

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 §

and §

LEAGUE OF UNITED LATIN AMERICAN §
CITIZENS and TEXAS LEAGUE OF §
UNITED LATIN AMERICAN CITIZENS, §
Plaintiff-Intervenors, §

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

v. §

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
PLAINTIFF-INTERVENORS’ 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 Plaintiff-Intervenors’ Amended Complaint. In support thereof, Defendant DeBeauvoir respectfully offers the following:

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**DEFENDANT DEBEAUVOIR' S ANSWER TO
PLAINTIFF-INTERVENORS' AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 8(b), Defendant DeBeauvoir denies each and every allegation contained in Plaintiff-Intervenors' Amended Complaint except those expressly admitted herein. The following specific admissions and denials are made to the corresponding paragraphs of Plaintiff-Intervenors' Amended Complaint: [See, Dkt. 142].

**RESPONSES TO ALLEGATIONS IN PLAINTIFFINTERVENORS'
AMENDED COMPLAINT**

Introduction

1. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 1 either due to lack of knowledge or information sufficient to form a belief about the truth of the allegations or because the allegations state legal conclusions to which no response is required. 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. In general, Defendant DeBeauvoir admits the allegations in Paragraph 3, but cannot admit or deny the conclusory allegations as to specific numerical figures due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

4. In general, Defendant DeBeauvoir admits the allegations in Paragraph 4, but cannot admit or deny the conclusory allegations as to specific numerical figures due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

5. In general, Defendant DeBeauvoir admits the allegations in Paragraph 5, but cannot admit or deny the conclusory allegations as to specific numerical figures due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

6. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 6 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations. In an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

7. In general, Defendant DeBeauvoir admits the allegations in Paragraph 7, but cannot admit or deny the conclusory allegations as to specific numerical figures due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

8. The allegations in Paragraph 8 state legal conclusions to which no response is required.

9. The allegations in Paragraph 9 state legal conclusions to which no response is required.

10. Defendant DeBeauvoir admits the allegations in the first sentence of Paragraph 10. The second sentence of Paragraph 10 states legal conclusions to which no response is required.

11. The allegations in Paragraph 11 state legal conclusions to which no response is required.

12. The allegations in Paragraph 12 state legal conclusions to which no response is required.

13. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in the first, second and fourth sentences of Paragraph 13 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations. Defendant DeBeauvoir admits the allegations in the third and fifth sentences of Paragraph 13. Plaintiffs' allegations in the final sentence of Paragraph 13 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

14. The allegations in Paragraph 14 state legal conclusions to which no response is required.

Parties

15. Defendant DeBeauvoir admits, based on information and belief, that the League of United Latin American Citizens is a non-profit organization, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 15, and accordingly, said allegations are denied.

16. The allegations in Paragraph 16 state legal conclusions to which no response is required.

17. Defendant DeBeauvoir admits, based on information and belief, that the Texas LULAC chapter is a non-profit organization, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 17, and accordingly, said allegations are denied.

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 cannot admit or deny the conclusory allegations in Paragraph 19 either due to lack of knowledge or information sufficient to form a belief about the truth of the allegations or because the allegations state legal conclusions to which no response is required.

20. 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 20.

21. Defendant DeBeauvoir admits the allegations in Paragraph 21.

22. Defendant DeBeauvoir admits that Jacquelyn F. Callanen is the Bexar County Elections Administrator but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 22.

Jurisdiction and Venue

23. The allegations in Paragraph 23 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.

24. The allegations in Paragraph 24 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.

25. The allegations in Paragraph 25 contain arguments and characterizations of law to which no response is required.

26. The allegations in the first sentence of Paragraph 26 contain arguments and characterizations of law to which no response is required. Defendant DeBeauvoir admits the allegations in the second sentence of Paragraph 26.

27. The allegations in the first sentence of Paragraph 27 contain arguments and characterizations of law to which no response is required. Defendant DeBeauvoir admits the allegations in the second sentence of Paragraph 27.

Factual Allegations

Background on the Effects of the COVID-19 Pandemic in Texas

28. Defendant DeBeauvoir generally admits the allegations in Paragraph 28 are consistent with her understanding, but she does not have scientific knowledge of the transmission and effect of COVID-19 to be able to admit or deny the remainder of the paragraph.

29. Defendant DeBeauvoir generally admits the allegations in Paragraph 29 are consistent with her understanding, but she does not have scientific knowledge of the transmission and effect of COVID-19 to be able to admit or deny the remainder of the paragraph.

30. In general, Defendant DeBeauvoir generally admits the allegations in Paragraph 30 are consistent with her understanding, but she does not have scientific knowledge of the transmission, statistics, and effect of COVID-19 to be able to admit or deny the remainder of the paragraph.

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

Absentee Voting in Texas

32. Defendant DeBeauvoir generally admits the allegations in Paragraph 32 that contact that would be experienced with in-person voting is consistent with her understanding of an increased risk of spread of COVID-19 but she does not have scientific knowledge of the

transmission, statistics, and effect of COVID-19 to be able to admit or deny the remainder of the paragraph.

33. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 33 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

34. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in the first sentence of Paragraph 34 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations. Defendant DeBeauvoir admits the allegations in the second sentence of Paragraph 34.

35. The allegations in the fourth sentence of Paragraph 35 state legal conclusions to which no response is required. Defendant DeBeauvoir cannot admit or deny the remainder of the conclusory allegations in Paragraph 35 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

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

37. The allegations in Paragraph 37 state legal conclusions to which no response is required or conclusory allegations which Defendant DeBeauvoir cannot admit or deny due to lack of knowledge or information sufficient to form a belief about the truth of the allegations. In an abundance of caution, Defendant DeBeauvoir denies that her actions have violated any state or federal laws or rights secured under the United States Constitution

38. The allegations in the first and fifth sentences of Paragraph 38 state legal conclusions to which no response is required. Defendant DeBeauvoir cannot admit or deny the

remainder of the conclusory allegations in Paragraph 38 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

39. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 39 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

40. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 40 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

41. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in the first sentence of Paragraph 41 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations. The allegations in the second sentence of Paragraph 41 state legal conclusions to which no response is required.

42. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 42 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

43. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 43 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

44. Defendant DeBeauvoir admits the allegations in the first and second sentences of Paragraph 44. The allegations in the third sentence of Paragraph 44 state legal conclusions to which no response is required.

CAUSES OF ACTION

Count 1

**Race and Language Minority Discrimination,
Section 2 of the Voting Rights Act
52 U.S.C. § 10301**

45. In response to paragraph 45, Defendant DeBeauvoir incorporates by reference all of her former responses.

46. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 46 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

47. The allegations in paragraph 47 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.

48. The allegations in paragraph 48 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.

49. The allegations in paragraph 49 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.

50. The allegations in paragraph 50 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
Violation of Fundamental Right to Vote
First and Fourteenth Amendments
42 U.S.C. § 1983

51. In response to paragraph 51, Defendant DeBeauvoir incorporates by reference all of her former responses.

52. The allegations in paragraph 52 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.

53. The allegations in paragraph 53 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.

54. The allegations in paragraph 54 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.

55. The allegations in paragraph 55 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.

56.

Count 3

**Denial of the Fundamental Right to Vote in Violation of the Equal Protection Clause
of the Fourteenth Amendment to the United States Constitution
42 U.S.C. § 1983**

57. In response to paragraph 56, Defendant DeBeauvoir incorporates by reference all of her former responses.

58. The allegations in paragraph 57 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.

59. The allegations in paragraph 58 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.

60. The allegations in paragraph 59 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

**Age Discrimination in Voting
Twenty-Sixth Amendment
42 U.S.C. § 1983**

61. In response to paragraph 60, Defendant DeBeauvoir incorporates by reference all of her former responses.

62. The allegations in paragraph 61 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.

63. The allegations in paragraph 62 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

64. 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 Plaintiff-Intervenors take nothing by way of their suit, that Plaintiff-Intervenors' 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 inequity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 14TH day of May, 2021, 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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