

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS STATE LULAC;
VOTO LATINO,

Plaintiffs,

v.

BRUCE ELFANT, in his official capacity as
the Travis County Tax Assessor-Collector, et
al.,

Defendants.

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Civil Action No: 1:21-cv-00546-LY

**DEFENDANT LISA WISE’S ANSWER TO PLAINTIFFS’ COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Lisa Wise, in her official capacity as the El Paso County Elections Administrator (“Defendant Wise”), hereby answers the Complaint for Declaratory and Injunctive Relief (ECF No. 1, the “Complaint”) in the above-captioned action. Except as otherwise expressly alleged here, Defendant Wise denies each allegation in the Complaint, including any heading meant to be construed as an allegation. Defendant Wise repeats those headings here for organizational purposes only. Each response in this answer is made subject to the following limitations: First, the responses do not constitute an acknowledgement or admission of the validity or relevance of any allegation. Second, where Defendant Wise states that she lacks knowledge or information sufficient to form a belief as to the truth of an allegation, Defendant Wise reserves the right to argue that the allegation is true or false based on the evidence.

ANSWER TO ALLEGATIONS

NATURE OF THE CASE

1. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1. Notwithstanding, Defendant Wise avers that Senate Bill 1111 (“SB 1111”) imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

2. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

3. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 regarding the intentions of the 87th Texas Legislature. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

4. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4.

5. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 and refers to the cited legislation for the full contents thereof.

6. Defendant Wise admits that this lawsuit challenges SB 1111, but the other allegations in paragraph 6 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information

sufficient to form a belief as to the truth of the other allegations contained in paragraph 6 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

7. The allegations in paragraph 7 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 at this time.

8. The allegations in paragraph 8 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

9. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

10. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first clause of paragraph 10. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout. Defendant Wise further lacks knowledge or information sufficient to form a belief as to the truth of the remaining

allegations in paragraph 10. Notwithstanding, Defendant Wise admits that Plaintiffs are organizations that conduct voter registration efforts in El Paso County.

11. The allegations in the first sentence of paragraph 11 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of those allegations. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 11 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

12. The allegations in paragraph 12 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 at this time.

JURISDICTION AND VENUE

13. Defendant Wise admits the allegations in paragraph 13.

14. Defendant Wise admits the allegations in paragraph 14.

15. Defendant Wise admits the allegations in paragraph 15.

16. Defendant Wise admits the allegations in paragraph 16.

17. Defendant Wise admits the allegations in paragraph 17.

PARTIES

18. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18.

19. Defendant Wise lacks knowledge or information sufficient to form a belief as to the

truth of the allegations contained in paragraph 19. Notwithstanding, Defendant Wise admits that Texas State LULAC (“LULAC”) conducts voter registration efforts in El Paso County and that Defendant Wise has assisted LULAC in some of those efforts.

20. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20. Notwithstanding, Defendant Wise admits that Voto Latino conducts voter registration efforts in El Paso County and that Defendant Wise has assisted Voto Latino in some of those efforts.

21. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21. Notwithstanding, Defendant Wise admits that Voto Latino conducts voter registration efforts in El Paso County and that Defendant Wise has assisted Voto Latino in some of those efforts.

22. Defendant Wise admits the allegations in paragraph 22.

23. Defendant Wise admits the allegations in paragraph 23.

24. Defendant Wise admits the allegations in paragraph 24.

25. Defendant Wise admits the allegations in paragraph 25.

26. Defendant Wise admits the allegations in paragraph 26.

27. Defendant Wise admits the allegations in paragraph 27.

STATEMENT OF FACTS AND LAW

I. Changing Demographics of Texas Voters

28. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28.

29. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29.

30. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30.

31. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31.

32. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32.

33. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33.

34. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34.

35. Defendant Wise admits that SB 1111 was successfully passed but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 35. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

II. Senate Bill 1111

36. The allegations in paragraph 36 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

A. The Residence Restriction

37. Defendant Wise admits the allegations in paragraph 37 but avers that the full text of SB 1111 speaks for itself.

38. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

39. The allegations in paragraph 39 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

40. Defendant Wise admits the allegations in paragraph 40.

41. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of paragraph 41 on the basis that it contains only a partial quotation from the cited statute and refers to the cited statute for the full contents thereof. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 41.

42. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42.

43. The allegations in paragraph 43 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks

knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 at this time.

44. The allegations in paragraph 44 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 at this time.

B. Temporary Relocation

45. Defendant Wise admits the allegations in paragraph 45.

46. The allegations in paragraph 46 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

47. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 regarding what potential voters rely on. Defendant Wise admits the other allegations in paragraph 47.

C. Post Office Boxes

48. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

49. Defendant Wise admits that the allegations in paragraph 49 contain partial

quotations of SB 1111 but avers that the full text of SB 1111 speaks for itself.

50. Defendant Wise admits that the allegations in paragraph 50 contain an accurate summary of portions of SB 1111 but avers that the full text of SB 1111 speaks for itself. Defendant Wise avers that the documentation required to register to vote under SB 1111 is even more restrictive than the identification required to vote. For instance, a registered voter may use photo identification that has expired within the past four years in order to cast a ballot. However, a potential registrant under SB 1111 must have an unexpired photo identification in order to register to vote. Defendant Wise further avers that SB 1111 imposes administrative burdens on El Paso County that are not necessary to conduct secure elections.

51. Defendant Wise admits that the allegations in paragraph 51 contain partial quotations from SB 1111 but avers that the full text of SB 1111 speaks for itself.

CLAIMS FOR RELIEF

COUNT I

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983 Undue Burden on the Rights to Free Speech and Expression Against All Defendants

52. Defendant Wise restates and incorporates her answers to paragraphs 1 through 51 as though fully set forth herein.

53. Defendant Wise admits the allegations in paragraph 53.

54. Defendant Wise admits the allegations in paragraph 54.

55. The allegations in paragraph 55 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes

administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

56. The allegations in paragraph 56 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

57. The allegations in paragraph 57 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

58. The allegations in paragraph 58 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

59. The allegations in paragraph 59 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in

paragraph 59 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

60. Defendant Wise admits that the first sentence of paragraph 60 contains a partial quotation from SB 1111 but avers that the full text of SB 1111 speaks for itself. The remaining allegations in paragraph 60 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

61. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 regarding what Plaintiffs, their members, or constituents rely on. Defendant Wise admits the other allegations in paragraph 61.

62. The allegations in paragraph 62 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

63. The allegations in paragraph 63 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in

paragraph 63 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

64. The allegations in paragraph 64 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 64 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

COUNT II

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983 Undue Burden on the Right to Vote Against All Defendants

65. Defendant Wise restates and incorporates her answers to paragraphs 1 through 64 as though fully set forth herein.

66. Defendant Wise admits the allegations in paragraph 66.

67. Defendant Wise admits the allegations in paragraph 67.

68. Defendant Wise admits the allegations in paragraph 68.

69. The allegations in paragraph 69 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

70. The allegations in paragraph 70 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

71. The allegations in paragraph 71 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

72. Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 72. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

73. The allegations in paragraph 73 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

COUNT III

**U.S. Const. Amends. XXVI; 42 U.S.C. § 1983
Denial or Abridgement of the Right to Vote on Account of Age
Against All Defendants**

74. Defendant Wise restates and incorporates her answers to paragraphs 1 through 73 as though fully set forth herein.

75. Defendant Wise admits the allegations in paragraph 75.

76. Defendant Wise admits the allegations in paragraph 76.

77. Defendant Wise admits the allegations in paragraph 77.

78. The allegations in paragraph 78 purport to state conclusions of law to which no response is required; however, to the extent a response is required, Defendant Wise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78 at this time. Notwithstanding, Defendant Wise avers that SB 1111 imposes administrative burdens on El Paso County and on voters that are not necessary to conduct secure elections and that may suppress lawful voter turnout.

PRAYER FOR RELIEF

Plaintiffs' Prayer for Relief does not require any response. However, Defendant Wise denies that Plaintiffs are entitled to any award of damages, fees, or costs against Defendant Wise or El Paso County.

DEFENSES

Defendant Wise sets forth her defenses below. By setting forth these defenses, Defendant Wise does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to Plaintiffs. Nothing stated here is intended to or shall be construed as an acknowledgement that any particular issue or subject matter is relevant

to Plaintiffs' allegations. As separate and distinct defenses, Defendant Wise alleges as follows:

FIRST DEFENSE

(No Entitlement to Attorneys' Fees)

1. Plaintiffs' claims for attorneys' fees are barred to the extent they are asserted against Defendant Wise, who has no liability for any award of attorneys' fees in this action.

SECOND DEFENSE

(Fault of Others)

2. Plaintiffs' claims are barred to the extent that any damages are due to the fault or responsibility of persons and entities over whom Defendant Wise had no control.

THIRD DEFENSE

(Third-Party Responsibility)

3. Plaintiffs' claims are barred to the extent that any party other than Defendant Wise is responsible or liable.

RESERVATION OF RIGHTS

Defendant Wise presently has insufficient knowledge or information upon which to form a belief as to whether she may have additional unstated defenses. Defendant Wise reserves the right to assert any other defense that may be established during discovery and by the evidence and proceedings in this case.

Dated: August 13, 2021

Respectfully submitted,

/s/ Orion Armon
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**Admitted pro hac vice*

***Pending pro hac vice admission*

*Attorneys for Lisa Wise, in her official
capacity as the El Paso County Elections
Administrator*

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2021, **DEFENDANT LISA WISE'S ANSWER TO PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** was served through the Court's CM/ECF Document Filing System upon each attorney of record.

/s/ Orion Armon
Orion Armon (CO SBN 34923)