

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

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

Plaintiffs,

v.

Case No.: 4:23-cv-216-MW-MAF

ASHLEY MOODY, et al.,

Defendants.

**ATTORNEY GENERAL ASHLEY MOODY'S
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFFS'
COMPLAINT**

Defendant, Attorney General Ashley Moody in her official capacity as the Attorney General for the State of Florida, hereby files her answer and affirmative defenses to the Plaintiffs' Complaint. Any allegation that is not specifically admitted or qualified is denied. As to the numbered paragraphs of the Complaint, the Attorney General answers as follows:

INTRODUCTION

1. Denied.
2. Admitted that Senate Bill 7050 (SB 7050) contains provisions related to Third Party Voter Registration Organizations (3PVROs). Otherwise denied.
3. The case law speaks for itself. Otherwise denied.

4. The case law and legal citations speak for themselves. Otherwise denied.

5. Without knowledge; therefore denied.

6. Admitted that SB 7050 was passed by the Florida Legislature and signed into law by Governor DeSantis. Otherwise denied.

7. Admitted that SB 7050 authorizes the Division of Elections to fine 3PVROs for permitting non-U.S. citizens and certain convicted felons to “collect[] or handl[e] voter registration applications.” Admitted that SB 7050 requires 3PVROs to affirm that they will not violate SB 7050. Admitted that the fine amount in SB 7050 is \$50,000 per offense. Otherwise denied.

8. Admitted that SB 7050 requires 3PVROs to provide voter registration applicants with a receipt and prohibits 3PVROs from retaining an applicant’s personal information. The cited case law speaks for itself. Otherwise denied.

9. Admitted that SB 7050 requires 3PVROs to deliver voter registration applications within 10 days. Otherwise denied.

10. Admitted that SB 7050 requires 3PVROs to re-register with the Division of Elections for every election cycle beginning on November 6, 2024. Otherwise without knowledge; therefore denied.

11. Without knowledge; therefore denied.

12. Without knowledge; therefore denied.

13. Denied.

14. Without knowledge; therefore denied.

15. Defendant denies the characterization of SB 7050 and any legal conclusions contained in paragraph. Otherwise, without knowledge, therefore denied.

16. Without knowledge; therefore denied.

17. Admitted that the League of Women Voters Florida (LWVFL) seeks a declaratory judgment and an injunction prohibiting Defendants from enforcing the challenged provisions of SB 7050. Otherwise denied.

JURISDICTION AND VENUE

18. The cited statute speaks for itself. Defendant denies the Court has subject matter jurisdiction over some or all of Plaintiffs' claims.

19. The cited statute speaks for itself. Defendant denies the Court has subject matter jurisdiction over some or all of Plaintiffs' claims. Otherwise, denied.

20. The cited statute speaks for itself. Defendant denies the Court has subject matter jurisdiction over some or all of Plaintiffs' claims. Otherwise, denied.

21. Admitted with respect to Defendant Moody. Otherwise without knowledge; therefore denied.

22. Admitted that venue is proper with respect to Defendant Moody. Otherwise without knowledge; therefore denied.

PARTIES

Plaintiffs

23. Without knowledge; therefore denied.

24. Without knowledge; therefore denied.

Defendants

25. Admitted.

26. The statute speaks for itself.

27. Without knowledge; therefore denied.

28. The statutes speak for themselves. Otherwise without knowledge; therefore denied.

29. The statutes speak for themselves. Otherwise without knowledge; therefore denied.

FACTS

The League of Women Voters of Florida

30. Without knowledge; therefore denied.

31. Without knowledge; therefore denied.

32. Without knowledge; therefore denied.

33. Without knowledge; therefore denied.

34. Without knowledge; therefore denied.

35. Without knowledge; therefore denied.

36. Without knowledge; therefore denied.
37. Without knowledge; therefore denied.
38. Without knowledge; therefore denied.
39. Without knowledge; therefore denied.
40. Without knowledge; therefore denied.
41. Without knowledge; therefore denied.
42. Without knowledge; therefore denied.
43. Without knowledge; therefore denied.
44. Without knowledge; therefore denied.
45. Without knowledge; therefore denied.
46. Without knowledge; therefore denied.
47. Without knowledge; therefore denied.
48. Without knowledge; therefore denied.
49. Without knowledge; therefore denied.
50. Without knowledge; therefore denied.

Senate Bill 7050

51. Admitted.
52. The referenced statement speaks for itself. Otherwise without knowledge; therefore denied.
53. Admitted.

54. The statute speaks for itself. Otherwise without knowledge; therefore denied.

55. The statute speaks for itself. Otherwise denied.

56. The provisions of SB 7050 affecting 3PVROs speak for themselves. Otherwise without knowledge; therefore denied.

57. The statutory provisions speak for themselves. Otherwise denied.

58. The statute speaks for itself. Otherwise without knowledge; therefore denied.

59. The statute speaks for itself. Otherwise without knowledge; therefore denied.

60. Without knowledge; therefore denied.

61. The statute speaks for itself. Otherwise denied.

62. The statute speaks for itself. Otherwise denied.

63. The statute speaks for itself. Otherwise denied.

64. The statute speaks for itself. Otherwise denied.

65. The statute speaks for itself. Otherwise denied.

66. The statute speaks for itself. Otherwise without knowledge; therefore denied.

67. The statute speaks for itself. Otherwise without knowledge; therefore denied.

68. The statute speaks for itself. Otherwise without knowledge; therefore denied.

69. The statute speaks for itself. Otherwise without knowledge; therefore denied.

70. The statute speaks for itself. Otherwise without knowledge; therefore denied.

71. The statute speaks for itself. Otherwise denied.

72. The statute speaks for itself. Otherwise denied.

73. The statute speaks for itself. Otherwise denied.

74. The statute speaks for itself. Otherwise, without knowledge, therefore denied.

75. The statute speaks for itself. Otherwise denied.

76. Without knowledge; therefore denied.

77. Without knowledge; therefore denied.

78. Without knowledge; therefore denied.

CLAIMS

Count 1: Violation of Plaintiff's First Amendment Rights to Free Speech and Expressive Conduct U.S. Const., amends. I, XIV; 42 U.S.C. §1983¹

79. Attorney General Moody re-alleges her responses to paragraphs 1-78 as if fully stated herein.

80. The constitutional provision speaks for itself. Otherwise denied.

81. The constitutional provision speaks for itself. Otherwise denied.

82. The case law speaks for itself. Otherwise denied.

83. Without knowledge; therefore denied.

84. Without knowledge as to the factual allegations, therefore denied.

Otherwise, denied.

85. The case law speaks for itself. Otherwise, denied.

86. Denied.

87. Denied.

88. Without knowledge, therefore denied.

89. The case law speaks for itself. Otherwise denied.

90. The Defendant denies any legal conclusions contained in this paragraph. Otherwise, without knowledge, therefore denied.

¹ In so far as this statement may be read as an additional paragraph, denied.

91. The cited legislation speaks for itself. Otherwise, without knowledge, therefore denied.

92. Denied.

93. The cited case law speaks for itself. Otherwise, denied.

94. Denied.

95. The case law speaks for itself. Otherwise denied.

The Attorney General denies that Plaintiffs are entitled to any relief pursuant to Count 1 of the Complaint.

**Count 2: Violation of Plaintiffs' First Amendment
Right to Free Association
U.S. Const., amends. I, XIV; 42 U.S.C. §1983²**

96. Attorney General Moody re-alleges her responses to paragraphs 1-95 as if fully stated herein.

97. The case law and constitutional provision speak for themselves. Otherwise denied.

98. Without knowledge, therefore denied.

99. Without knowledge; therefore denied.

100. Denied.

101. Without knowledge; therefore denied.

² In so far as this statement may be read as an additional paragraph, denied.

- 102. Without knowledge; therefore denied.
- 103. Without knowledge; therefore denied.
- 104. Without knowledge; therefore denied.
- 105. Denied.
- 106. Denied.
- 107. Denied.
- 108. The case law speaks for itself. Otherwise, denied.

Defendant denies that Plaintiffs are entitled to any relief pursuant to Count 2.

Count 3: Substantial Overbreadth³
U.S. Const., amends. I, XIV; 42 U.S.C. §1983

109. Attorney General Moody re-alleges her responses to paragraphs 1-108 as if fully stated herein.

- 110. The case law and constitutional provision speak for themselves.
- 111. Denied.
- 112. Denied.
- 113. Denied.
- 114. Denied.
- 115. Denied.
- 116. The legislation speaks for itself. Otherwise, denied.

³ In so far as this statement may be read as an additional paragraph, denied.

Defendant denies that Plaintiffs are entitled to any relief pursuant to Count 3.

Count 4: Void for Vagueness
U.S. Const., amend. XIV; 42 U.S.C. § 1983⁴

117. Attorney General Moody re-alleges her responses to paragraphs 1-116 as if fully stated herein.

118. The constitutional provision speaks for itself. Otherwise denied.

119. The referenced doctrine, and cases applying it, speak for themselves.

Otherwise legal conclusion; therefore denied.

120. The statute speaks for itself. Otherwise denied.

121. The statute speaks for itself. Otherwise denied.

122. The statute speaks for itself. Otherwise denied.

123. The statute speaks for itself. Otherwise denied.

124. The statute speaks for itself. Otherwise denied.

125. The statute speaks for itself. Otherwise denied.

126. The statute speaks for itself. Otherwise denied.

127. Legal conclusion therefore denied.

128. The statute speaks for itself. Otherwise denied.

129. The statute speaks for itself. Otherwise legal conclusion therefore denied.

⁴ In so far as this statement may be read as an additional paragraph, denied.

130. Legal conclusions therefore denied.

131. Legal conclusion therefore denied.

132. Without knowledge; therefore denied. Otherwise legal conclusions therefore denied.

Defendant denies that Plaintiffs are entitled to any relief pursuant to Count 4.

PRAYER FOR RELIEF

To the extent a response is required as to the Prayer for Relief, Attorney General Moody denies that Plaintiffs are entitled to any relief.

DEFENSES

Florida Attorney General Ashley Moody states below the affirmative and other defenses. By stating these defenses, The Attorney General does not assume the burden of proof on any issue, fact, or element of a claim as to which applicable law places the burden on the plaintiffs. In addition, the department specifically and expressly reserves the right to amend these defenses, or to add additional defenses, based upon legal theories, facts, or circumstances that may be discovered and/or further legal analysis of plaintiffs' positions in this litigation.

1. Plaintiffs' Complaint fails to state a cause of action upon which relief can be granted under the U.S. Constitution's First Amendment.
2. Plaintiffs' Complaint fails to state a cause of action upon which relief can be granted under the U.S. Constitution's Fourteenth Amendment.

3. Plaintiffs' Complaint fails to state a cause of action upon which relief can be granted under 42 U.S.C. § 1983.
4. Plaintiffs' requested relief is contrary to article I, section 4, clause 1 of the U.S. Constitution, and otherwise contradicts constitutional separation-of-powers and federalism requirements.
5. Some or all of Plaintiffs lack standing to pursue the claims asserted.
6. There is no basis for an award of attorneys' fees or costs to Plaintiffs in this action.
7. Plaintiffs fail to allege any basis upon which injunctive relief would be available from this Court.
8. The Attorney General reserves the right to identify additional affirmative defenses.

Respectfully submitted,

ASHLEY MOODY
ATTORNEY GENERAL

/s/ W. David Chappell

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2023 a copy of this document was filed electronically through the CM/ECF system and furnished by email to all counsel of record.

/s/ W. David Chappell
W. David Chappell