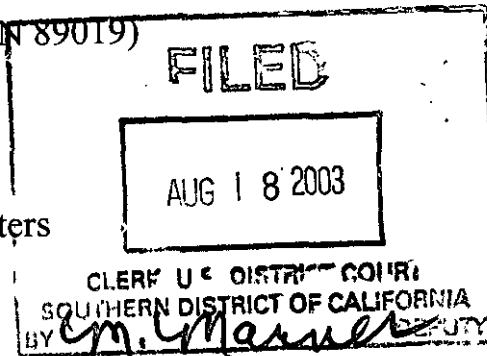


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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 FRANK PARTNOY, an individual;
11 LAURA ADAMS, an individual;
12 RACHANA PATHAK, an individual;
13 PETER STRIS, an individual; JASON
14 WILSON, an individual; and
15 CALIFORNIA INFORMED VOTERS
16 GROUP, an unincorporated
17 association,

18 Plaintiffs,

19 v.

20 KEVIN SHELLEY, in his official
21 capacity as Secretary of State for the
22 State of California; SALLY
23 McPHERSON, in her official capacity
24 as the Registrar of Voters for the
25 County of San Diego; and CONNY
26 McCORMACK, in her official
27 capacity as the Registrar-
28 Recorder/County Clerk for the County
of Los Angeles,

Defendants.

SCOTT RAFFERTY,

Intervenor.

CASE NO. 03 CV 1460K-BTM

**ANSWER BY DEFENDANT
SALLY McPHERSON TO
COMPLAINT OF SCOTT J.
RAFFERTY IN INTERVENTION**

Date: August 20, 2003

Time: 10:00 a.m.

Place: Courtroom 15, 5th Floor

THE HONORABLE BARRY
MOSKOWITZ

26 Defendant, Sally McPherson, in her official capacity as the Registrar of Voters for
27 the County of San Diego (hereinafter "McPherson ") answers the Complaint of Scott J.
28 Rafferty in Intervention and admits, denies, and alleges as follows:

1 1. Answering paragraph 1, McPherson admits the plaintiffs filed their
2 complaint against defendants on July 23, 2003. McPherson lacks sufficient information
3 and belief to enable her to knowledgeably respond to the remaining allegations contained
4 therein and based on such lack of information and belief denies, generally and
5 specifically, each and every allegation contained therein.

6 2. Answering paragraph 2, McPherson admits the defendant Shelley filed an
7 answer to the complaint on July 29, 2003. McPherson lacks sufficient information and
8 belief to enable her to knowledgeably respond to the remaining allegations contained
9 therein and based on such lack of information and belief denies, generally and
10 specifically, each and every allegation contained therein.

11 3. Answering paragraph 3, McPherson admits the court issued an order on July
12 29, 2003 and affirmatively alleges that the order speaks for itself. McPherson lacks
13 sufficient information and belief to enable her to knowledgeably respond to the remaining
14 allegations contained therein and based on such lack of information and belief denies,
15 generally and specifically, each and every allegation contained therein.

16 4. Answering paragraphs 4 through 15, McPherson lacks sufficient information
17 and belief to enable her to knowledgeably respond to the remaining allegations contained
18 therein and based on such lack of information and belief denies, generally and
19 specifically, each and every allegation contained therein.

20 5. Answering paragraph 16, McPherson admits the court issued an order on
21 July 29, 2003 and affirmatively alleges that the order speaks for itself. McPherson lacks
22 sufficient information and belief to enable her to knowledgeably respond to the remaining
23 allegations contained therein and based on such lack of information and belief denies,
24 generally and specifically, each and every allegation contained therein.

25 6. Answering paragraphs 17 through 27, McPherson lacks sufficient
26 information and belief to enable her to knowledgeably respond to the remaining
27 allegations contained therein and based on such lack of information and belief denies,
28 generally and specifically, each and every allegation contained therein.

1 PRAYERS FOR RELIEF

2 7. Answering paragraph 28, McPherson lacks sufficient information and belief
3 to enable her to knowledgeably respond to the remaining allegations contained therein
4 and based on such lack of information and belief denies, generally and specifically, each
5 and every allegation contained therein.

6 8. Answering paragraph 29, McPherson admits that Rafferty prays for the relief
7 expressed in paragraph 29 but lacks sufficient information and belief to enable her to
8 knowledgeably respond to the remaining allegations contained therein and based on such
9 lack of information and belief denies, generally and specifically, each and every
10 allegation contained therein.

11 9. Answering paragraph 30, McPherson admits that Rafferty prays for the relief
12 expressed in paragraph 30 but lacks sufficient information and belief to enable her to
13 knowledgeably respond to the remaining allegations contained therein and based on such
14 lack of information and belief denies, generally and specifically, each and every
15 allegation contained therein.

16 10. Answering paragraphs 31 through 36, McPherson lacks sufficient
17 information and belief to enable her to knowledgeably respond to the remaining
18 allegations contained therein and based on such lack of information and belief denies,
19 generally and specifically, each and every allegation contained therein.

20 **First Affirmative Defense**

21 11. The complaint in intervention fails to set forth facts sufficient to constitute a
22 cause of action against McPherson.

23 **Second Affirmative Defense**

24 12. The County of San Diego is acting in a ministerial capacity and is immune
25 from liability for legislative acts.

26 **Third Affirmative Defense**

27 13. Intervenor lacks standing.

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