



1 Defendant CITY OF SAN LUIS OBISPO (hereinafter “Defendant”) answers the unverified  
2 complaint of plaintiff SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT as  
3 hereinafter set forth.

4 **I. GENERAL DENIAL**

5 1. Pursuant to Section 431.30(d) of the California Code of Civil Procedure, Defendant  
6 generally and specifically denies each and every allegation, statement, matter, and thing set forth in  
7 and alleged in the unverified complaint, and specifically denies that Defendant has violated the  
8 California Voting Rights Act of 2001 (California Elections Code § 14025 *et seq.*, hereinafter the  
9 “Act”) and denies that Plaintiffs are entitled to the relief prayed for or any relief whatsoever against  
10 Defendant.

11 **II. AFFIRMATIVE DEFENSES**

12 2. For Defendant’s separate and additional affirmative defenses to the cause of action  
13 alleged in the unverified complaint, and without admitting that Defendant has the burden of proof  
14 on any of these defenses, Defendant alleges as follows:

15 **FIRST AFFIRMATIVE DEFENSE**

16 (Failure to State a Cause of Action, Elec. Code § 14027)

17 3. The cause of action contained in the Complaint fails to allege facts demonstrating  
18 dilution of the ability of Latino voters to elect chosen candidates or influence the outcome of  
19 elections.

20 **SECOND AFFIRMATIVE DEFENSE**

21 (Failure to State a Cause of Action, Elec. Code § 14028)

22 4. The cause of action contained in the Complaint fails to allege facts demonstrating  
23 racially polarized voting sufficient to state a cause of action against Defendant.

24 **THIRD AFFIRMATIVE DEFENSE**

25 (Failure to State a Cause of Action, Elec. Code § 14028)

26 5. The cause of action contained in the Complaint fails to allege facts demonstrating  
27 Latino-preferred candidates, including candidates who are themselves Latino, fail to win election  
28

1 to the City Council.

2 FOURTH AFFIRMATIVE DEFENSE

3 (As-Applied Violation of the Fourteenth Amendment to the United States Constitution and  
4 Article I, § 7, of the California Constitution)

5 6. The Act is unconstitutional as applied to Defendant pursuant to the provisions of Section 1  
6 of the Fourteenth Amendment to the United States Constitution, and to the provisions of Section 7  
7 of Article I of the California Constitution.

8 PRAYER

9 WHEREFORE, Defendant prays for judgment that:

- 10 1. That Plaintiff takes nothing by its Complaint;
- 11 2. For entry of Judgment against Plaintiff and in favor of Defendant; and
- 12 3. That Defendant be awarded its costs of suit and attorneys' fees; and
- 13 4. That the Court order such further relief to Defendant as deemed just and proper.

14 Dated: November \_\_\_\_, 2024

CITY SAN LUIS OBISPO

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16  
17 By: \_\_\_\_\_  
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18 City Attorney

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