

matter of law under Count I because SB 1111 violates the First and Fourteenth Amendments by restricting Plaintiffs' freedom of expression. Plaintiffs are entitled to judgment as a matter of law under Count II because SB 1111 imposes burdens on the right to vote that cannot be justified by a sufficiently weighty state interest. *Id.* Plaintiffs further assert they are entitled to judgment as a matter of law under Count III, because SB 1111 violates the Twenty-Sixth Amendment to the U.S. Constitution by preventing newly enfranchised, young Texans from effectively exercising their right to vote. *Id.*

Intervenor-Defendant Ken Paxton moves for summary judgment on the grounds that Plaintiffs lack standing to assert such claims and, further, that the challenged statute does not unlawfully burden the right to vote but merely seeks to prevent persons from using an "impossible address" as a residence for purposes of registering to vote. *See* Intervenor-Defendant Ken Paxton's Motion for Summary Judgment (ECF No. 138) (the "Paxton MSJ") at 3.

Intervenor-Defendants Lupe Torres and Terrie Pendley have provided notice that they join in the Paxton MSJ (ECF No. 139).

A. Claims Against Defendant Elfant.

Plaintiffs bring suit against Defendant Elfant "for the manner in which he implements the provisions of SB 1111 challenged in this action." Complaint (ECF No. 1) at ¶ 22. Plaintiffs seek summary judgment against Defendant Elfant, and the other Defendants, and requests the Court to enjoin enforcement of SB 1111.

Defendant Elfant denies that he has violated any state or federal laws or rights secured under the United States Constitution in conducting his activities as the Travis County Tax Assessor-Collector. *See* Defendant Bruce Elfant's Original Answer to Plaintiffs' Complaint (ECF No. 52) at ¶¶ 22, 55, 58-59, 62-64, 69-73, 78.

**II.
RESPONSE**

Defendant Elfant takes no position on the competing claims and positions advanced in the pending summary judgment motions. Defendant's position has always been that his office will comply with federal and state laws governing voter registration, including the law as determined by this Court or on appellate review. Defendant Elfant believes that that the competing summary judgment motions sufficiently present the legal issues that the Court must resolve. Accordingly, Defendant Elfant respectfully declines to proffer his own brief, as it would not assist the Court in its task of determining the pure issues of law at issue in Plaintiff's summary judgment motion or in the competing summary judgment motions, but would instead serve only to increase the costs of litigation to all parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify that on May 23, 2022, I caused to be electronically transmitted the attached document to the Clerk of the Court for the United States District Court for the Western District of Texas using the CM/ECF electronic case filing system of the Court.

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