

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

Case No. 4:23-cv-00111-AW-MAF

VOTE.ORG; et al.,

Plaintiffs,

v.

CORD BYRD, in his official capacity
as Secretary of State of Florida; et al.,

Defendants.

**FIFTY-FOUR FLORIDA COUNTY SUPERVISORS OF ELECTIONS’
ANSWER TO PLAINTIFFS’ AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Defendants KIM BARTON, in her official capacity as Supervisor of Elections for Alachua County; CHRISTOPHER MILTON, in his official capacity as Supervisor of Elections for Baker County; MARK ANDERSEN, in his official capacity as Supervisor of Elections for Bay County; AMANDA SEYFANG, in her official capacity as Supervisor of Elections for Bradford County; TIM BOBANIC, in his official capacity as Supervisor of Elections for Brevard County; JOE SCOTT, in his official capacity as Supervisor of Elections for Broward County; SHARON CHASON, in her official capacity as Supervisor of Elections for Calhoun County; MAUREEN “MO” BAIRD, in her official capacity as Supervisor of Elections for Citrus County; CHRIS H. CHAMBLESS, in his official capacity as Supervisor of

Elections for Clay County; TOMI STINSON BROWN, in her official capacity as Supervisor of Elections for Columbia County; MARK F. NEGLEY, in his official capacity as Supervisor of Elections for DeSoto County; STARLET CANNON, in her official capacity as Supervisor of Elections for Dixie County; MIKE HOGAN, in his official capacity as Supervisor of Elections for Duval County; DAVID H. STAFFORD, in his official capacity as Supervisor of Elections for Escambia County; KAITI LENHART, in her official capacity as Supervisor of Elections for Flagler County; HEATHER RILEY, in her official capacity as Supervisor of Elections for Franklin County; SHIRLEY G. KNIGHT, in her official capacity as Supervisor of Elections for Gadsden County; CONNIE SANCHEZ, in her official capacity as Supervisor of Elections for Gilchrist County; ALETRIS FARNAM, in her official capacity as Supervisor of Elections for Glades County; JOHN HANLON, in his official capacity as Supervisor of Elections for Gulf County; LAURA HUTTO, in her official capacity as Supervisor of Elections for Hamilton County; DIANE SMITH, in her official capacity as Supervisor of Elections for Hardee County; BRENDA HOOTS, in her official capacity as Supervisor of Elections for Hendry County; SHIRLEY ANDERSON, in her official capacity as Supervisor of Elections for Hernando County; KAREN HEALY, in her official capacity as Supervisor of Elections for Highlands County; THERISA MEADOWS, in her official capacity as Supervisor of Elections for Holmes County; CAROL A.

DUNAWAY, in her official capacity as Supervisor of Elections for Jackson County; MICHELLE MILLIGAN, in her official capacity as Supervisor of Elections for Jefferson County; TRAVIS HART, in his official capacity as Supervisor of Elections for Lafayette County; MARK S. EARLEY, in his official capacity as Supervisor of Elections for Leon County; TAMMY JONES, in her official capacity as Supervisor of Elections for Levy County; GRANT CONYERS, in his official capacity as Supervisor of Elections for Liberty County; HEATH DRIGGERS, in his official capacity as Supervisor of Elections for Madison County; VICKI DAVIS, in her official capacity as Supervisor of Elections for Martin County; JANET H. ADKINS, in her official capacity as Supervisor of Elections for Nassau County; PAULA. LUX, in his official capacity as Supervisor of Elections for Okaloosa County; MELISSA ARNOLD, in her official capacity as Supervisor of Elections for Okeechobee County; BILL COWLES, in his official capacity as Supervisor of Elections for Orange County; MARY JANE ARRINGTON, in her official capacity as Supervisor of Elections for Osceola County; WENDY SARTORY LINK, in her official capacity as Supervisor of Elections for Palm Beach County; JULIE MARCUS, in her official capacity as Supervisor of Elections for Pinellas County; LORI EDWARDS, in her official capacity as Supervisor of Elections for Polk County; CHARLES OVERTURF, in his official capacity as Supervisor of Elections for Putnam County; TAPPIE A. VILLANE, in her official capacity as Supervisor of Elections for Santa

Rosa County; VICKY OAKES, in her official capacity as Supervisor of Elections for St. Johns County; GERTRUDE WALKER, in her official capacity as Supervisor of Elections for St. Lucie County; WILLIAM KEEN, in his official capacity as Supervisor of Elections for Sumter County; JENNIFER MUSGROVE KINSEY, in her official capacity as Supervisor of Elections for Suwannee County; DANA SOUTHERLAND, in her official capacity as Supervisor of Elections for Taylor County; DEBORAH K. OSBORNE, in her official capacity as Supervisor of Elections for Union County; LISA LEWIS, in her official capacity as Supervisor of Elections for Volusia County; JOSEPH MORGAN, in his official capacity as Supervisor of Elections for Wakulla County; RYAN MESSER, in his official capacity as Supervisor of Elections for Walton County; and CAROL F. RUDD, in her official capacity as Supervisor of Elections for Washington County; (collectively, the “54 Supervisors”), pursuant to Fed. R. Civ. P. 8, hereby answer Plaintiffs’ Amended Complaint for Declaratory and Injunctive Relief, D.E. 101 (“Amended Complaint”), as follows:

NATURE OF THE CASE

1. As to the statutes cited, summarized, or described in Paragraph 1 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations and they are therefore denied.

2. Denied as framed.

3. As to the statutes or case law cited, summarized, or described in Paragraph 3 of the Amended Complaint, the cited statutes and the case law speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations and they are therefore denied.

4. As to the statutes cited, summarized, or described in Paragraph 4 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations and they are therefore denied.

5. The 54 Supervisors are without knowledge as to the allegations in Paragraph 5 of the Amended Complaint and they are therefore denied.

JURISDICTION AND VENUE

6. The 54 Supervisors admit that Plaintiffs have asserted claims under the cited statutes. The 54 Supervisors are without knowledge as to the remaining allegations contained in Paragraph 6 and they are therefore denied.

7. The 54 Supervisors admit Paragraph 7 for jurisdictional purposes only and denied for all others.

8. The 54 Supervisors admit Paragraph 8 for jurisdictional purposes only and denied for all others.

9. The first sentence is admitted. The 54 Supervisors are without knowledge as to the allegations contained within the second sentence and they are therefore denied.

10. As to all statutes or rules cited, summarized, or described in Paragraph 10 of the Amended Complaint, those statutes and rules speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 10 and they are therefore denied.

PARTIES

11. The 54 Supervisors are without knowledge as to the allegations in Paragraph 11 of the Amended Complaint and they are therefore denied.

12. The 54 Supervisors are without knowledge as to the allegations in Paragraph 12 of the Amended Complaint and they are therefore denied.

13. The 54 Supervisors are without knowledge as to the allegations in Paragraph 13 of the Amended Complaint and they are therefore denied.

14. The 54 Supervisors are without knowledge as to the allegations in Paragraph 14 of the Amended Complaint and they are therefore denied.

15. The 54 Supervisors are without knowledge as to the allegations in Paragraph 15 of the Amended Complaint and they are therefore denied.

16. The 54 Supervisors are without knowledge as to the allegations in Paragraph 16 of the Amended Complaint and they are therefore denied.

17. The 54 Supervisors are without knowledge as to the allegations in Paragraph 17 of the Amended Complaint and they are therefore denied.

18. The 54 Supervisors are without knowledge as to the allegations in Paragraph 18 of the Amended Complaint and they are therefore denied.

19. The 54 Supervisors are without knowledge as to the allegations in Paragraph 19 of the Amended Complaint and they are therefore denied.

20. The 54 Supervisors are without knowledge as to the allegations in Paragraph 20 of the Amended Complaint and they are therefore denied.

21. The 54 Supervisors are without knowledge as to the allegations in Paragraph 21 of the Amended Complaint and they are therefore denied.

22. The 54 Supervisors are without knowledge as to the allegations in Paragraph 22 of the Amended Complaint and they are therefore denied.

23. As to the statute cited, summarized, or described in Paragraph 23 of the Amended Complaint, the statute speaks for itself and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 23 and they are therefore denied.

24. As to the statutes cited, summarized, or described in Paragraph 24 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 24 and they are therefore denied.

25. The 54 Supervisors are without knowledge as to the allegations in Paragraph 25 of the Amended Complaint and they are therefore denied.

26. The 54 Supervisors are without knowledge as to the allegations in Paragraph 26 of the Amended Complaint and they are therefore denied.

27. The 54 Supervisors are without knowledge as to the allegations in Paragraph 27 of the Amended Complaint and they are therefore denied.

28. The first sentence is denied as to the 54 Supervisors and without knowledge for any other defendants. The 54 Supervisors are without knowledge as to all other allegations in Paragraph 28 of the Amended Complaint and they are therefore denied.

29. Admitted that Defendant Cord Byrd is the Secretary of State of Florida. As to the statutes cited, summarized, or described in Paragraph 29 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 29 of the Amended Complaint and they are therefore denied.

30. The 54 Supervisors admit that Florida Supervisors of Elections are each responsible for election administration in their respective individual counties, but deny that they are the sole election administrators for each county because the Florida Division of Elections of the Department of State also has involvement in the administration of elections statewide. The 54 Supervisors also admit that Plaintiffs

have identified all supervisors of elections in each of Florida's 67 counties. As to the statutes cited, summarized, or described in Paragraph 30 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 30 of the Amended Complaint and they are therefore denied.

STATEMENT OF FACTS AND LAW

31. The 54 Supervisors are without knowledge as to the allegations contained in Paragraph 31 of the Amended Complaint and they are therefore denied.

32. As to the statutes cited, summarized, or described in Paragraph 32 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 32 and they are therefore denied.

33. As to the statutes cited, summarized, or described in Paragraph 33 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 33 and they are therefore denied.

34. As to the statutes cited, summarized, or described in Paragraph 34 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 34 and they are therefore denied.

35. The 54 Supervisors are without knowledge as to the allegations contained in Paragraph 35 of the Amended Complaint and they are therefore denied.

36. As to the statutes cited, summarized, or described in Paragraph 36 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 36 and they are therefore denied.

37. As to the statutes cited, summarized, or described in Paragraph 37 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 37 of the Amended Complaint and they are therefore denied.

38. As to any statutes cited, summarized, or described in Paragraph 38 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 38 and they are therefore denied.

39. As to the statutes or websites cited, summarized, or described in Paragraph 39 of the Amended Complaint, those statutes and websites speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 39 of the Amended Complaint and they are therefore denied.

40. As to the statutes cited, summarized, or described in Paragraph 40 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 40 of the Amended Complaint and they are therefore denied.

41. As to any statutes or advisory opinions cited, summarized, or described in Paragraph 41 of the Amended Complaint, those statutes and advisory opinions speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 41 of the Amended Complaint and they are therefore denied.

42. As to the websites cited, summarized, or described in Paragraph 42 of the Amended Complaint, those websites speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 42 of the Amended Complaint and they are therefore denied.

43. As to the statutes cited, summarized, or described in Paragraph 43 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 43 of the Amended Complaint and they are therefore denied.

COUNT 1

44. The 54 Supervisors re-allege all responses to preceding paragraphs 1-43 as though fully set forth herein.

45. As to the statute cited, summarized, or described in Paragraph 45 of the Amended Complaint, the statute speaks for itself and thus no answer is required.

46. As to the statute cited, summarized, or described in Paragraph 46 of the Amended Complaint, the statute speaks for itself and thus no answer is required.

47. As to the case law cited, summarized, or described in Paragraph 47 of the Amended Complaint, the case law speaks for itself and thus no answer is required.

48. As to the case law cited, summarized, or described in Paragraph 48 of the Amended Complaint, the case law speaks for itself and thus no answer is required.

49. The 54 Supervisors deny the allegations against them in the first sentence of Paragraph 49. As to the caselaw cited, summarized, or described in the remainder of Paragraph 49 of the Amended Complaint, the caselaw speaks for itself and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 49 of the Amended Complaint and they are therefore denied.

50. As to the statutes cited, summarized, or described in Paragraph 50 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 50 of the Amended Complaint and they are therefore denied.

51. As to the statutes cited, summarized, or described in Paragraph 51 of the Amended Complaint, those statutes speak for themselves and thus no answer is required. The 54 Supervisors are without knowledge as to any other allegations contained in Paragraph 51 of the Amended Complaint and they are therefore denied.

52. The 54 Supervisors are without knowledge as to the allegations in Paragraph 52 of the Amended Complaint and they are therefore denied.

AFFIRMATIVE DEFENSES

The 54 Supervisors do not take any position regarding the substance of Plaintiffs' Amended Complaint and have agreed with counsel for Plaintiffs that the 54 Supervisors shall have limited participation in this action and were named as defendants by Plaintiffs solely to ensure that any relief granted has statewide application. The 54 Supervisors assert as their only affirmative defense that Plaintiffs have waived and are therefore not entitled to recover attorneys' fees, expenses, and costs against the 54 Supervisors.

Should it become necessary to actively defend this action notwithstanding the agreement with counsel for Plaintiffs, whether by Court order or otherwise, the 54

Supervisors and counsel for Plaintiffs have agreed that the 54 Supervisors may amend this answer and assert affirmative defenses.

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SIGNATURES ON THE FOLLOWING PAGE]

Date: June 26, 2023

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CERTIFICATE OF COMPLIANCE

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

By: /s/ Nathaniel A. Klitsberg
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