

**IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI**

MISSOURI STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED  
PEOPLE, *et al.*,

*Plaintiffs,*

v.

STATE OF MISSOURI, *et al.*,

*Defendants.*

Case No. 22AC-CC04439

**ANSWER**

Defendants State of Missouri and Secretary of State John R. Ashcroft provide the following Answer and Affirmative Defenses to Plaintiffs' First Amended Petition:

1. Paragraph 1 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 1. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

2. Paragraph 2 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 2. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

3. Paragraph 3 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 3. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

4. Paragraph 4 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 4. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

5. Paragraph 5 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 5. In any event, the cited cases speak for themselves and Defendants deny any characterization of them.

6. Paragraph 6 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 6. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

7. Paragraph 7 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 7. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

8. Paragraph 8 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 8.

9. Paragraph 9 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 9. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

10. Paragraph 10 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 10. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and, therefore, deny them.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, therefore, deny them.

13. Paragraph 13 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 13.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and, therefore, deny them.

15. Paragraph 15 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 15.

16. Paragraph 16 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 16.

17. Paragraph 17 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 17.

18. Admit that Plaintiffs have made this request in Paragraph 18, but Defendants deny that Plaintiffs are entitled to that relief.

19. Paragraph 19 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 19.

20. Defendants admit that Defendant Secretary of State John R. Ashcroft maintains an office in Cole County, Missouri. The remaining allegations in Paragraph 20 assert legal conclusions to which no response is required. To the extent any response is required, Defendants deny the remaining allegations in Paragraph 20.

21. Admit.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and, therefore, deny them.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 and, therefore, deny them.

24. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and, therefore, deny them.

25. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 25 and, therefore, deny them.

26. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and, therefore, deny them.

27. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and, therefore, deny them.

28. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and, therefore, deny them.

29. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and, therefore, deny them.

30. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and, therefore, deny them.

31. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and, therefore, deny them.

32. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and, therefore, deny them.

33. Admit.

34. Admit.

35. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and, therefore, deny them.

36. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and, therefore, deny them.

37. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and, therefore, deny them.

38. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and, therefore, deny them.

39. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and, therefore, deny them.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and, therefore, deny them.

41. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and, therefore, deny them.

42. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and, therefore, deny them.

43. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and, therefore, deny them.

44. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and, therefore, deny them.

45. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and, therefore, deny them.

46. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and, therefore, deny them.

47. Ms. Powell's residency is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and, therefore, deny them.

48. Ms. Powell's eligibility to vote is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and, therefore, deny them. Admitted that Ms. Powell is registered to vote in Missouri.

49. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and, therefore, deny them.

50. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and, therefore, deny them.

51. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and, therefore, deny them.

52. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and, therefore, deny them.

53. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and, therefore, deny them.

54. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 and, therefore, deny them.

55. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and, therefore, deny them.

56. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and, therefore, deny them.

57. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and, therefore, deny them.

58. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and, therefore, deny them.

59. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 and, therefore, deny them.

60. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60 and, therefore, deny them.

61. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61 and, therefore, deny them.

62. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 and, therefore, deny them.

63. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 and, therefore, deny them.

64. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and, therefore, deny them.

65. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 and, therefore, deny them.

66. Admitted that Ms. Powell voted in the August 2022 Primary Election. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 66 and, therefore, deny them.

67. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and, therefore, deny them.

68. Paragraph 68 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 68. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

69. Paragraph 69 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 69. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

70. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and, therefore, deny them.

71. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and, therefore, deny them.

72. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and, therefore, deny them.

73. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and, therefore, deny them.

74. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 and, therefore, deny them.

75. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 and, therefore, deny them.

76. Ms. Morgan's residency is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and, therefore, deny them.

77. Ms. Morgan's eligibility to vote is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information



sufficient to form a belief as to the truth of the allegations in Paragraph 77 and, therefore, deny them. Admitted that Ms. Morgan is registered to vote in Missouri.

78. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and, therefore, deny them.

79. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 and, therefore, deny them.

80. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and, therefore, deny them.

81. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 and, therefore, deny them.

82. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 and, therefore, deny them.

83. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 and, therefore, deny them.

84. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and, therefore, deny them.

85. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and, therefore, deny them.

86. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and, therefore, deny them.

87. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and, therefore, deny them.

88. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 and, therefore, deny them.

89. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and, therefore, deny them.

90. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90 and, therefore, deny them.

91. Admitted.

92. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 and, therefore, deny them.

93. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 and, therefore, deny them.

94. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 and, therefore, deny them.

95. Defendants admit that Ms. Morgan filled out a form indicating that she would like an amended birth certificate, and that the Missouri Secretary of State's Office responded to her stating that she will need to contact the Missouri Vital Records Office for assistance. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 95 and, therefore, deny them.

96. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 and, therefore, deny them.

97. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence in Paragraph 97 and, therefore, deny them. The remaining allegations in Paragraph 97 assert legal conclusions to which no response is required.

To the extent any response is required, Defendants deny the remaining allegations in Paragraph 97.

98. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 and, therefore, deny them.

99. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 and, therefore, deny them.

100. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 and, therefore, deny them.

101. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101 and, therefore, deny them.

102. Admitted that Ms. Morgan voted in the August 2022 Primary Election. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 102 and, therefore, deny them.

103. Paragraph 103 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 103. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

104. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 104 and, therefore, deny them.

105. Mr. O'Connor's residency is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 and, therefore, deny them.

106. Mr. O'Connor's eligibility to vote is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information

sufficient to form a belief as to the truth of the allegations in Paragraph 106 and, therefore, deny them. Admitted that Mr. O'Connor is registered to vote in Missouri.

107. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 107 and, therefore, deny them.

108. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 and, therefore, deny them.

109. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 109 and, therefore, deny them.

110. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 and, therefore, deny them.

111. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 111 and, therefore, deny them.

112. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 112 and, therefore, deny them.

113. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 113 and, therefore, deny them.

114. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 114 and, therefore, deny them.

115. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 115 and, therefore, deny them.

116. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 116 and, therefore, deny them.

117. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 117 and, therefore, deny them.

118. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118 and, therefore, deny them.

119. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119 and, therefore, deny them.

120. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 120 and, therefore, deny them.

121. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 121 and, therefore, deny them.

122. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 122 and, therefore, deny them.

123. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 123 and, therefore, deny them.

124. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 124 and, therefore, deny them.

125. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 and, therefore, deny them.

126. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 126 and, therefore, deny them.

127. The first two sentences of Paragraph 127 assert legal conclusions to which no response is required. To the extent any response is required, HB 1878 speaks for itself, and Defendants deny any characterization of it. As to the third sentence, Defendants are without

knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127.

128. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 and, therefore, deny them.

129. The first sentence Paragraph 129 asserts legal conclusions that require no response. To the extent a further response is required, HB 1878, Missouri's voting statutes, and the "Voter ID Restrictions" speak for themselves, and Defendants deny any characterization of them. Defendants admit the second sentence of Paragraph 129.

130. Defendants admit that Defendant John R. Ashcroft is the Missouri Secretary of State and that Plaintiffs have named him as a defendant in his official capacity. The laws implied or referenced in Paragraph 130 speak for themselves and Defendants deny any characterization of them. Defendants deny any remaining legal conclusions stated or implied in Paragraph 130.

131. Paragraph 131 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 131. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

132. Paragraph 132 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 132. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

133. Paragraph 133 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 133. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

134. Paragraph 134 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 135. In any event, the cited constitutional provision speaks for itself and Defendants deny any characterization of it.

135. Paragraph 135 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 135. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

136. Paragraph 136 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 136. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

137. Paragraph 137 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 137. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

138. Paragraph 138 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 138. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

139. Paragraph 139 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 139. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

140. Paragraph 140 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 140. In any event, HB 1631 speaks for itself and Defendants deny any characterization of it.

141. Paragraph 141 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 141. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

142. Paragraph 142 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 142. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

143. Paragraph 143 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 143. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

144. Paragraph 144 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 144. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

145. Paragraph 145 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 145. In any event, the cited case speaks for itself and Defendants deny any characterization of it.

146. Paragraph 146 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 146. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

147. Paragraph 147 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 147. In any event, the cited case speaks for itself and Defendants deny any characterization of it.



148. Paragraph 148 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 148. In any event, the cited authorities speak for themselves and Defendants deny any characterization of them.

149. Admit.

150. Admit.

151. Admit that the effective date of HB 1878 was August 28, 2022.

152. Paragraph 152 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 152. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

153. Paragraph 153 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 153. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

154. Paragraph 154 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 154. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

155. Paragraph 155 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 155. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

156. Paragraph 156 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 156. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

157. Paragraph 157 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 157. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

158. Paragraph 158 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 158. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

159. Paragraph 159 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 159. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

160. Paragraph 160 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 160. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

161. Paragraph 161 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 161. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

162. Paragraph 162 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 162. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

163. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163 and, therefore, deny them.

164. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in the first clause in Paragraph 163 (starting with “formalized” and ending with “on file”) and, therefore, deny them. The rest of Paragraph 164 asserts legal

conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 164. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

165. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165 and, therefore, deny them.

166. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 166 and, therefore, deny them.

167. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 167 and, therefore, deny them.

168. Paragraph 168 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 168. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

169. Paragraph 169 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 169. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

170. Paragraph 170 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 170. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

171. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 171 and, therefore, deny them.

172. Paragraph 172 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 172. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

173. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 173 and, therefore, deny them.

174. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 174 and, therefore, deny them.

175. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 175 and, therefore, deny them.

176. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 176 and, therefore, deny them.

177. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 177 and, therefore, deny them.

178. Admit that the November 2022 Missouri statewide General Election ballot included elections for the offices identified in Paragraph 178.

179. Paragraph 179 and the bold and italicized heading before it assert legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 179 and in the heading before it. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

180. Paragraph 180 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 180. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

181. Paragraph 181 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 181. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

182. Paragraph 182 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 182. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

183. The relevant laws and regulations that govern the Missouri Secretary of State's Office's obligations speak for themselves and any characterization of those laws and regulations in Paragraph 183 is denied.

184. Paragraph 184 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 184. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

185. Paragraph 185 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 185. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

186. The No-Match Analysis speaks for itself and Defendants deny any characterization thereof.

187. Paragraph 187 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 187. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

188. The document referenced and quoted in Paragraph 188 speaks for itself and Defendants deny any characterization thereof.

189. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 189 and, therefore, deny them.

190. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 190 and, therefore, deny them.

191. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 191 and, therefore, deny them.

192. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 192 and, therefore, deny them.

193. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 193 and, therefore, deny them.

194. Ms. Chapel's residency is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 194 and, therefore, deny them. Admitted that Cynthia Jewel Chapel is a registered Missouri voter. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 194 and, therefore, deny them.

195. Ms. Heath's residency is a legal conclusion to which no response is required. To the extent a response is required, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 195 and, therefore, deny them. Admitted that Tracy Heath is a registered Missouri voter. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 195 and, therefore, deny them.

196. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196 and, therefore, deny them.

197. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197 and, therefore, deny them.

198. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 198 and, therefore, deny them.

199. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 199 and, therefore, deny them.

200. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 200 and, therefore, deny them.

201. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 201 and, therefore, deny them.

202. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 202 and, therefore, deny them.

203. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 203 and, therefore, deny them.

204. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 204 and, therefore, deny them.

205. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 205 and, therefore, deny them.

206. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 206 and, therefore, deny them.

207. Paragraph 207 and the bold and italicized heading before it assert legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 207 and in the heading before it. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

208. Paragraph 208 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 208. In any event, the authorities cited speak for themselves, and Defendants deny any characterization of them.

209. Paragraph 209 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants admit that at least some “legislative proponents have cited the prevention of voter fraud as the purported justification for the Voter ID restrictions,” but because Plaintiffs fail to define “evidence of voter impersonation fraud at the polls,” Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations that “there has been no evidence of voter impersonation fraud at the polls in the past twenty years since Missouri introduced its first voter ID law in 2002,” and, therefore, deny it.

210. Secretary Ashcroft’s statements speak for themselves and Defendants deny any characterization of them. Defendants admit that there were cases of alleged voter fraud in Missouri in the 2020 election, including at least two cases of double voting. Defendants deny any remaining allegations in Paragraph 210.

211. Paragraph 211 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 211. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

212. Paragraph 212 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 212. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

### **COUNT I**

213. Defendants incorporate their answers to all previous paragraphs herein.



214. Paragraph 214 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 214. In any event, the cited constitutional provision speaks for itself, and Defendants deny any characterization of it.

215. Paragraph 215 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 215. In any event, the cited constitutional provision speaks for itself, and Defendants deny any characterization of it.

216. Paragraph 216 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 216. In any event, the cited authorities speak for themselves, and Defendants deny any characterization of them.

217. Paragraph 217 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 217. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

218. Paragraph 218 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 218. In any event, the cited authorities speak for themselves, and Defendants deny any characterization of them.

219. Paragraph 219 is not a factual allegation and so it requires no further response.

220. Paragraph 220 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 220. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

## **COUNT II**

221. Defendants incorporate their answers to all previous paragraphs herein.

222. Paragraph 222 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 222. In any event, the cited constitutional provision speaks for itself, and Defendants deny any characterization of it.

223. Paragraph 223 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 223. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

224. Paragraph 224 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 224. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

225. Paragraph 225 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 225. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

226. Paragraph 226 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 226. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

227. Paragraph 227 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 227. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

228. Paragraph 228 asserts legal conclusions to which no response is required. To the extent any response is required, Defendants deny the allegations in Paragraph 228. In any event, HB 1878 speaks for itself, and Defendants deny any characterization of it.

229. Paragraph 229 is not a factual allegation and so it requires no further response.

230. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 230 and, therefore, deny them.

231. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231 and, therefore, deny them.

Defendants deny any allegations contained in Plaintiff's prayer for relief on Page 41 of their First Amended Petition, and further deny that Plaintiffs are entitled to any of the relief requested.

WHEREFORE, having fully answered, Defendants respectfully requests that the Court enter judgment in Defendants' favor and against Plaintiffs, and for such other and further relief as the Court may deem just and proper.

#### **AFFIRMATIVE DEFENSES**

1. All Plaintiffs lack standing because they have not alleged a sufficient injury to a protectable interest or fundamental right, as they may cast a provisional ballot even without a photo ID. Their alleged harm about the possibility of future provisional ballots being rejected, as well as any burdens they may face to obtain government documentation to verify their identity, is speculative or at the very least not severe enough to constitute a constitutional injury.

2. Plaintiff Morgan lacks standing because Section 115.427.1(3) as amended by HB 1878 permits use of a document that "contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature on the individual's voter registration record." A one letter "e" difference in her name on an identification counts as substantial conformity with this statute. Ms. Morgan has not sufficiently alleged that she cannot vote due to HB 1878.

3. Plaintiff O'Connor lacks standing because he has alleged that he has a photo ID that is valid to vote in Missouri elections under HB 1878. *See* Am. Pet. ¶ 123.

4. Plaintiffs NAACP and the League of Women Voters lack organizational standing because they have not sufficiently alleged that any of their members have sufficient standing to challenge HB 1878. In addition, they also lack standing because any alleged harms to their organization, including diverting resources, are either speculative, self-inflicted, and/or entirely consistent with their alleged organizational missions. In addition, such adjustments to their organizational missions, even if they occur, are insufficient to confer standing. Difficulties in carrying out their organizational missions does not meet the requisite "injury" needed for standing. *See Sierra Club v. Morton*, 405 U.S. 727, 739 (1972) ("A mere 'interest in a problem,' no matter how longstanding the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render the organization 'adversely affected' or 'aggrieved.'").

5. All Plaintiffs fail to state a claim for relief on behalf of others not party to this litigation, and they lack standing to do so. Plaintiffs seek an injunction prohibiting Defendants from enforcing HB 1878, which is relief that will extend to others who are not parties. Plaintiffs have raised, at least in part, a facial challenge to HB 1878. A facial challenge implicates standing issues because it "seeks relief on behalf of others not before [the] Court[.]" *Geier v. Mo. Ethics Comm'n*, 474 S.W.3d 560, 569 (Mo. banc 2015). "[A] plaintiff generally must assert his own legal rights and interests and cannot base a claim for relief on the legal rights of third parties." *Bannum, Inc. v. City of St. Louis*, 195 S.W.3d 541, 545 (Mo. Ct. App. 2006). Plaintiffs NAACP and the League of Women Voters are organizations and not voters, and so any provisions of HB 1878 they challenge concerning rights or obligations of Missouri voters cannot be asserted by Plaintiffs. The Missouri Supreme Court has made clear that "claims of equal protection rights generally may not

be raised by third parties.” *Comm. for Educ. Equality v. State*, 294 S.W.3d 477, 486 (Mo. banc 2009) (citing *Committee for Educational Equality v. State*, 878 S.W.2d 466, 450 n.3 (Mo. banc 1994)). Since a claim that a State law trenches on the fundamental right to vote is an equal protection claim, see *Priorities USA v. State*, 591 S.W.3d 448, 453 (Mo. banc 2020); *Weinschenk v. State*, 203 S.W.3d 201, 211-12 (Mo. banc 2006), Plaintiffs lack standing to bring a facial challenge to assert the rights of third-parties. In addition, any as-applied challenge must be limited only to the individual Plaintiffs, if anyone.

6. All Plaintiffs also lack standing because they fail to allege injury that is “fairly traceable” to the actions of Defendants. *Summers v. Earth Island Institute*, 555 U.S. 488, 493 (2009); see also *W.R. Grace & Co. v. Hughlett*, 729 S.W.2d 203, 206 (Mo. banc 1987) (“For a party to have standing to challenge the constitutionality of a statute, he must demonstrate that he is adversely affected by the statute in question”) (quotations omitted). Plaintiffs have not alleged sufficient facts that they are affected or will be imminently affected in an adverse way by the challenged provisions in HB 1878. Any allegations of Plaintiffs’ alleged injuries are not only speculative, those injuries are not directly attributable let alone fairly traceable to any actions of Defendants.

7. All Plaintiffs fail to state a claim for relief with respect to any federal elections, and they lack standing to bring such a claim for relief from this Court. Although Plaintiffs’ First Amended Petition states that Plaintiffs are not asserting or attempting to assert any claim under the United States Constitution or any federal statute,” Am. Pet. ¶¶ 219, 229, the challenged provisions in HB 1878 also regulate federal elections. Article 1, § 4 of the United States Constitution provides that “[t]he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof.” And Article II, § 1

of the United States Constitution provides that “[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors.” These two clauses “embrace authority to provide a complete code for [federal] elections,” covering rules involving the “supervision of voting” and “prevention of fraud and corrupt practices.” *Smiley v. Holm*, 285 U.S. 355, 366 (1932). Only the Missouri General Assembly has authority to regulate these elections, and so Plaintiffs’ requests for declaratory and injunctive relief cannot be granted by this Court.

8. Defendants reserve the right to amend their Answer; to add additional or other affirmative defenses; and to delete or withdraw affirmative defenses.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing was filed on December 5, 2022, through the Court's electronic filing system, to be served on all counsel of record by electronic service.

/s/ Jason K. Lewis

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