

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DEMOCRATIC EXECUTIVE COM-
MITTEE OF FLORIDA and BILL
NELSON FOR U.S. SENATE,

Plaintiffs,

v.

JENNIFER KENNEDY, in her official
capacity as the Interim Florida Secre-
tary of State, *et al.*

Defendants.

Case No. 4:18-cv-00520-MW-MJF

**INTERVENOR-DEFENDANT NATIONAL REPUBLICAN SENATORIAL
COMMITTEE'S ANSWER**

Intervenor-Defendant the National Republican Senatorial Committee (“NRSC”), answers the complaint of Plaintiffs the Democratic Executive Committee of Florida (“DECF”) and Bill Nelson for U.S. Senate as follows:

1. No response is required to the allegations in the first and second sentences of Paragraph 1 because they state legal conclusions. Denies the allegations in the third sentence of Paragraph 1.
2. Admits that the deadline for county canvassing boards to submit the first unofficial results of the 2018 General Elections was noon on November 10, 2018. Denies the remainder of the allegations in Paragraph 2.

3. No response is required to the allegations in Paragraph 3 because they state legal conclusions.

4. No response is required to the allegations in Paragraph 4 because they state legal conclusions.

5. Admits that the Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6. No response is required to the allegations in Paragraph 6 because they state legal conclusions concerning a different party.

7. Admits that venue in this Court is proper under 28 U.S.C. § 1391(b).

8. No response is required to the allegations in Paragraph 8 because they state legal conclusions.

9. Admits that Plaintiff DECF is the governing body of a statewide political party within the meaning of Fla. Stat. § 103.121. Denies knowledge or information sufficient to form a belief as to the remaining allegations in the first sentence of Paragraph 9. Denies knowledge or information sufficient to form a belief as to the allegations in the second and third sentences of Paragraph 9. Admits that millions of Floridians are registered with the Florida Department of State's Division of Elections as Democrats, but denies knowledge or information sufficient to form a belief as to the remainder of the allegations in the fourth sentence of Para-

graph 9. No response is required to the fifth sentence of Paragraph 9 because it states a legal conclusion.

10. No response is required to the allegations in Paragraph 10 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 10.

11. No response is required to the allegations in Paragraph 11 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 11.

12. No response is required to the allegations in Paragraph 12 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 12.

13. No response is required to the allegations in Paragraph 13 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 13.

14. Admits that the narrow vote margins in the unofficial election results for the gubernatorial and Senate races in Florida in 2018 resulted in recounts in those races. Denies that the vote margin was extremely narrow, or that a recount was required, in the race for Attorney General. No response is required to the allegations in the second sentence of Paragraph 14 because they purport to summarize and quote statutory text.

15. No response is required to the allegations in Paragraph 15 because they state legal conclusions.

16. No response is required to the allegations in Paragraph 16 because they state legal conclusions and purport to summarize and quote statutory text. NRSC notes that Kenneth W. Detzner is no longer the Secretary of State of Florida.

17. Admits the allegations in the first sentence of Paragraph 17. Denies knowledge and information sufficient to form a belief as to the remainder of the allegations in Paragraph 17.

18. Admits that the vote totals alleged in Paragraph 18 are accurate representations of totals reported by the Florida Division of Elections. Denies knowledge and information sufficient to form a belief as to the remainder of the allegations in Paragraph 18.

19. Denies knowledge and information sufficient to form a belief as to the allegations in Paragraph 19.

20. No response is required to the allegations in Paragraph 20 because they purport to summarize and quote statutory text.

21. No response is required to the allegations in the first and second sentences of Paragraph 21 because they purport to summarize statutory text. No response is required to the allegations in the third sentence of Paragraph 21 because

they state a legal conclusion. To the extent a response is required, NRSC denies the allegations in the third sentence of Paragraph 21.

22. Admits that Paragraph 22 accurately quotes the cited study.

23. Denies knowledge and information sufficient to form a belief as to whether “rejection rates for vote-by-mail ballots vary significantly across Florida’s counties.” Denies the remainder of the allegations in Paragraph 23.

24. Denies the allegations in Paragraph 24.

25. Admits that the vote totals alleged in Paragraph 25 are accurate representations of totals reported by the Florida Division of Elections.

26. No response is required to the allegations in Paragraph 26 because they purport to summarize and quote statutory text.

27. No response is required to the allegations in Paragraph 27 because they purport to quote statutory text.

28. No response is required to the allegations in the first and second sentences of Paragraph 28 because they purport to summarize and quote statutory text. No response is required to the allegations in the third sentence of Paragraph 28 because they state a legal conclusion.

29. No response is required to the allegations in the first sentence of Paragraph 29 because they purport to summarize and quote statutory text. No response is required to the allegations in the second sentence of Paragraph 29 because they

state a legal conclusion. To the extent a response is required, NRSC denies the allegations in the second sentence of Paragraph 29.

30. No response is required to the allegations in Paragraph 30 because they purport to summarize statutory text.

31. No response is required to the allegations in Paragraph 31 because they purport to summarize and quote statutory text.

32. Denies the allegations in Paragraph 32.

33. Denies the allegations in the first sentence in Paragraph 33. Denies knowledge and information sufficient to form a belief as to the allegations in the second sentence in Paragraph 33. Denies the allegations in the third sentence in Paragraph 33.

34. Denies knowledge and information sufficient to form a belief as to the allegations in Paragraph 34.

35. Denies the allegations in the first sentence of Paragraph 35. Denies knowledge and information sufficient to form a belief as to the remaining allegations in Paragraph 35.

36. Denies knowledge and information sufficient to form a belief as to the allegations in Paragraph 36.

37. NRSC incorporates by reference its responses to Paragraphs 1–36 of the complaint.

38. No response is required to the allegations in Paragraph 38 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 38.

39. No response is required to the allegations in Paragraph 39 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 39.

40. No response is required to the allegations in Paragraph 40 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 40.

41. No response is required to the allegations in Paragraph 41 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 41.

42. NRSC incorporates by reference its responses to Paragraphs 1–36 of the complaint.

43. No response is required to the allegations in Paragraph 43 because they state legal conclusions.

44. No response is required to the allegations in Paragraph 44 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 44.

45. No response is required to the allegations in Paragraph 45 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 45.

46. No response is required to the allegations in Paragraph 46 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 46.

47. No response is required to the allegations in Paragraph 47 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 47.

48. No response is required to the allegations in Paragraph 48 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 48.

49. No response is required to the allegations in Paragraph 49 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 49.

50. No response is required to the allegations in Paragraph 50 because they state legal conclusions. To the extent a response is required, NRSC denies the allegations in Paragraph 50.

51. No response is required to the allegations in Paragraph 51 because they state legal conclusions.

52. Admits that Plaintiffs filed an emergency motion seeking injunctive relief, which this Court subsequently granted, and that the deadline for local canvassing boards to submit the first unofficial results of the 2018 General Elections was noon on November 10, 2018. No response is required to the remainder of the allegations in Paragraph 52 because they state legal conclusions.

DEFENSES

NRSC states below its affirmative and other defenses. By stating these defenses, NRSC does not assume the burden of proof on any issue, fact, or element of a claim as to which applicable law places the burden on Plaintiffs. In addition, NRSC specifically and expressly reserves the right to amend these defenses, or to add additional defenses, based upon legal theories, facts, or circumstances that may be discovered and/or further legal analysis of Plaintiffs' positions in this litigation.

1. The claims asserted in the complaint fail to allege facts sufficient to state a claim upon which relief may be granted.

2. The claims asserted in the complaint and Plaintiffs' requests for relief are barred by the doctrine of laches.

3. Plaintiffs' claims are precluded under the doctrines of res judicata, collateral estoppel, estoppel, and waiver.

Dated: January 30, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served to all counsel of record through the Court's CM/ECF system on this 30th day of January, 2019.

/s/ Andy Bardos

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