

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

TEXAS DEMOCRATIC PARTY, §
GILBERTO HINOJOSA, Chair of the §
Texas Democratic Party, JOSEPH §
DANIEL CASCINO, SHANDA MARIE §
SANSING, and BRENDA LI GARCIA §
Plaintiffs §

v. §

Civil Action No. 5:20-cv-00438-FB

GREG ABBOTT, Governor of Texas, §
RUTH HUGHS, Texas Secretary of State, §
DANA DeBEAUVOIR, Travis County §
Clerk, and JACQUELYN F. CALLANEN, §
Bexar County Elections Administrator §
Defendants §

**DEFENDANT DANA DEBEAUVOIR’ S ORIGINAL ANSWER TO PLAINTIFFS’
FIRST AMENDED COMPLAINT**

TO THE HONORABLE FRED BIERY:

COMES NOW, Defendant Travis County Clerk Dana DeBeauvoir (“Defendant DeBeauvoir”), who has been named and served as a defendant in the above styled and numbered lawsuit, by and through her attorney, the Travis County Attorney, and files this, her Original Answer to Plaintiffs’ First Amended Complaint. In support thereof, Defendant DeBeauvoir respectfully offers the following:

**DEFENDANT DEBEAUVOIR’ S ANSWER TO PLAINTIFFS’
FIRST AMENDED COMPLAINT**

1. Pursuant to Federal Rule of Civil Procedure 8(b), Defendant DeBeauvoir denies each and every allegation contained in Plaintiffs’ First Amended Complaint except those expressly admitted herein. The following specific admissions and denials are made to the corresponding paragraphs of Plaintiffs’ First Amended Complaint: [See, Dkt. 9].

RESPONSES TO ALLEGATIONS IN PLAINTIFF'S FIRST AMENDED COMPLAINT

Facts

1. Plaintiffs' allegations in Paragraph 1 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

2. Defendant DeBeauvoir admits the allegations in Paragraph 2.

3. Defendant DeBeauvoir admits the allegations in Paragraph 3.

4. Defendant DeBeauvoir admits the allegations in Paragraph 4.

5. Defendant DeBeauvoir admits the allegations in Paragraph 5.

6. Defendant DeBeauvoir admits the allegations in Paragraph 6.

7. Defendant DeBeauvoir admits the allegations in Paragraph 7.

8. Defendant DeBeauvoir admits the allegations in Paragraph 8.

9. Defendant DeBeauvoir admits the allegations in Paragraph 9.

10. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 10 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

11. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 11 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

12. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 12 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

13. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 13 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

14. Defendant DeBeauvoir admits the allegations in Paragraph 14.

15. Defendant DeBeauvoir admits the allegations in Paragraph 15.

16. Defendant DeBeauvoir admits the allegations in Paragraph 16.

17. Defendant DeBeauvoir admits the allegations in Paragraph 17.

18. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 18 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

19. Defendant DeBeauvoir admits the allegations in Paragraph 19.

20. Defendant DeBeauvoir admits the allegations in Paragraph 20.

21. The allegations in Paragraph 21 state legal conclusions to which no response is required.

22. Defendant DeBeauvoir admits the allegations in Paragraph 22.

23. Defendant DeBeauvoir admits the allegations in Paragraph 23.

24. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 24 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

25. Defendant DeBeauvoir admits the allegations in Paragraph 25.

Election Advisory

26. Defendant DeBeauvoir admits the allegations in Paragraph 26.

27. Defendant DeBeauvoir admits the allegations in Paragraph 27.

28. Defendant DeBeauvoir admits the allegations in Paragraph 28.

29. Defendant DeBeauvoir admits the allegations in Paragraph 29.

30. Defendant DeBeauvoir admits the allegations in Paragraph 30.

31. Defendant DeBeauvoir cannot admit or deny the allegations in Paragraph 31 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

State Court Case

32. Defendant DeBeauvoir admits the allegations in Paragraph 32.

33. Defendant DeBeauvoir admits that Plaintiffs have so contended.

34. Defendant DeBeauvoir admits the allegations in Paragraph 34.

35. Defendant DeBeauvoir admits that Plaintiffs have so contended.

36. The allegations in Paragraph 36 state legal conclusions to which no response is required.

37. Defendant DeBeauvoir admits the cited Attorney General Opinion contains the statements as stated in Paragraph 37.

38. Defendant DeBeauvoir admits that the cited Attorney General opinion contains such statements. Defendant DeBeauvoir admits that Plaintiffs contend that a “person who considers herself to be confined at home in order to avoid the spread of disease plainly falls into the persons entitled to vote by mail under this statute” and that Plaintiffs request the relief stated, but lacks sufficient information or knowledge regarding the merits of Plaintiffs’ claims.

39. The allegations in Paragraph 39 state legal conclusions to which no response is required. Defendant DeBeauvoir admits the allegations that the Secretary of State has made such arguments.

40. The allegations in Paragraph 40 state legal conclusions to which no response is required.

41. Plaintiffs' allegations in Paragraph 41 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

42. Plaintiffs' allegations in Paragraph 42 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

43. Defendant DeBeauvoir admits the allegations in Paragraph 43.

44. Defendant DeBeauvoir admits the allegations in Paragraph 44.

45. Defendant DeBeauvoir admits Travis County District Judge Sulak's order contained this ruling.

46. Defendant DeBeauvoir admits Travis County District Judge Sulak's order contained this ruling

47. Plaintiffs' allegations in Paragraph 47 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

48. Plaintiffs' allegations in Paragraph 48 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

49. Defendant DeBeauvoir admits the allegations in Paragraph 49.

50. Plaintiffs' allegations in Paragraph 50 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

51. Plaintiffs' allegations in Paragraph 51 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

52. Defendant DeBeauvoir cannot admit or deny the allegations in Paragraph 52 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

53. The allegations in Paragraph 53 state legal conclusions to which no response is required.

54. Defendant DeBeauvoir admits the allegations in Paragraph 54.

55. The allegations in Paragraph 55 state legal conclusions to which no response is required.

56. Defendant DeBeauvoir admits the Travis County Clerk's website refers the public to Travis County Judge Sulak's order for their review, but denies the remaining allegations in Paragraph 56.

57. Defendant DeBeauvoir cannot admit or deny the allegations in Paragraph 57 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

58. Defendant DeBeauvoir cannot admit or deny the allegations in Paragraph 58 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

59. Defendant DeBeauvoir cannot admit or deny the allegations in Paragraph 59 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

60. Plaintiffs' allegations in Paragraph 60 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

61. Defendant DeBeauvoir admits the allegations in Paragraph 61.

62. The allegations in Paragraph 62 state legal conclusions to which no response is required.

63. The allegations in Paragraph 63 state legal conclusions to which no response is required.

64. The allegations in Paragraph 64 state legal conclusions to which no response is required.

65. The allegations in Paragraph 65 state legal conclusions to which no response is required.

66. The allegations in Paragraph 66 state legal conclusions to which no response is required.

67. Defendant DeBeauvoir admits the allegations in Paragraph 67.

Jurisdiction and Venue

68. Plaintiffs' allegations in Paragraph 68 contain arguments and characterizations of law to which no response is required. Defendant DeBeauvoir admits that, as a general matter, the cited statutes grant this Court jurisdiction to hear federal questions and to declare the rights and legal relations of the parties in a case properly within its jurisdiction. Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Parties

Plaintiffs

69. Defendant DeBeauvoir admits, based on information and belief, that the Texas Democratic Party is a political party, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 69, and accordingly, said allegations are denied.

70. Defendant DeBeauvoir admits, based on information and belief, that Gilberto Hinojosa is Chairman of the Texas Democratic Party is a political party, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 70.

71. Defendant DeBeauvoir admits, based on information and belief, that Joseph Daniel Cascino is a Plaintiff in this action, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 71.

72. Defendant DeBeauvoir admits, based on information and belief, that Shanda Marie Sansing is a Plaintiff in this action, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 72.

73. Defendant DeBeauvoir admits, based on information and belief, that Brenda Li Garcia is a Plaintiff in this action, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 73.

Defendants

74. Defendant DeBeauvoir admits the allegations in Paragraph 74.

75. Defendant DeBeauvoir admits that Ruth Hughs is the Texas Secretary of State, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 75.

76. Defendant DeBeauvoir admits that Ken Paxton is the Texas Attorney General, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 76.

77. Defendant DeBeauvoir admits the allegations in Paragraph 77.

78. Defendant DeBeauvoir admits that Jacquelyn F. Cal is the Bexar County Elections Administrator, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 78.

CLAIMS

Count 1

Race and Language Minority Discrimination, Sections 2, Voting Rights Act

79. In response to paragraph 79, Defendant DeBeauvoir incorporates by reference all of her former responses.

80. The allegations in paragraph 80 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

81. The allegations in paragraph 81 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 2

Race Discrimination, 14th Amendment

82. In response to paragraph 82, Defendant DeBeauvoir incorporates by reference all of her former responses.

83. The allegations in paragraph 83 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 3
Race Discrimination, 15th Amendment

84. In response to paragraph 84, Defendant DeBeauvoir incorporates by reference all of her former responses.

85. The allegations in paragraph 85 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 4
Non-racial discrimination [sic] in Voting, 14th Amendment

86. In response to paragraph 86, Defendant DeBeauvoir incorporates by reference all of her former responses.

87. The allegations in paragraph 87 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

88. The allegations in paragraph 88 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

89. The allegations in paragraph 89 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

90. The allegations in paragraph 90 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

91. The allegations in paragraph 91 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 5

Denial of Free Speech, 15th Amendment applied through the 14th Amendment

92. In response to paragraph 92, Defendant DeBeauvoir incorporates by reference all of her former responses.

93. The allegations in paragraph 93 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

94. The allegations in paragraph 94 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 6
Violation of Procedural Due Process for Vagueness, 14th Amendment

95. In response to paragraph 95, Defendant DeBeauvoir incorporates by reference all of her former responses.

96. The allegations in paragraph 96 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

97. The allegations in paragraph 97 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

98. The allegations in paragraph 98 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 7
Abridgment of the Right to Vote based on Age, 26th Amendment

99. In response to paragraph 99, Defendant DeBeauvoir incorporates by reference all of her former responses.

100. The allegations in paragraph 100 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

101. The allegations in paragraph 101 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

102. The allegations in paragraph 102 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

103. The allegations in paragraph 103 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Count 7 [sic]
Voter Intimidation

104. In response to paragraph 104, Defendant DeBeauvoir incorporates by reference all of her former responses.

105. The allegations in paragraph 105 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

106. The allegations in paragraph 106 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

107. The allegations in paragraph 107 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

108. The allegations in paragraph 108 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

109. The allegations in paragraph 109 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

110. The allegations in paragraph 110 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution, and further denies any conspiracy.

Equity

111. The allegations in paragraph 111 state legal conclusions, and therefore require no response. To the extent said allegations require an answer, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution.

Right to Raise Additional Defenses

112. Defendant DeBeauvoir reserves the right to raise affirmative and other defenses that may become apparent throughout the factual development of this case.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant DeBeauvoir prays that Plaintiffs take nothing by way of their suit, that Plaintiffs' suit against her be dismissed with prejudice, and that Defendant recovers all court costs, as well as such other and further relief to which she may be so justly entitled at law or in equity.

Respectfully submitted,

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TRAVIS COUNTY CLERK,
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2020, I electronically submitted the foregoing with the Clerk of Court for filing using the CM/ECF system, which will send notification of such filing to the following:

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