

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

DEMOCRATIC PARTY OF VIRGINIA, <i>et al.</i>)	
)	
Plaintiffs)	
)	
v.)	Civil Case No. 3:21-cv-00756-HEH
)	
ROBERT H. BRINK, in his official capacity as the)	
Chairman of the Board of Elections, <i>et al</i>)	
)	
Defendants)	
)	
And)	
)	
REPUBLICAN PARTY OF VIRGINIA)	
)	
Intervenor-Defendant)	
)	

INTERVENOR-DEFENDANT RPV’S ANSWER

Intervenor-Defendant Republican Party of Virginia (“Intervenor-Defendant” or “RPV”) submits this Answer to Plaintiffs’ Complaint as follows:

1. Paragraph 1 contains legal conclusions to which the Intervenor-Defendant need not respond. To the extent that paragraph 1 contains factual allegations, they are denied.
2. Paragraph 2 contains legal conclusions to which Intervenor-Defendant need not respond. Intervenor-Defendant accepts as true Plaintiffs’ allegation and Defendants’ admission that Virginia does not process online voter registration applications without a prospective voter’s full social security number (“SSN”), and paper applications contain a written warning that applications lacking a full SSN will be denied. *See* Defendants’ Answer, ECF No. 74 at ¶ 2 (“Defendants’ Answer”). To the extent the paragraph contains additional factual allegations, they are denied.

3. Intervenor-Defendant denies the factual allegations of Paragraph 3.
4. Intervenor-Defendant lacks sufficient information to assess whether voter registration databases are the continuing target of foreign cyber-attacks. Intervenor-Defendant admits that social security numbers must be handled with care. Intervenor-Defendant denies any remaining factual allegations in Paragraph 4.
5. Intervenor-Defendant lacks sufficient information to assess what Defendant is aware of with respect to the risk that cyber-attacks pose to Virginia's voting systems. Intervenor Defendant admits that the Virginia Department of Elections has a webpage dedicated to election security. Intervenor-Defendant denies any additional factual allegations in Paragraph 5.
6. Intervenor-Defendant admits the allegations in Paragraph 6.
7. Intervenor-Defendant admits that Virginia is in the minority of states that require voters to provide their full SSN. Intervenor-Defendant denies the remaining allegations in Paragraph 7.
8. Intervenor-Defendant need not respond to the allegations in paragraphs 8-14 because counts of the Complaint that those paragraphs related to have been dismissed.
15. Paragraph 15 consists of legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 15 contains factual allegations, they are denied.
16. Paragraph 16 contains legal conclusions to which no response is needed.
17. Paragraph 17 contains legal conclusions to which no response is needed.
18. Intervenor-Defendant admits that the first two sentences of Paragraph 18. Intervenor-Defendant lacks sufficient information to assess the claims made in sentences 3-5. Intervenor-Defendant denies any remaining factual allegations in Paragraph 18.

19. Intervenor-Defendant need not respond to the allegations in Paragraphs 19-20 because these allegations relate to claims that have been dismissed.
21. Intervenor-Defendant denies the factual allegations in Paragraph 21 that relate to the SSN requirement. Intervenor-Defendant need not respond to the allegations in Paragraph 21 related to the notice and cure process because the claims to which they relate have been dismissed.
22. Intervenor-Defendant admits that Plaintiff Democratic Congressional Campaign Committee (“DCCC”) is that national congressional campaign of the Democratic Party. Intervenor-Defendant lacks sufficient information to admit or deny the remaining factual claims.
23. Intervenor-Defendant lacks sufficient information to admit or deny allegations describing DCCC’s current or future plans. To the extent the remaining factual allegations relate to the notice and cure process, Intervenor-Defendant need not respond because the claims to which these allegations relate have been dismissed. Intervenor-Defendant denies any remaining factual claims.
24. Intervenor-Defendants admit that the individuals named in Paragraph 24 hold positions on the Virginia State Board of Elections, as alleged, except that Defendant LeCruise resigned from the Board on April 13, 2022.
25. Intervenor-Defendant denies that Christopher E. Piper is the Commissioner of Elections and aver that Susan Beals was appointed to serve as Commissioner of Elections. Intervenor-Defendant admits the remaining allegations in Paragraph 25.
26. Intervenor-Defendant denies the allegations in Paragraph 26.

27. Intervenor-Defendant admits that Virginia is one of a minority of states that require voters to provide their full SSN. Intervenor-Defendants deny any remaining factual allegations.
28. Intervenor-Defendant denies the allegations in Paragraph 28.
29. Intervenor-Defendant denies the allegations in Paragraph 29.
30. Intervenor-Defendant denies the allegations in Paragraph 30.
31. Intervenor-Defendant denies the allegations in Paragraph 31.
32. Paragraph 32 contains legal conclusions to which Intervenor-Defendants need not respond. To the extent that Paragraph 32 contains factual allegations, they are denied.
33. Intervenor-Defendant admits the allegations of Paragraph 33 and aver that Virginia qualifies for the Privacy Act's grandfather provision.
34. Intervenor-Defendant denies the allegations of Paragraph 34.
35. Paragraph 35 contains legal conclusions to which Intervenor-Defendant need not respond.
36. Intervenor-Defendant denies the allegations of Paragraph 36.
37. Paragraph 37 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 37 contains factual allegations, they are denied.
38. Intervenor-Defendants admit that identity theft can have serious consequences.
Intervenor-Defendants deny the remaining allegations in Paragraph 38.
39. Intervenor-Defendants admit that identity theft can have serious consequences.
Intervenor-Defendants deny the remaining allegations in Paragraph 39.
40. Intervenor-Defendants admit that identity theft can have serious consequences.
Intervenor-Defendants deny the remaining allegations in Paragraph 38.

41. Intervenor-Defendant lack sufficient information to admit or deny the allegations in Paragraph 41.
42. Intervenor-Defendant admits the allegations of Paragraph 42.
43. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 43.
44. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 44.
45. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 45.
46. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 46.
47. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 47.
48. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 48.
49. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 49.
50. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 50.
51. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 51
52. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 52.

53. Intervenor-Defendant admits the allegations of paragraph 53, except deny the last sentence.

54. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 54.

55. Intervenor-Defendant admits that Virginia is one of a minority of states that require a full SSN. Intervenor-Defendant denies the remaining factual allegations in Paragraph 55.

56. Intervenor-Defendant denies the allegations in Paragraph 56.

57. Intervenor-Defendant denies the allegations in Paragraph 57.

58. Intervenor-Defendant admits that winning an election requires convincing voters to support a preferred candidate. Intervenor-Defendant denies the remaining allegations in Paragraph 58.

59. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 59.

60. Intervenor-Defendant denies the allegations in Paragraph 60.

61. Intervenor-Defendant admits that Virginia allows online voter registration. Intervenor-Defendant denies the remaining factual allegations.

62. Intervenor-Defendant admits that one must have a valid Virginia driver's license or state ID to register to vote online in Virginia. Intervenor-Defendant denies the remaining allegations in Paragraph 62.

63. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 63.

64. Intervenor-Defendant admits that voter registration drives can take different forms. Intervenor-Defendant denies the remaining allegations in Paragraph 64.

65. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 65.
66. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 66.
67. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 67.
68. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 68, except that Intervenor-Defendant denies that the full SSN requirement places an undue burden on political parties.
69. Intervenor-Defendant denies the allegations in Paragraph 69.
70. Intervenor-Defendant denies the allegations in Paragraph 70.
71. Intervenor-Defendant denies the allegations in Paragraph 71.
72. Intervenor-Defendant admits that verifying applicants' eligibility to vote is one of the reasons for the SSN requirement. Intervenor-Defendant denies the remaining factual allegations in Paragraph 72.
73. Paragraph 73 contains legal conclusions to which no response is needed. To the extent that Paragraph 73 contains factual allegations, they are denied.
74. Intervenor-Defendant lacks sufficient information to admit or deny the allegations in Paragraph 74.
75. Intervenor-Defendant need not respond to the allegations in Paragraphs 75-94 because they relate to claims that have been dismissed.
95. Intervenor-Defendant hereby incorporates its responses to Paragraphs 1-75 of the Complaint as though fully set forth herein.

96. Intervenor-Defendant denies the allegations in Paragraph 96.
97. Paragraph 97 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 97 contains factual allegations, they are denied.
98. Paragraph 98 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 98 contains factual allegations, they are denied.
99. Intervenor-Defendant denies the allegations in Paragraph 99.
100. Intervenor-Defendant denies the allegations in Paragraph 100.
101. Intervenor-Defendant denies the allegations in Paragraph 101.
102. Paragraph 102 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 102 contains factual allegations, they are denied.
103. Paragraph 103 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 103 contains factual allegations, they are denied.
104. Intervenor-Defendant admits that Virginia has a legitimate state interest in maintaining accurate voter lists. Intervenor-Defendant denies the remaining allegations in Paragraph 104.
105. Intervenor-Defendant denies the allegations in Paragraph 105.
106. Paragraph 106 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 106 contains factual allegations, they are denied.
107. Intervenor-Defendant denies the allegations in Paragraph 107.
108. Intervenor-Defendant denies the allegations in Paragraph 108.
109. Intervenor-Defendant denies the allegations in Paragraph 109.
110. Intervenor-Defendant hereby incorporate by reference its responses to Paragraphs 1-109 of the Complaint as though fully set forth herein.

111. Paragraph 111 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 111 contains factual allegations, they are denied.
112. Paragraph 112 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 112 contains factual allegations, they are denied.
113. Paragraph 113 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 113 contains factual allegations, they are denied.
114. Intervenor-Defendant admits the allegations in Paragraph 114.
115. Intervenor-Defendant denies the allegations in Paragraph 115 and aver that the Constitution of Virginia includes the SSN requirement.
116. Intervenor-Defendant denies the allegations in Paragraph 116.
117. Intervenor-Defendant denies the allegations in Paragraph 117.
118. Intervenor-Defendant denies the allegations in Paragraph 118.
119. Intervenor-Defendant hereby incorporate their responses to Paragraphs 1-118 of the Complaint.
120. Paragraph 120 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 120 contains factual allegations, they are denied.
121. Paragraph 121 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 121 contains factual allegations, they are denied.
122. Intervenor-Defendant denies the allegations in Paragraph 122.
123. Intervenor-Defendant denies the allegations in Paragraph 123.
124. Intervenor-Defendant denies the allegations in Paragraph 124.
125. Intervenor-Defendants need not respond to the allegations in Paragraphs 125-137 because these counts of the Complaint were dismissed.

139. Intervenor-Defendant hereby incorporates its response to Paragraphs 1-138 of this Complaint as though fully set forth herein.
140. Paragraph 140 contains legal conclusions to which Intervenor-Defendant need not respond. To the extent that Paragraph 140 contains factual allegations, they are denied.
141. Intervenor-Defendant denies the allegations in Paragraph 141.
142. Intervenor-Defendant denies the allegations in Paragraph 142.
143. Intervenor-Defendant denies the allegations in Paragraph 143.

AFFIRMATIVE DEFENSES

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs have suffered no violation of any constitutional right under the First or Fourteenth Amendment to the United States Constitution.
3. Virginia's use of the SSN is grandfathered under the Privacy Act.
4. Plaintiffs' have not suffered injury as alleged.
5. Intervenor-Defendant reserves the right to amend the responses in this Answer and to set forth any additional defenses that may come to light or otherwise reveal themselves in the courts of litigation, including during discovery and at trial.

Intervenor-Defendant requests that this Court dismiss this action with prejudice and award it any other relief deemed appropriate under the circumstances, including attorney's fees, costs, and expenses as a prevailing party as deemed or proven appropriate.

Dated: May 5, 2022

Respectfully submitted,

/s/David A. Warrington

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