

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION



KETO NORD HODGES, et al.,

Plaintiffs,

v.

Case No. 8:24-cv-879

KATHLEEN PASSIDOMO, et al.,

Defendants.

**THE SECRETARY'S RESPONSES TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION**

The Secretary answers Plaintiffs' first set of requests for admission as follows:

1. **Admit that Article III, Section 21 of the Florida Constitution prohibits Black voters' ability to elect representatives of their choice from being diminished from their ability in Benchmark Senate District 19 in the Senate plan in effect from 2016–2022.**

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a Gingles analysis and a functional analysis). And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive

privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

2. Admit that Article III, Section 21 of the Florida Constitution requires a Senate district in which Black voters have an ability to elect representatives of their choice in Hillsborough County.

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a *Gingles* analysis and a functional analysis). And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

3. Admit that Article III, Section 21 of the Florida Constitution requires a Senate district in which Black voters have an ability to elect representatives of their choice in Pinellas County.

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a *Gingles*

analysis and a functional analysis). And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

4. Admit that Article III, Section 21 of the Florida Constitution requires a Senate district in which Black voters have an ability to elect representatives of their choice in Hillsborough and Pinellas Counties.

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a *Gingles* analysis and a functional analysis). And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

5. **Admit that Article III, Section 21 of the Florida Constitution requires a Senate district in which Black voters have an ability to elect representatives of their choice in Hillsborough or Pinellas Counties.**

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a *Gingles* analysis and a functional analysis). And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

6. **Admit that, in the totality of the circumstances, the political processes leading to nomination or election for the Florida Senate are not equally open to participation by Black voters in Florida, in that they have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.**

The Secretary is unable to answer this admission due to lack of knowledge. Applying the race-based provisions of article III, section 21 requires conducting extensive, data intensive analysis. *See In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23, 625-26 (Fla. 2012) (discussing a *Gingles* analysis and a functional analysis). Evaluating the totality of the circumstances, and considering whether political processes are equally open, is part of the analysis. *Id.* at

621-22. And only the Florida Legislature is responsible for creating and passing state legislative district maps. Fla. Const. art. III, § 16.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

7. Admit that the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec’y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

8. Admit that the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the

Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

9. Admit that District 16 in the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

10. Admit that District 16 in the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

11. Admit that District 18 in the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

12. Admit that District 18 in the 2022 enacted Senate Plan was not drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

13. Admit that the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

14. Admit that the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

15. Admit that District 16 in the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible

endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

16. Admit that District 16 in the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

17. Admit that District 18 in the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor a political party.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or

senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

18. Admit that District 18 in the 2022 enacted Senate Plan was drawn with the intent to favor or disfavor an incumbent.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

19. Admit that Tampa Bay is a geographical boundary.

Admit.

20. Admit that Tampa Bay is a major geographical boundary.

The Secretary cannot admit or deny this request for admission, because it is unclear what “major”—an undefined term—means in this context.

21. Admit that the boundary between Pinellas and Hillsborough Counties is a political boundary.

Admit.

22. Admit that the boundary between Pinellas and Hillsborough Counties is a major political boundary.

The Secretary cannot admit or deny this request for admission, because it is unclear what “major”—an undefined term—means in this context.

23. Admit that Tampa Bay is not a geographical boundary.

Deny.

24. Admit that Tampa Bay is not a major geographical boundary.

The Secretary cannot admit or deny this request for admission, because it is unclear what “major”—an undefined term—means in this context.

25. Admit that the boundary between Pinellas and Hillsborough Counties is not a political boundary.

Deny.

26. Admit that the boundary between Pinellas and Hillsborough Counties is not a major political boundary.

The Secretary cannot admit or deny this request for admission, because it is unclear what “major”—an undefined term—means in this context.

27. Admit that preserving the cores of pre-existing districts was not a criterion utilized in the drawing of the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

28. Admit that preserving the cores of pre-existing districts was not a criterion utilized in the drawing of District 16 in the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

29. Admit that preserving the cores of pre-existing districts was not a criterion utilized in the drawing of District 18 in the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

30. Admit that preserving the cores of pre-existing districts was a criterion utilized in the drawing of the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible

endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

31. Admit that preserving the cores of pre-existing districts was a criterion utilized in the drawing of District 16 in the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

32. Admit that preserving the cores of pre-existing districts was a criterion utilized in the drawing of District 18 in the 2022 enacted Senate Plan.

The Secretary is unable to answer this admission due to lack of knowledge. This request asks the Secretary to obtain the legislative intent of the Florida House and the

Florida Senate, collectively or as a separate chamber, or individual representatives or senators, in drafting and approving legislative districts. This is a near impossible endeavor. *See Greater Birmingham Ministries v. Sec’y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021).

This endeavor is made even more difficult because drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

The Secretary therefore cannot admit or deny this request for admission.

33. Admit that, in the development of the 2022 enacted Senate Plan, the Florida Senate complied with Article I, Section 24 of the Florida Constitution; Article III, Section 4 of the Florida Constitution; and Chapter 286 of the Florida Statutes.

The Secretary is unable to answer this admission due to lack of knowledge. Drafting and approving legislative districts is solely up to the Florida House and the Florida Senate. *See Fla. Const. art. III, § 16.*

How the Florida House and the Florida Senate complies with article I, section 24 or Florida’s public records and meetings laws, moreover, is also solely up to the Florida House and the Florida Senate.

The Secretary would have no need to conduct the analysis needed to answer this question, and upon conducting a reasonable inquiry—but without waiving executive privilege—the Secretary is unaware of such an analysis being conducted by the Department of State.

The Secretary is therefore unable to admit or deny this request for admission.

34. Admit that the Executive Office of the Governor was not involved in the drawing of the 2022 enacted Senate Plan.

To the best of the Secretary's knowledge, admitted that the Executive Office of the Governor was not involved in the drawing of the 2022 enacted Senate Plan.

35. Admit that the Florida Department of State was not involved in the drawing of the 2022 enacted Senate Plan.

Admit.

Dated: July 22, 2024

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CERTIFICATE OF SERVICE

I certify that on July 22, 2024, this response was served to all counsel of record
via email.

/s/ Mohammad O. Jazil