

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

FLORIDA RISING TOGETHER, FAITH
IN FLORIDA, UNIDOSUS, EQUAL
GROUND EDUCATION FUND,
HISPANIC FEDERATION, and PODER
LATINX,

Plaintiffs,

No. 4:21-cv-00201-AW-MJF

v.

LAUREL M. LEE, in her official capacity as
Florida Secretary of State, and PENNY
OGG, in her official capacity as Supervisor
of Elections for Highlands County, Florida,
SHIRLEY GREEN KNIGHT, in her
official capacity as the Supervisor of
Elections for Gadsden County, Florida,
MARY JANE ARRINGTON, in her official
capacity as Supervisor of Elections for
Osceola County, Florida, and CRAIG
LATIMER, in his official capacity as the
Supervisor of Elections for Hillsborough
County, Florida, on behalf of themselves and
all those similarly situated,

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 authorities speak for themselves. The remaining allegations are denied.

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

3. The first and second sentences are denied. Intervenors admit that HB 1355 (2011) and SB 7066 (2019) were enacted. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny the other allegations.

4. The first sentence is denied. SB 90 speaks for itself. The remaining allegations are denied.

5. Intervenors admit that the Florida Legislature enacted SB 90. Intervenors lack sufficient information to admit or deny the other allegations.

6. SB 90 speaks for itself. Intervenors lack sufficient information regarding the Plaintiffs’ “strategies and mechanisms” to admit or deny those allegations. The remaining allegations are denied.

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

8. SB 90 speaks for itself. Intervenors lack sufficient information to admit or deny the other allegations.

9. SB 90 speaks for itself. Intervenors lack sufficient information to admit or deny the other allegations.

10. The first sentence and last sentences are denied. SB 90 speaks for itself. Intervenors lack sufficient information to admit or deny the other allegations.

11. The first sentence and second sentences are denied. The legislative history of SB 90 and quotations speak for themselves.

12. The first sentence is denied. The legislative history of SB 90 and quotation speak for themselves.

13. The legislative history of SB 90 and referenced surveys speak for themselves. 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"). The final sentence is denied.

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

15. SB 90 and the cited authority speak for themselves. The remaining allegations are denied.

16. SB 90 speaks for itself. The remaining allegations consist of legal arguments that require no response. To the extent the remaining allegations require a response, they are denied.

17. Denied.

18. Denied.

19. Denied.

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

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

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

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41. Intervenors lack sufficient information to admit or deny these allegations.
42. Intervenors lack sufficient information to admit or deny these allegations.
43. The first sentence is admitted. The cited authorities speak for themselves.
44. The first sentence is admitted. The cited authorities speak for themselves.
45. The first sentence is admitted. The cited authorities speak for themselves.
46. The first sentence is admitted. The cited authorities speak for themselves.
47. The first sentence is admitted. The cited authorities speak for themselves.
48. Intervenors admit that Plaintiffs have filed this action under 42 U.S.C.

§§1983 and under the First, Fourteenth and Fifteenth Amendments to the United States Constitution, but deny that Plaintiffs have any valid claim under the law or the United States Constitution.

49. This is a legal argument that requires no response.
50. This is a legal argument that requires no response.

51. The second sentence is admitted. Intervenors lack sufficient information to admit or deny the remaining factual allegations, and this paragraph contains legal arguments that require no response.

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

53. The first sentence is denied. The cited authority speaks for itself.

54. The cited authorities speak for themselves.

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

56. SB 90 speaks for itself. The cited authorities and letters speak for themselves.

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

58. The first sentence is denied. The cited articles and report speak for themselves.

59. The first sentence is denied. The cited authorities and statute speak for themselves.

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

61. The cited article speaks for itself.

62. Intervenors admit that HB 1355 was enacted. The second sentence is denied. HB 1355 and the cited authorities speak for themselves. The final sentence is denied as a mischaracterization of the cited authority.

63. The referenced study speaks for itself.

64. The first sentence is denied. The cited authorities speak for themselves.

65. The first and third sentences are denied. The cited article speaks for itself.

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

66. Intervenors admit that SB 7066 was enacted. The cited report speaks for itself.

67. The first sentence is denied. The cited authority speaks for itself.

68. Denied as to SB 90. Because Plaintiffs cite nothing in these allegations, Intervenors lack sufficient information to admit or deny them.

69. The first sentence is admitted. The cited quotations speak for themselves.

70. Turnout data speak for themselves.

71. Denied.

72. The legislative history of SB 90 and HB 7041 speaks for itself.

73. The legislative history of SB 90 and HB 7041 and the quotations speak for themselves.

74. The referenced statements and quotations speak for themselves.

75. The referenced statements and quotations speak for themselves.

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

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

78. The legislative history of SB 90 and quotations speak for themselves. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

79. The first sentence is denied. The legislative history of SB 90, referenced statements, and quotations speak for themselves. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

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

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

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

83. Intervenors lack sufficient information to admit or deny these allegations. States have no obligation to “prove specific instances of voter fraud.” *Common Cause/Ga.*, 554 F.3d at 1353.

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

85. The legislative history of SB 90 and HB 7041 speaks for itself. Intervenor otherwise lack sufficient information to admit or deny these allegations.

86. Denied.

87. The first sentence is admitted. Statements and the legislative history of SB 90 speak for themselves. Intervenor otherwise lack sufficient information to admit or deny these allegations.

88. The first sentence is denied. Quotations and the legislative history of SB 90 speak for themselves.

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

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

91. Intervenor admit that SB 90 was enacted.

92. The first sentence is denied. Intervenor admit that the Plaintiffs' Complaint challenges four provisions of SB 90, but denies that Plaintiffs are entitled to the relief sought in the Complaint.

93. Denied.

94. The first sentence is admitted. The statements and quotations speak for themselves.

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

96. This quotation speaks for itself.

97. Intervenor lack sufficient information to admit or deny these allegations.

98. Intervenors lack sufficient information to admit or deny the remaining allegations.

99. Admitted.

100. Florida law speaks for itself. Because Plaintiffs cite nothing, Intervenors lack sufficient information to admit or deny these allegations.

101. SB 90 and statutes speak for themselves.

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

103. SB 90 and statutes speak for themselves. Intervenors lack sufficient knowledge to admit or deny the remaining allegations.

104. SB 90 and statutes speak for themselves. Intervenors lack sufficient knowledge to admit or deny the remaining allegations.

105. SB 90 and statutes speak for themselves. Intervenors lack sufficient knowledge to admit or deny the remaining allegations.

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

107. Denied.

108. The first two sentences are denied. The legislative history of SB 90 and quotations speak for themselves. 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”).

109. Denied.

110. Denied.

111. Intervenors lack sufficient knowledge to admit or deny this allegation.

112. Intervenors lack sufficient information to admit or deny this allegation.

113. Intervenors lack sufficient information to admit or deny this allegation.

114. SB 90 and statutes speak for themselves.

115. The first sentence is denied. The remaining allegations consist of legal arguments that requires no response.

116. Denied.

117. The legislative history of SB 90 and quotations speak for themselves.

118. The legislative history of SB 90 and quotations speak for themselves.

119. Denied.

120. Data speak for themselves.

121. Florida law speaks for itself.

122. Florida law speaks for itself.

123. Statements and quotations speak for themselves.

124. The first sentence is denied. SB 90 and statutes speak for themselves. The remaining allegations consist of legal arguments that require no response.

125. The first two sentences are denied. The legislative history of SB 90, SB 90, and quotations speak for themselves. The remaining allegations consist of legal arguments that require no response.

126. The first two sentences and the final sentence are denied. SB 90 speaks for itself. Intervenors lack sufficient information to admit or deny the remaining allegations.

127. The cited reports speak for themselves. Because Plaintiffs cite nothing in the remaining allegations, Intervenors lack sufficient information to admit or deny these allegations.

128. Denied.

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

130. Florida law speaks for itself.

131. Florida law speaks for itself.

132. SB 90 speaks for itself. The remaining allegations consist of legal arguments that require no response.

133. Intervenors lack sufficient information to admit or deny these allegations. Quotations speak for themselves.

134. Quotations speak for themselves.

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

136. Denied.

137. Denied.

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

139. Denied.

140. Intervenors admit that Plaintiffs bring this action against Defendants Ogg, Knight, Arrington, and Latimer as representatives of a defendant class but deny that class treatment is appropriate. Because Plaintiffs cite nothing in the remaining allegations, Intervenors lack sufficient information to admit or deny these allegations.

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

142. This is a legal argument that requires no response. Intervenors lack sufficient information to admit or deny these allegations.

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

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

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

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

FIRST CLAIM FOR RELIEF

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

148. The Voting Rights Act speaks for itself.

149. Denied.

150. Denied.

151. Denied.

152. This legal argument requires no response.

153. Denied.

154. This legal argument requires no response.

SECOND CLAIM FOR RELIEF

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

156. 42 U.S.C. 1983 speaks for itself.

157. Denied.

158. Denied.

159. Denied.

THIRD CLAIM FOR RELIEF

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

161. 42 U.S.C. 1983 speaks for itself.

162. The Fifteenth Amendment of the United States Constitution speaks for itself.

163. Denied.

FOURTH CLAIM FOR RELIEF

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

165. 42 U.S.C. 1983 speaks for itself.

166. The First and Fifteenth Amendments to the United States Constitution speak for themselves.

167. The cited authority speaks for itself.

168. The cited authority speaks for itself.

169. The cited authority speaks for itself.

170. Denied.

171. Denied.

FIFTH CLAIM FOR RELIEF

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

173. 42 U.S.C. 1983 speaks for itself.

174. Admitted.

175. Intervenors lack sufficient information to admit or deny this allegation.

176. Intervenors lack sufficient information to admit or deny this allegation.

177. Denied.

178. Denied.

179. Denied.

180. The cited authorities speak for themselves.

181. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations.

182. Denied.

183. Denied.

184. The cited authorities speak for themselves.

185. The cited authorities speak for themselves.

186. The cited authority speaks for itself.

187. SB 90 speaks for itself. The remaining allegations consist of legal argument that does not require a response.

188. This legal argument requires no response.

189. Denied.

190. Denied.

SIXTH CLAIM FOR RELIEF

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

192. The Voting Rights Act speaks for itself.

193. Denied.

194. SB 90 speaks for itself. The remaining allegations consist of legal argument that does not require a response.

195. SB 90 speaks for itself. The remaining allegations consist of legal argument that does not require a response.

196. Denied.

SEVENTH CLAIM FOR RELIEF

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

198. 42 U.S.C. 1983 speaks for itself.

199. Admitted.

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

201. This legal argument requires no response. To the extent it requires a response, Intervenors lack sufficient information to admit or deny these allegations.

202. The cited authorities speak for themselves.

203. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations.

204. Denied.

205. Denied.

206. Denied.

207. Denied.

208. This legal argument requires no response.

209. The cited authorities speak for themselves.

210. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations.

211. The first sentence is denied. Intervenors lack sufficient information to admit or deny the remaining allegations.

212. Denied.

RESPONSE TO PRAYER FOR RELIEF

Intervenors deny that Plaintiffs are entitled to any of relief requested in the “WHEREFORE” clause of the complaint.

AFFIRMATIVE DEFENSES

1. The allegations in the complaint fail to state a claim.
2. Plaintiffs’ requested relief is barred by the *Purvell* principle.

Dated: June 8, 2021

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Respectfully submitted,

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**pro hac vice* forthcoming

*Counsel for Intervenor-Defendants Republican National Committee and
National Republican Senatorial Committee*

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 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