

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

NEW GEORGIA PROJECT and	:	CIVIL ACTION FILE NO.:
A. PHILLIP RANDOLPH	:	
INSTITUTE,	:	
	:	1:24-cv-03412-SDG
Plaintiffs,	:	
vs.	:	
	:	
BRAD RAFFENSPERGER, in his	:	
official capacity, as Georgia Secretary:	:	
of State et al.,	:	
	:	
Defendants.	:	

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**ANSWER AND AFFIRMATIVE DEFENSES OF  
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**

COME NOW, Defendants Wandy Taylor, David Hancock, Loretta Mirandola, Alice O'Lenick, and Anthony Rodriguez named in their official capacity as members of the Gwinnett County Board of Registrations and Elections (hereinafter referred to as "Gwinnett County Defendants"), by and through counsel, and file their Answer and Affirmative Defenses to the Plaintiffs' Complaint for Injunctive and Declaratory Relief (hereinafter the "Complaint") in the above-styled matter as follows:

## AFFIRMATIVE DEFENSES

### FIRST DEFENSE

The Gwinnett County Defendants were not responsible for the drafting or enactment of S.B. 189 and have no discretion over whether to comply with state election laws. The Gwinnett County Defendants show that they will abide by any order of this Court regarding the constitutionality of S.B. 189 and its compliance with the National Voter Registration Act (hereinafter referred to as the “NVRA”) or injunctive relief granted as to the enforcement of its provisions and would have done so without being named as defendants in this litigation.

### SECOND DEFENSE

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

### THIRD DEFENSE

Plaintiffs have failed to state a claim upon which relief may be granted against the Gwinnett County Defendants.

### FOURTH DEFENSE

Plaintiffs lack a clear legal right to the relief sought against the Gwinnett County Defendants.

FIFTH DEFENSE

The Gwinnett County 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 Gwinnett County 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 Gwinnett County 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 of the State of Georgia.

ANSWER

The Gwinnett County Defendants respond to the allegations contained in the numbered paragraphs of Plaintiffs' Complaint as follows:

## **INTRODUCTION**

1.

Federal Rule of Civil Procedure 8(b) requires a party to admit or deny the allegations asserted against it by an opposing party in responding to a pleading. The Gwinnett County Defendants are named in two of the five counts in the Complaint. To the extent that the Plaintiffs' Complaint focuses on S.B. 189 and its amendment to O.C.G.A. §21-2-230, the voters removed by the Gwinnett County Defendants on April 17, 2023, as alleged in Paragraph 68 of the Complaint were removed from the voter list pursuant to voter challenges made pursuant to O.C.G.A. §21-2-229. The Gwinnett County Defendants do not take a position on the constitutionality of S.B. 189 or whether it violates the NVRA, but admit that they are required to, and do, follow Georgia law once enacted and comply with the NVRA. The Gwinnett County Defendants have been the subject of complaints to the State Election Board that it has not complied with state law. As of September 23, 2024, the Gwinnett County Board of Registrations and Elections is the subject of an investigation by the State Elections Board for unspecified violations of state law regarding voter challenges. The Gwinnett County Defendants deny the remainder of the allegations contained in Paragraph 1 of Plaintiffs' Complaint.

2.

Paragraph 2 sets forth a statement regarding the provisions of Section 8 (d) of the NVRA. To the extent that a response is required, the Gwinnett County Defendants admit the allegations in Paragraph 2 of Plaintiffs' Complaint.

3.

The Gwinnett County Defendants deny that they have violated Section 8(d) of the NVRA as alleged. Defendants lack knowledge or information sufficient to form a belief about the remaining allegations contained in Paragraph 3 of the Complaint; therefore, Paragraph 3 is denied.

4.

The Gwinnett County Defendants deny any implication that they are responsible for "unlawful" voter removals. Defendants admit that probable cause may be established pursuant to Section 5 of S.B. 189 if an elector obtains a homestead exemption in a different jurisdiction. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 4; therefore, those allegations are denied.

5.

The Gwinnett County Defendants admit that Section 4 of S.B. 189 provides that “[t]he mailing address for election purposes” of unhoused voters without a permanent address is “the registrar's office of the county in which such person resides.” The Gwinnett County Defendants lack knowledge or information sufficient to form a belief about the remaining allegations contained in Paragraph 5 of the Complaint; therefore, those allegations are denied.

6.

The Gwinnett County Defendants deny any implication that they are responsible for unlawful voter removals. The Gwinnett County Defendants acknowledge that access to mail for unhoused voters remains an issue of concern. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 6; therefore, those allegations are denied.

### **JURISDICTION AND VENUE**

7.

The Gwinnett County Defendants admit that this Court has subject matter jurisdiction over claims arising under 28 U.S.C. §§ 1331, 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 Gwinnett County Defendants and further deny that Plaintiffs have standing to bring any such claims against the Gwinnett County Defendants.

8.

The Gwinnett County Defendants admit that this Court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 but deny that any such relief is appropriately sought against the Gwinnett County Defendants and further deny that Plaintiffs have standing to seek any such relief against the Gwinnett County Defendants.

9.

Admitted.

10.

Admitted.

### **PARTIES**

11.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11; therefore, Paragraph 11 is denied.

12.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12; therefore, Paragraph 12 is denied.

13.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13; therefore, Paragraph 13 is denied.

14.

The Gwinnett County Defendants deny that they are responsible for unlawfully removing eligible voters from the registration list. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 14; therefore, Paragraph 14 is denied.

15.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15; therefore, Paragraph 15 is denied.



16.

The Gwinnett County Defendants deny that they are responsible for unlawful voter removals. The Gwinnett County Defendants take no position regarding the constitutionality of S.B. 189 or O.C.G.A. § 21-2-230 and whether said law complies with the NVRA. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 16; therefore, Paragraph 16 is denied.

17.

The Gwinnett County Defendants take no position on the constitutionality of S.B. 189 or O.C.G.A. § 21-2-217 and whether said laws comply with the NVRA and are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 17; therefore, those allegations are denied.

18.

The Gwinnett County Defendants deny that they are responsible for unlawful voter removals. Defendants take no position on the constitutionality of S.B. 189, O.C.G.A. § 21-2-230, or O.C.G.A. § 21-2-217 or whether said laws comply with and are consistent with the NVRA. The Gwinnett County Defendants are without

sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 18; therefore, those allegations are denied.

Defendants

19.

The Gwinnett County Defendants admit that Brad Raffensperger is the current officeholder for the Georgia Secretary of State. Georgia law speaks for itself with respect to the authorities, duties, and obligations of the Georgia Secretary of State. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 19, therefore, those allegations are denied.

20.

The Gwinnett County Defendants admit that John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, and Janelle King are current members of the Georgia State Election Board. Georgia law speaks for itself with respect to the authorities, duties, and obligations of members of the Georgia State Election Board. The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 20; therefore, those allegations are denied.

21.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 21; therefore, Paragraph 21 is denied.

22.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 22; therefore, Paragraph 22 is denied.

23.

Admitted.

24.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24; therefore, Paragraph 24 is denied.

25.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25; therefore, Paragraph 25 is denied.

26.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26; therefore, Paragraph 26 is denied.

27.

Admitted.

28.

Admitted.

## **FACTS AND BACKGROUND**

### **Requirements of the NVRA**

29.

The Gwinnett County Defendants admit the allegations contained in Paragraph 29 but deny any implication that the stated purposes of the NVRA were the only purposes of the NVRA. See 52 U.S.C. §§ 20501(b)(2)-(3).

30.

Admitted.

31.

Admitted.

32.

Admitted.

33.

The Gwinnett County Defendants admit that section 8(c)(2)(A) of the NVRA provides that “[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal Office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters,” but deny the remainder of the allegations contained in Paragraph 33.

34.

Admitted.

35.

Paragraph 35 sets forth legal characterizations and opinions to which no response is required. To the extent a response is required, the Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 35; therefore, Paragraph 35 is denied.

Georgia's Voter Challenge Process Before SB 189

36.

Admitted.

37.

Admitted.

38.

Upon information and belief, the Gwinnett County Defendants admit the allegations contained in Paragraph 38.

39.

Admitted.

40.

Admitted.

41.

Paragraph 41 sets forth characterizations and opinions to which no response is required. To the extent a response is required, Gwinnett County Defendants admit that Section 230 grants individuals the ability to challenge a voter's right to vote but are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 41; therefore, Paragraph 41 is denied.

42.

Admitted.

43.

The Gwinnett County Defendants admit that, when probable cause is found in support of a challenge, the “registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.” O.C.G.A. §21-2-230(b). The Gwinnett County Defendants deny the remainder of the allegations contained in Paragraph 43.

44.

Admitted.

45.

Admitted.

Voter Registration of Unhoused Persons Before SB 189

46.

Denied as stated. O.C.G.A. §21-2-216 requires residency in Georgia in the county where such registrant seeks to vote. Rules for determining residency are governed by O.C.G.A. §21-2-217.

47.

Admitted.

48.

Admitted.

49.

Admitted.

50.

Paragraph 50 sets forth characterizations and opinions to which no response is required. To the extent a response is required, Gwinnett County Defendants admit that unhoused voters may reside at addresses that are not recognized as traditionally residential.

51.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 51; therefore, Paragraph 51 is denied.

52.

Admitted.

53.

Admitted.



54.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 54; therefore, Paragraph 54 is denied.

Georgia Enacts SB 189

55.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 55; therefore, Paragraph 55 is denied.

56.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 56; therefore, Paragraph 56 is denied.

57.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 57; therefore, Paragraph 57 is denied.

58.

Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 58; therefore, Paragraph 58 is denied.

59.

Admitted.

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

60.

Admitted.

61.

Admitted.

62.

Admitted.

63.

Admitted.

Voter Challenges in Georgia from 2022 to Present

64.

The Gwinnett County Defendants admit that the Gwinnett County Board of Registrations and Elections has received thousands of challenges to voters registered

in Gwinnett County since 2022. The Defendants deny any implication that they have improperly or unlawfully removed voters from the voter registration list. Defendants lack sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 64; therefore, the remaining allegations in Paragraph 64 are denied.

65.

Exhibit 2 attached to the Complaint speaks for itself. However, the Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 65; therefore, Paragraph 65 is denied.

66.

Exhibit 3 attached to the Complaint speaks for itself. However, the Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 66; therefore, Paragraph 66 is denied.

67.

Exhibit 4 attached to the Complaint speaks for itself. However, the Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to

the truth of the allegations contained in Paragraph 67; therefore, Paragraph 67 is denied.

68.

Exhibit 5 to Plaintiffs' Complaint constitutes a copy of the minutes for the hearing held by the Gwinnett County Board of Registrations and Elections at which voter challenges filed pursuant to O.C.G.A. § 21-2-229 were heard and fifty (50) voters were ordered removed. Defendants admit that the challenges were filed on or after February 17, 2024.

69.

Exhibits 6 and 7 to Plaintiffs' Complaint speak for themselves. The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 69; therefore, Paragraph 69 is denied.

70.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 70; therefore, Paragraph 70 is denied.

71.

The Gwinnett County Defendants admit that Section 5 of S.B. 189 went into effect on July 1, 2024. The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 71; therefore, Paragraph 71 is denied.

72.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 72; therefore, Paragraph 72 is denied.

73.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 73; therefore, Paragraph 73 is denied.

74.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 74; therefore, Paragraph 74 is denied.

75.

Denied.

76.

Admitted.

SB 189's Changes to Voter Registration for Unhoused Individuals

77.

Admitted.

78.

Admitted.

79.

Denied as stated. Unhoused voters can access “basic information” from a variety of sources. Gwinnett County Defendants admit that unhoused voters would have to come to the County registrar’s office to access any mailed correspondence sent to such voter’s attention at the registrar’s office.

80.

Gwinnett County Defendants admit that failure to respond to NVRA mailing confirmation can result in voters being moved to inactive status. To the extent that the remaining allegations in Paragraph 80 contain opinions and characterization, the Gwinnett County Defendants are without sufficient knowledge or information to

form a belief as to the truth of the remaining allegations contained in Paragraph 80; therefore, those allegations are denied.

81.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 81; therefore, Paragraph 81 is denied.

82.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 82; therefore, Paragraph 82 is denied.

### **CAUSES OF ACTION**

83.

The Gwinnett County Defendants deny that Plaintiffs have a cause of action against them under the NVRA but admit that 52 U.S.C. § 20510(b)(1) contains the stated notice provision.

84.

The Gwinnett County Defendants admit that they received notice attached to Plaintiff's Complaint as Exhibit 1 on or about July 8, 2024, but deny the remaining allegations contained in Paragraph 84.

## COUNT I

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.

Admitted.

86.

The Gwinnett County Defendants admit there are circumstances in which compliance with S.B. 189 would require the Gwinnett County Board of Registrations and Elections to make probable cause determinations on voter challenges based on allegations that the voter has moved from their address of registration. Defendants deny the remainder of the allegations contained in Paragraph 86.

87.

The Gwinnett County Defendants admit that the NVRA states:

(d) REMOVAL OF NAMES FROM VOTING ROLLS. — (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)

(i) has failed to respond to a notice described in paragraph



(2); and  
(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

52 U.S.C. §20507.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 87; therefore, those allegations are denied.

88.

The Gwinnett County Defendants admit that the Gwinnett County Board of Registrations and Elections is currently under investigation by the SEB for unspecified violations of Georgia voter challenge laws and is at risk of sanction if violations are determined by the SEB to have occurred. The Gwinnett County Defendants further admit that there are no SEB rules interpreting S.B.189. Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 88; therefore, those allegations are denied.

## 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.

Admitted.

90.

The Gwinnett County Defendants deny the allegations in Paragraph 90 as it applies to the Gwinnett County Defendants. The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 90; therefore, those allegations are denied.

## 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 County Defendants)

*52 U.S.C. § 20507(a)(2), (c)(1)(B), (d)(1)-(2)*

91.

Admitted.

92.

Admitted.

93.

Admitted.

94.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 94; therefore, Paragraph 94 is denied.

95.

The Gwinnett County Defendants admit that O.C.G.A. § 21-2-217(a), as amended by Section 4 of S.B. 189, requires unhoused voters without a permanent address to use their county registrar's office as their mailing address for election purposes. Paragraph 95 sets forth characterizations and opinions to which no response is required. To the extent a response is required, the Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 95; therefore, those allegations are denied.

#### COUNT IV

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

96.

Admitted.

97.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 97; therefore, Paragraph 97 is denied.

98.

The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 98; therefore, Paragraph 98 is denied

#### COUNT V

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

99.

The Gwinnett County Defendants admit that S.B. 189 provides that “[t]he mailing address for election purposes of any person of this state who is homeless

and without a permanent address shall be the registrar's office of the county in which such person resides." The Gwinnett County Defendants lack sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 99; therefore, those allegations are denied.

100.

Admitted.

101.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 101; therefore, Paragraph 101 is denied.

102.

The Gwinnett County Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 102; therefore, Paragraph 102 is denied.

103.

The Gwinnett County Defendants deny that they have in any way been responsible for "targeting unhoused voters without a permanent address" but defer questions of constitutionality regarding S.B. 189 to the Court and state that they will comply with Georgia law, or any orders issued by this Court.

**PRAYER FOR RELIEF**

(a) Subsection (a) contains a request for relief that requires no response from the Gwinnett County Defendants. To the extent a response is required, the Gwinnett County Defendants state that they will comply with Georgia law and defer questions of compliance with the NVRA and constitutionality of the challenged provisions to the Court.

(b) The Gwinnett County Defendants deny that they violated Section 8(d) of the NVRA when it removed fifty (50) voters each in response to a challenge filed pursuant to O.C.G.A. § 21-2-229 on April 17, 2023, and denies that Plaintiff is entitled to declaratory or injunctive relief with respect to those removals.

(c) Subsection (c) contains a request for relief that requires no response from the Gwinnett County Defendants. To the extent such a response is required, the Gwinnett County Defendants state that they will comply with Georgia law and defer questions of compliance with the NVRA and constitutionality of challenged provisions to the Court.

(d) Subsection (d) contains a request for relief that requires no response from the Gwinnett County Defendants because it relates to the Macon-Bibb County Defendants.

(e)(i) Subsection (e)(i) contains a request for relief that requires no response from the Gwinnett County Defendants. To the extent such a response is required, the Gwinnett County Defendants state that they will comply with Georgia law and any orders issued by this Court.

(e)(ii) The Gwinnett County Defendants deny that Plaintiffs are entitled to any relief from the Court with respect to any action taken with respect to voter challenges heard by the Gwinnett County Defendants pursuant to O.C.G.A. § 21-2-230 since July 1, 2024.

(e)(iii) The Gwinnett County Defendants deny that the Gwinnett County Board of Registrations and Elections violated Section 8(d) of the NVRA when the Board removed fifty (50) voters each in response to a challenge filed pursuant to O.C.G.A. § 21-2-229 on April 17, 2023, and denies that Plaintiff is entitled to declaratory or injunctive relief with respect to those removals.

(e)(iv) Subsection (e)(iv) contains a request for relief that requires no response from the Gwinnett County Defendants.

(e)(v) The Gwinnett County Defendants reject Plaintiffs' characterization of independent citizen driven-voter challenges as state-managed list maintenance authorized by the NVRA. The Gwinnett County Defendants deny that Plaintiff is entitled to such relief because of any conduct by the Gwinnett County Defendants.

(e)(vi) Subsection (e)(vi) contains a request for relief that requires no response from the Gwinnett County Defendants because such relief is sought only with respect to the State Election Board Defendants.

(e)(vii) Subsection (e)(vii) contains a request for relief that requires no response from the Gwinnett County Defendants because such relief is sought only with respect to the State Election Board Defendants and other County Defendants.

(e)(viii) The Gwinnett County Defendants deny any implication that they have “fail[ed] to count all ballots” required to be counted by Georgia law; however, the Gwinnett County Defendants defer questions of the constitutionality of S.B. 189 and whether it complies with the NVRA to the Court and state that they will comply with Georgia law and any orders issued by this Court.

(e)(ix) Subsection (e)(ix) contains a request for relief that requires no response from the Gwinnett County Defendants because such relief is sought only to the State Election Board Defendants.

(f) The Gwinnett County Defendants deny that the relief requested by subsection (f) is justified or appropriate. Answering further, the Gwinnett County Defendants were not involved in the passing of S.B. 189 but have adhered to Georgia law as enacted by the legislature. An award for such relief against the Gwinnett



County Defendants for following properly enacted legislation would therefore be unjust and inappropriate.

(g) The Gwinnett County Defendants deny that the relief requested by subsection (g) is justified or appropriate. Answering further, the Gwinnett County Defendants were not involved in the passing of S.B. 189 but have adhered to Georgia law as enacted by the legislature and enforced by the courts of this State. As such, the Gwinnett County Defendants are not proper parties to this action and should be dismissed from this suit.

(h) The Gwinnett County Defendants deny that the relief requested by subsection (h) is justified or appropriate.

**WHEREFORE**, having answered Plaintiffs' Complaint and stated defenses, admissions and denials, the Gwinnett County Defendants respectfully request that Plaintiffs' claims be dismissed, Plaintiffs' prayers for relief be denied and all costs, including attorney's fees, taxed to the Plaintiffs pursuant to 52 U.S.C. § 20510(c) and 42 U.S.C. § 1988, and that the Gwinnett County Defendants be granted such other relief as this Court may deem just and proper.

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

(signatures appear on the following page)

/s/ Jonathan Kandel

Jonathan Kandel  
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/s/ Melanie F. Wilson

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*Counsel for the Gwinnett County Defendants*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

The undersigned hereby certifies that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

/s/ Jonathan Kandel

Jonathan Kandel  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

NEW GEORGIA PROJECT and	:	CIVIL ACTION FILE NO.:
A. PHILLIP RANDOLPH	:	
INSTITUTE	:	
	:	1:24-cv-03412-SDG
Plaintiffs,	:	
vs.	:	
	:	
BRAD RAFFENSPERGER, in his	:	
official capacity, as Georgia Secretary:	:	
of State et al.,	:	
	:	
Defendants.	:	
_____	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2024, I electronically filed the foregoing ANSWER AND AFFIRMATIVE DEFENSES OF 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 with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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