

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VOTEAMERICA, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as the Secretary of
State for the State of Georgia, *et al.*,

Defendants,

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

Civil Action No.:
1:21-CV-1390-JPB

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT

INTRODUCTION

Through SB 202, Georgia added additional security and integrity to the State's election process, ensuring that Georgia's citizens can vote both easily and securely. In doing so, Georgia made meaningful reforms to help achieve the very goals Plaintiffs praise—"safely and securely" run elections. [Doc. 1] ¶ 4. And the changes made are well within the mainstream of other states' election laws and are more voting-friendly than laws in many other states.

Yet Plaintiffs ask this Court to advance their agenda by invalidating several provisions of SB 202. That is beyond the Court's role, which "does not extend to second-guessing and interfering with a State's reasonable, nondiscriminatory election rules." *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1284 (11th Cir. 2020). Moreover, such relief is beyond the Court's reach because Plaintiffs lack Article III standing; SB 202 does not injure them.

On the merits, Plaintiffs' claims also fail. SB 202 was the legislature's reasonable update of Georgia's election laws, serving several compelling interests related to deterring voter fraud, improving election procedures, safeguarding voter confidence, and running an efficient and orderly election. *See Greater Birmingham Min. v. Sec'y of State for Ala.*, 992 F.3d 1299, 1319 (11th Cir. 2021). Indeed, Georgia enacted SB 202 to implement lessons learned from conducting an election during the 2020 pandemic.

Throughout their Complaint, Plaintiffs repeatedly overlook the fact that any slight burdens on the right to vote are justified by the state's regulatory interests in orderly election administration and public confidence in election results. *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1354 (11th Cir. 2009). Moreover, Plaintiffs fail to identify how any of the challenged provisions impinge on protected speech or freedom to associate with voters. Accordingly, Plaintiffs' claims fail on the merits.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Plaintiffs lack standing to bring this action.

Third Affirmative Defense

Plaintiffs' claims are barred by sovereign immunity and the Eleventh Amendment to the United States Constitution.

Fourth Affirmative Defense

Plaintiffs have not been subjected to the deprivation of any right, privilege, or immunity under the Constitution or laws of the United States.

Fifth Affirmative Defense

Plaintiffs failed to join necessary and indispensable parties.

Sixth Affirmative Defense

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

Seventh Affirmative Defense

Defendants reserve the right to amend their defenses and to add additional ones, including lack of subject matter jurisdiction based on the mootness or ripeness doctrines, as further information becomes available in discovery.

RESPONSES

Defendants respond to the separately numbered paragraphs and prayer for relief contained in the Complaint below. To the extent that any allegation is not admitted herein, it is denied. Moreover, to the extent that the Complaint refers to or quotes from external documents, statutes, or other sources, Defendants may refer to such materials for their accurate and complete contents; however, Defendants' references are not intended to be, and should not be construed to be, an admission that the cited materials: (a) are correctly cited or quoted by Plaintiffs; (b) are relevant to this, or any other, action; or (c) are admissible in this, or any other, action.

Defendants answer as follows:

INTRODUCTION¹

1. Defendants admit the allegations contained in Paragraph 1.
2. Defendants admit that the COVID-19 pandemic disrupted many aspects of daily life, and that a substantial number of voters participated in the 2020 and 2021 elections. The remainder of Paragraph 2 contains Plaintiffs' characterization of that participation, not allegations of fact, to which no response is required.
3. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in the first and third sentences of Paragraph 3. Defendants admit the allegations contained in the second sentence.
4. Paragraph 4 contains Plaintiffs' legal conclusions, characterization of recent elections, and characterization of uncited statements, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the referenced

¹ For ease of reference, Defendants refer to Plaintiffs' headings and titles, but to the extent those headings and titles could be construed to contain factual allegations, those allegations are denied.

statements for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

5. Defendants admit that several lawsuits were filed after the 2020 General Election. The remainder of Paragraph 5 contains Plaintiffs' characterizations of those lawsuits and legal conclusions, not allegations of fact, to which no response is required.

6. Defendants admit that the Georgia General Assembly passed SB 202, but deny the remaining allegations in Paragraph 6.

7. Paragraph 7 contains Plaintiffs' characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its content and deny any allegations inconsistent therewith.

8. Paragraph 8 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

9. Defendants deny the allegation that SB 202's provisions are "costly and burdensome," and lack sufficient knowledge or information with which to

form a belief as to the truth of the remaining allegations contained in Paragraph 9.

10. Paragraph 10 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

11. Paragraph 11 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

12. Paragraph 12 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

13. Paragraph 13 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

JURISDICTION AND VENUE

14. Defendants admit that this Court has jurisdiction for claims brought under the U.S. Constitution, but Defendants deny the remaining allegations in Paragraph 14.

15. Defendants admit the allegations contained in Paragraph 15.

16. To the extent the Court has jurisdiction over this matter, Defendants admit that venue is proper in this Court. State Defendants deny the remaining allegations in Paragraph 16.

PARTIES

Plaintiffs

17. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 17.

18. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 18.

19. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 19.

20. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 20.

21. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 21.

22. Defendants deny Plaintiffs' characterization of SB 202, and lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in Paragraph 22.

23. Defendants deny Plaintiffs' characterization of SB 202, and lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in Paragraph 23.

24. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 24.

25. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 25.

26. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 26.

27. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 27.

28. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 28.

29. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 29.

30. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 30.

31. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 31.

32. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 32.

33. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 33.

34. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 34.

35. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 35.

36. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 36.

37. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 37.

38. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 38.

39. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 39.

40. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 40.

41. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 41.

42. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 42.

43. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 43.

Defendants

44. Defendants admit the allegations contained in the first sentence of Paragraph 44. The remainder of this paragraph contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

45. Defendants deny the allegations contained in the first two sentences of Paragraph 45. By way of further response, Defendants aver that the current State Election Board Members are Sara Ghazal, Matthew Mashburn, Edward Lindsey, and Janice Johnston. The remainder of this paragraph contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

46. Paragraph 46 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

FACTS

Legal Background

47. Paragraph 47 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the cited authority for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

48. Paragraph 48 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the cited authority for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

49. Defendants admit that the absentee ballot application form is available on the Secretary of State's website. Plaintiffs' characterization of their lawsuit are not allegations of fact and thus no response is required. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in Paragraph 49.

The 2020 and 2021 Elections

50. Defendants admit that Georgia held two statewide election days in 2020 and that primary elections for the offices of U.S. Senate, U.S. House of Representatives, Georgia Senate, and Georgia House of Representatives were held on June 9 after delays due to the COVID-19 pandemic. Defendants admit that the general Presidential election was held on November 3, with early voting from October 12 to October 30. Defendants admit that Georgia held statewide runoff elections for U.S. Senate and Georgia Public Service Commission in 2021 on January 5, 2021. Defendants deny the remaining allegations contained in Paragraph 50.

51. Defendants admit that the 2020 and 2021 elections saw record turnout and an increased use of absentee voting. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in Paragraph 51.

52. Defendants admit that nearly 5 million voters cast a ballot in the 2020 Presidential election and nearly 4.1 million voters cast a ballot in the 2016 Presidential election. Defendants admit the remaining allegations contained in Paragraph 52.

53. Paragraph 53 contains Plaintiffs' characterization of voting data. Defendants respectfully refer the Court to the referenced voting data for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

54. Defendants admit that legal actions were initiated in the aftermath of the 2020 elections. The remainder of Paragraph 54 contains Plaintiffs' characterization of those actions and other uncited statements, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the referenced statements and legal actions for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

55. Defendants admit that a risk-limiting audit and a recount of the presidential race were conducted in the aftermath of the November 2020 election. The remainder of Paragraph 55 contains Plaintiffs' characterization of those actions, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the referenced audit and recount results for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

Legislative History

56. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 56.

57. Paragraph 57 contains Plaintiffs' characterization of SB 202 and its legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the relevant legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

58. Paragraph 58 contains Plaintiffs' characterization of SB 202 and its legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the relevant legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

59. Paragraph 59 contains Plaintiffs' characterization of various statements, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the cited statements for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

60. Paragraph 60 contains Plaintiffs' characterization of SB 202 and its legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the relevant legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

61. Paragraph 61 contains Plaintiffs' characterization of SB 202 and its legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the relevant legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

Challenged Provisions

62. Paragraph 62 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

63. Paragraph 63 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

64. Paragraph 64 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

65. Defendants admit the allegations contained in the first sentence of Paragraph 65. The remainder of this paragraph contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

66. Paragraph 66 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is

required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

67. Paragraph 67 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

68. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 68.

69. Paragraph 69 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

70. Paragraph 70 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

71. Paragraph 71 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

72. Defendants deny the allegations contained in Paragraph 72.

73. Paragraph 73 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

74. Paragraph 74 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

75. Paragraph 75 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

76. Paragraph 76 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

77. Paragraph 77 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

78. Paragraph 78 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

79. Paragraph 79 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

80. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 80.

81. The first and last sentences of Paragraph 81 contain Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in this paragraph.

82. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 82.

83. Paragraph 83 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

84. Paragraph 84 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

85. Paragraph 85 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

86. Paragraph 86 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

87. Paragraph 87 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

88. Paragraph 88 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

89. Paragraph 89 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

90. Paragraph 90 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

91. Paragraph 91 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

92. The final three sentences of Paragraph 92 contain Plaintiffs' characterization of SB 202's legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the cited legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith. The remainder of this paragraph contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

93. Paragraph 93 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court

to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

94. Paragraph 94 contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

95. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in the second and fourth sentences of Paragraph 95. The remainder of this paragraph contains Plaintiffs' legal conclusions and characterization of SB 202, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the text of SB 202 for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

96. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 96.

97. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 97.

98. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in the first three

sentences and the last sentence of Paragraph 98. The remainder of this paragraph contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

99. The final sentence of Paragraph 99 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. The remainder of this paragraph contains Plaintiffs' characterization of SB 202 and its legislative history, not allegations of fact, to which no response is required. By way of further response, Defendants respectfully refer the Court to the relevant legislative history for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

100. The final sentence of Paragraph 100 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. Defendants lack sufficient knowledge or information with which to form a belief as to the truth of the remaining allegations contained in this paragraph.

101. Paragraph 101 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

102. Paragraph 102 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

103. Paragraph 103 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

CLAIMS FOR RELIEF

First Claim for Relief: Free Speech (Violation of Plaintiffs' First Amendment Rights Pursuant to 42 U.S.C. § 1983)

104. Defendants incorporate their responses to the foregoing paragraphs as if set forth fully herein.

105. Paragraph 105 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

106. Paragraph 106 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

107. Paragraph 107 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

108. Paragraph 108 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

109. Paragraph 109 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

110. Paragraph 110 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

111. Paragraph 111 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

112. Paragraph 112 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

113. Paragraph 113 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

114. Paragraph 114 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

115. Paragraph 115 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

116. Paragraph 116 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

117. Paragraph 117 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

118. Paragraph 118 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

119. Paragraph 119 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

120. Paragraph 120 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

121. Paragraph 121 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

**Second Claim for Relief: Freedom of Association
(Violation of Plaintiffs' First Amendment Rights Pursuant to
42 U.S.C. § 1983)**

122. Defendants incorporate their responses to the foregoing paragraphs as if set forth fully herein.

123. Paragraph 123 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

124. Paragraph 124 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

125. Paragraph 125 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

126. Paragraph 126 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

127. Paragraph 127 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

128. Paragraph 128 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

129. Paragraph 129 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

130. Paragraph 130 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

131. Paragraph 131 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

132. Paragraph 132 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

133. Paragraph 133 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

**Third Claim for Relief: Compelled Speech
(Violation of Plaintiffs' First Amendment Rights Pursuant to
42 U.S.C. § 1983)**

134. Defendants incorporate their responses to the foregoing paragraphs as if set forth fully herein.

135. Paragraph 135 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

136. Paragraph 136 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

137. Paragraph 137 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

138. Paragraph 138 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

139. Paragraph 139 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

140. Paragraph 140 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

141. Paragraph 141 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

142. Paragraph 142 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

**Fourth Claim for Relief: Substantial Overbreadth
(Violation of Plaintiffs' First Amendment Rights Pursuant to
42 U.S.C. § 1983)**

143. Defendants incorporate their responses to the foregoing paragraphs as if set forth fully herein.

144. Paragraph 144 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

145. Paragraph 145 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

146. Paragraph 146 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

147. Paragraph 147 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

148. Paragraph 148 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

149. Paragraph 149 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

150. Paragraph 150 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

151. Paragraph 151 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

**Fifth Claim for Relief: Vagueness
(Violation of Plaintiffs' First and Fourteenth Amendment Rights
Pursuant to 42 U.S.C. §1983)**

152. Defendants incorporate their responses to the foregoing paragraphs as if set forth fully herein.

153. Paragraph 153 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

154. Paragraph 154 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required.

155. Paragraph 155 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

156. Paragraph 156 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response

is deemed necessary, Defendants deny the allegations contained in this paragraph.

157. Paragraph 157 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

158. Paragraph 158 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

159. Paragraph 159 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

160. Paragraph 160 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

161. Paragraph 161 contains Plaintiffs' legal conclusions, not allegations of fact, to which no response is required. To the extent a response is deemed necessary, Defendants deny the allegations contained in this paragraph.

PRAYER FOR RELIEF

The remaining portions of Plaintiffs' Complaint contain their request for relief, to which no response is required. To the extent a response is deemed necessary, Defendants deny that Plaintiffs are entitled to any relief whatsoever.

Respectfully submitted this 21st day of January 2022.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing document has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Gene C. Schaerr
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