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9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 **CALIFORNIA COUNCIL OF THE**
BLIND, ET AL.,

15 Plaintiffs,

16 v.

17
18 **SHIRLEY N. WEBER, PH.D.,**

19 Defendant.

3:24-cv-01447-SK

**DEFENDANT'S ANSWER TO SECOND
AMENDED COMPLAINT**

Judge: Hon. Sallie Kim
Trial Date: March 17, 2026
Action Filed: December 8, 2024

ANSWER¹

Pursuant to Federal Rules of Civil Procedure 7, 8, and 12, Defendant California Secretary of State Shirley N. Weber, Ph.D. (the “Secretary”), in her official capacity, answers Plaintiffs’ Second Amended Complaint (“SAC”) (ECF No. 111) as follows:

1. The Secretary is without sufficient information to form a belief as to the truth of Plaintiffs’ allegations in Paragraph 1 of the SAC, and on that basis denies them.

2. To the extent the allegations in Paragraph 2 set forth a legal conclusion, no response is necessary. The Secretary is otherwise without sufficient information to form a belief as to the truth of Plaintiffs’ allegations in Paragraph 2 of the SAC, and on that basis denies them.

3. The Secretary is without sufficient information to form a belief as to the truth of Plaintiffs’ allegations in Paragraph 3 of the SAC, and on that basis denies them.

4. The Secretary is without sufficient information to form a belief as to the truth of Plaintiffs’ allegations in Paragraph 4 of the SAC, and on that basis denies them.

5. The Secretary admits that large numbers of California voters have cast their ballots by mail in recent elections. The remainder of Paragraph 5 of the SAC sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the Secretary admits that the California Elections Code requires elections officials to mail all active, registered voters a ballot for each election, with certain limited exceptions. Unless expressly admitted, the Secretary otherwise denies the allegations in Paragraph 5 of the SAC.

6. To the extent Paragraph 6 of the SAC sets forth a legal conclusion, no response is necessary. To the extent a response is deemed necessary, the Secretary denies the allegations in Paragraph 6 of the SAC.

7. To the extent Paragraph 7 of the SAC sets forth a legal conclusion, no response is necessary. To the extent a response is deemed necessary, the Secretary admits that the California Elections Code permits all eligible voters to receive a blank ballot using a Remote Accessible Vote by Mail System (“RAVBM”) and to mark that ballot on their own personal device. The

¹ Plaintiffs’ headings in the SAC consist of legal conclusions and non-substantive organizational information, and are omitted. To the extent a response is deemed required to the headings in the SAC, any substantive allegations therein are denied.

1 Secretary further admits that all such systems must be certified or conditionally certified by the
2 Secretary before they may be used in any California election. The Secretary further admits that
3 the Elections Code does not permit any voter to return a ballot marked using a RAVBM system
4 electronically. The Secretary further admits that the Elections Code requires voters who use
5 RAVBM systems to print their ballots, place those ballots in an envelope, sign and seal the
6 envelope, and then arrange for return of the paper ballot through a non-electronic means. The
7 Secretary denies that all California voters with “print disabilities,” as defined by Plaintiffs in the
8 SAC, must use a government-issued paper ballot return envelope to return their ballots.

9 8. Paragraph 8 of the SAC sets forth a legal conclusion to which no response is
10 required. To the extent a response to Paragraph 8 is deemed required, the Secretary denies the
11 allegations in Paragraph 8 of the SAC.

12 9. The Secretary is without sufficient information to form a belief as to the truth of
13 Plaintiffs’ allegations in Paragraph 9 of the SAC, and on that basis denies them.

14 10. Paragraph 10 of the SAC sets forth a legal conclusion to which no response is
15 required. To the extent a response to Paragraph 10 is deemed required, the Secretary denies the
16 allegations in Paragraph 10 of the SAC.

17 11. The Secretary admits that she is the California Secretary of State. To the extent the
18 remainder of Paragraph 11 sets forth a legal conclusion, no response is required. To the extent a
19 response is deemed required, the Secretary is without sufficient information to form a belief as to
20 the truth of Plaintiffs’ allegations in Paragraph 11 of the SAC that a readily available electronic
21 ballot return (or e-return) option would remedy the problem, as it would allow voters with print
22 disabilities, as defined in the SAC, to use their own devices, not only to read and mark their
23 ballots but also to submit them, and on that basis denies them.

24 12. The Secretary admits that some other states permit various forms of electronic
25 ballot return. The Secretary further admits that, as of December 2024, there are at least 116,000
26 military and overseas voters permitted under the Elections Code to return their mail ballots by
27 facsimile transmission. The Secretary admits that one voter submitted a declaration in connection
28 with Plaintiffs’ motion for a preliminary injunction averring that he submitted a mail ballot by

1 electronic fax and that that some other military and overseas voters may have attempted to submit
2 their ballot selections by electronic fax in prior elections. The Secretary is otherwise without
3 sufficient information to form a belief as to Plaintiffs' remaining allegations in Paragraph 12 of
4 the SAC, and on that basis denies them.

5 13. Paragraph 13 of the SAC sets forth a legal conclusion to which no response is
6 required. To the extent a response to Paragraph 13 is deemed required, the Secretary admits that
7 Plaintiffs' SAC asserts that the California Elections Code conflicts with title II of the Americans
8 with Disabilities Act, 42 U.S.C. § 12131 et seq. (hereinafter "Title II"), Section 504 of the
9 Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq. (hereinafter "Section 504"), and California
10 Government Code section 11135(a).

11 14. Paragraph 14 of the SAC sets forth a legal conclusion to which no response is
12 required. To the extent a response to Paragraph 14 is deemed required, the Secretary admits that
13 the Court has subject matter jurisdiction over Plaintiffs' federal claims pursuant to 28 U.S.C.
14 §§ 1331 and 1343. The Secretary denies that Plaintiffs have constitutional standing to pursue their
15 claims.

16 15. Paragraph 15 of the SAC sets forth a legal conclusion to which no response is
17 required. To the extent a response to Paragraph 15 is deemed required, the Secretary admits that
18 Plaintiffs' federal claims provide this Court has supplemental jurisdiction over Plaintiffs' state-
19 law claim pursuant to 28 U.S.C. § 1367(a).

20 16. Paragraph 16 of the SAC sets forth a legal conclusion to which no response is
21 required. To the extent a response to Paragraph 16 is deemed required, the Secretary admits that
22 the Court has authority to issue a declaratory judgment under 28 U.S.C. §§ 2201, 2202, and
23 authority to issue injunctive relief under 42 U.S.C. § 12133.

24 17. Paragraph 17 of the SAC sets forth a legal conclusion to which no response is
25 required. To the extent a response to Paragraph 17 is deemed required, the Secretary admits that
26 venue is proper in this District. The Secretary is without sufficient information to form a belief as
27 to the truth of Plaintiffs' remaining allegations in Paragraph 17 of the SAC, and on that basis
28 denies them.

1 18. Paragraph 18 of the SAC sets forth a legal conclusion to which no response is
2 required. To the extent a response to Paragraph 18 is deemed required, the Secretary admits that
3 this case should be assigned to the San Francisco or Oakland Divisions of this Court. The
4 Secretary is without sufficient information to form a belief as to the truth of Plaintiffs' remaining
5 allegations in Paragraph 18 of the SAC, and on that basis denies them.

6 19. The Secretary admits that there is a registered voter in San Francisco County
7 named Christopher Gray. The Secretary is otherwise without sufficient information to form a
8 belief as to the truth of Plaintiffs' allegations in Paragraph 19 of the SAC, and on that basis denies
9 them.

10 20. The Secretary admits that there is a registered voter in Sacramento County named
11 Russell Dawson Rawlings. The Secretary is otherwise without sufficient information to form a
12 belief as to the truth of Plaintiffs' allegations in Paragraph 20 of the SAC, and on that basis denies
13 them.

14 21. The Secretary admits that there is a registered voter in Alameda County named
15 Vita Zavoli. The Secretary is otherwise without sufficient information to form a belief as to the
16 truth of Plaintiffs' allegations in Paragraph 21 of the SAC, and on that basis denies them.

17 22. The Secretary admits that there is a registered voter in San Francisco County
18 named Christopher Gray and a registered voter in Alameda County named Vita Zavoli. The
19 Secretary is otherwise without sufficient information to form a belief as to the truth of Plaintiffs'
20 allegations in Paragraph 22 of the SAC, and on that basis denies them.

21 23. The Secretary is without sufficient information to form a belief as to the truth of
22 Plaintiffs' allegations in Paragraph 23 of the SAC, and on that basis denies them.

23 24. The Secretary admits the allegations in Paragraph 24 of the SAC.

24 25. To the extent Paragraph 25 of the SAC sets forth a legal conclusion, no response is
25 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
26 language appears in the statutory provisions cited in Paragraph 25. The Secretary further admits
27 that some of her powers and duties are set forth in the California Elections and Government
28 Codes.

1 26. To the extent Paragraph 26 of the SAC sets forth a legal conclusion, no response is
2 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
3 language appears in the statutory provision cited in Paragraph 26.

4 27. To the extent Paragraph 27 of the SAC sets forth a legal conclusion, no response is
5 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
6 language appears in the statutory provisions cited in Paragraph 27.

7 28. To the extent Paragraph 28 of the SAC sets forth a legal conclusion, no response is
8 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
9 language appears in the statutory provisions cited in Paragraph 28.

10 29. To the extent Paragraph 29 of the SAC sets forth a legal conclusion, no response is
11 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
12 language appears in the statutory provisions cited in Paragraph 29.

13 30. To the extent Paragraph 30 of the SAC sets forth a legal conclusion, no response is
14 necessary. To the extent a response is deemed required, the Secretary admits that the Secretary of
15 State's office issues guidance to county elections officials, including through County
16 Clerk/Registrar of Voter Memoranda ("CCROVs"), through the Secretary's webpage, and
17 through meetings with county elections officials. The Secretary further admits that the webpage
18 cited in Footnote 1 of the SAC is a document entitled "Voter's Choice Act Frequently Asked
19 Questions" and that the document speaks for itself.

20 31. The Secretary admits that the quoted language in Paragraph 31 of the SAC appears
21 on the cited webpage. The Secretary further admits that CCROVs cover a wide variety of
22 subjects, including voter registration, vote-by-mail procedures, in-person voting, and voting
23 technology, such as RAVBM systems. The Secretary further admits that she issued CCROV
24 Memoranda #24166, #14120, #20120, and #20217, and that the memoranda speak for themselves.
25 The Secretary further admits that the webpage cited in Footnote 2 of the SAC is a copy of
26 CCROV #24166 and that the CCROV speaks for itself. The Secretary further admits that the
27 webpage cited in Footnote 3 of the SAC is a copy of CCROV #14120 and that the CCROV
28 speaks for itself. The Secretary further admits that the webpage cited in Footnote 4 of the SAC is

1 a copy of CCROV #20120 and that the CCROV speaks for itself. The Secretary further admits
2 that the webpage cited in Footnote 5 of the SAC is a copy of CCROV #20217 and that the
3 CCROV speaks for itself.

4 32. To the extent Paragraph 32 of the SAC sets forth a legal conclusion, no response is
5 necessary. To the extent a response is deemed required, the Secretary admits that she would play
6 a central role in communicating the substance of a Court order that found federal and state
7 antidiscrimination laws require California voters with print disabilities to be offered an option to
8 return their vote-by-mail ballots electronically to county elections officials and providing
9 guidance to county election officials. The Secretary denies that she has the authority to “certify”
10 an RAVBM system that includes any method of electronic ballot return. The Secretary further
11 denies that she has the authority to issue regulations that are contrary to express statutory
12 commands.

13 33. To the extent Paragraph 33 of the SAC sets forth a legal conclusion, no response is
14 necessary. To the extent a response is deemed required, the Secretary admits that the quoted
15 language appears in the statutory provisions cited in Paragraph 33.

16 34. To the extent Paragraph 34 of the SAC sets forth a legal conclusion, no response is
17 necessary. To the extent a response is deemed required, the Secretary admits that California
18 counties may only use RAVBM systems that the Secretary has certified or conditionally
19 approved.

20 35. To the extent Paragraph 35 of the SAC sets forth a legal conclusion, no response is
21 necessary. To the extent a response is deemed required, the Secretary admits that California law
22 defines an RAVBM system as “a mechanical, electromechanical, or electronic system and its
23 software that is used for the sole purpose of marking an electronic vote-by-mail ballot for a voter
24 who shall print the paper cast vote record to be submitted to the elections official.” Cal. Elec.
25 Code § 303.3. The Secretary further admits that the California Elections Code prohibits RAVBM
26 systems from transmitting a voter’s ballot selections over the internet.

27 36. To the extent Paragraph 36 of the SAC sets forth a legal conclusion, no response is
28 necessary. To the extent a response is deemed required, the Secretary admits that she has not

1 certified any RAVBM system that provides for an online portal for electronic ballot return, in
2 accordance with California law. The Secretary is without sufficient information to form a belief
3 as to the truth of Plaintiffs' allegations in Paragraph 36 of the SAC that an online portal is one of
4 the methods of ballot return that would give them full and equal access to California's vote-by-
5 mail program and on that basis denies them. The Secretary denies the allegations in footnote 6 of
6 the SAC. The Secretary further denies Plaintiffs' allegation in Paragraph 36 that there is any
7 discriminatory denial of access to the vote-by-mail program, or that such denial—if it existed—
8 would be directly traceable to the Secretary.

9 37. Paragraph 37 sets forth a legal conclusion to which no response is necessary. To
10 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 37 of
11 the SAC.

12 38. Paragraph 38 sets forth a legal conclusion to which no response is necessary. To
13 the extent a response is deemed required, the Secretary admits the allegations in Paragraph 38 of
14 the SAC.

15 39. Paragraph 39 sets forth a legal conclusion to which no response is necessary. To
16 the extent a response is deemed required, the Secretary admits the State has received at least \$1
17 million in federal funding through the Help America Vote Act and other federal programs to
18 support election administration.

19 40. Paragraph 40 sets forth a legal conclusion to which no response is necessary. To
20 the extent a response is deemed required, the Secretary admits that she plays a role in
21 administering the State's election system and that the State funds election related activities.

22 41. Paragraph 41 sets forth a legal conclusion to which no response is required. To the
23 extent a response is deemed required, the Secretary admits that the California Elections Code
24 provides that "[t]he vote by mail ballot shall be available to any registered voter." Cal. Elec. Code
25 § 3003.

26 42. To the extent Paragraph 42 sets forth legal conclusions, no responses are required.
27 To the extent responses are deemed required, the Secretary admits that: (1) state law requires mail
28 ballots to be automatically sent to voters in active, registered status on the 29th day before the day

1 of the election; (2) that physical mail ballots are printed on paper; (3) that mail ballots may be
2 returned by U.S. mail, in person to an elections official, or at a designated ballot drop-off
3 location; (4) that, on its face, Elections Code section 3017(a) does not allow any form of
4 electronic ballot return; (5) that any California voter may receive, read, and mark their ballot
5 electronically on their own device, such as a personal computer, using their county's RAVBM
6 system; (6) that RAVBM systems are compatible with assistive technology, allowing voters with
7 disabilities to use, for example, a screen reader or a sip-and-puff device to read and/or mark their
8 ballot; (7) that unless voters qualify as a military or overseas voter under State law, RAVBM
9 voters must print their ballot selection on paper for submission to their elections official; (8) that
10 RAVBM voters must submit a paper printout from the RAVBM system in a signed envelope; (9)
11 that RAVBM systems must be certified or conditionally approved by the Secretary before they
12 may be used in California; (10) that certain military and overseas voters are permitted to return
13 ballots by facsimile transmission; (11) that every California county elections office provides a fax
14 number for this purpose; (12) that the Secretary maintains an online list of county fax numbers for
15 military and overseas ballot return; and (13) that the Secretary has certain enforcement and
16 regulatory authority with respect to military and overseas voters. The Secretary denies that: (1)
17 mail, in person delivery, and ballot drop off locations are the only methods of vote-by-mail ballot
18 return, as voters may also use a bona fide private mail delivery company or entrust their ballots to
19 a third party for delivery to a county elections official; and (2) that voters must return RAVBM
20 ballots only by mail, in person, or at ballot drop-off locations, as voters may also use a bona fide
21 private mail delivery company or entrust their ballots to a third party for delivery to a county
22 elections official. Unless expressly admitted, the Secretary otherwise denies the allegations in
23 Paragraph 42 of the SAC.

24 43. Paragraph 43 sets forth a legal conclusion to which no response is required. To the
25 extent a response is deemed required, the Secretary denies the allegations in Paragraph 43 of the
26 SAC.

27 44. To the extent Paragraph 44 sets forth legal conclusions, no responses are required.
28 To the extent a response is deemed required, the Secretary admits that at least one California

1 voter claims to have submitted a ballot by electronic fax, that that some other military and
2 overseas voters may have attempted to submit their ballot selections by electronic fax in prior
3 elections, and that at least one California county claims to have electronic fax capabilities. The
4 Secretary lacks sufficient information to form a belief as to the truth of Plaintiffs' allegation that
5 electronic fax involves transmitting an electronic version of the marked ballot to an e-fax service,
6 which faxes the materials to the voter's county elections official, and on that basis denies it. The
7 Secretary denies Plaintiffs' allegation that the use of electronic fax to return ballots is not
8 prohibited. The Secretary lacks sufficient information to form a belief as to the truth of Plaintiffs'
9 allegation that electronic fax has arguably become more common as fewer people have access to
10 fax machines and technology continues to shift toward e-faxing, and on that basis denies it.

11 45. The Secretary lacks sufficient information to form a belief as to the truth of
12 Plaintiffs' allegations in Paragraph 45 of the SAC, and on that basis denies them.

13 46. The Secretary lacks sufficient information to form a belief as to the truth of
14 Plaintiffs' allegations in Paragraph 46 of the SAC, and on that basis denies them.

15 47. The Secretary denies that she allows qualified military and overseas voters to
16 return their ballots by fax despite any security risks that may exist in connection with that method
17 of ballot return.

18 48. The Secretary admits the allegations in Paragraph 48 of the SAC.

19 49. The Secretary admits the allegations in Paragraph 49 of the SAC.

20 50. The Secretary denies that, when RAVBM was first introduced in California, voters
21 were required to attest under oath that they belonged to a qualified group. The Secretary
22 otherwise admits the allegations in Paragraph 50 of the FAC.

23 51. The Secretary denies that she has the authority to authorize any form of ballot
24 return not permitted under the California Elections Code.

25 52. The Secretary admits that California law has required every county to offer
26 RAVBM systems to at least certain voters since 2020. The Secretary further admits that the
27 RAVBM systems currently certified or conditionally approved for use in California require voters
28 to print their ballot selections on paper, put the printout in a paper ballot return envelope, seal the

1 envelope, sign the envelope, and return the envelope to the county elections office. To the extent
2 that Plaintiffs allege that voters using RAVBM systems may only return the envelope to the
3 county elections office by mail, by depositing it in a ballot drop box, or by dropping it off in
4 person at the elections office or a voting location, the Secretary denies this allegation because
5 voters may use a bona fide private mail delivery company or entrust their ballot to a third person
6 for delivery to county elections officials. The Secretary admits Plaintiffs' allegations in footnote 7
7 that California Assembly Bill 626 became effective on January 1, 2024. The Secretary further
8 admits that California Elections Code section 3016.5 permits vote-by-mail voters to vote their
9 vote-by-mail ballot, without the identification envelope, in person at the polling place designated
10 for the voter's home precinct or at a vote center established pursuant to section 4005, subject to
11 certain conditions. The Secretary lack sufficient information to form a belief as to Plaintiffs'
12 allegation in footnote 7 that, while some voters with print disabilities may choose to submit their
13 RAVBM printouts in person, without a ballot return envelope, pursuant to this new law, such an
14 option does not obviate the accessibility barriers to voting by mail, and on that basis denies it.

15 53. The Secretary is without sufficient information to form a belief as to the truth of
16 Plaintiffs' allegations that voters with print disabilities are unable to vote privately and
17 independently using an RAVBM system because they require sighted and/or other physical
18 assistance to perform one or more of the required paper-based steps, such as printing their
19 selections, verifying that the ballot selections printed correctly, putting the printout in the ballot
20 return envelope, and/or sealing, signing, and returning the envelope, and on that basis denies
21 them. To the extent the remaining allegations in Paragraph 53 of the SAC set forth a legal
22 conclusion, no response is necessary. To the extent a response is deemed necessary, the Secretary
23 denies the remaining allegations in Paragraph 53 of the SAC.

24 54. The Secretary admits that the RAVBM systems certified or conditionally approved
25 for use in California have made receiving, reading, and marking ballots more accessible to some
26 voters with disabilities, including those who can use their own assistive technology—such as a
27 screen reader or a sip-and-puff device. The Secretary is without sufficient information to form a
28 belief as to the truth of Plaintiffs' allegations that the return process remains inaccessible to voters

1 with print disabilities who are unable to print, read, and/or handle the RAVBM printout and a
2 paper ballot return envelope without assistance from another person, and on that basis denies
3 them. Footnote 8 of the SAC does not contain substantive allegations and no response is
4 necessary. To the extent a response is deemed necessary, the Secretary admits Plaintiffs'
5 allegations in footnote 7 that California Assembly Bill 626 became effective on January 1, 2024.
6 The Secretary further admits that California Elections Code section 3016.5 permits vote-by-mail
7 voters to vote their vote-by-mail ballot, without the identification envelope, in person at the
8 polling place designated for the voter's home precinct or at a vote center established pursuant to
9 section 4005, subject to certain conditions. The Secretary lack sufficient information to form a
10 belief as to Plaintiffs' allegation in footnote 7 that, while some voters with print disabilities may
11 choose to submit their RAVBM printouts in person, without a ballot return envelope, pursuant to
12 this new law, such an option does not obviate the accessibility barriers to voting by mail, and on
13 that basis denies it.

14 55. Paragraph 55 of the SAC sets forth a legal conclusion to which no response is
15 necessary. To the extent a response is deemed required, the Secretary denies the allegations in
16 Paragraph 55 of the SAC.

17 56. Paragraph 56 of the SAC sets forth a legal conclusion to which no response is
18 necessary. To the extent a response is deemed required, the Secretary admits that Plaintiffs
19 purport to bring claims for violations of title II of the Americans with Disabilities Act ("Title II"
20 or "ADA," as applicable), 42 U.S.C. § 12131 et seq.; Section 504 of the Rehabilitation Act of
21 1973 ("Section 504"), 29 U.S.C. § 794 et seq.; and section 11135(a) of the California
22 Government Code, but denies that the SAC states any claim for relief under any of those
23 provisions.

24 57. Paragraph 57 of the SAC sets forth a legal conclusion to which no response is
25 necessary.

26 58. To the extent Paragraph 58 of the FAC sets forth legal conclusions, no response is
27 necessary. To the extent a response is deemed required, the Secretary denies that there are
28 unlawful, discriminatory burdens placed on voters with print disabilities by the vote-by-mail

1 program. The Secretary denies Plaintiffs' allegation that an e-return option would not place an
2 additional burden on election officials. The Secretary is without sufficient information to form a
3 belief as to the truth of Plaintiffs' allegations that the addition of an electronic ballot return (or e-
4 return) option—which does not require the reading or handling of paper—would allow voters
5 with print disabilities to use their own personal devices, including their own assistive technology,
6 not only to receive, read, and mark their vote-by-mail ballots as they can do with existing
7 RAVBM systems certified or conditionally approved for use in California, but also to review their
8 ballot selections for completeness and accuracy and to transmit their ballots with the full
9 independence and privacy that is afforded to Californians without print disabilities who
10 participate in the vote-by-mail program, and on that basis denies them.

11 59. Paragraph 59 of the SAC sets forth a legal conclusion to which no response is
12 necessary. To the extent a response is deemed required, the Secretary denies that there is any
13 discriminatory exclusion of voters with print disabilities. The Secretary is without sufficient
14 information to form a belief as to the truth of Plaintiffs' remaining allegations in Paragraph 59,
15 and on that basis denies them.

16 60. The Secretary denies that, as a matter of law, she may institute an email return
17 option for mail ballots, or that she may promulgate regulations for how county elections officials
18 receive and process ballot selections via email. The Secretary admits that, under California law,
19 an email return system is definitionally not an RAVBM system, and she accordingly lacks
20 authority to certify or provide conditional approval for such a system.

21 61. The Secretary denies that, as a matter of law, she may expand the use of facsimile
22 ballot return to voters with print disabilities, or that she may promulgate regulations for how
23 county elections officials receive and process ballots via fax. The Secretary admits that military
24 and overseas voters are permitted to return their ballots by facsimile transmission, but denies that
25 the Elections Code authorizes military and overseas voters to return their ballots by e-fax. The
26 Secretary is without sufficient information to form a belief as to the truth of Plaintiffs' allegations
27 that ballots returned via e-fax can be received by any fax machine or that implementing an e-fax
28 return option would not require additional infrastructure, and on that basis denies them. The

1 Secretary admits that an e-fax ballot return system is definitionally not an RAVBM system, and
2 she accordingly lacks authority to certify or provide conditional approval for such a system. The
3 Secretary admits that every county in California has a fax number capable of receiving faxed
4 ballots.

5 62. The Secretary denies that, as a matter of law, she may institute an online portal for
6 electronic ballot return that is integrated into a RAVBM system, or that she has the lawful
7 authority to certify or conditionally approve such a system. The Secretary is without sufficient
8 information to form a belief as to the truth of Plaintiffs' allegation that at least four states use
9 Democracy Live's OmniBallot software, and on that basis denies it. The Secretary denies that she
10 has the lawful authority to promulgate regulations regarding the use of an RAVBM system with
11 an online portal for electronic ballot return.

12 63. The Secretary admits that more than half of California counties currently use a
13 certified RAVBM system built by Democracy Live that does not include an e-return option. The
14 Secretary is without sufficient information to form a belief as to the truth of Plaintiffs' allegation
15 that, according to the vendor, it would be easy to add an e-return option to the version of its
16 RAVBM system that already is used in California, and on that basis denies it. The Secretary
17 denies that she has the authority to approve an RAVBM system with an e-return option.

18 64. The Secretary admits that she can provide guidance to county election officials and
19 issue regulations, but denies that she may alter or amend the scope of express statutory
20 provisions, including in the matter alleged in Paragraphs 61-63 of the SAC.

21 65. The Secretary admits that State law previously required voters with disabilities to
22 attest under oath to the existence of their disabilities before using an RAVBM system, but denies
23 that she has the authority to expand ballot return methods beyond that current authorized under
24 State law.

25 66. The Secretary denies that, as a matter of law, she may authorize voters to sign
26 ballot return envelopes in anything other than their own handwriting or a signature stamp as
27 authorized by the Elections Code. The Secretary admits that military and overseas voters transmit
28 their signature by facsimile transmission when using that method of ballot return. The Secretary

1 further admits that some counties use an online application to allow voters to cure missing or non-
2 matching signatures from ballot return envelopes.

3 67. The Secretary lacks sufficient information to form a belief as to the truth of
4 Plaintiffs' allegation that Disability Rights California ("DRC") notified the Secretary and her staff
5 about the barriers posed by the lack of an e-return option in May 2021, and on that basis denies it.
6 The Secretary admits that DRC has urged the Secretary to certify a system that includes electronic
7 return for voters with print disabilities, despite the fact that such a return method is not authorized
8 under California law. The Secretary denies that the current vote-by-mail program violates Title II,
9 Section 504, or California state law.

10 68. The Secretary admits the allegations in Paragraph 68 of the SAC.

11 69. The Secretary denies the allegations in Paragraph 69 of the SAC.

12 70. The Secretary is without sufficient information to form a belief as to the truth of
13 Plaintiffs' allegations in Paragraph 70 of the SAC, and on that basis denies them.

14 71. The Secretary lacks sufficient information to form a belief as to Plaintiffs'
15 allegation that Russell Dawson Rawlings voted in 2020 in Sacramento County. The Secretary is
16 otherwise without sufficient information to form a belief as to the truth of Plaintiffs' allegations in
17 Paragraph 71 of the FAC, and on that basis denies them.

18 72. The Secretary admits that a voter named Vita Zavoli voted in November 2022 in
19 Alameda County. The Secretary is otherwise without sufficient information to form a belief as to
20 the truth of Plaintiffs' allegations in Paragraph 72 of the SAC, and on that basis denies them.

21 73. To the extent Paragraph 73 sets forth a legal conclusion, no response is necessary.
22 To the extent a response is deemed required, the Secretary is without sufficient information to
23 form a belief as to the truth of Plaintiffs' allegations in Paragraph 73 of the SAC, and on that
24 basis denies them.

25 74. To the extent Paragraph 74 sets forth a legal conclusion, no response is necessary.
26 To the extent a response is deemed required, the Secretary is without sufficient information to
27 form a belief as to the truth of Plaintiffs' allegations in Paragraph 74 of the SAC, and on that
28 basis denies them.

1 75. The Secretary is without sufficient information to form a belief as to the truth of
2 Plaintiffs' allegations in Paragraph 75 of the SAC, and on that basis denies them.

3 76. To the extent the allegations in Paragraph 76 set forth a legal conclusion, no
4 response is necessary. To the extent a response is deemed required, the Secretary admits that
5 Paragraph 76 sets forth Plaintiffs' proposed class definition.

6 77. To the extent Paragraph 77 sets forth a legal conclusion, no response is necessary.
7 To the extent a response is deemed required, the Secretary is without sufficient information to
8 form a belief as to the truth of Plaintiffs' allegations in Paragraph 77 of the SAC, and on that
9 basis denies them.

10 78. To the extent Paragraph 78 sets forth a legal conclusion, no response is necessary.
11 To the extent a response is deemed required, the Secretary is without sufficient information to
12 form a belief as to the truth of Plaintiffs' allegations in Paragraph 78 of the SAC, and on that
13 basis denies them.

14 79. To the extent Paragraph 79 sets forth a legal conclusion, no response is necessary.
15 To the extent a response is deemed required, the Secretary denies Plaintiffs' allegation that she
16 has failed to offer an accessible electronic method of returning a marked vote-by-mail ballot. The
17 Secretary is without sufficient information to form a belief as to the truth of Plaintiffs' remaining
18 allegations in Paragraph 79 of the SAC, and on that basis denies them.

19 80. To the extent Paragraph 80 sets forth a legal conclusion, no response is necessary.
20 To the extent a response is deemed required, the Secretary denies Plaintiffs' allegation that she
21 has a policy and practice of failing to authorize an accessible electronic method to return a
22 marked vote-by-mail ballot. The Secretary is without sufficient information to form a belief as to
23 the truth of Plaintiffs' remaining allegations in Paragraph 80 of the SAC, and on that basis denies
24 them.

25 81. To the extent Paragraph 81 sets forth a legal conclusion, no response is necessary.
26 To the extent a response is deemed required, the Secretary is without sufficient information to
27 form a belief as to the truth of Plaintiffs' allegations in Paragraph 81 of the SAC, and on that
28 basis denies them.

1 82. To the extent Paragraph 82 sets forth a legal conclusion, no response is necessary.
2 To the extent a response is deemed required, the Secretary is without sufficient information to
3 form a belief as to the truth of Plaintiffs' allegations in Paragraph 82 of the SAC, and on that
4 basis denies them.

5 83. To the extent Paragraph 83 sets forth a legal conclusion, no response is necessary.
6 To the extent a response is deemed required, the Secretary denies Plaintiffs' allegation that she
7 acted or failed to act. The Secretary is without sufficient information to form a belief as to the
8 truth of Plaintiffs' remaining allegations in Paragraph 83 of the SAC, and on that basis denies
9 them.

10 84. The Secretary incorporates by reference each and every response to Paragraphs 1–
11 83 as if specifically asserted herein.

12 85. Paragraph 85 sets forth a legal conclusion to which no response is necessary. To
13 the extent a response is deemed required, the Secretary admits that the quoted language appears in
14 the cited statute, and that the statute speaks for itself.

15 86. Paragraph 86 sets forth a legal conclusion to which no response is necessary. To
16 the extent a response is deemed required, the Secretary admits that the quoted language appears in
17 the cited regulations, and that the regulations speak for themselves.

18 87. Paragraph 87 sets forth a legal conclusion to which no response is necessary. To
19 the extent a response is deemed required, the Secretary admits that the quoted language appears in
20 the cited regulations, and that the regulations speak for themselves.

21 88. Paragraph 88 sets forth a legal conclusion to which no response is necessary. To
22 the extent a response is deemed required, the Secretary admits that the quoted language appears in
23 the cited regulations, and that the regulations speak for themselves.

24 89. Paragraph 89 sets forth a legal conclusion to which no response is necessary. To
25 the extent a response is deemed required, the Secretary admits that federal law may, in certain
26 circumstances, preempt state law.

27 90. Paragraph 90 sets forth a legal conclusion to which no response is necessary. To
28 the extent a response is deemed required, the Secretary admits the allegations of Paragraph 90.

1 91. Paragraph 91 sets forth a legal conclusion to which no response is necessary. To
2 the extent a response is deemed required, the Secretary lacks sufficient information to form a
3 belief as to the truth of Plaintiffs' allegations that they are qualified individuals with disabilities
4 within the meaning of Title II. The Secretary otherwise denies the allegations in Paragraph 91 of
5 the SAC.

6 92. Paragraph 92 sets forth a legal conclusion to which no response is necessary. To
7 the extent a response is deemed required, the Secretary lacks sufficient information to form a
8 belief as to the truth of Plaintiffs' allegations that CCB and NFBCA have members who are
9 qualified California voters with disabilities within the meaning of Title II. The Secretary
10 otherwise denies the allegations in Paragraph 92 of the SAC.

11 93. Paragraph 93 sets forth a legal conclusion to which no response is necessary. To
12 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 93 of
13 the SAC.

14 94. Paragraph 94 sets forth a legal conclusion to which no response is necessary. To
15 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 94 of
16 the SAC.

17 95. Paragraph 95 sets forth a legal conclusion to which no response is necessary. To
18 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 95 of
19 the SAC.

20 96. Paragraph 96 sets forth a legal conclusion to which no response is necessary. To
21 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 96 of
22 the SAC.

23 97. Paragraph 97 sets forth a legal conclusion to which no response is necessary. To
24 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 97 of
25 the SAC.

26 98. The Secretary incorporates by reference each and every response to Paragraphs 1–
27 97 as if specifically asserted herein.
28

1 99. Paragraph 99 sets forth a legal conclusion to which no response is necessary. To
2 the extent a response is deemed required, the Secretary admits that the quoted language appears in
3 the cited statute, and that the statute speaks for itself.

4 100. Paragraph 100 sets forth a legal conclusion to which no response is necessary. To
5 the extent a response is deemed required, the Secretary admits that the quoted language appears in
6 the cited statute, and that the statute speaks for itself.

7 101. Paragraph 101 sets forth a legal conclusion to which no response is necessary. To
8 the extent a response is deemed required, the Secretary admits that federal law may, in certain
9 circumstances, preempt state law.

10 102. Paragraph 102 sets forth a legal conclusion to which no response is necessary. To
11 the extent a response is deemed required, the Secretary admits the allegations of Paragraph 102.

12 103. Paragraph 103 sets forth a legal conclusion to which no response is necessary. To
13 the extent a response is deemed required, the Secretary is without sufficient information to form a
14 belief as to the truth of Plaintiffs' allegations in Paragraph 103 of the SAC, and on that basis
15 denies them.

16 104. The Secretary admits that the State of California receives federal funds through the
17 United States Election Assistance Commission for use in elections programs and activities,
18 including the vote-by-mail program.

19 105. Paragraph 105 sets forth a legal conclusion to which no response is necessary. To
20 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 105 of
21 the SAC.

22 106. Paragraph 106 sets forth a legal conclusion to which no response is necessary. To
23 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 106 of
24 the SAC.

25 107. Paragraph 107 sets forth a legal conclusion to which no response is necessary. To
26 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 107 of
27 the SAC.

1 108. Paragraph 108 sets forth a legal conclusion to which no response is necessary. To
2 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 108 of
3 the SAC.

4 109. Paragraph 109 sets forth a legal conclusion to which no response is necessary. To
5 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 109 of
6 the SAC.

7 110. The Secretary incorporates by reference each and every response to Paragraphs 1–
8 109 as if specifically asserted herein.

9 111. Paragraph 111 sets forth a legal conclusion to which no response is necessary. To
10 the extent a response is deemed required, the Secretary admits that the quoted language appears in
11 the cited statute, and that the statute speaks for itself.

12 112. Paragraph 112 sets forth a legal conclusion to which no response is necessary. To
13 the extent a response is deemed required, the Secretary admits that the language of California
14 Government Code section 11135(b) speaks for itself.

15 113. The Secretary admits that she administers certain aspects of the vote-by-mail
16 program.

17 114. The Secretary admits that the vote-by-mail program is a program or activity that
18 has received substantial state financial assistance.

19 115. Paragraph 115 sets forth a legal conclusion to which no response is necessary. To
20 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 115 of
21 the SAC.

22 116. Paragraph 116 sets forth a legal conclusion to which no response is necessary. To
23 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 108 of
24 the SAC.

25 117. Paragraph 117 sets forth a legal conclusion to which no response is necessary. To
26 the extent a response is deemed required, the Secretary denies the allegations in Paragraph 109 of
27 the SAC.
28

118. Paragraph 118 sets forth a legal conclusion to which no response is necessary. To the extent a response is deemed required, the Secretary denies the allegations in Paragraph 110 of the SAC.

The Secretary denies that Plaintiffs are entitled to the relief requested immediately following Paragraph 118, or to any relief whatsoever. To the extent the Prayer for Relief contains any factual allegations, the Secretary denies them.

DEFENSES

In addition to the foregoing responses to the allegations in the SAC, and without admitting any allegations contained therein or taking on the burden as to any matter for which the burden falls on Plaintiffs, the Secretary asserts the following defenses based on information and belief. By asserting the following defenses, the Secretary does not knowingly or intentionally waive any additional defense. The Secretary reserves the right to amend this answer and these defenses. The Secretary further reserves the right to assert or rely upon other defenses as may become available or apparent during discovery or other proceedings in this action. The Secretary further reserves the right to rely on defenses raised by other parties in this action.

FIRST DEFENSE

(Failure to State a Claim)

1. Plaintiffs' Second Amended Complaint ("SAC") is barred because it fails to state a claim upon which relief may be granted.

2. Specifically, Plaintiffs' SAC fails to adequately allege any violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or Section 11135(a) of the California Government Code.

SECOND DEFENSE

(Lack of Standing)

3. Plaintiffs' SAC is barred because Plaintiffs lack standing to assert their claims.

4. Specifically, Plaintiffs' injuries are neither traceable to the Secretary of State nor redressable through any order the Court may issue in this action.

SIXTH DEFENSE

(Failure to Join Indispensable Parties)

23. Plaintiffs' claims are barred because they have failed to join indispensable parties.

24. Complete relief in this case is not possible without the participation of each of California's 58 county registrars, who actually administer the vote-by-mail system. All of the changes Plaintiffs seek through a permanent injunction in this action will require county implementation and, as such, they are both necessary and indispensable.

25. Moreover, county registrars have a cognizable interest in this action, as they may be required to make substantial changes to their vote-by-mail systems, which may include purchasing new equipment or services. County registrars may also be required to undertake significant outreach to affected voters and may face public and media inquiries related to the changes to the RAVBM system this Court may order.

26. The counties' interest in this action may be impaired by any relief the Court may order, because it may impose both administrative and financial costs on the counties, as well as subject counties to new legal obligations with respect to the vote-by-mail system.

Dated: November 19, 2025

Respectfully submitted,

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/s/ Jane Reilley
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Deputy Attorney General
Attorneys for Defendant
California Secretary of State
Shirley N. Weber, Ph.D.

CERTIFICATE OF SERVICE

Case Name: ***California Council of the Blind,
et al. v. Shirley N. Weber*** Case No. **3:24-cv-01447-SK**

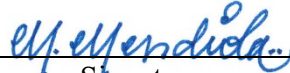
I hereby certify that on November 19, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **DEFENDANT'S ANSWER TO SECOND AMENDED COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 19, 2025, at San Francisco, California.

M. Mendiola
Declarant


Signature

SA2024301128