

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

PAMELA MOSES,)	
)	
Plaintiff,)	
)	
v.)	No. CT-1579-19
)	Division I
)	
)	Felicia Corbin-Johnson
MARK GOINS, TRE HARGETT, and)	Chief Judge
JONATHAN SKRMETTI, in their official)	Judge L. Marie Williams
capacities,)	Judge Barry Tidwell
)	
Defendants.)	

ANSWER TO SECOND AMENDED COMPLAINT

Defendants, Tennessee Coordinator of Elections Mark Goins, Tennessee Secretary of State Tre Hargett, and Tennessee Attorney General and Reporter Jonathan Skrmetti, in their official capacities, respond to the numbered allegations of Plaintiff Pamela Moses’ Second Amended Complaint¹ and assert their defenses as follows:

INTRODUCTION

1. Defendants admit that the quoted language appears in the Supreme Court’s *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), opinion. As to any remaining allegations, denied.

¹ Plaintiff’s Second Amended Complaint is attached as Exhibit A to the October 13, 2022 Joint Notice of Filing. The Court granted Plaintiff’s request for leave to file the Second Amended Complaint on October 28, 2022, noting “that the revised Second Amended Complaint . . . shall be the operative Complaint once filed of record in this cause.” To date, Plaintiff has not filed the Second Amended Complaint as of record.

2. Defendants admit that the quoted language appears in the Tennessee Supreme Court's *May v. Carlton*, 245 S.W.3d 340 (Tenn. 2008), opinion. As to any remaining allegations, denied.

3. As to the first two sentences, Defendants lack sufficient knowledge or information to admit or deny the truth of the allegations, and therefore deny same and demand strict proof. As to the remaining allegations, denied.

4. Defendants admit that the quoted language appears in Tenn. Const. art. I, § 1 and art. I, § 5. As to the remaining allegations, denied.

5. Plaintiff's allegations in the first three sentences are legal conclusions to which no response is required. To the extent a response is required, Defendants recognize the importance of voting and that the fundamental right to vote in Tennessee is qualified, not absolute; as to any remaining allegations in the first three sentences, denied. As to the fourth and fifth sentences, the Court lacks jurisdiction to consider Plaintiff's claim that her (or any other convicted infamous criminal's) guilty plea is invalid and therefore no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny the truth of these allegations, and therefore deny same and demand strict proof.

6. As to the first two sentences, Defendants lack sufficient knowledge or information to admit or deny the truth of these allegations, and therefore deny same and demand strict proof. The third sentence's allegations are a legal conclusion to which no response is required; to the extent a response is required, denied. As to the remaining allegations, denied.

7. Defendants deny the allegations in the first sentence. As to the remaining allegations, Defendants lack sufficient knowledge or information to admit or deny the truth of

these allegations, including the allegations contained in footnote 1, and therefore deny same and demand strict proof.

8. Defendants lack sufficient knowledge or information to admit or deny the truth of these allegations, including the allegations contained in footnote 2, and therefore deny same and demand strict proof.

9. Defendants lack sufficient knowledge or information to admit or deny the truth of these allegations, and therefore deny same and demand strict proof.

10. Article IV, section 2 of the Tennessee Constitution provides that “laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.” Pursuant to its constitutional authority, the General Assembly properly enacted Tenn. Code Ann. § 40-20-112, which directs that “[u]pon conviction of any felony, it shall be the judgment of the court that the defendant be infamous and be immediately disqualified from exercising the right of suffrage.” With this qualification, admitted.

11. Defendants admit that Tenn. Const. art. I, § 5 provides that “[t]he elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by a court of competent jurisdiction.” Plaintiff’s remaining allegations are legal conclusions to which no response is required. To the extent a response is required, denied.

12. Defendants admit that the Tennessee Constitution, in article I, § 8 and article XI, § 8, guarantees the equal protection of laws. As to any remaining allegations, denied.

13. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss, the Court dismissed Plaintiff’s claims that her disenfranchisement violates Tenn.

Const. art. I, § 16's prohibition on "cruel and unusual punishments." Therefore, no response is required.

14. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims that her disenfranchisement violated procedural due process. Therefore, no response is required as to these allegations. As to Plaintiff's substantive due process claims, Defendants admit that Tenn. Const. art. I, § 8 provides that "no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land." Defendants admit that the quoted language in Plaintiff's second sentence appears in in the Tennessee Supreme Court's *May v. Carlton* opinion. As to the remaining allegations, denied.

15. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, denied.

PARTIES

16. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

17. Admitted.

18. Admitted.

19. Defendants admit that General Skrmetti has the authority to publish official opinions of the Office of the Tennessee Attorney General and Reporter. As to the remaining allegations, denied.

JURISDICTION AND VENUE

20. Defendants admit that Tenn. Code Ann. § 29-14-102 authorizes a court of record within its jurisdiction to entertain a declaratory judgment action. As to the remaining allegations, denied.

21. Defendants admit that Tenn. Code Ann. § 20-18-102 provides that venue for a civil action under Tenn. Code Ann. § 20-18-101 is the county where the plaintiff resides. As to the remaining allegations, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

GENERAL ALLEGATIONS

22. Defendants recognize that the State of Tennessee has a vibrant history of independence and democracy, and that some of this history includes reprehensible voting discrimination that bears little, if any, relevance to Plaintiff's claims. As to Plaintiff's remaining claims, denied.

23. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

24. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

25. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

26. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

27. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

28. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

29. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

30. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnote 3, and therefore deny same and demand strict proof.

31. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

32. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

33. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

34. Plaintiff's allegations bear little, if any, relevance to her claims. Defendants recognize that Article IV, § 1 of Tennessee Constitution of 1834 provided:

Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote, six months next preceding the day of election, shall be entitled to vote for Members of the general Assembly, and other civil officers, for the county or district in which he resides: provided, that no person shall be disqualified from voting in any election on account of color, who is now by the laws of this State, a competent witness in a court of Justice against a white man. All free men of color, shall be exempt from military duty in time of peace, and also from paying a free poll tax.

As to any remaining allegations, denied.

35. Plaintiff's allegations bear little, if any, relevance to her claims. Defendants recognize that Article IV, § 2 of the Tennessee Constitution of 1834 provided that "Laws may be passed excluding from the right of suffrage, persons convicted of infamous crimes." As to any remaining allegations, denied.

36. Plaintiff's allegations bear little, if any, relevance to her claims. Defendants recognize that Article IV, § 2 of the Tennessee Constitution provided that "Laws may be passed excluding from the right of suffrage, persons who may be convicted of infamous crimes." As to any remaining allegations, denied.

37. Plaintiff's allegations bear little, if any, relevance to her claims. Defendants recognize that Article IV, § 1 of the Tennessee Constitution of 1834 provided, in relevant part, that "no person shall be disqualified from voting in any election on account of color, who is now by the laws of this State, a competent witness in a court of Justice against a white man. All free men

of color, shall be exempt from military duty in time of peace, and also from paying a free poll tax.”
As to any remaining allegations, denied.

38. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

39. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

40. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

41. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

42. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

43. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, including the allegations contained in footnote 4, and therefore deny same and demand strict proof.

44. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

45. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnote 5, and therefore deny same and demand strict proof.

46. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

47. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

48. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

49. Plaintiff's allegations bear little, if any, relevance to her claims. Defendants recognize that Tenn. Const. art. I, § 5 provides that "[t]he elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction." Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

50. Defendants recognize that Tenn. Const. art. I, § 5 provides that “[t]he elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.” Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, including the allegations contained in footnote 6, and therefore deny same and demand strict proof.

51. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

52. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

53. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

54. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

55. Plaintiff’s allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff’s allegations, and therefore deny same and demand strict proof.

56. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

57. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

58. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

59. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

60. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

61. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

62. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

63. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

64. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnotes 7 and 8, and therefore deny same and demand strict proof.

65. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnote 9, and therefore deny same and demand strict proof.

66. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

67. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

68. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

69. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

70. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnotes 10 and 11, and therefore deny same and demand strict proof.

71. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

72. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnote 12, and therefore deny same and demand strict proof.

73. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, including the allegations contained in footnotes 13 and 14, and therefore deny same and demand strict proof.

74. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

75. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

76. Plaintiff's allegations bear little, if any, relevance to her claims. Further, Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof.

77. Defendants recognize that the General Assembly enacted Tenn. Code Ann. § 40-29-105 in 1986 and Tenn. Code Ann. § 40-29-204 in 2006. Defendants further recognize that these statutes prohibit a person convicted of an enumerated infamous crime from regaining her right to vote. Defendants admit that litigation challenging the constitutionality of Tennessee's certificate of rights process is currently pending before the United States District Court for the Middle District of Tennessee and that the claims in that proceeding bear little, if any, relevance to Plaintiff's claims. As to the remaining allegations, including the allegations contained in footnote 15, denied.

78. Plaintiff's allegations are quotations of statutes to which no response is required. To the extent a response is required, Defendants admit that the quoted language appears in Tenn. Code Ann. §§ 40-29-105(c)(2)(B) and 40-29-204. As to any remaining allegations, denied.

79. Article IV, section 2 of the Tennessee Constitution provides that "laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes." Pursuant to its constitutional authority, the General Assembly properly enacted Tenn. Code Ann. § 40-20-112, which directs that "[u]pon conviction of any felony, it shall be the judgment of the court that the defendant be infamous and be immediately disqualified from exercising the right of suffrage." With this qualification, admitted.

80. Plaintiff's allegations in this paragraph contain citations and quotations to the Tennessee Supreme Court's opinion in *Howell v. State*, 185 S.W.3d 319 (Tenn. 2006), to which

no response is required. To the extent a response is required, Defendants deny any factual allegations contained in this paragraph.

81. Plaintiff's allegations are a legal conclusion to which no response is required. To the extent a response is required, Defendants recognize that, pursuant to Tenn. Code Ann. § 40-29-204, a felony conviction under Tenn. Code Ann. § 39-16-503 prohibits a convicted infamous criminal from regaining her right to vote. As to any remaining allegations, denied.

82. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof. Further, this Court lacks jurisdiction to consider any claim regarding the validity of Plaintiff's guilty plea.

83. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof. Further, this Court lacks jurisdiction to consider any claim regarding the validity of Plaintiff's guilty plea.

84. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof. Further, this Court lacks jurisdiction to consider any claim regarding the validity of Plaintiff's guilty plea.

85. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof. Further, this Court lacks jurisdiction to consider any claim regarding the validity of Plaintiff's guilty plea.

86. Defendants lack sufficient knowledge or information to admit or deny the truth of Plaintiff's allegations, and therefore deny same and demand strict proof. Further, this Court lacks jurisdiction to consider any claim regarding the validity of Plaintiff's guilty plea.

CLAIMS FOR RELIEF

COUNT ONE

Facial Violation of Tennessee's Free Elections Clause, Art. I, § 5

87. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

88. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

89. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

90. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

91. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

92. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

93. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

94. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

COUNT TWO

Facial Violation of Tennessee's Equal Protection Guarantee, Art. I, § 8 & Art. XI, § 8

95. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

96. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

97. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

98. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

99. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

100. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Two for failure to state a claim upon which relief can be granted. Therefore, no response is required.

COUNT THREE

Facial Violation of Tennessee's Equal Protection Guarantee, Art. I, § 8 & Art. XI, § 8

101. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

102. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

103. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

104. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

COUNT FOUR

Facial Violation of Tennessee's Cruel and Unusual Punishment Clause, Art. I, § 16

105. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

106. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

107. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

108. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

109. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

110. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

111. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

112. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

113. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

114. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Four for failure to state a claim upon which relief can be granted. Therefore, no response is required.

COUNT FIVE
Facial Violation of Tennessee's Due Process Guarantees, Art. I, § 8

115. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Five for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

116. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Five for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

117. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Five for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

118. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Five for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

119. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Five for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

COUNT SIX

As-Applied Violation of Tennessee's Free Elections Clause, Art. I, § 5

120. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

121. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

122. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

123. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

COUNT SEVEN

As-Applied Violation of Tennessee's Due Process Guarantees, Art. I, § 8

124. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations.

125. Upon information and belief, Defendants admit that Plaintiff pleaded guilty to violating Tenn. Code Ann. § 39-16-503 on or about April 29, 2015. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

126. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants recognize that, under Tenn. Code Ann. § 40-29-204, Plaintiff's felony conviction for violating Tenn. Code Ann. § 39-16-503 prohibits her from regaining her right to vote. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

127. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, this Court lacks jurisdiction to consider any claim as to the validity of Plaintiff's guilty plea. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

128. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, this Court lacks jurisdiction to consider any claim as to the

validity of Plaintiff's guilty plea. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

129. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants recognize that, under Tenn. Code Ann. § 40-29-204, Plaintiff's felony conviction for violating Tenn. Code Ann. § 39-16-503 prohibits her from regaining her right to vote. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

130. Plaintiff's allegations are legal conclusions to which no response is required. Further, in its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's procedural due process claims in Count Seven for failure to state a claim upon which relief can be granted; therefore no response is required as to those allegations. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

COUNT EIGHT

As-Applied Violation of Tennessee's Cruel and Unusual Punishment Clause, Art. I, § 16

131. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Eight for failure to state a claim upon which relief can be granted. Therefore, no response is required.

132. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Eight for failure to state a claim upon which relief can be granted. Therefore, no response is required.

133. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Eight for failure to state a claim upon which relief can be granted. Therefore, no response is required.

134. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Eight for failure to state a claim upon which relief can be granted. Therefore, no response is required.

135. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Eight for failure to state a claim upon which relief can be granted. Therefore, no response is required.

COUNT NINE

As-Applied Violation of Tennessee's Equal Protection Guarantee, Art. I, § 8 & Art. XI, § 8

136. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Nine for failure to state a claim upon which relief can be granted. Therefore, no response is required.

137. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Nine for failure to state a claim upon which relief can be granted. Therefore, no response is required.

138. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Nine for failure to state a claim upon which relief can be granted. Therefore, no response is required.

139. In its July 19, 2023 Order Granting in Part and Denying in Part Defendants' Motion to Dismiss, the Court dismissed Plaintiff's claims in Count Nine for failure to state a claim upon which relief can be granted. Therefore, no response is required.

COUNT TEN

As-Applied Violation of Tennessee's Equal Protection Guarantee, Art. I, § 8 & Art. XI, § 8

140. Defendants rely on their responses to all other paragraphs to respond to Plaintiff's allegations in this paragraph. To the extent an additional response is required, Defendants deny that Plaintiff is entitled to relief.

141. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

142. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

143. Plaintiff's allegations are legal conclusions to which no response is required. To the extent a response is required, Defendants deny that Plaintiff is entitled to relief.

144. Defendants deny all allegations in the Second Amended Complaint not previously admitted, including, but not limited to, Plaintiff's various title and paragraph headings.

PRAYER FOR RELIEF

Defendants deny that Plaintiff is entitled to any of the relief requested in her Second Amended Complaint.

DEFENDANTS' AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff lacks standing to challenge the constitutionality of Tenn. Code Ann. § 40-29-105.
3. Plaintiff lacks standing to challenge the constitutionality of Tenn. Code Ann. § 40-29-204.
4. Plaintiff lacks standing to assert her claims against General Skrmetti.
5. Pursuant to *Falls v. Goins*, --- S.W.3d ----, 2023 WL 4243961 (Tenn. June 29, 2023), Plaintiff's claims are moot because any judgment in her favor would not allow her to regain her right to vote.
6. Plaintiff's claims are nonjusticiable under the political question doctrine.
7. Defendants reserve the right to amend their Answer to the Second Amended Complaint pursuant to the Tennessee Rules of Civil Procedure and this Court's orders.

WHEREFORE, having fully answered Plaintiff's Second Amended Complaint, Defendants respectfully request that (1) the Second Amended Complaint be dismissed with prejudice; (2) that all costs be assessed against Plaintiff; and (3) that Defendants be awarded any further relief to which they may be entitled.,

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

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CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of August, 2023, a true and exact copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system. Additionally, a copy of the foregoing has been electronically mailed to the following:

John E. Haubenreich
Protect Democracy
John.Haubenreich@protectdemocracy.org

Counsel for Plaintiff

/s/ Robert W. Wilson
Robert W. Wilson
Senior Assistant Attorney General