*

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

*Committee, National Republican
Senatorial Committee, National
Republican Congressional Committee,
Arizona Republican Party, Coconino
County Republican Committee,
Maricopa County Republican
Committee, and Yuma County
Republican Committee*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2020 I electronically transmitted the attached document 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 in this matter.

s/Elysa Hernandez

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000