

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

FLORIDA STATE CONFERENCE OF  
BRANCHES AND YOUTH UNITS OF  
THE NAACP, DISABILITY RIGHTS  
FLORIDA, and COMMON CAUSE,

*Plaintiffs,*

No. 4:21-cv-00187-MW-MAF

v.

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

*Defendant,*

REPUBLICAN NATIONAL  
COMMITTEE; and NATIONAL  
REPUBLICAN SENATORIAL  
COMMITTEE,

*Proposed Intervenor-Defendants.*

**[PROPOSED] INTERVENOR-DEFENDANTS' [PROPOSED] ANSWER**

Intervenors—the Republican National Committee and National Republican Senatorial Committee—now answer Plaintiffs’ complaint (Doc. 1). Unless expressly admitted below, every allegation in the complaint is denied. When Intervenors say something “speaks for itself,” they do not admit that the referenced material exists, is accurate, or is placed in the proper context. Accordingly, Intervenors state:

1. The cited authority speaks for itself.
2. Turnout data and referenced statements speak for themselves.
3. Turnout data speak for themselves. Intervenors lack sufficient information to admit or deny the remaining allegations.
4. SB 90 speaks for itself. Intervenors admit that the Legislature enacted SB 90. The remaining allegations are legal conclusions that require no response.
5. Denied.
6. The cited letters speak for themselves. The cited letters are not attached as exhibits to the complaint and, as a result, the Intervenors lack sufficient information to admit or deny the remaining allegations.
7. The cited authorities speak for themselves. The remaining allegations are denied.
8. SB 90 speaks for itself. The remaining allegations are denied.
9. SB 90 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

10. SB 90 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

11. Denied.

12. Denied.

13. Denied.

14. SB 90 speaks for itself. The remaining allegations are denied.

15. The cited authority speaks for itself. The remaining allegations are denied.

16. Denied. According to Justice Stevens' lead opinion in *Crawford v. Marion County Election Board*, the "risk of voter fraud" is "real," voter fraud "could affect the outcome of a close election," and "[t]here is no question about the legitimacy or importance of the State's interest" in combatting it. 553 U.S. 181, 196 (2008); *see also Greater Birmingham Ministries v. Sec'y of State for Ala.*, 992 F.3d 1299, 1334 (11th Cir. 2021) ("[D]eterring voter fraud is a legitimate policy on which to enact an election law, even in the absence of any record evidence of voter fraud."); *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1353 (11th Cir. 2009) ("Georgia has an interest in preventing election fraud").

17. The Intervenors lack sufficient information to admit or deny this allegation.

18. SB 90 speaks for itself. The remaining allegations are denied.

19. SB 90 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

20. The Intervenors lack sufficient information to admit or deny this allegation.

21. The Intervenors lack sufficient information to admit or deny this allegation.

22. SB 90 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

23. The Intervenors lack sufficient information to admit or deny this allegation.

24. SB 90 speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

25. The first sentence is admitted. The cited authorities speak for themselves.

26. The cited authorities speak for themselves.

27. The cited authorities speak for themselves.

28. Plaintiffs bring this action under 42 U.S.C. §§1983 and 1988 but have no valid claim under either statute.

29. This is a legal argument that requires no response.

30. This is a legal argument that requires no response.

31. This is a legal argument that requires no response.

32. The Intervenors lack sufficient information to admit or deny this allegation.

33. This is a legal argument that requires no response.

34. The first sentence is denied. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

35. The cited authorities speak for themselves.

36. The cited authorities speak for themselves.

37. Data and cited authorities speak for themselves.

38. The cited authority speaks for itself. Intervenors otherwise lack sufficient information to admit or deny this allegation.

39. The first sentence is denied. The cited authorities otherwise speak for themselves.

40. The first sentence is admitted. HB 1355 otherwise speaks for itself.

41. The cited authorities speak for themselves.

42. The Intervenors admit that Florida voters voted to pass Amendment 4. The cited authorities otherwise speak for themselves.

43. The first sentence is denied. The cited authorities otherwise speak for themselves.

44. Turnout data speak for themselves.

45. Turnout data speak for themselves.

46. Turnout data speak for themselves.

47. Statements speak for themselves.

48. Statements speak for themselves. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

49. Statements speak for themselves. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

50. Intervenors only admit that the Legislature enacted SB 90.

51. Denied.

52. The legislative history of SB 90 speaks for itself. Intervenors admit that SB 90 was introduced by Senator Dennis Baxley.

53. Intervenors admit that HB 7041 was introduced by Representative Blaise Ingoglia. HB 7041 and SB 90 otherwise speak for themselves.

54. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

55. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

56. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

57. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

58. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

59. The legislative history of SB 90 and HB 7041 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

60. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

61. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

62. The legislative history of HB 7041 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

63. The legislative history of HB 7041 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

64. Intervenors admit only that the Florida Senate passed SB 90 on April 26, 2021. The remaining allegations are denied.

65. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

66. Intervenors admit only that the Florida House of Representatives passed an amended version of SB 90 on April 28, 2021. The remaining allegations are denied.

67. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

68. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

69. Admitted.

70. The legislative history of SB 90 and HB 7041 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

71. The cited authorities and statements speak for themselves.

72. Denied.

73. SB 90 speaks for itself. The remaining allegations are legal arguments which require no response.

74. Denied.

75. SB 90 speaks for itself.

76. SB 90 speaks for itself. The remaining allegations are denied.

77. SB 90 and the cited survey speaks for themselves. The remaining allegations are denied.

78. SB 90 speaks for itself.

79. Denied.

80. SB 90 speaks for itself.

81. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

82. Denied.

83. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.



84. SB 90 speaks for itself.

85. The cited authority speaks for itself.

86. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

87. Intervenors lack sufficient information to admit or deny these allegations.

88. Surveys speak for themselves. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

89. Surveys speak for themselves. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

90. Denied.

91. Intervenors lack sufficient information to admit or deny these allegations.

92. SB 90 speaks for itself. The remaining allegations are denied.

93. Intervenors lack sufficient information to admit or deny these allegations.

94. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

95. Intervenors lack sufficient information to admit or deny these allegations.

96. Florida law speaks for itself. Intervenors lack sufficient information to admit or deny the other allegations.

97. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

98. Intervenors lack sufficient information to admit or deny these allegations.

99. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

100. SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

101. SB 90 speaks for itself.

102. SB 90 speaks for itself.

103. Florida law speaks for itself.

104. The legislative history of SB 90 speaks for itself.

105. The cited studies speak for themselves.

106. Quotes and surveys speak for themselves.

107. Statements speak for themselves.

108. The cited study and data speak for themselves.

109. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny these allegations.

110. Data and studies speak for themselves.

111. Statements speak for themselves.

112. Statements and SB 90 speak for themselves. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

113. Intervenors lack sufficient information to admit or deny these allegations.

114. Intervenors deny that providing individuals with “water, food and other relief items” is speech. Intervenors lack sufficient information to admit or deny the other allegations.

115. The legislative history of SB 90 speaks for itself.

116. Denied. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

117. Quotes speak for themselves. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

118. Statements speak for themselves.

119. Statements and quotes speak for themselves.

## COUNT I

120. Intervenors repeat and reallege their responses to each allegation contained in the preceding and subsequent paragraphs.

121. The Voting Rights Act speaks for itself.

122. The cited authority speaks for itself.

123. The cited authority speaks for itself.

124. The cited authority speaks for itself. This legal argument otherwise requires no response.

125. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny this allegation.

126. Because Plaintiffs cite nothing, Intervenor's lack sufficient information to admit or deny this allegation.

127. The legislative history of SB 90 speaks for itself. Because Plaintiffs cite nothing, Intervenor's lack sufficient information to admit or deny the other allegations.

128. These legal arguments require no response.

129. The legislative history of SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

130. Because Plaintiffs cite nothing, Intervenor's lack sufficient information to admit or deny this allegation.

131. This legal argument requires no response.

132. These legal arguments require no response.

133. This legal argument requires no response.

134. This legal argument requires no response.

## **COUNT II**

135. Intervenor's repeat and reallege their responses to each allegation contained in the preceding and subsequent paragraphs.

136. The United States Constitution speaks for itself.

137. The cited authority speaks for itself.

138. The cited authorities speak for themselves.

139. These legal arguments require no response.

140. These legal arguments require no response.

141. This legal argument requires no response.

### **COUNT III**

142. Intervenors repeat and reallege their responses to each allegation contained in the preceding and subsequent paragraphs.

143. The cited report speaks for itself.

144. The Americans with Disabilities Act speaks for itself.

145. The Americans with Disabilities Act speaks for itself.

146. The Americans with Disabilities Act speaks for itself.

147. The cited authority speaks for itself.

148. These legal arguments require no response.

149. The cited authority speaks for itself. The other allegations consist of legal arguments which require no response.

150. These legal arguments require no response.

151. These legal arguments require no response.

152. These legal arguments require no response.

153. These legal arguments require no response.

154. These legal arguments require no response.

155. The Americans with Disabilities Act speaks for itself.

### **COUNT IV**

156. Intervenors repeat and reallege their responses to each allegation contained in the preceding and subsequent paragraphs.

157. Plaintiffs bring this action under 42 U.S.C. §§1983 but have no valid claim under that statute.

158. Intervenors lack sufficient information to admit or deny these allegations.

159. This legal argument requires no response.

160. These legal arguments require no response.

161. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

162. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

163. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

164. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

## **COUNT V**

165. Intervenors repeat and reallege their responses to each allegation contained in the preceding and subsequent paragraphs.

166. The Fourteenth Amendment to the United States Constitution speaks for itself.

167. The cited authority speaks for itself.

168. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

169. SB 90 speaks for itself. The other allegations consist of legal arguments which require no response.

170. These legal arguments require no response.

171. These legal arguments require no response.

172. This legal argument requires no response.

### **RESPONSE TO PRAYER FOR RELIEF**

Intervenors deny that Plaintiffs are entitled to their requested relief.

173. Intervenors deny that Plaintiffs are entitled to their requested relief.

174. Intervenors deny that Plaintiffs are entitled to their requested relief.

175. Intervenors deny that Plaintiffs are entitled to their requested relief.

176. Intervenors deny that Plaintiffs are entitled to their requested relief.

177. Intervenors deny that Plaintiffs are entitled to their requested relief.

178. Intervenors deny that Plaintiffs are entitled to any relief.

### **AFFIRMATIVE DEFENSES**

1. The allegations in the complaint fail to state a claim.

2. Plaintiffs' requested relief is barred by the *Purcell* principle.

Dated: May 20, 2021

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Respectfully submitted,

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\**pro hac vice* forthcoming

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National Republican Senatorial Committee*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2021, I electronically filed this document with the Clerk of the Court by using the CM/ECF system, which will serve all parties whose counsel have entered appearances.

/s/ Daniel E. Nordby