

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

KELVIN LEON JONES,

Plaintiff,

CONSOLIDATED

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

v.

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

Defendant.

\_\_\_\_\_ /

**THE GOVERNOR AND SECRETARY OF STATE'S ANSWER  
AND AFFIRMATIVE DEFENSES**

Defendants, RON DESANTIS, in his official capacity as the Governor of Florida, and LAUREL M. LEE, in her official capacity as the Florida Secretary of State, by and through the undersigned counsel, hereby answer Plaintiff's Complaint for Injunctive Relief, Declaratory Relief, and Mandamus.

**RESPONSE TO ALLEGATIONS**

As to the numbered paragraphs of the Complaint, the Governor and Secretary answer as follows:

**NATURE OF THE CASE**

1. The statutes and constitutional provisions cited speak for themselves. The Governor and Secretary deny any remaining factual allegations or legal conclusions contained in numbered paragraph 1.

2. The case and statute cited speak for themselves. The Governor and Secretary deny any remaining factual allegations or legal conclusions contained in numbered paragraph 2.

3. The case cited speaks for itself. The Governor and Secretary deny any remaining factual allegations or legal conclusions contained in numbered paragraph 3.

4. The case cited speaks for itself. The Governor and Secretary deny any remaining factual allegations or legal conclusions contained in numbered paragraph 4.

5. The constitutional provision cited speaks for itself.

6. The statute cited speaks for itself.

7. The Governor and Secretary specifically deny the allegations of numbered paragraph 7.

8. The Governor and Secretary specifically deny the allegations of numbered paragraph 8.

9. The Governor and Secretary acknowledge the position taken by Plaintiff in numbered paragraph 9, but deny the validity of such position. The Governor and Secretary deny any remaining factual allegations or legal conclusions contained in numbered paragraph 9.

## **PARTIES TO THE ACTION**

10. The Governor and Secretary are without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 10; therefore denied.

11. The Governor and Secretary are without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 11; therefore denied.

12. The Governor and Secretary are without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 12; therefore denied.

13. The Governor and Secretary are without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 13; therefore denied.

14. The Governor and Secretary are without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 14; therefore denied.

15. The Governor and Secretary deny that, as part of the Secretary's official duties, she is "responsible for conducting Federal, State, County, special and local elections." The Secretary's duties as chief election officer are prescribed in section 97.012, Florida Statutes. The Governor's powers and duties are provided for in the

Florida Constitution. The remaining allegations in numbered paragraph 15 are directed at other defendant and therefore do not require an answer from the Governor or Secretary.

**FIRST CAUSE OF ACTION**  
**(FOURTEENTH AMENDMENT, AND 42 USC 1983)**

The Governor and Secretary incorporate by reference the responses to numbered paragraphs 1-15 of the Complaint.

16. The cited statute, constitutional provision, and cases speak for themselves. The Governor and Secretary specifically deny any remaining allegations of numbered paragraph 16. The Governor and Secretary specifically deny that Plaintiff is entitled to a any relief under the Fourteenth Amendment of the U.S. Constitution or 42 U.S.C § 1983.

**SECOND CAUSE OF ACTION (TWENTY FOURTH AMENDMENT)**

The Governor and Secretary incorporate by reference the responses to numbered paragraphs 1-15 of the Complaint.

17. The cited constitutional provision speaks for itself. The Governor and Secretary specifically deny any remaining allegations of numbered paragraph 17.

18. Denied.

**THIRD CAUSE OF ACTION (52 U.S.C. § 10301 – VOTING RIGHTS ACT)**

The Governor and Secretary incorporate by reference the responses to numbered paragraphs 1-15 of the Complaint.

19. Denied.

**FOURTH CAUSE OF ACTION (FLORIDA CONSTITUTION)**

The Governor and Secretary incorporate by reference the responses to numbered paragraphs 1-15 of the Complaint.

20. Denied.

**FIFTH CAUSE OF ACTION (MANDAMUS)**

The Governor and Secretary incorporate by reference the responses to numbered paragraphs 1-15 of the Complaint.

21. The Governor and Secretary deny that Plaintiff is entitled to any relief in the form of mandamus under 28 U.S.C. § 1361 or otherwise.

**PRAYER FOR RELIEF**

The Governor and Secretary deny that Plaintiff is entitled to any of the relief referenced in numbered paragraph 1 and 2 under the heading “Prayer for Relief” in the Complaint.

**AFFIRMATIVE DEFENSES**

The Governor and Secretary hereby allege the following affirmative defenses to the Complaint:

1. Failure to State a Cause of Action. The Complaint and each claim alleged therein fails to state a valid cause of action or claim for relief.
2. Lack of Standing. The Plaintiffs lack standing under Article III of the

U.S. Constitution.

Respectfully submitted this 1st day of November, 2019.

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November 1, 2019

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULES**

The undersigned certifies that this filing complies with the size, font, and formatting requirements of Local Rule 5.1(C).

*/s/Mohammad O. Jazil*  
Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record via email on this 1<sup>st</sup> day of November, 2019.

*/s/Mohammad O. Jazil*  
Attorney