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CATHY WOOLARD, AARON V. )  
 JOHNSON, MICHAEL HEEKIN, TE- )  
 RESA K. CRAWFORD, and JULIE )  
 ADAMS, in their official capacity as )  
 members of the Fulton County Board )  
 of Registration and Elections, )

KAREN EVANS-DANIEL, ROBERT )  
 ABBOTT, JOEL HAZARD, THOMAS )  
 ELLINGTON, and MIKE KAPLAN, )  
 in their official capacity as members of )  
 the Macon-Bibb County Board of )  
 Elections, )

WANDY TAYLOR, DAVID HANCOCK, )  
 LORETTA MIRANDOLA, )  
 ALICE O'LENICK, and ANTHONY )  
 RODRIGUEZ, in their official capacity )  
 as members of the Gwinnett County )  
 Board of Registrations and Elections, )  
 And )

BEN JOHNSON, JAMES NEWLAND, )  
 ROY McCLAIN, JAMES A. O'BRIEN, )  
 and DEXTER WIMBISH, in their )  
 official capacity as members of the )  
 Spalding County Board of Elections and )  
 Voter Registration, )

*Defendants.* )

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**SPALDING COUNTY DEFENDANT'S ANSWER AND DEFENSES TO THE**  
**NEW GEORGIA PROJECT'S COMPLAINT**

COME NOW, Defendants Ben Johnson, James Newland, Roy McClain, and

James A. O'Brien, in their official capacities as Members of the Spalding County Board of Elections and Voter Registration (collectively, the "Spalding Defendants") and submit their Answer and Defenses to the Complaint (1:24-cv-03412-SDG [Dkt. 1]) submitted by The New Georgia Project and A. Phillip Randolph Institute (collectively, "Plaintiffs") by showing the Court as follows:

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

Plaintiffs lack standing to bring all or a portion of their claims against the Spalding Defendants.

#### **SECOND DEFENSE**

Plaintiffs fail to state a claim upon which relief may be granted as to the Spalding Defendants.

#### **THIRD DEFENSE**

The Spalding Defendants were not responsible for the drafting or enactment of S.B. 189 and do not have discretion over whether to comply with validly passed state election laws. The Spalding Defendants show that they will abide by any order of this Court regarding the constitutionality of S.B. 189 or injunctive relief granted as to the enforcement of its provisions and would have done so without being named as a defendant in this litigation.

**FIFTH DEFENSE**

The Spalding Defendants' compliance with Georgia law is being carried out in good faith and without conscious, reckless, or negligent disregard for the rights of any voters.

**SIXTH DEFENSE**

The Spalding Defendants have not deprived Plaintiffs or voters of any rights, due process, or equal protections guaranteed by the Georgia Constitution or the United States Constitution.

**SEVENTH DEFENSE**

The Spalding Defendants are not capable of providing a remedy to Plaintiffs because their powers and duties do not include the ability to determine the voting laws or system of the State of Georgia.

**ANSWER**

The Spalding Defendants respond to numbered paragraphs of Plaintiffs' Complaint as follows:

1.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 1 of Plaintiffs' Complaint, and, therefore, can neither admit nor deny those allegations, but demand strict proof of them

at trial. To the extent that Plaintiffs are alleging or implying wrongdoing by the Spalding Defendants through such restatement of law, the Spalding Defendants deny any such allegations and/or implications.

2.

The allegations contained in Paragraph 2 of Plaintiffs' Complaint are merely Plaintiffs' restatement of Section 8(d) of the National Voter Registration Act of 1993. To the extent that Plaintiffs are alleging or implying wrongdoing by the Spalding Defendants through such restatement of law, the Spalding Defendants deny any such allegations and/or implications. To the extent Paragraph 2 contains the aforementioned statements or conclusions of law, Spalding Defendants neither admit nor deny these allegations, but demand strict proof of them at trial.

3.

In response to Paragraph 3 of Plaintiffs' Complaint, the Spalding Defendants deny that they have purged any voters from voting rolls in the manner alleged by the Plaintiffs. As to the remaining allegations, the Spalding Defendants have insufficient knowledge to determine the truth or falsity of the remaining allegations contained in Paragraph 3 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

4.

The Spalding Defendants admit that the General Assembly passed SB 189, which changed or clarified how voting is to be conducted in the State of Georgia. The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the remaining allegations contained in Paragraph 4 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial. To the extent Paragraph 4 contains statements or conclusions of law, the Spalding Defendants neither admit nor deny these allegations, but demand strict proof of them at trial.

5.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of any of the allegations contained in Paragraph 5 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial. To the extent Paragraph 5 contains statements or conclusions of law, the Spalding Defendants neither admit nor deny these allegations, but demand strict proof of them at trial.

6.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 6 of Plaintiffs' Complaint, and,

therefore, neither admit nor deny those allegations, but demand strict proof of them at trial. To the extent these allegations also contain conclusions of law, the Spalding Defendants neither admit nor deny the allegations, but demand strict proof of them at trial. To the extent that Plaintiffs are alleging or implying wrongdoing by the Spalding Defendants, the Spalding Defendants deny any such allegations and/or implications.

7.

The Spalding Defendants admit that this Court has subject matter jurisdiction over claims arising under 28 U.S.C. § 1331, 28 U.S.C. §§ 1343(a)(3)-(4) and 1357, and 42 U.S.C. §§ 1983 and 1988, but deny that any such claims were appropriately alleged against the Spalding Defendants and further deny that Plaintiffs have standing to bring any such claims against the Spalding Defendants.

8.

The Spalding Defendants response to the allegations contained in Paragraph 8 of the Plaintiffs' Complaint is that 28 U.S.C §§ 2201 and 2202 speak for themselves. That said, the Spalding County Defendants admit that the Court has authority to enter declaratory judgments but are without knowledge or information sufficient to form a belief as to whether such relief would be appropriate in this case.

9.

The Spalding Defendants admit the allegations contained in Paragraph 9 of

Plaintiffs' Complaint so far as the Spalding Defendants have been properly served, and are being sued in their official capacities. But the Spalding Defendants deny that the Court has jurisdiction over some or all of Plaintiffs' claims because Plaintiffs' lack standing to bring suit against the Spalding County Defendants. The Spalding Defendants admit that the Court otherwise has jurisdiction to hear questions regarding the Constitutionality of laws and violations of Federal law.

10.

The Spalding Defendants response to the allegations contained in Paragraph 10 of the Plaintiffs' Complaint is that 28 U.S.C §§ 1391(b)(1) and 1391(b)(2), along with Northern District of Georgia Rule 3.1, speak for themselves. But the Spalding Defendants deny that the Court has jurisdiction over some or all of Plaintiffs' claims because Plaintiffs' lack standing to bring suit against the Spalding County Defendants. The Spalding Defendants admit that the Court otherwise has jurisdiction to hear questions regarding the Constitutionality of laws and violations of Federal law.

11.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 11 of Plaintiffs' Complaint, and, therefore, can neither admit nor deny those allegations, but demand strict proof



of them at trial.

12.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 12 of Plaintiffs' Complaint, and, therefore, can neither admit nor deny those allegations, but demand strict proof of them at trial. To the extent that Plaintiffs are alleging or implying wrongdoing by the Spalding Defendants, the Spalding Defendants deny any such allegations and/or implications.

13.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 13 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial. To the extent that Plaintiffs are alleging or implying wrongdoing by the Spalding Defendants, the Spalding Defendants deny any such allegations and/or implications.

14.

The Spalding Defendants deny any and all allegations in Paragraph 14 of Plaintiffs' Complaint that it has, or will, enforce any unlawful provisions of Georgia law. The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the remaining allegations contained in Paragraph 14 of Plaintiffs' Complaint,

and, therefore, can neither admit nor deny those allegations, but demand strict proof of them at trial.

15.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 15 of Plaintiffs' Complaint regarding the incorporation or business activities of Plaintiff A. Phillip Randolph Institute, and can neither admit nor deny those allegations, but demand strict proof of them at trial. The Spalding Defendants also have insufficient knowledge to determine the truth or falsity of remaining allegations in Paragraph 15 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial as well.

16.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 16 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

17.

The Spalding Defendants have insufficient knowledge to determine the truth

or falsity of the allegations contained in Paragraph 17 of Plaintiffs' Complaint, and/or those allegations contain statements or conclusions of law, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

18.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 18 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

19.

The Spalding Defendants admit that Brad Raffensperger is the Secretary of the State of Georgia and the State's chief elections official. The Spalding Defendants neither admit nor deny the remaining allegations in Paragraph 19 as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

20.

The Spalding Defendants admit that John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, and Janelle King are members of the State Election Board. The Spalding Defendants neither admit nor deny the remaining allegations in Paragraph 20 as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

21.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 21 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

22.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 22 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

23.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 23 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

24.

The Spalding Defendants admit that Ben Johnson, James Newland, Roy McClain, and James A. O'Brien are members of the Spalding County Board of Elections and Voter Registration. The Spalding Defendants admit that they are sued

in the official capacities only. The Spalding Defendants neither admit nor deny any other statements or conclusions of law in Paragraph 24 of Plaintiffs' Complaint but demand strict proof of them at trial.

25.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 25 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

26.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 26 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

27.

The Spalding Defendants admit the allegations contained in Paragraph 27 of the Plaintiffs' Complaint.

28.

The Spalding Defendants admit the allegations set forth in Paragraph 28 of

the Plaintiffs' Complaint.

## **FACTS AND BACKGROUND**

### **Requirements of the NVRA**

29.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 29 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

30.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 30 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

31.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 31 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

32.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 32 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

33.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 33 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

34.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 34 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

35.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 35 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

Georgia's Voter Challenge Process Before SB 189

36.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 36 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

37.

The Spalding Defendants can neither admit nor deny the allegations in

Paragraph 37 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

38.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 38 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

39.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 39 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

40.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 40 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

41.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 41 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.



42.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 42 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

43.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 43 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

44.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 44 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

45.

The Spalding Defendants admit the allegations contained in Paragraph 45 of Plaintiffs' Complaint.

Voter Registration of Unhoused Persons Before SB 189

46.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 46 of Plaintiffs' Complaint, as those allegations contain statements or

conclusions of law, but demand strict proof of them at trial.

47.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 47 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

48.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 47 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

49.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 49 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

50.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 50 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

51.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 51 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

52.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 52 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

53.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 53 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

54.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 54 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

Georgia Enacts SB 189

55.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 55 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

56.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 56 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

57.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 57 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

58.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 58 of Plaintiffs' Complaint, and,

therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

59.

The Spalding Defendants admit the allegations contained in Paragraph 59 of Plaintiffs' Complaint.

SB 189's Changes to Georgia's Voter Challenge Provisions

60.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 60 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

61.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 61 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

62.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 62 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

63.

The Spalding Defendants can neither admit nor deny the allegations in Paragraph 60 of Plaintiffs' Complaint, as those allegations contain statements or conclusions of law, but demand strict proof of them at trial.

Voter Challenges in Georgia from 2022 to Present

64.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 64 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

65.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 65 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

66.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 66 of Plaintiffs' Complaint, and,

therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

67.

The Spalding Defendants admit the allegations contained in Paragraph 67 of Plaintiffs' Complaint, so far as the Spalding Defendants voted for removal of voters from the voting rolls at a meeting on August 9, 2022. But any allegations contained in Paragraph 67 of the Plaintiffs' Complaint, whether express or implied, that any voters were improperly removed from voting rolls under Georgia and Federal law is explicitly denied.

68.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 68 of Plaintiffs' Complaint and those allegations are therefore denied.

69.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 69 of Plaintiffs' Complaint and those allegations are therefore denied.

70.

The Spalding Defendants have insufficient knowledge to determine the truth

or falsity of the allegations contained in Paragraph 70 of Plaintiffs' Complaint and those allegations are therefore denied.

71.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 71 of Plaintiffs' Complaint and those allegations are therefore denied.

72.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 72 of Plaintiffs' Complaint and those allegations are therefore denied.

73.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 73 of Plaintiffs' Complaint and those allegations are therefore denied.

74.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 74 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them



at trial.

75.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 75 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

76.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 76 as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

SB 189's Changes to Voter Registration for Unhoused Individuals

77.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 77 as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

78.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 78 as these allegations contain statements or conclusions of law but demand strict

proof of them at trial.

79.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 79 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

80.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 80 as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

81.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 81 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

82.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 82 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at

trial.

### **CAUSES OF ACTION**

83.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 83 of the Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

84.

The Spalding Defendants admit the allegations contained in Paragraph 84 of Plaintiffs' Complaint, so far as receipt of notice of violation from the Plaintiffs. However, any allegations, whether express or implied, that the Spalding Defendants have violated any provision of Georgia or Federal law is expressly denied. As to the remaining allegations in Paragraph 84 of the Complaint, the Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained therein, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

### **COUNT 1**

Residency-Based Probable Cause Provisions of Section 230 Violate the  
NVRA's Residency-Based Removal Process

(All Defendants)

*52 U.S.C. § 20507(d)*

85.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 85 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

86.

The Spalding Defendants admit that S.B. 189 could situationally require them to make probable cause determinations on voter challenges based on allegations that the voter has moved from their address of registration, but deny the remainder of the allegations set forth in Paragraph 86.

87.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 87 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

88.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 88 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

## **COUNT II**

Chatham, Forsyth, Gwinnett, and Spalding County Defendants' Voter Removal

Practices Violate the NVRA's Requirements for Processing Voters Who Move  
52 U.S.C. § 20507(d)

89.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 89 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

90.

The Spalding Defendants deny the allegations contained in Paragraph 90 of Plaintiffs' Complaint as they pertain to the Spalding Defendants only. As to Paragraph 90's allegations pertaining to the remaining co-defendants, the Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained therein, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial. To the extent Paragraph 90 contains statements or conclusions of law, the Spalding Defendants neither admit nor deny the same, but demand strict proof of them at trial.

**COUNT III**

SB 189 Section 4's Unhoused Voter Mailing Address Restriction Violates the  
NVRA'S Notice Requirements  
(State Defendants, Chatham, Fulton, and Macon-Bibb Defendants)  
52 U.S.C. §[sic] 20507(a)(2), (c)(1)(B), (d)(1)-(2)

91.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 91 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

92.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 92 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

93.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 93 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

94.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 94 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

95.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 95 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

**COUNT IV**

SB 189 Section 4/s Unhouse Voter Mailing Address Restriction Violates the  
NVRA's Uniform Nondiscriminatory Provision  
(State Defendants, Chatham, Fulton, and Macon-Bill County Defendants)  
*52 U.S.C. § 20507(b)*

96.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 96 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

97.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 97 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

98.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 98 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them

at trial. Furthermore, the Spalding Defendants neither admit nor deny the allegations in Paragraph 98 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

### **COUNT V**

SB 189 Section 4 Violates Unhoused Voters' Fundamental Right to Vote  
(Georgia State Election Board, Chatham, Fulton, Macon-Bibb County Defendants)  
*42 U.S.C. § 1983, First and Fourteen Amendments to the U.S. Constitution*

99.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 99 of Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

100.

The Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained in Paragraph 100 of Plaintiffs' Complaint, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

101.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 101 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.



102.

The Spalding Defendants neither admit nor deny the allegations in Paragraph 102 of the Plaintiffs' Complaint as these allegations contain statements or conclusions of law but demand strict proof of them at trial.

103.

The Spalding Defendants deny any and all allegations contained in Paragraph 103 of the Plaintiffs' Complaint alleging the Spalding Defendants have now, or will in the future, violate the rights of any voters guaranteed under Georgia and/or Federal law. As to the remaining allegations in Paragraph 103 of the Plaintiffs' Complaint, the Spalding Defendants have insufficient knowledge to determine the truth or falsity of the allegations contained therein, and, therefore, neither admit nor deny those allegations, but demand strict proof of them at trial.

### **RESPONSE TO PRAYER FOR RELIEF**

(a).

Paragraph (a), including numerals (i) through (iii), contains requests for relief that require no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or

otherwise in violation of Federal law.

(b).

Paragraph (b) contains a request for relief that requires no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or otherwise in violation of Federal law.

(c).

Paragraph (c) contains a request for relief that requires no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or otherwise in violation of Federal law.

(d)

Paragraph (d) contains a request for relief that requires no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or otherwise in violation of Federal law.

(e)

Paragraph (e), including numerals i through ix, contains requests for relief that

require no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or otherwise in violation of Federal law.

(f)

Paragraph (f) contains a request for relief that requires no response. To the extent a response is required from the Spalding Defendants, the Spalding Defendants deny that the requested relief is justified or appropriate, unless the Court finds the challenged provisions unconstitutional or otherwise in violation of Federal law.

(g)

Paragraph (g) contains a request for relief that requires no response.

(h)

Paragraph (h) contains a request for relief that requires no response.

WHEREFORE, having answered Plaintiffs' Complaint and stated defenses and objections, the Spalding Defendants respectfully request that Plaintiffs' claims be dismissed as to the Spalding Defendants, that Plaintiffs' prayer for relief be denied in each and every particular with all costs taxed to the Plaintiffs, and that the Spalding Defendants be granted such other relief as this Court may deem just and

proper.

This 15<sup>th</sup> day of October, 2024.

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**LOCAL RULE 5.1C CERTIFICATION**

By signature below, counsel certifies that the foregoing pleading was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1C.

Respectfully submitted this 15<sup>th</sup> day of October, 2024.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served this pleading via CM/ECF, which  
I HEREBY CERTIFY that I have electronically filed and served the foregoing  
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This 15<sup>th</sup> day of October, 2024.

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