

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

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC., *et al.*,

Plaintiffs,

v.

Case Nos.: 4:21-cv-00186-MW/MAF

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

Defendants,

and

NATIONAL REPUBLICAN
SENATORIAL COMMITTEE and
REPUBLICAN NATIONAL
COMMITTEE,

Intervenor-Defendants.

**FLORIDA SECRETARY OF STATE'S ANSWER
AND AFFIRMATIVE DEFENSES**

Defendant, Laurel Lee, in her official capacity as the Florida Secretary of State, by and through her undersigned counsel, hereby answers Plaintiffs' Corrected First Amended Complaint for Injunctive and Declaratory Relief (ECF No. 160). In the interest of completeness, the Secretary answers each and every paragraph in Plaintiffs' amended complaint, notwithstanding the fact that certain claims have

been dismissed as against the Secretary or as against all defendants.

RESPONSE TO ALLEGATIONS

As to the numbered paragraphs of the Complaint, the Secretary answers as follows:¹

NATURE OF THE CASE

1. Admitted that voter turnout for the 2020 General Election was 77%; otherwise, the Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 1, therefore denied.

2. Admitted that around 11 million ballots were cast in the 2020 General Election, including over 4.8 million vote-by-mail ballots returned; otherwise, the Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 2; therefore denied.

3. Admitted that the 2020 election cycle was smooth, safe, and secure as a whole, and that the Florida Legislature enacted Florida Senate Bill 90 (“SB 90”) several months after the 2020 General Election. The Secretary denies any remaining factual allegations or characterizations in numbered paragraph 3.

4. Denied.

5. Denied.

¹ The headings herein are recreated from Plaintiffs’ Corrected First Amended Complaint and are included for the purposes of organization and clarity only. Further, the headings are material to which no response is required; to the extent a response is required, it is denied.

6. Denied.

7. Denied. The references to third-party statements speak for themselves, and the Secretary can neither admit nor deny.

8. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 8; therefore denied.

9. Denied.

JURISDICTION AND VENUE

10. Admitted that this action was brought under 42 U.S.C. §§ 1983 and 1988. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 10.

11. The Secretary specifically denies that this Court has subject matter jurisdiction over some or all of Plaintiffs' claims. Admit that Plaintiffs brought this action pursuant to 28 U.S.C. §§ 1331 and 1343. Otherwise, the statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 11.

12. Admitted.

13. Rules 57 and 65 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201–2202 speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 13.

14. The Secretary is without sufficient information and knowledge to

admit or deny the factual allegations contained in numbered paragraph 14; therefore denied.

PARTIES

15. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 15; therefore denied.

16. The Secretary specifically denies the allegations of numbered paragraph 16 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 16; therefore denied.

17. The Secretary specifically denies the allegations of numbered paragraph 17 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 17; therefore denied.

18. The Secretary specifically denies the allegations of numbered paragraph 18 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 18; therefore denied.

19. The Secretary specifically denies the allegations of numbered paragraph 19 concerning the potential impact of SB 90. The Secretary is without

sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 19; therefore denied.

20. The Secretary specifically denies the allegations of numbered paragraph 20 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 20; therefore denied.

21. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 21; therefore denied.

22. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 22; therefore denied.

23. The Secretary specifically denies the allegations of numbered paragraph 23 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 23; therefore denied.

24. The Secretary specifically denies the allegations of numbered paragraph 24 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 24; therefore denied.

25. The Secretary specifically denies the allegations of numbered paragraph 25 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 25; therefore denied.

26. The Secretary specifically denies the allegations of numbered paragraph 26 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 26; therefore denied.

27. The Secretary specifically denies the allegations of numbered paragraph 27 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 27; therefore denied.

28. The Secretary specifically denies the allegations of numbered paragraph 28 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 28; therefore denied.

29. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 29; therefore denied.

30. The Secretary specifically denies the allegations of numbered

paragraph 30 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 30; therefore denied.

31. The Secretary specifically denies the allegations of numbered paragraph 31 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 31; therefore denied.

32. The Secretary specifically denies the allegations of numbered paragraph 32 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 32; therefore denied

33. The Secretary specifically denies the allegations of numbered paragraph 33 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 33; therefore denied.

34. The Secretary specifically denies the allegations of numbered paragraph 34 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 34; therefore denied.

35. The Secretary specifically denies the allegations of numbered

paragraph 35 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 35; therefore denied.

36. Admitted that “Defendant LAUREL M. LEE is sued in her official capacity as Florida’s Secretary of State.” The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 36.

37. Admitted that “Defendant ASHLEY MOODY is sued in her official capacity as the Attorney General of Florida.” The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 37.

38. Admitted that Defendants Supervisors of Elections, sued in their official capacities, are elected or appointed Florida constitutional officers, and they are responsible for administering elections in their respective counties. Admitted that, at the time Plaintiffs’ Corrected First Amended Complaint was filed, each supervisor named was in fact the Supervisor of Elections in the referenced county.

STATEMENT OF FACTS AND LAW

I. Florida’s 2020 General Election was widely regarded as a resounding success.

39. The Secretary admits that voter turnout in the 2020 General Election

was 77%; otherwise, she is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 39; therefore denied.

40. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 40; therefore denied.

41. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 41; therefore denied.

42. The Secretary admits that Florida's election administration in 2020 was a success as a whole; otherwise, she is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 42; therefore denied.

43. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 43; therefore denied.

44. Admitted.

45. The references to third-party statements speak for themselves. The Secretary can neither admit nor deny.

46. The references to third-party statements speak for themselves. The

Secretary can neither admit nor deny.

47. Admitted.

48. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 48; therefore denied.

49. Admitted.

II. Without justification, the Legislature moved to enact sweeping restrictions that will impede access to the franchise.

50. Denied.

51. Denied.

52. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 52; therefore denied.

53. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 53; therefore denied.

54. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 54; therefore denied.

55. Denied.

56. The Secretary is without sufficient information and knowledge to admit

or deny the factual allegations contained in numbered paragraph 56; therefore denied.

57. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 57; therefore denied.

58. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 58; therefore denied.

59. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 59; therefore denied.

60. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 60; therefore denied.

61. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 61; therefore denied.

62. Denied.

63. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 63; therefore

denied.

64. Denied.

65. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 65; therefore denied.

66. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 66; therefore denied.

67. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 67; therefore denied.

68. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 68; therefore denied.

69. Denied. The reference to a third-party statement speaks for itself, and the Secretary can neither admit nor deny.

70. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 70; therefore denied.

71. Denied.

III. The Challenged Laws impede every step of the voting process in Florida.

A. Drop Box Restrictions

72. Denied.

73. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 73; therefore denied.

74. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 74; therefore denied.

75. Denied.

76. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 76; therefore denied.

77. The statute cited and voter turnout data speak for themselves; otherwise the Secretary is without sufficient information and knowledge to admit or deny causal link contained in numbered paragraph 77; therefore denied.

78. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 78; therefore denied.

79. The publication cited from the Florida Division of Elections containing Early Voting and Vote-by-Mail Ballot Request Reports speaks for itself.

80. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 80; therefore denied.

81. Denied.

82. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within numbered paragraph 82.

83. Admitted that Miami-Dade County is the most populous county in Florida with over 2.7 million residents. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 83; therefore denied.

84. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within numbered paragraph. 84.

85. The Secretary specifically denies the allegations of numbered paragraph 85 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 85; therefore denied.

86. The Secretary specifically denies the allegations of numbered paragraph 86 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 86; therefore denied.

87. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 87; therefore denied.

88. The Secretary specifically denies the allegations of numbered paragraph 88 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 88; therefore denied.

89. Denied.

90. The Secretary specifically denies the allegations of numbered paragraph 90 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 90; therefore denied.

91. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 91; therefore denied.

92. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 92; therefore denied.

93. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 93; therefore

denied.

94. The Secretary specifically denies the allegations of numbered paragraph 94 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 94; therefore denied.

95. Denied.

96. The Secretary specifically denies the allegations of numbered paragraph 96 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 96; therefore denied.

97. The Secretary specifically denies the allegations of numbered paragraph 97 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 97; therefore denied.

98. The Secretary specifically denies the characterization and legal conclusions concerning SB 90 as contained in numbered paragraph 98; otherwise denied.

B. Volunteer Assistance Ban

99. Denied.

100. The statute cited speaks for itself. The Secretary denies any legal conclusions contained in numbered paragraph 100. The Secretary is without

sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 100; therefore denied.

101. The State of Florida's trial brief and the statute cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 101.

102. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 102.

103. The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 103.

104. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 104; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 104.

105. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 105; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 105.

106. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 106;

therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 106.

107. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 107; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 107.

108. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 108; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 108.

109. The Secretary denies the characterization and legal conclusions concerning SB 90 as contained in numbered paragraph 109.

C. Vote-by-Mail Repeat Request Requirements

110. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 110.

111. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 111.

112. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 112; therefore denied. The Secretary denies any remaining legal conclusions contained in

numbered paragraph 112.

113. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 113.

114. The Secretary specifically denies the allegations of numbered paragraph 114 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 114; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 114.

115. The Secretary specifically denies the allegations of numbered paragraph 115 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 115; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 115.

116. The Secretary specifically denies the characterization of SB 90 and any legal conclusions contained in numbered paragraph 116. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 116; therefore denied.

117. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 117; therefore denied. The Secretary denies any remaining legal conclusions contained within

paragraph 117.

118. The Secretary specifically denies the allegations of numbered paragraph 118 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 118; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 118.

D. Line Warming Ban

119. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 119.

120. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 120.

121. The Secretary specifically denies the characterization and legal conclusions concerning SB 90 as contained in numbered paragraph 121. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 121; therefore denied.

122. The Secretary denies the allegations and legal conclusions of numbered paragraph 122 concerning the potential impact of SB 90.

123. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 123; therefore denied.

124. The report cited speaks for itself; otherwise denied.

125. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 125; therefore denied.

126. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 126; therefore denied.

127. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 127; therefore denied.

128. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 128; therefore denied.

129. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 129; therefore denied.

130. The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 130.

131. The Secretary specifically denies the allegations of numbered paragraph 131 concerning the potential impact of SB 90.

132. The Secretary specifically denies the characterization and legal conclusions concerning SB 90 as contained in numbered paragraph 132. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 132; therefore denied.

E. The Deceptive Registration Warning

133. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 133; therefore denied.

134. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 134; therefore denied.

135. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 135; therefore denied.

136. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 136; therefore denied.

137. Florida law speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 137.

138. The statute and regulatory provision cited speak for themselves. The

Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 138.

139. The statute and regulatory provision cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 139.

140. The constitutional provision referenced speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 140. The Secretary denies any remaining legal conclusions contained within paragraph 140.

141. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 141.

142. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 142.

143. Denied.

144. The Secretary specifically denies the allegations of numbered paragraph 144 concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 144; therefore denied.

145. The Secretary specifically denies the allegations of numbered paragraph 145 concerning the potential impact of SB 90. The Secretary is without

sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 145; therefore denied.

146. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 146; therefore denied.

147. Denied.

CLAIMS FOR RELIEF

COUNT I

**U.S. Const. Amend. I & XIV, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202
Undue Burden on the Right to Vote
(Drop Box Restrictions, Line Warming Ban, Vote-By-Mail Repeat Request
Requirement, Volunteer Assistance Ban)**

148. The Secretary incorporates by reference the responses to numbered paragraphs 1-147 of the Complaint.

149. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 149.

150. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 150.

151. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 151.

152. Denied.

153. The legal authorities referenced speak for themselves. The Secretary

denies any remaining factual allegations or legal conclusions of numbered paragraph 153, including allegations concerning the potential impact of SB 90.

154. The statute speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions of numbered paragraph 154, as well as allegations concerning the potential impact of SB 90.

155. The legal authorities referenced and statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions of numbered paragraph 155, including allegations concerning the potential impact of SB 90.

156. The Secretary specifically denies the characterization and legal conclusions concerning SB 90 as contained in numbered paragraph 156, including allegations concerning the potential impact of SB 90. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 156; therefore denied.

157. The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 157.

158. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 158; therefore denied.

159. Denied.

160. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count I of the Complaint.

COUNT II

Free Speech and Association U.S. Const. Amend. I, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202 Infringement of Free Speech and Associational Rights (Volunteer Assistance Ban)

161. The Secretary incorporates by reference the responses to numbered paragraphs 1-147 of the Complaint.

162. The constitutional provision cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 162.

163. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 163.

164. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 164.

165. The case cited speaks for itself. The Secretary denies any remaining legal conclusions contained in numbered paragraph 165. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 165; therefore denied.

166. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 166.

167. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 167.

168. The case cited speaks for itself. Paragraph 168 is a legal conclusion to which no response is required; to the extent a response is required, it is denied. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 168.

169. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 169.

170. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 170.

171. Denied.

172. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count II of the Complaint.

COUNT III

**Free Speech and Association
U.S. Const. Amend. I, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202
Infringement of Free Speech and Associational
Rights (Line Warming Ban)**

173. The Secretary incorporates by reference the responses to numbered

paragraphs 1-147 of the Complaint.

174. The case and constitutional provisions cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 174.

175. The constitutional provision referenced speaks for itself. The Secretary denies any remaining legal conclusions contained in numbered paragraph 175. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 175; therefore denied.

176. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 176.

177. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count III of the Complaint.

COUNT IV

Free Speech and Association and Due Process U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202 (The Line Warming Ban is Unconstitutionally Vague and Overbroad)

178. The Secretary incorporates by reference the responses to numbered paragraphs 1-147 of the Complaint.

179. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 179.

180. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 180.

181. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 181; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 181.

182. Denied.

183. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 183; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 183.

184. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 184.

185. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 185.

186. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to

Count IV of the Complaint.

COUNT V

**Free Speech and Association
U.S. Const. Amend. I, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202
Compelled Speech
(Deceptive Registration Warning)**

187. The Secretary incorporates by reference the responses to numbered paragraphs 1-147 of the Complaint.

188. The constitutional provision referenced speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 188.

189. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 189; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 189.

190. Denied.

191. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 191; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 191.

192. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 192.

193. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count V of the Complaint.

COUNT VI

**Free Speech and Association
U.S. Const. Amend. I, 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202
Infringement on Political Speech
(Deceptive Registration Warning)**

194. The Secretary incorporates by reference the responses to numbered paragraphs 1-147 of the Complaint.

195. Paragraph 195 is a legal conclusion to which no response is required; to the extent a response is required, it is denied.

196. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 196.

197. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 197.

198. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 198.

199. The case cited speaks for itself. The Secretary denies any remaining

factual allegations or legal conclusions contained in numbered paragraph 199.

200. The statute speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 200; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 200, as well as allegations concerning the potential impact of SB 90.

201. Admit that the State has an interest in ensuring that third-party voter registration organizations submit applications promptly. The Secretary denies any remaining factual allegations or legal conclusions contained in numbered paragraph 201.

202. Denied.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count VI of the Complaint.

AFFIRMATIVE DEFENSES

The Secretary hereby alleges the following affirmative defenses:

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.

Dated: October 22, 2021

Respectfully submitted:

BRADLEY R. MCVAY (FBN 79034)
General Counsel

Brad.McVay@dos.myflorida.com
ASHLEY E. DAVIS (FBN 48302)
Deputy General Counsel
Ashley.Davis@dos.myflorida.com
Florida Department of State
R.A. Gray Building Suite 100
500 South Bronough Street
Tallahassee, Florida 32399-0250
Phone: (850) 245-6536
Fax: (850) 245-6127

/s/Mohammad Jazil
Mohammad O. Jazil (FBN: 72556)
Gary Perko
Holtzman Vogel Baran Torchinsky &
Josefiak PLLC
119 S. Monroe St. Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
gperko@holtzmanvogel.com
Phone No.: (850) 274-1690
Fax No.: (540) 341-8809

Phillip M. Gordon (VA Bar: 96521)*
pgordon@holtzmanvogel.com
15405 John Marshall Hwy
Haymarket, VA 20169
Phone No. (540)341-8808
Fax No.: (540) 341-8809
*Admitted *pro hac vice*

Attorneys for Secretary Laurel M. Lee

CERTIFICATE OF SERVICE

I certify that on October 22, 2021, I caused to be served a copy of the foregoing by CM/ECF to all counsel of record.

/s/ Mohammad O. Jazil