

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
PLAINTIFFS’ SECOND 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’ Second Amended Complaint. In support thereof, Defendant DeBeauvoir respectfully offers the following:

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**DEFENDANT DEBEAUVOIR'S ANSWER TO PLAINTIFFS'
SECOND AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 8(b), Defendant DeBeauvoir denies each and every allegation contained in Plaintiffs' Second Amended Complaint except those expressly admitted herein. The following specific admissions and denials are made to the corresponding paragraphs of Plaintiffs' Second Amended Complaint: [See, Dkt. 141].

**RESPONSES TO ALLEGATIONS IN PLAINTIFF'S SECOND 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 as to persons over 65 being eligible to vote by mail without excuse, but the remaining portion of this sentence is a legal conclusion to which no response is required.

3. The allegations in Paragraph 3 state legal conclusions to which no response is required.

4. The allegations in Paragraph 4 state legal conclusions to which no response is required.

5. The allegations in Paragraph 5 state legal conclusions to which no response is required.

6. The allegations in Paragraph 6 state legal conclusions to which no response is required.

7. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 7 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

8. Plaintiffs' allegations in Paragraph 8 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

9. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 9 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

10. Defendant DeBeauvoir admits the allegations in Paragraph 10.

11. Defendant DeBeauvoir admits the allegations in Paragraph 11.

12. Defendant DeBeauvoir admits that Plaintiff referenced the cited report but 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 admits the allegations in Paragraph 13.

14. Defendant DeBeauvoir admits the allegations in Paragraph .14

15. In general, Defendant DeBeauvoir admits the allegations in Paragraph 15, but is without sufficient scientific knowledge to admit or deny the efficacy of current vaccines on developing strains of the virus.

16. Defendant DeBeauvoir admits the allegations in Paragraph 16 that there is a hesitancy in a portion of the population but is without sufficient scientific knowledge to admit or deny the remaining allegations.

17. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 17 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

18. Defendant DeBeauvoir admits the allegations in Paragraph 18.

19. Defendant DeBeauvoir admits the allegations in Paragraph 19.

20. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 20 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

21. Defendant DeBeauvoir admits the allegations in Paragraph 21 that public opinion is divided but is without sufficient personal knowledge to admit or deny the cause of such division is limited to the categories listed.

22. Defendant DeBeauvoir admits there were experiences where a poll watcher who was not wearing a mask would lean over a poll worker, but cannot admit or deny the remaining conclusory allegations in Paragraph 22 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

23. Plaintiffs' allegations in Paragraph 23 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

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 cannot admit or deny the conclusory allegations in Paragraph 25 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

26. Defendant DeBeauvoir admits the allegations in Paragraph 26.

27. Defendant DeBeauvoir admits the allegations in Paragraph 27 that in-person contact was discouraged during the past elections due to COVID-19 and denies the remainder of the paragraph.

28. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 28 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

29. Plaintiffs' allegations in Paragraph 29 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

30. Plaintiffs' allegations in Paragraph 30 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

31. The allegations in Paragraph 31 state legal conclusions to which no response is required.

32. Plaintiffs' allegations in Paragraph 32 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

33. Plaintiffs' allegations in Paragraph 33 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

34. The allegations in Paragraph 34 state legal conclusions to which no response is required.

35. Plaintiffs' allegations in Paragraph 35 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

36. Plaintiffs' allegations in Paragraph 36 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

37. Plaintiffs' allegations in Paragraph 37 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

38. Defendant DeBeauvoir cannot admit or deny 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. Plaintiffs' allegations in Paragraph 39 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

40. Plaintiffs' allegations in Paragraph 40 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

41. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 41 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

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. Plaintiffs' allegations in Paragraph 44 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

45. Defendant DeBeauvoir admits the allegations in Paragraph 45 that the Governor issued an order significantly limiting the number of mail-in ballot drop off locations after voting had already begun and is without sufficient knowledge to admit or deny the remaining allegations.

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. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 47 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

48. Defendant DeBeauvoir admits the allegations in Paragraph 48.

49. Defendant DeBeauvoir is without sufficient knowledge to admit or deny the factual allegations in Paragraph 49.

50. The allegations in Paragraph 50 state legal conclusions to which no response is required.

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. Plaintiff admits that there is no evidence of material election fraud but cannot admit or deny the remaining conclusory allegations in Paragraph 52 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

53. Plaintiffs' allegations in Paragraph 53 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

54. Plaintiffs' allegations in Paragraph 54 are not directed toward Defendant DeBeauvoir, but in an abundance of caution, Defendant DeBeauvoir denies any allegations that could pertain to her.

55. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 55 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

56. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 56; the legislation is the best source for its content.

57. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 57; the legislation is the best source for its content.

58. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 58; the legislation is the best source for its content.

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

60. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 60 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

61. Defendant DeBeauvoir admits the Governor has made statements about the matters identified in Paragraph 61.

62. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 62 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

63. Defendant DeBeauvoir denies the allegations in Paragraph 63 as they pertain to her.

64. Defendant DeBeauvoir denies the allegations in Paragraph 64 as they pertain to her.

65. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 65 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

66. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 66 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

67. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 67 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

68. Defendant DeBeauvoir cannot admit or deny the conclusory allegations in Paragraph 68 due to lack of knowledge or information sufficient to form a belief about the truth of the allegations.

69. The allegations in Paragraph 69 state legal conclusions to which no response is required.

70. The allegations in Paragraph 70 state legal conclusions to which no response is required.

Jurisdiction and Venue

71. Plaintiffs' allegations in Paragraph 71 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

72. 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 72, and accordingly, said allegations are denied.

73. Defendant DeBeauvoir admits, based on information and belief, that Gilberto Hinojosa is Chairman of the Texas Democratic Party, but is without sufficient knowledge or information to admit or deny the remainder of the allegations in paragraph 73.

74. 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 74.

75. 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 75.

76. 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 76.

Defendants

77. 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 77.

78. Defendant DeBeauvoir admits the allegations in Paragraph 78.

79. 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 79.

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CLAIMS

Count 1:

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

80. In response to paragraph 80, Defendant DeBeauvoir incorporates by reference all of her former responses.

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.

82. The allegations in paragraph 82 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

83. In response to paragraph 83, Defendant DeBeauvoir incorporates by reference all of her former responses.

84. The allegations in paragraph 84 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, 14th Amendment

85. In response to paragraph 85, Defendant DeBeauvoir incorporates by reference all of her former responses.

86. The allegations in paragraph 86 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:
Equal Protection, 14th Amendment, Anderson/Burdick

87. In response to paragraph 87, Defendant DeBeauvoir incorporates by reference all of her former responses.

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.

92. The allegations in paragraph 92 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, First Amendment applied through the 14th Amendment

93. In response to paragraph 93, Defendant DeBeauvoir incorporates by reference all of her former responses.

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.

95. The allegations in paragraph 95 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:
Abridgment of the Right to Vote based on Age, 26th Amendment

96. In response to paragraph 96, Defendant DeBeauvoir incorporates by reference all of her former responses.

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.

99. The allegations in paragraph 99 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.

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.

104. The allegations in paragraph 104 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.

Equity

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.

Right to Raise Additional Defenses

106. 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.

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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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