

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

JOLT INITIATIVE, INC.,

Plaintiff,

v.

KEN PAXTON, in his individual and official
capacity as Attorney General of Texas,

Defendant.

Case No.: 1:25-001808

COMPLAINT

1. This case is brought to halt a campaign of unconstitutional intimidation targeting Plaintiff Jolt Initiative, Inc. (Jolt), a nonprofit organization that works to increase the civic participation of young Latinos in Texas, for exercising its freedom of speech and association and its right to petition the courts for the redress of grievances.

2. More than a year ago, Defendant Attorney General Ken Paxton initiated this campaign against Jolt by issuing an intrusive and groundless document demand known as a Request to Examine (RTE), issued without any court finding that it was legally justified. The RTE demanded that Jolt disclose confidential information, including the identities of its volunteers and other associates.

3. Providing the information that Defendant's RTE sought would have exposed Jolt, its Volunteer Deputy Registrars (VDRs), and the Texas voters with whom they engage, among other associates, to further intimidation and threats, and would have chilled their exercise of

fundamental expressive freedoms. Accordingly, Jolt brought a federal lawsuit challenging the RTE under the First Amendment, among other claims, and seeking declaratory and injunctive relief. *Jolt Initiative, Inc. v. Paxton*, 1:24-cv-1089-RP (W.D. Tex.).

4. Rather than defend against Jolt’s federal lawsuit, Defendant withdrew the RTE and secured Jolt’s agreement to voluntarily dismiss the case based on written assurances that he would not serve a new RTE concerning the same subject matter. The district court therefore issued an order closing Jolt’s case on October 23, 2025.

5. But Defendant’s retaliatory campaign did not cease. That same day, Defendant filed an action in the District Court of Tarrant County, Texas, seeking to revoke Jolt’s corporate charter through a civil quo warranto proceeding based on the same groundless and unsubstantiated allegations on which he had attempted to justify the RTE. *Texas v. Jolt Initiative, Inc.*, No. 352-371410-25 (D. Ct. Tarrant County, Tex.).

6. Defendant’s ongoing campaign against Jolt is in retaliation for the group’s voter-registration activity—expression and association that is protected by the First Amendment. In addition, Defendant initiated the quo warranto proceeding in retaliation for Jolt petitioning the government for redress of grievances by filing a federal lawsuit challenging Defendant’s RTE.

7. Defendant’s attacks on Jolt also constitute impermissible intimidation under § 11(b) of the Voting Rights Act (VRA), which protects Plaintiff’s right to “urg[e] or aid[] any person to vote or attempt to vote.” 52 U.S.C. § 10307(b).

8. Jolt therefore asks the Court to protect its First Amendment freedoms of speech, association, and petition, as well as its rights under the VRA.

JURISDICTION AND VENUE

9. Plaintiff's claims are brought under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution and under 52 U.S.C. § 10307(b).

10. This Court has jurisdiction to hear Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343, and 52 U.S.C. § 10308(f). The Court also has jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02.

11. Venue is proper in the United States District Court for the Western District of Texas under 28 U.S.C. § 1391(b)(2) because a substantial part of the acts that gave rise to this lawsuit have occurred or will occur in this judicial district. This District is also an appropriate venue under 28 U.S.C. § 1391(b)(1) because Defendant resides in this judicial district.

PARTIES

12. Jolt Initiative, Inc., is a nonprofit organization that is incorporated in Texas and exempt from taxes under § 501(c)(3) of the Internal Revenue Code. Jolt engages in a wide range of expressive and associative acts encouraging Texans to vote.

13. Defendant Ken Paxton is the Attorney General of the State of Texas.

FACTS

A. Jolt Initiative

14. Jolt Initiative, and its sister organization Jolt Action, Inc., were founded to increase the civic participation of Latinos in Texas in order to build a stronger democracy and ensure that everyone's voice is heard. Jolt Initiative and Jolt Action are separate organizations, with distinct boards of directors and separate bank accounts.

15. Jolt is focused on mobilizing young Latino voters (those aged 18 to 32) in particular.

16. In addition to voter registration drives, Jolt uses public education campaigns, leadership programming, and other measures to encourage eligible Latinos to vote.

17. Jolt and Jolt Action also speak out on matters of importance to Latinos in Texas, and Jolt Action is often critical of government institutions and politicians, including the Attorney General.

B. Voter Registration Drives

18. A key part of Jolt's effort is registering eligible Texans to vote. Jolt strives to encourage as many eligible Latinos in Texas to vote as possible.

19. Jolt conducts voter registration drives in Texas, with a primary focus in Dallas, Harris, and Bexar Counties. Because of Jolt's efforts, several thousand Texans have been added to the voter rolls in recent years.

20. A vital part of Jolt's mission is ensuring that community members conduct nonpartisan voter registration in accordance with state law.

21. To carry out its voter registration drives, Jolt uses Volunteer Deputy Registrars (VDRs), which may be paid members of their staff or organizational volunteers.

22. VDRs are individuals who are appointed by county registrars and are "empowered to receive and deliver completed voter registration applications." *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 385 (5th Cir. 2013).

23. Texas created VDRs "[t]o encourage voter registration." Tex. Elec. Code § 13.031(a); see Brief of Former Governor Mark White et al. as Amicus Curiae in Support of Appellee at 14–15, *Voting for America*, 732 F.3d 382, 2012 WL 5996185 ("The intent of the voter registration system was to open the doors as wide as possible to every single, eligible qualified

voter and not exclude anybody under any circumstance.” (internal quotation marks and alteration omitted)).

24. Any person who is 18 years old and eligible to vote in Texas—and not disqualified by virtue of certain criminal convictions—is entitled to become a VDR upon applying to do so in each county in which they wish to register voters. Tex. Elec. Code §§ 13.031(d), 13.032. Each VDR receives a Certificate of Appointment that contains the VDR’s voter registration number and residential address. *Id.* § 13.033.

25. VDRs may provide blank voter registration forms to potential voters and must deliver completed forms to the county registrar within five days. *See* Tex. Elec. Code § 13.042. VDRs review the information on registration forms for completeness, but they have no power to determine whether an applicant is actually eligible to vote. Tex. Elec. Code § 13.039; *Volunteer Deputy Registrars*, Tex. Sec’y State, <https://perma.cc/38F6-CED5?type=image>. A VDR is legally required to submit every completed voter registration form to the county registrar within five days. Tex. Elec. Code §§ 13.042, 13.043. The county registrar then makes the determination whether the applicant is eligible to be added to the voter rolls. *Id.* § 13.072.

26. Upon receipt of a completed application, the VDR provides the applicant with a receipt. State law provides that a duplicate of the receipt should be provided to the registrar, along with the applicant’s voter registration form, unless an alternative system is prescribed. Tex. Elec. Code § 13.040.

27. Jolt VDRs are always properly appointed in the county in which they register voters.

28. A typical Jolt voter registration drive involves a Jolt VDR being located in a place

with high foot traffic. The VDR typically will have written materials about voting and registering to vote, as well as blank registration forms. If a person wants to register to vote, a VDR will explain the eligibility requirements, answer any questions, and walk the person through the process of filling out a voter registration form.

29. Jolt VDRs comply with all applicable laws. Jolt undertakes rigorous training, supervision, and quality control protocols to ensure compliance with Texas's VDR scheme and to minimize error, including regular consultation with election-law counsel.

C. Defendant's Baseless Investigation into Voter Registration Groups

30. On August 18, 2024, a television personality with a history of promoting conspiracy theories posted on X that people who were ineligible to vote were being registered at locations in North Texas. *See* Maria Bartiromo (@MariaBartiromo), X (Aug. 18, 2024, 9:56 AM), <https://perma.cc/B7MD-PRKC>; *see* Berenice Garcia, *A Fox News Host's Debunked Election Conspiracy Appears to Have Prompted a State Investigation*, Tex. Trib. (Aug. 26, 2024), <https://perma.cc/9PM6-H9YS>.

31. Both the Parker County Republican chair and election administrator said there was no evidence to support the charge. *See* Garcia, *supra*; Brady Gray (@Brady_Gray), X (Aug. 19, 2024, 10:12 PM), https://x.com/Brady_Gray/status/1825717561054376102.

32. The next day, Defendant sent an undercover investigator to a Texas Department of Public Safety (DPS) office in Universal City, Texas, in Bexar County, to investigate Jolt's voter-registration activities. The investigator claimed to be a father seeking to register his daughter, who was not with him.

33. In response to the investigator's questions, a Jolt VDR who no longer is employed

by the organization accurately conveyed to the investigator that Texas law allows a parent to register their eligible child to vote. *See* Tex. Elec. Code § 13.003.

34. Notwithstanding the fact that the former Jolt VDR did nothing more than accurately convey what Texas law permits, the investigator filed a report accusing the former Jolt VDR of violating Texas’s election code.

35. The next day, a self-described “citizen journalist” and “Alpha MAGA Male” posted a video on X in which he purported to confront a Jolt VDR outside of a Texas DPS office. *See* hernando arce (@hernandoarce), X (Aug. 20, 2024, 1:53 PM), <https://x.com/hernandoarce/status/1825954284858417608>. The post said, “we have Marxist non profit organizations like @JoltAction infiltrating Texas @TxDPS locations in San Antonio,” and it tagged @KenPaxtonTx, among others. *Id.*

36. The video depicts no illegal activity or evidence of wrongdoing.

37. On August 20, 2024, the same day that the self-described “citizen journalist” posted about Jolt on X, the Attorney General’s office executed a series of raids on the homes of people associated with the League of United Latin American Citizens (LULAC), another Latino-focused organization that encourages eligible Texans to register to vote. *See* Fin Gómez & Nidia Cavazos, *Texas Attorney General Ken Paxton Raids Latino Democrats’ Homes, Including Those of LULAC Members*, CBS News (Aug. 27, 2024), <https://perma.cc/M7BL-W4Y7>; Roman Palomares, *LULAC Fights Back: How We’re Standing up to Texas’s Voter Suppression*, https://lulac.org/texas_raids/ (“Paxton has been aggressively targeting and harassing Latino-led organizations, . . . as well as individual citizens.”).

38. One of the people targeted was Lidia Martinez, an 87-year-old retired educator in

San Antonio who is a member of LULAC. *See* Edgar Sandoval, *Latino Civil Rights Group Demands Inquiry Into Texas Voter Fraud Raids*, N.Y. Times (Aug. 25, 2024), <https://www.nytimes.com/2024/08/25/us/texas-latino-democrats-raids-paxton.html>. Armed agents swept through her house before 6 a.m., rifling through her clothes, seizing her electronics, and questioning her for three hours. *Id.* The event “scared” Martinez, who “still felt shaken” days later. *Id.*

39. The following day, Defendant put out a press release announcing that he had “opened an investigation into reports that organizations operating in Texas may be unlawfully registering noncitizens to vote in violation of state and federal law.” Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Launches Investigation into Reports That Organizations May Be Illegally Registering Noncitizens to Vote* (Aug. 21, 2024), <https://perma.cc/EF4H-E6PP>. The press release cites the existence of voter registration efforts taking place outside Texas DPS offices, speculating that “there is no obvious need to assist citizens to register to vote outside DPS offices,” and “calling into question the motives of the nonprofit groups.” *Id.* The press release promises that “[a]ny wrongdoing will be punished to the fullest extent of the law.” *Id.*

40. Notwithstanding Defendant’s pretextual reasons for the investigation into voter registration drives, “[e]very legitimate study ever done on the question shows that voting by noncitizens in state and federal elections is vanishingly rare.” Sean Morales-Doyle, *Noncitizens Are Not Voting in Federal or State Elections—Here’s Why*, Brennan Ctr. for Just. (Apr. 12, 2024), <https://perma.cc/WCX3-YKVC>. One recent study, which looked at 42 jurisdictions in the 2016 general election, found 30 incidents of suspected noncitizen voting among 23.5 million votes—a rate of 0.0001%. *See id.*

41. Jolt and its associates reacted to news of Defendant's investigation with alarm.

42. On August 23, 2024, Jolt Action sent out an email blast to thousands of supporters titled: "URGENT: Paxton Investigation Disrupts Jolt Organizers' Important Work." In this email, Jolt Action accused the Attorney General of "suppress[ing] voter registration" and "attack[ing] Texans once again."

43. Also on August 23, 2024, Jolt Action publicly criticized the Attorney General on its Facebook page, writing that "we won't stay quiet, and we are prepared to make our voices heard to ensure voting rights aren't infringed upon." An image included with the post stated: "AG Investigation Disrupts Jolt Organizers' Important Work."

D. Defendant's RTE to Jolt Initiative

44. Despite having no evidence (or even reasonable suspicion) of wrongdoing, the Attorney General promptly targeted Jolt.

45. On August 31, 2024, Jolt Initiative received a Request to Examine (RTE) from the Office of the Attorney General. A true and accurate copy of the RTE is attached as Exhibit A.

46. The RTE instructed Jolt Initiative to provide, by September 19, 2024, four categories of documents:

1. Each of Your volunteer deputy registrars' certificates of appointment.
2. All Documents Jolt provides to your volunteer deputy registrars Concerning the voter registration application process.
3. All Documents Jolt provides to your volunteer deputy registrars Concerning Your role in the voter registration application process.
4. Each of the completed registration receipts created pursuant to Texas Election Code § 13.040 and maintained by You.

47. Defendant did not identify any reason why he needed the documents. He did not

accuse Jolt of any wrongdoing. And he did not obtain permission or authority from a court to obtain these documents.

48. Defendant purported to issue the RTE pursuant to Texas Business Organizations Code § 12.151, which allows the Attorney General to inspect corporate records “as the attorney general considers necessary in the performance of a power or duty of the attorney general, of any record of the entity.”

49. The RTE further threatened that if Jolt did not comply, the Attorney General could take action under Texas Business Organizations Code § 12.155, which provides that failure or refusal to permit the Attorney General to inspect records “forfeits the right of the entity to do business in this state, and the entity’s registration or certificate of formation shall be revoked or terminated.”

50. It is also Class B misdemeanor to fail to or refuse to provide records requested by the Attorney General. *See* Tex. Bus. Orgs. Code § 12.156.

51. Jolt filed a lawsuit in federal court challenging the RTE under 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments to the United States Constitution, and under § 11(b) of the Voting Rights Act of 1964, 52 U.S.C. § 10307(b). *Jolt Initiative, Inc. v. Paxton (Jolt I)*, 1:24-cv-1089-RP (W.D. Tex.). In that litigation, Jolt filed a motion for a preliminary injunction barring enforcement of the RTE.

52. Because of developments in a case raising similar legal issues, the parties agreed to stay district court proceedings in *Jolt I* until the related case was resolved. The parties further agreed that Jolt’s obligation to respond to the RTE would be extended until after the stay was lifted.

53. After the related case was resolved and the stay was lifted, Defendant voluntarily withdrew the RTE before the district court had ruled on Jolt’s motion for a preliminary injunction. Counsel for Defendant later represented in writing that Defendant had no intention to re-issue an RTE concerning the same subject matter. Based on that representation, the parties agreed on October 22, 2025, to voluntarily dismiss the case under Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

54. The district court issued an order the following day closing the case.

E. Defendant’s Quo Warranto Proceedings Against Jolt Initiative

55. On October 23, 2025—the same day that the district court closed the case challenging the RTE that Defendant had issued to Jolt—Defendant filed a motion for leave to file an original petition and information in the nature of quo warranto in the District Court of Tarrant County, Texas. A true and correct copy of the quo warranto motion (Mot.) is attached as Exhibit B. A true and correct copy of the proposed quo warranto petition (Pet.) is attached as Exhibit C.

56. Based on the same debunked factual allegations that triggered Defendant’s RTE, the motion to file a quo warranto petition accuses Jolt of “systematically, knowingly, willfully, deliberately, and recklessly misus[ing] individuals and Volunteer Deputy Registrars (‘VDR’) to acquire and submit unlawful voter registration applications that violate the Texas Election Code and undermine the State’s democratic processes.” Pet. 3.

57. Defendant identified no allegation beyond the specious examples that it cited in support of the initial RTE that was the subject of earlier federal court proceedings. Even though nothing had changed, the allegations that Defendant previously claimed justified an investigation

now justified—according to Defendant—the ultimate corporate penalty.

58. The wrongdoing alleged by Defendant occurred in Bexar County, and Jolt Initiative’s principal office is in Harris County. Defendant has identified no allegation connecting any part of its quo warranto action to Tarrant County, raising concerns of attempted forum shopping.

59. The proposed petition also condemns Jolt for bringing its previous lawsuit in this District challenging the legality of Defendant’s RTE as demonstrating Jolt’s refusal to “cooperat[e] with the State’s investigation” and as aimed at “stall[ing] the investigation through the 2024 election.” Pet. 7. Defendant forthrightly admits that he initiated the quo warranto proceeding “[i]nstead” of defending the legality of his RTE in the previous litigation. *Id.* at 7. And the petition states, in its section addressing Jolt’s filing of the prior federal lawsuit, that Defendant “now commences this lawsuit to hold JOLT accountable for its underlying systematic and unlawful conduct and to revoke JOLT’s right to transact business in Texas.” *Id.*

60. Neither the motion nor the proposed petition attached thereto identifies any wrongdoing by Jolt or any of its VDRs.

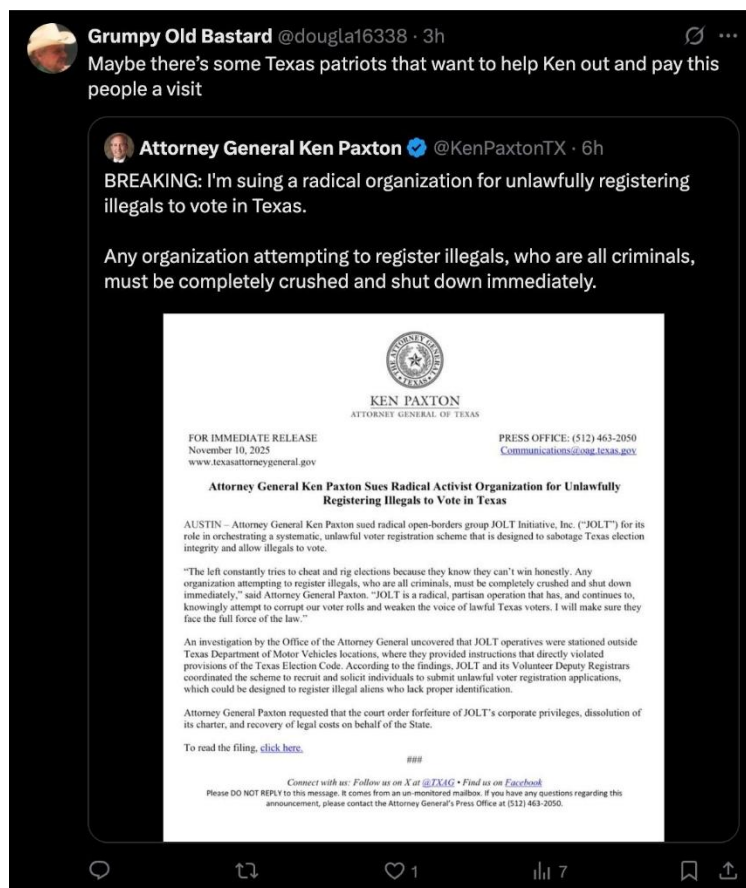
61. Instead, the motion and proposed petition single out Jolt based on its perceived ideological motivation and its protected expression, with which Defendant personally disagrees. For example, Defendant’s proposed petition complains (without factual support) that “JOLT engages in partisan political efforts intending to undermine election integrity,” and “attempts to circumvent the opportunity for Republican and Conservative political candidates to get elected in the State violating the principles of democracy.” Pet. 9. Defendant also points to examples of Jolt’s purportedly “divisive rhetoric,” which it characterizes as “criticiz[ism] and demoniz[ation]

[of] the election of Republican and Conservative politicians, such as President Donald J. Trump,” *id.* at 3-4, and “resentment for Republican and Conservative political ideology,” Mot. 1.

62. The proposed quo warranto petition seeks forfeiture of Jolt’s rights and privileges as a registered corporation; dissolution of Jolt’s corporate registration and charter; and appointment of a receiver to wind up Jolt’s corporate affairs. Pet. 11.

63. On November 11, 2025, Defendant issued a press release announcing the filing of the quo warranto action. Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Sues Radical Activist Organization for Unlawfully Registering Illegals to Vote in Texas* (Nov. 10, 2025), <https://tinyurl.com/ye2tv7mk>. The press release falsely describes Jolt as a “radical open-borders group” and “a radical, partisan operation.” *Id.* It also falsely accuses Jolt of “orchestrating a systematic, unlawful voter registration scheme that is designed to sabotage Texas election integrity and allow illegals to vote,” “knowingly attempt[ing] to corrupt our voter rolls and weaken the voice of lawful Texas voters,” and “recruit[ing] and solicit[ing] individuals to submit unlawful voter registration applications, which could be designed to register illegal aliens who lack proper identification.” *Id.*

64. The inflammatory and false statements in Defendant's press release stoked further harassment of Jolt by third parties. For example, an individual re-shared Defendant's post on X publicizing the press release and suggested that "Texas patriots" should "help Ken out and pay this [sic] people a visit." Grumpy Old Bastard (@douglal6338), X.com (Nov. 10, 2025, 12:45 ET), <https://x.com/douglal6338/status/1987939745314562151>. A true and correct copy of the post is set forth below.



F. Defendant's Ongoing Campaign Is Irreparably Harming Jolt

65. Jolt has felt the effects of the Attorney General's intimidation campaign in multiple ways. The campaign has harmed Jolt's reputation, diverted its resources away from its voter-registration activities, forced Jolt to incur additional costs, and reduced its fundraising, which in

turn has forced Jolt to lay off staff, resulting in a significant reduction in the number of voters that Jolt registers.

66. Without identifying any law that Jolt or its VDRs have violated, Defendant baselessly accuses Jolt of “commit[ing] criminal conduct pertaining to voter registration applications” and of “systematically subverting the election process and violating Texas election law by recruiting, training, and directing individuals to submit false, or otherwise unlawful, voter registration applications.” Pet. 1.

67. By accusing Jolt of criminal wrongdoing—without identifying any alleged violation of law, let alone any evidence of wrongdoing—Defendant has and continues to sully Jolt’s reputation. As the Texas Supreme Court has recognized, “[a]ccusing someone of a crime” is “so obviously harmful that general damages, such as mental anguish and loss of reputation, are presumed.” *In re Lipsky*, 460 S.W. 3d 579, 596 (Tex. 2015).

68. The misinformation that the Defendant has broadcasted about Jolt in his court filings and public statements also has harmed Jolt’s reputation with peer organizations and partners. Some events with peer organizations have been cancelled because of Jolt’s partners’ fears of being associated with Jolt and targeted for similar harassment by Defendant.

69. At a voting-rights convening, some potential new partners have been familiar with Jolt not because of its work to increase civic participation among Latinos but because of the misinformation that Defendant has disseminated about the organization through his public statements and court filings, requiring Jolt staff to correct the record.

70. To counteract the misinformation that Defendant is spreading, Jolt has been forced to hire a crisis communications firm at a cost ranging from \$8,500 to \$10,000 per month.

71. Jolt has always taken great care to ensure that its VDRs are well-trained on Texas election law and that all voter registration forms that it gathers are completely and legibly filled out. But Jolt has instituted new administrative tasks that go well beyond what Texas law or best practices require in response to the Attorney General's unjustified and invasive scrutiny of Jolt's activities so that it can defend itself against any spurious accusations of wrongdoing. As a result, Jolt staff who in the past typically spent five to six hours in the field per day now spend around four hours per day in the field, with the remainder of the time undertaking redundant and unnecessary documentation of their activities.

72. Defendant's publicity around the RTE investigation resulted in threats of violence toward Jolt and VDRs. Because of staff concerns about harassment by Defendant and his supporters, Jolt also has instituted ongoing training on safety and on how to deescalate situations in the field. These trainings have diverted staff time and resources away from voter-registration work.

73. In response to concerns about reprisals by Defendant, Jolt also has upgraded its insurance policy to cover staff, increasing its premium from \$9,388 to \$12,238 per year.

74. Defendant's retaliatory campaign also has forced Jolt to hire counsel. Similar attacks on another group that does voter-registration work, Powered by People, resulted in legal fees of more than \$400,000 over the span of only six weeks. Elanor Klibanoff, *Ken Paxton's Legal Crusade Against Beto O'Rourke Is Faltering Before an All-Republican Appeals Court*, Tex. Trib. (Sept. 17, 2025), <https://tinyurl.com/33fzxd7>.

75. Jolt's fundraising also has suffered because of Defendant's ongoing retaliatory campaign. At the beginning of the year, Jolt Initiative projected that it would raise \$2.1 million overall, including \$1 million for its voter-registration and civic-education efforts specifically.

Instead, it has raised only \$407,722 for general operations, with none of those funds earmarked for the voter-registration and civic-education efforts that are the heart of Jolt's mission.

76. Jolt's deteriorating financial situation has required it to lay off staff. This in turn has negatively affected Jolt's ability to register voters. In a typical year without statewide or federal elections, Jolt usually registers over 12,000 voters. In 2025, Jolt has registered only 3,586 voters.

77. Defendant has also stated that he intends to seek discovery as part of the quo warranto proceeding. Pet. 2. Jolt reasonably anticipates that such discovery requests will be similar if not identical to the invasive RTE that Defendant previously issued.

78. After being served with the RTE, Jolt leadership promptly discussed it with board members, who were shaken, upset, and frustrated that Jolt was being unfairly targeted with this unreasonable demand.

79. The board concluded that it could not comply with the RTE without jeopardizing the safety of its VDRs or the confidences of its partners and the Latino community. If Jolt were to provide the documents requested, it would make it more difficult for Jolt to fulfill its mission of encouraging Latinos to become more politically active.

80. Latinos in Texas have particular reason to fear the Attorney General, given his open efforts to intimidate groups and people with whom he disagrees and his ongoing targeting of immigration-related nonprofits. *See* J. David Goodman, *A Legal Blizzard in Texas Targets Democrats and Promotes Ken Paxton*, N.Y. Times (Oct. 31, 2025), <https://tinyurl.com/mtmezt42>; Alejandro Serrano & Vianna Davila, *Attorney General Ken Paxton Targets El Paso Nonprofit that Offers Legal Services to Migrants*, Texas Trib. (Sept. 26, 2024), <https://tinyurl.com/yx2928hb>

(noting that Defendant investigated at least five Texas nonprofits in 2024 whose work focuses on immigration issues). No one wants to be the next person the Attorney General attacks with a frivolous threat of prosecution or unjustified law enforcement raid.

81. Some Latinos in Texas have friends or family members who are undocumented, and they fear that if they draw attention to themselves, they may place their friends or family at risk. Other Latinos may be going through the process of becoming citizens, and they may worry that if they criticize the government or are associated with a controversial stand, they will jeopardize their immigration status.

82. Jolt is particularly concerned about public disclosure of personal identifying information of its VDRs and the voters they help register. Such disclosure may subject VDRs and voters to threats and harassing communications, and may even place them at risk of violence from extremists who believe the Attorney General's false accusations that organizations like Jolt are helping ineligible people register to vote. Jolt's concern for their safety is particularly acute given the numerous violent and threatening comments on social media targeting Jolt and other voter registration groups.

83. If Jolt were forced to disclose confidential information to the Attorney General, it would be considered a betrayal of the trust that Jolt has earned from the Texas Latino community. It would make it more difficult for Jolt to associate with others and carry out its mission effectively, and it would likely put Jolt employees and others associated with the organization in danger.

84. The quo warranto proceeding against Jolt poses an existential threat. If Defendant succeeds in revoking Jolt’s charter, Jolt will no longer be able to operate, extinguishing its efforts to promote civic engagement in the state of Texas.

CAUSES OF ACTION

Count I

First Amendment – Retaliation (42 U.S.C. § 1983)

85. Plaintiff incorporates by reference every allegation in the preceding paragraphs as if set forth fully herein.

86. The Constitution prohibits the government from taking adverse action against a person for the exercise of their First Amendment rights. *E.g., Nieves v. Bartlett*, 587 U.S. 391, 398 (2019).

87. To state a claim for retaliation, plaintiffs “must show that (1) they were engaged in constitutionally protected activity, (2) the defendants’ actions caused them to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity, and (3) the defendants’ adverse actions were substantially motivated against the plaintiffs’ exercise of constitutionally protected conduct.” *Keenan v. Tejeda*, 290 F.3d 252, 258 (5th Cir. 2002).

88. Jolt engages in a large amount of constitutionally protected expression and association, including by conducting voter registration drives, urging Texans to vote, and speaking out on issues of importance to Latinos in Texas.

89. The targeting of Jolt with quo warranto proceeding has an objective chilling effect. As described above, Defendant is engaged in an intimidation campaign against individuals and organizations—like Jolt—that seek to promote civic involvement among Latinos in Texas. A

person of ordinary firmness would be discouraged from promoting voter registration and civic engagement under these circumstances.

90. The quo warranto proceeding is substantially motivated by Plaintiff's First Amendment activities, specifically its organization of Latino community members and encouragement of voter registration.

91. Defendant has targeted Jolt precisely because Jolt encourages people to register and has repeatedly spoken out about issues related to civic engagement in Texas.

92. On August 21, 2024, Defendant announced in a press release that he was opening an investigation into whether nonprofit groups were "registering noncitizens to vote in violation of state and federal law." Press Release, Tex. Office of Att'y Gen., *Attorney General Ken Paxton Launches Investigation into Reports That Organizations May Be Illegally Registering Noncitizens to Vote* (Aug. 21, 2024), <https://perma.cc/EF4H-E6PP>.

93. Jolt Action subsequently criticized Defendant for his attempts to intimidate those involved in registering people to vote.

94. One week after Jolt Action's criticism of Defendant, Defendant sent Jolt the RTE, leading to Jolt's federal lawsuit challenging the RTE.

95. One day after Jolt agreed to voluntarily dismiss its lawsuit based on Defendant's withdrawal of the RTE and his assurances that he would not serve another regarding the same subject matter, Defendant initiated the quo warranto proceeding.

96. Defendant's quo warranto proceeding is expressly premised not only on Jolt's protected expression and association, but also on Jolt's efforts to challenge Defendant's invasive and unconstitutional RTE in federal court.

97. Defendant initiated the quo warranto proceedings “[i]nstead” of defending the legality of the RTE in federal court because he views Jolt’s efforts to challenge the constitutionality of the RTE as a refusal to “cooperat[e] with the State’s investigation in any respect” and an effort “to stall the investigation.”

98. Therefore, Defendant’s quo warranto proceeding unconstitutionally retaliates against Plaintiff for its constitutionally protected expression and association and its petitioning the government for redress of grievances.

Count II

Voting Rights Act – Intimidation (52 U.S.C. § 10307(b))

99. Plaintiff incorporates by reference every allegation in the preceding paragraphs as if set forth fully herein.

100. Section 11(b) of the Voting Rights Act provides that “[n]o person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote.” 52 U.S.C. § 10307(b).

101. Section 11(b) protects those “assisting . . . others in registering to vote” from “official acts of harassment.” *Whatley v. City of Vidalia*, 399 F.2d 521, 526 (5th Cir. 1968).

102. Through its voter registration drives and voter education campaigns, Jolt “urg[es]” and “aid[s]” eligible Texans to vote.

103. Defendant’s quo warranto proceeding targets Jolt and its associates as a result of their civic engagement and voter registration efforts.

104. The quo warranto proceeding has the purpose and effect of intimidating, or attempting to intimidate, Jolt and its associates from engaging in these federally protected activities.

105. Therefore, the RTE violates § 11(b) of the Voting Rights Act.

JURY TRIAL DEMANDED

106. Jolt demands a jury trial on each and every claim related to which a jury trial is available.

REQUEST FOR RELIEF

Jolt respectfully requests that this Court enter judgment in its favor and:

- 1) Declare that the Attorney General's has engaged in an unconstitutional campaign of retaliation against Jolt, including his filing a quo warranto action against the organization;
- 2) Issue a preliminary and permanent injunction enjoining the Attorney General—including his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with him who receive actual notice of the injunction—from pursuing quo warranto relief against Jolt in retaliation for Jolt's First Amendment activities;
- 3) Award Jolt compensatory and punitive damages under 42 U.S.C. § 1983;
- 4) Award Jolt reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and other applicable laws; and
- 5) Grant Jolt such other relief the Court deems just and proper.

Respectfully submitted this November 11th, 2025,

/s/Mimi Marziani

Mimi Marziani

Texas Bar No. 24091906

mmarziani@msgpllc.com

Joaquin Gonzalez

Texas Bar No. 24109935

jgonzalez@msgpllc.com

MARZIANI, STEVENS &

GONZALEZ PLLC

500 W. 2nd Street

Suite 1900

Austin, TX 78701

Phone: (210) 343-5604

Mary McCord*

Jonathan Backer*

Joseph Mead*

William Powell*

INSTITUTE FOR CONSTITUTIONAL

ADVOCACY & PROTECTION

Georgetown University Law Center

INSTITUTE FOR CONSTITUTIONAL

ADVOCACY & PROTECTION

Georgetown University Law Center

600 New Jersey Ave., N.W.

Washington, D.C. 20001

Phone: (202) 662-9042

mbm7@georgetown.edu

jb2845@georgetown.edu

jm3468@georgetown.edu

william.powell@georgetown.edu

Attorneys for Plaintiff

**Application for admission pro hac vice forthcoming*

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

JOLT INITIATIVE, INC.,

Plaintiff,

v.

KEN PAXTON, in his individual and official
capacity as Attorney General of Texas,

Defendant.

Case No.: 1:25-cv-001808

PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff Jolt Initiative, Inc. (Jolt), by and through its undersigned counsel, hereby moves the Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction barring Defendant Attorney General Ken Paxton from seeking to revoke Jolt's corporate charter based on Jolt's constitutionally protected activities. Specifically, Jolt asks the Court to enjoin Defendant from proceeding with a retaliatory quo warranto action against Jolt in Texas state court.

INTRODUCTION

This case is about Defendant's campaign of intimidation and reprisal against Jolt based on its constitutionally protected activities. In August 2024, following the circulation on social media of conspiracy theories about noncitizen voting, Defendant launched an investigation into nonprofits like Jolt that register Texans to vote and served Jolt with a Request to Examine (RTE), demanding confidential information about Jolt's constitutionally protected voter registration activities. Jolt then filed a federal lawsuit challenging the RTE and asserting Jolt's constitutional

rights. *See Jolt Initiative, Inc. v. Paxton (Jolt I)*, No. 1:24-cv-1089 (W.D. Tex. filed Sept. 13, 2024). Eventually, Defendant agreed to withdraw the RTE and promised not to reissue a similar investigative demand, and the parties jointly stipulated to dismissal of *Jolt I*. But on the same day the federal case was closed—and without any prior notice to Jolt—Defendant filed a quo warranto action against Jolt in Texas state court, seeking to revoke Jolt’s corporate charter. Defendant’s quo warranto petition simply recycles the same false allegations that Jolt has previously refuted in federal court and has no basis in law or fact.

Defendant’s filing of the quo warranto action in retaliation for Jolt’s constitutionally protected activities—including both Jolt’s expressive voter-registration drives and its filing of the prior lawsuit to petition for the redress of grievances—violates Jolt’s First Amendment rights. It also violates § 11(b) of the Voting Rights Act of 1964 because it attempts to intimidate Jolt for its voter-registration activity. This Court should enjoin Defendant from seeking to revoke Jolt’s charter based on Jolt’s constitutionally protected activities.

BACKGROUND

Jolt Initiative, Inc., is a 501(c)(3) nonprofit organization, incorporated in Texas, that seeks to “increase the civic participation of Latinos in Texas to build a stronger democracy.” Bastard Decl. ¶ 6. Jolt “conduct[s] voter registration drives,” *id.* ¶ 11, “ensure[s] that community members conduct nonpartisan voter registration in accordance with state law,” *id.* ¶ 10, and “encourages Latinos in Texas to vote through public education campaigns, leadership programming, and other measures,” *id.* ¶ 18. Jolt also “speak[s] out on issues that matter to Latinos in Texas.” *Id.* ¶ 21.

Many Jolt employees and volunteers are Volunteer Deputy Registrars (VDRs) who are authorized under state law to handle voter registration forms. *See id.* ¶ 12. At Jolt registration

drives, VDRs “explain the eligibility requirements” to those interested in registering to vote, “answer any questions, and walk them through the process of filling out a voter registration form.”

Id. ¶ 16. VDRs then deposit completed registration forms with the county registrar. *Id.*

On August 20, 2024, a far-right activist posted a video on X in which he purported to confront a Jolt VDR outside of a Texas Department of Public Safety office. *See* Ex. 1.¹ The post said, “we have Marxist non profit organizations like @JoltAction infiltrating Texas @TxDPS locations in San Antonio,” and it tagged Defendant’s X account (@KenPaxtonTx). *Id.* The post came two days after a different social media post—by a television personality with a history of promoting conspiracy theories—which falsely claimed that people who were ineligible to vote were being registered at locations in and around North Texas. *See* Ex. 2;² Berenice Garcia, *A Fox News Host’s Debunked Election Conspiracy Appears to Have Prompted a State Investigation*, Tex. Trib. (Aug. 26, 2024), <https://perma.cc/9PM6-H9YS> [hereinafter *Debunked Election Conspiracy*].

The day after he was tagged by the far-right activist, Defendant announced “an investigation into reports that organizations operating in Texas may be unlawfully registering noncitizens to vote in violation of state and federal law.” Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Launches Investigation into Reports That Organizations May Be Illegally Registering Noncitizens to Vote* (Aug. 21, 2024), <https://perma.cc/EF4H-E6PP>. Defendant specifically “call[ed] into question the motives of the nonprofit groups” that register voters outside of DPS offices. *See id.* Jolt’s sister organization, Jolt Action, Inc., issued a statement

¹ hernando arce (@hernandoarce), X (Aug. 20, 2024, 13:53 ET), <https://x.com/hernandoarce/status/1825954284858417608>.

² Maria Bartiromo (@MariaBartiromo), X (Aug. 18, 2024, 9:56 ET), <https://x.com/MariaBartiromo/status/1825169849363972404>.

days later criticizing Defendant for “suppress[ing] voter registration” and “attack[ing] Texans once again.” Bastard Decl., Ex. A.

The RTE soon followed. It demanded four categories of documents: (1) certificates of appointment for Jolt’s VDRs; (2) documents that Jolt provides to its VDRs concerning voter registration; (3) documents that Jolt provides to its VDRs concerning Jolt’s role in voter registration; and (4) receipts for completed registration applications. *See* Bastard Decl., Ex. B, at 6. Because Jolt reasonably feared that turning over such sensitive information to Defendant would expose its employees and volunteers to further harassment and intimidation and jeopardize Jolt’s voter-registration work, Jolt filed a federal lawsuit challenging the RTE under the First and Fourth Amendments to the United States Constitution and under § 11(b) of the Voting Rights Act. *Jolt I*, No. 1:24-cv-1089 (W.D. Tex. filed Sept. 13, 2024). Rather than defend the legality of the RTE in federal court, Defendant withdrew the RTE and secured Jolt’s agreement to voluntarily dismiss its case by promising not to serve another RTE concerning the same subject matter. The federal court therefore closed Jolt’s case on October 23, 2025.

That same day, Defendant filed a motion for leave to file an original petition and information in the nature of quo warranto, Bastard Decl. Ex. C, along with a proposed quo warranto petition, Bastard Decl. Ex. D. (“Pet.”), in the District Court of Tarrant County, Texas. The quo warranto petition relies on the same allegations that Paxton previously invoked in support of the RTE and that Jolt refuted in the prior litigation. It presents nothing new, aside from partisan rhetoric alleging that Jolt is “divisive” and “devious,” Pet. 4, 7. “The purpose of a quo warranto proceeding is to question the right of a person or corporation, including a municipality, to exercise a public franchise or office.” *In re Dallas Cnty.*, 697 S.W.3d 142, 152 (Tex. 2024) (citation

omitted). Through such proceedings, the Texas Attorney General may seek judicial forfeiture of a corporation's charter. Tex. Const. art. IV, § 22.

In light of the existential threat to Jolt that Defendant's quo warranto proceeding poses, Jolt seeks a preliminary injunction barring Defendant from proceeding with a retaliatory quo warranto action against Jolt in Texas state court.

STANDARD OF REVIEW

A plaintiff seeking a preliminary injunction must show “(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.” *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011) (internal quotation marks omitted). The first factor is “arguably the most important.” *Netflix, Inc. v. Babin*, 88 F.4th 1080, 1099 (5th Cir. 2023).

ARGUMENT

I. Jolt Is Likely to Succeed on the Merits.

A. First Amendment Retaliation.

Defendant's filing of the quo warranto action unconstitutionally retaliates against Jolt for engaging in activity protected by the First Amendment. *See Colson v. Grohman*, 174 F.3d 498, 508 (5th Cir. 1999) (“[T]he First Amendment prohibits not only direct limitations on speech but also adverse government action against an individual because of her exercise of First Amendment freedoms.”). Plaintiffs bringing a retaliation claim “must show that (1) they were engaged in constitutionally protected activity, (2) the defendants' actions caused them to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity, and (3) the defendants' adverse actions were substantially motivated against the plaintiffs' exercise of

constitutionally protected conduct.” *Keenan v. Tejeda*, 290 F.3d 252, 258 (5th Cir. 2002). Each of these elements is satisfied here.

1. Jolt Engaged in Protected Activity.

Jolt has engaged in two forms of activity protected by the First Amendment. First, its voter registration efforts constitute core political speech. Second, Jolt’s prior lawsuit challenging Defendant’s RTE implicates its right to petition the government for redress of grievances.

To start, Jolt’s voter registration activities involve classic First Amendment expression, implicating the freedom of speech and the freedom of association. Jolt is “an organization centered around uplifting the power of young Latino voters.” Bastard Decl. ¶ 6. It mobilizes community members “with the goal of forging a democracy that works for everyone.” *Id.* And it “speak[s] out on issues that matter to Latinos in Texas.” *Id.* ¶ 21. The Supreme Court has described this sort of advocacy as “core political speech.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 168 (2014). And because Jolt seeks to “empower[], equip[], and mobilize[] individuals to speak up” for themselves and their communities, Bastard Decl. ¶ 4, its speech also implicates the “corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends,” *Roberts v. U.S. Jaycees*, 468 U.S. 609, 622 (1984).

In the context of voter registration specifically, “Jolt exists to support the Latino community and to encourage our communities to get out and vote in record numbers.” Bastard Decl. ¶ 10. The Fifth Circuit has made clear that these activities are protected expression. In *Voting for America, Inc. v. Steen*, 732 F.3d 382 (5th Cir. 2013), for instance, the Fifth Circuit described several components of voter registration in Texas—including “urging citizens to register; distributing voter registration forms; helping voters to fill out their forms; and asking for

information to verify that registrations were processed successfully”—as “constitutionally protected speech.” *Id.* at 389 (internal quotation marks omitted); *see id.* at 390 (“voter registration drives involve core protected speech”).

In addition, Jolt’s filing of its prior lawsuit against Defendant is protected by the First Amendment. *See* Compl., *Jolt I*, No. 1:24-cv-1089 (W.D. Tex. filed Sept. 13, 2024). “It is by now well established that access to the courts is protected by the First Amendment right to petition for redress of grievances.” *Wilson v. Thompson*, 593 F.2d 1375, 1387 (5th Cir. 1979) (citing *NAACP v. Button*, 371 U.S. 415, 429-30 (1963); *Cal. Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 510-11 (1972)). Courts have held that “a private citizen exercises a constitutionally protected First Amendment right *anytime* he or she petitions the government for redress; the petitioning clause of the First Amendment does not pick and choose its causes.” *Van Deelen v. Johnson*, 497 F.3d 1151, 1156 (10th Cir. 2007) (Gorsuch, J.); *see also Anderson v. Davila*, 125 F.3d 148, 161 (3d Cir. 1997) (noting that “[n]umerous claims” of First Amendment retaliation across several circuits “have involved fact patterns in which the government took retaliatory action in response to an individual’s filing of a lawsuit”); *Harrison v. Springdale Water & Sewer Comm’n*, 780 F.2d 1422, 1427 (8th Cir. 1986) (explaining that the “right of access to the courts” occupies a “preferred place in our hierarchy of constitutional freedoms and values” (internal quotation marks omitted)). The filing of Jolt’s prior lawsuit was thus protected by the First Amendment right to petition.

2. The Quo Warranto Action—Which Threatens Jolt’s Very Existence— Would Chill a Person of Ordinary Firmness.

Defendant’s quo warranto action would deter a person of ordinary firmness from continuing to engage in activity protected by the First Amendment. The petition seeks “forfeiture of JOLT’s rights and privileges as a registered corporation”; “dissolution of JOLT’s corporate

registration and corporate charter”; “appointment of a receiver to wind up JOLT’s corporate affairs”; and payment of attorneys’ fees and litigation costs.” Pet. 11. It also “operates as a notice of lien on all JOLT property in the State of Texas.” *Id.* at 10. The petition thus threatens Jolt’s very existence, which would deter an ordinary entity from exercising First Amendment rights.

Retaliation is actionable when it is “punitive,” *Colson*, 174 F.3d at 512 n.7. The Fifth Circuit has repeatedly held that criminal proceedings are sufficient to chill a person of ordinary firmness from exercising their First Amendment rights. *See Bailey v. Iles*, 87 F.4th 275, 289 (5th Cir. 2023) (“[T]here is no dispute as to the second element, as [the plaintiff’s] speech was chilled when he deleted his Facebook post in response to the arrest.”); *Brooks v. City of West Point*, 639 Fed. App’x 986, 989 (5th Cir. 2016) (actionable where plaintiff was arrested for cursing at police officer). In *Keenan*, the Fifth Circuit found that speech was sufficiently chilled where the plaintiff “was charged with ‘deadly conduct,’ a misdemeanor under Texas law, under suspicious circumstances” and “was forced to spend thousands of dollars to exonerate himself at trial.” *Keenan*, 290 F.3d at 259; *see also Izen v. Catalina*, 398 F.3d 363, 367 (5th Cir. 2005) (“Subjecting an attorney to criminal investigation and prosecution with the substantial motivation of dissuading him from associating with and representing clients opposing the IRS would violate the First Amendment.”). Although civil procedures govern quo warranto proceedings, they have “quasi-criminal origins.” *Paxton v. Annunciation House, Inc.*, 719 S.W.3d 555, 580 (Tex. 2025). And the severity of the injury that quo warranto proceedings inflict is akin to criminal penalties that can be imposed upon a corporate entity because revocation of a corporate charter amounts to an organizational death sentence. The penalties at issue in this case are comparable to, if not more severe than, the misdemeanor charge in *Keenan* and carry a substantial chilling effect.

Even if the quo warranto petition’s classification as a civil lawsuit distinguishes it from criminal proceedings, it is still actionable. Courts have recognized that civil litigation filed in retaliation for the exercise of First Amendment rights can deter people from continuing to engage in protected activity. *See Harrison*, 780 F.2d at 1428; *see also DeMartini v. Town of Gulf Stream*, 942 F.3d 1277 (11th Cir. 2019) (collecting cases); *cf. Linzy v. Cedar Hill Indep. Sch. Dist.*, 37 F. App’x 90 (5th Cir. 2002) (“We do not rule out the possibility that government use of [a pre-suit deposition] procedure could potentially serve as the basis for a viable First Amendment retaliation claim.”). For instance, in *Harrison*, the Eighth Circuit found viable a claim for First Amendment retaliation where the defendants filed a “frivolous condemnation counterclaim” to force the plaintiffs “to settle their lawsuit and to sell their property” and “to punish those citizens who seek justice in the courts.” *Harrison*, 780 F.2d at 1428. The quo warranto proceeding here, which is no ordinary civil lawsuit, carries even greater potential penalties. Defendant does not merely seek to enjoin Jolt from engaging in particular activity or to obtain monetary relief. Rather, he seeks to revoke Jolt’s right to exist in the State. That sort of threat necessarily chills expression.

The existential threat to Jolt posed by Defendant’s retaliatory quo warranto action is a far greater injury to First Amendment rights than the trifling harms that the Fifth Circuit has held are insufficient to constitute actionable retaliation. This is not a case in which a plaintiff alleges “only that she was the victim of criticism” or complains about “being subjected to and defending oneself from an investigation while suffering its concomitant stress.” *Reitz v. Woods*, 85 F.4th 780, 790 (5th Cir. 2023) (quoting *Colson*, 174 F.3d at 512). *But see Rutan v. Republican Party of Illinois*, 497 U.S. 62, 76 n.8 (1990) (First Amendment bars “even an act of retaliation as trivial as failing to hold a birthday party for a public employee” (internal quotation marks omitted)).

Here, after withdrawing the RTE that he previously issued and negotiating the dismissal of Jolt’s prior lawsuit—and without ever completing his investigation—Defendant jumped straight to seeking the revocation of Jolt’s legal right to exist in the state of Texas based on thoroughly debunked allegations. Defending against the quo warranto action will cost Jolt substantial time and resources, and in the meantime, Jolt’s ability to engage in its expressive voter-registration activity will be substantially impaired. That is the sort of “more tangible adverse action” that the Fifth Circuit and Supreme Court have recognized as sufficient to constitute actionable retaliation. *Colson*, 174 F.3d at 513; *see also Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963) (holding that “the threat of invoking legal sanctions” constituted actionable First Amendment coercion); *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 197 (2024) (holding that “coercive threats aimed at punishing or suppressing disfavored speech” support a First Amendment retaliation claim).

3. The Quo Warranto Action Was Motivated by Jolt’s Protected Activity.

Finally, Defendant’s quo warranto action was motivated by Jolt’s protected activities—the organization of Latinos, the encouragement of voter registration, and the filing of the prior federal lawsuit challenging the RTE. To succeed on a First Amendment retaliation claim, “a plaintiff must establish a ‘causal connection’ between the government defendant’s ‘retaliatory animus’ and the plaintiff’s ‘subsequent injury.’” *Nieves v. Bartlett*, 587 U.S. 391, 398 (2019) (quoting *Hartman v. Moore*, 547 U.S. 250, 259 (2006)). Specifically, the retaliatory motive “must be a ‘but-for’ cause, meaning that the adverse action against the plaintiff would not have been taken absent the retaliatory motive.” *Id.* at 399. In “ordinary” retaliation cases, *see Hartman*, 547 U.S. at 259, the plaintiff first must show that its constitutionally protected conduct was a “substantial factor” for the adverse action, and the burden then shifts to the defendant to show “by a preponderance of the

evidence that it would have reached the same decision . . . even in the absence of the protected conduct,” *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287 (1977).

In this case, “establishing the causal connection between [Defendant’s] animus and [Jolt’s] injury is straightforward.” *Nieves*, 587 U.S. at 399. Defendant’s quo warranto action is retaliatory on its face. Most obviously, the petition includes a section explicitly stating that Defendant filed the quo warranto petition because of Jolt’s prior federal lawsuit, under a heading stating that “the State attempted further investigation and JOLT sued to prevent such efforts.” Pet. 7 (capitalization altered). Within that section, after noting that Defendant served an RTE on Jolt, the petition says that, “rather than producing any documents or cooperating with the State’s investigation in any respect, JOLT commenced a federal lawsuit to stall the investigation through the 2024 election.” *Id.* As a result of Jolt’s filing of that prior lawsuit, the petition says, “the State now commences this lawsuit to hold JOLT accountable for its underlying systematic and unlawful conduct and to revoke JOLT’s right to transact business in Texas.” *Id.* The Attorney General then concludes that section of the petition, which is addressed to Jolt’s prior filing of the federal lawsuit, by stating that “[t]he termination of JOLT’s corporation is necessary to uphold public confidence and protect the legitimacy of the legal voting process.” *Id.* That is direct evidence that Defendant filed the quo warranto petition with retaliatory animus.

The quo warranto petition also indicates that Defendant was motivated by animus toward Jolt’s expressive activities, including its voter registration efforts. The petition faults Jolt for “divisive rhetoric,” alleging that Jolt “continually criticizes and demonizes the election of Republican and Conservative politicians, such as President Donald J. Trump.” *Id.* at 3; *see also id.* at 1 (accusing Jolt of “resentment for Republican and Conservative political ideology”); *id.* at 9

(alleging, without citation, that “JOLT’s partisan misconduct attempts to circumvent the opportunity for Republican and Conservative political candidates to get elected in the State”); Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Sues Radical Activist Organization for Unlawfully Registering Illegals to Vote in Texas* (Nov. 10, 2025), <https://tinyurl.com/ye2tv7mk> (calling Jolt a “radical, partisan organization”). These conclusory accusations, unsupported by any evidence, have nothing to do with any alleged wrongdoing by Jolt. The only logical inference is that Defendant included these partisan smears in the quo warranto petition to broadcast his retaliatory animus toward Jolt. In addition, the petition repeatedly refers to Jolt voter-registration activity as though registering young Latinos to vote were somehow inherently wrongful. *See, e.g., id.* at 5 (stating that Jolt “does not dispute that it engages” in voter registration and “acknowledges that it regularly organizes voter registration drives in front of Texas DMV buildings and it engages in these same voter registration drives throughout the state”). That too shows retaliatory animus toward Jolt’s protected activities.

More broadly, as Jolt documented in its prior suit, the overall course of Defendant’s so-called investigation into voting irregularities demonstrates his hostility toward constitutionally protected voter registration activity—particularly voter registration focused upon Latino voters. It appears that Defendant’s investigation was sparked not by any evidence, but rather by a series of partisan posts on social media. First, on August 18, 2024, a television personality with a history of promoting conspiracy theories posted on X that people who were ineligible to vote were being registered at locations in and around Fort Worth. *See Ex. 2; Debunked Election Conspiracy, supra.* Two days after that post, a self-described “citizen journalist” and “Alpha MAGA Male” posted a video on X in which he purported to confront a Jolt VDR outside of a Texas Department of Public

Safety office. *See* Ex. 1. The post said, “we have Marxist non profit organizations like @JoltAction infiltrating Texas @TxDPS locations in San Antonio,” and it tagged @KenPaxtonTx. *Id.* Defendant announced his investigation the next day. *See* Press Release, Tex. Office of Att’y Gen., *Attorney General Ken Paxton Launches Investigation into Reports That Organizations May Be Illegally Registering Noncitizens to Vote* (Aug. 21, 2024), <https://perma.cc/EF4H-E6PP>. Two days later, Jolt’s sister organization—Jolt Action, Inc.—issued a statement criticizing Defendant for “suppress[ing] voter registration” and “attack[ing] Texans.” Bastard Decl., Ex. A. The next week, Jolt received the RTE. That sequence of events strongly suggests that Defendant’s investigation of Jolt was motivated by political disagreement with Jolt’s constitutionally protected voter registration activity. The filing of the quo warranto action is only the latest reprisal in this series of retaliatory actions by Defendant.

Because Jolt’s protected activity was a but-for cause of the quo warranto proceeding, Jolt has satisfied the causation element of First Amendment retaliation. In certain specific “types of retaliation cases,” the Supreme Court has imposed an additional requirement that the plaintiff “plead and prove the absence of probable cause.” *Nieves*, 587 U.S. at 399-402; *see also Hartman*, 547 U.S. at 263. But the rationale for that requirement has no basis in the context of a civil proceeding like this one. In *Hartman*, the Supreme Court imposed a no-probable-cause requirement for claims of retaliatory prosecution where the defendant is a law enforcement officer and not the prosecutor who brought the charge. *Id.* at 261-63. Because of the additional causal attenuation in that context, proving the absence of probable cause was necessary to “to bridge the gap between the nonprosecuting government agent’s motive and the prosecutor’s action.” *Id.* at 263. But here, Defendant is both the person with retaliatory animus and the person who filed the

quo warranto action, so there is no attenuation in the causal chain. In *Nieves*, involving a claim of retaliatory arrest, the Supreme Court applied a no-probable-cause requirement because officers “frequently must make split-second judgments when deciding whether to arrest,” and because “the content and manner of a suspect’s speech may convey vital information” about whether an arrest is necessary, such as whether the suspect intends to cooperate or poses an ongoing threat to the officer’s safety. 587 U.S. at 401-02 (internal quotation marks and citations omitted). Here, Defendant waited more than a year after initiating his investigation to file the quo warranto action, so it was not a split-second decision requiring Defendant to make in-the-moment judgments about threats to his safety. Jolt should not need to prove a lack of probable cause in order to show causation.

In any event, Defendant plainly lacks probable cause for the quo warranto petition. If the no-probable-cause requirement applies in this case, it should be tailored to the standards applicable to quo warranto petitions in Texas. The Supreme Court of Texas has recently held that, to succeed on a motion for leave to file a quo warranto petition, Defendant must show “probable ground for the proceeding.” *Annunciation House*, 719 S.W.3d at 580. Even under that lenient standard, the petition falls far short. It is based on the same baseless allegations that Defendant invoked in the prior federal lawsuit in support of his RTE. *See* Pet. 3-7; Dkt. 19, at 2-4, *Jolt I*. But those allegations have been fully discredited, based on both public reporting, *see Debunked Election Conspiracy*, *supra*, and Jolt’s evidence in the prior federal lawsuit. Defendant thus knew at the time he filed the quo warranto petition that those allegations were false. Yet the quo warranto petition is completely devoid of any new accusations besides the ones that Jolt already disproved in the prior

case. That falls far short of probable cause.³

It is striking how weak Defendant’s justifications are for the quo warranto petition. The sum total of his justification for seeking to revoke Jolt’s corporate charter, aside from hollow rhetoric about Jolt being “divisive” and “devious,” Pet. 4, 7, is: (1) an X post from Maria Bartiromo, Ex. 2; (2) a video taken by a self-described “Alpha MAGA Male,” Ex. 1; and (3) a misleading incident report from an officer who appears to be unfamiliar with Texas election law, Pet. Ex. A. In addition to being sparse, none of these “allegations” provide any reason to suspect that Jolt or its VDRs have done anything wrong.

Beginning with the Bartiromo post, which alleged unlawful voter registration by unidentified organizations at DPS offices in North Texas, the substance of the post was immediately debunked by the Parker County Republican chair and election administrator. *See Debunked Election Conspiracy, supra*. The quo warranto petition makes no attempt to substantiate the post. Instead, the petition states only that “there is no need” to register voters outside DMVs because people may register to vote inside DMVs. Pet. 5. But it is not a crime to register voters in a place that Defendant believes is suboptimal. And in any event, Jolt has explained why registering voters outside DMVs is in fact an effective strategy. *See Bastard Decl.* ¶ 14.

Moving to the video, Defendant quotes a Jolt VDR—whom Jolt has now identified as its former employee A.R., *see* A.R. Decl.—saying that a noncitizen could theoretically fill out a voter

³ The quo warranto action also is facially defective because the petition alleges no facts establishing that the District Court of Tarrant County is a proper venue. *Annunciation House*, 719 S.W.3d at 581 (holding that courts should deny a motion for leave to file quo warranto petition where “the face of the filing shows a violation of an unambiguous venue requirement”); Mot. Transfer Venue, *Texas v. Jolt Initiative, Inc.*, No. 352-371401-25 (D. Ct. Tarrant County, Texas, filed Nov. 10, 2025).

registration application because VDRs do not ask for proof of citizenship. Pet. 6. This is correct but irrelevant. It is of course true that it “contravenes State law” for a noncitizen to register to vote, *id.*, but it is also true that Texas law *prohibits* VDRs from verifying the certifications that applicants provide, Tex. Elec. Code § 13.039; *Volunteer Deputy Registrars*, Tex. Sec. of State, <https://perma.cc/38F6-CED5>; *see also* A.R. Decl. ¶ 14. Indeed, the VDR training that Defendant cited in the prior federal lawsuit, *see* Dkt. 19, at 2 n.1, *Jolt I*—which is materially identical to the VDR training that A.R. completed, *see* A.R. Decl. Ex. B—says in bold, capital letters that VDRs “**MAY NOT** . . . determine if the applicant is actually qualified to register to vote.” *Training for Texas Volunteer Deputy Registrars* 25, <https://perma.cc/54WT-TCFG>.

Finally, with respect to the incident report, Defendant again misrepresents Texas election law. In the report—which also involved A.R., *see* A.R. Decl. ¶ 1—the undercover officer reported that he “stated in a question format that [he] couldn’t have” a registration application for his daughter and that A.R. “replied that since [the officer] ha[d] her information, [he] could register her to vote, alluding to being a parent and that [he] had that right.” Pet. Ex. A. The officer then expressed his belief that “[t]his is not only incorrect but illegal per election code.” *Id.* The problem for the officer (and Defendant) is that Texas law *does* allow parents to register their children to vote. *See* Tex. Elec. Code § 13.003. Once again, *Jolt* refers the Court to the VDR trainings cited by Defendant in the prior litigation and completed by A.R., which explain that VDRs “may allow another registered voter (or anyone who has submitted a registration application) to fill out and sign an application for his/her spouse, parent or child,” so long as the person “ha[s] the permission of the applicant” and “sign[s] the application as ‘agent’ and state[s] the relationship to the applicant on the application.” *Training for Texas Volunteer Deputy Registrars* 21; *see* A.R. Decl. ¶¶ 20-21.

Had the officer more carefully “read the statements at the bottom of the card related to swearing and affirming the information on the card,” Pet. Ex. A, he would have seen that the application asked for the signature of the “Applicant *or Agent*,” A.R. Decl. Ex. A (emphasis added). It is beyond the pale for Defendant to rely on a mistaken incident report to justify the quo warranto petition, when A.R. provided only accurate information---and after the accurate reading of the law was previously explained to the State in the *Jolt I* litigation.

Defendant has thus failed entirely to even allege any conduct by Jolt that would violate any election law. Even taking the allegations in the petition as true, there has been no violation of law, and there is no basis for revoking Jolt’s charter. Defendant’s bad faith allegations based on claims that have already been discredited only underscores his retaliatory intent. Plaintiffs are likely to succeed on the merits of their First Amendment retaliation claim.

B. Section 11(b) of the Voting Rights Act.

Section 11(b) of the Voting Rights Act provides that “[n]o person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote.” 52 U.S.C. § 10307(b). By its terms, the statute prohibits not only intimidation of voters, but also intimidation of organizations and individuals that conduct voter registration. *See Whatley v. City of Vidalia*, 399 F.2d 521, 526 (5th Cir. 1968) (explaining that § 11(b) protects those “assisting . . . others in registering to vote” from “official acts of harassment”). And the statute does not require proof of intent to intimidate (although it would not be difficult to prove intent in this case). Congress intended for § 11(b) to be broader than § 131 of the Civil Rights Act of 1957,

which prohibits intimidation of another only “for the purpose of interfering with the right of such other person to vote.” 52 U.S.C. § 10101(b); *see* H.R. Rep. No. 89-439, at 30 (1965), *as reprinted in* 1965 U.S.C.C.A.N. 2462 (“[U]nlike [§ 131] (which requires proof of a ‘purpose’ to interfere with the right to vote) no subjective purpose or intent need be shown.”).

Although case law interpreting § 11(b) is sparse, courts have construed it broadly. One court recently held, for example, that the provision does not prohibit only threats of “violence or bodily harm,” but that “threats of economic harm, legal action, dissemination of personal information, and surveillance can qualify depending on the circumstances.” *Nat’l Coal. on Black Civic Participation v. Wohl*, 498 F. Supp. 3d 457, 477 (S.D.N.Y. 2020). And another found intimidation where the defendants “linked Plaintiffs’ names and personal information to a report condemning felonious voter registration in a clear effort to subject the named individuals to public opprobrium.” *LULAC v. Pub. Int. Legal Found.*, No. 1:18-CV-00423, 2018 WL 3848404, at *4 (E.D. Va. Aug. 13, 2018); *cf. United States v. Tan Duc Nguyen*, 673 F.3d 1259, 1265 (9th Cir. 2012) (finding probable cause of voter intimidation under California law where “letter targeted immigrant voters with threats that their personal information would be provided to anti-immigration groups”). These interpretations are consistent with § 11(b)’s purpose, which was to strengthen the “existing prohibitions on voter intimidation.” Ben Cady & Tom Glazer, *Voters Strike Back: Litigating Against Modern Voter Intimidation*, 39 N.Y.U. Rev. L. & Soc. Change 173, 177 (2015); *see Voting Rights Act of 1965: Hearings on H.R. 6400 Before the H. Comm. on the Judiciary*, 89th Cong. 12 (1965) (statement of Nicholas deB. Katzenbach, Att’y Gen. of the United States) (noting “inadequacies of present statutes prohibiting voter intimidation”).

For substantially the reasons discussed above with respect to First Amendment retaliation, Jolt has shown a likelihood of intimidation within the meaning of § 11(b). Defendant’s retaliatory campaign against Jolt, starting with the prior investigation and RTE and continuing through the filing of the quo warranto action, are classic examples of the kinds of “official acts of harassment” that § 11(b) prohibits. *See Whatley*, 399 F.2d at 526. The quo warranto petition is explicit that its goal is to stop Jolt from “assisting . . . others in registering to vote.” *Id.* For instance, the petition states that “JOLT acknowledges that it regularly organizes voter registration drives in front of Texas DMV buildings” and contends that “there is no need for a VDR at such locations.” Pet. 5. It alleges without proof that “JOLT’s partisan misconduct attempts to circumvent the opportunity for Republican and Conservative political candidates to get elected in the State.” *Id.* at 9. And the petition seeks to punish Jolt for its disfavored voter-registration activity by revoking Jolt’s charter and “wind[ing] up” Jolt’s operations. *Id.* at 11. Section 11(b) of the Voting Rights Act prohibits Defendant from attempting to put Jolt out of business merely for helping people register to vote.

II. The Remaining Factors Weigh in Favor of a Preliminary Injunction

The other factors also weigh in Jolt’s favor. Given its likelihood of success on its First Amendment claims, Jolt has also shown a likelihood of irreparable harm. *See Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (“[L]oss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” (internal quotation marks omitted)). Moreover, Defendant’s campaign of retaliation and intimidation has inflicted and continues to inflict a host of other concrete harms on Jolt, as relevant to both Jolt’s constitutional and statutory claims. Bastard Decl. ¶¶ 51-60. For example, the misinformation that Defendant has broadcast about Jolt in his court filings and public statements has harmed Jolt’s

reputation with peer organizations and partners, requiring Jolt to correct the record including by hiring a crisis communication firm. *Id.* ¶¶ 52-54. As the Texas Supreme Court has recognized, “[a]ccusing someone of a crime” is “so obviously harmful that general damages, such as mental anguish and loss of reputation, are presumed.” *In re Lipsky*, 460 S.W. 3d 579, 596 (Tex. 2015).

Jolt also has had to divert staff time from its core voter-registration activities to administrative tasks that go well beyond what Texas law or best practices require so that it can defend itself against any spurious accusations of wrongdoing. *Id.* ¶ 55. In addition, Jolt has been forced to address staff concerns about harassment and intimidation by Defendant and his supporters by instituting ongoing training on safety and how to deescalate situations in the field. *Id.* ¶ 56. These trainings likewise divert resources from Jolt’s core activities. *Id.* Jolt’s fundraising also has suffered as a result of Defendant’s ongoing retaliatory campaign. *Id.* ¶ 59. Although Jolt’s financial injuries are compensable, the resulting harms to Jolt’s mission are not. Jolt’s depleted finances have forced it to lay off staff, which in turn has negatively affected its ability to register voters. *Id.* ¶ 60. In a typical year without statewide or federal elections, Jolt usually registers over 12,000 voters; in 2025, it has registered only about 3,500 voters. *Id.* That harm to Jolt’s voter-registration efforts ultimately undermines democracy in Texas. *See United States v. Wood*, 295 F.2d 772, 784-85 (5th Cir. 1961) (finding that Mississippi’s prosecution of a voting-rights activist inflicted “irreparable damage to our Government” because “[w]henver any person interferes with the right of any other person to vote . . . he acts like a political termite to destroy a part of that foundation”).

Likewise, with respect to the balance of equities, Jolt has “an obvious interest in the continued exercise of its First Amendment rights, and the State has no legitimate interest in”

retaliating against Jolt and infringing its freedom of association. *Netflix, Inc. v. Babin*, 88 F.4th 1080, 1100 (5th Cir. 2023); *see also Wood*, 295 F.2d at 785 (finding that “temporary postponement” of state enforcement “causes either no injury or very slight injury”). For that reason, “[i]njuncts protecting First Amendment freedoms are always in the public interest.” *OLC*, 697 F.3d at 298 (internal quotation marks and alteration omitted); *see Nken v. Holder*, 556 U.S. 418, 435 (2009) (the balance of equities and public interest “merge when the Government is the opposing party”). For much the same reason, the balance of equities and public interest favor an injunction that stops voter intimidation within the meaning of § 11(b) Defendant’s baseless intimidation campaign is not in the public interest.

CONCLUSION

This Court should grant Jolt’s motion for a preliminary injunction.

Respectfully submitted this November 11th, 2025,

/s/ Mimi Marziani

Mimi Marziani

Texas Bar No. 24091906

mmarziani@msgpllc.com

Joaquin Gonzalez

Texas Bar No. 24109935

jgonzalez@msgpllc.com

MARZIANI, STEVENS &

GONZALEZ PLLC

500 W. 2nd Street

Suite 1900

Austin, TX 78701

Phone: (210) 343-5604

Mary B. McCord*

Jonathan Backer*

William Powell*

Joseph Mead*

INSTITUTE FOR CONSTITUTIONAL

ADVOCACY & PROTECTION

Georgetown University Law Center

600 New Jersey Ave., N.W.

Washington, D.C. 20001

Phone: (202) 662-9042

mbm7@georgetown.edu

jb2845@georgetown.edu

whp25@georgetown.edu

jm3468@georgetown.edu

Attorneys for Plaintiff

**Application for admission pro hac vice forthcoming.*

CERTIFICATE OF SERVICE

I hereby certify that, on November 11, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. There is currently no Counsel of Record for Defendant. I certify that I will serve the foregoing on Defendant.

/s/ Mimi Marziani
Mimi Marziani