

ALLEGATIONS AND PARTIES

1. This paragraph lists the statutes and constitutional provisions under which Plaintiffs have brought suit and need no admission or denial. Defendants deny, however, that Plaintiffs have been deprived of any rights, privileges, or immunities secured to them by the constitution and federal laws.

2-12. These paragraphs the parties to this action and needs no admission or denial.

JURISDICTION AND VENUE

13. Defendants deny that jurisdiction is proper that jurisdiction over the claims of Plaintiffs Ray and Johnson because those claims are barred by the *Heck* doctrine. Plaintiffs' claims under 42 U.S.C. § 1971 are barred for lack of standing.

14. Deny.

FACTUAL BACKGROUND

15. Defendants can neither admit nor deny that Plaintiffs Meeks and Robinson are physically handicapped, but Defendants admit the remainder of the first two sentences. Defendants can neither admit nor deny the remainder of this paragraph.

16. Admit.

17. Deny.

THE CHALLENGED PROVISIONS AND PRACTICES

18. Admit.

19. Admit.

20. Defendants admit that the Election Code was amended in 2003, but deny the remainder of this paragraph.

21. Defendants deny the first two sentences. Defendants can neither admit nor deny the remainder of this paragraph.

22. Admit.

23. Defendants deny that the laws burden party activists to provide legitimate voter assistance. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

24. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

25. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

26. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

27. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

28. Defendants deny the first sentence. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and

therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

29. Defendants admit the factual statements generally reiterating the specific language of the Texas Election Code, but do not necessarily admit, and therefore deny, Plaintiffs' paraphrase or interpretation regarding the meaning and effect of those provisions.

30. Defendants deny the first sentence and would clarify that there have been 26 prosecutions under the relevant statutes. Defendants can neither admit nor deny the second sentence, and Defendants deny any implication that the persons charged with having broken the law were investigated or prosecuted based on their race, ethnicity or their political affiliation. Defendants deny the third sentence and clarify that there have been 26 prosecutions under the relevant statutes, but deny any implication that the persons charged with having broken the law were investigated or prosecuted based on their race, ethnicity or their political affiliation. Defendants can neither admit nor deny the fourth sentence. Defendants admit that alleged investigations of violations of the Election Code are ongoing, but deny any implication that those investigations are improperly targeting or discriminating against any persons based on their race, ethnicity, or political affiliation.

31. Deny.

32. Defendants deny the first sentence. Defendants admit the second sentence, and third sentences. Defendants admit that none of the slides present photographs of white voters standing in line in a polling place, but deny that this is notable. Defendants deny the last sentence. Defendants admit the first, second and third sentences of footnote 6, but deny the last sentence.

33. Defendants admit the first two sentences, but deny the last sentence.

34. Defendants admit the first two sentences, and can neither admit nor deny the third sentence. Defendants deny the remainder.

35. Defendants deny the first sentence. Defendants admit the second sentence, but deny any implication that persons were targeted for voter fraud investigation because of their use of a sickle cell stamp.

36. Defendants can neither admit nor deny that there have been reports of outrageous investigatory practices, but deny that any investigative tactics have been outrageous. Defendants deny that investigators were intentionally peeping into Plaintiff Meeks' bathroom window, and would clarify that as they stood on Plaintiff Meeks' porch, the investigators' attention was drawn to a nearby window because of movement from inside the window, and the investigators looked toward the window. Defendants admit the final sentence.

37. Deny.

38. Defendants deny the first sentence and admit the second sentence. The next four sentences consist of Plaintiffs' opinion of the statute and need no admission or denial. Defendants deny the final two sentences.

39. Defendants admit that the official ballots and the official carrier envelopes do not give notice of the penalties created by the 2003 amendments, but deny the characterization of the penalties as broad. Defendants further deny that the requirements of Texas Election Code Section 86.013 are violated by not having a printed notice on the official ballot or on the official carrier envelope.

40. Defendants deny the first sentence. Defendants can neither admit nor deny that pre-filling envelopes is a longstanding practice, but admit that the practice is condoned by the Attorney

General's Power Point presentation. Defendants admit the allegations concerning what is posted on the Secretary of State's website, and deny the remainder.

41. Defendants deny the first two sentences. Defendants admit the third sentence, and deny the final sentence.

The remainder of Plaintiffs' Complaint consists of their causes of action and prayer for relief, and need neither admission nor denial. Defendants deny, however, that the statutes or their application has violated any of Plaintiffs' constitutional or statutory rights, and deny that Plaintiffs are entitled to the relief they seek.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiffs any and all relief demanded in their First Amended Complaint, and grant Defendants their costs and attorneys fees, and such other and further relief to which Defendants may show themselves justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via Electronic Transmission, on this 21st day of February, 2008, on:

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