

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**MYRNA COLÓN MARRERO, JOSEFINA
ROMAGUERA AGRAIT**

Plaintiffs,

v.

**HÉCTOR CONTY PÉREZ, as President of
the Puerto Rico State Elections
Commission; EDWIN MUNDO RÍOS, as
Electoral Commissioner of the New
Progressive Party (NPP); EDER E. ORTIZ
ORTIZ, as Electoral Commissioner of the
Popular Democratic Party (PDP);
ROBERTO I. APONTE BERRIOS, as
Electoral Commissioner of the Puerto Rican
Independence Party (PIP); JULIO
FONTANET MALDONADO, as Electoral
Commissioner of the Movimiento Unión
Soberanista (MUS); ADRIAN DIAZ DIAZ,
as Electoral Commissioner of the
Puertorriqueños por Puerto Rico (PPR);
and LILLIAN APONTE DONES as
Electoral Commissioner of the PARTIDO
DEL PUEBLO TRABAJADOR (PPT)**

Defendants.

Civil No.: 12-1749 (CCC)

ANSWER TO THE AMENDED COMPLAINT

TO THE HONORABLE COURT:

COMES NOW defendant, Edwin Mundo-Ríos (“Mundo Ríos” or “defendant”), as Electoral Commissioner of the New Progressive party (“NPP”), through the undersigned attorneys, and respectfully answers the Amended Complaint (Docket No. 19) as follows:

I. Jurisdictional Statement

1. Mundo-Ríos denies plaintiffs' allegations concerning the National Voter Registration Act ("NVRA"), since the United States Court of Appeals for the First Circuit has already determined that said statute does not apply to Puerto Rico. (Op. November 2, 2012, Case No. 12-2145). Defendant admits all statements in paragraph 1 which address the remedies being sought by plaintiffs under the Help America Vote Act ("HAVA"), and the First and Fourteenth Amendments of the United States Constitution. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to plaintiffs' place of residency. The remaining allegations contained in paragraph 1 constitute conclusions of law to which no response is required.

2. Defendant admits the allegations contained in paragraph 2, except all references and remedies sought under the NVRA. Defendant further states that the remedies sought by plaintiffs must be extended to all voters who did not vote in the past two (2) consecutive Puerto Rico General Elections, including the 2012 General Elections, as required by HAVA (42 U.S.C. § 15483). The remedies requested by plaintiffs should be extended to all local and federal electoral offices applicable to Puerto Rico.

II. The Parties

3. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3.

4. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3(a).

5. The allegations contained in paragraph 4 refer to parties other than Mundo-Ríos and do not require a response from defendant.

6. Mundo-Ríos admits the allegations contained in paragraph 5.

7. The allegations contained in paragraph 6 refer to parties other than Mundo-Ríos and do not require a response from defendant.

8. The allegations contained in paragraph 7 refer to parties other than Mundo-Ríos and do not require a response from defendant.

9. The allegations contained in paragraph 8 refer to parties other than Mundo-Ríos and do not require a response from defendant.

10. The allegations contained in paragraph 9 refer to parties other than Mundo-Ríos and do not require a response from defendant.

11. The allegations contained in paragraph 10 refer to parties other than Mundo-Ríos and do not require a response from defendant.

III. Statement of Facts

12. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 11.

13. The allegations contained in paragraph 12 constitute conclusions of law to which no response is required.

14. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 13.

15. Mundo-Ríos admits the allegations contained in paragraph 14.

16. Mundo-Ríos admits the allegations contained in paragraph 15.

17. Mundo-Ríos admits the allegations contained in paragraph 16.

18. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 17.

19. Mundo-Ríos admits the allegations contained in paragraph 18.

20. Mundo-Ríos admits the allegations contained in paragraph 19, except for all references and remedies sought under the NVRA, since said statute is inapplicable to Puerto Rico.

21. Mundo-Ríos admits the allegations contained in paragraph 20.

22. Mundo-Ríos admits the allegations contained in paragraph 21, yet clarifies that the referenced letter was hand-delivered on July 30, 2012, and not on July 31, 2012.

23. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 21(a).

24. Mundo-Ríos admits the allegations contained in paragraph 22.

25. Mundo-Ríos admits the allegations contained in paragraph 23, yet clarifies that the referenced letters were subscribed by plaintiffs' attorneys and not by plaintiffs themselves.

26. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 24. Furthermore, said allegations constitute conclusions of law to which no response is required.

IV. First Cause of Action: Breach of NVRA

27. Mundo-Ríos lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 25 regarding plaintiffs' participation in the 2004 elections. Defendant admits that plaintiffs were removed from Puerto Rico's General Voter Registry for their failure to participate in Puerto Rico's 2008 General Elections. Mundo-Ríos denies all references to NVRA in paragraph 25, since said statute does not apply to Puerto Rico.

28. Mundo-Ríos admits the allegations contained in paragraph 26.

29. Mundo-Ríos denies the allegations contained in paragraph 27, in light of the First Circuit's November 2, 2012 Opinion, which establishes that the NVRA does not apply to Puerto Rico.

30. Mundo-Ríos denies the allegations contained in paragraph 28, in light of the First Circuit's November 2, 2012 Opinion, which establishes that the NVRA does not apply to Puerto Rico.

31. Mundo-Ríos denies the allegations contained in paragraph 29, in light of the First Circuit's November 2, 2012 Opinion, which establishes that the NVRA does not apply to Puerto Rico.

32. Mundo-Ríos denies the allegations contained in paragraph 30, in light of the First Circuit's November 2, 2012 Opinion, which establishes that the NVRA does not apply to Puerto Rico.

V. Second Cause of Action: Breach of HAVA

33. Mundo-Ríos admits the allegations contained in paragraph 31.

34. The allegations contained in paragraph 32 refer to parties other than Mundo-Ríos and do not require a response from defendant.

35. Mundo-Ríos admits the allegations contained in paragraph 33 that argue in favor of the applicability of Section 303 of the HAVA to Puerto Rico.

36. Mundo-Ríos admits the allegations contained in paragraph 34. Defendant, however, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in the referenced paragraph, regarding the State Electoral Commission's use of congressional funds for the implementation of the HAVA in Puerto Rico.

37. The allegations contained in paragraph 35 refer to parties other than Mundo-Ríos and do not require a response from defendant.

38. The allegations contained in paragraph 36 refer to parties other than Mundo-Ríos and do not require a response from defendant.

39. The allegations contained in paragraph 37 constitute conclusions of law to which no response is required.

40. The allegations contained in paragraph 38 constitute conclusions of law to which no response is required.

VI. Third Cause of Action: Breach of the Constitution

41. The allegations contained in paragraph 39 constitute conclusions of law to which no response is required.

42. Mundo-Ríos admits the allegations contained in paragraph 40.

43. Mundo-Ríos denies the allegations contained in paragraph 41, in light of the First Circuit's November 2, 2012 Opinion, which establishes that the NVRA does not apply to Puerto Rico.

AFFIRMATIVE DEFENSES

1. Mundo-Ríos reserves the right to state affirmative defenses in the future based on the information that may result from further investigation or discovery.

WHEREFORE, having fully answered plaintiffs' amended complaint, Mundo-Ríos prays that the Court grant the same and enter judgment in favor of plaintiffs' HAVA cause of action, as well as their First and Fourteenth Amendment claims.

WE HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification electronically to all counsel of record.

RESPECTFULLY SUBMITTED.

Respectfully submitted in Guaynabo, Puerto Rico, this 8th day of January, 2013.

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