

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES STUDENT
ASSOCIATION FOUNDATION, as an
organization and representative of its
members, AMERICAN CIVIL LIBERTIES
UNION FUND OF MICHIGAN, as an
organization and representative of its
members, AMERICAN CIVIL LIBERTIES
UNION OF MICHIGAN, as an organization
and representative of its members,

FILE NO. 2:08 CV 14019

Hon. Stephen J. Murphy, III

Plaintiff,

v

DEFENDANT FRANCES McMULLAN'S
ANSWER TO FIRST AMENDED
COMPLAINT, AND PROOF OF
SERVICE

TERRI LYNN LAND, Michigan Secretary of
State and CHRISTOPHER M. THOMAS,
Michigan Director of Elections, FRANCES
McMULLAN, City Clerk of the City of
Ypsilanti, Michigan, in their official capacities,

Defendant.

BARR, ANHUT & ASSOCIATES, P.C.

<p>MATTHEW J. LUND P-48632 MARY K. DEON P-63019 DEBORAH KOVSKY-APAP P-68258 BRADLEY E. HEARD MEREDITH BELL-PLATTS NEIL BRADLEY MICHAEL J. STEINBERG P-43085 KARY L. MOSS P-43759 Attorneys for Plaintiff</p>	<p>JOHN M. BARR P-10475 KARL A. BARR P-57467 Ypsilanti City Attorneys for McMullan 105 Pearl Street Ypsilanti MI 48197 (734) 481-1234; fax 483-3871 email: jmbarr@barrlawfirm.com</p>
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Defendant Frances McMullan, City Clerk for the City of Ypsilanti, Michigan,
answers the complaint in this cause by John M. Barr, Barr, Anhut & Associates, P.C.,
Ypsilanti City Attorneys, as follows:

1. In answer to paragraph 1, Defendant McMullan neither admits nor denies
having insufficient facts and information on which to base answer as to all allegations
concerning parties other than Defendant McMullan. Allegations concerning Defendant

McMullan are hereby denied. McMullan specifically denies and rejects the allegation of "immediately cancelling voter's registration and removing their names from eligible voter's lists." Defendant McMullan further specifically denies and rejects the allegation that she has "rejected voter registrations upon notice that original voter identification cards have been returned as undeliverable."

2. In answer to paragraph 2, Defendant McMullan neither admits nor denies having insufficient information upon which to base answer.

3. In answer to paragraph 3, Defendant McMullan neither admits nor denies having insufficient information upon which to base answer.

4. In answer to paragraph 3, Defendant McMullan neither admits nor denies having insufficient information upon which to base answer.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

COMMON ALLEGATIONS

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

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17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. In answer to paragraph 29, Defendant McMullan neither admits nor denies having insufficient information upon which to base answer.

30. Admitted.

31. Admitted.

32. Admitted.

33. Admitted.

34. Admitted.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted, except in the City of Ypsilanti names are not removed until the

second general election from the date of original registration. Defendant McMullan does not have the time or resources to remove the registrations.

40. Defendant McMullan denies paragraph 40 for the reason the same is not true. In the City of Ypsilanti, Defendant McMullan does not remove registered voters from the voting rolls until after the second general election.

41. Defendant McMullan denies "adherence to this procedure" and states that voter registrations are not removed from the rolls until the second general election following the return of the voter registration card by the United States Mail.

42. Defendant McMullan denies the allegations in paragraph 42 for the reason the same are not true and the City of Ypsilanti for reasons set forth above, that is: that voter registrations are not removed from the rolls until the second general election following the return of the voter registration card by the United States Mail.

43. Defendant McMullan admits the same as to the law, but says that Defendant McMullan does not remove voters from the rolls for the reasons stated above.

44. In answer to paragraph 44, Defendant McMullan admits the same and states that this is the procedure used in the City of Ypsilanti.

45. Admitted.

46. In answer to paragraph 46, Defendant McMullan admits as the allegation refers to "Voter Registration Module." For the City of Ypsilanti, the City Clerk follows the information submitted to the Clerk by the Michigan Secretary of State. If the City Clerk receives reliable information that a registered voter has moved to another jurisdiction, the City Clerk would move the name to "verify." However, for reasons stated above, the Clerk has not removed names from the roll.

47. In answer to paragraph 47, Defendant McMullan denies the same as

sending out a notice of cancellation is not done in the City of Ypsilanti until after the second next general election for the reasons stated above.

48. Admitted.

49. Admitted.

50. Admitted.

51. In answer to paragraph 51, Defendant McMullan neither admits nor denies the same as she never receives notice from a cooperating state motor vehicle licensing bureau.

52. In answer to Paragraph 52, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer.

53. In answer to Paragraph 53, Defendant McMullan denies the same having never received such notices.

54. Denied for the reason the same is not true.

55. Denied for the reason the same is not true.

56. In answer to Paragraph 56, Defendant McMullan denies the same for the reason she does not use 30 days notice and has not had occasion to return someone to active status.

57. In answer to Paragraph 57, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

58. In answer to Paragraph 58, Defendant McMullan neither admits nor denies the same as to other Defendants having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof, but denies as to Defendant McMullan.

59. In answer to Paragraph 59, Defendant McMullan neither admits nor denies

the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

60. Admitted.

61. In answer to Paragraph 61, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

62. In answer to Paragraph 62, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

63. In answer to Paragraph 63, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

64. In answer to Paragraph 64, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

65. In answer to Paragraph 65, as to the other Defendants, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

66. In answer to Paragraph 66, Defendant McMullan denies the same for the reasons that have been stated above, that is, the City has not removed any voters from the list and also uses provisional ballots.

67. All answers set forth above are hereby re-alleged.

68. Admitted.

69. Admitted.

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70. Admitted.

71. Denied as to Defendant McMullan.

72. Denied as to Defendant McMullan.

73. Denied as to Defendant McMullan.

74. Denied as to Defendant McMullan.

75. In answer to Paragraph 75, Defendant McMullan neither admits nor denies the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

76. All answers above are hereby re-alleged.

77. Admitted.

78. Defendant McMullan denies Paragraph 78 for the reason the same is not true.

79. Denied for the reason the same is not true.

80. Denied for the reason the same is not true.

81. Denied for the reason the same is not true.

82. Defendant re-alleges all answers above.

83. Admitted.

84. Admitted.

85. Denied as to Defendant McMullan.

86. Denied as to Defendant McMullan.

87. Denied as to Defendant McMullan.

88. Denied as to Defendant McMullan.

89. Denied as to Defendant McMullan.

90. In answer to Paragraph 90, Defendant McMullan neither admits nor denies

the same, having insufficient information upon which to base an answer, and leaves Plaintiffs to their proof.

91. All answers above are hereby re-alleged.
92. Admitted.
93. Admitted.
94. Admitted.
95. Denied as to Defendant McMullan.
96. Denied as to Defendant McMullan.
97. Denied as to Defendant McMullan.
98. Denied as to Defendant McMullan.
99. Denied as to Defendant McMullan.
100. Denied as to Defendant McMullan.
101. Denied as to Defendant McMullan.
102. All answers stated above are hereby re-alleged.
103. Admitted.
104. Admitted.
105. In answer to Paragraph 105, City of Ypsilanti admits that errors can occur, but neither admits nor denies that errors are "virtually certain."
106. Admitted.
107. Admitted.
108. Denied as to Defendant McMullan.
109. Denied as to Defendant McMullan.
110. Denied as to Defendant McMullan.
111. Denied as to Defendant McMullan.

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112. Denied as to Defendant McMullan.

113. All answers stated above are hereby re-alleged.

114. Admitted.

115. Admitted.

116. Denied as to Defendant McMullan.

117. Denied as to Defendant McMullan.

118. Denied as to Defendant McMullan.

119. In answer to paragraph 119, Defendant McMullan denies the same as to Defendant McMullan and affirmatively states that the City is not violating the fundamental rights of any person.

120. In answer to paragraph 120, Defendant McMullan denies the same as to Defendant McMullan.

121. All answers stated above are hereby re-alleged.

122. Denied as to Defendant McMullan.

123. Denied as to Defendant McMullan.

124. Denied as to Defendant McMullan.

125. Denied as to Defendant McMullan.

126. In answer to paragraph 126, Defendant McMullan admits the public interest in voting. Defendant McMullan neither admits nor denies that the protections provided by the NVRA prevent unqualified persons from voting.

127. All answers above are re-alleged.

128. In answer to paragraph 128, Defendant McMullan denies as to Defendant McMullan.

129. Denied as to Defendant McMullan.

130. Denied as to Defendant McMullan.

131. In answer to paragraph 131, Defendant McMullan admits the public interest in voting. Defendant McMullan neither admits nor denies that the protections provided by the NVRA prevent unqualified persons from voting.

132. All answers above are re-alleged.

133. Admitted.

134. Denied as to Defendant McMullan.

135. Denied as to Defendant McMullan.

136. Defendant McMullan admits Plaintiffs have requested the relief indicated.

137. No answer required.

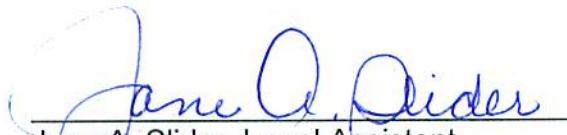
WHEREFORE Defendant McMullan respectfully request that this Court deny the injunction and dismiss this case as to Defendant McMullan.



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email: jmbarr@barrlawfirm.com

Dated: October 22, 2008

I certify that on October 22, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification on such filing, as well as via U.S. Mail to all non-ECF participants.



Jane A. Slider, Legal Assistant