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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

<p>12 <b>CALIFORNIA JUSTICE</b>          13 <b>COMMITTEE, THE</b>          14 <b>CONSTITUTION PARTY OF</b>          15 <b>CALIFORNIA, JEFF NORMAN,</b>  <b>CHARLES MICHEL DEEMER, and</b>  <b>JOHN GABREE,</b>            16 Plaintiffs,            17 v.            18 <b>DEBRA BOWEN, California</b>          19 <b>Secretary of State, in her official</b>          20 <b>capacity,</b>          21 Defendant.</p>	<p>CV 12-3956 PA (AGR<sub>x</sub>)  <b>DEFENDANT CALIFORNIA</b>  <b>SECRETARY OF STATE DEBRA</b>  <b>BOWEN'S ANSWER</b>            Courtroom: 15          Judge: The Honorable Percy          Anderson          Action Filed: May 7, 2012</p>
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 23 Defendant California Secretary of State Debra Bowen (defendant) answers  
 24 plaintiffs' Complaint for Injunctive and Declaratory Relief (Complaint) as follows:

- 25 1. Defendant denies the allegations in paragraph 1.  
 26 2. Defendant admits that federal law speaks for itself. Except as  
 27 specifically admitted, the defendant denies the allegations in paragraph 2.  
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1           3. Defendant admits that federal law speaks for itself. Except as  
2 specifically admitted, the defendant denies the allegations in paragraph 3.

3           4. Defendant admits that federal law speaks for itself. Except as  
4 specifically admitted, the defendant denies the allegations in paragraph 4.

5           5. Defendant admits that state law speaks for itself. Except as  
6 specifically admitted, the defendant denies the allegations in paragraph 5.

7           6. Defendant denies the allegations in paragraph 6.

8           7. Defendant denies the allegations in paragraph 7.

9           8. Defendant admits that federal law speaks for itself. Except as  
10 specifically admitted, defendant denies the allegations of paragraph 8.

11          9. Defendant admits that federal law speaks for itself. Except as  
12 specifically admitted, defendant denies the allegations of paragraph 9.

13          10. Defendant admits that federal law speaks for itself. Defendant admits  
14 that venue is proper in this District. Except as specifically admitted, defendant  
15 denies the allegations of paragraph 10.

16          11. Defendant lacks sufficient knowledge or information to form a belief  
17 as to the truth of the allegations in paragraph 11, and on that basis denies the  
18 allegations of paragraph 11.

19          12. Defendant lacks sufficient knowledge or information to form a belief  
20 as to the truth of the allegations in paragraph 12, and on that basis denies the  
21 allegations of paragraph 12.

22          13. Defendant lacks sufficient knowledge or information to form a belief  
23 as to the truth of the allegations in paragraph 13, and on that basis denies the  
24 allegations of paragraph 13.

25          14. Defendant lacks sufficient knowledge or information to form a belief  
26 as to the truth of the allegations in paragraph 14, and on that basis denies the  
27 allegations of paragraph 14.

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1           15. Defendant lacks sufficient knowledge or information to form a belief  
2 as to the truth of the allegations in paragraph 15, and on that basis denies the  
3 allegations of paragraph 15.

4           16. Defendant admits that Secretary of State Debra Bowen is the chief  
5 elections officer of the state of California. She is responsible for ensuring that state  
6 elections are conducted efficiently and that the election laws are enforced.

7           17. Defendant admits that state law speaks for itself. Except as  
8 specifically admitted, the defendant denies the allegations in paragraph 17.

9           18. Defendant admits that state law speaks for itself. Except as  
10 specifically admitted, the defendant denies the allegations in paragraph 18.

11           19. Defendant admits that state law speaks for itself. Except as  
12 specifically admitted, the defendant denies the allegations in paragraph 19.

13           20. Defendant admits that state law speaks for itself. Except as  
14 specifically admitted, the defendant denies the allegations in paragraph 20.

15           21. Defendant admits that state law speaks for itself. Except as  
16 specifically admitted, the defendant denies the allegations in paragraph 21.

17           22. Defendant lacks sufficient knowledge or information to form a belief  
18 as to the truth of the allegations in paragraph 22, and on that basis denies the  
19 allegations of paragraph 22.

20           23. Defendant admits that state law speaks for itself. Except as  
21 specifically admitted, the defendant denies the allegations in paragraph 23.

22           24. Defendant admits that state law speaks for itself. Except as  
23 specifically admitted, the defendant denies the allegations in paragraph 24.

24           25. Defendant lacks sufficient knowledge or information to form a belief  
25 as to the truth of the allegations in paragraph 25, and on that basis denies the  
26 allegations of paragraph 25.

27           26. Defendant denies the allegations in paragraph 26.  
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1           27. Defendant admits that federal law speaks for itself. Except as  
2 specifically admitted, defendant denies the allegations of paragraph 27.

3           28. Defendant admits that federal law speaks for itself. Except as  
4 specifically admitted, defendant denies the allegations of paragraph 28.

5           29. Defendant admits that federal law speaks for itself. Except as  
6 specifically admitted, defendant denies the allegations of paragraph 29.

7           30. Defendant denies the allegations in paragraph 30.

8           31. Defendant lacks sufficient knowledge or information to form a belief  
9 as to the truth of the allegations in paragraph 31, and on that basis denies the  
10 allegations of paragraph 31.

11          32. Defendant lacks sufficient knowledge or information to form a belief  
12 as to the truth of the allegations in paragraph 32, and on that basis denies the  
13 allegations of paragraph 32.

14          33. Defendant lacks sufficient knowledge or information to form a belief  
15 as to the truth of the allegations in paragraph 33, and on that basis denies the  
16 allegations of paragraph 33.

17          34. Defendant lacks sufficient knowledge or information to form a belief  
18 as to the truth of the allegations in paragraph 34, and on that basis denies the  
19 allegations of paragraph 34.

20          35. Defendant lacks sufficient knowledge or information to form a belief  
21 as to the truth of the allegations in paragraph 35, and on that basis denies the  
22 allegations of paragraph 35.

23          36. Defendant lacks sufficient knowledge or information to form a belief  
24 as to the truth of the allegations in paragraph 36, and on that basis denies the  
25 allegations of paragraph 36.

26          37. Defendant lacks sufficient knowledge or information to form a belief  
27 as to the truth of the allegations in paragraph 37, and on that basis denies the  
28 allegations of paragraph 37.

1           38. Defendant lacks sufficient knowledge or information to form a belief  
2 as to the truth of the allegations in paragraph 38, and on that basis denies the  
3 allegations of paragraph 38.

4           39. Defendant admits that on or about August 9, 2010, a notice of intent to  
5 qualify the Constitution Party of California was filed with the California Secretary  
6 of State. Defendant lacks sufficient knowledge or information to form a belief as to  
7 the truth of the remaining allegations in paragraph 39, and on that basis denies the  
8 allegations of paragraph 39.

9           40. Defendant lacks sufficient knowledge or information to form a belief  
10 as to the truth of the allegations in paragraph 40, and on that basis denies the  
11 allegations of paragraph 40.

12           41. Defendant lacks sufficient knowledge or information to form a belief  
13 as to the truth of the allegations in paragraph 41, and on that basis denies the  
14 allegations of paragraph 41.

15           42. Defendant admits that neither the Justice Party nor the Constitution  
16 Party of California qualified to appear on the November, 2012 ballot. Defendant  
17 lacks sufficient knowledge or information to form a belief as to the truth of the  
18 remaining allegations in paragraph 42, and on that basis denies the allegations of  
19 paragraph 42.

20           43. Defendant denies the allegations in paragraph 43.

21           44. Defendant admits that the Americans Elect Party qualified for the  
22 current election cycle. Defendant lacks sufficient knowledge or information to  
23 form a belief as to the truth of the remaining allegations in paragraph 44, and on  
24 that basis denies the allegations of paragraph 44.

25           45. Defendant denies the allegations in paragraph 45.

26           46. Defendant denies the allegations in paragraph 46.

27           47. Defendant denies the allegations in paragraph 47.

28           48. Defendant denies the allegations in paragraph 48.

1 49. Defendant denies the allegations in paragraph 49.

2 50. Defendant denies the allegations in paragraph 50.

3 51. Defendant denies the allegations in paragraph 51.

4 52. Defendant denies the allegations in paragraph 52.

5 53. Defendant denies the allegations in paragraph 53.

6 54. Responding to paragraph 54, defendant incorporates herein by this  
7 reference her responses to paragraphs 1 through 54, inclusive.

8 55. Defendant denies the allegations in paragraph 55.

9 56. Defendant denies the allegations in paragraph 56.

10 57. Responding to paragraph 57, defendant incorporates herein by this  
11 reference her responses to paragraphs 1 through 57, inclusive.

12 58. Defendant denies the allegations in paragraph 58.

13 59. Defendant denies the allegations in paragraph 59.

14 **ADDITIONAL DEFENSES**

15 **ONE**

16 The Complaint, and each claim for relief therein, fails to state facts sufficient  
17 to constitute a cause of action.

18 **TWO**

19 The defendant denies that she has subjected plaintiffs to the deprivation of  
20 any rights, privileges or immunities secured by the Constitution or laws of the  
21 United States or the State of California.

22 **THREE**

23 Plaintiffs' claims in this action are barred in that they do not have standing to  
24 assert them.

25 **FOUR**

26 There is no case or controversy in this action as required by Article III of the  
27 United States Constitution.

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**FIVE**

Defendant affirmatively states that any actions she has taken with respect to plaintiffs has been in good faith, has been reasonable and prudent, and has been consistent with all applicable legal and constitutional standards.

**SIX**

Plaintiffs' claims in this action are barred by the equitable doctrines of waiver, laches, unclean hands, and/or estoppel.

**SEVEN**

Plaintiffs' claims in this action are uncertain, vague, ambiguous, improper, and unintelligible.

ACCORDINGLY, the defendant prays as follows:

1. That judgment be entered in favor of the defendant and against plaintiffs on the Complaint as a whole, and on each cause of action therein, and that plaintiffs take nothing by way of the Complaint;
2. That the Complaint, and each claim of relief therein, be dismissed with prejudice;
3. That the defendant be awarded the costs, expenses, and attorneys' fees incurred in this action; and
4. That the Court grant the defendant such additional relief as it deems proper.

1 Dated: May 29, 2012

Respectfully submitted,

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KAMALA D. HARRIS  
Attorney General of California

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TAMAR PACHTER  
Supervising Deputy Attorney General

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/s/ Susan K. Smith  
SUSAN K. SMITH  
Deputy Attorney General  
*Attorneys for Secretary of State*  
*Debra Bowen*

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### CERTIFICATE OF SERVICE

Case Name: **California Justice Committee v. Bowen** No. **CV 12-3956 PA (AGR<sub>x</sub>)**

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I hereby certify that on May 29, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT CALIFORNIA SECRETARY OF STATE DEBRA BOWEN'S ANSWER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 29, 2012, at Los Angeles, California.

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Rosa Macias  
Declarant

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/s/ Rosa Macias  
Signature