

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBYN RENEE ESSEX,)

Plaintiff,)

and)

BENJAMIN D. CRAIG,)

Intervenor-Plaintiff,)

LARRY WINN, III,)

Intervenor-Plaintiff,)

FRANK BEER,)

Intervenor-Plaintiff,)

WILLIAM ROY, JR.,)

Intervenor-Plaintiff,)

PAUL T. DAVIS,)

Intervenor-Plaintiff,)

KANSAS SENATOR THOMAS C.
OWENS,)

Intervenor-Plaintiff,)

CIVIL ACTION

Case No. 12-CV-04046-KHV-DJW

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)
MARY PILCHER-COOK,)
Kansas State Senator)
)
Intervenor-Plaintiff,)
)
)
GREGG PHILIP SNELL)
)
Intervenor-Plaintiff)
)
)
CARRI PERSON)
)
Intervenor-Plaintiff)
)
)
v.)
)
)
KRIS W. KOBACH,)
Kansas Secretary of State)
)
Defendant.)
)

ANSWER OF DEFENDANT KRIS W. KOBACH TO INTERVENOR-PLAINTIFF DENNING

COMES NOW, Defendant Kris W. Kobach in his official capacity as Kansas Secretary of State (the “Defendant”), by and through counsel himself and Ryan A. Kriegshauser and for his Answer to the intervenor complaint of Marearl Denning, and states the following to the best of present knowledge and belief:

Intervenor-Plaintiff Denning

1. Defendant admits that Plaintiff Denning is a registered voter at the address stated.

2. The allegations in Paragraph 2 of the Complaint by Plaintiff Denning are admitted.

3. The allegations in Paragraph 3 of the Complaint by Plaintiff Denning are admitted.

4. The allegations in Paragraph 5 of the Complaint by Plaintiff Denning state legal conclusions to which no response is required. The Defendant admits that this Court has jurisdiction.

5. Defendant admits that the Kansas Legislature has failed to produce reapportionment plans this session. The other allegations in Paragraph 5 of the Complaint by Plaintiff Denning state legal conclusions to which no response is required.

Count I – Congressional Redistricting

6. Defendant incorporates the foregoing responses as if fully set forth herein.

7. The allegations in Paragraph 7 of the Complaint by Plaintiff Denning state legal conclusions to which no response is required.

8. The allegations in Paragraph 8 of the Complaint by Plaintiff Denning state legal conclusions to which no response is required.

9. The allegations in Paragraph 9 of the Complaint by Plaintiff Denning state legal conclusions to which no response is required. To the extent a response is required, Defendant admits that he has no statutory or administrative authority to change the congressional, legislative, and State Board of Education districts as they are defined by the Kansas Statutes. *See* K.S.A. § 4-101 *et. seq.* Defendant further admits that he is required by statute to conduct elections in the State of Kansas and will proceed as directed by statute.

All allegations not specifically and expressly admitted herein are hereby denied.

WHEREFORE, Defendant respectfully asks this Court for the following relief:

1. The Court, through its three judge panel, 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, and State Board of Education apportionment.

2. The Court issue an order including a valid plan of legislative apportionment, congressional apportionment, and State Board of Education apportionment based on maps introduced in the Kansas legislature. Alternatively, Defendant stands ready to submit valid plans of legislative apportionment, congressional apportionment, and State Board of Education apportionment for the Court's consideration and issuance.

Respectfully submitted,

**OFFICE OF THE KANSAS
SECRETARY OF STATE**

By: /s/ Ryan A. Kriegshauser
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on counsel for Plaintiff via the Court's Electronic Filing System, this 23rd day of May, 2012.

/s/ Ryan A. Kriegshauser
Attorney for the Defendant