

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

KEVIN LEON JONES, et al.,

Petitioners,

vs.

Consolidated Case No.: 4:19-cv-0300

RON DESANTIS, in his official capacity
as the Governor of Florida, an Indispensable
Party, et al,

Respondents.

**DEFENDANT MARK S. EARLEY, SUPERVISOR OF ELECTIONS FOR
LEON COUNTY'S ANSWER TO COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

Defendant, MARK EARLEY, in his official capacity, as the Supervisor of Elections of Leon County ("the Supervisor"), by and through undersigned counsel, hereby answers Plaintiffs' Complaint for Injunctive and Declarative Relief.

As to the numbered paragraphs in the Complaint, the Supervisor answers as follows:

PRELIMINARY STATEMENT

1. The Supervisor admits that, at the November 6, 2018 general election, nearly 65 percent of Florida voters approved Amendment 4 which

revised the Florida Constitution. The amendment speaks for itself. Likewise, the cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 1; therefore denied.

2. The Supervisor admits that the State of Florida has a history of denying individuals the right to vote. The Supervisor admits, as stated by the United States Supreme Court that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 2; therefore denied.

3. The Supervisor admits that this action challenges SB 7066, which was signed by the Governor on June 28, 2019. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 3; therefore denied.

4. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 4; therefore denied.

5. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 5; therefore denied.

6. SB 7066 speaks for itself. The Supervisor admits that Florida has no unified system to accurately record data on LFOs, and no system to access data on federal or out-of-state financial obligations. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 6; therefore denied.

7. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 7; therefore denied.

8. The cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 8; therefore denied.

9. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 9; therefore denied.

PARTIES

10. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 10; therefore denied.

11. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 11; therefore denied.

12. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 12; therefore denied.

13. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 13; therefore denied.

14. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 14; therefore denied.

15. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 15; therefore denied.

16. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 16; therefore denied.

17. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 17; therefore denied.

18. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 18; therefore denied.

19. The Supervisor admits that Jermaine Miller registered to vote in Leon County, Florida, on January 8, 2019. Other than being aware of Mr. Miller's allegations and his declaration filed in this case, the Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 19; therefore denied.

20. The Supervisor admits that the Florida State Conference of Branches and Youth Units of the NAACP is a civil rights organization in Florida. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 20; therefore denied.

21. The Supervisor admits that units of the Florida NAACP have been involved in voter registration and voter education activities. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 21; therefore denied.

22. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 22; therefore denied.

23. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 23; therefore denied.

24. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 24; therefore denied.

25. The Supervisor admits that the League of Women Voters has been involved in registering citizens to vote. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 25; therefore denied.

26. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 26; therefore denied.

27. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 27; therefore denied.

28. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 28; therefore denied.

29. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 29; therefore denied.

30. The Supervisor admits that Defendant Laurel M. Lee is being sued in her official capacity as Secretary of State of the State of Florida. The cited statutes speak for themselves as does cited case. Any remaining factual allegations or legal conclusions contained in numbered paragraph 30 are denied.

31. The Supervisor admits Paragraph 31.

JURISDICTION

32. The Supervisor admits that this action was brought under 42 U.S.C. §§ 1983 and 1988. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 32.

33. The Supervisor admits that this Court has jurisdiction over matters arising under the Constitution and laws of the United States. The

Supervisor denies any remaining factual allegation or legal conclusions contained in numbered Paragraph 33.

34. The Supervisor admits that this Court has authority to enter declaratory or injunctive relief.

35. The Supervisor admits that venue is proper in this District.

36. The Supervisor admits this case was properly filed in the Gainesville Division of this District.

STATEMENT OF FACTS

I. Background on the Passage of Amendment 4

37. The Supervisor admits that, at the November 6, 2018 general election, nearly 65 percent of Florida voters approved Amendment 4 which revised the Florida Constitution. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 37; therefore denied.

38. The Supervisor admits Paragraph 38.

39. The language of the amendment speaks for itself as does the language of the cited cases. The Supervisor is otherwise without sufficient

information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 39; therefore denied.

40. The language of the cited cases and the cited provision of the United States Constitution speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 40; therefore denied.

41. The language of the cited cases speaks for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 41; therefore denied.

42. The Supervisor admits Paragraph 42.

43. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 43; therefore denied.

44. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 44; therefore denied.

45. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 45; therefore denied.

46. The Supervisor admits that the State of Florida has a history of denying individuals the right to vote. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 46; therefore denied.

47. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered paragraph 47; therefore denied.

48. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 48; therefore denied.

II. Florida's Voter Registration Process

49. The Supervisor admits Paragraph 49.

50. The cited statutes speak for themselves as does the referenced form; otherwise the Supervisor admits Paragraph 50.

51. The referenced form speaks for itself; otherwise the Supervisor admits Paragraph 51.

52. The cited statute speaks for itself; otherwise the Supervisor admits Paragraph 52.

53. SB 7066 speaks for itself as does the referenced Division of Elections advisory opinion speak for themselves; otherwise the Supervisor admits Paragraph 53.

54. The referenced Division of Elections advisory opinion speaks for themselves; otherwise the Supervisor admits Paragraph 54.

55. The cited statute speaks for itself; otherwise the Supervisor admits Paragraph 55.

56. The cited statutes speak for themselves; otherwise the Supervisor admits Paragraph 56.

57. The cited statute speaks for itself; otherwise the Supervisor admits Paragraph 57.

58. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 58; therefore denied.

III. Challenged Provisions of SB 7066

59. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 59; therefore denied.

60. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 60; therefore denied.

61. The cited statute speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 61; therefore denied.

62. The cited statutes speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 62; therefore denied.

63. The cited statutes speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 63; therefore denied.

64. The cited statute speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 64; therefore denied.

65. The cited statute speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 65; therefore denied.

66. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 66; therefore denied.

67. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 67; therefore denied.

68. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 68; therefore denied.

69. SB 7066 and the cited statute speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 69; therefore denied.

70. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 70; therefore denied.

71. SB 7066 and the cited statute speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 71; therefore denied.

72. SB 7066 and the cited statute speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 72; therefore denied.

73. SB 7066 and the cited statute speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 73; therefore denied.

74. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 74; therefore denied.

75. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 75; therefore denied.

IV. Legislative History of SB 7066

76. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 76; therefore denied.

77. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 77; therefore denied.

78. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 78; therefore denied.

79. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 79; therefore denied.

80. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 80; therefore denied.

81. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 81; therefore denied.

82. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 82; therefore denied.

83. The cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 83; therefore denied.

84. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 84; therefore denied.

85. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 85; therefore denied.

V. Specific Sequence of Events Leading to SB 7066's Passage

86. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 86; therefore denied.

87. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 87; therefore denied.

88. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 88; therefore denied.

89. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 89; therefore denied.

90. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 90; therefore denied.

CLAIMS FOR RELIEF

COUNT ONE

Fourteenth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Violation of Fundamental Fairness

91. The Supervisor incorporates by reference the responses to numbered paragraphs 1-90 of the Complaint for Injunctive and Declaratory Relief.

92. Section 1 of the Fourteenth Amendment speaks for itself.

93. The cited cases speak for themselves. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 93.

94. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 94; therefore denied.

95. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 95; therefore denied.

96. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in

numbered Paragraph 96; therefore denied.

97. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 97; therefore denied.

98. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 98; therefore denied.

COUNT TWO
Fourteenth Amendment to the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Unconstitutional Discrimination in Violation of Equal Protection

99. The Supervisor incorporates by reference the responses to numbered paragraphs 1-98 of the Complaint for Injunctive and Declaratory Relief.

100. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 100; therefore denied.

101. The cited cases speak for themselves. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 101.

102. The cited cases speak for themselves. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 102.

103. The cited cases speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 103; therefore denied.

104. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 104; therefore denied.

105. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 105; therefore denied.

106. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 106; therefore denied.

107. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 107; therefore denied.

108. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 108; therefore denied.

109. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 109; therefore denied.

110. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 110; therefore denied.

111. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 111; therefore denied.

COUNT THREE
Fourteenth Amendment to the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Unconstitutional Burden on the Fundamental Right to Vote

112. The Supervisor incorporates by reference the responses to numbered paragraphs 1-111 of the Complaint for Injunctive and Declaratory Relief.

113. The cited cases speak for themselves. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 113.

114. The cited cases speak for themselves. The Supervisor denies any remaining factual allegations or legal conclusions contained in numbered Paragraph 114.

115. The Supervisor admits that Plaintiff Jermaine Miller registered to vote in Leon County on January 21, 2019. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual

allegations or legal conclusions contained in numbered Paragraph 115; therefore denied.

116. The Supervisor admits that he confirmed Plaintiff Jermaine Miller's eligibility to vote on or about January 21, 2019. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 116; therefore denied.

117. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 117; therefore denied.

118. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 118; therefore denied.

119. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 119; therefore denied.

120. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual

allegations or legal conclusions contained in numbered Paragraph 120; therefore denied.

121. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 121; therefore denied.

122. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 122; therefore denied.

123. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 123; therefore denied.

124. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 124; therefore denied.

125. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 125; therefore denied.

126. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 126; therefore denied.

127. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 127; therefore denied.

COUNT FOUR
Twenty-Fourth Amendment to the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Unconstitutional Poll Tax

128. The Supervisor incorporates by reference the responses to numbered paragraphs 1-127 of the Complaint for Injunctive and Declaratory Relief.

129. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 129; therefore denied.

130. The Twenty-Fourth Amendment speaks for itself.

131. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual

allegations or legal conclusions contained in numbered Paragraph 131; therefore denied.

132. SB 7066, the cited Rule of the Board of Executive Clemency, and the cited advisory opinion for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 132; therefore denied.

133. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 133; therefore denied.

COUNT FIVE
Fourteenth Amendment to the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Vagueness and Violation of Procedural Due Process

134. The Supervisor incorporates by reference the responses to numbered paragraphs 1-133 of the Complaint for Injunctive and Declaratory Relief.

135. The cited cases speak for themselves. The Supervisor is otherwise without sufficient information and knowledge to admit or deny

the factual allegations or legal conclusions contained in numbered Paragraph 135; therefore denied.

136. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 136; therefore denied.

137. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 137; therefore denied.

138. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 138; therefore denied.

139. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 139; therefore denied.

140. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 140; therefore denied.

141. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 141; therefore denied.

142. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 142; therefore denied.

143. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 143; therefore denied.

144. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 144; therefore denied.

145. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 145; therefore denied.

146. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 146; therefore denied.

147. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 147; therefore denied.

148. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 148; therefore denied.

COUNT SIX

First and Fourteenth Amendments to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Burden on Core Political Speech and Associational Rights

149. The Supervisor incorporates by reference the responses to numbered paragraphs 1-148 of the Complaint for Injunctive and Declaratory Relief.

150. The Supervisor admits Paragraph 150.

151. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 151; therefore denied.

152. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 152; therefore denied.

153. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 153; therefore denied.

154. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 154; therefore denied.

155. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 155; therefore denied.

COUNT SEVEN
Article I, § 10 of the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Retroactive Punishment in Violation of Ex Post Facto Clause

156. The Supervisor incorporates by reference the responses to numbered paragraphs 1-155 of the Complaint for Injunctive and Declaratory Relief.

157. Article I, Section 10 of the United States Constitution speaks for itself.

158. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 158; therefore denied.

159. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 159; therefore denied.

160. The Supervisor admits that Jermaine Miller was registered to vote in Leon County, Florida, on January 8, 2019, prior to the enactment of SB 7066. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 160; therefore denied.

161. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 161; therefore denied.

162. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 162; therefore denied.

163. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 163; therefore denied.

164. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 164; therefore denied.

165. SB 7066 speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 165; therefore denied.

COUNT EIGHT
Fourteenth and Fifteenth Amendments to the U.S. Constitution,
as enforced by 42 U.S.C. § 1983
Intentional Race Discrimination

166. The Supervisor incorporates by reference the responses to numbered paragraphs 1-165 of the Complaint for Injunctive and Declaratory Relief.

167. The Fourteenth Amendment and the cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 167; therefore denied.

168. The cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 168; therefore denied.

169. The cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 169; therefore denied.

170. The cited case speaks for itself. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 170; therefore denied.

171. The cited case speaks for itself as does SB 7066. The Supervisor is otherwise without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 171; therefore denied.

172. The Supervisor is without sufficient information and knowledge to admit or deny the factual allegations or legal conclusions contained in numbered Paragraph 172; therefore denied.

REQUEST FOR RELIEF

The Supervisor denies that Plaintiffs are entitled to the relief sought.

AFFIRMATIVE DEFENSES

By way of separate and distinct affirmative defenses to the Complaint, the Supervisor alleges and states as follows:

First Affirmative Defense

The Supervisor had no role in the enactment of SB 7066. Per section 98.015, Florida Statutes, the Supervisor is responsible for, among other things, updating voter registration information, entering new voter registrations into the statewide voter registration system, and acting as the official custodian of documents received by the Supervisor related to the registration of electors and changes in voter registration status of electors in Leon County. The Supervisor, therefore, is merely a neutral and ministerial position with no power to grant the relief Plaintiffs seek.

Defendants reserve the right to assert further affirmative defenses as they become apparent through discovery or investigation.

WHEREFORE, the Supervisor, prays:

1. That a judgment be entered in favor of the Supervisor against the Plaintiffs.
2. That the Supervisor be awarded the costs of its suit; including reasonable attorney fees.
3. That this Court grant such other and further relief in Supervisor's favor as the Court may find just and proper.

RESPECTFULLY SUBMITTED this 29th day of August, 2019.

s/ Mark Herron

MESSER CAPARELLO, P.A.

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Attorneys for Defendant Mark Earley

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing using the Case Management/Electronic Case Filing ("CM/ECF") system on August 29, 2019, which will send a Notice of Electronic Filing to all counsel of record for the parties who have appeared.

s/ Mark Herron

Mark Herron