

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NEW GEORGIA PROJECT and A.)
PHILLIP RANDOLPH INSTITUTE,)

Plaintiffs,)

v.)

BRAD RAFFENSPERGER, in his)
official capacity as Georgia Secretary of)
State,)

JOHN FERVIER, SARA TINDALL)
GHAZAL, JANICE W. JOHNSTON,)
RICK JEFFARES, and JANELLE)
KING, in their official capacity as)
members of the Georgia State Election)
Board,)

COLIN McRAE, WANDA ANDREWS,)
WILLIAM L. NORSE,)
KATHERINE A. DURSO, and)
DEBRA GEIGER, in their official)
capacity as members of the Chatham)
County Board of Registrars,)

BARBARA LUTH, JOEL NATT,)
CARLA RADZIKINAS, ANITA)
TUCKER, and DAN THALIMER, in)
their official capacity as members of)
the Forsyth County Board of Voter)
Registrations and Elections,)

CATHY WOOLARD, AARON V.)
JOHNSON, MICHAEL HEEKIN,)
TERESA K. CRAWFORD, and JULIE)
ADAMS, in their official capacity as)

CIVIL ACTION FILE

NO: 1:24-cv-03412-SDG

members of the Fulton County Board)
of Registration and Elections,)
))
KAREN EVANS-DANIEL, ROBERT)
ABBOTT, JOEL HAZARD, THOMAS)
ELLINGTON, and MIKE KAPLAN,)
in their official capacity as members of)
the Macon-Bibb County Board of)
Elections,)
))
WANDY TAYLOR, DAVID)
HANCOCK, LORETTA MIRANDOLA,)
ALICE O’LENICK, and ANTHONY)
RODRIGUEZ, in their official capacity)
as members of the Gwinnett County)
Board of Registrations and Elections,)
and)
))
BEN JOHNSON, JAMES NEWLAND,)
ROY McCLAIN, JAMES A.)
O’BRIEN, and DEXTER WIMBISH,)
in their official capacity as members of)
the Spalding County Board of Elections)
and Voter Registration,)
))
Defendants.)

**DEFENDANTS CATHY WOOLARD, AARON V. JOHNSON, MICHAEL
HEEKIN, TERESA K. CRAWFORD, AND JULIE ADAMS’S ANSWER
AND AFFIRMATIVE DEFENSES TO PLAINTIFFS’ COMPLAINT FOR
INJUNCTIVE AND DECLARATORY RELIEF**

COME NOW, Cathy Woolard,¹ Aaron V. Johnson, Michael Heekin, Teresa

¹ Cathy Woolard no longer serves as the Chair of the Fulton County Board of Registration and Elections; Sherri Allen is the current Chair of the Fulton County Board of Registration and Elections.

K. Crawford, and Julie Adams, in their official capacities as members of the Fulton County Board of Registration and Elections (hereafter “Fulton County BRE Members”), through counsel, and respectfully file this their Answer and Affirmative Defenses to Plaintiffs’ Complaint for Declaratory and Injunctive Relief.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiffs’ claims are barred, in whole or in part, for failure to state a claim against the Fulton County BRE Members upon which relief can be granted.

SECOND DEFENSE

Plaintiffs lack standing to bring all, or a portion, of their claims against the Fulton County BRE Members.

THIRD DEFENSE

Plaintiffs lack a clear legal right to the relief sought.

FOURTH DEFENSE

The Fulton County BRE Members have not breached a duty owed to Plaintiffs.

FIFTH DEFENSE

The Fulton County BRE Members’ compliance with Georgia law is being carried out in good faith, without conscious, reckless, or negligent disregard for the rights of any voter.

SIXTH DEFENSE

The Fulton County BRE Members have not subjected Plaintiffs to the deprivation of any rights, due process, or equal protection guaranteed by the Georgia Constitution, the United States Constitution, or federal law.

SEVENTH DEFENSE

The Fulton County BRE Members are not capable of providing a remedy to Plaintiffs because their powers and duties do not include the ability to determine the voting laws or system of the State of Georgia.

EIGHTH DEFENSE

Plaintiffs' claims against the Fulton County BRE Members are barred by Eleventh Amendment Immunity.

NINTH DEFENSE

Subject to and without waiving the foregoing affirmative defenses, the Fulton County BRE Members respond to the individually numbered paragraphs of the Plaintiffs' Complaint as follows:

INTRODUCTION

1.

The Fulton County BRE Members admit that the Plaintiffs seek declaratory and injunctive relief to stop the enforcement of portions of Senate Bill 189 ("SB 189"). The Fulton County BRE Members are without knowledge or information

sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 1, and for this reason, the remaining contentions and allegations contained in Paragraph 1 are denied.

2.

The Fulton County BRE Members admit that Section 8(d) of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20507(d), provides:

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered; or

(B)

(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar’s record of the registrant’s address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 2, and for this reason, the remaining contentions and allegations contained in Paragraph 2 are denied.

3.

The Fulton County BRE Members are without knowledge or information sufficient to admit or deny the contentions and allegations contained in Paragraph 3, and for this reason, the contentions and allegations contained in Paragraph 3 are denied.

4.

The Fulton County BRE Members are without knowledge or information sufficient to admit or deny the contentions and allegations contained in Paragraph 4, and for this reason, the contentions and allegations contained in Paragraph 4 are denied.

5.

The Fulton County BRE Members admit that Section 4 of SB 189 amended O.C.G.A. § 21-2-217 to provide: “The mailing address for election purposes of any person of this state who is homeless and without a permanent address shall be the registrar's office of the county in which such person resides[.]” The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 5, and for this reason, the remaining contentions and allegations contained in Paragraph 5 are denied.

6.

The Fulton County BRE Members deny that they have unlawfully removed voters from the registration list and maintain inaccurate voter rolls. The Fulton County BRE Members are without knowledge or information sufficient to admit or deny the remaining contentions and allegations contained in Paragraph 6, including the contentions and allegations regarding the other defendants, and for this reason, the remaining contentions and allegations contained in Paragraph 6 are denied.

JURISDICTION AND VENUE

7.

The Fulton County BRE Members admit that this Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §§ 1343(a)(3)-(4). All remaining contentions and allegations contained in Paragraph 7 are denied.

8.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 8.

9.

The Fulton County BRE Members admit that this Court has personal jurisdiction over them in their official capacities. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 9, including the

contentions and allegations regarding the other defendants, and for this reason, the remaining contentions and allegations contained in Paragraph 9 are denied.

10.

The Fulton County BRE Members admit that they reside in the Northern District of Georgia and venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and Local Rule 3.1. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 10, and for this reason, the remaining contentions and allegations contained in Paragraph 10 are denied.

PARTIES

11.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 11, and for this reason, the contentions and allegations contained in Paragraph 11 are denied.

12.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 12, and for this reason, the contentions and allegations contained in Paragraph 12 are denied.

13.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 13, and for this reason, the contentions and allegations contained in Paragraph 13 are denied.

14.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 14, and for this reason, the contentions and allegations contained in Paragraph 14 are denied.

15.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 15, and for this reason, the contentions and allegations contained in Paragraph 15 are denied.

16.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 16, and for this reason, the contentions and allegations contained in Paragraph 16 are denied.

17.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 17, and for this reason, the contentions and allegations contained in Paragraph 17 are denied.

18.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 18, and for this reason, the contentions and allegations contained in Paragraph 18 are denied.

DEFENDANTS

19.

The Fulton County BRE Members admit that Brad Raffensperger is the Georgia Secretary of State and the present civil action purports to be brought against him in his official capacity. The Fulton County BRE Members further admit that Brad Raffensperger is the chief election official for the State of Georgia. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 19,

and for this reason, the remaining contentions and allegations contained in Paragraph 19 are denied.

20.

The Fulton County BRE Members admit that John Fervier, Sara Tindall Ghazal, Janice W. Johnston, Rick Jeffares, and Janelle King are members of the Georgia State Election Board (“SEB”) and the present civil action purports to be brought against them in their official capacity. The Fulton County BRE Members admit that the duties of the SEB are provided for in O.C.G.A. § 21-2-31. The Fulton County BRE Members further admit that the SEB has the authority to impose sanctions on boards of registrars that fail to comply with Georgia voter challenge provisions under O.C.G.A. §§ 21-2-229 and 21-2-230. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 20, and for this reason, the remaining contentions and allegations contained in Paragraph 20 are denied.

21.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 21, and for this reason, the contentions and allegations contained in Paragraph 21 are denied.

22.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 22, and for this reason, the contentions and allegations contained in Paragraph 22 are denied.

23.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 23, and for this reason, the contentions and allegations contained in Paragraph 23 are denied.

24.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 24, and for this reason, the contentions and allegations contained in Paragraph 24 are denied.

25.

The Fulton County BRE Members admit that Aaron V. Johnson, Michael Heekin, Teresa K. Crawford, and Julie Adams are members of the Fulton County Board of Registration and Elections and are being sued in their official capacity. The

Fulton County BRE Members deny that Cathy Woolard is a member of the Fulton County Board of Registration and Elections. Cathy Woolard previously served as Chair of the Fulton County Board of Registration and Elections. However, Sherri Allen presently serves as the Chair of the Fulton County Board of Registration and Elections. The Fulton County BRE Members admit that the Fulton County Board of Registration and Elections is a body created by state law to conduct elections and oversee voter registration in Fulton County. The Fulton County BRE Members admit that they have not removed voters in violation of the NVRA. The Fulton County BRE Members deny that they are a proper party to this civil action. To the extent that Plaintiffs maintain the Fulton County BRE Members are necessary parties “for purposes of obtaining full and complete relief as to SB 189,” the Fulton County BRE Members submit that members of all 159 counties’ boards of registration and elections are necessary parties. The Fulton County BRE Members admit that they are being sued under Counts I, III, IV, and V in this lawsuit.

26.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 26, and for this reason, the contentions and allegations contained in Paragraph 26 are denied.

27.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 27.

28.

The Fulton County BRE Members admit that they received a copy of the notice letter attached as Exhibit 1 that identified purported violations of the NVRA.

FACTS AND BACKGROUND

REQUIREMENTS OF THE NVRA

29.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 29.

30.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 30.

31.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 31.

32.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 32.

33.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 33.

34.

The Fulton County BRE Members admit that Section 8(d) of the NVRA limits the State's ability to remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence. The Fulton County BRE Members admit that Plaintiffs have accurately quoted 52 U.S.C. § 20507(d) in Paragraph 34. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 34, and for this reason, the remaining contentions and allegations contained in Paragraph 34 are denied.

35.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 35.

GEORGIA'S VOTER CHALLENGE PROCESS BEFORE SB 189

36.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 36.

37.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 37.

38.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 38.

39.

The Fulton County BRE Members deny the contentions and allegations contained in Paragraph 39.

40.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 40.

41.

The Fulton County BRE Members admit that the challenge process under Section 229 and Section 230 are different. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 41, and for this reason, the contentions and allegations contained in Paragraph 41 are denied.

42.

The Fulton County BRE Members admit the contentions and allegations

contained in Paragraph 42.

43.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 43.

44.

The Fulton County BRE Members admit that, under O.C.G.A § 21-2-230(g), (h), and (i), if the board of registrars upholds a challenge because the voter is not qualified to remain on the registration list, the voter must be removed from the registration list and the voter's ballot, if one was cast, must be rejected. The Fulton County BRE Members further admit that, under O.C.G.A § 21-2-230(i), "[t]he elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229." The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 44, and for this reason, the contentions and allegations contained in Paragraph 44 are denied.

45.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 45.

VOTER REGISTRATION OF UNHOUSED PERSONS BEFORE SB 189

46.

The Fulton County BRE Members admit that O.C.G.A. § 21-2-216 establishes qualifications to register or be able to vote. While O.C.G.A. § 21-2-216(a)(4) provides that “[no] person shall vote in any primary or election held in this state unless such person shall be ... (4) [a] resident of this state and of the county or municipality in which he or she seeks to vote,” the Fulton County BRE Members admit that the phrase “maintaining a permanent residence” is not found in O.C.G.A. § 21-2-216.

47.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 47.

48.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 48.

49.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 49.

50.

The Fulton County BRE Members are without knowledge or information

sufficient to either admit or deny the contentions and allegations contained in Paragraph 50, and for this reason, the contentions and allegations contained in Paragraph 50 are denied.

51.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 51, and for this reason, the contentions and allegations contained in Paragraph 51 are denied.

52.

The Fulton County BRE Members admit the contentions and allegations contained in the first sentence of Paragraph 52. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 52, and for this reason, the contentions and allegations contained in Paragraph 52 are denied.

53.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 53.

54.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 54, and for this reason, the contentions and allegations contained in Paragraph 54 are denied.

GEORGIA ENACTS SB 189

55.

The Fulton County BRE Members admit that the Georgia Legislature enacted SB 189. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 55, and for this reason, the remaining contentions and allegations contained in Paragraph 55 are denied.

56.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 56, and for this reason, the contentions and allegations contained in Paragraph 56 are denied.

57.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 57, and for this reason, the contentions and allegations contained in Paragraph 57 are denied.

58.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 58, and for this reason, the contentions and allegations contained in Paragraph 58 are denied.

59.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 59.

**SB 189's CHANGES TO GEORGIA'S VOTER
CHALLENGE PROVISIONS**

60.

The Fulton County BRE Members admit that SB 189 amended O.C.G.A. § 21-2-230(b) to include examples of probable cause. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 60, and for this reason, the contentions and allegations contained in Paragraph 60 are denied.

61.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 61.

62.

The Fulton County BRE Members admit the contentions and allegations

contained in Paragraph 62.

63.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 63.

VOTER CHALLENGES IN GEORGIA FROM 2022 TO PRESENT

64.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 64, and for this reason, the contentions and allegations contained in Paragraph 64 are denied.

65.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 65, and for this reason, the contentions and allegations contained in Paragraph 65 are denied.

66.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 66, and for this reason, the contentions and allegations contained in Paragraph 66 are denied.

67.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 67, and for this reason, the contentions and allegations contained in Paragraph 67 are denied.

68.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 68, and for this reason, the contentions and allegations contained in Paragraph 68 are denied.

69.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 69, and for this reason, the contentions and allegations contained in Paragraph 69 are denied.

70.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 70, and for this reason, the contentions and allegations contained in Paragraph 70 are denied.

71.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 71, and for this reason, the contentions and allegations contained in Paragraph 71 are denied.

72.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 72, and for this reason, the contentions and allegations contained in Paragraph 72 are denied.

73.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 73, and for this reason, the contentions and allegations contained in Paragraph 73 are denied.

74.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 74, and for this reason, the contentions and allegations contained in Paragraph 74 are denied.

75.

The Fulton County BRE Members deny the contentions and allegations contained in Paragraph 75.

76.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 76.

**SB 189's CHANGES TO VOTER REGISTRATION FOR
UNHOUSED INDIVIDUALS**

77.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 77.

78.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 78, and for this reason, the contentions and allegations contained in Paragraph 78 are denied.

79.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 79, and for this reason, the contentions and allegations contained in Paragraph 79 are denied.

80.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 80, and for this reason, the contentions and allegations contained in Paragraph 80 are denied.

81.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 81, and for this reason, the contentions and allegations contained in Paragraph 81 are denied.

82.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 82, and for this reason, the contentions and allegations contained in Paragraph 82 are denied.

CAUSES OF ACTION

83.

The Fulton County BRE Members admit that 52 U.S.C. § 20510(b) provides:

(b) Private right of action

(1) A person who is aggrieved by a violation of this chapter may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 83, and for this reason, the remaining contentions and allegations contained in Paragraph 83 are denied.

84.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 84, including the contentions and allegations regarding the other defendants, and for this reason, the contentions and allegations contained in Paragraph 84 are denied.

COUNT I

Residency-Based Probable Cause Provisions of Section 230 Violate the NVRA's
Residency-Based Removal Process
(All Defendants)
52 U.S.C. § 20507(d)

85.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 85.

86.

The Fulton County BRE Members deny the contentions and allegations contained in Paragraph 86.

87.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 87, and for this reason, the contentions and allegations contained in Paragraph 87 are denied.

88.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 88, and for this reason, the contentions and allegations contained in Paragraph 88 are denied.

COUNT II

Chatham, Forsyth, Gwinnett, and Spalding County Defendants' Voter Removal Practices Violate the NVRA's Requirements for Processing Voters Who Move
52 U.S.C. § 20507(d)

89.

The Fulton County BRE Members admit that 52 U.S.C. § 20507(d) provides:

(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)

(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 89, and for this reason, the remaining contentions and allegations contained in Paragraph 89 are denied.

90.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 90, and for this reason, the contentions and allegations contained in Paragraph 90 are denied.

COUNT III

SB 189 Section 4's Unhoused Voter Mailing Address Restriction Violates the NVRA's Notice Requirements

(State Defendants, Chatham, Fulton, and Macon-Bibb County Defendants)

52 U.S.C. § 20507(a)(2), (c)(1)(B), (d)(1)-(2)

91.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 91.

92.

The Fulton County BRE Members admit that Fulton County voters are mailed a registration card, often called a precinct card, after they have successfully registered to vote. The Fulton County Members deny that, in Fulton County, individuals whose voter registration applications are deficient are mailed a letter informing them that their applications have been denied; rather, these individuals are sent a letter notifying them of the deficiency in their application and said individuals are given the opportunity to remedy their application. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny

the remaining contentions and allegations contained in Paragraph 92, including the contentions and allegations as they relate to other county registrars, and for this reason, the contentions and allegations contained in Paragraph 92 are denied.

93.

The Fulton County BRE admits that the Georgia Secretary of State has sent “confirmation notices” to Fulton County voters before moving said voters, who have allegedly moved from their addresses of registration, to inactive status and initiating the list maintenance process. The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 93, and for this reason, the contentions and allegations contained in Paragraph 93 are denied.

94.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 94, and for this reason, the contentions and allegations contained in Paragraph 94 are denied.

95.

The Fulton County BRE Members admit that O.C.G.A. § 21-2-217(a), as amended by Section 4 of SB 189, provides: “The mailing address for election purposes of any person of this state who is homeless and without a permanent

address shall be the registrar's office of the county in which such person resides[.]”
The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the remaining contentions and allegations contained in Paragraph 95, and for this reason, the remaining contentions and allegations contained in Paragraph 95 are denied.

COUNT IV

SB 189 Section 4’s Unhoused Voter Mailing Address Restriction Violates the NVRA’s Uniform and Nondiscriminatory Provision
(State Defendants, Chatham, Fulton, and Macon-Bibb County Defendants)
52 U.S.C. § 20507(b)

96.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 96.

97.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 97, and for this reason, the contentions and allegations contained in Paragraph 97 are denied.

98.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 98, and for this reason, the contentions and allegations contained in Paragraph 98 are denied.

COUNT V

SB 189 Section 4 Violates Unhoused Voters' Fundamental Right to Vote
(Georgia State Election Board, Chatham, Fulton, Macon-Bibb County Defendants)
42 U.S.C. § 1983, First and Fourteenth Amendments to the U.S. Constitution

99.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 99, and for this reason, the contentions and allegations contained in Paragraph 99 are denied.

100.

The Fulton County BRE Members admit the contentions and allegations contained in Paragraph 100.

101.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 101, and for this reason, the contentions and allegations contained in Paragraph 101 are denied.

102.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in

Paragraph 102, and for this reason, the contentions and allegations contained in Paragraph 102 are denied.

103.

The Fulton County BRE Members are without knowledge or information sufficient to either admit or deny the contentions and allegations contained in Paragraph 103, and for this reason, the contentions and allegations contained in Paragraph 103 are denied.

GENERAL DENIAL

Fulton County BRE Members deny that Plaintiffs are entitled to any of the relief sought against the Fulton County BRE Members and deny each numbered paragraph of the Prayer for Relief. The Fulton County BRE Members further deny each and every allegation of the Complaint, not specifically admitted, denied, or otherwise responded to herein.

WHEREFORE, the Fulton County BRE Members request:

- (a) That the Fulton County BRE Members be dismissed from the present civil action;
- (b) That judgment be issued in favor of the Fulton County BRE Members;
- (c) That attorneys' fees and costs be assessed against Plaintiffs; and
- (d) Any other further relief as this Court deems just and proper.

Respectfully submitted this 15th day of October 2024.

**OFFICE OF THE FULTON
COUNTY ATTORNEY**

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/s/ Mathew Plott

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NEW GEORGIA PROJECT and A.)
PHILLIP RANDOLPH INSTITUTE,)

Plaintiffs,)

v.)

BRAD RAFFENSPERGER, in his)
official capacity as Georgia Secretary of)
State,)

JOHN FERVIER, SARA TINDALL)
GHAZAL, JANICE W. JOHNSTON,)
RICK JEFFARES, and JANELLE)
KING, in their official capacity as)
members of the Georgia State Election)
Board,)

COLIN McRAE, WANDA ANDREWS,)
WILLIAM L. NORSE,)
KATHERINE A. DURSO, and)
DEBRA GEIGER, in their official)
capacity as members of the Chatham)
County Board of Registrars,)

BARBARA LUTH, JOEL NATT,)
CARLA RADZIKINAS, ANITA)
TUCKER, and DAN THALIMER, in)
their official capacity as members of)
the Forsyth County Board of Voter)
Registrations and Elections,)

CATHY WOOLARD, AARON V.)
JOHNSON, MICHAEL HEEKIN,)
TERESA K. CRAWFORD, and JULIE)

CIVIL ACTION FILE

NO: 1:24-cv-03412-SDG

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ADAMS, in their official capacity as)
members of the Fulton County Board)
of Registration and Elections,)
))
KAREN EVANS-DANIEL, ROBERT)
ABBOTT, JOEL HAZARD, THOMAS)
ELLINGTON, and MIKE KAPLAN,)
in their official capacity as members of)
the Macon-Bibb County Board of)
Elections,)
))
WANDY TAYLOR, DAVID)
HANCOCK, LORETTA MIRANDOLA,)
ALICE O’LENICK, and ANTHONY)
RODRIGUEZ, in their official capacity)
as members of the Gwinnett County)
Board of Registrations and Elections,)
and)
))
BEN JOHNSON, JAMES NEWLAND,)
ROY McCLAIN, JAMES A.)
O’BRIEN, and DEXTER WIMBISH,)
in their official capacity as members of)
the Spalding County Board of Elections)
and Voter Registration,)
))
Defendants.)

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1 AND
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of Local Rule 5.1 of the Northern District of Georgia, using a font type of Times New Roman and a point size of 14.

I further certify that I have this day electronically filed this **DEFENDANTS**
CATHY WOOLARD, AARON V. JOHNSON, MICHAEL HEEKIN, TERESA

**K. CRAWFORD, AND JULIE ADAMS’S ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFFS’ COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF** with the Clerk of Court using the CM/ECF system

which will automatically send email notification to all attorneys of record.

Respectfully submitted, this 15th day of October 2024.

/s/ Mathew Plott

Mathew Plott

Georgia Bar No. 343501

Assistant County Counsel

Mathew.Plott@fultoncountyga.gov

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