



- 1) Defendants Ken Paxton's and Remi Garza's Motion for Summary Judgment (Docket No. 108);
- 2) Intervenor-Defendants Lupe Torres' and Terrie Pendley's Motion for Summary Judgment (Docket No. 109); and
- 3) Plaintiff Vote.Org's Motion for Summary Judgment and Memorandum of Law in Support (Docket No. 111).

**I.**  
**SUMMARY OF THE PARTIES' CONTENTIONS**  
**IN THE PENDING MOTIONS**

On July 8, 2021, Plaintiff Vote.Org brought suit against Defendant Callanen in her official capacity as the Bexar County Elections Administrator pursuant to Section 1971 of the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B). (Docket No. 1). Plaintiff sued Defendant Callanen for the manner in which she and other named Defendant elections administrators enforce a specific portion of the Texas Election Code, known colloquially as the "Wet Signature Rule". (Docket No. 1, ¶ 21-24).

Plaintiff moves for summary judgment on Counts I and II of its Complaint, and asks the Court to enjoin enforcement of the "Wet Signature Rule," which is contained within Section 14 of HB 3107 (amending Texas Election Code § 13.143(d-2)). (Docket No. 111 at 18). Intervenor-Defendants Torres and Pendley move for summary judgment on the grounds that the Civil Rights Act does not provide Plaintiff with a cause of action because it does not provide for a private right of action, the Complaint lacks an allegation of race-based discrimination and, in the alternative, the "wet signature" requirement of Texas's new legislation is material to determining a prospective voter's eligibility and does not deny any person the right to vote. (Docket No. 109 at 2-13). Intervenor-Defendants Paxton and Garza move for summary judgment on the grounds presented in the Torres-Pendley MSJ, and further on the grounds that Plaintiff lacks standing to assert the claims of parties who are not members of Plaintiff's organization and, further, that the

challenged statute does not violate the Civil Rights Act's materiality provision or unlawfully burden the right to vote. (Docket No. 108 at 10-24).

**II.**  
**DEFENDANT CALLANEN'S RESPONSE**

Defendant Callanen takes no position on the competing claims and positions advanced in the pending summary judgment motions. Defendant Callanen's only interest is in continuing to comply with Texas law in conducting the activities of the Bexar County Elections Administrator. The Bexar County Elections Office administers elections in compliance with the Texas Election Code as interpreted by the State's chief elections officer, the Texas Secretary of State, as well as the federal and state courts. Defendant Callanen believes that the competing summary judgment motions sufficiently present the legal issues that the Court has been requested to resolve. Accordingly, Defendant Callanen respectfully declines to present her own brief, as it would not assist the Court in its task of determining the pure issues of law at issue in the respective summary judgment motions, and would instead serve only to increase the costs of litigation to all parties.

Respectfully Submitted,

JOE D. GONZALES  
Bexar County Criminal District Attorney

By:           /s/ *Lisa V. Cubriel*          

**LISA V. CUBRIEL**  
Bar No. 24045731  
Assistant District Attorney, Civil Div.  
**LARRY L. ROBERSON**  
Bar No. 24046728  
Civil Section Chief  
101 W. Nueva, 7th Floor  
San Antonio, Texas 78205  
Telephone: (210) 335-2142

Fax: (210) 335-2773

[Lisa.Cubriel@bexar.org](mailto:Lisa.Cubriel@bexar.org)

[lroberson@bexar.org](mailto:lroberson@bexar.org)

*Attorneys for Defendant Bexar County  
Elections Administrator Jacquelyn  
Callanen*

**CERTIFICATE OF SERVICE**

I do hereby certify that, on the 22<sup>nd</sup> day of April, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon all parties.

*/s/ Lisa V. Cubriel*

**LISA V. CUBRIEL**