

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

KELVIN LEON JONES, et al.,

Case No. 4:19cv00300-RH-MJF

Plaintiffs,

vs.

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

Defendant.

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**DEFENDANT, MICHAEL BENNETT, MANATEE COUNTY  
SUPERVISOR OF ELECTIONS ANSWER TO COMPLAINT FOR  
INJUNCTIVE AND DECLARATORY RELIEF**

Defendant, Michael Bennett, Manatee County Supervisor of Elections, answers the Plaintiff's Complaint for Injunctive and Declaratory Relief, and says:

1. Defendant admits the allegations to the extent that Amendment 4 was approved by the voters on November 6, 2018, and denies in all other respects the allegations contained in Paragraph 1 of the Complaint.
2. Defendant is without knowledge as to the allegations contained in Paragraph 2 of the Complaint.
3. The paragraph is a conclusory allegation to which no response is required.
4. Without knowledge and therefore denied.

5. Defendant is without knowledge as to the allegations contained in Paragraph 5 of the Complaint.

6. Defendant is without knowledge as to the allegations contained in Paragraph 6 of the Complaint.

7. Defendant is without knowledge as to the allegations contained in Paragraph 7 of the Complaint.

8. Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Without knowledge and therefore denied.

10. Defendant is without knowledge as to the allegations contained in Paragraph 10 of the Complaint.

11. Defendant is without knowledge as to the allegations contained in Paragraph 11 of the Complaint.

12. Defendant is without knowledge as to the allegations contained in Paragraph 12 of the Complaint.

13. Defendant is without knowledge as to the allegations contained in Paragraph 13 of the Complaint.

14. Defendant is without knowledge as to the allegations contained in Paragraph 14 of the Complaint.

15. Defendant is without knowledge as to the allegations contained in Paragraph 15 of the Complaint.

16. Defendant is without knowledge as to the allegations contained in Paragraph 16 of the Complaint.

17. Defendant is without knowledge as to the allegations contained in Paragraph 17 of the Complaint.

18. Defendant is without knowledge as to the allegations contained in Paragraph 18 of the Complaint.

19. Defendant is without knowledge as to the allegations contained in Paragraph 19 of the Complaint.

20. Defendant is without knowledge as to the allegations contained in Paragraph 20 of the Complaint.

21. Defendant is without knowledge as to the allegations contained in Paragraph 21 of the Complaint.

22. Defendant is without knowledge as to the allegations contained in Paragraph 22 of the Complaint.

23. Defendant is without knowledge as to the allegations contained in Paragraph 23 of the Complaint.

24. Defendant is without knowledge as to the allegations contained in Paragraph 24 of the Complaint.

25. Defendant is without knowledge as to the allegations contained in Paragraph 25 of the Complaint.

26. Defendant is without knowledge as to the allegations contained in Paragraph 26 of the Complaint.

27. Defendant is without knowledge as to the allegations contained in Paragraph 27 of the Complaint.

28. Defendant is without knowledge as to the allegations contained in Paragraph 28 of the Complaint.

29. Defendant is without knowledge as to the allegations contained in Paragraph 29 of the Complaint.

30. Defendant admits that Laurel M. Lee is the Secretary of State and that the statutes and cases speak for themselves, and otherwise denies the remaining allegations contained in Paragraph 30 of the Complaint.

31. Defendant admits the allegations as to the identification of the named Supervisors of Elections contained in Paragraph 31 of the Complaint and otherwise denies the remaining allegations.

32. Admitted for jurisdictional purposes only.

33. Admitted for jurisdictional purposes only.

34. Admitted for jurisdictional purposes only.

35. Denied.

36. Denied.

37. Defendant admits that the voters on November 6, 2018 approved Amendment 4 and is without knowledge as to the remaining allegations contained in Paragraph 37 of the Complaint.

38. Defendant admits the text of the Amendment speaks for itself; otherwise denied.

39. Defendant admits that Amendment 4 and the Florida Supreme Court's opinion speak for themselves and is without knowledge as to all other allegations contained in Paragraph 39 of the Complaint, including footnote 3.

40. Defendant admits that the cases speak for themselves and denies all remaining allegations in Paragraph 40.

41. Defendant admits the cases speak for themselves and otherwise denies the remaining allegations contained in Paragraph 41 of the Complaint.

42. Defendant admits the allegations contained in Paragraph 42 of the Complaint.

43. Defendant is without knowledge as to the allegations contained in Paragraph 43 of the Complaint.

44. Defendant is without knowledge as to the allegations contained in Paragraph 44 of the Complaint.

45. Defendant is without knowledge as to the allegations contained in Paragraph 45 of the Complaint.

46. Defendant is without knowledge as to the allegations contained in Paragraph 46 of the complaint.

47. Defendant is without knowledge as to the allegations contained in Paragraph 47 of the Complaint.

48. Defendant is without knowledge as to the allegations contained in Paragraph 48 of the Complaint.

49. Defendant admits the allegations contained in Paragraph 49 of the Complaint.

50. Defendant admits the allegations contained in Paragraph 50 of the Complaint.

51. Defendant admits the allegations contained in Paragraph 51 of the Complaint.

52. Defendant admits the allegations contained in Paragraph 52 of the Complaint.

53. Defendant admits the allegations contained in Paragraph 53 of the Complaint.

54. Defendant admits the allegations contained in Paragraph 54 of the Complaint.

55. Defendant admits the allegations contained in Paragraph 55 of the Complaint.

56. Defendant admits the allegations contained in Paragraph 56 of the Complaint.

57. Defendant admits the allegations contained in Paragraph 57 of the Complaint.

58. Defendant is without knowledge as to the allegations contained in Paragraph 58 of the Complaint.

59. Defendant is without knowledge as to the allegations contained in Paragraph 59 of the Complaint.

60. Defendant is without knowledge as to the allegations contained in Paragraph 60 of the Complaint.

61. Defendant is without knowledge as to the allegations contained in Paragraph 61 of the Complaint.

62. Defendant is without knowledge as to the allegations contained in Paragraph 62 of the Complaint.

63. Defendant is without knowledge as to the allegations contained in Paragraph 63 of the Complaint.

64. Admitted that §775.089(3)(b) speaks for itself; otherwise denied.

65. Admitted that §775.089(3)(d) speaks for itself; otherwise denied.

66. Defendant admits that SB 7066 speaks for itself; otherwise denied.

67. Defendant is without knowledge as to the allegations contained in Paragraph 67 of the Complaint.

68. Defendant is without knowledge as to the allegations contained in Paragraph 68 of the Complaint.

69. Defendant is without knowledge as to the allegations contained in Paragraph 69 of the Complaint.

70. Defendant is without knowledge as to the allegations contained in Paragraph 70 of the Complaint.

71. Admitted that SB7066 speaks for itself; otherwise denied.

72. Defendant is without knowledge as to the allegations contained in Paragraph 72 of the Complaint.

73. Defendant is without knowledge as to the allegations contained in Paragraph 73 of the Complaint.

74. Defendant is without knowledge as to the allegations contained in Paragraph 74 of the Complaint.

75. Defendant is without knowledge as to the allegations contained in Paragraph 75 of the Complaint.

76. Defendant is without knowledge as to the allegations contained in Paragraph 76 of the Complaint.



77. Admitted that the referenced hearing transcript speaks for itself; otherwise denied.

78. Admitted SB7066 speaks for itself; otherwise denied.

79. Admitted the hearing transcript speaks for itself; otherwise denied.

80. Admitted the hearing transcript speaks for itself; otherwise denied.

81. Admitted the hearing transcript speaks for itself; otherwise denied.

82. Admitted the hearing transcript speaks for itself; otherwise denied.

83. Defendant is without knowledge as to the allegations contained in Paragraph 83 of the Complaint.

84. Defendant is without knowledge as to the allegations contained in Paragraph 84 of the Complaint.

85. Admitted that the referenced hearing transcripts speak for itself; otherwise denied.

86. Defendant is without knowledge as to the allegations contained in Paragraph 86 of the Complaint.

87. Defendant is without knowledge as to the allegations contained in Paragraph 87 of the Complaint.

88. Defendant is without knowledge as to the allegations contained in Paragraph 88 of the Complaint.

89. Defendant is without knowledge as to the allegations contained in Paragraph 89 of the Complaint.

90. Defendant is without knowledge as to the allegations contained in Paragraph 90 of the Complaint.

91. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

92. Defendant admits that the Constitution speaks for itself and denies all remaining allegations contained in Paragraph 92 of the Complaint.

93. Defendant is without knowledge as to the allegations contained in Paragraph 93 of the Complaint.

94. Defendant is without knowledge as to the allegations contained in Paragraph 94 of the Complaint.

95. Defendant is without knowledge as to the allegations contained in Paragraph 95 of the Complaint.

96. Defendant is without knowledge as to the allegations contained in Paragraph 96 of the Complaint.

97. Defendant is without knowledge as to the allegations contained in Paragraph 97 of the Complaint.

98. Defendant is without knowledge as to the allegations contained in Paragraph 98 of the Complaint.

99. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

100. Defendant is without knowledge as to the allegations contained in Paragraph 100 of the Complaint.

101. Defendant admits the cases speak for themselves and otherwise denies the allegations contained in Paragraph 101 of the Complaint.

102. Defendant admits the cases speak for themselves and otherwise denies the allegations contained in Paragraph 102 of the Complaint.

103. Defendant admits the case speaks for itself and otherwise denies the allegations contained in Paragraph 103 of the Complaint.

104. Defendant is without knowledge as to the allegations contained in Paragraph 104 of the Complaint.

105. Defendant is without knowledge as to the allegations contained in Paragraph 105 of the Complaint.

106. Defendant is without knowledge as to the allegations contained in Paragraph 106 of the Complaint.

107. Defendant is without knowledge as to the allegations contained in Paragraph 107 of the Complaint.

108. Defendant is without knowledge as to the allegations contained in Paragraph 108 of the Complaint.

109. Defendant is without knowledge as to the allegations contained in Paragraph 109 of the Complaint.

110. Defendant is without knowledge as to the allegations contained in Paragraph 110 of the Complaint.

111. Defendant is without knowledge as to the allegations contained in Paragraph 111 of the Complaint.

112. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

113. Defendant admits the cases speak for themselves and otherwise denies the allegations contained in Paragraph 113 of the Complaint.

114. Defendant admits the cases speak for themselves and otherwise denies the allegations contained in Paragraph 114 of the Complaint.

115. Defendant is without knowledge as to the allegations contained in Paragraph 115 of the Complaint.

116. Defendant denies the allegations contained in Paragraph 116 of the Complaint.

117. Defendant is without knowledge as to the allegations contained in Paragraph 117 of the Complaint.

118. Defendant is without knowledge as to the allegations contained in Paragraph 118 of the Complaint.

119. Defendant is without knowledge as to the allegations contained in Paragraph 119 of the Complaint.

120. Defendant is without knowledge as to the allegations contained in Paragraph 120 of the Complaint.

121. Defendant is without knowledge as to the allegations contained in Paragraph 121 of the Complaint.

122. Defendant is without knowledge as to the allegations contained in Paragraph 122 of the Complaint.

123. Defendant is without knowledge as to the allegations contained in Paragraph 123 of the Complaint.

124. Defendant is without knowledge as to the allegations contained in Paragraph 124 of the Complaint.

125. Defendant is without knowledge as to the allegations contained in Paragraph 125 of the Complaint.

126. Defendant is without knowledge as to the allegations contained in Paragraph 126 of the Complaint.

127. Defendant is without knowledge as to the allegations contained in Paragraph 127 of the Complaint.

128. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

129. Defendant is without knowledge as to the allegations contained in Paragraph 129 of the Complaint.

130. Defendant admits the 24<sup>th</sup> Amendment speaks for itself; otherwise denied.

131. Defendant admits SB7066 speaks for itself; otherwise denied.

132. Defendant admits SB7066 speaks for itself; otherwise denied.

133. Defendant is without knowledge as to the allegations contained in Paragraph 133 of the Complaint.

134. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

135. Defendant admits the cases speak for themselves and otherwise denies the remaining allegations contained in Paragraph 135 of the Complaint.

136. Defendant is without knowledge as to the allegations contained in Paragraph 136 of the Complaint.

137. Defendant is without knowledge as to the allegations contained in Paragraph 137 of the Complaint.

138. Defendant is without knowledge as to the allegations contained in Paragraph 138 of the Complaint.

139. Defendant is without knowledge as to the allegations contained in Paragraph 139 of the Complaint.

140. Defendant is without knowledge as to the allegations contained in Paragraph 140 of the Complaint.

141. Defendant is without knowledge as to the allegations contained in Paragraph 141 of the Complaint.

142. Defendant is without knowledge as to the allegations contained in Paragraph 142 of the Complaint.

143. Defendant admits SB7066 speaks for itself; otherwise denied.

144. Defendant is without knowledge as to the allegations contained in Paragraph 144 of the Complaint.

145. Defendant is without knowledge as to the allegations contained in Paragraph 145 of the Complaint.

146. Defendant is without knowledge as to the allegations contained in Paragraph 146 of the Complaint.

147. Defendant is without knowledge as to the allegations contained in Paragraph 147 of the Complaint.

148. Defendant is without knowledge as to the allegations contained in Paragraph 148 of the Complaint.

149. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

150. Defendant is without knowledge as to the allegations contained in Paragraph 150 of the Complaint.

151. Defendant is without knowledge as to the allegations contained in Paragraph 151 of the Complaint.

152. Defendant is without knowledge as to the allegations contained in Paragraph 152 of the Complaint.

153. Defendant is without knowledge as to the allegations contained in Paragraph 153 of the Complaint.

154. Defendant is without knowledge as to the allegations contained in Paragraph 154 of the Complaint.

155. Defendant is without knowledge as to the allegations contained in Paragraph 155 of the Complaint.

156. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

157. Defendant admits that the Constitution speaks for itself and otherwise denies the remaining allegations contained in Paragraph 157 of the Complaint.

158. Defendant is without knowledge as to the allegations contained in Paragraph 158 of the Complaint.

159. Defendant admits Amendment 4 speaks for itself; otherwise denied.



160. Defendant is without knowledge as to the allegations contained in Paragraph 160 of the Complaint.

161. Defendant is without knowledge as to the allegations contained in Paragraph 161 of the Complaint.

162. Defendant admits the referenced hearing transcript speaks for itself; otherwise denied.

163. Defendant is without knowledge as to the allegations contained in Paragraph 163 of the Complaint.

164. Defendant is without knowledge as to the allegations contained in Paragraph 164 of the Complaint.

165. Defendant is without knowledge as to the allegations contained in Paragraph 165 of the Complaint.

166. Defendant re-alleges all responses to preceding paragraphs as though fully set forth herein.

167. Defendant admits that the Constitution and case speak for themselves and otherwise denies the remaining allegations contained in Paragraph 167 of the Complaint.

168. Defendant is without knowledge as to the allegations contained in Paragraph 168 of the Complaint.

169. Defendant is without knowledge as to the allegations contained in Paragraph 169 of the Complaint.

170. Defendant is without knowledge as to the allegations contained in Paragraph 170 of the Complaint.

171. Defendant is without knowledge as to the allegations contained in Paragraph 171 of the Complaint.

172. Defendant is without knowledge as to the allegations contained in Paragraph 172 of the Complaint.

**AFFIRMATIVE DEFENSES OF DEFENDANT MICHAEL BENNETT,  
SUPERVISOR OF ELECTIONS OF MANATEE COUNTY**

1. Plaintiffs' claims are not yet ripe for adjudication. Supervisor Bennett has not removed any voters, including any Plaintiffs, from the rolls as a result of the provisions of SB 7066 addressed in the Complaint and he has not received any information from the Secretary of State to initiate the removal process for any voter as a result of those provisions.

2. Even if this claim were ripe for adjudication, Fla. Stat. § 97.075(7) provides administrative procedures that must be followed prior to removal of any voter for ineligibility, and Fla. Stat. § 98.0755 provides appellate jurisdiction over such administrative determinations to the state circuit court in the relevant county. Plaintiffs have not exhausted any administrative or state court remedies prior to filing this challenge.

3. Plaintiffs have not suffered an injury in fact as a result of any action by Supervisor Bennett and therefore do not possess the requisite standing to bring this cause of action against Supervisor Bennett.

4. Plaintiffs' Complaint does not state a cause of action against Supervisor Bennett for which relief may be granted because the relief requested is not sought from Supervisor Bennett and is only sought from the State of Florida and the Secretary of State.

5. Plaintiffs' Complaint does not state a cause of action against Supervisor Bennett for which relief can be granted because Florida Statutes provide that the Secretary of State is the "chief election officer of the state" with "responsibility to . . . [o]btain and maintain uniformity in the interpretation and implementation of the election laws . . . [and] may . . . adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code." *See Fla. Stat. § 97.012.*

6. Plaintiffs' Complaint fails to provide a short and plain statement of the claim showing that they are entitled to relief because the Complaint is an improper "shotgun pleading."

7. To the extent Plaintiffs' allege that Supervisor Bennett is an indispensable or necessary party for purposes of relief, Plaintiffs' claims fail for

failing to join the other fifty-seven unnamed Supervisors of Elections in Florida as indispensable and necessary parties.

8. To the extent Plaintiffs suffered any damages as a result of facts alleged in the Complaint, Supervisor Bennett is entitled to immunity under the Eleventh Amendment of the United States Constitution.

9. To the extent Plaintiffs suffered any damages as a result of facts alleged in the Complaint, Supervisor Bennett is not the proximate cause of those damages.

10. Plaintiffs' recovery, if any is limited by the provisions of Fla. Stat. § 768.28(5).

11. The Complaint incorporates all preceding counts into each count and therefore fails to state a claim as a matter of law.


12. Plaintiffs have failed to state a basis for attorneys' fees and costs against Supervisor Bennett.

13. Supervisor Bennett adopts all affirmative defenses asserted by the other Defendants and incorporates them by reference as if fully set forth herein.

14. Supervisor Bennett reserves the right to assert additional defenses as appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail upon counsel of record for all parties in the above-captioned matter this <sup>6<sup>th</sup></sup> 30<sup>th</sup> day of September, 2019.



**MORGAN R. BENTLEY, ESQ.**

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