

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

KELVIN LEON JONES, et al.,

Case No. 4:19-cv-00300-RH-MJF

Plaintiffs,

vs.

RON DESANTIS, in his official capacity  
as Governor of the State of Florida, et al.

Defendants.

\_\_\_\_\_ /

**DEFENDANT, MIKE HOGAN,  
SUPERVISOR OF ELECTIONS FOR DUVAL COUNTY'S  
ANSWER AND AFFIRMATIVE DEFENSE TO *McCoy* COMPLAINT  
FOR INJUNCTIVE AND DECLARATORY RELIEF**

Defendant Mike Hogan, Supervisor of Elections for Duval County (“Duval County Supervisor”), by and through his undersigned counsel, answers the *McCoy* Plaintiffs’ Complaint for Injunctive and Declaratory Relief (originally 4:19-cv-00304-RH-CAS, Doc. 1), and states:

1. Denied.
2. Denied.
3. The Duval County Supervisor admits that on November 6, 2018, Amendment 4 was approved by the voters of the State of Florida. All other allegations are denied.
4. Denied.

5. Without knowledge, therefore denied.

6. The Duval County Supervisor admits that this is an action challenging SB 7066, and denies the remaining allegations.

7. Denied.

8. The Duval County Supervisor admits that this is an action challenging SB 70866, and denies the remaining allegations.

9. The Duval County Supervisor admits this is an action under 42 U.S.C. §§ 1983 and 1988, and otherwise denies the remaining portions of this paragraph.

10. The Duval County Supervisor admits that this Court has jurisdiction, and otherwise denies the remaining portions of this paragraph.

11. Admitted.

12. Admitted.

13. Admitted.

14. Without knowledge, therefore denied.

15. Without knowledge, therefore denied.

16. Without knowledge, therefore denied.

17. Without knowledge, therefore denied.

18. Without knowledge, therefore denied.

19. Without knowledge, therefore denied.

20. Without knowledge, therefore denied.

21. Without knowledge, therefore denied.

22. Without knowledge, therefore denied.

23. Without knowledge, therefore denied.

24. Admitted the Defendant DeSantis is governor of Florida. The laws and duties affecting his office speak for themselves.

25. Admitted that Defendant Lee is the Secretary of State for Florida. The laws and duties affecting her office speak for themselves.

26. Admitted that Mike Hogan is the Supervisor of Elections for Duval County. The laws speak for themselves.

27. Denied.

28. Without knowledge, therefore denied.

29. The Florida Constitution speaks for itself.

30. The case cited speaks for itself.

31. The cases cited speak for themselves.

32. Admitted that Amendment 4 went into effect on January 8, 2019. The Amendment speaks for itself.

33. The article cited speaks for itself. Otherwise, without knowledge.

34. Without knowledge, therefore denied.

35. Florida's Election Code and application speak for themselves.

36. The statute cited speaks for itself.

37. The statute cited speaks for itself.
38. The statute cited speaks for itself.
39. Without knowledge, therefore denied.
40. Denied.
41. Without knowledge, therefore denied.
42. Without knowledge, therefore denied.
43. Without knowledge, therefore denied.
44. Without knowledge, therefore denied.
45. Without knowledge, therefore denied.
46. Senate Bill 7066 speaks for itself.
47. Senate Bill 7066 speaks for itself.
48. Amendment 4 and the statute cited speak for themselves.
49. Denied.
50. Denied.
51. Denied.
52. Senate Bill 7066 speaks for itself; otherwise denied.
53. Denied.
54. Denied.
55. The statutes cited speak for themselves, otherwise denied.
56. Denied.

57. Without knowledge, therefore denied.

58. Without knowledge, therefore denied.

59. Without knowledge, therefore denied.

60. Without knowledge, therefore denied.

61. Without knowledge, therefore denied.

62. Denied.

63. Denied.

64. Defendant realleges and incorporate the answers to paragraphs one through 63 above.

65. The Fourteenth Amendment speaks for itself.

66. The case cited speaks for itself.

67. The case cited speaks for itself.

68. The Florida Constitution speaks for itself.

69. Without knowledge, therefore denied.

70. Without knowledge, therefore denied.

71. Without knowledge, therefore denied.

72. Without knowledge, therefore denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Defendant realleges and incorporates his answers to paragraphs one through 63 above.

79. The Twenty-Fourth Amendment speaks for itself.

80. The case cited speaks for itself.

81. The case cited speaks for itself; otherwise denied.

82. Denied.

83. Denied.

84. Denied.

85. Defendant realleges and incorporates by reference his answers to paragraphs one through 63 above.

86. The Fourteenth Amendment speaks for itself; otherwise denied.

87. The case cited speaks for itself.

88. The law cited speaks for itself.

89. Without knowledge, therefore denied.

90. Denied.

91. Denied.

92. Defendant realleges and incorporates by reference his answers to paragraphs one through 63 above.

93. The Fourteenth Amendment and law cited speak for themselves.

94. Without knowledge, therefore denied.

95. Denied.

96. Denied.

97. Denied.

98. Defendant realleges and incorporates by reference his answers to paragraphs one through 63 above.

99. The Eighth Amendment speaks for itself.

100. Denied.

101. Denied.

Denied that Plaintiffs are entitled to relief. All paragraphs herein not specifically admitted are denied.

### **AFFIRMATIVE DEFENSE**

As an affirmative defense, Duval County Supervisor alleges and states as follows:

1. **The Duval County Supervisor's Duties are Ministerial.** The Supervisor had no role in the enactment of SB 7066. Per section 98.015, Florida Statutes, the Duval County Supervisor is responsible for *inter alia* 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 Duval County. § 98.015, Fla. Stat. (2018). The Duval County Supervisor, therefore, is merely a neutral and ministerial position. *Diaz v. Lopez*, 167 So. 3d 455, 458 n.7 (Fla. 3d DCA 2015).

**RESERVATION OF RIGHT TO SUPPLEMENT DEFENSES**

Duval County Supervisor reserves the right to assert any and all additional Affirmative Defenses that discovery or other evidence may reveal to be appropriate. Duval County Supervisor further reserves the right to amend this Answer or otherwise plead in response to Plaintiffs' Complaint and to file other pleadings as he may deem advisable in defense of the case or as warranted by information add through disclosure.

WHEREFORE, Defendant, prays:

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

Dated: August 29<sup>th</sup>, 2019.



OFFICE OF GENERAL COUNSEL

/s/ Craig D. Feiser

Craig D. Feiser

Assistant General Counsel

Florida Bar No.: 164593

Jason R. Teal

Deputy General Counsel

Florida Bar No. 157198

117 West Duval Street, Suite 480

Jacksonville, FL 32202

Phone: (904) 255-5101

Facsimile: (904) 255-5120

cfeiser@coj.net

jteal@coj.net

*Attorneys for the Defendant SOE Hogan*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 29, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will electronically serve all counsel for the Plaintiffs who have appeared in this case.

OFFICE OF GENERAL COUNSEL

/s/ Craig D. Feiser

Craig D. Feiser