

THE STATE OF NEW HAMPSHIRE

STRAFFORD, SS

SUPERIOR COURT

No. 219-2022-CV-00224

The City of Dover, et al.

v.

David M. Scanlan, et al.

**DEFENDANTS' ANSWER TO THE PLAINTIFFS' COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

The Defendants, David Scanlan, in his official capacity as the New Hampshire Secretary of State, and John Formella, in his official capacity as the New Hampshire Attorney General, respectfully answer the Plaintiffs' complaint for declaratory and injunctive relief of the plaintiffs, the City of Dover, et al., as follows:

- I. **Defendants' Answer**
 1. This paragraph contains statements of law, to which no response is required.
 2. Admitted.
 3. This paragraph sets forth the Plaintiffs requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.
 4. The Defendants admit to the first sentence of this paragraph. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny them.

5. The Defendants admit to the first sentence of this paragraph. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny them.

6. The Defendants admit that voter registration records show that Debra Hackett has the address stated in paragraph 6. The remaining allegations set forth conclusions of law to which no response is required. .

7. The Defendants admit that voter registration records show that Rod Watkins has the address stated in paragraph 7. The remaining allegations set forth a conclusion of law to which no response is required.

8. The Defendants admit that voter registration records show that Kermit Williams has the address stated in paragraph 8. The remaining allegations set forth a conclusion of law to which no response is required

9. The Defendants admit that voter registration records show that Eileen Ehlers has the address stated in paragraph 9. The remaining allegations set forth a conclusion of law to which no response is required.

10. The Defendants admit that voter registration records show that Janice Kelble has the address stated in paragraph 10. The remaining allegations set forth a conclusion of law to which no response is required.

11. The Defendants admit that voter registration records show that Erik Johnson has the address stated in paragraph 11. The remaining allegations set forth a conclusion of law to which no response is required.

12. The Defendants admit that voter registration records show that Deborah Sugerman has the address stated in paragraph 12. The remaining allegations set forth a conclusion of law to which no response is required.

13. The Defendants admit that voter registration records show that Susan Rice has the address stated in paragraph 13. The remaining allegations set forth a conclusion of law to which no response is required.

14. The Defendants admit that voter registration records show that Douglas Bogen has the address stated in paragraph 14. The remaining allegations set forth a conclusion of law to which no response is required.

15. The Defendants admit that voter registration records show that John Wallace has the address stated in paragraph 15. The remaining allegations set forth a conclusion of law to which no response is required.

16. Admitted.

17. Admitted.

18. This paragraph sets forth a conclusion of law, to which no response is required.

19. This paragraph sets forth a conclusion of law, to which no response is required.

20. This paragraph sets forth a conclusion of law, to which no response is required.

21. This paragraph contains a statement of law, to which no response is required.

22. This paragraph contains statements of law and sets forth conclusions of law, to which no response is required.

23. This paragraph sets forth statements of law to which no response is required. To the extent a response is required, the Defendants deny the allegations set forth in this paragraph and put the Plaintiff's to their proof.

24. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

25. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required.

26. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

27. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

28. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

29. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

30. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

31. This paragraph contains a statement of law, to which no response is required.

32. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

33. This paragraph sets forth statements of law and contains conclusions of law, to which no response is required.

34. This paragraph sets forth a statement of law, to which no response is required.

35. This paragraph contains conclusions of law, to which no response is required.

36. This paragraph contains conclusions of law, to which no response is required. To the extent a response is required, the Defendants deny the allegations set forth in this paragraph and put the Plaintiffs to their proof.

37. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

38. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

39. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

40. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

41. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required.

42. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required.

43. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required.

44. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required.

45. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore denies them.

46. This paragraph sets forth a conclusion of law, to which no response is required.

47. The Plaintiffs' exhibit is a document, which speaks for itself, and therefore no response is required. The second sentence of this paragraph purports to characterize this document; therefore, the Defendants deny the allegations contained in the second sentence to the extent they are inconsistent with the document.

48. The allegations contained in this paragraph purport to characterize a document; the Defendants deny the Plaintiffs' characterizations to the extent they are inconsistent with the document. This paragraph further sets forth conclusions of law, to which no response is required.

49. This paragraph sets forth conclusions of law, to which no response is required.

50. This paragraph sets forth conclusions of law, to which no response is required.

51. This paragraph sets forth conclusions of law and contains statements of law, to which no response is required.

52. This paragraph sets forth conclusions of law, to which no response is required.

53. This paragraph sets forth conclusions of law, to which no response is required.

54. This paragraph sets forth conclusions of law, to which no response is required.

55. This paragraph sets forth conclusions of law and contains statements of law, to which no response is required.

56. This paragraph sets forth conclusions of law and contains statements of law, to which no response is required.

57. This paragraph sets forth conclusions of law, to which no response is required.

58. This paragraph sets forth conclusions of law, to which no response is required.

59. The Defendants admit that each of the jurisdictions listed in this paragraph previously had their own districts and all were part of floterial districts.

60. The Defendants admit that the United States Census for 2020 showed Dover Ward 4 to have a population of 5,439. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

61. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

62. The Defendants admit that the United States Census for 2020 showed Rochester Ward 5 to have a population of 5,419. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

63. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

64. Defendants admit that the United States Census for 2020 showed Lee to have a population of 4,520. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

65. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

66. Defendants admit that the United States Census for 2020 showed Barrington to have a population of 9,326. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

67. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

68. This paragraph sets forth a conclusion of law, to which no response is required.

69. This paragraph sets forth a conclusion of law, to which no response is required.

70. Defendants admit that the United States Census for 2020 showed New Ipswich to have a population of 5,204. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

71. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

72. Defendants admit that the United States Census for 2020 showed Wilton to have a population of 3,896. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

73. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

74. This paragraph sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

75. This paragraph purports to characterize a document, which speaks for itself; the Defendants deny the Plaintiffs' characterizations to the extent they are inconsistent with the document. This paragraph further sets forth conclusions of law, to which no response is required.

76. Admitted.

77. Defendants admit that the United States Census for 2020 showed Hooksett to have a population of 14,871. The second sentence of this paragraph contains a conclusion of law, to which no response is required.

78. This paragraph contains a statement of law and sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

79. This paragraph sets forth a conclusion of law, to which no response is required. By way of further answer, Laws 2022, 9:1 speaks for itself.

80. This paragraph purports to characterize a document, which speaks for itself; the Defendants deny the Plaintiffs' characterizations to the extent they are inconsistent with the document. This paragraph further sets forth conclusions of law, to which no response is required.

81. This paragraph sets forth conclusions of law, to which no response is required.

82. The Defendants reallege and reincorporate their prior responses to the above paragraphs herein by reference.

83. This paragraph contains statements of law, to which no response is required.

84. This paragraph sets forth conclusions of law, to which no response is required.

85. This paragraph sets forth conclusions of law, to which no response is required.

86. This paragraph sets forth conclusions of law, to which no response is required.

87. This paragraph sets forth conclusions of law, to which no response is required.

88. This paragraph contains statements of law and sets forth conclusions of law, to which no response is required.

89. This paragraph sets forth conclusions of law, to which no response is required.

90. This paragraph sets forth conclusions of law, to which no response is required.

91. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

92. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

93. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

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A. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

B. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

C. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

D. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

E. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

F. This paragraph sets forth the Plaintiffs' requested relief, to which no response is required. To the extent an answer is required, the Defendants deny that the Plaintiffs are entitled to the requested relief.

II. **Defendants' Statement of Defenses**

i. The Plaintiffs failed to state a claim for relief.

- ii. The Plaintiffs lack standing.
- iii. The Plaintiffs' claims are not justiciable.

Respectfully submitted,

STATE OF NEW HAMPSHIRE

DAVID SCANLAN
SECRETARY OF STATE

By his attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: August 21, 2023

/s/ Matthew G. Conley_____

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