

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

FLORIDA STATE CONFERENCE OF THE  
NAACP, DISABILITY RIGHTS FLORIDA,  
and COMMON CAUSE

Plaintiffs,

v.

Case No. 4:21-cv-00187-MW/MAF

LAUREL LEE, in her official capacity as  
Secretary of State of Florida, and ASHLEY  
MOODY, in her official Capacity as Florida  
Attorney General,

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' First Amended Complaint for Declaratory and Injunctive Relief. In the interest of completeness, the Secretary answers each and every paragraph in Plaintiffs' First 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:<sup>1</sup>

**I. PRELIMINARY STATEMENT AND NATURE OF THE CASE**

1. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 1.

2. Turnout data and referenced statements speak for themselves.

3. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 3; therefore denied.

4. Admit that the Florida Legislature passed Senate Bill 90 on April 29, 2021, and that Governor Ron DeSantis signed what would become Chapter 2021-11 of the Laws of Florida (“SB 90”) on May 6, 2021. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 4, as well as allegations concerning the potential impact of SB 90.

5. Denied.

6. The sources and statute cited speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 6; therefore denied.

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<sup>1</sup> The headings herein are recreated from Plaintiffs’ 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.

7. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 7.

8. Denied.

9. The statute cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 9; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 9, as well as allegations concerning the impact of SB 90.

10. The statute cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 10; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 10, as well as allegations concerning the impact of SB 90.

11. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 11.

12. Denied.

13. Denied.

14. The case cited speaks for itself. Paragraph 14 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations or legal

conclusions contained in numbered paragraph 14, as well as allegations concerning the impact of SB 90.

15. The case cited speaks for itself. Paragraph 15 contains 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 15.

16. Admit that Plaintiffs seek declaratory and injunctive relief in this case. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 16.

## **II. PARTIES**

### **A. Plaintiffs**

17. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 17; therefore denied.

18. Denied.

19. The statute cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 19; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 19, as well as allegations concerning the impact of SB 90.

20. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 20; therefore denied.

21. Florida state law speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 21; therefore denied. The Secretary denies any remaining legal conclusions contained in numbered paragraph 21.

22. The statute cited speaks for itself. The Secretary denies any factual allegations or legal conclusions contained within paragraph 22, as well as allegations concerning the impact of SB 90.

23. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 23; therefore denied.

24. The statute cited speaks for itself. The Secretary denies any factual allegations or legal conclusions contained within paragraph 24, as well as allegations concerning the impact of SB 90.

**B. Defendants**

25. Admit that Defendant Laurel M. Lee is the Secretary of State of Florida and is sued in her official capacity. The statutes cited speak for themselves. The Secretary denies any remaining factual allegations or legal

conclusions contained within paragraph 25.

26. Admit that the Division of Elections is a component of the Florida Department of State. The statute and webpage cited speak for themselves.

27. The cited authorities speak for themselves.

28. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 28.

29. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 29.

30. The statutes cited speak for themselves. Admitted that Defendants Supervisors of Elections, sued in their official capacities only, and that they are responsible for administering elections in their respective counties. Admitted that, at the time Plaintiffs' First Amended Complaint was filed, each supervisor named was in fact the Supervisor of Elections in the referenced county. The Secretary denies any remaining factual allegations or legal conclusions contained within paragraph 30.

### **III. JURISDICTION AND VENUE**

31. The Secretary admits 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 paragraph 31.

32. 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 32.

33. Admit.

34. Admit that venue is proper in this Court.

35. The Secretary is without sufficient information to admit or deny any factual allegations as to Plaintiffs' activities contained within paragraph 35; therefore denied.

36. The Secretary specifically denies that this Court has subject matter jurisdiction over some of Plaintiffs claims, either in whole or in part. Otherwise, the statutes cited speak for themselves.

#### **IV. FACTUAL ALLEGATIONS**

##### **A. Florida Has a Long, Ongoing History of Racially Discriminatory Voting Restrictions.**

37. The cases cited speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 37; therefore denied.

38. The case cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 38; therefore denied.

39. The source cited speaks for itself. The Secretary is without sufficient

information and knowledge to admit or deny the factual allegations contained in numbered paragraph 39; therefore denied.

40. The source cited speaks for itself. Admit that certain Florida counties were previously subject to pre-clearance. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 40; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 40.

41. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 41.

42. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 42.

43. The source and case cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 43.

44. The source and legal authorities cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 44.

45. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 45.

**B. Black Voters Participated in the 2020 Election at High Rates, and Took Advantage of Mail-In and Drop Box**



**Voting.**

46. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 46.

47. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 47.

48. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 48.

**C. Florida Election Officials Have No Adequate Justification for Enacting the Challenged Provisions, and Proffered Justifications Are Pretextual.**

49. Admit that voting in Florida is secure but that the security of Florida's elections remains an ongoing process. The sources cited otherwise speak for themselves.

50. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 50.

51. The source cited speaks for itself. Florida had a safe and secure election in 2020. The Secretary otherwise denies any remaining factual allegations or legal conclusions contained in paragraph 51.

52. Admit that the Florida Legislature passed SB 90. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 52.

**D. The Florida Legislature Passed SB 90 in a Rushed**

**Process Characterized by Procedural Deviations That Excluded Members of the Public.**

53. Denied.

54. Admit.

55. The bills cited speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 55; therefore denied.

56. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 56; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 56.

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

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. The Secretary denies any remaining legal conclusions contained

in paragraph 59.

60. Denied.

61. Denied.

62. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 62; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 62.

63. The sources cited speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 63; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 63.

64. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 64; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 64.

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

66. The source cited speaks for itself. The Secretary is without sufficient

information and knowledge to admit or deny the factual allegations contained in numbered paragraph 66; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 66.

67. The source cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 67; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 67.

68. The source cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 68; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 68.

69. The sources cited speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 69; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 69.

70. The source cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 70; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 70.

71. Admit.

72. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 72.

73. The constitutional provision cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 73.

**E. SB 90 Imposes Restrictions on the Right to Vote.**

74. Denied.

75. The statutory provisions cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 75.

76. Denied.

**1. Drop Box Restrictions**

77. Denied.

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

79. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 79.

80. The Secretary is without sufficient information and knowledge to

admit or deny the factual allegations contained in numbered paragraph 80; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 80, as well as any allegations regarding the impact of SB 90.

81. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 81, as well as any allegations regarding the impact of SB 90.

82. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 82, as well as any allegations regarding the impact of SB 90.

83. The Secretary denies any factual allegations or legal conclusions contained in paragraph 83.

84. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 84, as well as any allegations regarding the impact of SB 90.

## **2. Volunteer Assistance Ban**

85. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 85.

86. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 86.

87. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 87, as

well as any allegations regarding the impact of SB 90.

88. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 88; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 88.

89. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 89; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 89.

90. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 90, as well as any allegations regarding the impact of SB 90.

91. Denied.

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

### **3. Vote-by-Mail Application Restriction**

93. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 93, as

well as any allegations regarding the impact of SB 90.

94. The statutory provision cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 94, as well as any allegations regarding the impact of SB 90.

95. Florida law speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 95.

96. The Plaintiffs cite nothing that would enable the Secretary to admit or deny the allegation.

#### **4. Voting Line Relief Restrictions**

97. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 97.

98. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 98.

99. The statute cited speaks for itself. Paragraph 99 contains 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 contained in paragraph 99.

100. The statute cited speaks for itself. Paragraph 100 contains 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 paragraph 100.

101. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 101, as well as any allegations regarding the impact of SB 90.

102. Denied.

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

104. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 104.

105. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 105.

106. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in 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 paragraph 107.

108. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 108, as well as any allegations regarding the impact of SB 90.

109. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 109, as well as any allegations regarding the impact of SB 90.

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

111. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 111, as well as any allegations regarding the impact of SB 90.

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 paragraph 112.

113. Paragraph 113 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary is without sufficient information and knowledge to admit or deny the remaining factual allegations contained in numbered paragraph 113; therefore denied.

114. 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 in paragraph 114, as well as any characterization of SB 90 or its impact.

**F. Florida Has No Legitimate Interest in the Challenged Provisions That Justified the Burdens Imposed.**

115. 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 in paragraph 115.

116. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 116.

117. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 117.

118. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 118.

119. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 119, as well as any allegations regarding the impact of SB 90.

120. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 120, as well as any allegations regarding the impact of SB 90.

121. The sources cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 121, as well as any allegations regarding the impact of SB 90.

122. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 122; therefore denied. The Secretary denies any remaining legal conclusions contained in paragraph 122, as well as any characterization of SB 90 or its impact.

123. The source cited in the next paragraph speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 123, as well as any allegations regarding the impact of SB 90.

124. The source cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 124, as well as any allegations regarding the impact of SB 90.

**V. CLAIMS FOR RELIEF**

**COUNT I**

**Violation of Section 2 of the Voting Rights Act 52 U.S.C. § 10301, et seq.**

**(Discriminatory Results as to the Drop Box Restrictions Against Defendant Laurel M. Lee)**

**(Discriminatory Results as to the Drop Box Restrictions, Vote-by-Mail Application Restrictions, the Volunteer Assistance Ban, and the Voting Line Relief Restrictions Against Each and Every Supervisor of Elections Listed *supra*, ¶¶ 30.a –30.000)**

125. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

126. The statute cited speaks for itself. The Secretary denies any

remaining factual allegations or legal conclusions contained in paragraph 126.

127. The case cited speaks for itself.

128. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 128.

129. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 129.

130. The sources cited in paragraphs 37-45, as referenced in paragraph 130, speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 130; therefore denied.

131. Denied.

132. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 132, as well as any allegations regarding the impact of SB 90.

133. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 133, as well as any allegations regarding the impact of SB 90.

134. Denied.

135. Denied.

136. Denied.

137. Denied.

138. Paragraph 138 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 138, as well as any allegations regarding the impact of SB 90.

139. Denied.

140. Denied.

141. Denied.

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

**COUNT II**

**U.S. Const. amend. I, XIV; 42 U.S.C. §  
1983**

**(Undue Burden on the Right to  
Vote in Violation of the U.S.  
Constitution)**

**(As to the Drop Box Restrictions Against Defendant Laurel M. Lee)**

**(As to the Drop Box Restrictions, Vote-by-Mail Application Restrictions,  
the Volunteer Assistance Ban, and the Voting Line Relief Restrictions  
Against Each and Every Supervisor of Elections Listed *supra*, ¶¶ 30.a–  
30.000)**

142. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

143. The case cited speaks for itself.

144. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 144.

145. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 145.

146. Denied.

147. Denied.

148. Paragraph 148 contains 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 paragraph 148.

149. Denied.

150. Denied.

151. Denied.

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

### **COUNT III**

**Title II of the Americans with Disabilities  
Act (42 U.S.C. § 12131, et seq.)  
(Failure to Provide Reasonable  
Accommodations)**

**(As the Drop Box Restrictions Against Defendant Laurel M. Lee)**

**(As to the Drop Box Restrictions, Vote-by-Mail Application Restrictions,  
the Volunteer Assistance Ban, and the Voting Line Relief Restrictions)**

**Against Each and Every Supervisor of Elections Listed *supra*, ¶¶ 30.a–30.ooo)**

152. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

153. The source cited speaks for itself. The Secretary is without sufficient information and knowledge to admit or deny the remaining factual allegations contained in numbered paragraph 153; therefore denied.

154. The statute cited speaks for itself.

155. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 155.

156. Paragraph 156 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 156.

157. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 157.

158. Denied.

159. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 159, as well as any allegations regarding the impact of SB 90.

160. The Secretary is without sufficient information and knowledge to admit or deny factual allegations contained in numbered paragraph 160; therefore



denied. The Secretary denies any remaining legal conclusions contained in paragraph 160, as well as any allegations regarding the impact of SB 90.

161. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 161, as well as any allegations regarding the impact of SB 90.

162. The case cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 162, as well as any allegations regarding the impact of SB 90.

163. Denied.

164. Denied.

165. Denied.

166. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 166. The Secretary further denies that Plaintiffs are entitled to any relief pursuant to the Count III of the First Amended Complaint.

#### **COUNT IV**

**U.S. Const. amend. I; 42 U.S.C. § 1983**

**(Freedom of Speech/Expression as to the Voting Line Relief Restrictions Against Each and Every Supervisor of Elections Listed *supra*, ¶¶ 30.a–30.000)**

167. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

168. The Secretary admits that this action was brought under 42 U.S.C. § 1983. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 168.

169. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 169; therefore denied. The Secretary denies any remaining legal conclusions contained within paragraph 169.

170. The case cited speaks for itself. Paragraph 170 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained within paragraph 170.

171. The case cited speaks for itself. Paragraph 171 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained within paragraph 171.

172. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 172, as well as any allegations regarding the impact of SB 90.

173. Paragraph 173 contains legal conclusions to which no response is required; to the extent a response is required, they are denied.

174. Paragraph 174 contains legal conclusions to which no response is required; to the extent a response is required, they are denied.

175. Paragraph 175 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 175, as well as any allegations regarding the impact of SB 90.

176. Denied.

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

#### **COUNT V**

**U.S. Const. amend. XIV; 42 U.S.C. § 1983  
(Vagueness and Overbreadth as to the Voting Line Relief Restrictions  
Against Each and Every Supervisor of Elections Listed *Supra*, ¶¶ 30.a–  
30.000)**

177. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

178. The constitutional provision cited speaks for itself.

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

180. The statute cited speaks for itself. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 180, as well as any characterization of SB 90 or allegations regarding SB 90's impact.

181. Denied.

182. Denied.

183. Denied.

184. Paragraph 184 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 184, as well as any allegations regarding the impact of SB 90.

185. Denied.

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

## **COUNT VI**

**U.S. Const. amend. XIV; 42 U.S.C. § 1983**

**(Intentional Race Discrimination as to the Drop Box Restrictions Against Defendant Laurel M. Lee)**

**(Intentional Race Discrimination as to the Drop Box Restrictions, Vote-by-Mail Application Restrictions, the Volunteer Assistance Ban, and Voting Line Relief Restrictions Against Each and Every Supervisor of Elections Listed *supra*, ¶¶ 30.a–30.000)**

186. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

187. The constitutional provision cited speaks for itself.

188. Denied.

189. Denied.

190. The cases cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 190.

191. Denied. The constitutional provision cited speaks for itself.

192. Denied. The constitutional provision cited speaks for itself.

193. Denied. The constitutional provision cited speaks for itself.

194. Denied. The constitutional provision cited speaks for itself.

195. Denied. The constitutional provision cited speaks for itself.

196. Paragraph 196 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 196, as well as any allegations regarding the impact of SB 90.

197. Denied.

198. Denied.

199. Denied.

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

## **COUNT VII**

**U.S. Const. amend. XV; 42 U.S.C. § 1983**

**(Intentional Race Discrimination in Voting as to the Drop Box  
Restrictions Against Defendant Laurel M. Lee)**

**(Intentional Race Discrimination in Voting as to the Drop Box Restriction,**

**Vote-by-Mail Application Restrictions, the Volunteer Assistance Ban, and the Voting Line Relief Restrictions Against All Supervisors of Elections Listed *supra*, ¶¶ 30.a–30.ooo)**

200. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.

201. The constitutional provision cited speaks for itself.

202. Denied. The constitutional provision cited speaks for itself.

203. Denied. The constitutional provision cited speaks for itself.

204. Denied. The constitutional provision cited speaks for itself.

205. Denied. The constitutional provision cited speaks for itself.

206. Denied.

207. Denied.

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

**COUNT VIII**

**Violation of Section 2 of the Voting Rights Act 52 U.S.C. § 10301, et seq.**

**(Intentional Race Discrimination in Voting as to the Drop Box Restrictions Against Defendant Laurel M. Lee)**

**(Intentional Race Discrimination in Voting as to Drop Box Restrictions, Vote-by-Mail Application Restrictions, the Volunteer Assistance Ban, and the Voting Line Relief Restrictions Against Each Supervisor of Elections Listed *supra*, ¶¶ 30.a–30.ooo)**

208. The Secretary incorporates by reference the responses to paragraphs

numbered 1-124 of the First Amended Complaint.

209. The statute cited speaks for itself. The Secretary denies any remaining legal conclusions contained in paragraph 209.

210. The case cited speaks for itself.

211. The case cited speaks for itself. The Secretary denies any remaining legal conclusions contained in paragraph 211.

212. The statute cited speaks for itself.

213. The sources cited in paragraphs 37-45, as referenced in paragraph 213, speak for themselves. The Secretary is without sufficient information and knowledge to admit or deny the factual allegations contained in numbered paragraph 213; therefore denied.

214. The sources cited in paragraphs 46-48, as referenced in paragraph 214, speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 214.

215. The statute cited speaks for itself. The sources cited in paragraphs 46-48, as referenced in paragraph 215, speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 215.

216. Denied.

217. Denied.

218. Denied.

219. Paragraph 219 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 219, as well as any allegations regarding the impact of SB 90.

220. Paragraph 220 contains legal conclusions to which no response is required; to the extent a response is required, they are denied. The Secretary denies any remaining factual allegations contained in paragraph 220, as well as any allegations regarding the impact of SB 90.

221. Denied.

222. Denied.

223. Denied.

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

**COUNT IX**

**Violation of Section 208 of the Voting Rights Act of  
1965 2 U.S.C. § 10508**

**(Conflict Preemption as to the Line Relief Restriction and Volunteer  
Assistance Ban Against Each Supervisor of Elections Listed *Supra*, ¶¶  
30.a–30.000)**

224. The Secretary incorporates by reference the responses to paragraphs numbered 1-124 of the First Amended Complaint.



225. The statutory provisions cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 225.

226. The statutory provisions cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 226, as well as any allegations regarding the impact of SB 90.

227. The statutory provisions cited speak for themselves. The Secretary denies any remaining factual allegations or legal conclusions contained in paragraph 227, as well as any allegations regarding the impact of SB 90.

228. Denied. The statute cited speaks for itself.

The Secretary further denies that Plaintiffs are entitled to any relief pursuant to the Count IX of the First Amended 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:

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**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* \_\_\_\_\_

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