

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

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

Plaintiffs,

v.

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

CORD BYRD, in his official capacity as
Florida Secretary of State, et al.,

Defendants.

**SECRETARY OF STATE'S ANSWER TO
PLAINTIFFS' AMENDED COMPLAINT**

Defendant Cord Byrd, in his official capacity as Florida Secretary of State, hereby answers Plaintiffs' Amended Complaint. *See* ECF No. 111. Any allegation that is not specifically admitted or qualified is denied. As to the numbered paragraphs of the Complaint, the Secretary answers as follows:¹

INTRODUCTION

1. The Secretary admits that Plaintiffs have filed a lawsuit challenging various provisions of Senate Bill 7050 ("SB 7050"). The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

¹ The headings herein are recreated from Plaintiffs' 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.

2. The Secretary admits that Plaintiffs have filed a lawsuit challenging various provisions of SB 7050. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

3. The referenced case speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary is without sufficient knowledge as to Plaintiffs' endeavors, signals, values, and beliefs and therefore denies the same. Otherwise, denied.

4. The referenced case and report speak for themselves. Otherwise, denied.

5. Admitted that third-party voter registration organizations ("3PVROs") have collected and submitted a number of registrations to Florida's election officials. The referenced statistics speak for themselves. Otherwise, denied.

6. The Secretary admits that the Florida Legislature passed SB 7050 and that the Florida Governor then approved SB 7050 on May 24, 2023. The Secretary further admits that SB 7050 is an omnibus election bill that imposes new requirements on 3PVROs and that portions of SB 7050 took effect July 1, 2023. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

7. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

8. The referenced statute and case speak for themselves. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

9. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

10. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

11. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. The Secretary is without sufficient knowledge as to Plaintiffs' anticipations and therefore denies the same. Otherwise, denied.

12. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

13. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

14. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

15. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

16. Admitted that Plaintiffs seek declaratory and injunctive relief. Denied that Plaintiffs are entitled to declaratory or injunctive relief in this case. Otherwise, denied.

JURISDICTION AND VENUE

17. The Secretary admits that Plaintiffs brought this action pursuant to 28 U.S.C. §§ 1331 and 1343. The referenced statutes speak for themselves. The Secretary specifically denies that this Court has jurisdiction over some or all of Plaintiffs' claims. Otherwise, denied.

18. The Secretary admits that Plaintiffs brought this action pursuant to 42 U.S.C. § 1983. The referenced statute speaks for itself. The Secretary specifically denies that this Court has jurisdiction over some or all of Plaintiffs' claims. Otherwise, denied.

19. The Secretary admits that Plaintiffs seek declaratory relief pursuant to 28 U.S.C. §§ 2201-02. The referenced statutes speak for themselves. The Secretary specifically denies that this Court has jurisdiction over some or all of Plaintiffs' claims. Otherwise, denied.

20. Admitted.

21. Admitted.

PARTIES

Plaintiffs

22. Without sufficient knowledge and therefore denied.
23. Without sufficient knowledge and therefore denied.

Defendants

24. Admitted that Plaintiffs have sued Defendant Ashley Moody in her official capacity as the Attorney General of Florida. The referenced statutes speak for themselves. Otherwise, denied.

25. The referenced statute speaks for itself. Otherwise, denied.

26. Admitted.

27. Admitted that the Division of Elections and the Office of Election Crimes and Security are established within the Department of State. The referenced statutes speak for themselves. Otherwise, denied.

28. The referenced statutes speak for themselves. Otherwise, denied.

FACTS

The League of Women Voters of Florida

29. Without sufficient knowledge and therefore denied.
30. Without sufficient knowledge and therefore denied.
31. Without sufficient knowledge and therefore denied.
32. Without sufficient knowledge and therefore denied.
33. Without sufficient knowledge and therefore denied.

34. Without sufficient knowledge and therefore denied.

35. The referenced records speak for themselves. Otherwise, without sufficient knowledge and therefore denied.

36. Without sufficient knowledge and therefore denied.

37. Without sufficient knowledge and therefore denied.

38. Without sufficient knowledge and therefore denied.

39. Without sufficient knowledge and therefore denied.

40. Without sufficient knowledge and therefore denied.

41. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

42. Without sufficient knowledge and therefore denied.

43. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

44. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

45. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

46. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

47. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

48. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

Senate Bill 7050

49. Admitted that the Florida Senate on April 26, 2023 and the Florida House on April 28, 2023 passed SB 7050 and that the Florida Governor approved SB 7050 on May 24, 2023. Otherwise, denied.

50. The referenced statement speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

51. Admitted that SB 7050 is an omnibus election bill that imposes new requirements on 3PVROs. Otherwise, denied.

52. The referenced statute speaks for itself. Otherwise, denied.

53. The referenced statute speaks for itself. Otherwise, denied.

54. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

55. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

56. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

57. The referenced statute speaks for itself. Otherwise, denied.

58. The referenced statute speaks for itself. Otherwise, denied.

59. The referenced statute speaks for itself. Otherwise, denied.

60. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

61. The referenced statute speaks for itself. Otherwise, denied.

62. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

63. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

64. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

65. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

66. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

67. The referenced statute speaks for itself. Otherwise, denied.

68. The referenced statute speaks for itself. Otherwise, denied.

69. The referenced statute speaks for itself. Otherwise, denied.

70. The referenced statute speaks for itself. The Secretary is without sufficient knowledge as to Plaintiffs' budget and therefore denies the same. Otherwise, denied.

71. The referenced statute speaks for itself. Otherwise, denied.

72. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

73. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning

the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

74. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, without sufficient knowledge and therefore denied.

CLAIMS²

Count 1: Violation of Plaintiffs' First Amendment Rights to Free Speech and Expressive Conduct U.S. Const., amends. I, XIV; 42 U.S.C. § 1983

75. The Secretary incorporates by reference the responses to numbered paragraphs 1-74 of the Complaint.

76. The referenced constitutional provision speaks for itself. Otherwise, denied.

77. The referenced constitutional provision speaks for itself. Otherwise, denied.

78. The referenced cases speak for themselves. Otherwise, denied.

² “[A] district court that receives a shotgun pleading should strike it and instruct counsel to replead the case—even if the other party does not move the court to strike the pleading.” *Estate of Bass v. Regions Bank, Inc.*, 947 F.3d 1352, 1358 (11th Cir. 2020) (citation omitted). Plaintiffs’ complaint is a shotgun pleading because it “contain[s] multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint.” *Weiland v. Palm Beach Cty. Sheriff’s Office*, 792 F.3d 1313, 1321-23 (11th Cir. 2015).

79. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. The Secretary is without sufficient knowledge as to Plaintiffs' position, point of view, and efforts regarding voter registration and therefore denies the same. Otherwise, denied.

80. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary is without sufficient knowledge as to Plaintiffs' advocacy and other efforts regarding voter registration and therefore denies the same. Otherwise, denied.

81. The referenced cases speak for themselves. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

82. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

83. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

84. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

85. The referenced case speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also

specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

86. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

87. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

88. The referenced case speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

89. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

90. The referenced cases speak for themselves. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

WHEREFORE, the Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count 1 of the Complaint.

**Count 2: Violation of Plaintiffs' First Amendment
Right to Free Association
U.S. Const., amends. I, XIV; 42 U.S.C. § 1983**

91. The Secretary incorporates by reference the responses to numbered paragraphs 1-90 of the Complaint.

92. The referenced constitutional provision and case speak for themselves. Otherwise, denied.

93. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

94. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

95. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

96. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

97. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning

the potential impact of SB 7050. The Secretary is without sufficient knowledge as to any reports Plaintiffs have received and therefore denies the same. Otherwise, denied.

98. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

99. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

100. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

101. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

102. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

103. The referenced cases speak for themselves. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

WHEREFORE, the Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count 2 of the Complaint.

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

104. The Secretary incorporates by reference the responses to numbered paragraphs 1-103 of the Complaint.

105. The referenced constitutional provision and case speak for themselves. Otherwise, denied.

106. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

107. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. Otherwise, denied.

108. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

109. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

110. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

111. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

WHEREFORE, the Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count 3 of the Complaint.

Count 4: Void for Vagueness
U.S. Const., amend. XIV; 42 U.S.C. § 1983

112. The Secretary incorporates by reference the responses to numbered paragraphs 1-111 of the Complaint.

113. The referenced constitutional provision speaks for itself. Otherwise, denied.

114. The referenced doctrine and cases applying it speak for themselves. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

115. The referenced statute speaks for itself. Otherwise, denied.

116. The referenced statute speaks for itself. Otherwise, denied.

117. The referenced statute speaks for itself. Otherwise, denied.

118. The referenced statute speaks for itself. Otherwise, denied.

119. The referenced statute speaks for itself. Otherwise, denied.

120. The referenced statute speaks for itself. Otherwise, denied.

121. The referenced statute speaks for itself. Otherwise, denied.

122. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

123. The referenced statute speaks for itself. Otherwise, denied.

124. The referenced statute speaks for itself. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

125. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

126. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. Otherwise, denied.

127. The Secretary specifically denies the characterization and legal conclusions concerning SB 7050. The Secretary also specifically denies the allegations concerning the potential impact of SB 7050. The Secretary is without sufficient knowledge regarding any allocation or diversion of resources by or the beliefs of Plaintiffs regarding their voter registration efforts and therefore denies the same. Otherwise, denied.

WHEREFORE, the Secretary further denies that Plaintiffs are entitled to any relief pursuant to Count 4 of the Complaint.

PRAYER FOR RELIEF

WHEREFORE, the Secretary further denies that Plaintiffs are entitled to any relief pursuant to the Complaint.

AFFIRMATIVE DEFENSES

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

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

3. Plaintiffs' Complaint fails to state a cause of action upon which relief can be granted under 42 U.S.C. § 1983.

4. Plaintiffs' requested relief is contrary to article I, section 4, clause 1 of the U.S. Constitution, and otherwise contradicts constitutional separation-of-powers and federalism requirements.

5. Some or all of Plaintiffs lack standing to pursue the claims asserted.

6. Some of Plaintiffs' claims are mooted by the Secretary's rulemaking.

7. There is no basis for an award of attorneys' fees or costs to Plaintiffs in this action.

8. Plaintiffs fail to allege any basis upon which injunctive relief would be available from this Court.

9. The Secretary reserves the right to identify additional affirmative defenses.

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Dated: March 27, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2024, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Mohammad O. Jazil
Mohammad O. Jazil