

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of Georgia, *et al.*,

Defendants.

CIVIL ACTION FILE NO.

1:22-CV-00090-SCJ-SDG-ELB

**SECRETARY RAFFENSPERGER'S
ANSWER TO PLAINTIFFS' COMPLAINT**

Defendant Brad Raffensperger, in his official capacity as Secretary of the State of Georgia (the "Defendant" or the "Secretary"), answers Plaintiffs' Complaint [Doc. 1] (the "Complaint") as follows:

FIRST AFFIRMATIVE DEFENSE

The allegations in Plaintiffs' Complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred for failure to name necessary and indispensable parties.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs lack constitutional standing to bring this action.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs lack statutory standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' federal claims against Defendant are barred by the Eleventh Amendment to the United States Constitution.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by sovereign immunity.

SEVENTH AFFIRMATIVE DEFENSE

Defendant denies that Plaintiffs have been subjected to the deprivation of any right, privilege, or immunity under the Constitution or laws of the United States.

EIGHTH AFFIRMATIVE DEFENSE

Defendant reserves the right to amend his defenses and to add additional ones, including lack of subject matter jurisdiction based on the mootness or ripeness doctrines, as further information becomes available in discovery.

Defendant answers the specific numbered paragraphs of Plaintiffs' Complaint as follows:

1. Defendant denies the allegations set forth in Paragraph 1 of the Complaint.

2. Paragraph 2 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

3. Defendant admits that the any-part Black voting age population of Congressional District 13 is 66.7% and that the non-Hispanic white voting age population is 18.8%. Defendant denies the remaining allegations set forth in Paragraph 3 of the Complaint.

4. Defendant admits that, from 1965 through 2013, Georgia was subject to Section 5 of the Voting Rights Act. The remaining allegations of Paragraph 4 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

5. Defendant denies the allegations set forth in Paragraph 5 of the Complaint.

6. Defendant denies the allegations set forth in Paragraph 6 of the Complaint.

7. Paragraph 7 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

8. Paragraph 8 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

9. Paragraph 9 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

10. Defendant admits the allegations set forth in Paragraph 10 of the Complaint.

11. Defendant admits the allegations set forth in Paragraph 11 of the Complaint.

12. The allegations in Paragraph 12 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

13. The allegations in Paragraph 13 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

14. The allegations in Paragraph 14 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

15. The allegations in Paragraph 15 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

16. The allegations in Paragraph 16 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

17. The allegations in Paragraph 17 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

18. The allegations in Paragraph 18 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

19. The allegations in Paragraph 19 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

20. The allegations in Paragraph 20 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

21. The allegations in Paragraph 21 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

22. The allegations in Paragraph 22 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

23. The allegations in Paragraph 23 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

24. The allegations in Paragraph 24 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

25. Defendant admits that he is the Secretary of State of Georgia and that the Secretary of State is designated by statute as the chief election official. Defendant further admits that he has responsibilities under law related to elections. Defendant denies the remaining allegations set forth in Paragraph 25 of the Complaint.

26. Defendant admits that Sen. Kennedy is the chair of the Georgia Senate Committee on Reapportionment and Redistricting and that he presides over that committee. The remaining allegations in Paragraph 26 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

27. Defendant admits the allegations set forth in Paragraph 27 of the Complaint.

28. Defendant denies the allegations set forth in Paragraph 28 of the Complaint.

29. Paragraph 29 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

30. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in

Paragraph 30 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

31. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in Paragraph 31 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

32. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in Paragraph 32 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

33. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in Paragraph 33 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

34. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in Paragraph 34 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

35. Defendant admits that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations in

Paragraph 35 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

36. Defendant admits that, from 1965 through 2013, Georgia was subject to Section 5 of the Voting Rights Act. The remaining allegations of Paragraph 36 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

37. The allegations in Paragraph 37 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

38. Paragraph 38 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

39. Defendant admits that Georgia has made changes to its election laws since 2013. Defendant denies the remaining allegations set forth in Paragraph 39 of the Complaint.

40. The allegations in Paragraph 40 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

41. Defendant admits that plans drawn when Democrats controlled Georgia government were objected to as discriminatory by the Department of Justice in 1971, 1981, 1991, and 2001. The remaining allegations of

Paragraph 41 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same.

42. Defendant admits that plans drawn when Democrats controlled Georgia government were objected to as discriminatory by the Department of Justice in 1971, 1981, 1991, and 2001. The remaining allegations of Paragraph 42 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same.

43. Defendant admits that plans drawn when Democrats controlled Georgia government were objected to as discriminatory by the Department of Justice in 1971, 1981, 1991, and 2001. The remaining allegations of Paragraph 43 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same.

44. Paragraph 44 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

45. Paragraph 45 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

46. Defendant admits that plans drawn when Democrats controlled Georgia government were objected to as discriminatory by the Department of

Justice in 1971, 1981, 1991, and 2001. The remaining allegations of Paragraph 46 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendant denies the same.

47. The allegations in Paragraph 47 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis. Defendant further states that the 2011 congressional redistricting plan was precleared by the Department of Justice.

48. The allegations in Paragraph 48 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis. Defendant further states that the 2011 congressional redistricting plan was precleared by the Department of Justice.

49. The allegations in Paragraph 49 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

50. Defendant admits the allegations set forth in Paragraph 50 of the Complaint.

51. Defendant admits that the congressional map received final passage from the General Assembly on November 22, 2021. Defendant denies the remaining allegations contained in Paragraph 51.

52. Defendant denies the allegations set forth in Paragraph 52 of the Complaint.

53. The allegations in Paragraph 53 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis. Defendant further states that the Census data speaks for itself.

54. Defendant admits that Stacey Abrams lost the 2018 race for Governor and that Senators Warnock and Ossoff won the 2021 runoff elections for U.S. Senate. The remaining allegations set forth in Paragraph 54 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

55. The allegations in Paragraph 55 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

56. Defendant admits the allegations set forth in Paragraph 56 of the Complaint.

57. Defendant admits that the joint House and Senate redistricting committees held a series of town hall meetings to solicit public comment about the redistricting process. The remaining allegations in Paragraph 57 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

58. Defendant admits that some of the joint House and Senate redistricting committee meetings to receive public comment were held prior

to the release of the Census data. Defendant denies the remaining allegations set forth in Paragraph 58 of the Complaint.

59. The allegations in Paragraph 59 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

60. The allegations in Paragraph 60 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

61. The allegations in Paragraph 61 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

62. Defendant admits the allegations set forth in Paragraph 62 of the Complaint.

63. The allegations in Paragraph 63 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

64. The allegations in Paragraph 64 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

65. The allegations in Paragraph 65 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

66. The allegations in Paragraph 66 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

67. The allegations in Paragraph 67 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

68. The allegations in Paragraph 68 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

69. The allegations in Paragraph 69 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

70. The allegations in Paragraph 70 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

71. The allegations in Paragraph 71 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

72. The allegations in Paragraph 72 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

73. The allegations in Paragraph 73 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

74. The allegations in Paragraph 74 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

75. Defendant admits that the Senate Reapportionment and Redistricting Committee passed SB 2EX out of committee on November 18, 2021 and that the entire Senate passed SB 2EX on November 19, 2021. Defendant denies the remaining allegations set forth in Paragraph 75 of the Complaint.

76. Defendant admits that the House Legislative and Congressional Reapportionment Committee passed SB 2EX out of committee on November 20, 2021 and that the entire House passed SB 2EX on November 22, 2021. The remaining allegations in Paragraph 76 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

77. Defendant admits the allegations set forth in Paragraph 77 of the Complaint.

78. The allegations in Paragraph 78 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

79. Paragraph 79 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied.

80. Paragraph 80 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same. The remaining allegations in this Paragraph are denied. Defendant further states that the committee guidelines speak for themselves.

81. Defendant denies the allegations set forth in Paragraph 81 of the Complaint.

82. Defendant denies the allegations set forth in Paragraph 82 of the Complaint.

83. Defendant admits that a Democratic candidate for Congress, Congresswoman Lucy McBath, was elected in 2018 and 2020. The remaining allegations in Paragraph 83 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

84. Defendant denies the allegations set forth in Paragraph 84 of the Complaint.

85. Defendant denies the allegations set forth in Paragraph 85 of the Complaint.

86. The allegations in Paragraph 86 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

87. The allegations in Paragraph 87 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

88. The allegations in Paragraph 88 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

89. The allegations in Paragraph 89 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

90. The allegations in Paragraph 90 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

91. The allegations in Paragraph 91 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

92. The allegations in Paragraph 92 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

93. Defendant denies the allegations set forth in Paragraph 93 of the Complaint.

94. Defendant admits that Congresswoman McBath has qualified to run for District 7. The remaining allegations in Paragraph 94 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

95. The allegations in Paragraph 95 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

96. Defendant denies the allegations set forth in Paragraph 96 of the Complaint.

97. Defendant denies the allegations set forth in Paragraph 97 of the Complaint.

98. Defendant admits that a Democratic candidate for Congress, Congressman David Scott, was elected in 2018 and 2020. The remaining allegations in Paragraph 98 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

99. Defendant admits that the any-part Black voting age population of Congressional District 13 is 66.7% and that the non-Hispanic white voting

age population is 18.8%. Defendant denies the remaining allegations set forth in Paragraph 99 of the Complaint.

100. The allegations in Paragraph 100 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

101. The allegations in Paragraph 101 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

102. The allegations in Paragraph 102 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

103. The allegations in Paragraph 103 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

104. The allegations in Paragraph 104 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

105. The allegations in Paragraph 105 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

106. The allegations in Paragraph 106 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

107. Defendant denies the allegations set forth in Paragraph 107 of the Complaint.

108. Defendant denies the allegations set forth in Paragraph 108 of the Complaint.

109. The allegations in Paragraph 109 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

110. The allegations in Paragraph 110 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

111. The allegations in Paragraph 111 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

112. The allegations in Paragraph 112 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

113. The allegations in Paragraph 113 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

114. The allegations in Paragraph 114 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

115. Defendant admits that a Republican candidate for Congress, Congresswoman Marjorie Taylor Greene, was elected in 2020. The remaining allegations in Paragraph 115 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

116. The allegations in Paragraph 116 of the Complaint are outside Defendant's knowledge and are therefore denied on that basis.

117. Defendant denies the allegations set forth in Paragraph 117 of the Complaint.

118. The responses in the preceding paragraphs are alleged as if fully set forth herein.

119. Paragraph 119 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendant denies the same.

120. Defendant denies the allegations set forth in Paragraph 120 of the Complaint.

121. Defendant denies the allegations set forth in Paragraph 121 of the Complaint.

122. Defendant denies the allegations set forth in Paragraph 122 of the Complaint.

Prayer for Relief

Defendant denies that Plaintiffs are entitled to any relief they seek. Defendant further denies every allegation not specifically admitted in this Answer.

Respectfully submitted this 8th day of March, 2022.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580

Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
Charlene McGowan
Assistant Attorney General
Georgia Bar No. 697316
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Frank B. Strickland
Georgia Bar No. 678600
fstrickland@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(678) 336-7249

*Counsel for Defendant Secretary of State
Brad Raffensperger*

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned certifies that the foregoing Secretary Raffensperger's Answer to Plaintiffs' Complaint has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
Bryan P. Tyson