

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

MICHAEL ARTEAGA, et al.,

Plaintiffs,

v.

Case No. 2022 CA 000398

LAUREL M. LEE, in her official capacity as Florida
Secretary of State, and ASHLEY
MOODY, in her official capacity as Florida
Attorney General,

Defendants.

_____ /

**SECRETARY OF STATE LAUREL LEE'S
ANSWER AND AFFIRMATIVE DEFENSE**

Defendant Secretary of State Laurel Lee answers and asserts an affirmative defense to the Plaintiffs' complaint for injunctive and declaratory relief. Unless specifically admitted, the Secretary denies each and every allegation in the complaint. The Secretary responds to the allegations in each numbered paragraphs of the complaint as follows:

Nature of the Action

1. Admit that Florida's congressional districts are currently malapportioned. Deny that the Florida Legislature and Governor DeSantis will not reach a consensus concerning new congressional district maps; although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he called a special session to address redistricting. If the Florida Legislature and Governor DeSantis do not reach a consensus, admit that this court should declare the current maps malapportioned and implement new congressional district maps.

2. Admit.

3. Admit.

4. Admit.

5. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus following the special session. Deny that Governor DeSantis's concerns regarding Congressional District 5 are "baseless." Admit that Governor DeSantis petitioned the Florida Supreme Court for an advisory opinion. The Secretary denies any other factual and legal allegations in this paragraph.

6. Admit that Governor DeSantis has commented on and vetoed the Florida Legislature's redistricting legislation. The Secretary denies any other factual and legal allegations in this paragraph.

7. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus during the Florida Legislature's special session. The Secretary denies any other factual and legal allegations in this paragraph.

8. Deny that there is a high likelihood of an impasse. But admit that this Court should establish a schedule in the unlikely event that the Florida Legislature and Governor DeSantis cannot reach a consensus during the Florida Legislature's special session. The Secretary denies any other factual and legal allegations in this paragraph.

Jurisdiction, Parties, and Venue

9. Admit.

10. The Secretary is without knowledge of the allegations in this paragraph; therefore, she denies the allegations in this paragraph.

11. Admit.

12. Admit.

13. Admit that the Attorney General is Ashely Moody and that she is the chief legal officer of the State. The Secretary denies any other factual and legal allegations in this paragraph.

Factual Allegations

I.

14. Admit.

15. Admit.

16. Admit.

II.

17. Admit.

18. Admit.

19. Admit.

20. Admit.

21. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

22. Admit.

23. Admit.

24. Admit.

25. Admit.

III.

26. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

27. Although Governor DeSantis has commented on and vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

28. Deny that Governor DeSantis's request for a Florida Supreme Court advisory opinion was an attempt to "derail" the redistricting process. Admit that Governor DeSantis proposed congressional district maps to the Florida Legislature and that the redistricting subcommittee received public testimony. The Secretary denies any other factual and legal allegations in this paragraph.

29. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

30. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

31. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus during the special session. The Secretary denies any other factual and legal allegations in this paragraph.

IV.

32. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

33. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

34. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

35. Deny that a political deadlock is a near certainty. Admit that state court intervention is necessary if the Florida Legislature and Governor DeSantis reach an impasse after the special session. The Secretary denies any other factual and legal allegations in this paragraph.

Claims for Relief

Count I

36. The Secretary realleges and reincorporates by reference paragraphs 1 to 35.

37. The referenced constitutional provision and cases speak for themselves. Any remaining allegations are denied.

38. The referenced constitutional provision and cases speak for themselves. Any remaining allegations are denied.

39. Admit.

40. Admit.

41. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

a. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

b. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

c. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

d. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

Count II

42. The Secretary realleges and reincorporates by reference paragraphs 1 to 35.

43. The referenced statute speaks for itself. Any remaining allegations are denied.

44. Admit.

45. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

a. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

b. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

c. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

d. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

Affirmative Defense: Ripeness

1. The complaint is not ripe for adjudication because the political branches are not yet at an impasse.

2. On March 29, 2022, Governor DeSantis vetoed the congressional map presented to him.

3. On March 29, 2022, Governor DeSantis called for a special session of the Florida Legislature for the sole purpose of enacting another congressional map.¹

4. The special session will convene from April 19, 2022 to April 22, 2022.

5. The leaders of the Florida House of Representatives and Florida Senate have stated that “[o]ur goal is for Florida to have a new congressional map passed by the Legislature, signed by the Governor, and upheld by the court if challenged. Therefore, it is incumbent upon us to exhaust every effort in pursuit of a legislative solution. We look forward to working with our colleagues and Governor DeSantis during the upcoming special session on a congressional map that will earn the support of the legislature and the governor and fulfill our constitutional obligation for the 2022 redistricting process.”²

6. Unless and until the political branches reach an impasse, the matter is not ripe for adjudication.

¹ Proclamation, Fla. Exec. Office of the Gov. (Mar. 29, 2022), <https://www.flgov.com/wp-content/uploads/2022/03/SLA-BIZHUB22032913200.pdf>.

² Joint Statement: Florida Senate President Wilton Simpson, House Speaker Chris Sprowls on 2022 Redistricting, Fla. Leg. (Mar. 29, 2022), <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?DocumentType=Press%20Release&FileName=823>.

DATED this 1st day of April, 2022.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record through the Florida Courts E-Filing Portal, on this 1st day of April, 2022.

/s/ Mohammad O. Jazil
Mohammad O. Jazil (FBN 72556)