

# EXHIBIT 1

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13 *DCCC and California Democratic Party*

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA  
16

17 DARRELL ISSA, JAMES B. OERDING,  
18 JERRY GRIFFIN, MICHELLE BOLOTIN,  
and MICHAEL SIENKIEWICZ

19 Plaintiffs,  
20

21 v.

22 GAVIN NEWSOM, in his official capacity as  
Governor of the State of California, and ALEX  
23 PADILLA, in his official capacity as Secretary  
of State of California,

24 Defendants,  
25

26 and

27 DCCC and CALIFORNIA DEMOCRATIC  
28

Case No.: 2:20-cv-01044-MCE-CKD

**[PROPOSED] ANSWER TO  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

1 PARTY,

2 Proposed  
3 Intervenor-  
4 Defendants.

5 Proposed Intervenor-Defendants DCCC and California State Democratic Party (together,  
6 “Proposed Intervenor-Defendants”), by and through their attorneys, submit the following Answer to  
7 Plaintiffs’ Complaint for Declaratory and Injunctive Relief (“Complaint”). Proposed Intervenor-  
8 Defendants respond to the allegations in the Complaint as follows:

9 1. Proposed Intervenor-Defendants are without sufficient information or knowledge with which  
10 to form a belief as to the truth or falsity of the allegations contained in Paragraph 1.

11 2. Paragraph 2 contains mere characterizations, legal contentions, and conclusions to  
12 which no response is required. To the extent a response is required, Proposed Intervenor-  
13 Defendants deny the  
14 allegations.

#### 14 **JURISDICTION AND VENUE**

15 3. Paragraph 3 contains mere characterizations, legal contentions, and conclusions to  
16 which no response is required.

17 4. Paragraph 4 contains mere characterizations, legal contentions, and conclusions to  
18 which no response is required.

19 5. Paragraph 5 contains mere characterizations, legal contentions, and conclusions to  
20 which no response is required.

#### 21 **PARTIES**

22 6. Proposed Intervenor-Defendants admit that San Diego County and Riverside County have not  
23 implemented all mail-in ballot elections under California’s Voter’s Choice Act (“VCA”) prior to  
24 the issuance of Executive Order (“EO”) N-64-20. Proposed Intervenor-Defendants are without sufficient  
25 information or knowledge with which to form a belief as to the truth or falsity of the remaining  
26 allegations contained in Paragraph 6.

27 7. Proposed Intervenor-Defendants admit that Yolo County, Glenn County, Lake County, and  
28

1 Solano County have not implemented all mail-in ballot elections under the VCA prior to the  
2 issuance of EO N-64-20. Proposed Intervenors are without sufficient information or knowledge  
3 with which to form a belief as to the truth or falsity of the remaining allegations contained in  
4 Paragraph 7.

5 8. Proposed Intervenors admit that Los Angeles County has implemented all mail-in  
6 ballot elections under the VCA. Proposed Intervenors are without sufficient information or  
7 knowledge with which to form a belief as to the truth or falsity of the remaining allegations  
8 contained in Paragraph 8.

9 9. Proposed Intervenors are without sufficient information or knowledge with which  
10 to form a belief as to the truth or falsity of the allegations contained in Paragraph 9.

11 10. Proposed Intervenors admit that San Francisco County has not implemented all  
12 mail-in ballot elections under the VCA. Proposed Intervenors are without sufficient information  
13 or knowledge with which to form a belief as to the truth or falsity of the allegations contained in  
14 Paragraph 10.

15 11. Proposed Intervenors admit the allegations in Paragraph 11.

16 12. Proposed Intervenors admit the allegations in Paragraph 12.

17 13. Paragraph 13 contains mere characterizations, legal contentions, and conclusions  
18 to which no response is required.

19 **STATEMENT OF FACTS**

20 14. Paragraph 14 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
22 the allegations.

23 15. Paragraph 15 contains mere characterizations, legal contentions, and conclusions  
24 to which no response is required.

25 16. Paragraph 16 contains mere characterizations, legal contentions, and conclusions  
26 to which no response is required.

27 17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions  
28

1 to which no response is required. To the extent Paragraph 17 does not contain the full content and  
2 context of Defendants' plans, Proposed Intervenors deny the allegations.

3 18. Proposed Intervenors admit the allegations in Paragraph 18.

4 19. Paragraph 19 contains mere characterizations, legal contentions, and conclusions  
5 to which no response is required.

6 20. Paragraph 20 contains mere characterizations, legal contentions, and conclusions  
7 to which no response is required.

8 21. Paragraph 21 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
10 the allegations.

11 22. Proposed Intervenors admit the allegations in Paragraph 22.

12 23. Proposed Intervenors admit the allegations in Paragraph 23.

13 24. Proposed Intervenors admit the allegations in Paragraph 24.

14 25. Proposed Intervenors admit that fifteen counties conduct all mail-in ballot elections  
15 for the March 3, 2020 federal primary. Proposed Intervenors are without sufficient information or  
16 knowledge with which to form a belief as to the truth or falsity of the remaining allegations  
17 contained in Paragraph 25.

18 26. Paragraph 26 contains mere characterizations and conclusions to which no response  
19 is required. To the extent a response is required, Proposed Intervenors deny the allegations.

20 27. Proposed Intervenors admit that Governor Gavin Newsom proclaimed a state of  
21 emergency in response to the COVID-19 epidemic on March 4, 2020. The remaining allegations  
22 in Paragraph 27 are mere characterizations and conclusions to which no response is required. To  
23 the extent a response is required, Proposed Intervenors deny the allegations.

24 28. Paragraph 28 contains mere characterizations, legal contentions, and conclusions  
25 to which no response is required. The March 4, 2020 Proclamation of a State of Emergency (the  
26 "March 4 Proclamation") is the best source of the full content and context of the declared state of  
27 emergency. To the extent Paragraph 28 does not contain the full content and context of the March  
28

1 4 Proclamation, Proposed Intervenor deny the allegations.

2 29. Paragraph 29 contains mere characterizations, legal contentions, and conclusions  
3 to which no response is required. The March 4 Proclamation is the best source of the full content  
4 and context the declared state of emergency. To the extent Paragraph 29 does not contain the full  
5 content and context of the March 4 Proclamation, Proposed Intervenor deny the allegations.

6 30. Paragraph 30 contains mere characterizations, legal contentions, and conclusions  
7 to which no response is required.

8 31. Paragraph 31 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. The March 4 Proclamation is the best source of the full content  
10 and context of the declared state of emergency. To the extent Paragraph 31 does not contain the  
11 full content and context of the March 4 Proclamation, Proposed Intervenor deny the allegations.

12 32. Paragraph 32 contains mere characterizations, legal contentions, and conclusions  
13 to which no response is required. The March 4 Proclamation is the best source of the full content  
14 and context of the declared state of emergency. To the extent Paragraph 32 does not contain the  
15 full content and context of the March 4 Proclamation, Proposed Intervenor deny the allegations.

16 33. Paragraph 33 contains mere characterizations, legal contentions, and conclusions  
17 to which no response is required. The March 4 Proclamation is the best source of the full content  
18 and context of the declared state of emergency. To the extent Paragraph 33 does not contain the  
19 full content and context of the March 4 Proclamation, Proposed Intervenor deny the allegations.

20 34. Paragraph 34 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
22 the allegations.

23 35. Paragraph 35 contains mere characterizations, legal contentions, and conclusions  
24 to which no response is required. EO N-64-20 is the best source of the full content and context of  
25 Governor Newsom's Executive Order. To the extent Paragraph 32 does not contain the full content  
26 and context of EO N-64-20, Proposed Intervenor deny the allegations.

27 36. Paragraph 36 contains mere characterizations, legal contentions, and conclusions  
28

1 to which no response is required. EO N-64-20 is the best source of the full content and context of  
2 Governor Newsom's Executive Order. To the extent Paragraph 36 does not contain the full content  
3 and context of EO N-64-20, Proposed Intervenors deny the allegations.

4 37. Paragraph 37 contains mere characterizations, legal contentions, and conclusions  
5 to which no response is required. EO N-64-20 is the best source of the full content and context of  
6 Governor Newsom's Executive Order. To the extent Paragraph 37 does not contain the full content  
7 and context of EO N-64-20, Proposed Intervenors deny the allegations.

8 38. Paragraph 38 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. EO N-64-20 is the best source of the full content and context of  
10 Governor Newsom's Executive Order. To the extent Paragraph 38 does not contain the full content  
11 and context of EO N-64-20, Proposed Intervenors deny the allegations.

12 39. Paragraph 39 contains mere characterizations, legal contentions, and conclusions  
13 to which no response is required. EO N-64-20 is the best source of the full content and context of  
14 Governor Newsom's Executive Order. To the extent Paragraph 39 does not contain the full content  
15 and context of EO N-64-20, Proposed Intervenors deny the allegations.

16 40. Paragraph 40 contains mere characterizations, legal contentions, and conclusions  
17 to which no response is required. EO N-64-20 is the best source of the full content and context of  
18 Governor Newsom's Executive Order. To the extent Paragraph 40 does not contain the full content  
19 and context of EO N-64-20, Proposed Intervenors deny the allegations.

20 41. Paragraph 41 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. EO N-64-20 is the best source of the full content and context of  
22 Governor Newsom's Executive Order. To the extent Paragraph 41 does not contain the full content  
23 and context of EO N-64-20, Proposed Intervenors deny the allegations.

24 42. Paragraph 42 contains mere characterizations, legal contentions, and conclusions  
25 to which no response is required. EO N-64-20 is the best source of the full content and context of  
26 Governor Newsom's Executive Order. To the extent Paragraph 42 does not contain the full content  
27 and context of EO N-64-20, Proposed Intervenors deny the allegations.

1           43. Paragraph 43 contains mere characterizations, legal contentions, and conclusions  
2 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
3 the allegations.

4           44. Paragraph 44 contains mere characterizations, legal contentions, and conclusions  
5 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
6 the allegations.

7           45. Paragraph 45 contains mere characterizations, legal contentions, and conclusions  
8 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
9 the allegations.

10          46. Paragraph 46 contains mere characterizations, legal contentions, and conclusions  
11 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
12 the allegations.

13          47. Paragraph 47 contains mere characterizations, legal contentions, and conclusions  
14 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
15 the allegations.

16          48. Paragraph 48 contains mere characterizations, legal contentions, and conclusions  
17 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
18 the allegations.

19          49. Paragraph 49 contains mere characterizations, legal contentions, and conclusions  
20 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
21 the allegations.

22          50. Paragraph 50 contains mere characterizations, legal contentions, and conclusions  
23 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
24 the allegations.

25          51. Paragraph 51 contains mere characterizations, legal contentions, and conclusions  
26 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
27 the allegations.

1           52. Paragraph 52 contains mere characterizations, legal contentions, and conclusions  
2 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
3 the allegations.

4           53. Proposed Intervenor are without sufficient information or knowledge with which  
5 to form a belief as to the truth or falsity of the allegations in Paragraph 53.

6           54. Proposed Intervenor are without sufficient information or knowledge with which  
7 to form a belief as to the truth or falsity of the allegations in Paragraph 54.

8           55. Paragraph 55 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
10 the allegations.

11           56. Paragraph 56 contains mere characterizations, legal contentions, and conclusions  
12 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
13 the allegations.

14           57. Paragraph 57 contains mere characterizations, legal contentions, and conclusions  
15 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
16 the allegations.

17           58. Paragraph 58 contains mere characterizations, legal contentions, and conclusions  
18 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
19 the allegations.

20           59. Paragraph 59 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
22 the allegations.

23           60. Paragraph 60 contains mere characterizations, legal contentions, and conclusions  
24 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
25 the allegations.

26           61. Paragraph 61 contains mere characterizations, legal contentions, and conclusions  
27 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
28

1 the allegations.

2 **COUNT I**

3 62. Proposed Intervenors incorporate by reference all of their responses in the  
4 preceding and ensuing paragraphs as if fully set forth herein.

5 63. Paragraph 63 contains mere characterizations, legal contentions, and conclusions  
6 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
7 the allegations.

8 64. Paragraph 64 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
10 the allegations.

11 65. Paragraph 65 contains mere characterizations, legal contentions, and conclusions  
12 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
13 the allegations.

14 66. Paragraph 66 contains mere characterizations, legal contentions, and conclusions  
15 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
16 the allegations.

17 **COUNT II**

18 67. Proposed Intervenors incorporate by reference all of their responses in the  
19 preceding and ensuing paragraphs as if fully set forth herein.

20 68. Paragraph 68 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
22 the allegations.

23 69. Paragraph 69 contains mere characterizations, legal contentions, and conclusions  
24 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
25 the allegations.

26 70. Paragraph 70 contains mere characterizations, legal contentions, and conclusions  
27 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
28

1 the allegations.

2 71. Paragraph 71 contains mere characterizations, legal contentions, and conclusions  
3 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
4 the allegations.

5 **COUNT III**

6 72. Proposed Intervenor incorporate by reference all of their responses in the  
7 preceding and ensuing paragraphs as if fully set forth herein.

8 73. Paragraph 73 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
10 the allegations.

11 74. Paragraph 74 contains mere characterizations, legal contentions, and conclusions  
12 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
13 the allegations.

14 75. Paragraph 75 contains mere characterizations, legal contentions, and conclusions  
15 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
16 the allegations.

17 **COUNT IV**

18 76. Proposed Intervenor incorporate by reference all of their responses in the  
19 preceding and ensuing paragraphs as if fully set forth herein.

20 77. Paragraph 77 contains mere characterizations, legal contentions, and conclusions  
21 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
22 the allegations.

23 78. Paragraph 78 contains mere characterizations, legal contentions, and conclusions  
24 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
25 the allegations.

26 79. Paragraph 79 contains mere characterizations, legal contentions, and conclusions  
27 to which no response is required. To the extent a response is required, Proposed Intervenor deny  
28

1 the allegations.

2 80. Paragraph 80 contains mere characterizations, legal contentions, and conclusions  
3 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
4 the allegations.

5 81. Paragraph 81 contains mere characterizations, legal contentions, and conclusions  
6 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
7 the allegations.

8 82. Paragraph 82 contains mere characterizations, legal contentions, and conclusions  
9 to which no response is required. To the extent a response is required, Proposed Intervenors deny  
10 the allegations.

11 **AFFIRMATIVE DEFENSES**

12 Proposed Intervenors set forth their affirmative defenses without assuming the burden of  
13 proving any fact, issue, or element of a cause of action where such burden properly belongs to  
14 Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that any  
15 particular issue or subject matter is relevant to the allegations in the Complaint. Proposed  
16 Intervenors reserve the right to amend or supplement their affirmative defenses as additional facts  
17 concerning defenses become known.

18 As separate and distinct affirmative defenses, Proposed Intervenors allege as follows:

19 Plaintiffs' claims are barred by the Eleventh Amendment sovereign immunity.

20 Plaintiffs fail to state a claim on which relief can be granted.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Proposed Intervenors respectfully requests that this Court:

- 23 A. Deny that Plaintiffs are entitled to any relief;  
24 B. Dismiss the complaint in its entirety, with prejudice; and  
25 C. Grant such other and further relief as the Court may deem just and proper  
26  
27  
28

1 DATED this 3rd day of June 2020

2  
3 By: s/Jonathan P. Hawley

4 Jonathan P. Hawley, Esq.

5 Abha Khanna, Esq.\*

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