

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

KELVIN LEON JONES, et al.,

Consolidated

Case No. 4:19cv300-RH/MJF

Plaintiffs,

v.

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

Defendants.

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BONNIE RAYSOR, et al.,

Case No. 4:19cv301-RH/MJF

Plaintiffs,

v.

LAUREL M. LEE, in her official  
capacity as Secretary of State,

Defendant.

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JEFF GRUVER, et al.,

Case No. 4:19cv302-RH/MJF

Plaintiffs,

v.

KIM A. BARTON, et al.,

Defendants.

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ROSEMARY OSBORNE McCOY, et al.,

Case No. 4:19cv304-RH-CAS

Plaintiffs,

v.

RONALD DION DeSANTIS, in his official  
capacity as Governor of Florida, et al.,

Defendants.

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LUIS MENDEZ,

Case No. 4:19cv272-RH-MJF

v.

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

Defendants.

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**ANSWER AND DEFENSES OF KIM A. BARTON, SUPERVISOR  
OF ELECTIONS OF ALACHUA COUNTY, FLORIDA,  
TO THE COMPLAINT FOR INJUNCTIVE AND DECLARATORY  
RELIEF FILED IN THE GRUVER CASE**

Defendant, Kim Barton, as Supervisor of Elections of Alachua County Florida, files her Answer and Defenses to the Complaint for Injunctive and Declaratory Relief filed in the case of *Jeff Gruver, et al., Plaintiffs, v. Kim A. Barton, et al., Defendants* (ECF #1 filed in Case No. 4:19cv302-RH/MJF), and in response to each consecutively numbered paragraph states as follows:

1. Admitted as to passage of Amendment 4, without knowledge as to the effect of the Amendment without further action by the Legislature or Secretary of State.
2. Without knowledge therefore denied.
3. Without knowledge therefore denied.
4. Without knowledge therefore denied.
5. Without knowledge therefore denied.
6. Without knowledge therefore denied.

7. Without knowledge therefore denied.
8. Without knowledge therefore denied.
9. Without knowledge therefore denied.
10. Admitted that Plaintiff Gruver is a voter in Alachua County, otherwise without knowledge.
11. Without knowledge therefore denied.
12. Without knowledge therefore denied.
13. Without knowledge therefore denied.
14. Without knowledge therefore denied.
15. Admitted that Plaintiff Wrench is a voter in Alachua County, otherwise without knowledge.
16. Without knowledge therefore denied.
17. Without knowledge therefore denied.
18. Without knowledge therefore denied.
19. Without knowledge therefore denied.
20. Admitted as to the existence of the organization, without knowledge as to the particulars of its membership structure.
21. Without knowledge therefore denied.
22. Without knowledge therefore denied.
23. Without knowledge therefore denied.

24. Admitted

25. Admitted.

26. Admitted that a role of the LWVF is to register voters, otherwise without knowledge.

27. Without knowledge therefore denied.

28. Without knowledge therefore denied.

29. Without knowledge therefore denied.

30. Admitted.

31. Admitted that the named are Constitutional Officers in the listed counties serving in their roles as Supervisors of Elections. Also admitted that at present no additional resources have been allocated by the State for any burdens which the changes in the law may require. Otherwise denied.

32. Admitted that jurisdiction has been raised.

33. Admitted.

34. Admitted.

35. Admitted.

36. Admitted.

37. Admitted that Amendment 4 was approved by the electorate.

38. Admitted.

39. Admitted.

40. Admitted as a general proposition, otherwise denied.

41. Admitted as a general proposition, otherwise denied.

42. Admitted.

43. Admitted as to registration of returning citizens, unknown as to other, factual allegations.

44. Without knowledge therefore denied.

45. Without knowledge therefore denied.

46. Without knowledge therefore denied.

47. Without knowledge therefore denied.

48. Without knowledge therefore denied.

49. Admitted.

50. Admitted.

51. Admitted.

52. Admitted.

53. Admitted.

54. Admitted.

55. Admitted.

56. Admitted.

57. Admitted.

58. Without knowledge therefore denied.

59. Without knowledge therefore denied.

60. Without knowledge therefore denied.

61. Without knowledge therefore denied.

62. Admitted.

63. Admitted.

64. Admitted.

65. Admitted.

66. Admitted.

67. Denied, as this is an incomplete statement of the bill.

68. Without knowledge therefore denied.

69. Without knowledge therefore denied.

70. Admitted that Florida Courts have no jurisdiction to change the terms of an  
out of State or Federal sentence.

71. Denied as phrased.

72. Without knowledge therefore denied.

73. Without knowledge therefore denied.

74. Without knowledge therefore denied.

75. Without knowledge therefore denied.

76. To the extent these hearings have been recorded and are part of the public  
record, admitted; otherwise without knowledge, therefore denied.

77. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.

78. Admitted.

79. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.

80. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.

81. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.

82. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.

83. Without knowledge.

84. Without knowledge.

85. Without knowledge.

86. Without knowledge.

87. Without knowledge.

88. Without knowledge.

89. Without knowledge.

90. Without knowledge.

91. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.

92. Admitted.

93. Without knowledge.

94. Without knowledge.

95. Without knowledge.

96. Without knowledge.

97. Without knowledge.

98. Without knowledge.

99. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.

100. Without knowledge.

101. Admitted to as a general proposition, without knowledge as to its application in this action.

102. Admitted to as a general proposition, without knowledge as to its application in this action.

103. Without knowledge.

104. Without knowledge.

105. Without knowledge.



106. Without knowledge, as this is the purview of the State Legislature and not this Defendant.

107. At present it is a requirement of the law passed by the Legislature, this Defendant is powerless to do anything about this.

108. Without knowledge.

109. Without knowledge as the determination of State interest is within the authority of the Legislature and not this Defendant.

110. Without knowledge.

111. Without knowledge.

112. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.

113. Admitted that this is a general statement of the law.

114. Admitted that this is a statement of part of the law on the subject.

115. To the extent that the Plaintiffs meet the qualifications to be eligible to vote, admitted, otherwise denied.

116. To the extent voters in Alachua County are listed, their applications were processed in accordance with the procedure and forms at the time.

117. Without knowledge.

118. Without knowledge.

119. Without knowledge.

120. Without knowledge.
121. Without knowledge.
122. Without knowledge.
123. Without knowledge.
124. Without knowledge.
125. Without knowledge.
126. Without knowledge.
127. Without knowledge.
128. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.
129. Denied.
130. Admitted.
131. Admitted, subject to the options available under the law.
132. Without knowledge.
133. Denied.
134. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.
135. Admit that this is part of the jurisprudence on this issue.
136. Defendant is unaware of any.
137. Admitted to the extent discovery has been undertaken.

138. Defendant is not sure which returning citizens would be unaware of the amount they might owe or if this is a reasonable surmise.

139. Without knowledge.

140. Without knowledge.

141. Without knowledge.

142. Without knowledge.

143. Without knowledge.

144. Without knowledge.

145. Without knowledge.

146. Without knowledge.

147. Without knowledge.

148. Without knowledge.

149. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.

150. Admitted.

151. Without knowledge.

152. Without knowledge.

153. Without knowledge.

154. Without knowledge.

155. Without knowledge.

156. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.
157. Admitted this is a partial quote from the Constitution.
158. Without knowledge.
159. While this was the impression of this Defendant, given the Legislative action she is in doubt as to the accuracy of her initial impression.
160. Admitted as to the individuals claiming to have been registered in Alachua County.
161. Without knowledge.
162. To the extent these hearings have been recorded and are part of the public record, admitted; otherwise without knowledge, therefore denied.
163. Without knowledge.
164. Without knowledge.
165. Denied.
166. Defendant Barton realleges and incorporates by reference her responses to the Plaintiff's complaint as outlined above.
167. Admitted that this is a general statement of the law.
168. Admitted that this is a general statement of the law.
169. Admitted that this is a general statement of the law
170. Admitted that was a holding in that case.

171. Without knowledge.

172. Without knowledge.

**AFFIRMATIVE DEFENSE - MISJOINDER**

As her affirmative defense, Defendant Kim A. Barton asserts that Plaintiffs have improperly named her as a party to this litigation and states as follows:

1. Defendant Barton is the Supervisor of Elections of Alachua County.
2. Although the office of supervisor of elections is established under the Florida Constitution, the rights, obligations, and authority of the supervisor of elections are not. Fla. Const., Art. VIII, § 1(d). Instead, Florida Statutes provide the extent and limitations of the powers granted to the supervisors of elections throughout the State of Florida.
3. In Florida, the supervisor of elections for each county is responsible for 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 and related to the registration of electors in her respective county. Fla. Stat. § 98.015(3).
4. Florida Statutes also provide that, despite their status as constitutional officers, supervisors of elections are not the chief elections officer in the State of Florida. Fla. Stat. § 97.012. That power and responsibility belongs solely to the Florida Secretary of State. *Id.*

5. The Secretary of State is authorized and obligated to “[c]reate and administer a statewide voter registration system...” Fla. Stat. § 97.012(11). This responsibility is maintained at the State level to “obtain and maintain uniformity in the interpretation and implementation of the election laws.” Fla. Stat. § 97.012(1).

6. In processing voter registrations and maintaining voter lists, Defendant Barton is required to administer her duties utilizing procedures and systems that are in compliance with the applicable requirements prescribed through rule by the Florida Secretary of State. Fla. Stat. § 98.015(10)-(11). Defendant Barton is effectively preempted from taking any action, or adopting an alternative voter registration system, that is not in conformance with the process and rules established at the state level, either by the legislature in enacting legislation or the Department of State in adopting regulations to implement the legislation.

7. If Defendant Barton were to take any action or implement a registration system that did not conform to state statute or the rules of the Department of State, then the Secretary of State may “[b]ring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections...or to enforce compliance with a rule of the Department of State adopted to interpret” the elections laws of Florida. Fla. Stat. § 97.012(14).

8. Therefore, Defendant Barton does not have the authority to take the remedial action requested by Plaintiffs and was improperly named as a party to this litigation.

**RESERVATION OF RIGHT TO SUPPLEMENT DEFENSES**

Kim Barton, as the Alachua County Supervisor of Elections, reserves the right to assert any and all additional Affirmative Defenses that discovery or other evidence may reveal to be appropriate. Defendant Barton further reserves the right to amend her Answer or otherwise plead in response to Plaintiffs' Complaint and to file other pleadings as it may deem advisable in defense of the case or as warranted by information made available through disclosure.

WHEREFORE, Defendant Barton prays this Court deny the Plaintiffs the relief they seek and send them hence without day.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULES**

I HEREBY CERTIFY that this Response complies with the size, font, and formatting requirements of N.D. Fla. Local Rule 5.1(C).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically filed with the U.S. District Court, Northern District of Florida, via the

CM/ECF portal, which will also serve a copy to the attached Service List, on this 29th day of August, 2019.

Respectfully submitted,

ALACHUA COUNTY ATTORNEY'S OFFICE

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