

NATURE OF CASE

1-12. Plaintiffs' introduction (ECF 1 ¶¶ 1-12) is a statement of the case and contains conclusions of law and characterizations of facts to which no response is required. To the extent that a response is required, OAG denies the allegations and the characterizations of the facts and legal authorities therein, except that OAG admits that Plaintiffs' causes of action include claims under the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution. Specifically, OAG denies that Senate Bill 1111 (SB 1111) is unconstitutional. Further, the referenced bill, SB 1111, speaks for itself, and OAG refers the Court to the language of the bill for a complete and accurate statement of its contents.

JURISDICTION AND VENUE

13. OAG denies that there has been any "deprivation, under color of state law, of rights secured by the U.S. Constitution" and that any relief in this case would "redress" any such "deprivation." OAG further denies that 42 U.S.C. § 1988 creates a cause of action and that any such cause of action would be available to Plaintiffs. *See, e.g., Estes v. Tuscaloosa County*, 696 F.2d 898, 900 (11th Cir. 1983) (per curiam). OAG admits that 42 U.S.C. § 1983 creates a cause of action but denies that the cause of action is available to Plaintiffs here.

14. OAG denies that this Court has jurisdiction over the subject matter due to lack of standing and sovereign immunity.

15. OAG admits the Court has personal jurisdiction over the county official defendants but denies that the Court would have personal jurisdiction over OAG.

16. OAG denies that "a substantial part of the events that give rise to Plaintiffs' claims occurred and will occur in this judicial district." OAG further denies that venue is determined by reference to events that "will occur." *See* 28 U.S.C. § 1391(b)(2) (using "occurred" in the past

tense). OAG alleges that some of the county official defendants do not operate within this judicial district.

17. OAG admits that the Court, as a general matter, “has the authority to” issue declaratory and injunctive relief, but OAG denies that Plaintiffs are entitled to such relief here.

PARTIES

18. OAG lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 18, and therefore, on that basis deny the allegations therein.

19. OAG lacks knowledge or information sufficient to admit or deny the allegations in paragraph 19, and therefore, on that basis deny the allegations therein.

20. OAG lacks knowledge or information sufficient to admit or deny the allegations in paragraph 20, and therefore, on that basis deny the allegations therein.

21. OAG lacks knowledge or information sufficient to admit or deny the allegations in paragraph 21, and therefore, on that basis deny the allegations therein.

22. OAG admits that Bruce Elfant is the Travis County Tax Assessor-Collector and that he serves as the voter registrar for Travis County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Elfant, and therefore, on that basis deny that allegation. OAG specifically denies Elfant’s capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

23. OAG admits that Jacquelyn Callanen is the Bexar County Elections administrator and that she serves as the voter registrar for Bexar County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Callanen, and therefore, on that basis deny that allegation. OAG specifically denies Callanen’s capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

24. OAG admits that Isabel Longoria is the Harris County Elections administrator and that she serves as the voter registrar for Harris County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Longoria, and therefore, on that basis deny that allegation. OAG specifically denies Longoria's capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

25. OAG admits that Yvonne Ramon is the Hidalgo County Elections administrator and that she serves as the voter registrar for Hidalgo County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Ramon, and therefore, on that basis deny that allegation. OAG specifically denies Ramon's capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

26. OAG admits that Michael Scarpello is the Dallas County Elections administrator and that she serves as the voter registrar for Hidalgo County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Scarpello, and therefore, on that basis deny that allegation. OAG specifically denies Scarpello's capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

27. OAG admits that Lisa Wise is the El Paso County Elections administrator and that she serves as the voter registrar for Hidalgo County. OAG lacks knowledge or information sufficient to admit or deny the allegations concerning the reason for suing Wise, and therefore, on that basis deny that allegation. OAG specifically denies Wise's capacity to be sued in his official capacity. *See* Fed. R. Civ. P. 9(a)(2).

STATEMENT OF FACTS AND LAW

I. Changing Demographics of Texas Voters

28. OAG admits that the percentage of registered voters who voted in the November

2020 presidential election¹ was higher than the percentage of registered voters who voted in one or more presidential elections that preceded the November 2020 election, and that voting procedures in Texas were altered to accommodate the State's response to the novel coronavirus pandemic, but denies the balance of the allegations contained in this paragraph.

29. OAG lacks knowledges or information sufficient to admit or deny the allegations concerning what unidentified Texas lawmakers do and don't know, and to the extent a response is required, therefore, this allegation is denied. Further, OAG denies the allegations and characterizations of publicly available data in the United States Census. The publicly available data speaks for itself, and to the extent that Plaintiffs refer generally to US Census data, the data provided by that referenced source speaks for itself.

30. OAG admits that people are moving to Texas. OAG lacks knowledge or information sufficient to admit or deny the balance of the allegations contained in this paragraph, and therefore, on that basis deny the allegations.

31. OAG lacks knowledge or information sufficient to admit or deny the allegations contained in this paragraph, and therefore, on that basis deny the allegations.

32. OAG lacks knowledge or information sufficient to admit or deny the allegations contained in this paragraph, and therefore, on that basis deny the allegations.

33. OAG admits that the percentage of registered voters who voted in the November 2018 midterm election was higher than the percentage of registered voters who voted in one or more midterm elections that preceded the November 2018 midterm election. OAG admits that

¹ Plaintiffs' Complaint does not define the types of elections referenced, but the context of the Complaint suggests that Plaintiffs' reference to "midterm elections" and "elections" are references to federal elections occurring in years when the office of President of the United States is not on the ballot and to elections when the office of President of the United States is on the ballot, respectively. OAG's responses in this pleading assume those are the elections referenced by Plaintiffs, but OAG reserves the right to alter or amend this response if necessary to correct the responses upon receipt of additional information through this litigation.

some Democratic candidates won elections in the 2018 midterm election, including two seats in the U.S. House of Representatives, 12 seats in the Texas House of Representatives, and two seats in the Texas Senate. OAG lacks knowledge or information sufficient to admit or deny the balance of the allegations, and therefore, on that basis denies the allegations.

34. OAG admits that the percentage of registered voters who voted in the November 2020 election was higher than the percentage of registered voters who voted in one or more elections in presidential-election years that preceded the November 2020 presidential election, and that voting procedures in Texas were altered to accommodate the State's response to the novel coronavirus pandemic, but denies the balance of the allegations contained in this paragraph.

35. OAG admits that the Texas Legislature enacted Senate Bill 1111 and the Texas Governor signed the bill. OAG denies that Texas legislators "attempted to pass a host of sweeping voter suppression legislation during the recently concluded legislative session." OAG also denies that SB 1111 is "suppressive." OAG lacks knowledge or information sufficient to admit or deny the balance of the allegations, and therefore, on that basis denies the allegations.

II. Senate Bill 1111

36. Paragraph 36 contains Plaintiffs' statement of the case and legal arguments; hence, no response is required. To the extent that a response is required, OAG denies Plaintiffs' characterizations of SB 1111, which speaks for itself, as well as Plaintiffs' characterization of the intent behind SB 111. OAG respectfully refers the Court to the plain language of the text for a complete and accurate statement of SB 1111.

A. The Residence Restriction

37-44. Paragraphs 37-41 contain Plaintiffs' statement of the case and legal arguments; hence, no response is required. To the extent that a response is required, OAG denies Plaintiffs'

characterizations of SB 1111 and the United States Constitution, both of which speak for themselves. OAG respectfully refers the Court to the plain language of the text for a complete and accurate statement of SB 1111 and the United States Constitution. Further, to the extent that Plaintiffs' allegations within these paragraphs can be construed as factual allegations, OAG responds that it lacks sufficient knowledge to admit or deny any factual allegations contained in ¶¶ 37-44 in the Complaint, and therefore, to the extent a response is required, the allegations are denied.

B. Temporary Relocation

45-47. Paragraphs 45-47 contain Plaintiffs' statement of the case and legal arguments; hence, no response is required. To the extent that a response is required, OAG denies Plaintiffs' characterizations of SB 1111, which speaks for itself. OAG respectfully refers the Court to the plain language of the text for a complete and accurate statement of SB 1111.

C. Post Office Boxes

48-51. Paragraphs 48-51 contain Plaintiffs' statement of the case and legal arguments; hence, no response is required. To the extent that a response is required, OAG denies Plaintiffs' characterizations of SB 1111, which speaks for itself. OAG respectfully refers the Court to the plain language of the text for a complete and accurate statement of SB 1111.

CLAIMS FOR RELIEF

COUNT I

**U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983
Undue Burden on the Rights to Free Speech and Expression
Against All Defendants**

52. Answering the allegations contained in paragraph 52, OAG reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth here.

53-64. Answering the allegations contained in paragraphs 66-73, OAG denies the allegations. The cited legal authorities and statutes speak for themselves, and the OAG refers the Court to said authorities for a complete and accurate statement of their contents, and further deny that Plaintiffs are entitled to the relief requested.

COUNT II

**U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983
Undue Burden on the Rights to Vote
Against All Defendants**

65. Answering the allegations contained in paragraph 65, OAG reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth here.

66-73. Answering the allegations contained in paragraphs 66-73, OAG denies the allegations. The cited legal authorities and statutes speak for themselves, and the OAG refers the Court to said authorities for a complete and accurate statement of their contents, and further deny that Plaintiffs are entitled to the relief requested.

COUNT III

**U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983
Denial or Abridgement of the Right to Vote on Account of Age
Against All Defendants**

74. Answering the allegations contained in paragraph 74, OAG reasserts its previous denials and admissions to each and every paragraph of the Complaint as if fully set forth here.

75-78. Answering the allegations contained in paragraphs 75-78, OAG denies the allegations. The cited legal authorities and statutes speak for themselves, and the OAG refers the Court to said authorities for a complete and accurate statement of their contents, and further deny that Plaintiffs are entitled to the relief requested.

PRAYER FOR RELIEF

No response is required to the Prayer for Relief. However, to the extent a response is required, OAG denies the allegations contained in the Prayer for Relief and specifically denies that Plaintiffs are entitled to the relief requested.

AFFIRMATIVE DEFENSES

OAG, in response to the Complaint, alleges as follows:

1. Plaintiffs' Complaint fails to state a claim for which relief may be granted.
2. Plaintiffs' claims are barred by sovereign immunity.

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Dated: August 12, 2021

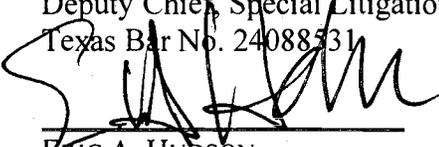
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CERTIFICATE OF SERVICE

I certify that on August 13, 2021, after receiving file-stamped copies from the Court, I will serve the foregoing document via electronic mail and via U.S. Postal Service to the following:

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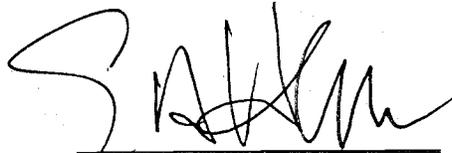
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