

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NEW GEORGIA PROJECT, et al.

Plaintiffs,

v.

TIM MCFALLS, MARCIA BROWN,
ISAAC MCADAMS, SHERRY
BARNES, and BETTY REECE,
in their official capacity as members
of the Richmond County Board
of Elections, *et al.*

Defendants.

CIVIL ACTION FILE

NO: 1:24-cv-03412-SDG

**ANSWER AND AFFIRMATIVE DEFENSES OF TIM MCFALLS,
MARCIA BROWN, ISAAC MCADAMS, SHERRY BARNES, AND BETTY
REECE’S TO PLAINTIFFS’ FIRST AMENDED CONSOLIDATED
COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

COME NOW, Tim McFalls, Marcia Brown, Isaac McAdams, Sherry Barnes, and Betty Reece, in their official capacities as members of the Richmond County Board of Elections (hereafter “Richmond County BOE Members”), by and through its undersigned counsel and respectfully file this their Answer and Affirmative Defenses to Plaintiffs’ First Amended Consolidated Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs' claims are barred, in whole or in part, for failure to state a claim against the Richmond County BOE Members upon which relief can be granted.

SECOND DEFENSE

Plaintiffs lack standing to bring all, or a portion, of their claims against the Richmond County BOE Members.

THIRD DEFENSE

Plaintiffs lack a clear legal right to the relief sought.

FOURTH DEFENSE

The Richmond County BOE Members have not breached a duty owed to Plaintiffs.

FIFTH DEFENSE

The Richmond County BOE Members have not subjected Plaintiffs to the deprivation of any rights, due process, or equal protection guaranteed by the Georgia Constitution, the United States Constitution, or federal law.

SIXTH DEFENSE

The Richmond County BOE Members 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.

SEVENTH DEFENSE

Plaintiffs' claims against the Richmond County BOE Members are barred by the failure to join indispensable parties.

EIGHTH DEFENSE

The Richmond County BOE Members 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. Richmond County BOE Members 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 defendants in this litigation.

NINTH DEFENSE

The Gwinnett County Board of Registrations and Elections, as the alleged class representative for the Defendant Class, cannot fairly and adequately represent the interests of the entire Defendant Class, including the Richmond County BOE Members, because each county board is tasked with adjudicating different sets of voter challenges with different sets of underlying facts which situate each county board dissimilarly. Class certification regarding the county boards is therefore improper.

TENTH DEFENSE

The Richmond County BOE Members' compliance with Georgia law is being

carried out in good faith, without conscious, reckless, or negligent disregard for the rights of any voter.

The Richmond County BOE Members respond to the allegations set forth in the numbered paragraphs of Plaintiffs' Consolidated First Amended Complaint as follows:

ANSWER TO INTRODUCTION

1.

The Richmond County BOE Members deny that the facts alleged by Plaintiffs support their claims or requested relief but admit that the Court entered an order consolidating these three cases that each involved a challenge to Georgia Senate Bill 189, Sections 4 and 5.

2.

The Richmond County BOE Members admit that Plaintiffs seek declaratory and injunctive relief to stop the enforcement of portions of Senate Bill 189 and admit that Exhibit 1 appears to be SB 189. The Richmond County BOE Members deny the remaining allegations set forth in Paragraph 2.

3.

The Richmond County BOE Members admit that Section 8(d) of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507(d), provides:

(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.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 3 and therefore deny same.

4.

The Richmond County BOE Members deny that they are violating Section 8(d) in the manner set forth in Paragraph 4 but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 4 and therefore deny same.

5.

The Richmond County BOE Members deny that they are responsible for “unlawful” voter removals. The Richmond County BOE Members 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 or if a voter is registered at a nonresidential address *as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources*. The Richmond County BOE Members further admit that, where a challenge to a voter's residence or eligibility is upheld pursuant to O.C.G.A. 21-2-230(g)-(i), the challenged voter's name shall be removed from the list of the electors. The Richmond County BOE Members deny that just any "documentation" can be used to find probable cause to sustain a voter challenge based on the voter allegedly moving or registering at a nonresidential address but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 and therefore deny same.

6.

The Richmond County BOE Members admit that Section 4 of 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 Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 6 and therefore deny same.

7.

The Richmond County BOE Members deny that they have unlawfully removed voters from the registration list, conduct unlawful challenge hearings or maintain inaccurate voter rolls. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 7 and therefore deny same.

JURISDICTION AND VENUE

8.

The Richmond County BOE Members 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 Richmond County BOE Members and further deny that Plaintiffs have standing to bring any such claims against The Richmond County BOE Members.

9.

The Richmond County BOE Members 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 Richmond County BOE Members and further deny that Plaintiffs have standing to seek any such relief against The Richmond County BOE Members.

10.

The Richmond County BOE Members admit that the Court has personal jurisdiction over them in their official capacities with respect only to the claims raised by New Georgia Project and A. Philip Randolph Institute. Any remaining allegations as to these defendants are denied. set forth in Paragraph 10. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations regarding other defendants as set forth in Paragraph 10 and therefore deny same.

11.

The Richmond County BOE Members deny that Plaintiffs have standing to bring any of the claims raised against them but admit that other Defendants reside in the Northern District of Georgia and venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and Local Rule 3.1. The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 11 and therefore deny same.

PARTIES

I. Plaintiffs

A. Plaintiffs New Georgia Project, Georgia Muslim Voter Project, A. Phillip Randolph Institute, and Sang Huynh

12.

The Richmond County BOE Members admit the allegations set forth in Paragraph 12.

13.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 13 and therefore deny same.

14.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 14 and therefore denies same.

15.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 15 and therefore denies same.

16.

The Richmond County BOE Members deny that their “actions are causing and will continue to cause NGP to expend additional resources...” but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 16 and therefore deny same.

17.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

17 and therefore deny same.

18.

The Richmond County BOE Members deny that any of their actions have caused NGP's alleged diversion of resources, and further deny that they have violated the law or that such alleged "violations will impact and harm NGP's constituents..." The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 18 and therefore deny same.

The Georgia Muslim Voter Project

19.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 19 and therefore deny same.

20.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 20 and therefore deny same.

21.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

21 and therefore deny same.

22.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 22 and therefore deny same.

23.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 23 and therefore deny same.

24.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 24 and therefore deny same.

25.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 25 and therefore deny same.

26.

The Richmond County BOE Members deny that their “actions are causing, and will continue to cause, GAMVP to expend additional resources...”, but are

without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 26 and therefore deny same.

27.

The Richmond County BOE Members deny that they are responsible for “diversions” related to enforcing “unlawful provisions” of any statutes. The Richmond County BOE Members further deny that they have violated the law or that such alleged “violations will impact and harm GAMVP’s constituents.” and therefore deny same are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 27 and therefore deny same.

The A. Philip Randolph Institute

28.

The Richmond County BOE Members admit that APRI purports to challenge Sections 4 and 5 of S.B. 189 on behalf of itself as an organization but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 28 and therefore deny same.

29.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 29 and therefore deny same.

30.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 30 and therefore deny same.

31.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 31 and therefore deny same.

32.

The Richmond County BOE Members deny that they are responsible for “diversions” related to enforcing “unlawful provisions” of any statutes. The Richmond County BOE Members further deny any implication that they have violated the law or that such alleged “violations will impact and harm APRI’s members and constituents.” The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 32 and therefore deny same.

Sang Huynh

33.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

33 and therefore deny same.

34.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 34 and therefore deny same.

B. Plaintiffs Georgia State Conference of the NAACP, the Georgia Coalition for the People's Agenda, Inc., and VoteRiders

35.

The Richmond County BOE Members admit that these plaintiffs purport to sue the defendants listed in Paragraph 35 but deny that class certification is appropriate.

Georgia State Conference of the NAACP

36.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 36 and therefore deny same.

37.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 37 and therefore deny same.

38.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 38 and therefore deny same.

39.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 39 and therefore deny same.

40.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 40 and therefore deny same.

41.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 41 and therefore deny same.

42.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 42 and therefore deny same.

43.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 43 and therefore deny same.

44.

The Richmond County BOE Members admit that the Georgia NAACP purports to bring this action on behalf of itself and its individual members but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 44 and therefore deny same.

The Georgia Coalition for the People's Agenda, Inc.

45.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 45 and therefore deny same.

46.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 46 and therefore deny same.

47.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

47 and therefore deny same.

48.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 48 and therefore deny same.

49.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 49 and therefore deny same.

50.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 50 and therefore deny same.

51.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 51 and therefore deny same.

52.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 52 and therefore deny same.

53.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 53 and therefore deny same.

54.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 54 and therefore deny same.

55.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 55 and therefore deny same.

56.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 56 and therefore deny same.

57.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 57 and therefore deny same.

58.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 58 and therefore deny same.

59.

The Richmond County BOE Members admit that the GCPA purports to bring this action on behalf of itself and its individual members...” but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 59 and therefore deny same.

VoteRiders

60.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 60 and therefore deny same.

61.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 61.

62.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

62 and therefore deny same.

63.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 63 and therefore deny same.

64.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 64 and therefore deny same.

C. Plaintiff Secure Families Initiative

65.

The Richmond County BOE Members admit that Secure Family Initiatives purports to sue the defendants listed in this paragraph but deny that class certification is appropriate.

66.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 66 and therefore deny same.

67.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

67 and therefore deny same.

68.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 68 and therefore deny same.

69.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 69 and therefore deny same.

70.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 70 and therefore deny same.

71.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 71.

72.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 72 and therefore deny same.

73.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 73 and therefore deny same.

74.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 74 and therefore deny same.

75.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 75 and therefore deny same.

76.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 76 and therefore deny same.

77.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 77 and therefore deny same.

II. Defendants

Secretary of State Brad Raffensperger

78.

The Richmond County BOE Members admit that Brad Raffensperger is the current officeholder for the Georgia Secretary of State, and further admit that federal and Georgia law speak for themselves with respect to the authorities, duties, and obligations of the Georgia Secretary of State. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 78 and therefore deny same.

State Election Board Defendants

79.

The Richmond County BOE Members admit that John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jaffares, and Janelle King are presently members of the Georgia State Election Board, and further admit that Georgia law speaks for itself with respect to the authorities, duties, and obligations of members of the Georgia State Election Board. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 79 and therefore deny same.

80.

The Richmond County BOE Members are without sufficient knowledge

or information to form a belief as to the truth of the allegations set forth in Paragraph 80 and therefore deny same.

NGP Plaintiffs Group's County Defendants

81.

Upon current information and belief, The Richmond County BOE Members admit that these plaintiffs purport to bring claims against the named defendants set forth in Paragraph 81.

82.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 82 and therefore deny same.

83.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 83 and therefore deny same.

84.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 84 and therefore deny same.

85.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 85 and therefore deny same.

86.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 86 and therefore deny same

87.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 86 and therefore deny same.

Seventeen County Board and Board Member NVRA Defendants

88.

The Richmond County BOE Members admit that plaintiffs purport to bring claims against seventeen county board member defendants.

89.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 89 and therefore deny same.

90.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 90 and therefore deny same.

91.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 91 and therefore deny same.

92.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 92 and therefore deny same.

93.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 93.

94.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 94 and therefore deny same.

95.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 95 and therefore deny same.

96.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 96 and therefore deny same.

97.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 97 and therefore deny same.

98.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 98 and therefore deny same.

99.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 99 and therefore deny same.

100.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 100 and therefore deny same.

101.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 101 and therefore deny same.

102.

The Richmond County BOE Members admits the allegations in Paragraph 102.

103.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 103 and therefore deny same.

104.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 104 and therefore deny same.

105.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 105 and therefore deny same.

106.

The Richmond County BOE Members was never served with an exhibit 2 therefore they cannot admit or deny if we received such notice but regardless if they received the notice they deny that they violated the NVRA.

Class Action Allegations—Defendant Class

107.

The Richmond County BOE Members admit that Plaintiffs purport to define a class of county boards of registrars, sued as a class in their official capacities, and that they are responsible for adjudicating voter challenges under O.C.G.A. § 21-2-230 and O.C.G.A. § 21-2-229. The Richmond County BOE Members deny the remaining allegations set forth in Paragraph 107 including that there are questions of fact in common and deny that they have engaged in any activity that has violated the rights of any voter.

108.

The Richmond County BOE Members admit that their Board of Elections “has at least three” members but are without sufficient knowledge or information to form a belief as to the truth of such allegation as it relates to all county board of registrations in Georgia. The Richmond County BOE Members deny the remaining allegations set forth in Paragraph 108.

109.

The Richmond County BOE Members admit that Plaintiffs' accurately quoted from *Nat'l Broad. Co. v. Cleland*, 697 F. Supp. 1204 (N.D. Ga. 1988) and admit that O.C.G.A §§ 21-2-230 and 21-2-229 direct each county board of registrars to adjudicate voter registration and voter eligibility challenges. The Richmond County BOE Members deny the remaining allegations set forth in Paragraph 109.

110.

The Richmond County BOE Members deny the allegations set forth in Paragraph 110.

111.

The Richmond County BOE Members admit that county boards of election have an interest in obtaining guidance on the enforcement of S.B. 189 but deny the remaining allegations set forth in Paragraph 111.

112.

The Richmond County BOE Members deny the allegations set forth in Paragraph 112.

STATEMENT OF FACTS

I. Requirements of the NVRA

113.

The Richmond County BOE Members admit that Plaintiffs accurately quoted

the NVRA (52 U.S.C. §§ 20501(b)(2)-(3) but deny the remaining allegations in Paragraph 113.

114.

The Richmond County BOE Members admit the allegations set forth in Paragraph 114.

115.

The Richmond County BOE Members admit the allegations set forth in Paragraph 115.

116.

The Richmond County BOE Members admit the allegations set forth in Paragraph 116.

117.

The Richmond County BOE Members 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 set forth in Paragraph 117.

118.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 118.

119.

The Richmond County BOE Members admit the allegations set forth in Paragraph 119.

120.

The Richmond County BOE Members are without sufficient information to either admit or deny the conclusion contained in Paragraph 120 and therefore deny the same.

II. Georgia's Voter registration Requirements

121.

The Richmond County BOE Members admit the allegations set forth in Paragraph 121.

122.

The Richmond County BOE Members admit the allegations set forth in Paragraph 122.

123.

The Richmond County BOE Members admit the allegations set forth in Paragraph 123.

124.

The Richmond County BOE Members admit that the Georgia Legislature has not prescribed any qualifications to vote related to a person's residence other than those outlined in state law but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 124.

A. Voter Registration of Unhoused Persons Before S.B. 189

125.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-216 establishes qualifications to register or be able to vote. While O.C.G.A. § 21-2-216(a)(4) provides that “[no] person shall vote in any primary or election held in this state unless such person shall be ... (4) [a] resident of this state and of the county or municipality in which he or she seeks to vote,” O.C.G.A. § 21-2-217(a)(1.1) provides that the “the 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.”.

126.

The Richmond County BOE Members admit the allegations set forth in Paragraph 126.

127.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 127.

128.

The Richmond County BOE Members admit that an applicant is asked to provide a residential address but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 128.

129.

Upon current information and belief, The Richmond County BOE Members admit the allegations set forth in Paragraph 129.

130.

The Richmond County BOE Members are without sufficient information to either admit or deny the allegations contained in Paragraph 130 and therefore deny the same.

131.

The Richmond County BOE Members admit the allegations set forth in the first sentence of Paragraph 131. The Richmond County BOE Members are without sufficient information to either admit or deny the remaining allegations contained in Paragraph 131 and therefore deny the same.

132.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 132 and therefore deny same.

133.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 133 and therefore deny the same.

134.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 134 and therefore deny the same.

B. Voter Registration and Barriers to Casting Ballots for Military and Overseas Voters

135.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 135 and therefore deny same.

136.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 136 and therefore deny same.

137.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 137 and therefore deny same.

138.

The Richmond County BOE Members admit that Plaintiffs quotation from the cited case is accurate.

139.

The Richmond County BOE Members admit that Plaintiffs have accurately quoted from OCGA §21-2-217.

140.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 140 and therefore deny the same.

141.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 141 and therefore deny the same.

142.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 142 and therefore deny same.

143.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 143 and therefore deny same.

144.

The Richmond County BOE Members admit the allegations set forth in Paragraph 144.

145.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 145 and therefore deny.

146.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-381(a)(1)(C)(i) requires that absentee-by-mail ballot applications contain “an oath for the elector or relative to write his or her usual signature with a pen and ink affirming that the elector is a qualified Georgia elector and the facts presented on the application are true” but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 146 and therefore deny same.

147.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

147 and therefore deny same.

148.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 148 and therefore deny same.

149.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 149 and therefore deny same.

III. Georgia's Voter Challenge Process Pre-S.B. 189

150.

The Richmond County BOE Members admit the allegations set forth in Paragraph 150.

151.

The Richmond County BOE Members admit that Sections 229 and 230 both include the following language: "There shall not be a limit on the number of persons whose qualifications such elector may challenge."

152.

The Richmond County BOE Members admit that Plaintiffs have quoted a portion of Section 229.

153.

The Richmond County BOE Members admit that, where county registrars uphold a challenge under O.C.G.A. § 21-2-229, “the person's application for registration shall be rejected or the person's name removed from the list of electors, as appropriate.”

154.

The Richmond County BOE Members admit the allegations set forth in Paragraph 154.

155.

The Richmond County BOE Members admit the allegations set forth in Paragraph 155.

156.

The Richmond County BOE Members admit the allegations set forth in Paragraph 156.

157.

The Richmond County BOE Members admit the allegations set forth in Paragraph 157.

158.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

158 and therefore deny same.

159.

The Richmond County BOE Members admit the allegations set forth in Paragraph 159.

160.

The Richmond County BOE Members admit the allegations set forth in Paragraph 160 but denies the allegation contained in footnote 13.

161.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 161.

162.

The Richmond County BOE Members admit that, under O.C.G.A § 21-2-230(g), (h), and (i), if the board of registrars upholds a challenge because the voter is not qualified to remain on the registration list, the voter must be removed from the registration list and the voter's ballot, if one was cast, must be rejected.

163.

The Richmond County BOE Members admit that, under O.C.G.A § 21-2-230(i), "[t]he elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of

Code Section 21-2-229.”

IV. Exponential Proliferation of Voter Challenges in Georgia from 2020 to the Present

164.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 164, and for this reason, the contentions and allegations contained in Paragraph 164 are denied.

165.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 165, and for this reason, the contentions and allegations contained in Paragraph 165 are denied.

166.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 166, and for this reason, the contentions and allegations contained in Paragraph 166 are denied.

167.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 167, and for this reason, the contentions and allegations contained in Paragraph 167 are denied.

168.

The Richmond County BOE Members admit the allegations set forth in Paragraph 168.

169.

The Richmond County BOE Members admit that they are unaware of any legislation in Georgia which imposes a good-faith requirement upon challenge bringers or any legislation which imposes a penalty upon challengers who bring unfounded or discriminatory challenges. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 169 and therefore deny same.

170.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 170, and for this reason, the contentions and allegations contained in Paragraph 170 are denied.

171.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 171, and for this reason, the contentions and allegations contained in

Paragraph 171 are denied.

172.

The Richmond County BOE Members admit that 52 U.S.C. § 20306 provides:

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 20301 of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 172 and therefore deny same.

173.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 173 and therefore deny same.

174.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 174 and therefore deny same.

175.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 175 and therefore deny same.

176.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 176 and therefore deny same.

177.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 177 and therefore deny same.

178.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 178 and therefore deny same.

179.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 179 and therefore deny same.

180.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 180 and therefore deny same.

V. Georgia Enacts S.B. 189

A. Sections 4 and 5 of S.B. 189

181.

The Richmond County BOE Members admit that Section became effective January 1, 2025 and admit that Plaintiffs accurately quote OCGA 21-2-217(a)(1.1).

182.

The Richmond County BOE Members admit that SB 189 amended O.C.G.A. § 21-2-230(b) to include examples of probable cause. The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and therefore deny same.

183.

The Richmond County BOE Members admit the allegations set forth in Paragraph 183.

184.

The Richmond County BOE Members admit that Section 5 of SB 189 mandates a finding of probable cause for an O.C.G.A. § 21-2-230 challenge and that

quotation is accurate. The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 184 and therefore deny same.

185.

The Richmond County BOE Members admit the allegations set forth in Paragraph 185.

186.

The Richmond County BOE Members admit the allegations set forth in Paragraph 186.

B. The Process of Enacting S.B. 189 Was Rushed and Flawed

187.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 187 and therefore deny same.

188.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 188 and therefore deny same.

189.

The Richmond County BOE Members are without knowledge or information

sufficient to either admit or deny the contentions and allegations contained in Paragraph 189 and therefore deny same.

190.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 190 and therefore deny same.

191.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 191 and therefore deny same.

192.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 192 and therefore deny same.

193.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 193 and therefore deny same.

194.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 194.

C. Section 4's Implications for the Voter Registration of Unhoused Persons

195.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 195 and therefore deny same.

196.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 196 and therefore deny same.

197.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 197 and therefore deny same.

198.

The Richmond County BOE Members admit that failure to respond to certain election-related mailings can result in voters being moved to inactive status or removed from the registration list pursuant to 52 U.S.C. § 20507(d) but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 198 and therefore deny same.

199.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 199 and therefore deny same.

200.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 200 and therefore deny same.

201.

The Richmond County BOE Members admit that they are unaware of any legislation related to S.B. 189 that provides a definition of “homeless and without a permanent address” or that provides a process for determining whether a voter falls under such category. The Richmond County BOE Members further admit that they are unaware of any legislation providing additional resources specifically intended to assist with implementation of S.B. 189’s requirement that unhoused persons use their county registrar’s office as their mailing address for elections purposes. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 201 and therefore deny same.

202.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 202 and therefore deny same.

203.

The Richmond County BOE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 203 and therefore deny same.

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D. Section 5's Changes to Georgia's Voter Challenge Provisions

204.

The Richmond County BOE Members admit the allegations set forth in Paragraph 204.

205.

The Richmond County BOE Members admit that S.B. 189 mandates a finding of probable cause where an elector votes or registers to vote in a different jurisdiction, obtains a homestead exemption in a different jurisdiction, or is registered "at a nonresidential address as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources". O.C.G.A. § 21-2-230(b). The Richmond County BOE Members deny the remaining allegations set forth in Paragraph 205.

206.

The Richmond County BOE Members admit that neither Section 230 nor S.B. 189 impose penalties for bringing unreliable, frivolous, or erroneous challenges, but deny the remainder of the allegations set forth in Paragraph 206.

207.

The Richmond County BOE Members admit that Section 5 of S.B. 189 provides no guidance regarding how a challenged voter can “answer the grounds of the challenge” pursuant to O.C.G.A. § 21-2-230(c) but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 207.

208.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-230(b) states “If the registrars find probable cause, 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.” The term “if practical” is not defined in the statute. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 208.

209.

The Richmond County BOE Members are without knowledge or information

sufficient to either admit or deny the contentions and allegations contained in Paragraph 209 and therefore deny same.

210.

The Richmond County BOE Members admit that Section 230 challenges can result in a voter's removal from the voter rolls but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 210 and therefore deny same.

211.

The Richmond County BOE Members admit that OCGA 21-2-217 sets forth the "rules for determining residence" and the term "address" is not contained within that code section. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 211 and therefore deny same.

212.

The Richmond County BOE Members admit the allegations set forth in Paragraph 212.

213.

The Richmond County BOE Members admit that Section 5 of S.B. 189 identifies several circumstances under which probable cause to sustain a challenge shall be found but are without sufficient knowledge or information to form a belief

as to the truth of the remainder of the allegations set forth in Paragraph 213 and therefore deny same.

214.

The Richmond County BOE Members admit that there are voters registered to vote using nonresidential addresses but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 214 and therefore deny same.

215.

The Richmond County BOE Members admit that S.B. 189 makes no mention of how a voter registered at a “nonresidential” address may rebut a finding of probable cause to show that they have established residency under Georgia law, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 215 and therefore deny same.

216.

The Richmond County BOE Members admit that Georgia law provides no guidance regarding how “nonresidential” should be defined for the purposes of a challenge. The Richmond County BOE Members further admit that the Georgia Constitution reserves to cities and counties the substantive power to zone and plan for land within their respective jurisdictions, and that, while the state legislature is authorized to adopt laws governing procedures for zoning, localities have sole

authority to exercise the zoning power and adopt individual zoning plans. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 216 and therefore deny same.

217.

The Richmond County BOE Members admit that permitted uses for commercial zoning in some counties include institutions of higher learning, including colleges and universities, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 217 and therefore deny same.

218.

The Richmond County BOE Members admit that permitted uses for commercial zoning in some counties include nursing homes, assisted living facilities, rehabilitation centers, and personal care homes, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 218 and therefore deny same.

219.

The Richmond County BOE Members admit that localities in Georgia are allowed to grandfather in non-conforming uses as it relates to property zoning under certain circumstances but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 219

and therefore deny same.

220.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-225.1 provides a mechanism for certain individuals who are victims of family violence or who reside in a domestic violence shelter to request to have their address kept confidential. The Richmond County BOE Members further admit that S.B. 189 provides no express exemption for participants in Georgia's VoteSafe program, but deny the remainder of the allegations set forth in Paragraph 220.

221.

The Richmond County BOE Members admit that a person's address being residential or nonresidential has no bearing on their eligibility to vote under federal or Georgia law, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 221 and therefore deny same.

E. Voter Challenges Since Passage of S.B. 189

222.

The Richmond County BOE Members admit that mass challenges have been brought in 2024 by groups claiming there is fraud in Georgia's elections, but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 222 and therefore deny same.

223.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 223 and therefore deny same.

224.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 224 and therefore deny same.

225.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 225 and therefore deny same.

226.

The Richmond County BOE Members admit that challengers may “additional evidence” they wish to present regarding a challenged voter’s eligibility to vote but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 226 and therefore deny same.

227.

On information and belief The Richmond County BOA Members deny that the at one of its hearings the "only evidence was screen shots" when determining the sufficiency of probable cause as alleged in this paragraph of the

complaint. Answering further, The Richmond County BOA Members lack information sufficient to admit or deny the remaining allegations within this paragraph of the complaint and therefore deny the allegations.

228.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 228 and therefore deny same.

229.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 229 and therefore deny same.

230.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 230 and therefore deny same.

231.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 231 and therefore deny same.

232.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 232 and therefore deny same.

233.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 233 and therefore deny same.

234.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 234 and therefore deny same.

235.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 235 and therefore deny same.

236.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 236 and therefore deny same.

237.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 237 and therefore deny same.

238.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 238 and therefore deny same.

239.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 239 and therefore deny same.

240.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 240 and therefore deny same.

241.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 241 and therefore deny same.

242.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

242 and therefore deny same.

CAUSES OF ACTION

NVRA CLAIMS:

243.

The Richmond County BOE Members admit that the paragraphs in this section apply to Counts I-V, which Plaintiffs allege arise under the National Voter Registration Act but deny any implication that Plaintiffs' claims against The Richmond County BOE Members are supported.

244.

The Richmond County BOE Members 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.

245.

The Richmond County BOE Members admit that Exhibit 9 purports to be a "notice letter" addressed to Brad Raffensperger and the State Election Board and emailed to the Richmond County BOE Members.

246.

The Richmond County BOE Members deny that Exhibit 2 is addressed to them but admits that it received the email.

247.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 247.

248.

The Richmond County BOE Members deny the allegations set forth in Paragraph 248.

COUNT I

The S.B. 189 Section 5 Residency-Based Probable-Cause Provisions of Section

230 Violate the NVRA 8(d) Removal Process

52 U.S.C. § 20507(d)

(Alleged by (1) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants; (2) by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and the Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (3) Plaintiffs NGP and APRI as to all the NGP Plaintiffs Group's respective Defendants; Plaintiff GAMVP as to all the NGP Plaintiffs Group's respective Defendants except Spalding County Defendants; and Plaintiff Huynh as to all State Defendants and Richmond County Defendants)

249.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

250.

The Richmond County BOE Members admit that 52 U.S.C. § 20510(b) provides:

(b) Private right of action

- A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.

- If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

251.

The Richmond County BOE Members admit the allegations set forth in Paragraph 251.

252.

The Richmond County BOE Members deny the allegations set forth in Paragraph 252.

253.

The Richmond County BOE Members admit that OCGA 21-2-230 provides that “probable cause shall include...an elector voting or registering to vote in a different jurisdiction, an elector obtaining a homestead exemption in a different jurisdiction; or an elector being registered at a nonresidential address as confirmed or listed by or in a government office, database, website or publicly available sources derived solely from such governmental sources.” If a challenged elector’s “name appears on the National Change of Address data base...the presence of such elector’s name on such data base shall be insufficient cause to sustain the challenge against the elector unless additional evidence would indicate that the elector has lost his or her residency as determined pursuant to OCGA 21-2-217.”

254.

The Richmond County BOE Members deny the allegations set forth in Paragraph 254.

255.

The Richmond County BOE Members 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.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 255 and therefore deny same.

256.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 256 and therefore deny same.

257.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 257 and therefore deny same.

258.

The Richmond County BOE Members deny that any of Plaintiffs' alleged NVRA violations are traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and determine whether a challenge is being brought on the basis that a voter is not a qualified voter meriting removal from the voter rolls. The Richmond County BOE Members further admit that County Defendants and the Defendant Class of county election boards, are at risk of being sanctioned by SEB Defendants if they fail to apply the probable cause criteria set forth under Section 230.

259.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter registration list, and for providing information on registration and absentee ballot procedures for voters, including military and overseas voters entitled to vote under UOCAVA. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 259 and therefore deny same.

260.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 260 and therefore deny same.

COUNT II

The S.B. 189 Section 5 “Nonresidential” Address Provision Violates the NVRA 8(b) Uniformity and Nondiscrimination Provisions

52 U.S.C. §§ 20507(b)(1)

(Alleged by (1) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants; (2) by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and the Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (3) by the NGP Plaintiffs Group as to State Defendants and Richmond County Defendants, and by Plaintiffs NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

261.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

262.

The Richmond County BOE Members admit that 52 U.S.C. § 20510(b) provides:

(b) Private right of action

- A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the

State involved.

- If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

263.

The Richmond County BOE Members admit the allegations set forth in Paragraph 263.

264.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 264 and therefore deny same.

265.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 265 and therefore deny same.

266.

The Richmond County BOE Members admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 but deny that any of their actions are discriminatory or result in nonuniform treatment, and further deny that Plaintiffs' alleged violations are traceable to the counties.

267.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter roll, and for providing information on registration and absentee ballot procedures for voters, including military and overseas voters entitled to vote under UOCAVA. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 267 and therefore deny same.

268.

The Richmond County BOE Members admit that the SEB Defendants are responsible for promulgating rules interpreting state election laws which the Defendant Class, the County Defendants, and the Seventeen County Board Member Defendants are bound by. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 268 and therefore deny same.

269.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 269 and therefore deny same.

270.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 270 and therefore deny same. 270.

COUNT III

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)

(Alleged by Plaintiffs NGP and APRI as to Chatham, Forsyth, Gwinnett, and Spalding County Defendants, and by Plaintiff GAMVP as to Chatham, Forsyth, and Gwinnett County Defendants)

271.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

272.

The Richmond County BOE Members admit that 52 U.S.C. § 20510(b) provides:

(b) Private right of action

- A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.
- If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

273.

The Richmond County BOE Members admit the allegations set forth in Paragraph 273.

274.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 274 and therefore deny same.

275.

The Richmond County BOE Members deny that any of Plaintiffs' alleged violations are traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

COUNT IV

S.B. 189 Section 4's Unhoused Voter Mailing Address
Restriction Violates the NVRA 8(b) Uniform and
Nondiscriminatory Provision

52 U.S.C. § 20507(b)

(Alleged by: (1) Plaintiffs NGP and APRI as to State Defendants and Chatham, Richmond, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to State Defendants and Richmond County Defendants; and (2) Plaintiffs Georgia NAACP and GCPA as to Defendant Raffensperger, SEB Defendants, and the Seventeen County Board Member Defendants)

276.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

277.

The Richmond County BOE Members admit that 52 U.S.C. § 20510(b) provides:

(b) Private right of action

- A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.
- If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

278.

The Richmond County BOE Members admit the allegations set forth in Paragraph 278.

279.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-217(a)(1.1) provides that the “the 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 Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 279 and therefore deny same.

COUNT V

S.B. 189 Section 4's Unhoused Voter Mailing Address Restriction Violates
Multiple NVRA Notice Requirements

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

(Alleged by Plaintiffs NGP and APRI as to State Defendants and Chatham,
Richmond, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to
State Defendants and Richmond County Defendants)

280.

The Richmond County BOE Members reincorporate all relevant responses
contained in the paragraphs above.

281.

The Richmond County BOE Members admit that 52 U.S.C. § 20510(b)
provides:

(b) Private right of action

- A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.
- If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

282.

The Richmond County BOE Members admit the allegations set forth in
Paragraph 282.

283.

The Richmond County BOE Members admit the allegations set forth in Paragraph 283.

284.

The Richmond County BOE Members admit the allegations set forth in Paragraph 284.

285.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 285 and therefore deny same.

286.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-217(a)(1.1) provides that the “the 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 Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 286 and therefore deny same.

287.

The Richmond County BOE Members admit that Section 8 of the NVRA requires that election officials provide certain notices “to each” applicant or

registrant, including providing notification of the disposition of their voter registration application, and notification to certain voters before they are removed from the voter registration list. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 287 and therefore deny same.

CONSTITUTIONAL CLAIMS:

COUNT VI

S.B. 189 Section 5's "Nonresidential Address" Provisions Violate the Fundamental Right to Vote

42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution

(Alleged by (1) Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (2) by the NGP Plaintiffs Group as to State Defendants and Richmond County Defendants, and by Plaintiffs NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

288.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

289.

The Richmond County BOE Members admit the allegations set forth in Paragraph 289.

290.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 290.

291.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 291 and therefore deny same.

292.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 292 and therefore deny same.

293.

The Richmond County BOE Members admit that Georgia law provides for a hearing at which a challenged voter may appear and present evidence to rebut the board's finding of probable cause. The Richmond County BOE Members further admit that S.B. 189 does not define "nonresidential" and O.C.G.A. § 21-2-230(b) states "If the registrars find probable cause, 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." The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 293 and therefore deny same.

294.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 294 and therefore deny same.

295.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 295 and therefore deny same.

296.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 296 and therefore deny same.

297.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 297 and therefore deny same.

COUNT VII

S.B. 189 Section 5 Violates the Fundamental Right to Vote as to Overseas and Military Voters

42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and

Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

298.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

299.

The Richmond County BOE Members admit the allegations set forth in Paragraph 299.

300.

The Richmond County BOE Members admit the allegations set forth in Paragraph 300.

301.

The Richmond County BOE Members admit the allegations set forth in Paragraph 301.

302.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 302 and therefore deny same.

303.

The Richmond County BOE Members admit that Section 5 of S.B. 189 does

not outline any specific criteria for the verification of evidence used in conjunction with NCOA data to support a challenge but are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 303 and therefore deny same.

304.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-230(b) states “If the registrars find probable cause, 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.” The Richmond County BOE Members further admit that, if voting in-person, the voter will need to prove they are a resident of Georgia and that an exhaustive list of the evidence sufficient to prove same is not set forth by Georgia law. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 304 and therefore deny same.

305.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 305 and therefore deny same.

306.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 306 and therefore deny same.

307.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 307 and therefore deny same.

308.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 308 and therefore deny same.

309.

The Richmond County BOE Members deny that any of the allegedly unconstitutional treatment associated with S.B. 189 is traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and may thereafter require electors to prove their eligibility to be able to cast a ballot and remain on the voter rolls. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 309 and therefore

deny same.

310.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for providing guidance to counties on adjudicating challenges under O.C.G.A. § 21-2-229 and O.C.G.A. § 21-2-230, and that the SEB Defendants are responsible for promulgating rules interpreting state elections laws which the Defendant Class of county board members are bound by. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 310 and therefore deny same.

COUNT VIII

S.B. 189 Section 4 Infringes on Unhoused Voters' Fundamental Voting Rights

42 U.S.C. § 1983; First and Fourteenth Amendments to the U.S. Constitution
(Alleged by (1) Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registration and Elections; and (2) Plaintiffs NGP and APRI as to SEB Defendants and Chatham, Richmond, and Macon-Bibb County Defendants, and by Plaintiff Huynh as to SEB Defendants and Richmond County Defendants)

311.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

312.

The Richmond County BOE Members admit the allegations set forth in Paragraph 312.

313.

The Richmond County BOE Members admit the allegations set forth in Paragraph

313.

314.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 314 and therefore deny same.

315.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 315 and therefore deny same.

316.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 316 and therefore deny same.

317.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph

317 and therefore deny same.

318.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 318 and therefore deny same.

319.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 319 and therefore deny same.

320.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 320 and therefore deny same.

COUNT IX

S.B. 189 Section 5's "Nonresidential" Address Provisions Violate Due Process

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiffs Georgia NAACP, GCPA, and VoteRiders as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

321.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

322.

The Richmond County BOE Members admit the allegations set forth in Paragraph 322.

323.

The Richmond County BOE Members admit the allegations set forth in Paragraph 323.

324.

The Richmond County BOE Members admit the allegations set forth in Paragraph 324.

325.

The Richmond County BOE Members admit the allegations set forth in Paragraph 325.

326.

The Richmond County BOE Members admit the allegations set forth in Paragraph 326.

327.

The Richmond County BOE Members admit the allegations set forth in Paragraph 327.

328.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 328 and therefore deny same.

329.

The Richmond County BOE Members admit that S.B. 189 states “If the registrars find probable cause, 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.” The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 329 and therefore deny same.

330.

The Richmond County BOE Members admit that living at a “residential” address is not a qualification to vote in Georgia and that S.B. 189 does not explicitly include any explanation or confirmation that a finding of probable cause may be rebutted by a showing that the voter meets the residency requirements under the Georgia Constitution, as defined in Georgia law, even if the voter resides at a nonresidential address. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations set forth in Paragraph 330 and therefore deny same.

331.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 331 and therefore deny same.

332.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 332 and therefore deny same.

COUNT X

S.B. 189 Section 5 Violates Due Process as to Overseas and Military Voters

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

333.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

334.

The Richmond County BOE Members admit the allegations set forth in Paragraph 334.

335.

The Richmond County BOE Members admit the allegations set forth in Paragraph 335.

336.

The Richmond County BOE Members admit the allegations set forth in Paragraph 336.

337.

The Richmond County BOE Members admit the allegations set forth in Paragraph 337.

338.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 338 and therefore deny same.

339.

The Richmond County BOE Members admit that S.B. 189 does not outline specific criteria for the verification or substantiation of all forms of evidence capable of being utilized to support a challenge but deny that S.B. 189 requires counties to always hear challenges based on unsubstantiated and/or faulty data. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 339 and therefore deny same.

340.

The Richmond County BOE Members admit that, before S.B. 189, counties could dismiss challenges based on unsubstantiated or faulty evidence for lacking probable cause but deny that S.B. 189 has changed that by “requiring county boards of elections and registrars to find probable cause and sustain a Section 230 challenge, regardless of the veracity of the evidence presented”. The Richmond County BOE Members further admit that, pursuant to S.B. 189, challengers may bring whatever “additional evidence” they wish to present regarding a challenged voter’s eligibility to vote, but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 340 and therefore deny same.

341.

The Richmond County BOE Members admit that O.C.G.A. § 21-2-230(b) states “If the registrars find probable cause, 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.” The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 341 and therefore deny same.

342.

The Richmond County BOE Members deny that counties no longer have the discretion to dismiss unfounded challenges pursuant to S.B. 189 but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 342 and therefore deny same.

343.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 343 and therefore deny same.

344.

The Richmond County BOE Members deny the allegations set forth in Paragraph 344.

345.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 345 and therefore deny same.

346.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 346 and therefore deny same.

347.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 347 and therefore deny same.

348.

The Richmond County BOE Members deny that any of the allegedly unconstitutional treatment associated with S.B. 189 is traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230 and may thereafter require electors to prove their eligibility to be able to cast a ballot and remain on the voter rolls. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 348 and therefore deny same.

349.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for providing guidance to counties on adjudicating challenges under O.C.G.A. § 21-2-229 and O.C.G.A. § 21-2-230, and that the SEB Defendants are responsible for promulgating rules interpreting state elections laws which the Defendant Class of county board members are bound by. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 349 and therefore deny

same.

COUNT XI

S.B. 189 Section 5 Violates the Equal Protection Clause of the Fourteenth Amendment

42 U.S.C. § 1983; Fourteenth Amendments to the U.S. Constitution

(Alleged by Plaintiffs SFI as to as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections)

350.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

351.

The Richmond County BOE Members admit the allegations set forth in Paragraph 351.

352.

The Richmond County BOE Members admit the allegations set forth in Paragraph 352.

353.

The Richmond County BOE Members admit the allegations set forth in Paragraph 353.

354.

The Richmond County BOE Members are without sufficient knowledge or

information to form a belief as to the truth of the allegations set forth in Paragraph 354 and therefore deny same.

355.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 355 and therefore deny same.

356.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 356 and therefore deny same.

357.

The Richmond County BOE Members deny that any of the allegedly disparate treatment associated with S.B. 189 is traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

358.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter roll and for providing information on registration and absentee ballot procedures for use by military and overseas voters entitled to vote under UOCAVA. The Richmond County BOE Members are without sufficient knowledge or information to form a

belief as to the truth of the remaining allegations set forth in Paragraph 358 and therefore deny same.

359.

The Richmond County BOE Members admit that the SEB Defendants are responsible for promulgating rules interpreting state elections laws by which the Defendant Class of county board members are bound but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 359 and therefore deny same.

CIVIL RIGHTS ACT CLAIM:

COUNT XII

S.B. 189 Section 5 Violates Title I of the Civil Rights Act

42 U.S.C. § 1983; 52 U.S.C. § 10101(a)(2)(A)

(Alleged by: (1) Plaintiff SFI as to Defendant Raffensperger, SEB Defendants, and Defendant Class Represented by the Gwinnett County Board of Registrations and Elections; and (2) the NGP Plaintiffs Group as to State Defendants and Richmond County Defendants, and by NGP, GAMVP, and APRI also as to Macon-Bibb and Gwinnett County Defendants)

360.

The Richmond County BOE Members reincorporate all relevant responses contained in the paragraphs above.

361.

The Richmond County BOE Members admit the allegations set forth in

Paragraph 361.

362.

The Richmond County BOE Members admit the allegations set forth in Paragraph 362.

363.

The Richmond County BOE Members admit the allegations set forth in Paragraph 363.

364.

The Richmond County BOE Members admit that Section 5 of S.B. 189 requires that probable cause be found where an elector is “registered at a nonresidential address as confirmed or listed by or in a government office, data base, website, or publicly available sources derived solely from such governmental sources” but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 364 and therefore deny same.

365.

The Richmond County BOE Members admit that residing at a “residential” address is not a qualification to be an elector under federal or Georgia law, but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 365 and therefore deny same.

366.

The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 366 and therefore deny same.

367.

The Richmond County BOE Members deny that any of the allegedly disparate treatment associated with S.B. 189 is traceable to County Defendants but admit that they adjudicate the challenges brought under O.C.G.A. §§ 21-2-229 and 21-2-230.

368.

The Richmond County BOE Members admit that Defendant Raffensperger is responsible for the training of registrars and maintenance of the statewide voter roll and for providing information on registration and absentee ballot procedures for use by military and overseas voters entitled to vote under UOCAVA. The Richmond County BOE Members are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 368 and therefore deny same.

369.

The Richmond County BOE Members admit that the SEB Defendants are responsible for promulgating rules interpreting state elections laws by which the Defendant Class of county board members are bound but are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations set forth in Paragraph 369 and therefore deny same.

PRAYER FOR RELIEF

The Richmond County BOE Members deny that the relief requested is justified or appropriate. Answering further, The Richmond County BOE Members were not involved in the passing of S.B. 189 but are required to comply with Georgia law as enacted by the legislature and enforced by the courts. Judgment against The Richmond County BOE Members for following properly enacted legislation would therefore be unjust and inappropriate.

GENERAL DENIAL

Richmond County BOE Members deny that Plaintiffs are entitled to any of the relief sought against the Richmond County BOE Members and deny each numbered paragraph of the Prayer for Relief. The Richmond County BOE Members further deny each and every allegation of the Complaint, not specifically admitted, denied, or otherwise responded to herein.

WHEREFORE, the Richmond County BOE Members request:

- a. That the Richmond County BOE Members be dismissed from the present civil action;
- b. That judgment be issued in favor of the Richmond County BOE Members;
- c. A trial by jury on all issues so triable;
- d. That attorneys' fees and costs be assessed against Plaintiffs; and
- e. Any other further relief as this Court deems just and proper.

Respectfully submitted, this 17th day of February 2025.

/s/ Lanetha Pitts

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1 AND
CERTIFICATE OF SERVICE

I hereby certify 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.

I further certify that I have this day electronically filed this

ANSWER AND AFFIRMATIVE DEFENSES OF TIM MCFALLS, MARCIA BROWN, ISAAC MCADAMS, SHERRY BARNES AND BETTY REECE’S TO PLAINTIFFS’ FIRST AMENDED CONSOLIDATED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF with the Clerk of Court using the CM/ECF system which will automatically send email notification to all attorneys of record.

Respectfully submitted, this 17th day of February 2025.

/s/ Lanetha Pitts

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