

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

BONNIE RAYSOR, et al.,

Plaintiffs,

v.

LAUREL M. LEE, in her official capacity
as Secretary of State,

Case No. 4:19-cv-00301-RH-MJF
(consolidated under Case No.
4:19-cv-00300-RH-MJF)

Defendant.

_____ /

**FLORIDA SECRETARY OF STATE'S ANSWER
AND AFFIRMATIVE DEFENSES**

Defendant, LAUREL M. LEE, in her official capacity as the Florida Secretary of State, by and through her undersigned counsel, hereby answers Plaintiffs' Second Amended Complaint.

RESPONSE TO ALLEGATIONS

As to the numbered paragraphs of the Complaint, the Secretary answers as follows:

INTRODUCTION

1. Admitted that Amendment 4 was passed by nearly 65 percent of the vote. The constitutional provision speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 1.

2. The Secretary admits that the Governor signed SB 7066 into law on June 28, 2019. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 2.

3. Admitted.

4. Denied.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

JURISDICTION AND VENUE

11. The Secretary admits that this action was brought under 28 U.S.C. §§ 1331 and 1343. The Secretary denies any remaining allegations contained in numbered paragraph 11.

12. Admitted.

13. Admitted that venue is proper in the Tallahassee Division of U.S. District Court in the Northern District of Florida.

14. The cited statutes speak for themselves.

PARTIES

15. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 15; therefore denied.

16. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 16; therefore denied.

17. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 17; therefore denied.

18. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 18; therefore denied.

19. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 19; therefore denied.

20. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 20; therefore denied.

21. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 21; therefore denied.

22. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 22; therefore denied.

23. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 23; therefore denied.

24. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 24; therefore denied.

25. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 25; therefore denied.

26. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 26; therefore denied.

27. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 27; therefore denied.

28. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 28; therefore denied.

29. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 29; therefore denied.

30. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 30; therefore denied.

31. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 31; therefore denied.

32. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 32; therefore denied.

33. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 33; therefore denied.

34. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 34; therefore denied.

35. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 35; therefore denied.

36. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 36; therefore denied.

37. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 37; therefore denied.

38. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 38; therefore denied.

39. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 39; therefore denied.

40. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 40; therefore denied.

41. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 41; therefore denied.

42. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 42; therefore denied.

43. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 43; therefore denied.

44. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 44; therefore denied.

45. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 45; therefore denied.

46. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 46; therefore denied.

47. The Secretary acknowledges the position taken by the Plaintiffs in numbered paragraph 47, but denies the validity of such position. The Secretary denies any remaining allegations contained in numbered paragraph 47.

48. The Secretary acknowledges the position taken by the Plaintiffs in numbered paragraph 48, but denies the validity of such position. The Secretary denies any remaining allegations contained in numbered paragraph 48.

49. Admitted that the Laurel M. Lee is the Secretary of State of Florida and is being sued in her official capacity. The Secretary's duties as the state's chief election officer is prescribed in the Florida Statutes.

50. The cited statutes speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 50.

FACTS

51. The constitutional and statutory provisions speak for themselves. The Secretary denies the allegation that Amendment 4 automatically restores voting

rights to ex-felons—aside from those who committed murder or a felony sexual assault—who have not yet satisfied their fines, fees, and restitution. The Secretary denies any remaining allegations contained in numbered paragraph 51.

SB 7066

52. Admitted.

53. Denied.

54. Denied.

55. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 55.

56. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 56.

57. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 57.

The Impact of SB 7066

58. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 58; therefore denied.

59. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 59; therefore denied.

60. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 60; therefore denied.

61. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 61; therefore denied.

62. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 62; therefore denied.

63. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 63; therefore denied.

64. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 64; therefore denied.

65. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 65; therefore denied.

66. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 66; therefore denied.

67. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 67; therefore denied.

68. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 68.

69. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 69; therefore denied.

70. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 70; therefore denied.

71. The Secretary admits that fines, fees, and costs are prescribed in Chapter 983. The cited statutory chapter speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 71.

72. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 72.

73. Denied.

74. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 74.

75. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 75; therefore denied.

76. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 76.

77. Denied.

78. Denied.

79. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 79; therefore denied.

80. Denied.

81. Denied.

82. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 82.

83. Denied.

84. Denied.

85. Denied.

EXECUTIVE CLEMENCY

86. Denied.

87. Denied.

88. The cited rules speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 88.

89. Denied.

90. Denied.

NATIONAL VOTER REGISTRATION ACT

91. Denied.

92. The cited statutes speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 92.

93. Denied.

94. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 94.

95. SB 7066 speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 95.

96. Denied.

97. The cited statute speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 97.

98. Denied.

CLASS ALLEGATIONS

99. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 99; therefore denied.

100. The Secretary denies that the Plaintiffs are entitled to the relief sought or that class certification is proper under Rule 23.

101. Denied.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

CLAIMS

Count 1: Wealth-Based Disenfranchisement, Fourteenth Amendment

106. The Secretary incorporates by reference her responses to paragraphs 1-105.

107. The cited case speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 107.

108. The cited cases speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 108.

109. Denied.

110. Denied.

111. The cited cases speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 111.

112. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 112; therefore denied.

113. Denied.

114. The cited case speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 114.

115. Denied.

116. Denied.

117. Denied.

Count 2: Poll Tax, Twenty-Fourth Amendment

118. The Secretary incorporates by reference her responses to paragraphs 1-117.

119. The cited constitutional provision speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 119.

120. Denied.

121. Denied.

122. The Secretary is without sufficient information and knowledge to admit or deny the allegations contained in numbered paragraph 122; therefore denied.

123. Denied.

124. Denied.

Count 3: Void for Vagueness, First and Fourteenth Amendment

125. The Secretary incorporates by reference her responses to paragraphs 1-124.

126. The constitutional provision speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 126.

127. Denied.

128. Denied.

129. The cited cases speak for themselves. The Secretary denies any remaining allegations contained in numbered paragraph 129.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

Count 4: Violation of Due Process, Fourteenth Amendment

134. The Secretary incorporates by reference her responses to paragraphs 1-133.

135. The cited case speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 135.

136. Denied.

137. Denied.

138. Denied.

139. The cited case speaks for itself. The Secretary denies any remaining allegations contained in numbered paragraph 139.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Admitted.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

149. Denied.

150. Denied.

151. Denied.

152. Denied.

COUNT 5: VIOLATIONS OF NVRA, 52. U.S.C. § 20501, *et seq.*

153. The Secretary incorporates by reference her responses to paragraphs 1-152.

154. Denied.

155. Denied.

156. Denied.

157. Denied.

158. Denied.

PRAYER FOR RELIEF

The Secretary denies that the Plaintiffs are entitled to any relief referenced in numbered paragraphs (1) through (7) under the heading “Prayer for Relief” in the Complaint.

AFFIRMATIVE DEFENSES

The Secretary hereby alleges the following affirmative defenses to the Complaint:

1. Failure to State a Cause of Action. The Complaint and each claim alleged therein fails to state a valid cause of action or claim for relief.

2. Lack of Standing. The Plaintiffs lack standing under Article III of the U.S. Constitution.

Respectfully submitted:

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Secretary of State, Laurel M. Lee

November 12, 2019

CERTIFICATE OF COMPLIANCE WITH LOCAL RULES

The undersigned certifies that this filing complies with the size, font, and formatting requirements of Local Rule 5.1(C).

/s/Mohammad O. Jazil
Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record via email on this 12th day of November, 2019.

/s/Mohammad O. Jazil
Attorney