

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF FLORIDA)
Office of the Secretary of State)
500 S. Bronough Street)
Tallahassee, FL 32399-0250)

Plaintiff,)

vs.)

Case No: 1:11-cv-01428-CKK
THREE JUDGE COURT

UNITED STATES OF AMERICA and)
ERIC H. HOLDER, JR., in his)
official capacity as Attorney General)
of the United States,)

Defendants,)

and,)

KENNETH SULLIVAN, ALBERT LEO)
SULLIVAN, MICHAEL BERMAN,)
SEN. ARTHENIA JOYNER, REP. JANET)
CRUZ, HELEN GORDON DAVIS, JOYCE)
HAMILTON HENRY, HAROLD WEEKS,)
OPHELIA ALLEN, PROJECT VOTE,)
VOTING FOR AMERICA, HARRY L.)
SAWYER, JR., ION SANCHO, and Rev.)
TOM SCOTT,)

Defendant-Intervenors.)

ANSWER OF DEFENDANT-INTERVENORS TO PLAINTIFF’S COMPLAINT

1. Intervenors admit the allegations in paragraph 1 of the complaint, but deny that all the citizens of Florida support the relief sought.
2. Intervenors admit the allegations in paragraph 2 of the complaint.
3. Intervenors admit the allegations in paragraph 3 of the complaint, but aver that citizens who reside in covered jurisdictions often participate as defendants in declaratory

judgment actions brought under Section 5 of the Voting Rights Act.

4. Intervenors admit the allegations in paragraph 4 of the complaint, but deny that the provisions of HB 1355 can be implemented absent preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c.

5. Intervenors admit the allegations in paragraph 5 of the complaint, but note that under existing Florida law an unprecleared voting change cannot be implemented in any jurisdiction in the state.

6. Intervenors admit the allegations in paragraph 6 of the complaint.

7. Intervenors admit the allegations in paragraph 7 of the complaint.

8. Intervenors admit the allegations in paragraph 8 of the complaint.

9. Intervenors admit the allegations in paragraph 9 of the complaint, but note that under existing Florida law an unprecleared voting change cannot be implemented in any jurisdiction in the state.

10. Intervenors admit the allegations of paragraph 10 of the complaint.

11. Intervenors admit the allegations in paragraph 11 of the complaint, but deny that the Plaintiff is entitled to the relief it seeks..

12. Intervenors admit the allegations in paragraph 12 of the complaint, but deny that the Plaintiff is entitled to the relief it seeks.

13. Intervenors admit the allegations in paragraph 13 of the complaint.

14. Intervenors admit the allegations in paragraph 14 of the complaint.

15. Intervenors admit the allegations in paragraph 15 of the complaint, but deny that Plaintiff is entitled to the relief it seeks and note that under existing Florida law an unprecleared

voting change cannot be implemented in any jurisdiction in the state.

16. Intervenors deny the allegations in paragraph 16 of the complaint.

17. The allegations in paragraph 17 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

18. The allegations in paragraph 18 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

19. The allegations in paragraph 19 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

20. The allegations in paragraph 20 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

21. The allegations in paragraph 21 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

22. The allegations in paragraph 22 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

23. The allegations in paragraph 23 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for

itself.

24. The allegations in paragraph 24 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

25. The allegations in paragraph 25 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

26. The allegations in paragraph 21 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

27. The allegations in paragraph 27 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

28. Intervenors deny the allegations in paragraph 28 of the complaint.

29. Intervenors admit the allegations that the changes in the Act apply to every third-party voter registration organization, but deny the remaining allegations in paragraph 29 of the complaint.

30. The allegations in paragraph 30 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

31. The allegations in paragraph 31 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for

itself.

32. The allegations in paragraph 32 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute and court decision speak for themselves.

33. The allegations in paragraph 33 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself..

34. The allegations in paragraph 34 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

35. The allegations in paragraph 35 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

36. Intervenors admit the allegations in paragraph 36 of the complaint that the covered changes change the signature verification responsibilities of county supervisors of elections and repealed statutory language related to signature revocation that had been judicially invalidated, but deny the remaining allegations of the paragraph.

37. Intervenors deny the allegations in paragraph 37 of the complaint.

38. The allegations in paragraph 38 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

39. The allegations in paragraph 39 of the complaint are statements of law or conclusions

of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

40. The allegations in paragraph 40 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

41. The allegations in paragraph 41 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

42. The allegations in paragraph 21 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

43. Intervenors deny the allegations in paragraph 43 of the complaint.

44. Intervenors deny the allegations in paragraph 44 of the complaint that the changes apply equally to every elector regardless of race, color, or membership in a language minority, and admit the remaining allegations in the paragraph.

45. Intervenors deny the allegations in paragraph 45 of the complaint that electors affected by the changes in the Act will not have their right to vote denied or abridged on account of race, color, or membership in a language minority. Intervenors lack sufficient information to either admit or deny the remaining allegations in paragraph 45 and demand strict proof thereof.

46. Intervenors deny the allegations in paragraph 46 of the complaint.

47. The allegations in paragraph 47 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for

themselves.

48. The allegations in paragraph 48 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

49. Intervenors deny the allegations in paragraph 49 of the complaint that the Act serves as a convenience to the voter. The remaining allegations are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statutes speak for themselves.

50. The allegations in paragraph 50 of the complaint are statements of law or conclusions of law to which no response is required. Intervenors aver that the referenced statute speaks for itself.

51. Intervenors deny the allegations in paragraph 51 of the complaint.

52. Intervenors deny the allegations in paragraph 52 of the complaint.

53. Intervenors deny the allegations in paragraph 53 of the complaint that the Act provides additional early voting opportunities for electors, and neither admit nor deny the remaining allegations in paragraph 53 of the complaint but aver that the referenced statute speaks for itself.

54. Intervenors lack sufficient information to admit or deny the allegations in paragraph 54 of the complaint and demand strict proof thereof. Intervenors aver that the referenced Act speaks for itself.

55. Intervenors deny the allegations in paragraph 55 of the complaint.

56. The allegations in paragraph 56 of the complaint do not require a response.

57. Intervenors deny the allegations in paragraph 57 of the complaint.

58. Intervenors deny the allegations in paragraph 58 of the complaint.

59. Intervenors deny the allegations in paragraph 59 of the complaint.

60. Intervenors deny the allegations in paragraph 60 of the complaint.

61. Intervenors deny the allegations in paragraph 61 of the complaint.

62. Intervenors deny the allegations in paragraph 62 of the complaint.

63. Intervenors deny the allegations in paragraph 63 of the complaint, and that Plaintiff is entitled to the relief it seeks.

64. The allegations in paragraph 64 of the complaint do not require a response.

65. Intervenors deny the allegations in paragraph 65 of the complaint.

66. Intervenors deny the allegations in paragraph 66 of the complaint.

67. Intervenors deny the allegations in paragraph 67 of the complaint.

68. Intervenors deny the allegations in paragraph 68 of the complaint.

69. Intervenors deny the allegations in paragraph 69 of the complaint.

70. Intervenors deny the allegations in paragraph 70 of the complaint.

71. Intervenors deny the allegations in paragraph 71 of the complaint, and that Plaintiff is entitled to the relief it seeks.

72. The allegations in paragraph 72 of the complaint do not require a response.

73. Intervenors deny the allegations in paragraph 73 of the complaint.

74. Intervenors deny the allegations in paragraph 74 of the complaint.

75. Intervenors deny the allegations in paragraph 75 of the complaint.

76. Intervenors deny the allegations in paragraph 76 of the complaint.

77. Intervenors deny the allegations in paragraph 77 of the complaint.

78. Intervenors deny the allegations in paragraph 78 of the complaint.

79. Intervenors deny the allegations in paragraph 79 of the complaint, and that Plaintiff is entitled to the relief it seeks.

80. The allegations in paragraph 80 of the complaint do not require a response.

81. Intervenors deny the allegations in paragraph 81 of the complaint.

82. Intervenors deny the allegations in paragraph 82 of the complaint.

83. Intervenors deny the allegations in paragraph 83 of the complaint.

84. Intervenors deny the allegations in paragraph 84 of the complaint.

85. Intervenors deny the allegations in paragraph 85 of the complaint.

86. Intervenors deny the allegations in paragraph 86 of the complaint.

87. Intervenors deny the allegations in paragraph 87 of the complaint, and that Plaintiff is entitled to the relief it seeks.

WHEREFORE, Defendant-intervenors respectfully request the Court to enter a judgment:

A. Denying preclearance to Plaintiff's submissions under Section 5 of the Voting Rights Act; and,

B. Granting such other relief as this Court may deem appropriate.

Respectfully submitted,

/s/ Arthur B. Spitzer

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Attorneys for Movants

August 30, 2011

Certificate of Service

I certify that on this 30th day of August, 2011, a true and correct copy of the foregoing document was served upon counsel for Plaintiff:

Daniel E. Nordby, General Counsel
Ashley Davis, Assistant General Counsel
Florida Department of State
500 S. Bronough St
Tallahassee, Florida 32399-0250

Although the United States and Attorney General Holder have not entered an appearance in this action, I further certify that a true and correct copy of the foregoing document was mailed to:

U.S. Department of Justice
Civil Division, Voting Rights Section
P.O. Box 66128
Washington, DC 20035-6128

Arthur B. Spitzer