

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

v.

ERIC H. HOLDER, JR., in his official capacity as
Attorney General of the United States,

Defendant.

ERIC KENNIE, *et al.*,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Defendant-
Intervenors

TEXAS LEGISLATIVE BLACK CAUCUS, *et
al.*,

Proposed Defendant-
Intervenors,

VICTORIA RODRIGUEZ, *et al.*,

Proposed Defendant-
Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

ANSWER

Defendant Eric H. Holder, Jr., Attorney General of the United States in his official capacity (“hereinafter Defendant”), hereby answers each paragraph of the First Amended Expedited Complaint for Declaratory Judgment (hereinafter “First Amended Complaint”) (Docket #25, as amended by the errata in Docket # 63) as follows:

1. The allegations in paragraph 1 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits only that the State of Texas (“Plaintiff”) brings this action under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c (“Section 5”), and 28 U.S.C. § 1331 to seek a declaratory judgment that Plaintiff’s legislation enacted in 2011, Senate Bill 14, complies with Section 5. Defendant denies all other allegations in this paragraph, and specifically denies that Plaintiff is entitled to a declaratory judgment or any other relief in this action.

2. The allegations in paragraph 2 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits only that Plaintiff seeks as an alternative in this action a declaratory judgment that Section 5 conflicts with Article IV of the Constitution and the Tenth Amendment. Defendant denies all other allegations in this paragraph, and specifically denies that Plaintiff is entitled to a declaratory judgment or any other relief in this action. Defendant avers that Section 5 of the Voting Rights Act is constitutional.

PARTIES

3. Defendant admits the allegation in paragraph 3.

4. Defendant admits the allegation in paragraph 4.

JURISDICTION AND VENUE

5. The allegations in paragraph 5 are statements of law and/or conclusions of law to which no response is required. If paragraph 5 is deemed to allege facts, Defendant admits that

this Court has jurisdiction under 28 U.S.C. § 1331 and avers that this Court has jurisdiction under 42 U.S.C. §§ 1973c and 1973l(b). Defendant also admits, with regard to venue, that this Court is the only Court in which an action can be brought seeking a declaratory judgment pursuant to Section 5 of the Voting Rights Act, under 42 U.S.C. §§ 1973c and 1973l(b), and avers that this Court is the only Court in which an action can be brought challenging the constitutionality of Section 5, pursuant to 42 U.S.C. § 1973l(b).

THREE-JUDGE COURT

6. The allegations in paragraph 6 are statements of law and/or conclusions of law to which no response is required. Defendant admits only that Plaintiff requests the appointment of a three-judge court under 42 U.S.C. § 1973b and 28 U.S.C. § 2284. Defendant avers that the convening of a three-judge court to hear Plaintiff's declaratory judgment claim seeking judicial preclearance of S.B. 14 under Section 5 of the Voting Rights Act is appropriate under 42 U.S.C. §§ 1973c and 1973l(b) and 28 U.S.C. § 2284. Defendant denies that the convening of a three-judge court is appropriate under 42 U.S.C. § 1973b. Defendant further denies that the convening of a three-judge court is necessary to hear Plaintiff's alternative claim presenting a constitutional challenge to Section 5.

FACTS AND BACKGROUND

7. The allegations in paragraph 7 are statements of law and/or conclusions of law to which no response is required. If paragraph 7 is deemed to allege facts, Defendant admits the allegations of paragraph 7 only to the extent that on May 27, 2011, the Governor of Texas signed into law Senate Bill 14. Defendant lacks knowledge or information sufficient to either admit or deny the remaining allegations in paragraph 7 and therefore, denies the same. Defendant denies

the remaining allegations in paragraph 7. Defendant avers that Senate Bill 14 and the Texas Election Code speak for themselves.

8. The allegations in paragraph 8 are statements of law and/or conclusions of law to which no response is required. Defendant lacks knowledge or information sufficient to either admit or deny the remaining allegations in paragraph 8 and therefore, denies the same. Defendant avers that Senate Bill 14 speaks for itself.

9. The allegations in paragraph 9 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant lacks knowledge or information sufficient to either admit or deny the allegations in paragraph 9 and therefore, denies the same. Defendant avers that Senate Bill 14 speaks for itself.

10. The allegations in paragraph 10 are statements of law and/or conclusions of law to which no response is required. If paragraph 10 is deemed to allege facts, Defendant admits the allegations of paragraph 10 only to the extent that the states of Indiana, Kansas, and Wisconsin have enacted state laws related to voter identification requirements and to the extent that those three states are not covered jurisdictions subject to the preclearance requirements of Section 5 of the Voting Rights Act. Defendant denies the remaining allegations in paragraph 10. Defendant avers that the Voting Rights Act, opinions of the Supreme Court, and state law speak for themselves.

11. The allegations in paragraph 11 are statements of law and/or conclusions of law to which no response is required. If paragraph 11 is deemed to allege facts, Defendant admits the allegations of paragraph 11 only to the extent that in 2005, the Department of Justice did not interpose an objection under Section 5 of the Voting Rights Act to an administrative submission

of a state law enacted by Georgia related to voter identification requirements. Defendant denies the remaining allegations in paragraph 11.

12. The allegations in paragraph 12 are statements of law and/or conclusions of law to which no response is required. If paragraph 12 is deemed to allege facts, Defendant admits the allegations of paragraph 12 only to the extent that they purport to quote from portions of Section 5 and generally describe obligations of jurisdictions covered by Section 4(b) of the Voting Rights Act. Defendant denies the remaining allegations in paragraph 12. Defendant specifically denies that the relevant coverage date for voting changes in Texas being subject to Section 5 is November 1, 1964. Defendant avers that the relevant the coverage date is November 1, 1972. Defendant also avers that the Voting Rights Act speaks for itself.

13. The allegations in paragraph 13 are statements of law and/or conclusions of law to which no response is required. If paragraph 13 is deemed to allege facts, Defendant denies that Texas has been designated as a covered jurisdiction under “Section 5” of the Voting Rights Act. Defendant avers that that Texas is a covered jurisdiction under Section 4 of the Voting Rights Act and that it is therefore subject to the preclearance requirements of Section 5 of the Voting Rights Act, and accordingly must obtain administrative preclearance from the Attorney General or a declaratory judgment from this Court before implementing any changes to its voting procedures, such as Senate Bill 14. Defendant also avers that on July 25, 2011, the Department of Justice received Plaintiff’s submission of Senate Bill 14 for administrative review pursuant to Section 5, that Plaintiff has attached a copy of the submission letter at Exhibit 2 to the Complaint, and that Plaintiff purports to quote from Exhibit 2. Defendant denies the remaining allegations in paragraph 13. Defendant avers that the Voting Rights Act and Exhibit 2 speak for themselves.

14. Defendant admits the allegations in paragraph 14 only to the extent that they allege that on September 23, 2011, the Department of Justice sent a letter to the Texas Director of Elections explaining that the information provided in the submission was insufficient and requesting certain items of additional information, to the extent that they reference an attached copy of the letter at Exhibit 3 to the Complaint, and to the extent that purport to quote from Exhibit 3. Defendant also admits that Exhibit 3 was timely transmitted to the Texas Director of Elections pursuant to Section 5 of the Voting Rights Act and the Attorney General's Procedures for the Administration of Section 5. Defendant avers that the Voting Rights Act, the Attorney General's Section 5 Procedures, and Exhibit 3 speak for themselves.

15. Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 15 and therefore, denies the same. Defendant avers that on October 5, 2011, the Department received a letter from the State of Texas along with certain information. Defendant avers that this letter speaks for itself. Defendant further avers that the letter received on October 5 did not fully respond to the questions posed by the Department in the September 23, 2011 letter.

16. Defendant admits the allegations in paragraph 16 only to the extent they allege that on November 16, 2011, the Department of Justice sent a letter to the Texas Director of Elections explaining that the information provided by the State was incomplete, to the extent that they reference an attached copy of the letter as Exhibit 4 to the Complaint, and to the extent that they purport to quote from Exhibit 4. Defendant denies the remaining allegations in paragraph 16. Defendant avers that Exhibit 4 speaks for itself.

17. Defendant admits the allegations in paragraph 17 only to the extent they allege that on January 12, 2012, the Department received a letter and information from the State of

Texas and only to the extent that they reference an attached copy of the letter as Exhibit 5.

Defendant denies the remaining allegations in paragraph 17. Defendant avers that Exhibit 5 speaks for itself.

18. Defendant admits the allegations in paragraph 18 only to the extent that they allege that on December 23, 2011, the Department of Justice sent a letter to the State of South Carolina responding to that State's administrative submission of its 2011 voter identification law by interposing an objection under Section 5 of the Voting Rights Act, to the extent that they reference an attached copy of that letter as Exhibit 6 of the Complaint, and to the extent that they purport to quote from Exhibit 6. Defendant also admits the allegations that in 2005, the Department of Justice did not interpose an objection under Section 5 to a voter identification law enacted by Georgia. Defendant denies the remaining allegations in paragraph 18. Defendant avers that state election laws and Exhibit 6 speak for themselves.

19. Defendant admits the allegations in paragraph 19 only to the extent that they allege that on December 23, 2011, the Department of Justice sent a letter to the State of South Carolina responding to that State's administrative submission of its 2011 voter identification law by interposing an objection under Section 5 of the Voting Rights Act, to the extent that they reference an attached copy of that letter as Exhibit 6 of the Complaint, and to the extent that they purport to quote from Exhibit 6. Defendant denies the remaining allegations in paragraph 19. Defendant avers that state election laws and Exhibit 6 speak for themselves.

20. Defendant admits the allegations in paragraph 20 only to the extent that they allege that on March 12, 2012, the Department of Justice sent a letter to the Texas Director of Elections interposing an objection under Section 5 of the Voting Rights Act to Senate Bill 14, to the extent that they reference an attached copy of the letter as Exhibit 7 to the Complaint, and to

the extent that they purport to quote from Exhibit 7. Defendant also admits that Exhibit 7 was timely transmitted to the Texas Director of Elections pursuant to Section 5 of the Voting Rights Act and the Attorney General's Procedures for the Administration of Section 5. Defendant denies the remaining allegations in paragraph 20. Defendant avers that the Voting Rights Act, the Attorney General's Section 5 Procedures, and Exhibit 7 speak for themselves.

21. The allegations in paragraph 21 are statements of law and/or conclusions of law to which no response is required. If paragraph 21 is deemed to allege facts, Defendant admits the allegations in paragraph 21 only to the extent that they allege that on March 12, 2012, the Department of Justice sent a letter to the Texas Director of Elections, to the extent that they reference an attached copy of the letter as Exhibit 7 to the Complaint, and to the extent that they purport to quote from Exhibit 7. Defendant denies the remaining allegations in paragraph 21. Defendant avers that Exhibit 7 speak for itself.

22. The allegations in paragraph 22 are statements of law and/or conclusions of law to which no response is required. If paragraph 22 is deemed to allege facts, Defendant admits the allegations in paragraph 22 only to the extent that they allege that on March 12, 2012, the Department of Justice sent a letter to the Texas Director of Elections, to the extent that they reference an attached copy of the letter as Exhibit 7 to the Complaint, and to the extent that they purport to quote from Exhibit 7. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in paragraph 22 and therefore, denies the same. Defendant avers that opinions of the U.S. Court of Appeals for the Fifth Circuit and Exhibit 7 speak for themselves.

23. The allegations in paragraph 23 are statements of law and/or conclusions of law to which no response is required. If paragraph 23 is deemed to allege facts, Defendant admits the

allegations in paragraph 23 only to the extent that they allege that on March 12, 2012, the Department of Justice sent a letter to the Texas Director of Elections, to the extent that they reference an attached copy of the letter as Exhibit 7 to the Complaint, and to the extent that they purport to quote from Exhibit 7. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in paragraph 23 and therefore, denies the same. Defendant avers that state election laws and Exhibit 7 speak for themselves.

24. The allegations in paragraph 24 are statements of law and/or conclusions of law to which no response is required. If paragraph 24 is deemed to allege facts, Defendant admits the allegations in paragraph 24 only to the extent that they allege that the Department of Justice sent a letter to the Texas Director of Elections interposing an objection under Section 5 to the State's voter identification law and to the extent that they purport to quote from U.S. Supreme Court's opinion, *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Defendant denies the remaining allegations in paragraph 24. Defendant avers that the Voting Rights Act, opinions of the Supreme Court, and state law speak for themselves.

25. The allegations in paragraph 25 are statements of law and/or conclusions of law to which no response is required. If paragraph 25 is deemed to allege facts, Defendant admits the allegations in paragraph 25 only to the extent that they allege that the Department of Justice sent a letter to the Texas Director of Elections interposing an objection under Section 5 to the State's voter identification law. Defendant denies the remaining allegations in paragraph 25. Defendant avers that state election laws and opinions of the Supreme Court speak for themselves.

26. The allegations in paragraph 26 are statements of law and/or conclusions of law to which no response is required. If paragraph 26 is deemed to allege facts, Defendant admits the allegations in paragraph 26 only to the extent that the Department of Justice sent a letter to the

Texas Director of Elections interposing an objection under Section 5 to the State's voter identification law, and that the letter does not reference any earlier Section 5 determinations from other states, including from the State of Georgia. Defendant denies the remaining allegations in paragraph 26.

CLAIM FOR RELIEF

The allegations in the unnumbered paragraph following paragraph 26 are statements of law and/or conclusions of law to which no response is required. If this paragraph is deemed to allege facts, Defendant denies this paragraph and specifically denies that Plaintiff is entitled to a declaratory judgment or any other relief in this action.

27. Defendant's responses to paragraphs 7 through 26 above are incorporated by reference in response to paragraph 27.

The allegations in heading "A" following paragraph 27 are statements of law and/or conclusions of law to which no response is required. If heading "A" is deemed to allege facts, Defendant denies all allegations in heading "A."

28. The allegations in paragraph 28 are statements of law and/or conclusions of law to which no response is required. If paragraph 28 is deemed to allege facts, Defendant admits the allegations only to the extent that Plaintiff is seeking a declaratory judgment from this Court. Defendant denies the remaining allegations in paragraph 28 and specifically denies that Plaintiff is entitled to a declaratory judgment or any other relief in this action.

29. The allegations in paragraph 29 are statements of law and/or conclusions of law to which no response is required. If paragraph 29 is deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the allegations in paragraph 29 and therefore, denies the same. Defendant avers that state laws speak for themselves.

30. The allegations in paragraph 30 are statements of law and/or conclusions of law to which no response is required. If paragraph 30 is deemed to allege facts, Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in paragraph 30 and therefore, denies the same. Defendant avers that Senate Bill 14 speaks for itself.

31. The allegations in paragraph 31 are statements of law and/or conclusions of law to which no response is required. If paragraph 31 is deemed to allege facts, Defendant admits the allegations only to the extent that they purport to quote portions of an opinion of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 31. Defendant avers that opinions of the Supreme Court, the Voting Rights Act, and Exhibit 6 speak for themselves.

32. The allegations in paragraph 32 are statements of law and/or conclusions of law to which no response is required. If paragraph 32 is deemed to allege facts, Defendant admits the allegations only to the extent that they purport to quote portions of an opinion of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 32. Defendant avers that opinions of the Supreme Court and Senate Bill 14 speak for themselves.

The allegations in heading “B” following paragraph 32 are statements of law and/or conclusions of law to which no response is required. If heading “B” is deemed to allege facts, Defendant denies all allegations in heading “B.”

33. The allegations in paragraph 33 are statements of law and/or conclusions of law to which no response is required. If paragraph 33 is deemed to allege facts, Defendant admits the allegations only to the extent that Plaintiff is seeking a declaratory judgment from this Court. Defendant denies the remaining allegations in paragraph 33 and specifically denies that Plaintiff

is entitled to a declaratory judgment or any other relief in this action. Defendant avers that opinions of the Supreme Court and Senate Bill 14 speak for themselves.

34. The allegations in paragraph 34 are statements of law and/or conclusions of law to which no response is required. If paragraph 34 is deemed to allege facts, Defendant admits the allegations of paragraph 34 only to the extent that they purport to quote portions of Section 5. Defendant denies the remaining allegations in paragraph 34. Defendant avers that Section 5 of the Voting Rights Act, and Senate Bill 14 speak for themselves.

35. The allegations in paragraph 35 are statements of law and/or conclusions of law to which no response is required. If paragraph 35 is deemed to allege facts, Defendant admits the allegations in paragraph 35 only to the extent that they purport to quote from Exhibit 7 and an opinion of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 35. Defendant avers that opinions of the Supreme Court, Section 5, and Exhibit 7 speak for themselves.

36. The allegations in the first sentence of paragraph 36 are statements of law and/or conclusions of law to which no response is required. If the first sentence of paragraph 36 is deemed to allege facts, Defendant denies all allegations and specifically avers that paragraph 36 mischaracterizes Section 5. Defendant lacks knowledge or information sufficient to form a belief about the allegations in the second and third sentences of paragraph 36 and therefore, denies the same. Defendant denies the remaining allegations in paragraph 36. Defendant avers that Section 5 and opinions of the U.S. Supreme Court speak for themselves.

37. The allegations in paragraph 37 are statements of law and/or conclusions of law to which no response is required. If paragraph 37 is deemed to allege facts, Defendant admits the allegations in paragraph 37 only to the extent that they purport to quote from opinions of the U.S.

Supreme Court. Defendant denies the remaining allegations in paragraph 37. Defendant avers that opinions of the Supreme Court speak for themselves.

38. The allegations in paragraph 38 are statements of law and/or conclusions of law to which no response is required. If paragraph 38 is deemed to allege facts, Defendant admits the allegations in paragraph 38 only to the extent that they purport to quote from opinions of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 38. Defendant avers that Section 5 of the Voting Rights Act is constitutional and that opinions of the Supreme Court speak for themselves.

39. The allegations in paragraph 39 are statements of law and/or conclusions of law to which no response is required. If paragraph 39 is deemed to allege facts, Defendant denies all allegations in paragraph 39.

The allegations in heading “C” following paragraph 39 are statements of law and/or conclusions of law to which no response is required. If heading “C” is deemed to allege facts, Defendant denies all allegations in heading “C.”

40. The allegations in paragraph 40 are statements of law and/or conclusions of law to which no response is required. If paragraph 40 is deemed to allege facts, Defendant denies all allegations in paragraph 40. Defendant avers that Section 5 of the Voting Rights Act is constitutional.

41. The allegations in paragraph 41 are statements of law and/or conclusions of law to which no response is required. If paragraph 41 is deemed to allege facts, Defendant admits the allegations in paragraph 41 only to the extent that they purport to quote portions of the U.S. Constitution and opinions of the U.S. Supreme Court. Defendant denies the remaining

allegations in paragraph 41. Defendant avers that the U.S. Constitution and opinions of the Supreme Court speak for themselves.

42. The allegations in paragraph 42 are statements of law and/or conclusions of law to which no response is required. If paragraph 42 is deemed to allege facts, Defendant admits the allegations in paragraph 42 only to the extent that they purport to quote portions of an opinion of the U.S. Supreme Court. Defendant lacks knowledge or information sufficient to form a belief as to whether Plaintiff's photo identification law was enacted with a racially discriminatory purpose and therefore, denies the same. Defendant denies the remaining allegations in paragraph 42. Defendant avers that opinions of the Supreme Court speak for themselves.

43. The allegations in paragraph 43 are statements of law and/or conclusions of law to which no response is required. If paragraph 43 is deemed to allege facts, Defendant admits the allegations in paragraph 43 only to the extent that they purport to quote portions of opinions of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 43. Defendant avers that the U.S. Constitution, opinions of the Supreme Court, and Section 5 speak for themselves.

44. The allegations in paragraph 44 are statements of law and/or conclusions of law to which no response is required. If paragraph 44 is deemed to allege facts, Defendant admits the allegations in paragraph 44 only to the extent that they purport to quote portions of opinions of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 44, and specifically avers that paragraph 44 mischaracterizes Section 5. Defendant also avers that opinions of the Supreme Court, Section 5, and the U.S. Constitution speak for themselves.

45. The allegations in paragraph 45 are statements of law and/or conclusions of law to which no response is required. If paragraph 45 is deemed to allege facts, Defendant denies all allegations in paragraph 45.

The allegations in heading “D” following paragraph 45 are statements of law and/or conclusions of law to which no response is required. If heading “D” is deemed to allege facts, Defendant denies all allegations in heading “D.”

46. The allegations in paragraph 46 are statements of law and/or conclusions of law to which no response is required. If paragraph 46 is deemed to allege facts, Defendant denies all allegations in paragraph 46.

47. The allegations in paragraph 47 are statements of law and/or conclusions of law to which no response is required. If paragraph 47 is deemed to allege facts, Defendant admits the allegations in paragraph 47 only to the extent that they purport to quote a portion of an opinion of the U.S. Supreme Court. Defendant denies the remaining allegations in paragraph 47. Defendant avers that opinions of the Supreme Court speak for themselves.

The allegations in heading “E” following paragraph 47 are statements of law and/or conclusions of law to which no response is required. If heading “E” is deemed to allege facts, Defendant denies all allegations in heading “E.”

48. The allegations in paragraph 48 are statements of law and/or conclusions of law to which no response is required. If paragraph 48 is deemed to allege facts, Defendant admits the allegations in paragraph 48 only to the extent that they purport to quote portions of opinions of the U.S. Supreme Court. Defendant denies the remaining allegations, and specifically avers that paragraph 48 mischaracterizes Section 5. Defendant also avers that opinions of the Supreme Court, Section 5, and the U.S. Constitution speak for themselves.

49. Defendant is without sufficient knowledge to admit or deny the allegations of the first and second sentences of paragraph 49, and therefore, Defendant denies all allegations in these two sentences. The remaining allegations of paragraph 49 are statements of law and/or conclusions of law to which no response is required. If the remaining allegations of paragraph 49 are deemed to allege facts, Defendant denies the remaining allegations.

50. The allegations in paragraph 50 are statements of law and/or conclusions of law to which no response is required. If paragraph 50 is deemed to allege facts, Defendant denies all allegations in paragraph 50.

The allegations in heading "F" following paragraph 50 are statements of law and/or conclusions of law to which no response is required. If heading "F" is deemed to allege facts, Defendant denies all allegations in heading "F."

51. The allegations in paragraph 51 are statements of law and/or conclusions of law to which no response is required. If this paragraph is deemed to allege facts, Defendant denies all allegations in paragraph 51.

52. The allegations in paragraph 52 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant admits the allegations only to the extent that they purport to quote portions of an oral argument transcript before the U.S. Supreme Court. Defendant avers that transcripts of oral arguments before the Supreme Court and state election laws speak for themselves. Defendant denies the remaining allegations in paragraph 52.

53. The allegations in paragraph 53 are statements of law and/or conclusions of law to which no response is required. If paragraph 53 is deemed to allege facts, Defendant admits the allegations in paragraph 53 only to the extent that they purport to quote portions of opinions of

the U.S. Supreme Court. Defendant denies all remaining allegations in paragraph 53. Defendant also avers that Section 5 and opinions of the U.S. Supreme Court speak for themselves.

The allegations in the unnumbered paragraph following paragraph 53 are statements of law and/or conclusions of law to which no response is required. If this paragraph is deemed to allege facts, Defendant denies this paragraph and specifically denies that Plaintiff is entitled to a declaratory judgment or any other relief in this action.

54. Defendant's responses to paragraphs 7 through 53 above are incorporated by reference in response to paragraph 54.

55. The allegations in Paragraph 55 are statements of law and/or conclusions of law to which no response is required. If deemed to allege facts, Defendant denies the allegations in Paragraph 55. Defendant avers that the Voting Rights Act, including its legislative history, and opinions of the Supreme Court speak for themselves. Defendant avers that Section 5 is constitutional.

DEMAND FOR JUDGMENT

In response to Plaintiff's Demand for Judgment, in un-numbered Paragraphs "A," "B," and "C," following Paragraph 52 Defendant denies that the Plaintiff is entitled to any relief requested in its Demand for Judgment.

GENERAL DENIAL

Any and all allegations in the Complaint not specifically admitted, denied, or otherwise responded to herein are hereby expressly denied.

AFFIRMATIVE DEFENSES

Defendant avers that the Plaintiff's Complaint fails to state a claim on which relief can be granted as to some or all of its constitutional claims.

Date: April 9, 2012

RONALD C. MACHEN, JR.
United States Attorney
District of Columbia

Respectfully submitted,

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/s/ Bruce I. Gear

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2012, I served a true and correct copy of the foregoing via the Court's ECF system on the following counsel of record:

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