

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS STATE LULAC; VOTO LATINO, §
Plaintiff, §

v. §

Civil No. 1:21-CV-00546-LY §

BRUCE ELFANT, in his official capacity as the §
Travis County Tax Assessor-Collector, §
JACQUELYN CALLANEN, in her official §
capacity as the Bexar County Elections §
Administrator, §
ISABEL LONGORIA, in her official capacity as §
the Harris County Elections Administrator, §
YVONNE RAMÓN, in her official capacity as §
the Hidalgo County Elections Administrator, §
MICHAEL SCARPELLO, in his official §
capacity as the Dallas County Elections §
Administrator, §
LISA WISE, in her official capacity as the El §
Paso County Elections Administrator, §

Defendants. §

**DEFENDANTS LUPE C. TORRES AND TERRI PENDLEY’S
AMENDED ANSWER TO PLAINTIFF’S ORIGINAL COMPLAINT¹**

Defendants Lupe C. Torres, in his official capacity as the Medina County Elections Administrator and Terrie Pendley, in her official capacity as the Real County Tax Assessor-Collector, (“Defendants”) by and through their undersigned attorneys, hereby respond to the Original Complaint for Declaratory and Injunctive Relief (“the Complaint”) of Plaintiff Texas State LULAC and Voto Latino (“LULAC” or “Plaintiff”), with the following Answer with the numbered paragraphs corresponding to the like-numbered paragraphs of Plaintiff’s Complaint.

¹ Defendants’ original Answer mistakenly identified Mr. Torres’ sex incorrectly. This Amended Answer only corrects Defendant Torres’ gender to identify him as male.

Any allegations not expressly admitted, denied, or explained, are denied, and Defendants specifically deny that Plaintiff is entitled to any relief whatsoever.

NATURE OF CASE

1. The allegations contained in Paragraph 1 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation.

2. The allegations contained in Paragraph 2 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants admit that voter turnout is rising but deny the other allegations.

3. The allegations contained in Paragraph 3 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation.

4. The allegations contained in Paragraph 4 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation.

5. The allegations contained in Paragraph 5 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants admit that bills were introduced in the Texas Senate numbered 7 and 1675 and, in the Texas House, numbered 3920 and 530. Defendants deny the other allegations.

6. Defendants admit that the Plaintiffs purport to challenge Senate Bill 1111. Paragraph 6 also contains legal conclusions of law to which no response is required. The remaining allegations in Paragraph 6 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation.

7. The allegations contained in Paragraph 7 are vague, ambiguous, and conclusory. Paragraph 7 also contains legal conclusions of law to which no response is required. To the extent that a response is required, Defendants deny each allegation.

8. The allegations contained in Paragraph 8 consist of characterizations of Plaintiffs' action and legal conclusions, to which no response is required. To the extent that a response is required, Defendants deny each allegation.

9. The allegations contained in Paragraph 9 are vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation. Defendants further deny that SB 1111 has a burdensome impact on any voter.

10. The allegations contained in Paragraph 10 consist of characterizations of Plaintiffs' action and legal conclusions, to which no response is required. The allegations contained in Paragraph 10 are also vague, ambiguous, and conclusory. To the extent that a response is required, Defendants deny each allegation. Defendants further deny that Plaintiffs have been injured.

11. The allegations contained in Paragraph 11 consist of characterizations of Plaintiffs' action and legal conclusions, to which no response is required. To the extent that a response is required, Defendants deny each allegation.

12. The allegations contained in Paragraph 12 consist of characterizations of Plaintiffs' action, to which no response is required. To the extent that a response is required, Defendants deny each allegation.

JURISDICTION AND VENUE

13. The allegations in Paragraph 13 are conclusions of law to which no response is required. To the extent a response is required, Defendants deny each allegation.

14. The allegations in Paragraph 14 are conclusions of law to which no response is required. To the extent a response is required, Defendants deny each allegation.

15. The allegations in Paragraph 15 are conclusions of law to which no response is required. To the extent a response is required, Defendants deny each allegation.

16. The allegations in Paragraph 16 are conclusions of law to which no response is required. To the extent a response is required, Defendants deny each allegation.

17. The allegations in Paragraph 17 are conclusions of law to which no response is required. To the extent a response is required, Defendants deny each allegation.

PARTIES

18. Defendants lack information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 18 concerning the membership, purpose, activities, and interests of Plaintiff Texas State LULAC, and deny them on that basis.

19. Defendants lack information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 19 concerning the membership, purpose, activities, and interests of Plaintiff Texas State LULAC, and deny them on that basis. Defendants deny that Plaintiff Texas State LULAC has been harmed.

20. Defendants lack information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 20 concerning the membership, purpose, activities, and interests of Plaintiff Voto Latino, and deny them on that basis. Defendants deny that Plaintiff Voto Latino has been harmed.

21. Defendants lack information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 21 concerning the membership, purpose, activities, and interests of Plaintiff Voto Latino, and deny them on that basis. Defendants deny that Plaintiff Voto Latino has been harmed.

22. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 22 consists of a characterization of Plaintiffs'

action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 22.

23. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 23 consists of a characterization of Plaintiffs' action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23.

24. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 24 consists of a characterization of Plaintiffs' action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 24.

25. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 25 consists of a characterization of Plaintiffs' action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25.

26. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 26 consists of a characterization of Plaintiffs' action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26.

27. Defendants admit that Tex. Elec. Code § 12.001 controls the designation of the voter registrar. The third sentence of Paragraph 27 consists of a characterization of Plaintiffs' action which requires no response. Defendants lack information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27.

STATEMENT OF FACTS AND LAW

I. Changing Demographics of Texas Voters

28. The allegations contained in Paragraph 28 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 28 and therefore deny those allegations.

29. The allegations contained in Paragraph 29 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 29 and therefore deny those allegations.

30. The allegations contained in Paragraph 30 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 30 and therefore deny those allegations.

31. The allegations contained in Paragraph 31 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 31 and therefore deny those allegations.

32. The allegations contained in Paragraph 32 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 32 and therefore deny those allegations.

33. The allegations contained in Paragraph 33 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33 and therefore deny those allegations.

34. The allegations contained in Paragraph 34 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 34 and therefore deny those allegations.

35. The allegations contained in Paragraph 35 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35 and therefore deny those allegations.

II. Senate Bill 1111

36. The allegations contained in Paragraph 36 are vague, ambiguous, and conclusory. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 36 and therefore deny those allegations.

A. The Residence Restriction

37. Paragraph 37 contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. The remaining allegations are denied.

38. The allegations contained in Paragraph 38 are vague, ambiguous, and conclusory. The language of SB 1111 speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35 and therefore denies those allegations.

39. Paragraph 39 contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. The remaining allegations are denied.

40. Paragraph 40 contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. The remaining allegations are denied.

41. Paragraph 41 contains legal conclusions of law to which no response is required. The language of the Texas and United States Constitutions speak for themselves. The remaining allegations are denied.

42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 42 and therefore denies those allegations.

43. Paragraph 43 contains legal conclusions of law to which no response is required. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43 and therefore denies those allegations.

44. Paragraph 44 contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43 and therefore denies those allegations.

B. Temporary Relocation

45. Defendants admit that Paragraph 45 quotes SB 1111. All other allegations are denied.

46. Paragraph 46 contains legal conclusions of law to which no response is required. The language of SB 1111 and the Texas Election Code speak for themselves. The remaining allegations are denied.

47. Paragraph 47 contains legal conclusions of law to which no response is required. The language of SB 1111 and the Texas Election Code speaks for themselves. The remaining allegations are denied.

C. Post Office Boxes

48. Defendants deny the allegations set forth in Paragraph 48.

49. Defendants admit that Paragraph 49 quotes SB 1111. Paragraph 49 contains legal conclusions of law to which no response is required. All other allegations are denied.

50. Paragraph 50 contains legal conclusions of law to which no response is required. The language of SB 1111 and the Texas Election Code speaks for themselves. The remaining allegations are denied.

51. Defendants admit that Paragraph 51 quotes SB 1111. Paragraph 51 further contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. The remaining allegations are denied.

CLAIMS FOR RELIEF

COUNT 1

**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. Defendants hereby incorporates each and every answer contained in Paragraphs 1 through 51.

53. Paragraph 53 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

54. Paragraph 54 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

55. Paragraph 55 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

56. Paragraph 56 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

57. Paragraph 57 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

58. Paragraph 58 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

59. Paragraph 59 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

60. Paragraph 60 contains legal conclusions of law to which no response is required. The language of SB 1111 speaks for itself. To the extent a response is required, Defendants deny the allegations.

61. Paragraph 61 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

62. Paragraph 62 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

63. Paragraph 63 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

64. Paragraph 64 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

COUNT II

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

65. Defendants hereby incorporate each and every answer contained in Paragraphs 1 through 64.

66. Paragraph 66 contains legal conclusions of law to which no response is required. The plain language of the U.S. Constitution speaks for itself. To the extent a response is required, Defendants deny the allegations.

67. Paragraph 67 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

68. Paragraph 68 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

69. Paragraph 69 contains legal conclusions of law to which no response is required. The plain language of the Texas Election Code speaks for itself. To the extent a response is required, Defendants deny the allegations.

70. Defendants deny the allegations set forth in Paragraph 70.

71. Defendants deny the allegations set out in Paragraph 71.

72. Defendants deny the allegations set out in Paragraph 72.

73. Paragraph 73 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

COUNT III

U.S. Const. Amend XXVI; 42 U.S.C. § 1983 Denial or Abridgement of the Right to Vote on Account of Age Against All Defendants

74. Defendants hereby incorporate each and every answer contained in Paragraphs 1 through 73.

75. Paragraph 75 contains legal conclusions of law to which no response is required. The plain language of the U.S. Constitution speaks for itself. To the extent a response is required, Defendants deny the allegations.

76. Paragraph 76 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

77. Paragraph 77 contains legal conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

78. Defendants deny the allegations set out in Paragraph 78.

PRAYER FOR RELIEF

The remainder of the Complaint constitutes Plaintiffs' requests for relief, to which no response is required. To the extent that a response is required Defendants deny that Plaintiffs are entitled to the relief requested or any relief whatsoever.

GENERAL DENIAL

Defendants deny any allegation of the Complaint, whether express or implied, that are not otherwise expressly admitted, qualified, or denied herein.

AFFIRMATIVE DEFENSES

1. Plaintiffs have failed to state a claim or claims upon which relief can be granted.
2. The Court lacks jurisdiction over some or all of Plaintiffs' claims.
3. Plaintiffs lack standing on some or all of their claims for at least the reason that Plaintiffs have not suffered any injury.
4. Plaintiffs' claims are not ripe for judicial review.
5. Plaintiffs have failed to name all of the necessary parties.

WHEREFORE, Defendants respectfully request that this Court dismiss Plaintiffs' Complaint in its entirety and order such further relief as it deems appropriate.

Respectfully submitted,

/s/Robert Henneke

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on September 23, 2021, with the Clerk of the Court for the U.S. Western District of Texas by using the CM/ECF system, causing electronic service upon all counsel of record.

/s/Robert Henneke
ROBERT HENNEKE

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