

2. Complaint paragraphs 2, 3, 6, 7 and 8 are admitted.

3. Complaint paragraph 11: the first sentence is admitted. The second sentence is denied. It should read “2000 Census” in the fourth line, and no Kansas voter has yet been discriminated against. As all elections conducted to date have been constitutional, no civil rights have been violated. Any alleged injury is prospective and not ripe.

4. Complaint paragraphs 12 and 13 are denied (see response in paragraph 3 above). Intervenor / Plaintiffs’ rights would only be deprived in the event an unconstitutional election were held in the future. No such violation has occurred.

5. Any allegation not expressly addressed is hereby denied.

PRAYER FOR RELIEF

WHEREFORE, Intervenor the State of Kansas, on the relation of Attorney General Derek Schmidt, prays the Court to order the following relief:

1. Pursuant to 28 U.S.C. § 2284(a), convene a three-judge panel to adjudicate this matter;

2. Issue a permanent injunction and judgment decreeing that the plan of legislative apportionment established in 2002 by the Kansas Legislature in Chapter 4 of the Kansas Statutes may not hereafter be used as a valid plan of legislative apportionment, congressional apportionment or state board of education apportionment;

3. Issue an order including a valid plan of legislative reapportionment, congressional reapportionment and state board of education reapportionment with a level of deviation that is clearly within the parameters of the United States Constitution and United States Supreme Court case law;

4. Hold in abeyance consideration of any award of attorneys fees or costs pending further proceedings on this issue; and
5. Grant such other and further relief as this Court deems just and equitable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2012, I electronically filed the foregoing Answer with the clerk of the court by using CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ Jeffrey A. Chanay
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