IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LINDA JANN LEWIS; MADISON LEE; ELLEN SWEETS; BENNY ALEXANDER; GEORGE MORGAN, VOTO LATINO, TEXAS STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; and TEXAS ALLIANCE OF RETIRED AMERICANS, *Plaintiffs*, v. RUTH HUGHS, in her official capacity as the Texas Secretary of State, *Defendant.*	CIVIL ACTION NO. 5:20-cv-00577-OLG

THE TEXAS SECRETARY OF STATE'S REPLY
IN SUPPORT OF HER MOTION TO DISMISS

TABLE OF CONTENTS

INTRODUCTION

The Court should dismiss Plaintiffs' effort to replace the Texas Election Code with government-by-injunction. Plaintiffs challenge four commonsense provisions of Texas law that have been widely adopted in other States. First, they challenge Texas's refusal to subsidize postage for mail-in ballots. That cannot burden anyone's right to vote because the Postal Service delivers ballots without any postage. Second, Plaintiffs challenge the requirement that ballots be received by the day after the election. Texas's deadline, which is significantly more lenient than many other States', serves important interests, including letting local officials process and count ballots quickly. Third, Plaintiffs argue the signature-verification process should be more narrowly tailored. But narrow tailoring is not required for a reasonable and nondiscriminatory rule preventing election fraud. Fourth, Plaintiffs demand the State allow strangers to handle a voter's mail-in ballot. The State cannot do so without encouraging voter fraud and undue influence.

ARGUMENT

I. Sovereign Immunity Bars Plaintiffs' Claims

Plaintiffs acknowledge that the Secretary "does not *personally*" enforce the challenged laws, and they do not argue the Secretary's employees do either. ECF 19 at 3. Instead, they suggest the Secretary has a state-law power to coerce local officials. But the Secretary cited multiple state cases interpreting the Secretary's state-law powers narrowly. *See* ECF 17 at 3–4. Plaintiffs ignore these authorities.[1]

Even if the Secretary had the authority Plaintiffs claim, sovereign immunity would bar the Court from ordering her to fulfill state-law obligations, *see Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106 (1984), or act in her official capacity, *see* ECF 17 at 4. "[A]n injunction ordering the

[1] Plaintiffs cite a Fifth Circuit opinion staying an injunction against the Secretary on the merits rather than on jurisdictional grounds. *See TDP v. Abbott*, 961 F.3d 389, No. 20-50407, 2020 WL 2982937, at *8 (5th Cir. June 4, 2020). The court's preliminary and tentative discussion of *Ex parte Young* did not consider these state cases and was based on an overly broad reading of *OCA-Greater Houston*. *See* ECF 17 at 10 n.4.

Secretary to promulgate a rule" would be "extraordinary relief" that "raised serious federalism concerns, and it is doubtful that a federal court would have authority to order it." *Jacobson v. Fla. Sec'y of State*, 957 F.3d 1193, 1211–12 (11th Cir. 2020). Sovereign immunity bars a claim for which "the requested relief . . . . would require us to order the Secretary to take various forms of affirmative action." *Painter v. Shalala*, 97 F.3d 1351, 1359 (10th Cir. 1996). In response, Plaintiffs mischaracterize four cases that actually considered prohibitory injunctions as approving "mandatory injunctions." ECF 19 at 4 n.3.[2] Plaintiffs also cite two cases as approving "affirmative obligations" even though they did not consider the issue. ECF 19 at 4 n.4.[3] "Questions which merely lurk in the record, neither brought to the attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." *Cooper Indus., Inc. v. Aviall Servs., Inc.*, 543 U.S. 157, 170 (2004).

II. Plaintiffs Lack Standing

No Plaintiff has plausibly alleged a certainly impending injury in fact. Plaintiffs argue only one Plaintiff needs standing, *see* ECF 19 at 5, but the Court should streamline this case by dismissing any Plaintiff who lacks standing. *See We Are Am./Somos Am., Coal. of Ariz. v. Maricopa Cty. Bd. of Supervisors*, 809 F. Supp. 2d 1084, 1092–93 (D. Ariz. 2011). An injunction cannot cover multiple Plaintiffs unless each one has standing. *See Lewis v. Casey*, 518 U.S. 343, 357 (1996) (holding a remedy must "be limited to the inadequacy that produced the injury in fact that the plaintiff has established").

Injury in Fact: For Article III standing, a plaintiff's injury must be "certainly impending."

---

[2] *See Verizon Md. Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002) ("restrained from enforcing"); *Air Evac EMS, Inc. v. Tex., Dep't of Ins., Div. of Workers' Comp.*, 851 F.3d 507, 512 (5th Cir. 2017) ("injunctive relief against enforcement"); *Green Valley Special Util. Dist. v. Walker*, 324 F.R.D. 176, 180 (W.D. Tex. 2018) ("enjoin the PUC Officials from decertifying"); *Hall v. Louisiana*, 983 F. Supp. 2d 820, 826 (M.D. La. 2013) ("forbidding Defendants from enforcing").

[3] *See Thomas ex rel. D.M.T. v. Sch. Bd. St. Martin Parish*, 756 F.3d 380 (5th Cir. 2014) (not considering sovereign immunity because the defendants were local officials); *Milliken v. Bradley*, 433 U.S. 267, 288–89 (1977) (considering whether relief was "retroactive," not whether it was mandatory). To the extent the *Milliken* injunction was mandatory, it could have been easily restated as a prohibitory injunction, so there was no reason to litigate the issue. That is not true here.

Clapper v. Amnesty Int'l USA, 568 U.S. 398, 409 (2013). Plaintiffs' challenges to the ballot-receipt deadline and the signature-verification requirement, for example, require not only that (1) they will attempt to vote by mail, but also (2) that local officials will refuse to count their ballots because of those rules. Plaintiffs' response argues that they face a "high risk for . . . disenfranchisement," ECF 19 at 6, but that is nowhere in their complaint. Recognizing the insufficiency of their complaint, Plaintiffs repeatedly cite declarations, *see* ECF 19 at 6–7, but declarations attached to a response brief cannot take the place of plausible factual allegations.[4]

Plaintiffs do not dispute that less than 2% of mail-in ballots were rejected in 2018. *See* ECF 19 at 7–8 & n.6. That is not even an "objectively reasonable likelihood," which is itself insufficient for Article III standing. *Clapper*, 568 U.S. at 410. Also, the possibility someone else's ballot might be rejected cannot satisfy Plaintiffs' obligation to provide "Plaintiff-specific" allegations. *Stringer v. Whitley*, 942 F.3d 715, 722 (5th Cir. 2019).[5]

The Organizational Plaintiffs do not allege facts establishing that they have "members" within the meaning of the associational standing test. *See* ECF 17 at 6. Plaintiffs assert "that the Organizational Plaintiffs are membership organizations," ECF 19 at 8–9, but that is a legal conclusion. Moreover, "the complaint did not identify any member of the" Organizational Plaintiffs who was injured. *Draper v. Healey*, 827 F.3d 1, 3 (1st Cir. 2016) (Souter, J.); *see* ECF 17 at 6. Attacking a straw man, Plaintiffs insist "individual participation of an organization's members is" unnecessary. ECF 19

[4] "Where, as here, the movant mounts a 'facial attack' on jurisdiction based only on the allegations in the complaint, the court simply considers the sufficiency of the allegations in the complaint because they are presumed to be true." *Lee v. Verizon Commc'ns, Inc.*, 837 F.3d 523, 533 (5th Cir. 2016) (quotation omitted); *see also In re Apple iPhone Antitrust Litig.*, No. 4:11-cv-6714, 2013 WL 4425720, at *6–7 (N.D. Cal. Aug. 15, 2013) (dismissing because the court granted a motion to dismiss because "Plaintiffs' allegations" were "insufficient to establish Article III standing" and refusing to consider "declarations" except for "whether leave to amend should be granted").

[5] Plaintiffs argue they face increased risk of rejected ballots, *see* ECF 19 at 8, but their complaint does not allege what that risk is. Even if Plaintiffs were an order of magnitude more likely to have their ballots rejected (which seems implausible), a 20% chance of injury is not "certainly impending."

at 8. No one is arguing that the Organizational Plaintiffs' supposed members need to be joined as plaintiffs. Plaintiffs should simply allege (and later prove) the identity of injured members. An unpublished opinion in which the court was "aware of no precedent holding that an association must set forth the name of a particular member in its complaint," *Hancock Cty. Bd. of Supervisors v. Ruhr*, 487 F. App'x 189, 198 (5th Cir. 2012), is irrelevant because the Secretary has identified multiple cases recognizing exactly that requirement. *See* ECF 17 at 6. Plaintiffs do not distinguish them.

Plaintiffs claim to have direct organizational standing on the theory that they "divert resources" in response to Texas law. *See* ECF 19 at 9. "A diversion of resources is not a cognizable injury in fact unless the plaintiff 'would have suffered some other injury if it had not diverted resources to counteracting the problem.'" ECF 17 at 8 (quoting *La Asociacion de Trabajadores de Lake Forest v. City of Lake Forest*, 624 F.3d 1083, 1088 (9th Cir. 2010)); *see also Zimmerman v. City of Austin*, 881 F.3d 378, 390 (5th Cir. 2018). In this case, Plaintiffs claim to be avoiding injuries to their interests in voter turnout, *see* ECF 19 at 9–10, but "[t]he 'abstract social interest in maximizing voter turnout . . . cannot confer Article III standing.'" ECF 17 at 7 (quoting *Fair Elections Ohio v. Husted*, 770 F.3d 456, 461 (6th Cir. 2014)); *see also Gill v. Whitford*, 138 S. Ct. 1916, 1933 (2018) ("generalized partisan preferences").

Instead of responding to those cases, Plaintiffs cite *OCA-Greater Houston*. *See* ECF 19 at 10–11. Although the plaintiff in *OCA-Greater Houston* had "a 'Get Out the Vote' initiative," no party raised—and the court did not decide—whether that represented more than an abstract social interest in voter turnout. 867 F.3d 604, 609 (5th Cir. 2017). "When a potential jurisdictional defect is neither noted nor discussed in a federal decision, the decision does not stand for the proposition that no defect existed." *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 144–45 (2011). The Fifth Circuit is "always chary to create a circuit split" and avoids reading its precedents to needlessly conflict with the rulings of other courts. *Hoyt v. Lane Constr. Corp.*, 927 F.3d 287, 296 n.3 (5th Cir. 2019); *see also Gahagan v. USCIS*, 911 F.3d 298, 304 (5th Cir. 2018) ("always chary to create a circuit split . . . including

when applying the rule of orderliness").

Even if Plaintiffs had a cognizable interest in voter turnout, they have not "plausibly allege[d] that the challenged statutes make their [turnout-related] '*activities* more difficult.'" ECF 17 at 7 (quoting *Nat'l Treasury Emps. Union v. United States*, 101 F.3d 1423, 1430 (D.C. Cir. 1996)). Instead of identifying any activities that the challenged laws prevent them from undertaking, Plaintiffs speculate that their activities might be less successful. *See* ECF 19 at 9–10. But "[f]rustration of an organization's objectives is the type of abstract concern that does not impart standing." *Ctr. for Law & Educ. v. Dep't of Educ.*, 396 F.3d 1152, 1161–62 (D.C. Cir. 2005) (quotation omitted).

Causation and Redressability: According to Plaintiffs, they "do not challenge local election officials' decisions, but instead, the election laws the State requires them to follow." ECF 19 at 12. Plaintiffs forget that "the coercive impact of the statute" is "distinct from the coercive power of state officials." *Okpalobi v. Foster*, 244 F.3d 405, 426 (5th Cir. 2001) (en banc). Thus, Plaintiffs' real complaint is with local officials' application of state law, not any action by the Secretary.

Plaintiffs overstate the Secretary's authority. *See* ECF 19 at 12–13 n.11. She "may order" a local official to alter his conduct only if the local official's conduct "impedes the free exercise of a citizen's voting rights." Tex. Elec. Code 31.005(b). Because neither compliance nor non-compliance with the challenged provisions necessarily "impedes" anyone's voting rights, the Secretary cannot invoke Section 31.005 to enforce the challenged provisions. Even if Section 31.005 applied here, it would "merely give[] discretion to the Secretary to take action." *City of San Antonio v. Edwards Aquifer Auth.*, No. 5:12-cv-620-OLG, 2014 WL 12495605, at *6 (W.D. Tex. Mar. 31, 2014). That in insufficient to "subject [the Secretary] to liability as a party defendant in this case." *Id.*[6]

[6] As discussed above, *TDP*'s preliminary conclusion that *OCA-Greater Houston* was an "obstacle" to this argument, *TDP*, 2020 WL 2982937, at *5–6, read the case too broadly. *See supra* n.1. *OCA-Greater Houston* is distinguishable for the reasons the Secretary already briefed. *See* ECF 17 at 10 n.4.

Statutory Standing: The Organizational Plaintiffs contend they need not satisfy third-party standing because they have associational and organizational standing. *See* ECF 19 at 14–16. First, Plaintiffs have not satisfied those doctrines for the reasons explained above. Second, binding precedent forecloses Plaintiffs' suggestion that organizations are subject to less stringent rules of standing. *Compare Havens Realty Corp. v. Coleman*, 455 U.S. 363, 378 (1982) ("same inquiry"), *with* ECF 19 at 15. Third, the limitations on third-party standing apply to organizations, regardless of whether they satisfy Article III. *See, e.g.*, *Cmty. Fin. Servs. Ass'n of Am., Ltd. v. FDIC*, No. 14-cv-953, 2016 WL 7376847, at *12 (D.D.C. Dec. 19, 2016).

The rule against third-party standing is an independent requirement. *See, e.g.*, *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1687, 1689 (2017) (applying the third-party standing test to a plaintiff facing his own injury in fact because his legal theory depended on a third party's "right to the equal protection of the laws"). Plaintiffs argue the Fifth Circuit has held otherwise, but in the cases Plaintiffs cite, the court simply allowed associational claims to proceed, without considering the rule against third-party standing. *See* ECF 19 at 14–15 & n.12. They therefore do not "constitute precedents" on that issue. *Cooper Indus.*, 543 U.S. at 170. As the Second Circuit has held, an associational plaintiff "does not have standing to assert the rights of its members" because "the rights [Section 1983] secures [are] personal to those purportedly injured." *League of Women Voters of Nassau Cty. v. Nassau Cty. Bd. of Sup'rs*, 737 F.2d 155, 160 (2d Cir. 1984).

III. Plaintiffs Fail to State a Claim

A. Plaintiffs' Right to Vote Is Not Implicated by a Non-Existent "Postage Tax"

There is no "postage tax." The State does not require any voter to purchase postage, and the Postal Service will deliver a ballot without a stamp. *See* ECF 17 at 12–13. This is fatal to Plaintiffs' claim. They cannot challenge a requirement that does not exist. Plaintiffs do not address this point at all. Their silence should be taken as a concession. Moreover, even if there were a "postage tax," the

Tax Injunction Act would prohibit an injunction against its enforcement. *See* ECF 17 at 13 (citing 28 U.S.C. § 1341). Again, Plaintiffs offer no response.

"[E]ven if postage were a barrier to voting *by mail*, it would not be a barrier to *voting*." ECF 17 at 12; *see McDonald v. Bd. of Election Comm'rs of Chi.*, 394 U.S. 802, 807 (1969) (distinguishing "the right to vote" from the "claimed right to receive absentee ballots."). In *Texas Democratic Party v. Abbott*, the plaintiffs challenged a statute that prevented them from voting by mail. 961 F.3d 389, No. 20-50407, 2020 WL 2982937 (5th Cir. June 4, 2020). The Fifth Circuit concluded that "the right to vote [wa]s not 'at stake'" because "[t]he plaintiffs [we]re welcome and permitted to vote [in other ways], and there is no indication that they '[we]re in fact absolutely prohibited from voting *by the State*.'" *Id.* at *10 (quoting *McDonald*, 394 U.S. at 807, 808 n.7). Here, Plaintiffs do not assert "the right to vote," or even the "claimed right to receive absentee ballots." *McDonald*, 394 U.S. at 807. They assert the claimed right to receive absentee ballots *with stamps*. This is not a constitutional entitlement. Plaintiffs argue *Anderson-Burdick* displaced *McDonald*, *see* ECF 19 at 21, but the Fifth Circuit already rejected that argument. *TDP*, 2020 WL 2982937, at *12.

Even within the *Anderson-Burdick* framework, Plaintiffs do not plausibly allege that the "postage tax" imposes a severe burden. The cost of a stamp is *de minimis*. *See* ECF 17 at 14. Plaintiffs claim the "postage tax" could cause "disenfranchise[ment]," ECF 19 at 18, but even if the Postal Service required stamps for ballots, the legally relevant burden is the cost of complying with the supposed "postage tax" (fifty-five cents), not the consequence of not complying. *See* ECF 17 at 14.

Plaintiffs' contention that the Constitution requires States to subsidize postage is inconsistent with the laws of thirty-four States. *See* ECF 17 at 13. Plaintiffs argue the Secretary cannot "rely on [similar provisions] in other states" because the "postage tax" might "interact[] with other voting practices." ECF 19 at 23 (quoting *Mich. State A. Philip Randolph Inst. v. Johnson*, 833 F.3d 656, 665 (6th Cir. 2016)). But Plaintiffs do not explain how not subsidizing postage could "interact" with other

provisions or how that approach would be consistent with the need to "analyze the challenged Texas provisions separately." *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 388 (5th Cir. 2013). Moreover, Plaintiffs ignore the Sixth Circuit's later opinion in *Michigan State*, which clarified that the prevalence of a challenged practice in other States is highly relevant. *See* 749 F. App'x 342, 346 (6th Cir. 2018) ("most American states"); *id.* at 355 (Kethledge, J., concurring) ("Forty other states").

Plaintiffs' poll-tax claim also fails. "The indirect cost" of buying a stamp "does not constitute a poll tax." *Veasey v. Abbott*, 830 F.3d 216, 266 (5th Cir. 2016) (en banc); ECF 17 at 15. Certainly a "cost" cannot be a poll tax when it is not "deliberately imposed by the State." *Veasey v. Perry*, 135 S. Ct. 9, 12 (2014) (Ginsburg, J., dissenting). Plaintiffs do not address this argument either.

Plaintiffs argue "undue burden claims necessarily require factual development to determine whether the State's interests outweigh the burden on voters." ECF 19 at 20. But courts often dismiss *Anderson-Burdick* claims at the pleading stage. In *LULAC v. Abbott*, for example, this Court granted a motion to dismiss because "alleged First and Fourteenth Amendment associational harms . . . are justified by Texas' interest in maximizing its electoral power by having its Presidential Electors vote in a unified bloc." 369 F. Supp. 3d 768, 781–84 (W.D. Tex. 2019), *aff'd*, 951 F.3d 311 (5th Cir. 2020).[7]

States need not "demonstrate[e] empirically the objective effects" of their election laws. *Id.* Courts "weigh [state] interests without discovery." *Libertarian Party of Va. v. Alcorn*, 826 F.3d 708, 719 (4th Cir. 2016); *see also Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 364 (1997) (refusing to require "require elaborate, empirical verification of the weightiness of the State's asserted justifications"); *Munro v. Socialist Workers Party*, 479 U.S. 189, 195 (1986) (rejecting "endless court battles over the sufficiency of the 'evidence' marshaled by a State").

[7] *See also, e.g.*, *Kennedy v. Pablos*, No. 1:16-cv-1047, 2017 WL 2223056, at *3–5 (W.D. Tex. May 18, 2017); *Faas v. Cascos*, 225 F. Supp. 3d 604, 607 (S.D. Tex. 2016); *Meyer v. Texas*, No., 4:10-cv-3860, 2011 WL 1806524, at *3–7 (S.D. Tex. May 11, 2011).

B. The Deadline for Returning Ballots Is Reasonable and Constitutional

Texas has a ballot-receipt deadline because "local officials [need] time to process and count ballots." ECF 17 at 16. Plaintiffs respond that the State allows overseas ballots to arrive later. *See* ECF 19 at 18. Of course, the smaller number of overseas voters are not similarly situated to domestic voters and pose entirely different issues for election administration. That is sufficient justification given the minimal burden of mailing a ballot on time.

The Secretary's motion to dismiss also identified multiple legal flaws in Plaintiffs' equal protection claim. *See* ECF 17 at 19–20. Plaintiffs' offer only one response: that their equal protection claim should be "evaluated under *Anderson-Burdick*." ECF 19 at 24. If so, then Plaintiffs' equal protection challenge to the ballot-receipt deadline adds nothing to their *Anderson-Burdick* challenge. The former fails for the same reasons the latter does. But even if the *Anderson-Burdick* claim survives, the equal protection claim should be dismissed or struck as redundant. *See* Fed. R. Civ. P. 12(f).

C. Failing to Verify Signatures Would Invite Election Fraud

"[S]tate regulation to counter voter registration fraud should not be hastily overturned." *Voting for Am.*, 732 F.3d at 396. Texas's signature-verification requirement, a common tool for combatting fraud, deserves the same deference. *See* ECF 17 at 21. "There is no question about the legitimacy or importance of the State's interest in counting only the votes of eligible voters." *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 196 (2008) (plurality). Plaintiffs argue the law is not narrowly tailored because Texas could still prevent fraud if it provided "a cure process." ECF 19 at 18–19. *Anderson-Burdick* does not require that "every voting regulation . . . be narrowly tailored." *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). The signature-verification requirement is "reasonable" and "nondiscriminatory," so the State's undisputed interest in preventing fraud is sufficient to support the law. *Id.* at 434.

For their equal protection claim, Plaintiffs argue for applying "the *Anderson-Burdick* assessment." ECF 19 at 25. As explained above, doing so would support dismissal. *See supra* Part III.B.

Plaintiffs' due process claim cannot survive under binding Fifth Circuit precedent. In *Johnson v. Hood*, "voters whose ballots were rejected" argued that they "had been deprived of due process of law" because the procedures had been "arbitrary." 430 F.2d 610, 611–12 (5th Cir. 1970) (per curiam). The Fifth Circuit rejected their claim because "even an improper denial of the right to vote for a candidate for a state office achieved by state action is not a denial of a right of property or liberty secured by the due process clause." *Id.* at 612 (quotation omitted). Plaintiffs do not attempt to distinguish *Johnson*. Non-binding authority to the contrary is irrelevant. *See* ECF 19 at 26.

D. Ballot Harvesting Is Not a Constitutional Right

Plaintiffs bring an *Anderson-Burdick* claim against the prohibition on ballot harvesting, but they ignore the State's interests supporting the law. *See* ECF 17 at 25–27. Plaintiffs assert "that the State's interest in enforcing the Ban 'cannot justify disenfranchising voters who require assistance to timely deliver their ballots,' especially since Texas laws already criminalizes any exercise of undue influence or voting fraud that might be captured by the Ban." ECF 19 at 19 (quoting ECF 1 ¶ 120). That "bare assertion[]" is not a factual allegation "entitled to be assumed true." *Ashcroft v. Iqbal*, 556 U.S. 662, 681 (2009). States may take "preventive measures" against fraud. *Voting for Am.*, 732 F.3d at 394–95 ("Texas's chosen means to avert fraudulent voter registrations by requiring state residency and county appointment for VDRs is sufficiently tailored."); *see* ECF 17 at 26–27.[8]

CONCLUSION

The Secretary respectfully requests that the Court dismiss Plaintiffs' Complaint.[9]

[8] Plaintiffs complain that the Secretary's motion does not discuss the pandemic, but they concede the pandemic "is not the basis for Plaintiffs' claims." ECF 17 at 1. Plaintiffs' numerous legal errors prevented the Secretary from wasting pages on facts that do not form "the basis for Plaintiffs' claims."

[9] Plaintiffs concede that they did not allege a due process challenge to the prohibition on ballot harvesting—despite an incorrect heading in their complaint—and offer to "amend their complaint at the Court's discretion." ECF 19 at 25 n16; *see* ECF 17 at 27. For the avoidance of ambiguity, the Court should dismiss the phantom claim or require amendment.

Date: June 24, 2020

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

RYAN L. BANGERT
Deputy First Assistant Attorney General

Respectfully submitted.

/s/Patrick K. Sweeten
PATRICK K. SWEETEN
Associate Deputy for Special Litigation

TODD LAWRENCE DISHER
Deputy Chief, Special Litigation Unit

WILLIAM T. THOMPSON
Special Counsel

KATHLEEN HUNKER
Special Counsel

MICHAEL R. ABRAMS
Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 936-1414
Fax: (512) 936-0545
patrick.sweeten@oag.texas.gov
todd.disher@oag.texas.gov
will.thompson@oag.texas.gov
kathleen.hunker@oag.texas.gov
michael.abrams@oag.texas.gov

COUNSEL FOR THE TEXAS SECRETARY OF STATE

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on June 24, 2020, and that all counsel of record were served by CM/ECF.

/s/Patrick K. Sweeten
PATRICK K. SWEETEN