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KRISTON CHAPMAN
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**THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF COLUMBIA**

NEIGHBORS UNITED FOR PROGRESS, a
Washington political committee; ELISE
SEVERE, an individual; GERALD KAISER,
an individual,

Plaintiffs,

vs.

JESSICA RUFFCORN, an individual;
COLUMBIA COUNTY, WASHINGTON;
COLUMBIA COUNTY AUDITOR'S
OFFICE; COLUMBIA COUNTY
AUDITOR WILL HUTCHENS, in his
official capacity; COLUMBIA COUNTY
DIRECTOR OF ELECTIONS, CATHY
ABEL, in her official capacity;

Defendants.

Case No.: 23-2-00034-7

**DEFENDANTS COLUMBIA COUNTY,
COLUMBIA COUNTY AUDITOR'S
OFFICE, AUDITOR WILL HUTCHENS,
and DIRECTOR OF ELECTIONS CATHY
ABEL'S ANSWER AND ASSERTION OF
CROSS-CLAIMS**

**COME NOW THE DEFENDANTS: COLUMBIA COUNTY, WASHINGTON;
COLUMBIA COUNTY AUDITOR'S OFFICE; COLUMBIA COUNTY AUDITOR WILL
HUTCHENS; and DIRECTOR OF ELECTIONS CATHY ABEL, (herein and hereafter
"County Defendants"), by and through undersigned Counsel, and by way of answer to the
allegations set forth in the Plaintiff's Complaint for Declaratory and Injunctive Relief filed on
August 29, 2023, hereby respectfully answer, aver, and state as follows:**

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1 **RESERVATION OF RIGHTS AND DEFENSE**

2 County Defendants reserve the right to amend this Answer to assert any other matter that
3 constitutes an avoidance or affirmative defense. County Defendants deny each and every
4 allegation contained in the Complaint except as hereinafter may be expressly admitted. County
5 Defendants hereby assert the affirmative defenses of duress, fraud, fault of a non-party, and
6 impossibility/illegality, and reserves the right to assert other defenses as may be discovered
7 during the pendency of this lawsuit.

8 **PRELIMINARY STATEMENT**

9 Insofar as Plaintiff's introductory statements offer personal opinion and position statements,
10 County Defendants neither admit nor deny; County Defendants are without sufficient information
11 to admit or deny claims of fraud, and therefore deny same pending discovery in this matter.

12 **I. NATURE OF ACTION**

13 **1.1.** County Plaintiffs admit that the parties are appropriately listed and that Plaintiffs have
14 filed the suit alleging the claims specified against the defendants specified with this
15 Court;

16 **1.2.** County Defendants admit that Plaintiffs allege the allegations specified; insofar as the
17 remainder of Paragraph 1.2 calls for legal conclusions of this Court, County Defendants
18 neither admit nor deny same;

19 **1.3.** County Defendants admit that Plaintiffs seek the relief requested in their Complaint;
20 insofar as Paragraph 1.3 and its subparts call for a legal conclusion of this Court, County
21 Defendants neither admit nor deny same;

22 **1.4.** County Defendants admit that Plaintiffs seek the relief requested in their Complaint;
23 insofar as Paragraph 1.4 calls for a legal conclusion of this Court, County Defendants
24 neither admit nor deny same;



1 **II. JURISDICTION AND VENUE**

2 **2.1.** County Defendants admit that this Court has jurisdiction over the subject matter of this
3 action; statutes cited speak for themselves;

4 **2.2.**County Defendants admit that venue is appropriate in this Court; statutes cited speak for
5 themselves;

6 **2.3.**County Defendants admit that this Court has jurisdiction as set forth by the Plaintiffs;
7 statutes cited speak for themselves; County Defendants aver that Plaintiffs are entitled to
8 no monetary relief from County Defendants;

9 **III. PARTIES**

10 **3.1.** County Defendants are without sufficient knowledge or information to form a belief as
11 to the allegations of Paragraph 3.1, and therefore deny same pending discovery in this
12 matter;

13 **3.2.** Insofar as Paragraph 3.2 calls for a legal conclusion of this Court, County Defendants
14 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
15 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
16 same;

17 **3.3.** County Defendants are without sufficient knowledge or information to form a belief as
18 to the allegations of Paragraph 3.3, and therefore deny same pending discovery in this
19 matter;

20 **3.4.** County Defendants admit allegations in Paragraph 3.4, except insofar as they call for a
21 legal conclusion of this Court as to the lawfulness of the measure at issue, and neither
22 admit nor deny those claims; County Defendants deny any wrongdoing in placing the
23 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
24 same;



1 **3.5.** County Defendants admit allegations in Paragraph 3.5, except insofar as they call for a
2 legal conclusion of this Court as to the lawfulness of the measure at issue, and neither
3 admit nor deny those claims; County Defendants deny any wrongdoing in placing the
4 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
5 same;

6 **3.6.** County Defendants admit allegations in Paragraph 3.6, except insofar as they call for
7 interpretation of the terms of any contract or interlocal agreement between the County
8 and City of Dayton, and neither admit nor deny those claims;

9 **3.7.** As Plaintiff Kaiser is a party to the action and alleges his residence and membership in
10 Plaintiff Neighbors United for Progress (hereinafter "Plaintiff NUP"), Defendants have
11 no reason to deny these allegations and therefore admit same; insofar as the remaining
12 allegations call for a legal conclusion of this Court, County Defendants neither admit nor
13 deny same, but deny any inference of wrongdoing in placing the measure at issue on the
14 ballot pursuant to the statutes at issue;

15 **3.8.** As Plaintiff Severe is a party to the action and alleges her residence and membership in
16 Plaintiff NUP, Defendants have no reason to deny these allegations and therefore admit
17 same; insofar as the remaining allegations call for a legal conclusion of this court, County
18 Defendants neither admit nor deny same, but deny any inference of wrongdoing in
19 placing the measure at issue on the ballot pursuant to the statutes at issue; insofar as the
20 allegations call for interpretation of the terms of any contract or interlocal agreement
21 between the County and City of Dayton, County Defendants neither admit nor deny those
22 claims; County Defendants deny any allegation of knowledge, information, or belief of
23 fraud in the performance of their statutory duties;

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IV. FACTUAL ALLEGATIONS

4.1. Insofar as Paragraph 4.1 offers personal opinions of rural library districts or the Columbia County Rural Library District (hereinafter "CCRLD"), County Defendants neither admit nor deny the allegations contained in this paragraph; County Defendants admit that Columbia County and the City of Dayton are a vibrant community;

4.2. Insofar as Paragraph 4.2 offers personal opinions of the CCRLD, County Defendants neither admit nor deny the allegations contained in this paragraph; County Defendants admit to the situs and situation of the Dayton Memorial Library buildings and their use, and admits to the services offered by the CCRLD at the Dayton Memorial Library; County Defendants admit that the Dayton Memorial Library is the only public library in Columbia County;

4.3. County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.3, but have no reason to deny them and therefore admit same;

4.4. County Defendants admit that the Dayton Memorial Library houses a relatively large collection of library materials for a public library in a county of this size, and that there are two floors in use at the Dayton Memorial Library;

4.5. County Defendants are generally aware that more than one objection has been publicly-raised by more than one person as to more than one book contained in the Dayton Memorial Library collection, and therefore admit same; County Defendants are without sufficient knowledge or information to strictly admit to the number of books to which objections may have been raised, times during which the objections may have been raised, or the affiliation of any individuals raising such objections, and therefore deny same pending discovery in this matter;



1 **4.6.** County Defendants are without sufficient knowledge or information to form a belief as
2 to the allegation in Paragraph 4.6 and therefore deny same pending discovery in this
3 matter;

4 **4.7.** County Defendants are without sufficient knowledge or information to form a belief as
5 to the allegations in Paragraph 4.7 and therefore deny same pending discovery in this
6 matter;

7 **4.8.** County Defendants are without sufficient knowledge or information to form a belief as
8 to the allegations in Paragraph 4.8 and therefore deny same pending discovery in this
9 matter;

10 **4.9.** County Defendants are without sufficient knowledge or information to form a belief as
11 to the allegations in Paragraph 4.9 and therefore deny same pending discovery in this
12 matter;

13 **4.10.** Insofar as Paragraph 4.10 references a publicly-available document, the document
14 speaks for itself; County Defendants are without sufficient knowledge or information to
15 form a belief as to the remaining allegations in Paragraph 4.10 and therefore deny same
16 pending discovery in this matter;

17 **4.11.** County Defendants are without sufficient knowledge or information to form a belief as
18 to the allegations in Paragraph 4.11 and therefore deny same pending discovery in this
19 matter;

20 **4.12.** Insofar as Paragraph 4.12 references a publicly-available document, the document
21 speaks for itself; County Defendants are without sufficient knowledge or information to
22 form a belief as to the remaining allegations in Paragraph 4.12 and therefore deny same
23 pending discovery in this matter;



1 **4.13.** County Defendants are without sufficient knowledge or information to form a belief as
2 to the allegations in Paragraph 4.13 and therefore deny same pending discovery in this
3 matter;

4 **4.14.** Insofar as paragraph 4.14 states a personal opinion on the format of the factual
5 allegations in the Complaint, County Defendants neither admit nor deny same;

6 **4.15.** County Defendants admit the allegations in Paragraph 4.15;

7 **4.16.** County Defendants admit to the factual allegations in the first two sentences of
8 Paragraph 4.16, however neither admit nor deny any opinions stated; County Defendants
9 are without sufficient knowledge or information to form a belief as to the intent of City
10 residents supporting CCRLD annexation, and therefore neither admit nor deny same;

11 **4.17.** County Defendants admit to the allegations in Paragraph 4.17;

12 **4.18.** Insofar as Paragraph 4.18 refers to a document, the document speaks for itself; County
13 Defendants admit to the remainder of allegations in Paragraph 4.18;

14 **4.19.** Paragraph 4.19 refers to a document and that document speaks for itself;

15 **4.20.** Paragraph 4.20 refers to a document and that document speaks for itself;

16 **4.21.** Insofar as Paragraph 4.21 refers to a document, the document speaks for itself; insofar
17 as Paragraph 4.21 calls for interpretation of the terms of any contract or interlocal
18 agreement between the County and City of Dayton, County Defendants neither admit nor
19 deny same;

20 **4.22.** Insofar as Paragraph 4.22 refers to a document, the document speaks for itself; insofar
21 as Paragraph 4.22 calls for interpretation of the terms of any contract or interlocal
22 agreement between the County and City of Dayton, County Defendants neither admit nor
23 deny same;

24 **4.23.** Paragraph 4.23 refers to a document and the document speaks for itself;



1 **4.24.** Insofar as Paragraph 4.24 refers to a document, the document speaks for itself; County
2 Defendants are without sufficient knowledge or information to form a belief as to the
3 allegation that "...the process was a hassle and a drag on Library operations," and
4 therefore deny same pending discovery in this matter;

5 **4.25.** Paragraph 4.25 refers to a document, and the document speaks for itself;

6 **4.26.** Insofar as Paragraph 4.26 cites to a statute, the document speaks for itself; County
7 Defendants admit that the Plaintiff's reading and interpretation of the statute cited
8 appears to be accurate;

9 **4.27.** County Defendants admit the allegations in Paragraph 4.27;

10 **4.28.** Insofar as Paragraph 4.28 cites to a statute, the document speaks for itself; County
11 Defendants admit that the Plaintiff's reading and interpretation of the statute cited
12 appears to be accurate;

13 **4.29.** Insofar as Paragraph 4.29 refers to a document, the document speaks for itself; insofar
14 as Paragraph 4.29 calls for interpretation of the terms of any contract or interlocal
15 agreement between the County and City of Dayton, County Defendants neither admit nor
16 deny same;

17 **4.30.** No admission or denial called for;

18 **4.31.** Insofar as Paragraph 4.31 refers to publicly-available presidential proclamations, the
19 documents speak for themselves; County Defendants are without sufficient knowledge or
20 information to form a belief as to the remaining allegations and therefore deny same
21 pending discovery in this matter;

22 **4.32.** County Defendants are without sufficient knowledge or information to form a belief as
23 to the allegations in Paragraph 4.32, and therefore deny same pending discovery in this
24 matter;



1 **4.33.** County Defendants are generally aware that individuals have posted photos of the
2 books *What's the T?* and *This Book is Gay* along with other titles in online community
3 forums in the context of objecting to the content of those books, and therefore admit
4 same; County Defendants are without sufficient knowledge or information to form a
5 belief as to the identity or affiliation of those individuals, the numbers of books
6 referenced in this manner, or the specific claims made about those books, and therefore
7 deny allegations regarding same pending discovery in this matter;

8 **4.34.** County Defendants are generally aware that some individuals have claimed that
9 objectionable books were shelved within the children's section of the library, and admit
10 same; County Defendants are without sufficient knowledge or information to form a
11 belief as to the identity of those individuals or their stated motivation, and therefore deny
12 allegations regarding same pending discovery in this matter;

13 **4.35.** County Defendants are generally aware that a standard library numbering and shelving
14 system exists and is used by the employees of libraries in determining where to place
15 books within their shelves and admits same; County Defendants are without sufficient
16 knowledge or information to form a belief as to the remaining allegations in Paragraph
17 4.35, and therefore deny same pending discovery in this matter;

18 **4.36.** Insofar as paragraph 4.36 refers to publicly-available documents, the documents speak
19 for themselves; County Defendants are generally aware that individuals have raised
20 objections publicly to a list of multiple books, and admit same; County Defendants are
21 without specific knowledge or information to form a belief as to the remaining
22 allegations in Paragraph 4.36 and therefore deny same pending discovery in this matter;

23 **4.37.** Insofar as Paragraph 4.37 refers to publicly-available records of proceedings, those
24 documents speak for themselves; County Defendants are without sufficient knowledge or



1 information to form a belief as to the allegations in Paragraph 4.37 and therefore deny
2 same pending discovery in this matter;

3 **4.38.** County Defendants are generally aware that challenges to books have been made to the
4 CCRLD Board of Trustees, that some challenges were denied, and that in the past the
5 Board of Trustees and Director have refused to remove from the library collection or
6 move to different area some books objected to, and admit same; County Defendants are
7 without specific knowledge or information to form a belief of the specifics of the
8 challenges or the outcomes of each, and therefore deny same pending discovery in this
9 matter;

10 **4.39.** County Defendants are without sufficient knowledge or information to form a belief as
11 to the allegations in Paragraph 4.39, and therefore deny same pending discovery in this
12 matter;

13 **4.40.** Insofar as Paragraph 4.40 calls for legal conclusions, County Defendants neither admit
14 nor deny same; insofar as Paragraph 4.40 refers to publicly-available documents, the
15 documents speak for themselves; County Defendants are without sufficient knowledge or
16 information to form a belief as to the remaining allegations in Paragraph 4.40, and
17 therefore deny same pending discovery in this matter;

18 **4.41.** Insofar as Paragraph 4.41 refers to a publicly-available document, the document speaks
19 for itself; insofar as Paragraph 4.41 calls for a legal conclusion, County Defendants
20 neither admit nor deny same; County Defendants are without sufficient knowledge or
21 information to form a belief as to the remaining allegations in Paragraph 4.41, and
22 therefore deny same pending discovery in this matter;

23 **4.42.** Insofar as Paragraph 4.42 refers to a publicly-available document, the document speaks
24 for itself; County Defendants admit that Seth Bryan is a Columbia County Port
Commissioner; County Defendants are without sufficient knowledge or information to



1 form a belief as to the remaining allegations in Paragraph 4.42, and therefore deny same
2 pending discover in this matter;

3 **4.43.** Insofar as Paragraph 4.43 refers to a publicly-available document, the document speaks
4 for itself; County Defendants admit that Seth Bryan is a Columbia County Port
5 Commissioner; County Defendants are without sufficient knowledge or information to
6 form a belief as to the remaining allegations in Paragraph 4.43, and therefore deny same
7 pending discovery in this matter;

8 **4.44.** Paragraph 4.44 refers to a publicly-available document, and the document speaks for
9 itself;

10 **4.45.** Paragraph 4.45 refers to a publicly-available document, and the document speaks for
11 itself;

12 **4.46.** County Defendants are without sufficient specific knowledge or information to form a
13 belief as to the allegations in Paragraph 4.46, and therefore deny same pending discovery
14 in this matter;

15 **4.47.** County Defendants are generally aware that Defendant Ruffcorn announced a petition
16 to dissolve the CCRLD in or around February or March of 2023, and therefore admit
17 same;

18 **4.48.** Insofar as Paragraph 4.48 calls for a personal opinion about the similarity of petitions,
19 County Defendants neither admit nor deny same; insofar as Paragraph 4.48 refers to a
20 document, the document speaks for itself; County Defendants are without sufficient
21 knowledge or information to form a belief as to the remaining allegations in Paragraph
22 4.48, and therefore deny same pending discovery in this matter;

23 **4.49.** Paragraph 4.49 refers to a document and the document speaks for itself;

24 **4.50.** Paragraph 4.50 refers to a document and the document speaks for itself;

4.51. Paragraph 4.51 refers to a document and the document speaks for itself;



1 **4.52.** County Defendants are generally aware of the timeframe during which signatures were
2 collected on the initial petition to dissolve the CCRLD, and therefore admit same; County
3 Defendants are without sufficient specific knowledge or information to form a belief as to
4 the specific timeframe, but have no reason to deny and therefore admit same;

5 **4.53.** County Defendants are without sufficient knowledge or information to form a belief as
6 to the allegations in Paragraph 4.53 and therefore deny same pending discovery in this
7 matter; County Defendants deny any allegation of knowledge, information, or belief of
8 fraud in the performance of their statutory duties;

9 **4.54.** Insofar as Paragraph 4.54 refers to a document, the document speaks for itself; County
10 Defendants are without sufficient knowledge or information to form a belief as to the
11 remaining allegations in Paragraph 4.54, and therefore deny same; County Defendants
12 deny any allegation of knowledge, information, or belief of fraud in the performance of
13 their statutory duties;

14 **4.55.** County Defendants are without sufficient information to form a belief as to the
15 allegations in Paragraph 4.55 and therefore deny same pending discovery in this matter;
16 County Defendants deny any allegation of knowledge, information, or belief of fraud in
17 the performance of their statutory duties;

18 **4.56.** County Defendants are without sufficient information to form a belief as to the
19 allegations in Paragraph 4.56 and therefore deny same pending discovery in this matter;
20 County Defendants deny any allegation of knowledge, information, or belief of fraud in
21 the performance of their statutory duties;

22 **4.57.** Paragraph 4.57 refers to a document and the document speaks for itself; County
23 Defendants deny receiving the letter mentioned in Paragraph 5.7; County Defendants
24 deny any allegation of knowledge, information, or belief of fraud in the performance of
their statutory duties;



1 **4.58.** Insofar as Paragraph 4.58 calls for a legal conclusion, County Defendants neither admit
2 nor deny same; County Defendants are without sufficient knowledge or information to
3 form a belief as to the remaining allegations in Paragraph 4.58 and therefore deny same
4 pending discovery in this matter;

5 **4.59.** County Defendants admit the allegations in the first four sentences of Paragraph 4.59;
6 County Defendants admit that nine signatures on the initial petition to dissolve CCRLD
7 were invalidated due to mismatch; County Defendants are without sufficient knowledge
8 or information to form a belief as to whether or not the mismatched signatures were
9 fraudulent, and therefore deny same pending discovery in this matter; County Defendants
10 deny any allegation of knowledge, information, or belief of fraud in the performance of
11 their statutory duties;

12 **4.60.** County Defendants admit the allegations in Paragraph 4.60;

13 **4.61.** County Defendants admit the allegations in Paragraph 4.61;

14 **4.62.** County Defendants admit that roughly two days remained for resubmission of the
15 petition; however the deadline was not set by statute, but by practicality of logistics in
16 organizing all parties to accomplish their statutory goals prior to the Auditor's Office's
17 statutory deadlines;

18 **4.63.** County Defendants are without sufficient knowledge or information to form a belief as
19 to the identities or affiliations of individuals collecting signatures on the second petition
20 to dissolve the CCRLD, and therefore deny same pending discovery in this matter;
21 insofar as the second sentence in Paragraph 4.63 states a personal opinion, County
22 Defendants neither admit nor deny same; County Defendants admit that a new petition to
23 dissolve the CCRLD with 186 signatures was submitted; County Defendants deny any
24 allegation of knowledge, information, or belief of fraud in the performance of their
statutory duties;



1 **4.64.** County Defendants admit the allegations in Paragraph 4.64; County Defendants deny
2 any allegation of knowledge, information, or belief of fraud in the performance of their
3 statutory duties;

4 **4.65.** County Defendants are generally aware that Dayton Memorial Library Director
5 Vanderbark resigned his position on or about July 13, 2023, and therefore admit same;
6 County Defendants are without sufficient knowledge or information to form a belief as to
7 the remaining allegations in Paragraph 4.65, and therefore deny same pending discovery
8 in this matter;

9 **4.66.** County Defendants are generally aware that the CCRLD Board of Trustees appointed
10 an interim director after the resignation of former Director Todd Vanderbark, and that the
11 Interim Director agreed to move some books complained about, and therefore admit
12 same;

13 **4.67.** County Defendants are without sufficient knowledge or information to form a belief as
14 to the allegations in Paragraph 4.67, and therefore deny same pending discovery in this
15 matter;

16 **4.68.** County Defendants admit the allegations in Paragraph 4.68;

17 **4.69.** Paragraph 4.69 refers to a publicly-available document, and the document speaks for
18 itself;

19 **4.70.** County Defendants admit the allegations in Paragraph 4.70;

20 **4.71.** Paragraph 4.71 refers to future events; County Defendants certainly *hope* that they will
21 be able to meet all statutory deadlines, and therefore will optimistically admit the
22 allegations in Paragraph 4.71; County Defendants are fully aware that the Future is
23 uncertain for all of us, and that tomorrow is never a guarantee. The unceasing and hellish
24 existence of the Present is the only certainty that humanity may ever rely upon, and rely
25 upon it County Defendants do;



4.72. County Defendants Admit the allegations in Paragraph 4.72;

4.73. Paragraph 4.73 calls for a legal conclusion of this Court, and therefore County

Defendants neither admit nor deny same;

4.74. Insofar as Paragraph 4.74 calls for a legal conclusion of this Court, County Defendants

neither admit nor deny same; County Defendants admit that unlawful and invalid measures should not appear on a ballot;

4.75. Paragraph 4.75 calls for a legal conclusion of this Court, and therefore County

Defendants neither admit nor deny same;

V. FIRST CAUSE OF ACTION

5.1. In response to Paragraph 5.1, County Defendants hereby incorporate by reference all previous responses as if fully set forth here;

5.2. Insofar as Paragraph 5.2 refers to a statute, the document speaks for itself; insofar as Paragraph 5.2 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Plaintiffs admit that this Court may declare the validity of a proposed initiative;

5.3. Insofar as Paragraph 5.3 calls for a legal conclusion of this Court, County Defendants
neither admit nor deny same;

5.4. Insofar as Paragraph 5.4 refers to statutory and constitutional provisions, the documents speak for themselves; insofar as Paragraph 5.4 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;

5.5. Insofar as Paragraph 5.5 refers to a published decision of the Washington State Supreme Court, the document speaks for itself; insofar as Paragraph 5.5 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;

5.6. Insofar as Paragraph 5.6 refers to constitutional provisions and a published decision of the Washington State Supreme Court, the documents speaks for themselves; insofar as



1 Paragraph 5.6 calls for a legal conclusion of this Court, County Defendants neither admit
2 nor deny same; County Defendants deny any wrongdoing in placing the measure at issue
3 on the ballot pursuant to the statutes at issue, and deny any inference of same;

4 **5.7.** Insofar as Paragraph 5.7 refers to a published decision of the Washington State Supreme
5 Court, the document speaks for itself; insofar as Paragraph 5.7 calls for a legal conclusion
6 of this Court, County Defendants neither admit nor deny same;

7 **5.8.** Insofar as Paragraph 5.8 references published decisions of the Washington State Court of
8 Appeals and Washington State Supreme Court, the documents speak for themselves;
9 insofar as Paragraph 5.8 calls for a legal conclusion of this Court, County Defendants
10 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
11 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
12 same;

13 **5.9.** Insofar as Paragraph 5.9 references published decisions of the Washington State Court of
14 Appeals and Washington State Supreme Court, the documents speak for themselves;
15 insofar as Paragraph 5.9 calls for a legal conclusion of this Court, County Defendants
16 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
17 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
18 same;

19 **5.10.** Insofar as Paragraph 5.10 refers to a statute, the document speaks for itself; County
20 Defendants admit that the Plaintiff's reading and interpretation of the statute cited
21 appears to be accurate;

22 **5.11.** County Defendants are without sufficient knowledge or information to form a belief as
23 to the allegations in Paragraph 5.11 as they relate to Plaintiff NUP's membership, their
24 residences, their payment of taxes, etc., and therefore deny same pending discovery in
this matter; insofar as Paragraph 5.11 calls for a legal conclusion of this Court, County



1 Defendants neither admit nor deny same; insofar as Paragraph 5.11 refers to a statute, the
2 document speaks for itself; County Defendants deny any wrongdoing in placing the
3 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
4 same;

5 **5.12.** Insofar as Paragraph 5.12 refers to statutory and Constitutional provisions, the
6 documents speak for themselves; insofar as Paragraph 5.12 calls for a legal conclusion of
7 this Court, County Defendants neither admit nor deny same; County Defendants deny
8 any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at
9 issue, and deny any inference of same; County Defendants admit that the right to vote is a
10 fundamental right of citizens;

11 **5.13.** Insofar as Paragraph 5.13 calls for a legal conclusion of this Court, County Defendants
12 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
13 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
14 same;

14 VI. SECOND CAUSE OF ACTION

15 **6.1.** In response to Paragraph 6.1, County Defendants hereby incorporate by reference all
16 previous responses as if fully set forth here;

17 **6.2.** Insofar as Paragraph 6.2 refers to statutes, the documents speak for themselves; insofar
18 as Paragraph 6.2 calls for a legal conclusion of this Court, County Defendants neither
19 admit nor deny same;

20 **6.3.** Paragraph 6.3 calls for a legal conclusion of this Court, and County Defendants neither
21 admit nor deny same; County Defendants deny any wrongdoing in placing the measure at
22 issue on the ballot pursuant to the statutes at issue, and deny any inference of same;

23 **6.4.** Insofar as Paragraph 6.4 refers to statutes, the documents speak for themselves; insofar
24 as Paragraph 6.4 calls for a legal conclusion of this Court, County Defendants neither



1 admit nor deny same; County Defendants deny any wrongdoing in placing the measure at
2 issue on the ballot pursuant to the statutes at issue, and deny any inference of same;

3 **6.5.** Insofar as Paragraph 6.5 refers to a published decision of the Washington State Supreme
4 Court and the Washington State Constitution, the documents speak for themselves;
5 insofar as Paragraph 6.5 calls for a legal conclusion of this Court, County Defendants
6 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
7 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
8 same;

9 **6.6.** Insofar as Paragraph 6.6 refers to a published decision of the Washington State Supreme
10 Court and the Washington State Constitution, the documents speak for themselves;
11 insofar as Paragraph 6.6 calls for a legal conclusion of this Court, County Defendants
12 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
13 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
14 same;

15 **6.7.** Insofar as Paragraph 6.7 refers to published decisions of the Washington State Supreme
16 Court and the Federal Courts of the United States, the documents speak for themselves;
17 insofar as Paragraph 6.7 calls for a legal conclusion of this Court, County Defendants
18 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
19 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
20 same;

21 **6.8.** Insofar as Paragraph 6.8 refers to the Washington State Constitution, the document
22 speaks for itself; insofar as Paragraph 6.8 calls for a legal conclusion of this Court,
23 County Defendants neither admit nor deny same; County Defendants deny any
24 wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue,
and deny any inference of same;



1 **6.9.** Paragraph 6.9 refers to a published decision of the Washington Supreme Court, and the
2 document speaks for itself;

3 **6.10.** County Defendants admit the first three sentences of Paragraph 6.10; insofar as the
4 remaining allegations in Paragraph 6.11 call for a legal conclusion of this Court, County
5 Defendants neither admit nor deny same;

6 **6.11.** Insofar as Paragraph 6.11 refers to a statute, the document speaks for itself; insofar as
7 Paragraph 6.11 calls for a legal conclusion of this Court, County Defendants neither
8 admit nor deny same; County Defendants deny any wrongdoing in placing the measure at
9 issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
10 County Defendants aver that the reading of the statute at issue was supported by the
11 Washington State Attorney General's Office, and that County Defendants relied in good
12 faith on same;

13 **6.12.** Insofar as Paragraph 6.12 refers to a statute, the document speaks for itself; County
14 Defendants admit that the Plaintiff's reading and interpretation of the statute cited
15 appears to be accurate;

16 **6.13.** County Plaintiffs admit the allegations in Paragraph 6.13, except that County
17 Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to
18 the statutes at issue, and deny any inference of same; insofar as Paragraph 6.13 refers to a
19 document, the document speaks for itself; County Defendants aver good-faith reliance
20 upon the advice of the Washington State Attorney General's Office, and impossibility in
21 disregarding same;

22 **6.14.** Insofar as Paragraph 6.14 calls for interpretation of the terms of any contract or
23 interlocal agreement between the County and City of Dayton, County Defendants neither
24 admit nor deny those claims; insofar as Paragraph 6.14 calls for a legal conclusion of this
25 Court, County Defendants neither admit nor deny same; County Defendants deny any



1 wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue,
2 and deny any inference of same;

3 **6.15.** Paragraph 6.15 calls for a legal conclusion of this Court, and County Defendants
4 neither admit nor deny same;

5 **6.16.** County Defendants admit that the Auditor's Office validated signatures for
6 unincorporated County voters, per statutory obligation and upon advice of the
7 Washington State Attorney General's Office; County Defendants are without sufficient
8 knowledge or information to form a belief as to the mental processes of Defendant
9 Ruffcorn and her spouse, and therefore deny same pending discovery in this matter;
10 insofar as Paragraph 6.16 states a rhetorical question, no answer is required and County
11 Defendants neither admit nor deny same—to the extent that a response is required,
12 County Defendants deny same; County Defendants deny any wrongdoing in placing the
13 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
14 same; County Defendants aver impossibility/illegality in disregarding their statutory
15 obligations and failing to act as alleged;

16 **6.17.** Paragraph 6.17 calls for a legal conclusion of this Court, and County Defendants
17 therefore neither admit nor deny same; County Defendants deny any wrongdoing in
18 placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any
19 inference of same; County Defendants aver impossibility/illegality in disregarding their
20 statutory obligations and failing to act as alleged;

21 **6.18.** Paragraph 6.18 calls for a legal conclusion of this Court, and County Defendants
22 therefore neither admit nor deny same;

23 **VII. FOURTH [sic] CAUSE OF ACTION**

24 **7.1.** In response to Paragraph 7.1, County Defendants hereby incorporate by reference all
previous responses as if fully set forth here;



1 7.2. Insofar as Paragraph 7.2 refers to statutes, the documents speak for themselves; insofar
2 as Paragraph 7.2 calls for a legal conclusion of this Court, County Defendants neither
3 admit nor deny same;

4 7.3. County Defendants are without sufficient knowledge or information to form a belief as
5 to the allegations in Paragraph 7.3, and therefore deny same pending discovery in this
6 matter; County Defendants deny any wrongdoing in placing the measure at issue on the
7 ballot pursuant to the statutes at issue, and deny any inference of same; County
8 Defendants deny any allegation of knowledge, information, or belief of fraud in the
9 performance of their statutory duties;

10 7.4. Insofar as Paragraph 7.4 refers to published decisions of the Washington State Supreme
11 Court, the documents speak for themselves; insofar as Paragraph 7.4 calls for legal
12 conclusions of this Court, County Plaintiffs neither admit nor deny same; County
13 Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to
14 the statutes at issue, and deny any inference of same; County Defendants deny any
15 allegation of knowledge, information, or belief of fraud in the performance of their
16 statutory duties;

17 7.5. Paragraph 7.5 calls for a legal conclusion of this Court, and therefore County Defendants
18 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
19 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
20 same; County Defendants deny any allegation of knowledge, information, or belief of
21 fraud in the performance of their statutory duties;

22 7.6. Insofar as Paragraph 7.6 refers to a published decision of the Court of Queen's Bench,
23 the document speaks for itself; County Defendants deny any wrongdoing in placing the
24 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of



1 same¹; County Defendants deny any allegation of knowledge, information, or belief of
2 fraud in the performance of their statutory duties;

3 7.7. County Defendants admit that Washington has a number of statutory regimes to guard
4 against Fraud in elections; insofar as Paragraph 7.7 refers to statutes, the documents
5 speak for themselves; County Defendants deny any wrongdoing in placing the measure at
6 issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
7 County Defendants deny any allegation of knowledge, information, or belief of fraud in
8 the performance of their statutory duties;

9 7.8. Paragraph 7.8 refers to a statute, and the document speaks for itself; County Defendants
10 deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes
11 at issue, and deny any inference of same; County Defendants deny any allegation of
12 knowledge, information, or belief of fraud in the performance of their statutory duties;

13 7.9. Paragraph 7.9 refers to a statute, and the document speaks for itself; County Defendants
14 deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes
15 at issue, and deny any inference of same; County Defendants deny any allegation of
16 knowledge, information, or belief of fraud in the performance of their statutory duties;

17 7.10. Insofar as Paragraph 7.10 refers to statutes, the documents speak for themselves;
18 County Defendants deny any wrongdoing in placing the measure at issue on the ballot
19 pursuant to the statutes at issue, and deny any inference of same; County Defendants
20 deny any allegation of knowledge, information, or belief of fraud in the performance of
21 their statutory duties;

22 7.11. Paragraph 7.11 refers to statutes, and the documents speak for themselves;
23
24

¹ "You must interpret the words of Parliament as they stand...." Alfred, Baron Denning, MR, *Letang v. Cooper*, 3 WLR 573 (1964).



1 **7.12.** Insofar as Paragraph 7.12 calls for a legal conclusion of this Court, County Defendants
2 neither admit nor deny same; County Defendants admit that fraud is anathema to
3 democratic elections; County Defendants deny any wrongdoing in placing the measure at
4 issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
5 County Defendants deny any allegation of knowledge, information, or belief of fraud in
6 the performance of their statutory duties;

7 **7.13.** Insofar as Paragraph 7.13 refers to statutes and published decisions of the Oklahoma
8 and Federal courts, the documents speak for themselves; insofar as Paragraph 7.13 calls
9 for a legal conclusion of this Court, County Defendants neither admit nor deny same;
10 County Defendants deny any wrongdoing in placing the measure at issue on the ballot
11 pursuant to the statutes at issue, and deny any inference of same; County Defendants
12 deny any allegation of knowledge, information, or belief of fraud in the performance of
13 their statutory duties;

14 **7.14.** Insofar as Paragraph 7.14 refers to a published decision of the Washington State
15 Supreme Court, the document speaks for itself; insofar as Paragraph 7.14 refers to written
16 statements of witnesses, the documents speak for themselves; County Defendants deny
17 any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at
18 issue, and deny any inference of same; County Defendants deny any allegation of
19 knowledge, information, or belief of fraud in the performance of their statutory duties;

20 **7.15.** Insofar as Paragraph 7.15 refers to statutes, the documents speak for themselves;
21 insofar as Paragraph 7.15 calls for a legal conclusion of this Court, County Defendants
22 neither admit nor deny same; County Defendants deny any wrongdoing in placing the
23 measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of
24 same; County Defendants deny any allegation of knowledge, information, or belief of
fraud in the performance of their statutory duties;



1 **7.16.** Insofar as Paragraph 7.16 refers to the Plaintiff's hoped-for future events, County
2 Defendants are unable to admit or deny same pending their occurrence; insofar as
3 Paragraph 7.16 calls for a legal conclusion of this Court, County Defendants neither
4 admit nor deny same;

5 **7.17.** Paragraph 7.16 calls for a legal conclusion of this Court, and County Defendants
6 therefore neither admit nor deny same;

7 **VIII. FIFTH [sic] CAUSE OF ACTION**

8 **8.1.** In response to Paragraph 7.1, County Defendants hereby incorporate by reference all
9 previous responses as if fully set forth here;

10 **8.2.** Insofar as Paragraph 8.2 refers to statutes, the documents speak for themselves; insofar
11 as Paragraph 8.2 calls for a legal conclusion of this Court, County Defendants neither
12 admit nor deny same;

13 **8.3.** Paragraph 8.3 calls for a legal conclusion of this Court, and County Defendants therefore
14 neither admit nor deny same;

15 **IX. REQUEST FOR RELIEF**
16 **and**
17 **COUNTY DEFENDANTS' CROSS-CLAIMS**

18 The allegations contained in the Plaintiffs' Request for Relief consist of requests to which
19 no response is required; but insofar as an answer is deemed required, County Defendants are
20 unable to either admit or deny the Plaintiffs' entitlement to such relief, pending a decision of this
21 Court. Each and every allegation not heretofore expressly admitted or denied is denied.

22 WHEREFORE, having answered the Plaintiffs' Complaint for Declaratory and Injunctive
23 Relief, County Defendants request judgment or relief as follows:


- 24 1. That the Court find County Plaintiffs blameless in following the applicable statutory
law and the advice of the Washington State Attorney General in good faith in this



1 matter, that any claims for damages against County Defendants fail, and that
2 Plaintiffs take nothing thereby;

- 3 2. That in the event fraud is found by the Court, that the County Defendants' fees and
4 costs of suit, as well as costs of election be taxed against any individual so found;
- 5 3. That the Court determine the constitutionality of the statutes at issue, instruct the
6 County Defendants as to how to proceed, and hold the County blameless for
7 following said statutes and the advice of the Washington State Attorney General in
8 good faith in all matters complained of herein;
- 9 4. Any such other and further relief and damages at law, equity, or declaratory as the
10 Court deems just and proper.

11 RESPECTFULLY SUBMITTED this 6th day of September, 2023.

12 
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15 Attorney for County Defendants Herein
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