

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STATE OF FLORIDA

*Plaintiff,*

v.

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

*Defendants,*

and,

FLORIDA STATE CONFERENCE OF THE  
NAACP, BELINTHIA BERRY, SHARON  
CARTER, ELLA KATE COFFEE, HOWARD  
HARRIS, DIANNE HART, YVETTE LEWIS,  
MARVIN MARTIN, CHARLES MCKENZIE,  
JR., EARL RUTLEDGE, ALONDA  
VAUGHAN, AND PAULETTE WALKER

*Defendant-Intervenors.*

Civ. No. 1:11-cv-01428-CKK-MG-ESH

**ANSWER OF DEFENDANT-INTERVENORS**

**FLORIDA STATE CONFERENCE OF THE NAACP, BELINTHIA BERRY,  
SHARON CARTER, ELLA KATE COFFEE, HOWARD HARRIS, DIANNE HART,  
YVETTE LEWIS, MARVIN MARTIN, CHARLES MCKENZIE, JR.,  
EARL RUTLEDGE, ALONDA VAUGHAN AND PAULETTE WALKER**

Defendant-Intervenors Florida State Conference of the NAACP, Belinthia Berry, Sharon Carter, Ella Kate Coffee, Howard Harris, Dianne Hart, Yvette Lewis, Marvin Martin, Charles McKenzie, Jr., Earl Rutledge, Alonda Vaughan, and Paulette Walker (hereinafter, "Intervenors"), by undersigned counsel, hereby submit this Answer to the Complaint of Plaintiff State of Florida, dated July 29, 2011 (the "Complaint"), as follows:

**Answers to Allegations**

1. Intervenors admit the allegations of Paragraph 1 to the extent they describe Plaintiff's status as a State, but deny that Plaintiff brings this action on behalf of its citizens.

2. Intervenors admit the allegations of Paragraph 2.

3. Intervenors admit the allegations of Paragraph 3, except to the extent that Paragraph 3 suggests that only Defendant Eric H. Holder, Jr, the Attorney General of the United States, may defend a declaratory judgment action under Section 5 of the Voting Rights Act ("VRA") in this Court. Intervenors aver that citizens who reside in covered jurisdictions may defend, and often participate, as defendants in defense of declaratory judgment actions and other matters arising under Section 5 of the VRA.

4. Intervenors admit the allegations of Paragraph 4, except to the extent that Paragraph 4 suggests that preclearance is not required for statewide voting changes in Florida.

5. Intervenors admit the allegations of Paragraph 5, except to the extent that Paragraph 5 suggests that preclearance is not required for statewide voting changes in Florida.

6. Intervenors admit the allegations of Paragraph 6.

7. The allegations in Paragraph 7 are statements of law and/or conclusions of law to which no response is required.

8. The allegations in Paragraph 8 are statements of law and/or conclusions of law to which no response is required.

9. Intervenors admit the allegations in Paragraph 9, but note that an unprecleared voting change cannot be implemented in any jurisdiction in the state.

10. Intervenors admit the allegations of Paragraph 10.

11. Intervenor admits the allegations in Paragraph 11, but deny that the Plaintiff is entitled to the relief it seeks.

**JURISDICTION AND VENUE**

12. Intervenor admits the allegations in Paragraph 12, but deny that the Plaintiff is entitled to the relief it seeks.

13. Intervenor admits the allegations in Paragraph 13.

**FACTUAL ALLEGATIONS**

14. Intervenor admits the allegations of Paragraph 14.

15. Intervenor admits the allegations of Paragraph 15, except to the extent that Paragraph 15 alleges that the purpose of this action is to allow the State “to uniformly enforce” changes to the Florida Election Code, which Intervenor deny.

16. Intervenor deny the allegations of Paragraph 16.

**Section 4 (Third Party Voter Registration Organizations)**

**Benchmark Practice – Third Party Voter Registration Organizations**

17. The allegations in Paragraph 17 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that section 97.0575, Florida Statutes, speaks for itself.

18. The allegations in Paragraph 18 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that section 97.021(37), Florida Statutes, speaks for itself.

19. The allegations in Paragraph 19 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that section 97.0575(1), Florida Statutes, speaks for itself.

20. The allegations in Paragraph 20 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 97.0575(3), Florida Statutes, speaks for itself.

21. The allegations in Paragraph 21 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that sections 97.0575(2)-(3), Florida Statutes, speak for themselves.

22. The allegations in Paragraph 22 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 97.0575, Florida Statutes, speaks for itself.

23. The allegations in Paragraph 23 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 97.0575, Florida Statutes, speaks for itself.

Changes Sought to Be Precleared – Third Party Voter Registration Organizations

24. The allegations in Paragraph 24 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 4, and section 97.0575 *et seq*, Florida Statutes, speak for themselves.

25. The allegations in Paragraph 25 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 4, and section 97.0575 *et seq*, Florida Statutes, speak for themselves.

26. The allegations in Paragraph 26 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 4, and section 97.0575 *et seq*, Florida Statutes, speak for themselves.

27. The allegations in Paragraph 27 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that Laws of Florida, Chapter 2011-40, Section 4, and section 97.0575 *et seq*, Florida Statutes, speak for themselves.

Purpose and Effect - Third Party Voter Registration Organizations

28. Intervenor deny the allegations of Paragraph 28.

29. Intervenor deny the allegations of Paragraph 29.

**Section 23 (Constitutional Amendments Proposed By Initiative)**

Benchmark Practice – Constitutional Amendments Proposed By Initiative

30. The allegations in Paragraph 30 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that section 101.371, *et seq*, Florida Statutes, speak for themselves.

31. The allegations in Paragraph 31 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that section 101.371(3) Florida Statutes, speaks for itself.

32. The allegations in Paragraph 32 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So. 3d 1053 (Fla. 2010) and section 101.371(6) Florida Statutes, speak for themselves.

Changes Sought to Be Precleared – Constitutional Amendments Proposed By Initiative

33. The allegations in Paragraph 33 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenor aver that Laws of Florida, Chapter 2011-40, Section 7, and section 101.371(3), Florida Statutes, speak for themselves.

34. The allegations in Paragraph 34 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 7, and section 101.371(3), Florida Statutes, speak for themselves.

35. The allegations in Paragraph 35 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 7, and section 101.371(6), Florida Statutes, speak for themselves.

Purpose and Effect – Constitutional Amendments Proposed By Initiative

36. Intervenors lack sufficient information to admit or deny the allegations in Paragraph 36, and demand strict proof thereof.

37. Intervenors lack sufficient information to admit or deny the allegations in Paragraph 37, and demand strict proof thereof.

**Section 4 (Change of Residence)**

Benchmark Practice – Change of Residence

38. The allegations in Paragraph 38 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that sections 97.1031, and 101.045(1)-(2)(a), Florida Statutes, speak for themselves.

39. The allegations in Paragraph 39 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 101.045(2), Florida Statutes, speak for itself.

40. The allegations in Paragraph 40 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that sections 101.045(2)(d), and 101.045(1)-(2)(a), Florida Statutes, speak for themselves.

Changes Sought to Be Precleared – Change of Residence

41. The allegations in Paragraph 41 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 4, and section 101.045(2), Florida Statutes, speak for themselves.

42. The allegations in Paragraph 42 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 4, and section 101.045(2), Florida Statutes, speak for themselves.

Purpose and Effect – Change of Residence

- 43. Intervenors deny the allegations of Paragraph 43.
- 44. Intervenors deny the allegations of Paragraph 44.
- 45. Intervenors deny the allegations of Paragraph 45.
- 46. Intervenors deny the allegations of Paragraph 46.

**Section 39 (Early Voting)**

**Benchmark Practice – Early Voting**

47. The allegations in Paragraph 47 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 101.657, Florida Statutes, speaks for itself.

48. The allegations in Paragraph 48 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that section 101.657(1)(c)-(d), Florida Statutes, speaks for itself.

**Changes Sought to Be Precleared – Early Voting**

49. The allegations in Paragraph 49 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 39, and section 101.657(1)(c)-(d), Florida Statutes, speak for themselves.

50. The allegations in Paragraph 50 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Intervenors aver that Laws of Florida, Chapter 2011-40, Section 39, and section 101.657(1)(d), Florida Statutes, speak for themselves.

**Purpose and Effect – Early Voting**

- 51. Intervenors deny the allegations of Paragraph 51.
- 52. Intervenors deny the allegations of Paragraph 52.
- 53. Intervenors deny the allegations of Paragraph 53.
- 54. Intervenors deny the allegations of Paragraph 54.
- 55. Intervenors deny the allegations of Paragraph 55.



**CAUSES OF ACTION**

**Count One: Declaratory Judgment – Third Party Voter Registration Organizations**

- 56. The allegations in Paragraph 56 do not require a response.
- 57. Intervenors deny the allegations of Paragraph 57.
- 58. Intervenors deny the allegations of Paragraph 58
- 59. Intervenors deny the allegations of Paragraph 59.
- 60. Intervenors deny the allegations of Paragraph 60.
- 61. Intervenors deny the allegations of Paragraph 61.
- 62. Intervenors deny the allegations of Paragraph 62.
- 63. Intervenors deny the allegations of Paragraph 63.

**Count Two: Declaratory Judgment – Constitutional Amendments Proposed By Initiative**

- 64. The allegations in Paragraph 64 do not require a response.
- 65. Intervenors deny the allegations of Paragraph 65.
- 66. Intervenors deny the allegations of Paragraph 66.
- 67. Intervenors deny the allegations of Paragraph 67.
- 68. Intervenors deny the allegations of Paragraph 68.
- 69. Intervenors deny the allegations of Paragraph 69.
- 70. Intervenors deny the allegations of Paragraph 70.
- 71. Intervenors deny the allegations of Paragraph 71.

**Count Three: Declaratory Judgment – Change of Address**

- 72. The allegations in Paragraph 72 do not require a response.
- 73. Intervenors deny the allegations of Paragraph 73.
- 74. Intervenors deny the allegations of Paragraph 74.

- 75. Intervenors deny the allegations of Paragraph 75.
- 76. Intervenors deny the allegations of Paragraph 76.
- 77. Intervenors deny the allegations of Paragraph 77.
- 78. Intervenors deny the allegations of Paragraph 78.
- 79. Intervenors deny the allegations of Paragraph 79.

**Count Four: Declaratory Judgment – Early Voting**

- 80. The allegations in Paragraph 80 do not require a response.
- 81. Intervenors deny the allegations of Paragraph 81.
- 82. Intervenors deny the allegations of Paragraph 82.
- 83. Intervenors deny the allegations of Paragraph 83.
- 84. Intervenors deny the allegations of Paragraph 84.
- 85. Intervenors deny the allegations of Paragraph 85.
- 86. Intervenors deny the allegations of Paragraph 86.
- 87. Intervenors deny the allegations of Paragraph 87.

Respectfully submitted,

/s John Payton  
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