

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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RUTHELLE FRANK, SHIRLEY BROWN,  
NANCY LEA WILDE, EDDIE LEE HOLLOWAY,  
JR., MARIANNIS GINORIO, FRANK YBARRA,  
SAM BULMER, PAMELA DUKES, CARL  
ELLIS, RICKIE LAMONT HARMON, DARTRIC  
DAVIS, BARBARA ODEN, DEWAYNE SMITH,  
SANDRA JASHINSKI, JUSTIN LUFT, ANNA  
SHEA, MATTHEW DEARING, MAX KLIGMAN,  
SAMANTHA MESZAROS, STEVE  
KVASNICKA, SARAH LAHTI, DOMONIQUE  
WHITEHURST, EDWARD HOGAN, ANTHONY  
JUDD, AND ANTHONY SHARP,

Plaintiffs,

v.

Case No. 11-CV-1128

GOVERNOR SCOTT WALKER, JUDGE DAVID  
G. DEININGER, JUDGE MICHAEL BRENNAN,  
JUDGE GERALD C. NICHOL, JUDGE THOMAS  
BARLAND, JUDGE THOMAS CANE, KEVIN J.  
KENNEDY, NATHANIEL E. ROBINSON, MARK  
GOTTLIEB, LYNNE JUDD, KRISTINA  
BOARDMAN, DONALD D. REINCKE, TRACY  
JO HOWARD, SANDRA M. BRISCO, BARNEY  
L. HALL, DONALD J. GENIN, JILL LOUISE  
GEOFFROY, AND PATRICIA A. NELSON,

Defendants.

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**DEFENDANTS' ANSWER TO PLAINTIFFS'  
FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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Defendants Governor Scott Walker, Judge David G. Deininger, Judge Michael Brennan,  
Judge Gerald C. Nichol, Judge Thomas Barland, Judge Thomas Cane, Kevin J. Kennedy,  
Nathaniel E. Robinson, Mark Gottlieb, Lynne Judd, Kristina Boardman, Donald D. Reincke,

Tracy Jo Howard, Sandra M. Brisco, Barney L. Hall, Donald J. Genin, Jill Louise Geoffroy, and Patricia A. Nelson (collectively, “Defendants”), by their undersigned counsel, hereby answer the First Amended Complaint For Declaratory And Injunctive Relief (the “First Amended Complaint”) filed by Plaintiffs Ruthelle Frank, Shirley Brown, Nancy Lea Wilde, Eddie Lee Holloway, Jr., Mariannis Ginorio, Frank Ybarra, Sam Bulmer, Pamela Dukes, Carl Ellis, Rickie Lamont Harmon, Dartric Davis, Barbara Oden, Dewayne Smith, Sandra Jashinski, Justin Luft, Anna Shea, Matthew Dearing, Max Kligman, Samantha Meszaros, Steve Kvasnicka, Sarah Lahti, Domonique Whitehurst, Edward Hogan, Anthony Judd, and Anthony Judd (collectively, “Plaintiffs”), as follows.

**FIRST AMENDED COMPLAINT FOR DECLARTORY AND INJUNCTIVE RELIEF**

Unnumbered paragraphs on pages 1 through 3 of the First Amended Complaint: Defendants ADMIT that Plaintiffs and Defendants are parties to this action and that Plaintiffs bring this action to protect their right to vote under the United States Constitution and federal law. Defendants DENY all remaining allegations in the unnumbered paragraphs on pages 1 through 3 of the First Amended Complaint.

**NATURE OF THE ACTION**

1. Defendants ADMIT the allegations in paragraph 1.
2. Defendants ADMIT the allegations in the first two sentences of paragraph 2 and DENY the remaining allegations in paragraph 2.

## PARTIES

3. Defendants lack knowledge or information sufficient to form a belief as to the allegations in the first sentence of paragraph 3. Defendants DENY that the remainder of paragraph 3 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 6.02(1) speaks for itself. To the extent that the allegations in paragraph 3 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 3.

4. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 4.

5. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 5.

6. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 6.

7. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 7.

8. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 8.

9. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 9.

10. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 10.

11. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 11.

12. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 12.

13. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 13.

14. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 14.

15. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 15.

16. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 16.

17. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 17.

18. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 18.

19. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 19.

20. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 20.

21. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 21.

22. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 22.

23. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 23.

24. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 24.

25. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 25. AFFIRMATIVELY ALLEGE that Dominique D. Whitehurst, date of birth February 4, 1994, was issued a current, unexpired Wisconsin driver license or identification card.

26. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 26.

27. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 27.

28. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 28.

29. Defendants ADMIT the allegations in paragraph 29.

30. Defendants ADMIT the allegations in paragraph 30.

31. Defendants ADMIT the allegations in paragraph 31.

32. Defendants ADMIT the allegations in paragraph 32.

33. Defendants ADMIT the allegations in paragraph 33.

34. Defendants ADMIT the allegations in paragraph 34.

35. Defendants ADMIT the allegations in paragraph 35.

**JURISDICTION AND VENUE**

36. Defendants ADMIT the allegations in paragraph 36.

37. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 37.

**FACTS RELATED TO THE PHOTO ID LAW**

38. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 38.

39. Defendants ADMIT the allegations in the first sentence of paragraph 39. Defendants DENY that the remaining allegations in paragraph 39 contain any factual allegations to which a responsive pleading is required because 2011 Wisconsin Act 23 and *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), speak for themselves. To the extent that the allegations in paragraph 39 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 39.

40. Defendants DENY that paragraph 40 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 5.02(6m), Wis. Stat. 5.02(6m)(a), and Wis. Stat. § 6.79(7) speak for themselves. To the extent that the allegations in paragraph 40 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 40.

41. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 41.

42. Defendants DENY that paragraph 42 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 6.79(6) speaks for itself. To the extent that the allegations in paragraph 42 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 42.

43. Defendants DENY that paragraph 43 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 6.34(1), Wis. Stat. § 6.87(4)(b)1, Wis. Stat. § 6.875(6)(c), Wis. Stat. § 6.87(4)(b)5, Wis. Stat. § 6.86(2)(a), Wis. Stat. § 6.87(4)(b)2, and Wis. Stat. § 6.87(4)(b)3 speak for themselves. To the extent that the allegations in paragraph 43 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 43.

44. Defendants DENY that paragraph 44 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 6.79(2) speaks for itself. To the extent that the allegations in paragraph 44 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 44.

45. Defendants DENY that paragraph 45 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 227.24, 2011 Wisconsin Act 21, “2001 [sic] Wis. Act 32,” Wis. Stat. § 227.24(1)(e)1g, Wis. Stat. § 227.185, Executive Order No. 50, Wis. Stat. § 227.26(2)(b), and Wis. Stat. § 227.24(1)(e)1d speak for themselves. To the extent that the allegations in paragraph 45 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 45.

46. Defendants ADMIT the factual allegations in paragraph 46. To the extent that paragraph 46 contains any legal allegations regarding Wis. Stat. § 227.24(1)(e)1d, Wis. Stat. § 227.24(1)(e)1g, and Wis. Stat. § 5.02(6m)(f), no responsive pleading is required because these laws speak for themselves. To the extent that the allegations in paragraph 46 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 46.

47. Defendants DENY the allegations in the first sentence of paragraph 47. Defendants DENY that the last two sentences of paragraph 47 contain any factual allegations to which a responsive pleading is required because Wis. Stat. § 227.26(2)(i) speaks for itself. To the extent that the allegations in paragraph 47 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 47.

48. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 48.

49. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 49.

50. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 50.

51. Defendants DENY that the first two sentences of paragraph 51 contain any factual allegations to which a responsive pleading is required because Wis. Stat. § 227.24(1)(e)1d speaks for itself. Defendants AFFIRMATIVELY ALLEGE that a Statement of Scope regarding the use of adhesive stickers on accredited college and university identification cards was submitted by GAB staff to Governor Walker on December 15, 2011, and that the Statement of Scope was approved by Governor Walker on January 13, 2012. Defendants DENY that the remainder of paragraph 51 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 227.24(1)(e)1g and Wis. Stat. § 227.26(2)(i) speak for themselves. To the extent that the allegations in paragraph 51 misstate the law or contain factual allegations to which a response is required, Defendants DENY the remaining allegations in paragraph 51.

52. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 52.



53. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 53.

54. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 54.

55. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 55.

56. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 56.

57. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 57.

58. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 58.

**FACTS RELATED TO OBTAINING WISCONSIN PHOTO ID AND THE  
UNDERLYING DOCUMENTS REQUIRED BY WISCONSIN DMV**

59. Defendants DENY that paragraph 59 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 343.50(5)(a) and 2011 Wis. Act 23 speak for themselves. To the extent that the allegations in paragraph 59 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 59.

60. Defendants DENY the allegations in paragraph 60.

61. Defendants ADMIT the allegations in paragraph 61.

62. Defendants ADMIT the allegations in paragraph 62.

63. Defendants DENY the allegations in paragraph 63. Defendants AFFIRMATIVELY ALLEGE that the Madison DMV office on Odana Road is open until 6 p.m.

on Tuesdays, Thursdays, and Fridays and that the Saukville DMV office is open until 6 p.m. on Wednesdays.

64. Defendants ADMIT the allegations in paragraph 64.

65. Defendants ADMIT the allegations in paragraph 65.

66. Defendants DENY that paragraph 66 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 343.50(1)(b) and 2011 Wis. Act 23 speak for themselves. To the extent that the allegations in paragraph 66 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 66.

67. Defendants DENY that paragraph 67 contains any factual allegations to which a responsive pleading is required because Wis. Stat. § 343.21 speaks for itself. To the extent that the allegations in paragraph 67 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 67.

68. Defendants DENY that paragraph 68 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(2) speaks for itself. To the extent that the allegations in paragraph 68 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 68.

69. Defendants DENY that paragraph 69 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(2)(b), Wis. Admin. Code § TRANS 102.15(2)(bm)2, Wis. Admin. Code § TRANS 102.15(2)(c), and Wis. Admin. Code § TRANS 102.15(4m) speak for themselves. To the extent that the allegations in paragraph 69 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 69.

70. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 70.

71. Defendants DENY the allegations in paragraph 71. Defendants AFFIRMATIVELY ALLEGE that Wis. Stat. § 7.08(12) requires the Government Accountability Board to “Engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a document that constitutes proof of identification for voting under s. 6.79(2)(a), 6.86(1)(ar), or 6.87(4)(b)1., and provide assistance to the electors in obtaining or renewing that document.”

72. Defendants DENY that paragraph 72 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(3) speaks for itself. To the extent that the allegations in paragraph 72 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 72.

73. Defendants DENY that paragraph 73 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(1), Wis. Admin. Code § TRANS 102.15(3)(b), and Wis. Admin. Code § TRANS 102.15(3)(c) speak for themselves. To the extent that the allegations in paragraph 73 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 73.

74. Defendants lack knowledge or information sufficient to form a belief as to the allegations regarding the costs of a certificate of U.S. citizenship and a U.S. certificate of naturalization in the first sentence of paragraph 74. Defendants DENY that the remainder of paragraph 74 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(3m) speaks for itself. To the extent that the allegations in

the remainder of paragraph 74 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 74.

75. Defendants DENY that paragraph 75 contains any factual allegations to which a responsive pleading is required because 2005 Wis. Act 126 § 2; 2007 Wisconsin Act 20 §§ 3245, 3257, and 3379; Wis. Stat §§ 343.165(1), 343.14(2)(es), and 343.50(4) speak for themselves . To the extent that the allegations in paragraph 75 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 75.

76. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 76.

77. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 77.

78. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 78.

79. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 79.

80. Defendants DENY the allegations in paragraph 80.

81. Defendants DENY the allegations in paragraph 81.

82. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 82.

83. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 83.

84. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 84.

85. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 85.

86. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 86.

87. Defendants DENY that the first through third sentences of paragraph 87 contain any factual allegations to which a responsive pleading is required because Wis. Stat. § 69.21 and Wis. Admin. Code § DHS 142.04 speak for themselves. To the extent that the allegations in the first through third sentences of paragraph 87 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in the first through third sentences of paragraph 87. Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 87.

88. Defendants DENY that paragraph 88 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(4) speaks for itself. To the extent that the allegations in paragraph 88 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 88.

89. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 89.

90. Defendants DENY that paragraph 90 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code § TRANS 102.15(4m) speaks for itself. To the extent that the allegations in paragraph 90 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 90.

91. Defendants DENY that paragraph 91 contains any factual allegations to which a responsive pleading is required because Wis. Admin. Code §§ TRANS 102.15(4m)(b), (c), (d),

and (f) speak for themselves. To the extent that the allegations in paragraph 91 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 91.

92. Defendants ADMIT the allegations in the first two sentences of paragraph 92 and DENY the remaining allegations in paragraph 92.

93. Defendants ADMIT the allegations in the first three sentences of paragraph 93 and DENY the remaining allegations in paragraph 93.

**THE PHOTO ID LAWS' IMPACT ON RACIAL MINORITIES IN MILWAUKEE COUNTY, WISCONSIN AND THE STATE OF WISCONSIN**

94. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 94.

95. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 95.

96. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 96.

97. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 97.

98. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 98.

99. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 99.

100. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 100.

101. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 101.

102. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 102.

103. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 103.

104. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 104.

105. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 105.

### **PLAINTIFF CLASS ALLEGATIONS**

#### **CLASS 1**

106. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 106.

107. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 107.

108. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 108.

109. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 109.

#### **CLASS 2**

110. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 110.

111. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 111.

112. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 112.

113. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 113.

114. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 114.

### **CLASS 3**

115. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 115.

116. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 116.

117. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 117.

118. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 118.

119. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 119.

### **CLASS 4**

120. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 120.



121. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 121.

122. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 122.

#### **CLASS 5**

123. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 123.

124. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 124.

125. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 125.

#### **CLASS 6**

126. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 126.

127. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 127.

128. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 128.

#### **CLASS 7**

129. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 129.

130. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 130.

131. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 131.

132. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 132.

### **CLAIMS**

#### **COUNT ONE: Violation of the Fourteenth Amendment [Class 1]**

133. Defendants hereby incorporate their responses to paragraph 1 through 109 as if set forth herein.

134. Defendants DENY that paragraph 134 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution and *Burdick v. Takushi*, 504 U.S. 428 (1992), speak for themselves. To the extent that the allegations in paragraph 134 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 134.

135. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 135.

136. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 136.

137. Defendants DENY the allegations in paragraph 137.

#### **COUNT TWO: Violation of the Fourteenth Amendment [Class 2]**

138. Defendants hereby incorporate their responses to paragraph 1 through 105 and 100 through 114 as if set forth herein.

139. Defendants DENY that paragraph 139 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States

Constitution and *Burdick v. Takushi*, 504 U.S. 428 (1992), speak for themselves. To the extent that the allegations in paragraph 139 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 139.

140. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 140.

141. Defendants DENY the allegations in paragraph 141.

142. Defendants DENY the allegations in paragraph 142.

**COUNT THREE: Violation of the Twenty-Fourth Amendment and Equal Protection**

**Clause of the Fourteenth Amendment [Class 3]**

143. Defendants hereby incorporate their responses to paragraph 1 through 105 and 115 through 119 as if set forth herein

144. Defendants DENY that paragraph 144 contains any factual allegations to which a responsive pleading is required because the Twenty-fourth Amendment to the United States Constitution speaks for itself. To the extent that the allegations in paragraph 144 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 144.

145. Defendants DENY that paragraph 145 contains any factual allegations to which a responsive pleading is required because the Twenty-fourth Amendment to the United States Constitution, *Harman v. Forssenius*, 380 U.S. 528 (1965), and *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), speak for themselves. To the extent that the allegations in paragraph 145 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 145.

146. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 146.

147. Defendants DENY the allegations in paragraph 147.

148. Defendants DENY the allegations in paragraph 148.

**COUNT FOUR: Violation of the Equal Protection Clause of the Fourteenth Amendment**

**[Class 4]**

149. Defendants hereby incorporate their responses to paragraph 1 through 105 and 120 through 122 as if set forth herein.

150. Defendants DENY that paragraph 150 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution and *Burdick v. Takushi*, 504 U.S. 428 (1992), speak for themselves. To the extent that the allegations in paragraph 150 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 150.

151. Defendants ADMIT the allegations in the first sentence of paragraph 151. Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 151.

152. Defendants DENY the allegations in paragraph 152.

153. Defendants DENY the allegations in paragraph 153.

**COUNT FIVE: Violation of the Twenty-Fourth Amendment and Equal Protection Clause of the Fourteenth Amendment [Class 5]**

154. Defendants hereby incorporate their responses to paragraph 1 through 105 and 123 through 125 as if set forth herein.

155. Defendants DENY the allegations in paragraph 155.

156. Defendants DENY the allegations in paragraph 156.

**COUNT SIX: Violation of the Equal Protection Clause of the Fourteenth Amendment**

**[Class 6]**

157. Defendants hereby incorporate their responses to paragraph 1 through 105 and 126 through 128 as if set forth herein.

158. Defendants DENY that paragraph 158 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution speaks for itself. To the extent that the allegations in paragraph 158 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 158.

159. Defendants ADMIT the allegations in paragraph 159.

160. Defendants ADMIT the allegations in paragraph 160.

161. Defendants DENY the allegations in paragraph 161.

162. Defendants DENY the allegations in paragraph 162.

**COUNT SEVEN: Violation of Equal Protection Clause of the Fourteenth Amendment**

163. Defendants hereby incorporate their responses to paragraph 1 through 105 and 129 through 132 as if set forth herein.

164. Defendants DENY that paragraph 164 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution speaks for itself. To the extent that the allegations in paragraph 164 misstate the

law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 164.

165. Defendants DENY that paragraph 165 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution, *Bush v. Gore*, 531 U.S. 98 (2000), and *Baker v. Carr*, 369 U.S. 186 (1962) speak for themselves. To the extent that the allegations in paragraph 165 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 165.

166. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 166.

167. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 167.

168. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 168.

169. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 169.

170. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 170.

171. Defendants DENY the allegations in paragraph 171.

**COUNT EIGHT: Violation of the Due Process Clause of the Fourteenth Amendment**

172. Defendants hereby incorporate their responses to paragraph 1 through 171 as if set forth fully herein.

173. Defendants DENY that paragraph 173 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution speaks for itself. To the extent that the allegations in paragraph 173 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 173.

174. Defendants DENY that paragraph 174 contains any factual allegations to which a responsive pleading is required because the Fourteenth Amendment to the United States Constitution, *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (6th Cir. 2008), *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978), and *Black v. McGuffage*, 209 F.Supp.2d 889 (N.D. Ill. 2002), speak for themselves. To the extent that the allegations in paragraph 174 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 174.

175. Defendants DENY the allegations in the first sentence of paragraph 175. Defendants ADMIT the remaining allegations in paragraph 175.

176. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 176.

177. Defendants DENY the allegations in paragraph 177.

178. Defendants DENY the allegations in paragraph 178.

179. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 179.

180. Defendants DENY the allegations in paragraph 180.

181. Defendants DENY the allegations in paragraph 181.

**COUNT NINE: Vote Denial in Violation of Section 2 of the Voting Rights Act, 42 U.S.C. §**

**1973 [Class 7]**

182. Defendants hereby incorporate their responses to paragraph 1 through 105 and 129 through 132 as if set forth herein.

183. Defendants DENY that paragraph 183 contains any factual allegations to which a responsive pleading is required because 42 U.S.C. § 1973 speaks for itself. To the extent that the allegations in paragraph 183 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 183.

184. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 184.

185. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 185.

186. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 186.

187. Defendants DENY the allegations in paragraph 187.

**COUNT TEN: Vote Dilution in Violation of Section 2 of the Voting Rights Act, 42 U.S.C. §**

**1973 [Class 7]**

188. Defendants hereby incorporate their responses to paragraph 1 through 187 as if set forth fully herein.

189. Defendants DENY that paragraph 189 contains any factual allegations to which a responsive pleading is required because 42 U.S.C. § 1973 speaks for itself. To the extent that the allegations in paragraph 189 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 189.



190. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 190.

191. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 191.

192. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 192.

193. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 193.

194. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 194.

195. Defendants lack knowledge or information sufficient to form a belief as to the allegations in paragraph 195.

**RESPONSE TO PRAYER FOR RELIEF AND WHEREFORE CLAUSE:**

Defendants DENY that Plaintiffs are entitled to the relief they have requested.

**FURTHER RESPONSE:** Defendants DENY any factual allegations not expressly admitted herein.

**AFFIRMATIVE DEFENSES**

A. Pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiffs' First Amended Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully pray that judgment be entered in their favor dismissing this action, denying all of the relief requested, and granting them such further relief as the Court deems appropriate.

Dated this 30th day of March 2012.

Respectfully submitted,

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