

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VOTE.ORG,
Plaintiff,

v.

JACQUELYN CALLANEN, in her official
Capacity as the Bexar County Elections
Administrator, et al.
Defendants.

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CIVIL ACTION NO. 5:21-CV-00649-JKP

DEFENDANT REMI GARZA'S ORIGINAL ANSWER
TO PLAINTIFF'S COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, Defendant Remi Garza, in his official capacity as the Cameron County Elections Administrator, and files this his Original Answer to Plaintiff's Complaint for Declaratory and Injunctive Relief. (Dkt. 1)

Pursuant to Federal Rule of Civil Procedure 8(b), Defendant Garza denies each and every allegation contained in Plaintiff's Complaint except those expressly admitted herein. The following specific admissions and denials are made to the corresponding paragraphs of Plaintiff's Complaint:

A. ADMISSIONS & DENIALS

NATURE OF CASE

1. Plaintiff's allegations in Paragraph 1 are not directed toward Defendant Garza, but in an abundance of caution, Defendant Garza denies any allegation that could pertain to him.
2. The allegations in Paragraph 2 contain propositions of law to which no answer is required.
3. The first sentence in Paragraph 3 contain propositions of law to which no answer is required. Defendant Garza admits the remaining allegations in Paragraph 3; however Footnote 1 does not apply to Defendant Garza and as such is denied.

4. The allegations in Paragraph 4 contain propositions of law to which no answer is required.
5. The allegations in Paragraph 5 contain propositions of law to which no answer is required.
6. The allegations in Paragraph 6 contain propositions of law to which no answer is required.
7. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 7.
8. The allegations in Paragraph 8 contain propositions of law to which no answer is required.
9. The allegations in Paragraph 9 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.
10. The allegations in Paragraph 10 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.
11. The allegations in Paragraph 11 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

JURISDICTION AND VENUE

12. The allegations in Paragraph 12 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.
13. Defendant Garza admits to the allegations in Paragraph 13 that the Court has original jurisdiction over this case; however Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.
14. Defendant Garza admits to the allegations in Paragraph 14 that the Court has personal jurisdiction over

this Defendant Garza; however Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

15. Defendant Garza admits to the allegations in Paragraph 15 that venue is proper; however Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

16. Defendant Garza admits to the allegations in Paragraph 16.

PARTIES

17. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 17.

18. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 18.

19. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 19 but admits that Secretary Pablos did clarify that original signatures were necessary for proper voter registration.

20. The allegations in the first two sentences of Paragraph 20 contain propositions of law to which no answer is required. Defendant Garza lacks sufficient knowledge or information to form a belief about the remainder of Paragraph 20.

21. Defendant Garza admits that Jaquelyn Callenen is the Bexar County Elections Administrator yet lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 21.

22. Defendant Garza admits that Bruce Elfant is the Travis County tax Assessor-Collector yet lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 22.

23. Defendant Garza admits the allegations in Paragraph 23, however denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

24. Defendant Garza admits that Michael Scarpello is the Dallas County Elections Administrator yet lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 24.

STATEMENT OF FACTS AND LAW

25. Defendant Garza admits the allegation in Paragraph 25.

26. The allegations in Paragraph 26 contain propositions of law to which no answer is required.

27. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 27, however admits that Secretary Pablos clarified that an original signature was required for the Voter Registration Form.

28. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 28.

29. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 29.

30. The allegations in Paragraph 30 contain propositions of law to which no answer is required.

31. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 31.

32. The first sentence of Paragraph 32 contain propositions of law to which no answer is required. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 32.

33. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of Paragraph 33.

34. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 34.

35. The allegations in Paragraph 35 contain propositions of law to which no answer is required.

36. Defendant Garza lacks sufficient knowledge or information to form a belief about the truth of the remainder of Paragraph 36.

CLAIMS FOR RELIEF

COUNT 1

52 U.S.C. § 10101; 42 U.S.C. § 1983

Violation of Section 1971 of the Civil Rights Act of 1964

Against All Defendants

37. In response to paragraph 37, Defendant Garza incorporates all of his former responses.

38. The allegations in Paragraph 38 contain propositions of law to which no answer is required.

39. The allegations in Paragraph 39 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

40. The allegations in Paragraph 40 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

COUNT II

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983

Undue Burden on the Right to Vote

Against all Defendants

41. In response to paragraph 41, Defendant Garza incorporates all of his former responses.

42. The allegations in Paragraph 42 contain propositions of law to which no answer is required.

43. The allegations in Paragraph 43 contain propositions of law to which no answer is required.

44. The allegations in Paragraph 44 contain propositions of law to which no answer is required.

45. The allegations in Paragraph 45 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

46. The allegations in Paragraph 46 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

47. The allegations in Paragraph 47 contain propositions of law to which no answer is required. To the extent said allegations require an answer, Defendant Garza denies that his actions have violated any state or federal laws or rights secured under the United States Constitution.

B. DEFENSES & AFFIRMATIVE DEFENSES

48. Defendant Garza asserts that sovereign immunity, qualified immunity, and/or equity and justice bar Plaintiff's recovery of attorneys' fees from Defendant Garza in this suit as Defendant Garza neither advocated nor enacted the "Wet Signature Rule".

49. Defendant Garza reserves the right to amend his Original Answer to incorporate defenses that may arise through the life of this suit.

C. TRIAL BY MAGISTRATE

50. Defendant Garza hereby consents to a bench trial before the Magistrate.

D. PRAYER

51. For these reasons, Defendant Garza asks the Court to enter judgment that Plaintiff take nothing, assess costs against Plaintiff, and award Defendant Garza all other relief the Court deems appropriate.

Respectfully submitted,

COMMISSIONERS COURT-
CIVIL LEGAL DIVISION
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ATTORNEYS FOR DEFENDANT
REMI GARZA

CERTIFICATE OF SERVICE

I, Daniel N. Lopez, do hereby certify that service of a true and correct copy of the foregoing document will be electronically served upon all counsel of record c/o U.S. District Court, Western District of Texas-San Antonio Division, via the Court's Automatic Filing System, this 10th day of November, 2021:

/s/ Daniel N. Lopez
Daniel N. Lopez

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