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KRISTON CHAPMAN COUNTY CLERK COLUMBIA CO. WA

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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COUNTY DEFENDANTS' ANSWER - Page 1 of 25



OFFICE OF THE PROSECUTING ATTORNEY
COLUMBIA COUNTY, WASHINGTON
215 E. CLAY ST.
DAYTON, WA 99328
(509) 382-1197 – Tel.
(509)382-1191 – FAX

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COUNTY DEFENDANTS' ANSWER - Page 2 of 25

RESERVATION OF RIGHTS AND DEFENSE

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

PRELIMINARY STATEMENT

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

I. NATURE OF ACTION

- 1.1. County Plaintiffs admit that the parties are appropriately listed and that Plaintiffs have filed the suit alleging the claims specified against the defendants specified with this Court;
- **1.2.** County Defendants admit that Plaintiffs allege the allegations specified; insofar as the remainder of Paragraph 1.2 calls for legal conclusions of this Court, County Defendants neither admit nor deny same;
- 1.3. County Defendants admit that Plaintiffs seek the relief requested in their Complaint; insofar as Paragraph 1.3 and its subparts call for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- 1.4. County Defendants admit that Plaintiffs seek the relief requested in their Complaint; insofar as Paragraph 1.4 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;

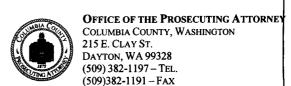


II. JURISDICTION AND VENUE

- 2.1. County Defendants admit that this Court has jurisdiction over the subject matter of this action; statutes cited speak for themselves;
- **2.2.**County Defendants admit that venue is appropriate in this Court; statutes cited speak for themselves;
- 2.3. County Defendants admit that this Court has jurisdiction as set forth by the Plaintiffs; statutes cited speak for themselves; County Defendants aver that Plaintiffs are entitled to no monetary relief from County Defendants;

III. PARTIES

- 3.1. County Defendants are without sufficient knowledge or information to form a belief as to the allegations of Paragraph 3.1, and therefore deny same pending discovery in this matter;
- **3.2.** Insofar as Paragraph 3.2 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- **3.3.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations of Paragraph 3.3, and therefore deny same pending discovery in this matter;
- **3.4.** County Defendants admit allegations in Paragraph 3.4, except insofar as they call for a legal conclusion of this Court as to the lawfulness of the measure at issue, and neither admit nor deny those claims; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;



- 3.5. County Defendants admit allegations in Paragraph 3.5, except insofar as they call for a legal conclusion of this Court as to the lawfulness of the measure at issue, and neither admit nor deny those claims; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- **3.6.** County Defendants admit allegations in Paragraph 3.6, except insofar as they call for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, and neither admit nor deny those claims;
- 3.7. As Plaintiff Kaiser is a party to the action and alleges his residence and membership in Plaintiff Neighbors United for Progress (hereinafter "Plaintiff NUP"), Defendants have no reason to deny these allegations and therefore admit same; insofar as the remaining allegations call for a legal conclusion of this Court, County Defendants neither admit nor deny same, but deny any inference of wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue;
- 3.8. As Plaintiff Severe is a party to the action and alleges her residence and membership in Plaintiff NUP, Defendants have no reason to deny these allegations and therefore admit same; insofar as the remaining allegations call for a legal conclusion of this court, County Defendants neither admit nor deny same, but deny any inference of wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue; insofar as the allegations call for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, County Defendants neither admit nor deny those claims; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;

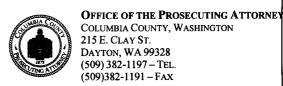


IV. FACTUAL ALLEGATIONS

- **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;

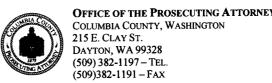


- **4.6.** County Defendants are without sufficient knowledge or information to form a belief as to the allegation in Paragraph 4.6 and therefore deny same pending discovery in this matter;
- **4.7.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.7 and therefore deny same pending discovery in this matter;
- **4.8.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.8 and therefore deny same pending discovery in this matter:
- **4.9.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.9 and therefore deny same pending discovery in this matter;
- **4.10.** Insofar as Paragraph 4.10 references a publicly-available document, the document speaks for itself; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.10 and therefore deny same pending discovery in this matter;
- **4.11.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.11 and therefore deny same pending discovery in this matter;
- **4.12.** Insofar as Paragraph 4.12 references a publicly-available document, the document speaks for itself; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.12 and therefore deny same pending discovery in this matter;



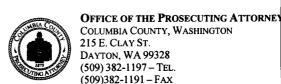
4.13. County Defendants are without sufficient knowledge or information to form a belief a		
	to the allegations in Paragraph 4.13 and therefore deny same pending discovery in this	
	matter:	

- **4.14.** Insofar as paragraph 4.14 states a personal opinion on the format of the factual allegations in the Complaint, County Defendants neither admit nor deny same;
- 4.15. County Defendants admit the allegations in Paragraph 4.15;
- **4.16.** County Defendants admit to the factual allegations in the first two sentences of Paragraph 4.16, however neither admit nor deny any opinions stated; County Defendants are without sufficient knowledge or information to form a belief as to the intent of City residents supporting CCRLD annexation, and therefore neither admit nor deny same;
- 4.17. County Defendants admit to the allegations in Paragraph 4.17;
- **4.18.** Insofar as Paragraph 4.18 refers to a document, the document speaks for itself; County Defendants admit to the remainder of allegations in Paragraph 4.18;
- 4.19. Paragraph 4.19 refers to a document and that document speaks for itself;
- 4.20. Paragraph 4.20 refers to a document and that document speaks for itself;
- **4.21.** Insofar as Paragraph 4.21 refers to a document, the document speaks for itself; insofar as Paragraph 4.21 calls for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, County Defendants neither admit nor deny same;
- **4.22.** Insofar as Paragraph 4.22 refers to a document, the document speaks for itself; insofar as Paragraph 4.22 calls for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, County Defendants neither admit nor deny same;
- 4.23. Paragraph 4.23 refers to a document and the document speaks for itself;



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

- 4.25. Paragraph 4.25 refers to a document, and the document speaks for itself;
- **4.26.** Insofar as Paragraph 4.26 cites to a statute, the document speaks for itself; County Defendants admit that the Plaintiff's reading and interpretation of the statute cited appears to be accurate;
- 4.27. County Defendants admit the allegations in Paragraph 4.27;
- **4.28.** Insofar as Paragraph 4.28 cites to a statute, the document speaks for itself; County Defendants admit that the Plaintiff's reading and interpretation of the statute cited appears to be accurate;
- 4.29. Insofar as Paragraph 4.29 refers to a document, the document speaks for itself; insofar as Paragraph 4.29 calls for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, County Defendants neither admit nor deny same;
- 4.30. No admission or denial called for;
- **4.31.** Insofar as Paragraph 4.31 refers to publicly-available presidential proclamations, the documents speak for themselves; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations and therefore deny same pending discovery in this matter;
- **4.32.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.32, and therefore deny same pending discovery in this matter;



- **4.33.** County Defendants are generally aware that individuals have posted photos of the books *What's the T?* and *This Book is Gay* along with other titles in online community forums in the context of objecting to the content of those books, and therefore admit same; County Defendants are without sufficient knowledge or information to form a belief as to the identity or affiliation of those individuals, the numbers of books referenced in this manner, or the specific claims made about those books, and therefore deny allegations regarding same pending discovery in this matter;
- **4.34.** County Defendants are generally aware that some individuals have claimed that objectionable books were shelved within the children's section of the library, and admit same; County Defendants are without sufficient knowledge or information to form a belief as to the identity of those individuals or their stated motivation, and therefore deny allegations regarding same pending discovery in this matter;
- 4.35. County Defendants are generally aware that a standard library numbering and shelving system exists and is used by the employees of libraries in determining where to place books within their shelves and admits same; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.35, and therefore deny same pending discovery in this matter;
- **4.36.** Insofar as paragraph 4.36 refers to publicly-available documents, the documents speak for themselves; County Defendants are generally aware that individuals have raised objections publicly to a list of multiple books, and admit same; County Defendants are without specific knowledge or information to form a belief as to the remaining allegations in Paragraph 4.36 and therefore deny same pending discovery in this matter;
- **4.37.** Insofar as Paragraph 4.37 refers to publicly-available records of proceedings, those documents speak for themselves; County Defendants are without sufficient knowledge or

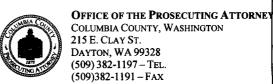


information to form a belief as to the allegations in Paragraph 4.37 and therefore deny same pending discovery in this matter;

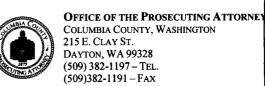
- **4.38.** County Defendants are generally aware that challenges to books have been made to the CCRLD Board of Trustees, that some challenges were denied, and that in the past the Board of Trustees and Director have refused to remove from the library collection or move to different area some books objected to, and admit same; County Defendants are without specific knowledge or information to form a belief of the specifics of the challenges or the outcomes of each, and therefore deny same pending discovery in this matter;
- **4.39.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.39, and therefore deny same pending discovery in this matter:
- **4.40.** Insofar as Paragraph 4.40 calls for legal conclusions, County Defendants neither admit nor deny same; insofar as Paragraph 4.40 refers to publicly-available documents, the documents speak for themselves; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.40, and therefore deny same pending discovery in this matter;
- **4.41.** Insofar as Paragraph 4.41 refers to a publicly-available document, the document speaks for itself; insofar as Paragraph 4.41 calls for a legal conclusion, County Defendants neither admit nor deny same; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.41, and therefore deny same pending discovery in this matter;
- **4.42.** Insofar as Paragraph 4.42 refers to a publicly-available document, the document speaks for itself; County Defendants admit that Seth Bryan is a Columbia County Port Commissioner; County Defendants are without sufficient knowledge or information to



- form a belief as to the remaining allegations in Paragraph 4.42, and therefore deny same pending discover in this matter;
- **4.43.** Insofar as Paragraph 4.43 refers to a publicly-available document, the document speaks for itself; County Defendants admit that Seth Bryan is a Columbia County Port Commissioner; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.43, and therefore deny same pending discovery in this matter;
- **4.44.** Paragraph 4.44 refers to a publicly-available document, and the document speaks for itself;
- **4.45.** Paragraph 4.45 refers to a publicly-available document, and the document speaks for itself;
- **4.46.** County Defendants are without sufficient specific knowledge or information to form a belief as to the allegations in Paragraph 4.46, and therefore deny same pending discovery in this matter;
- **4.47.** County Defendants are generally aware that Defendant Ruffcorn announced a petition to dissolve the CCRLD in or around February or March of 2023, and therefore admit same;
- **4.48.** Insofar as Paragraph 4.48 calls for a personal opinion about the similarity of petitions, County Defendants neither admit nor deny same; insofar as Paragraph 4.48 refers to a document, the document speaks for itself; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.48, and therefore deny same pending discovery in this matter;
- 4.49. Paragraph 4.49 refers to a document and the document speaks for itself;
- 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;



- **4.52.** County Defendants are generally aware of the timeframe during which signatures were collected on the initial petition to dissolve the CCRLD, and therefore admit same; County Defendants are without sufficient specific knowledge or information to form a belief as to the specific timeframe, but have no reason to deny and therefore admit same;
- 4.53. County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.53 and therefore deny same pending discovery in this matter; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **4.54.** Insofar as Paragraph 4.54 refers to a document, the document speaks for itself; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.54, and therefore deny same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 4.55. County Defendants are without sufficient information to form a belief as to the allegations in Paragraph 4.55 and therefore deny same pending discovery in this matter; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 4.56. County Defendants are without sufficient information to form a belief as to the allegations in Paragraph 4.56 and therefore deny same pending discovery in this matter; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **4.57.** Paragraph 4.57 refers to a document and the document speaks for itself; County Defendants deny receiving the letter mentioned in Paragraph 5.7; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;



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

- **4.59.** County Defendants admit the allegations in the first four sentences of Paragraph 4.59; County Defendants admit that nine signatures on the initial petition to dissolve CCRLD were invalidated due to mismatch; County Defendants are without sufficient knowledge or information to form a belief as to whether or not the mismatched signatures were fraudulent, and therefore deny same pending discovery in this matter; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **4.60.** County Defendants admit the allegations in Paragraph 4.60;
- 4.61. County Defendants admit the allegations in Paragraph 4.61;
- **4.62.** County Defendants admit that roughly two days remained for resubmission of the petition; however the deadline was not set by statute, but by practicality of logistics in organizing all parties to accomplish their statutory goals prior to the Auditor's Office's statutory deadlines;
- 4.63. County Defendants are without sufficient knowledge or information to form a belief as to the identities or affiliations of individuals collecting signatures on the second petition to dissolve the CCRLD, and therefore deny same pending discovery in this matter; insofar as the second sentence in Paragraph 4.63 states a personal opinion, County Defendants neither admit nor deny same; County Defendants admit that a new petition to dissolve the CCRLD with 186 signatures was submitted; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;



- **4.64.** County Defendants admit the allegations in Paragraph 4.64; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **4.65.** County Defendants are generally aware that Dayton Memorial Library Director Vanderbark resigned his position on or about July 13, 2023, and therefore admit same; County Defendants are without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 4.65, and therefore deny same pending discovery in this matter;
- **4.66.** County Defendants are generally aware that the CCRLD Board of Trustees appointed an interim director after the resignation of former Director Todd Vanderbark, and that the Interim Director agreed to move some books complained about, and therefore admit same;
- **4.67.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 4.67, and therefore deny same pending discovery in this matter;
- 4.68. County Defendants admit the allegations in Paragraph 4.68;
- **4.69.** Paragraph 4.69 refers to a publicly-available document, and the document speaks for itself;
- 4.70. County Defendants admit the allegations in Paragraph 4.70;
- **4.71.** Paragraph 4.71 refers to future events; County Defendants certainly *hope* that they will be able to meet all statutory deadlines, and therefore will optimistically admit the allegations in Paragraph 4.71; County Defendants are fully aware that the Future is uncertain for all of us, and that tomorrow is never a guarantee. The unceasing and hellish existence of the Present is the only certainty that humanity may ever rely upon, and rely upon it County Defendants do;



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- 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;

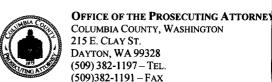
V. FIRST CAUSE OF ACTION

- 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



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

- **5.7.** Insofar as Paragraph 5.7 refers to a published decision of the Washington State Supreme Court, the document speaks for itself; insofar as Paragraph 5.7 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- 5.8. Insofar as Paragraph 5.8 references published decisions of the Washington State Court of Appeals and Washington State Supreme Court, the documents speak for themselves; insofar as Paragraph 5.8 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- **5.9.** Insofar as Paragraph 5.9 references published decisions of the Washington State Court of Appeals and Washington State Supreme Court, the documents speak for themselves; insofar as Paragraph 5.9 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- **5.10.** Insofar as Paragraph 5.10 refers to a statute, the document speaks for itself; County Defendants admit that the Plaintiff's reading and interpretation of the statute cited appears to be accurate;
- **5.11.** County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 5.11 as they relate to Plaintiff NUP's membership, their 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



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

- **5.12.** Insofar as Paragraph 5.12 refers to statutory and Constitutional provisions, the documents speak for themselves; insofar as Paragraph 5.12 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants admit that the right to vote is a fundamental right of citizens;
- **5.13.** Insofar as Paragraph 5.13 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;

VI. SECOND CAUSE OF ACTION

- **6.1.** In response to Paragraph 6.1, County Defendants hereby incorporate by reference all previous responses as if fully set forth here;
- **6.2.** Insofar as Paragraph 6.2 refers to statutes, the documents speak for themselves; insofar as Paragraph 6.2 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- **6.3.** Paragraph 6.3 calls for a legal conclusion of this Court, and County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- **6.4.** Insofar as Paragraph 6.4 refers to statutes, the documents speak for themselves; insofar as Paragraph 6.4 calls for a legal conclusion of this Court, County Defendants neither



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

- **6.5.** Insofar as Paragraph 6.5 refers to a published decision of the Washington State Supreme Court and the Washington State Constitution, the documents speak for themselves; insofar as Paragraph 6.5 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- 6.6. Insofar as Paragraph 6.6 refers to a published decision of the Washington State Supreme Court and the Washington State Constitution, the documents speak for themselves; insofar as Paragraph 6.6 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- 6.7. Insofar as Paragraph 6.7 refers to published decisions of the Washington State Supreme Court and the Federal Courts of the United States, the documents speak for themselves; insofar as Paragraph 6.7 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;
- 6.8. Insofar as Paragraph 6.8 refers to the Washington State Constitution, the document speaks for itself; insofar as Paragraph 6.8 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same;



- **6.9.** Paragraph 6.9 refers to a published decision of the Washington Supreme Court, and the document speaks for itself;
- **6.10.** County Defendants admit the first three sentences of Paragraph 6.10; insofar as the remaining allegations in Paragraph 6.11 call for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- 6.11. Insofar as Paragraph 6.11 refers to a statute, the document speaks for itself; insofar as Paragraph 6.11 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants aver that the reading of the statute at issue was supported by the Washington State Attorney General's Office, and that County Defendants relied in good faith on same;
- **6.12.** Insofar as Paragraph 6.12 refers to a statute, the document speaks for itself; County Defendants admit that the Plaintiff's reading and interpretation of the statute cited appears to be accurate;
- 6.13. County Plaintiffs admit the allegations in Paragraph 6.13, except that County

 Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to
 the statutes at issue, and deny any inference of same; insofar as Paragraph 6.13 refers to a
 document, the document speaks for itself; County Defendants aver good-faith reliance
 upon the advice of the Washington State Attorney General's Office, and impossibility in
 disregarding same;
- **6.14.** Insofar as Paragraph 6.14 calls for interpretation of the terms of any contract or interlocal agreement between the County and City of Dayton, County Defendants neither admit nor deny those claims; insofar as Paragraph 6.14 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any



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

- **6.15.** Paragraph 6.15 calls for a legal conclusion of this Court, and County Defendants neither admit nor deny same;
- 6.16. County Defendants admit that the Auditor's Office validated signatures for unincorporated County voters, per statutory obligation and upon advice of the Washington State Attorney General's Office; County Defendants are without sufficient knowledge or information to form a belief as to the mental processes of Defendant Ruffcorn and her spouse, and therefore deny same pending discovery in this matter; insofar as Paragraph 6.16 states a rhetorical question, no answer is required and County Defendants neither admit nor deny same—to the extent that a response is required, County Defendants deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants aver impossibility/illegality in disregarding their statutory obligations and failing to act as alleged;
- 6.17. Paragraph 6.17 calls for a legal conclusion of this Court, and County Defendants therefore neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants aver impossibility/illegality in disregarding their statutory obligations and failing to act as alleged;
- **6.18.** Paragraph 6.18 calls for a legal conclusion of this Court, and County Defendants therefore neither admit nor deny same;

VII. FOURTH [sic] CAUSE OF ACTION

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



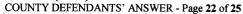
- **7.2.** Insofar as Paragraph 7.2 refers to statutes, the documents speak for themselves; insofar as Paragraph 7.2 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- 7.3. County Defendants are without sufficient knowledge or information to form a belief as to the allegations in Paragraph 7.3, and therefore deny same pending discovery in this matter; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.4. Insofar as Paragraph 7.4 refers to published decisions of the Washington State Supreme Court, the documents speak for themselves; insofar as Paragraph 7.4 calls for legal conclusions of this Court, County Plaintiffs neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.5. Paragraph 7.5 calls for a legal conclusion of this Court, and therefore County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **7.6.** Insofar as Paragraph 7.6 refers to a published decision of the Court of Queen's Bench, the document speaks for itself; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of



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

- 7.7. County Defendants admit that Washington has a number of statutory regimes to guard against Fraud in elections; insofar as Paragraph 7.7 refers to statutes, the documents speak for themselves; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **7.8.** Paragraph 7.8 refers to a statute, and the document speaks for itself; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **7.9.** Paragraph 7.9 refers to a statute, and the document speaks for itself; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- **7.10.** Insofar as Paragraph 7.10 refers to statutes, the documents speak for themselves; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.11. Paragraph 7.11 refers to statutes, and the documents speak for themselves;

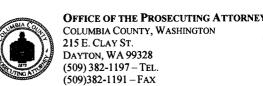
¹ "You must interpret the words of Parliament as they stand...." Alfred, Baron Denning, MR, Letang v. Cooper, 3 WLR 573 (1964).





- 7.12. Insofar as Paragraph 7.12 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants admit that fraud is anathema to democratic elections; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.13. Insofar as Paragraph 7.13 refers to statutes and published decisions of the Oklahoma and Federal courts, the documents speak for themselves; insofar as Paragraph 7.13 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.14. Insofar as Paragraph 7.14 refers to a published decision of the Washington State

 Supreme Court, the document speaks for itself; insofar as Paragraph 7.14 refers to written statements of witnesses, the documents speak for themselves; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;
- 7.15. Insofar as Paragraph 7.15 refers to statutes, the documents speak for themselves; insofar as Paragraph 7.15 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same; County Defendants deny any wrongdoing in placing the measure at issue on the ballot pursuant to the statutes at issue, and deny any inference of same; County Defendants deny any allegation of knowledge, information, or belief of fraud in the performance of their statutory duties;



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

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

VIII. FIFTH [sic] CAUSE OF ACTION

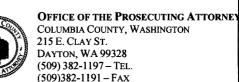
- **8.1.** In response to Paragraph 7.1, County Defendants hereby incorporate by reference all previous responses as if fully set forth here;
- **8.2.** Insofar as Paragraph 8.2 refers to statutes, the documents speak for themselves; insofar as Paragraph 8.2 calls for a legal conclusion of this Court, County Defendants neither admit nor deny same;
- **8.3.** Paragraph 8.3 calls for a legal conclusion of this Court, and County Defendants therefore neither admit nor deny same;

IX. REQUEST FOR RELIEF and COUNTY DEFENDANTS' CROSS-CLAIMS

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

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

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



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

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

RESPECTFULLY SUBMITTED this day of September, 2023.

C. DALE SLACK, WSBA #38397 Columbia County Prosecuting Attorney Attorney for County Defendants Herein 215 E. Clay St. Dayton, WA 99328

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