

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

PROJECT VOTE, INC.,

Plaintiff,

v.

BRIAN KEMP, in his official capacity as
Secretary of State and Chief Election
Official for the State of Georgia,

Defendant.

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Civil Action No.
1:16CV02445-WSD

ANSWER AND DEFENSES

Comes Now, Defendant, Secretary of State Brian Kemp, by and through the Attorney General for the State of Georgia, and files his Answer and Defenses to the allegations of Plaintiff’s Complaint as follows:

FIRST DEFENSE

To the extent Plaintiff seeks monetary damages for any alleged violation of its federal statutory rights the claim is barred by the Eleventh Amendment.

SECOND DEFENSE

Plaintiff’s claims for injunctive and declaratory relief are moot and this Court therefore lacks subject matter jurisdiction.

THIRD DEFENSE

Plaintiff's complaint fails to state a claim for relief.

RESPONSES

Answering the specific allegations of the Complaint, Secretary Kemp responds as follows:

1. In response to paragraph 1 of the Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies same.

2. In response to paragraph 2 of the Complaint, Defendant admits only that on or about May, 2014 Plaintiff requested the items in Doc. 1-3. The request included, among other things, "all records" relating to the rejection of voter registration applications due to a lack of "satisfactory proof of citizenship" and "all records" where a voter was "flagged as requiring additional documents before voting . . . because the applicant has not submitted 'satisfactory proof of citizenship.'" Plaintiff further described the request as one for a *compilation* of data, in an aggregated and electronic format, regarding these voter applicants. Defendant admits he did not possess any records in the aggregated format that Plaintiff requested. Defendant denies that the NVRA requires Defendant to compile data and create spreadsheets customized to Plaintiff's requests, as those

records were not available at the time of Plaintiff's request. Defendant admits further that despite not having a compilation of data responsive to Plaintiff's request, Defendant made efforts to compile the data requested, and on October, 2014 provided Plaintiff an electronic data file consisting of 14,144 voter registration applicants with a status of "Canceled" and a status reason code of "NVF" or not verified. *See* Doc. 1-14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the Plaintiff's allegations about the reasons why Plaintiff sought the information and therefore denies same.

3. In response to paragraph 3 of the Complaint, Defendant denies the first sentence in Plaintiff's allegations. Defendant admits that when running a list maintenance process in late 2013, that process was not completed for 7,690 affected voters until February 25, 2014, six (6) days after the February 19, 2014 deadline imposed by the NVRA. Defendant admits further that Linda Ford, a former Director of Elections, resigned in April, 2015.

4. In response to paragraph 4 of the Complaint, Defendant denies the allegations therein. *See* Doc. 1-14 (describing data provided prior to July, 2016). Defendant further states that in July, 2016, Plaintiff was provided with an electronic data file consisting of data for 646,332 voter registration applicants. The data provided is more fully described in Docs. 15-1 and 18-2. In October, 2016

Plaintiff was provided, via a public terminal in the Office of the Secretary of State, with access to *all* voter records in the state's electronic voter registration system (eNet), with the exception only of confidential information such as social security number, the day and month of birth, the Georgia driver's license number, a voter's phone number, the voter's site of registration and any declination to register to vote. Defendant further denies that the NVRA mandates such disclosure.

However, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet.

Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

5. In response to paragraph 5 of the Complaint, Defendant denies the allegations therein. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

6. In response to paragraph 6 of the Complaint, Defendant denies that he at any time refused to provide Plaintiff with records concerning any particular voter registration applicant. Plaintiff sought only aggregated voter registration data and Defendant did not have available a means to compile that data. Defendant denies

that failure to specially compile the aggregated data for Plaintiff is required by the NVRA. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is and will continue to be available through the public terminal.

7. In response to paragraph 7 of the Complaint, Defendant admits that Plaintiff sought access to the identified records but denies any suggestion that Plaintiff's demand for records was limited to those identified herein as Plaintiff has repeatedly sought access to compilations of data. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is and will continue to be available through the public terminal.

8. In response to paragraph 8 of the Complaint, Defendant denies that at the time the complaint was filed he had any compilation of these records available in the format sought by Plaintiff. Defendant further denies that Plaintiff ever sought or requested individual voter records, which Defendant could and would have provided. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records

in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is and will continue to be available through the public terminal.

9. In response to paragraph 9 of the Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the reasons Plaintiff sought or seeks any data or records and therefore denies same. Defendant further denies that Georgia's processes for implementation of the Help America Vote Act (HAVA), which *requires* states to match the information on voter registration applicants with the databases for the Division of Driver Services (DDS) and Social Security Administration (SSA), are processes for "rejecting new [voter] applicants."

10. In response to paragraph 10 of the Complaint, Defendant denies the allegations therein. *See* Responses to Nos. 2 and 4 above. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

11. In response to paragraph 11 of the Complaint, Defendant admits only that Defendant participated in good faith negotiations to attempt to provide

Plaintiff with the data compilations it sought. Defendant denies all other allegations contained herein.

12. In response to paragraph 12 of the Complaint, Defendant denies the allegations therein. *See* Responses to Nos. 2 and 4 above. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

13. In response to paragraph 13 of the Complaint, Defendant denies the allegations therein. More specifically, Defendant denies that he “unlawful[ly] refus[ed]” to provide Plaintiff with access to records. Instead, Plaintiff insisted on access to a *compilation of records* that Defendant did not have. In July, 2016, Defendant’s staff did request the third party vendor that developed and maintains the statewide voter registration database, to create a custom computer program designed to extract data requested by Plaintiff and compile said data in an electronic data file. Prior to July, 2016, there was no data compilation that Defendant possessed and failed to make available. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to *all* voter registration records in eNet. Thus the question of whether

disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding how Project Vote accomplishes its purported mission. Defendant further denies that his actions have in any way “undermined the NVRA’s stated purposes.”

14. In response to paragraph 14 of the Complaint, Defendant denies the allegations therein.

15. In response to paragraph 15 of the Complaint, Defendant admits that Plaintiff sought preliminary relief but denies that Defendant has any obligation under federal law to create and compile customized data reports as requested by Plaintiff. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

16. In response to paragraph 16 of the Complaint, Defendant admits that Plaintiff brings this action pursuant to 52 U.S.C. § 20501(b) but denies any violation of federal law.

17. In response to paragraph 17 of the Complaint, Defendant admits the allegation therein.

18. In response to paragraph 18 of the Complaint, Defendant admits the allegation therein.

19. In response to paragraph 19 of the Complaint, Defendant denies the allegation therein. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to *all* voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

20. In response to paragraph 20 of the Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies same.

21. In response to paragraph 21 of the Complaint, Defendant admits the allegations therein.

22. In response to paragraph 22 of the Complaint, Defendant states that this paragraph consists of a legal conclusion, requiring no response.

23. In response to paragraph 23 of the Complaint, Defendant admits the allegations therein.

24. In response to paragraph 24 of the Complaint, Defendant denies that Section 8(i) of the NVRA requires disclosure of voter registration records rather

than list maintenance records. However, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

25. In response to paragraph 25 of the Complaint, Defendant states that this paragraph consists of a legal conclusion, requiring no response. To the extent that a response is required, the allegations contained in paragraph 25 are denied as stated.

26. In response to paragraph 26 of the Complaint, Defendant denies the allegations therein. However, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

27. In response to paragraph 27 of the Complaint, Defendant denies the allegations therein. *See* Responses to nos. 2 and 4 above. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of

whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

28. In response to paragraph 28 of the Complaint, Defendant admits that the statewide electronic voter registration database is known as eNet. Defendant further admits that “GVRS” is the acronym for the Georgia Voter Registration System, which encompasses multiple applications, including eNet.

29. In response to paragraph 29 of the Complaint, Defendant admits only that when a *paper* application is received, county registrars and their employees enter the information from the paper application into the eNet database.

30. In response to paragraph 30 of the Complaint, Defendant admits only that state law requires county registrars to determine each applicant’s eligibility. Defendant further admits that, consistent with federal law, information on voter registration applications is matched against the DDS and SSA databases as described in ¶ 9 above.

31. In response to paragraph 31 of the Complaint, Defendant admits only that the description herein is consistent with the description included in a 2010 submission made to the Department of Justice under Sec. 5 of the Voting Rights Act.

32. In response to paragraph 32 of the Complaint, Defendant denies the allegations as written. Defendant admits only that voter registration applicants whose application information matches the DDS or SSA databases will be added as an active voter to the Georgia statewide registration database. Defendant admits further that applicants whose information does not match will *initially* have a status of pending. However, voters in pending status are moved to active status by clearing up the mismatched information with their county registrar, including by simply presenting proper photo identification on election day.

33. In response to paragraph 33 of the Complaint, Defendant denies the allegations therein.

34. In response to paragraph 34 of the Complaint, Defendant admits the allegations therein except to the extent that Plaintiff alleges that a county registrar that sends a letter *not* generated by the eNet system must so indicate on eNet.

35. In response to paragraph 35 of the Complaint, Defendant denies that applicants that do not respond within thirty (30) days are rejected. Defendant admits that applicants that respond with the requested information, whether within 30 days or later, are resubmitted to DDS for verification.

36. In response to paragraph 36 of the Complaint, Defendant denies the allegations therein.

37. In response to paragraph 37 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

38. In response to paragraph 38 of the Complaint, Defendant is without sufficient information to admit or deny the allegation therein.

39. In response to paragraph 39 of the Complaint, Defendant is without sufficient information to admit or deny why Plaintiff sought any particular information in their May 13, 2014 request. Defendant admits that Doc. 1-3 is a true and accurate copy of the correspondence sent by Plaintiff's counsel to Defendant. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required regarding the correspondence. Defendant denies that the NVRA required disclosure of the information sought and denies that the NVRA required Defendant to create a compilation of data in the format Plaintiff requested. However, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether

disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

40. In response to paragraph 40 of the Complaint, Defendant admits that Doc. 1-4 is a true and accurate copy of correspondence from Defendant's general counsel to Plaintiff's counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

41. In response to paragraph 41 of the Complaint, Defendant admits that Doc. 1-5 is a true and accurate copy of correspondence from Plaintiff's counsel to Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

42. In response to paragraph 42 of the Complaint, Defendant admits that after receiving Plaintiff's May, 2014 request Defendant's general counsel responded in a letter dated July 11, 2014 regarding both the costs and a projected time frame for compiling the data. Defendant further admits that Plaintiff did not respond the July, 2014 correspondence until September 18, 2014. Defendant admits that no data was provided after September 18, 2014 and before September 24, 2014. *See* Doc. 1-14.

43. In response to paragraph 43 of the Complaint, Defendant admits that Doc. 1-6 is a true and accurate copy of correspondence from Plaintiff's counsel to

Defendant. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

44. In response to paragraph 44 of the Complaint, Defendant is without knowledge or information sufficient to form a belief as to the truth of what Plaintiff's concerns were in September, 2014, and therefore denies same.

45. In response to paragraph 45 of the Complaint, Defendant admits that Doc. 1-7 is a true and accurate copy of email correspondence from Plaintiff's counsel to Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

46. In response to paragraph 46 of the Complaint, Defendant admits only that on September 24, 2014, Defendant's general counsel called Plaintiff's counsel to discuss the request and indicated that he thought he could provide the requested data by October 3, 2014.

47. In response to paragraph 47 of the Complaint, Defendant admits that Doc. 1-8 is a true and accurate copy of email correspondence from Defendant's general counsel to Plaintiff's counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

48. In response to paragraph 48 of the Complaint, Defendant admits the allegation therein.

49. In response to paragraph 49 of the Complaint, Defendant admits that Docs. 1-9 and 1-10 are true and accurate copies email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

50. In response to paragraph 50 of the Complaint, Defendant admits the allegation therein.

51. In response to paragraph 51 of the Complaint, Defendant admits that the first electronic data file sent to Plaintiff was on or about October 14, 2014. As indicated in paragraph 42 above, Plaintiff did not respond to a July 11, 2014 letter from Defendant's general counsel until September 18, 2014.

52. In response to paragraph 52 of the Complaint, Defendant admits that on October 14, 2014 Plaintiff was provided with an excel data file containing data for 14,144 voter registration applicants with a status of "Canceled" and a status reason code of "NVF" or not verified.

53. In response to paragraph 53 of the Complaint, Defendant admits that Doc. 1-11 is a true and accurate copy of email correspondence between Plaintiff's

counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

54. In response to paragraph 54 of the Complaint, Defendant admits that on or about October 15, 2014 Plaintiff received copies of training materials requested. Defendant denies that the materials were "incomplete."

55. In response to paragraph 55 of the Complaint, Defendant admits that Doc. 1-12 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant admits further that Plaintiff's October 30, 2014 email sought to expand the request for voter records to the statewide voter registration database and customized compilations of the voter registration records to include data for all voter registration applicants cancelled for any reason.

56. In response to paragraph 56 of the Complaint, Defendant denies the allegation therein. Early voting for the 2014 general election, ended on October 31, 2014.

57. In response to paragraph 57 of the Complaint, Defendant admits the allegation therein.

58. In response to paragraph 58 of the Complaint, Defendant denies the allegations therein. As set out in paragraph 52 above, Defendant's staff provided Plaintiff with a data file compilation of records for over 14,000 voters on October 14, 2014. Defendant admits that Plaintiff's October 30, 2014 request described in paragraph 55 of the Complaint was not satisfied before the November 4, 2014 general election.

59. In response to paragraph 59 of the Complaint, Defendant admits that Doc. 1-12 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

60. In response to paragraph 60 of the Complaint, Defendant admits that on April 3, 2015 Plaintiff was provided with an excel data file containing data for 568,044 voter registration applicants with a status of "Canceled" and a status reason code of "NVF" or not verified. This data file is more fully described in Docs. 15-1 and 18-2.

61. In response to paragraph 61 of the Complaint, Defendant denies the allegations therein. Specifically, Defendant denies that Plaintiff was not provided with all data compilations in Defendant's possession, custody or control. The data

included in the data file is more fully described in Docs. 15-1 and 18-2. Defendant admits that Plaintiff was unsatisfied with the records produced but denies that Plaintiff was not provided with the data compilations available, and created specifically for Plaintiff.

62. In response to paragraph 62 of the Complaint, Defendant admits that when running a list maintenance process in late 2013, that process was not completed for 7,690 affected voters until February 25, 2014, six (6) days after the February 19, 2014 deadline imposed by the NVRA. Defendant admits further that Linda Ford, a former Director of Elections, resigned in April, 2015.

63. In response to paragraph 63 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

64. In response to paragraph 64 of the Complaint, Defendant admits that Doc. 1-13 is a true and accurate copy of correspondence from Plaintiff's counsel to Defendant dated July 6, 2015. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

65. In response to paragraph 65 of the Complaint, Defendant admits the allegations therein.

66. In response to paragraph 66 of the Complaint, Defendant admits that Doc. 1-14 is a true and accurate copy of correspondence from Defendant's general counsel to Plaintiff's counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

67. In response to paragraph 67 of the Complaint, Defendant admits that on or about August 25, 2015, Plaintiff was provided with a copy of all GVRS training materials.

68. In response to paragraph 68 of the Complaint, Defendant admits only that he continued, through his staff, to discuss with Plaintiff's counsel ways to *create* and *compile* the data Plaintiff sought in the aggregated manner in which Plaintiff consistently requested the data.

69. In response to paragraph 69 of the Complaint, Defendant admits only that Defendant's general counsel participated in telephone discussions with Plaintiff's counsel regarding *additional* data Plaintiff sought after receiving the April, 2015 data file. Plaintiff requested a telephone conference with Defendant's IT staff to determine what data was contained in the eNet system so that Plaintiff might determine what data it wanted.

70. In response to paragraph 70 of the Complaint, Defendant admits that Doc. 1-15 is a true and accurate copy of email correspondence between Defendant's general counsel and Plaintiff's counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

71. In response to paragraph 71 of the Complaint, Defendant admits that Doc. 1-15 is a true and accurate copy of email correspondence between Defendant's general counsel and Plaintiff's counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

72. In response to paragraph 72 of the Complaint, Defendant admits only that a telephone conference with the parties' IT staffs occurred. Defendant denies the call was to discuss "outstanding" records requests, but rather to discuss what data was included in eNet and its accessibility, in a digital format. Project Vote sought a copy of the database and Defendant's staff explained that that was not possible. Project Vote then sought a list of all data fields and tables in the eNet database and Defendant's staff provided Plaintiff with a PDF consisting of all tables and data fields. *See* no. 74 below.

73. In response to paragraph 73 of the Complaint, Defendant admits that Doc. 1-15 is a true and accurate copy of email correspondence from Plaintiff's counsel to Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

74. In response to paragraph 74 of the Complaint, Defendant admits that Doc. 1-16 is a true and correct copy of correspondence between Defendant's general counsel and Plaintiff's counsel. Defendant further admits that Defendant's general counsel did provide Plaintiff with a PDF file containing the names of all data fields and tables in the eNet system *and* the relationship between the tables. Defendant denies all remaining allegations in paragraph 74 of the Complaint.

75. In response to paragraph 75 of the Complaint, Defendant admits that Doc. 1-16 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

76. In response to paragraph 76 of the Complaint, Defendant admits that Doc. 1-16 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the

correspondence speaks for itself, and therefore, no further response by Defendant is required.

77. In response to paragraph 77 of the Complaint, Defendant admits that Doc. 1-16 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

78. In response to paragraph 78 of the Complaint, Defendant admits that Doc. 1-16 is a true and accurate copy of email correspondence between Plaintiff's counsel and Defendant's general counsel. Defendant further responds that the correspondence speaks for itself, and therefore, no further response by Defendant is required.

79. In response to paragraph 79 of the Complaint, Defendant denies the allegation therein.

80. In response to paragraph 80 of the Complaint, Defendant denies the allegations therein.

81. In response to paragraph 81 of the Complaint, Defendant admits the allegation therein.

82. In response to paragraph 82 of the Complaint, Defendant denies any violation of the NVRA. Defendant admits only that Plaintiff sent Defendant the correspondence attached to the Complaint as Exhibit L (Doc. 1-13). Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

83. In response to paragraph 83 of the Complaint, Defendant denies that Defendant's actions have violated the NVRA. Defendant admits that the NVRA provides a private right of action.

84. No response is required for paragraph 84 of the Complaint.

85. In response to paragraph 85 of the Complaint, Defendant denies that he has in his possession, custody or control, the compilation of records in the aggregated format consistently sought by Plaintiff. Defendant admits that his staff has provided Plaintiff with the data files described in Docs. 15-1 and 18-2, and *numerous updates* to those files. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is

required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

86. In response to paragraph 86 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

87. In response to paragraph 87 of the Complaint, Defendant denies the allegations therein. *See* no. 86 above.

88. In response to paragraph 88 of the Complaint, Defendant denies the allegations therein.

89. In response to paragraph 89 of the Complaint, Defendant denies the allegations therein.

90. No response is required for paragraph 90 of the Complaint.

91. In response to paragraph 91 of the Complaint, Defendant denies the allegations therein. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records

in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

92. In response to paragraph 92 of the Complaint, Defendant denies the allegations therein. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

93. In response to paragraph 93 of the Complaint, Defendant denies that there currently exists any controversy between the parties. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

94. In response to paragraph 94 of the Complaint, Defendant denies the allegations therein and denies that Plaintiff is entitled to any relief.

95. In response to paragraph 95 of the Complaint, Defendant denies the allegations therein.

96. No response is required for paragraph 96 of the Complaint.

97. In response to paragraph 97 of the Complaint, Defendant denies the allegations therein.

98. In response to paragraph 98 of the Complaint, Defendant denies the allegations therein. Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

99. In response to paragraph 99 of the Complaint, Defendant denies the allegations therein, specifically denying any violation of the NVRA.

100. In response to paragraph 100 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

101. In response to paragraph 101 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by

the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

102. In response to paragraph 102 of the Complaint, Defendant denies the allegations therein. Moreover, Defendant now maintains a public terminal that provides Plaintiff, and any member of the public, with access to all voter registration records in eNet. Thus the question of whether disclosure is required by the NVRA is moot as disclosure is, and will continue to be, available through the public terminal.

103. As to the unnumbered paragraph beginning with “WHEREFORE,” Defendant denies that Plaintiff is entitled to any remedy, relief, damages, fees or costs in this action.

104. All other factual averments, legal conclusions or claims for relief not expressly admitted are denied.

WHEREFORE, having answered Plaintiff’s Complaint, and stated defenses and objections, Defendant respectfully requests Plaintiff’s claims be dismissed, Plaintiff’s prayers for relief be denied in each and every particular with all costs cast upon Plaintiff, and for such other relief as this Court may deem just and proper.

Respectfully submitted,

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Certificate of Service

I hereby certify that on November 10, 2016, I electronically filed Defendant Brian Kemp's Answer and Defenses using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: NONE

This 10th day of November, 2016.

/s/Cristina Correia
Cristina Correia 188620
Assistant Attorney General