

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

REPUBLICAN NATIONAL COMMITTEE;  
MISSISSIPPI REPUBLICAN PARTY; JAMES  
PERRY; and MATTHEW LAMB

PLAINTIFFS

VERSUS

NO. 1:24-cv-00025-LG-RPM

JUSTIN WETZEL, *in his official  
capacity as the clerk and registrar of the  
Circuit Court of Harrison County*; TONI  
JO DIAZ, BECKY PAYNE, BARBARA  
KIMBALL, CHRISTENE BRICE, and  
CAROLYN HANDLER, *in their official  
capacities as members of the Harrison  
County Election Commission*; and  
MICHAEL WATSON, *in his official  
Capacity as the Secretary of State of  
Mississippi*

DEFENDANTS

**ANSWER AND DEFENSES OF DEFENDANS**

**JUSTIN WETZEL, in his official capacity as the clerk and registrar of the Circuit Court of  
Harrison County and TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL,  
CHRISTENE BRICE, and CAROLYN HANDLER**

Comes now the Defendants, JUSTIN WETZEL, in his official capacity as the clerk and registrar of the Circuit Court of Harrison County and TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, in their official capacities as members of the Harrison County Election Commission (“Defendants”), by and through their counsel of record, Tim C. Holleman, Boyce Holleman & Associates, and files this, its *Answer and Defenses* to the *Complaint* and, in support thereof, would show unto this Honorable Court the following, to-wit:

**FIRST DEFENSE**

These Defendants would show that the Complaint fails to state a cause of action

against it upon which any relief can be granted.

### **SECOND DEFENSE**

These Defendants assert all affirmative defenses that are or may become available to it under Miss. R. Civ. P. 8(c).

### **THIRD DEFENSE**

These Defendants assert that one or all of the Plaintiffs lack standing to bring the subject civil action.

### **FOURTH DEFENSE**

These Defendants would deny any titles or subtitles to any paragraphs or any paragraphs in the Complaint and/or footnotes not specifically admitted herein.

Now answering the Complaint filed herein paragraph by paragraphs these Defendant would answer as follows:

### **INTRODUCTION**

1. Paragraph 1. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.
2. Paragraph 2. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.
3. Paragraph 3. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.
4. Paragraph 4. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.
5. Paragraph 5. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.

**JURISDICTION AND VENUE**

6. Paragraph 6. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.

7. Paragraph 7. contains legal conclusions which do not require response however these Defendants out of an abundance of caution would deny the same.

**PARTIES**

8. Defendants out of an abundance of caution would deny the allegations of Paragraph 8.

9. Defendants out of an abundance of caution would deny the allegations of Paragraph 9.

10. Defendants out of an abundance of caution would deny the allegations of Paragraph 10.

11. Defendants out of an abundance of caution would deny the allegations of Paragraph 11.

12. Defendants would deny the allegations of paragraph 12.

13. Defendants would deny the allegations of paragraph 13

14. Defendants out of an abundance of caution would deny the allegations of Paragraph 14.

15. Defendants out of an abundance of caution would deny the allegations of Paragraph 15.

16. Defendants out of an abundance of caution would deny the allegations of Paragraph 16.

17. Defendants out of an abundance of caution would deny the allegations of Paragraph 17.

18. Defendants admit the allegations of paragraph 18.

19. Defendants admit the allegations of paragraph 19.

20. Defendants admit the allegations of paragraph 20.

21. Defendants admit the allegations of paragraph 21.

22. Defendants admit the allegations of paragraph 22.

23. Defendants admit the allegations of paragraph 23.

24. Defendants out of an abundance of caution would deny the allegations of Paragraph 24.

**ALLEGATIONS**

25. Defendants out of an abundance of caution would deny the allegations of Paragraph 25.
26. Defendants out of an abundance of caution would deny the allegations of Paragraph 26.
27. Defendants out of an abundance of caution would deny the allegations of Paragraph 27.
28. Defendants out of an abundance of caution would deny the allegations of Paragraph 28.
29. Defendants out of an abundance of caution would deny the allegations of Paragraph 29.
30. Defendants out of an abundance of caution would deny the allegations of Paragraph 30.
31. Defendants out of an abundance of caution would deny the allegations of Paragraph 31.
32. Defendants out of an abundance of caution would deny the allegations of Paragraph 32.
33. Defendants out of an abundance of caution would deny the allegations of Paragraph 33.
34. Defendants out of an abundance of caution would deny the allegations of Paragraph 34.
35. Defendants out of an abundance of caution would deny the allegations of Paragraph 35.
36. Defendants out of an abundance of caution would deny the allegations of Paragraph 36.
37. Defendants out of an abundance of caution would deny the allegations of Paragraph 37.
38. Defendants out of an abundance of caution would deny the allegations of Paragraph 38.
39. Defendants out of an abundance of caution would deny the allegations of Paragraph 39.
40. Defendants out of an abundance of caution would deny the allegations of Paragraph 40.
41. Defendants out of an abundance of caution would deny the allegations of Paragraph 41.
42. Defendants out of an abundance of caution would deny the allegations of Paragraph 42.
43. Defendants out of an abundance of caution would deny the allegations of Paragraph 43.
44. Defendants out of an abundance of caution would deny the allegations of Paragraph 44.
45. Defendants out of an abundance of caution would deny the allegations of Paragraph 45.
46. Defendants out of an abundance of caution would deny the allegations of Paragraph 46.

47. Defendants out of an abundance of caution would deny the allegations of Paragraph 47.
48. Defendants out of an abundance of caution would deny the allegations of Paragraph 48.
49. Defendants out of an abundance of caution would deny the allegations of Paragraph 49.
50. Defendants out of an abundance of caution would deny the allegations of Paragraph 50.
51. Defendants out of an abundance of caution would deny the allegations of Paragraph 51.
52. Defendants out of an abundance of caution would deny the allegations of Paragraph 52.
53. Defendants out of an abundance of caution would deny the allegations of Paragraph 53.
54. Defendants out of an abundance of caution would deny the allegations of Paragraph 54.
55. Defendants out of an abundance of caution would deny the allegations of Paragraph 55.
56. Defendants out of an abundance of caution would deny the allegations of Paragraph 56.
57. Defendants out of an abundance of caution would deny the allegations of Paragraph 57.
58. Defendants out of an abundance of caution would deny the allegations of Paragraph 58.
59. Defendants out of an abundance of caution would deny the allegations of Paragraph 59.
60. Defendants out of an abundance of caution would deny the allegations of Paragraph 60.
61. Defendants out of an abundance of caution would deny the allegations of Paragraph 61.

**CAUSES OF ACTION**

**Count I**

**VIOLATION OF 3 U.S.C. §1, 2 U.S.C. §§1, 7**

62. Defendants incorporate their prior answers herein above set forth.
63. Defendants out of an abundance of caution would deny the allegations of Paragraph 63.
64. Defendants out of an abundance of caution would deny the allegations of Paragraph 64.
65. Defendants out of an abundance of caution would deny the allegations of Paragraph 65.
66. Defendants out of an abundance of caution would deny the allegations of Paragraph 66.

67. Defendants out of an abundance of caution would deny the allegations of Paragraph 67.

68. Defendants out of an abundance of caution would deny the allegations of Paragraph 68.

69. Defendants out of an abundance of caution would deny the allegations of Paragraph 69.

## **COUNT II**

### **Violation of the Right to Stand for Office (42 U.S.C. §1983)**

70. Defendants incorporate their prior answers herein above set forth.

71. Defendants out of an abundance of caution would deny the allegations of Paragraph 71,

72. Defendants out of an abundance of caution would deny the allegations of Paragraph 72.

73. Defendants out of an abundance of caution would deny the allegations of Paragraph 73.

74. Defendants out of an abundance of caution would deny the allegations of Paragraph 74.

## **COUNT III**

### **Violation of the Right to Vote (42 U.S.C. §1983)**

75. Defendants incorporate their prior answers herein above set forth.

76. Defendants out of an abundance of caution would deny the allegations of Paragraph 76.

77. Defendants out of an abundance of caution would deny the allegations of Paragraph 77.

78. Defendants out of an abundance of caution would deny the allegations of Paragraph 78

79. Defendants out of an abundance of caution would deny the allegations of Paragraph 79.

80. Defendants out of an abundance of caution would deny the allegations of Paragraph 80.

The allegations in the last unnumbered paragraph beginning with "PRAYER FOR RELIEF" are denied together with each subpart thereof specifically a. through e.

AND NOW, having fully pled, answered and set forth its affirmative defenses to the Complaint against these Defendant, these Defendants would pray that its Answer and Defenses be received and filed, that the Complaint against it be dismissed with prejudice, and that all costs an attorneys in defense of this civil action be assessed against the Plaintiffs and that these

Defendants be awarded all damages, costs and attorneys fees due to Plaintiff's meritless and frivolous claims pursuant to the Litigation Accountability Act of 1988.

RESPECTFULLY SUBMITTED, this, the 14<sup>th</sup> day of March, 2024.

JUSTIN WETZEL, in his official capacity as the clerk and registrar of the Circuit Court of Harrison County, DEFENDANT

TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, in their official capacities as members of the Harrison County Election Commission, DEFENDANTS

BY AND THROUGH THEIR COUNSEL OF RECORD

BOYCE HOLLEMAN AND ASSOCIATES

By: /s/ Tim C. Holleman

#### **CERTIFICATE OF SERVICE**

I, Tim C. Holleman, Boyce Holleman & Associates, do hereby certify that I have this date filed a copy of the above document with the Court's electronic filing system, which sent a notice to all counsel of record.

This the 14<sup>th</sup> day of March, 2024.

By: /s/ Tim C. Holleman

Tim C. Holleman (Ms Bar #2526)  
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