

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

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

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

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

Plaintiffs,

v.

CARLOS CASCOS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

LENARD TAYLOR, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

**PRIVATE PLAINTIFFS' AND PLAINTIFF-INTERVENORS'
MOTION FOR FURTHER RELIEF TO ENFORCE INTERIM REMEDIAL ORDER**

Private Plaintiffs'¹ Motion for Further Relief to Enforce Interim Remedial Order is triggered by a series of statements attributed to Texas officials stating or insinuating that they will conduct criminal investigations of “everyone” who executes the Declaration of Reasonable Impediment, which this Court ordered as part of its interim relief. Those statements are contrary

¹ The Plaintiffs joining in this brief are the Texas State Conference of NAACP Branches, the Mexican American Legislative Caucus of the Texas House of Representatives, the Texas Association of Hispanic County Judges and County Commissioners, Hidalgo County, the Texas League of Young Voters Education Fund, Imani Clark, Estela Garcia Espinosa, Lionel Estrada, La Union Del Pueblo Entero, Inc., Maximina Martinez Lara, Eulalio Mendez, Jr., Lenard Taylor, Marc Veasey, Floyd James Carrier, Anna Burns, Michael Montez, Penny Pope, Jane Hamilton, Sergio DeLeon, Oscar Ortiz, Koby Ozias, John Mellor-Crummey, Evelyn Brickner, Gordon Benjamin, Ken Gandy, the League of United Latin American Citizens (“LULAC”) and Dallas County, Texas.

to the terms of this Court's Interim Remedial Order, and are intimidating to the very persons that the Order is intended to protect.²

On August 26, in a news article appearing in *Houston Press*, Harris County Clerk Stan Stanart was directly quoted or paraphrased as follows:

Stanart says he will investigate everyone who signs that form to assure they are not lying.

Whether anything happens, that's up to the [Harris County District Attorney's Office].

But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement has a Texas Department of Public Safety-issued ID through the DPS database.”

Meagan Flynn, *Harris County Clerk Will Vet Voters Who Claim to Lack Photo ID*, HOUSTON PRESS, Aug. 26, 2016 (attached hereto as Exhibit A) (emphasis added).³

On August 30, Private Plaintiffs wrote to the State, asking the State to confirm (1) whether Stanart made these remarks, and, (2) irrespective of whether he did, take action to cure the damaging effects of the publication of such statements. Letter from Counsel for the Private

² Furthermore, these statements perpetuate the very discrimination that the Interim Remedial Order was intended to ameliorate by targeting those voters most likely to avail themselves of the interim remedy, who are disproportionately Black and Latino voters.

³ In a filing on August 22, Private Plaintiffs alerted this Court to statements attributed to Attorney General Ken Paxton and Harris County Clerk Stan Stanart stating or insinuating that they would investigate voters who signed declarations of reasonable impediment, and prosecute and/or refer for prosecution those individuals whom they believed had been issued SB 14 ID at some point in time. *See* Mem. in Supp. of Proposed Schedule for Determination of Intentional Discrimination Claims at 4 (Doc. 917). Among the other statements that are of concern to Private Plaintiffs, Attorney General Paxton, during a television interview, failed to correct, at minimum, reporting that the Interim Remedial Order required a declaration of proof of citizenship and proof of residency at the polling place. *See id.* at Exhibit A. Private Plaintiffs also alerted the State to their concerns about Attorney General Paxton and Mr. Stanart's statements the same day. Email from Ezra Rosenberg to Angela Comenero and Matthew Frederick (Aug. 22, 2016, 1:08pm) (attached hereto as Exhibit B).

Plaintiffs to Angela Colmenero and Matthew Frederick (Aug. 30, 2016) (attached hereto as Exhibit C). Private Plaintiffs expressed concern that these statements will intimidate voters and chill participation in the November election by dissuading voters—who may no longer have once-issued SB 14 ID, or may have forgotten that they have SB 14 ID—from participating in the election or, worse yet, subjecting them to potential prosecution if they execute a Declaration of Reasonable Impediment in good faith. Despite Private Plaintiffs’ attempt to meet-and-confer before presenting this important matter to the Court, Defendants have indicated that they plan to do nothing about and, in effect, condone these remarks. Indeed, Defendants responded to Private Plaintiffs on September 2, stating that Mr. Stanart’s “statements provide no reason to believe that the Harris County clerk ‘will engage in a wholesale investigation of every voter who signs a Reasonable Impediment [Declaration].’” Letter from Angela Colmenero to Ezra Rosenberg (Sept. 2, 2016), at 2 (quoting Private Plaintiffs’ August 30 letter) (attached hereto as Exhibit D). Private Plaintiffs do not understand why the Harris County Clerk’s quoted statement that he will investigate “everyone who signs that form” provides “no reason” to believe he will do just that.⁴

Moreover, Defendants flatly refused to inquire whether Mr. Stanart made these remarks, and took the troubling position that they have no responsibility for the actions of Texas county and local election officials, including Mr. Stanart—the chief election officer of the largest county in the state, with more than 2 million voters—even when they are implementing this Court’s Interim Remedial Order: “Mr. Stanart is the Harris County Clerk; he is not an employee or agent of any of the named State Defendants in this case. The State Defendants do not have any control over Mr. Stanart or his dealings with the press.” *Id.* at 3. Finally, Defendants’ September 2

⁴ That Mr. Stanart also was reported to say that “[w]e will always lean to the benefit of the voter” and “don’t want people to fall into a trap” is little solace to people who have been told that they will be investigated for signing a Declaration of Reasonable Impediment. *See* Exhibit A.

response indicated that they find no problem with Mr. Stanart's quoted statements and asserted that they have no responsibility to cure any adverse effects of the publicity given to those statements. *Id.*

Defendants' position—disclaiming the clear intimidating effect of Mr. Stanart's remarks and any responsibility for the statements or actions of election officials implementing the Court's order—is a serious confirmation that this Court's Interim Remedial Order and, indeed, any meaningful remedy resulting from the decision of the Court of Appeals, are at risk in this upcoming election. This is increasingly clear from Defendants' refusal to correct their own misrepresentations in state-produced materials, even after Plaintiffs have brought those misrepresentations to their attention. *See* Motion to Enforce Interim Remedial Order by the United States (Doc. 924) (documenting Plaintiffs' efforts since August 12 to show Defendants that, per the interim remedy order, the standard for signing a Declaration of Reasonable Impediment is if a voter does not possess and cannot reasonably obtain a SB 14 ID).

Common sense dictates that, under even normal circumstances, statements by an official that authorities will “investigate everyone” who executes a Declaration of Reasonable Impediment, and threatens to refer them to the District Attorney is self-evidently intimidating. But these are not normal circumstances. The Interim Remedial Order was issued for the express purpose of protecting voters who are the victims of the discriminatory effect of SB 14, who are largely poor and Black and Hispanic Texans. Indeed, it was expressly designed to facilitate their ability to vote, not scare them from coming to the polls. But, as stated in the affidavits of those whose mission is to get out the vote, the publicized statements of Attorney General Paxton and Mr. Stanart are having the opposite effect.

For example, La Union del Pueblo Entero (LUPE) is an organization dedicated to helping Texans vote. Its Executive Director, Juanita Valdez Cox, explains the effects of Attorney General Paxton's and Mr. Stanart's statements:

[S]tatements like these, threatening prosecution, are going to frighten people from going to the polls. Many people in our community live in extreme poverty, have limited education, and little or no voting experience. They are often unwilling to take any risks, perceived or otherwise, that might jeopardize the fragile well-being of their family. News reports that the government may criminally prosecute people who have voted, for whatever reason, will keep people away from the polls. It is that simple.

Decl. of Juanita Valdez Cox, dated Sept. 7, 2016 (attached here to as Exhibit E).

Similarly, Oliver W. Hill, President of the San Antonio branch of the Texas State Conference of NAACP Branches, observes:

The comments are so broad they may indeed have the effect of impacting voters who were not intending to vote pursuant to the interim order but instead under other normal procedures. This is why I say that: The comments made by the Texas Attorney General and the Harris County Clerk and Election Official have a chilling effect to threaten and intimidate African Americans and all people of color. Suggesting that a comment that anyone who executes an affidavit will be subject to investigation for possible criminal prosecution is somehow not intimidating is simply mind-boggling to me. . . .

These comments have negatively impacted us in our community and have complicated our ability to participate in the electoral process by our voter registration and voter privileges as stated in our Constitution. . . .

Threats of criminal prosecution of voters, like the statements already made, effectively discourage minority voters from voting. Election procedures are already complicated. In addition to frightening would-be-voters, these statements increase voter confusion.

Decl. of Oliver W. Hill, dated Sept. 7, 2016 (attached hereto as Exhibit F). The statements made by Attorney General Paxton and Mr. Stanart are contrary to the terms of the Interim Remedial Order. As more fully explained in the Motion to Enforce Interim Remedial Order filed by the

United States (which Private Plaintiffs join in its entirety), that order does not limit execution of the Declaration of Reasonable Impediment to only voters who have never “obtained” SB 14 ID. But databases such as those referred to by Mr. Stanart provide only that overbroad information. Rather, the Order provides that a voter may execute the Declaration of Reasonable Impediment if he does not “possess” and “cannot reasonably obtain” SB 14 ID. To that end, the Declaration of Reasonable Impediment does not require the voter to swear that he has never been issued an SB 14 ID. Lost and stolen IDs and revoked or suspended driver’s licenses, are commonplace. The Declaration of Reasonable Impediment makes it clear that voters whose IDs have been lost or stolen qualify for the interim remedy if they face a reasonable impediment to obtaining a new one. Finally, sworn statements implicitly carry an overlay of good faith belief, and studies have shown that Texas voters are often mistaken or uncertain as to whether they actually have the required SB 14 ID. *See* RICE UNIVERSITY’S BAKER INSTITUTE FOR PUBLIC POLICY & UNIVERSITY OF HOUSTON HOBBY CENTER FOR PUBLIC POLICY, THE TEXAS VOTER ID LAW AND THE 2014 ELECTION: A STUDY OF TEXAS’S 23RD CONGRESSIONAL DISTRICT 1 (Aug. 2015) (*available at* <http://www.bakerinstitute.org/media/files/files/e0029eb8/Politics-VoterID-Jones-080615.pdf>) (revealing that a much lower proportion of eligible voters actually lack an SB 14 ID as compared to those that believe they do not and did not vote because of this mistaken belief).⁵

The statements by these officials are particularly egregious in light of the fact that the remedial order is designed to ensure not only the right to vote for those previously deprived of

⁵ The study shows that the risk of investigation and possible prosecution falls on every single person who votes by the Declaration of Reasonable Impediment. Any single signer of a Reasonable Impediment Declaration might turn out to be mistaken or have forgotten about once having been issued SB 14 ID. If the voter is told by Texas officials that being forgetful or mistaken may subject him or her to investigation or prosecution, voting becomes such a high risk activity—for every person voting by the Declaration of Reasonable Impediment—that many rational voters will likely decide to avoid the risk by not going to the polls altogether.

that right as a result of a discriminatory act, but also the right to do so freely and free of threat or intimidation. To those ends, this Court's Interim Remedial Order specifically prohibits Defendants and local election officials from questioning the claimed reasonable impediment or challenging whether the voter has SB 14 ID, and provides that the only reason a declaration can be rejected is if there is *conclusive* proof that the voter is not who she says she is. Order Regarding Agreed Interim Plan for Elections, at 2 (Doc. 895). Further, the order requires the State to educate the public and train officials as to the terms of the interim relief. *Id.* at 3. The public officials' statements publicize information at odds with those terms, including Attorney General Paxton's reported statement that the Interim Remedial Order required a declaration of citizenship and proof of residency at the polling place. *See* Exhibit B.

There are any number of other affidavits and sworn statements that are used in connection with the voting process. If the media reports are correct, Texas's public officials are singling out for wholesale criminal investigation the disproportionately African American and Hispanic class of voters who were discriminated against by SB 14. That is intimidating, unlawful, and contrary to the purpose and terms of the Interim Remedial Order.

The bottom line is that the statements by Attorney General Paxton and Mr. Stanart, and potentially future statements by Texas officials, if not immediately curbed, turn this Court's remedy into a threat, and the right to vote in upcoming elections into a snare and a delusion.

Accordingly, Private Plaintiffs respectfully request that this Court issue an order:

1. Granting the relief sought by the United States in its Motion to Enforce Interim Remedial Order and joined by Private Plaintiffs (Doc. 924).

2. Clarifying that the Declaration of Reasonable Impediment is intended to be used by a voter who in good faith believes that he or she does not possess SB 14 ID and has a reasonable impediment that prevents the voter from obtaining it.

3. Clarifying that the fact that a database may show that a voter was once issued an SB 14 ID does not, by itself, prove that the voter did not have a good faith belief that the voter did not possess SB 14 ID, at the time of executing the Declaration of Reasonable Impediment.

4. Ordering that the State take immediate appropriate steps to publicize to voters throughout the State and to educate every county's election officials, county district attorneys, and members of the Office of the Attorney General as to the terms set forth in paragraph 1 through 3 above, including, but not limited to the distribution of the proposed Clarification of Remedial Order attached to this Motion as Exhibit G.

Date: September 7, 2016

Respectfully submitted,

/s/ Lindsey B. Cohan

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2016, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Lindsey B. Cohan

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Exhibit A

Harris County Clerk Will Vet Voters Who Claim to Lack Photo ID

FRIDAY, AUGUST 26, 2016 AT 5 A.M.

BY [MEAGAN FLYNN](#), HOUSTON PRESS

Harris County Clerk Stan Stanart said he's expecting the largest voter turnout ever in the county with 1.4 million voters expected to cast ballots this election season. And after the state's restrictive voter photo ID law was struck down by the U.S. Fifth Circuit Court of Appeals in July, the replacement law makes room for an estimated 600,000 voters statewide who may lack a photo ID to finally exercise their right to vote for the first time since 2011, when legislators adopted the photo ID law.

Under that law, which was considered among the most restrictive of its kind in the United States, voters were turned away if they lacked a government-issued ID. The appeals court ruled the law had a disproportionate effect on minority voters, who may lack drivers' licenses. Now, any voter without photo ID can bring a utility bill, bank statement, voter registration card or any government document displaying their name and address. They will also have to sign a sworn statement that says why they lack the photo ID.

Stanart says he will investigate everyone who signs that form to assure they are not lying.

"If I suspect someone has fraudulently signed a form saying they don't have that ID, then I think that's an issue," he said. "You can't skip around the photo ID requirement. It's an oath that people are signing. Whether anything happens, that's up to the [Harris County District Attorney's Office]."

Election workers, who will undergo training before the election, are not allowed to question the validity of the sworn statement at the polls. But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement

has a Texas Department of Public Safety-issued ID through the DPS database. If, for whatever reason, a person who actually has a license but decided to go through the trouble of lying under oath that he didn't, the voter is in trouble. Stanart says it is to ensure no one is voting fraudulently—[a problem that doesn't actually exist, according to a recent analysis](#)—but says his office won't look into the issue any further than the DPS check. (And if they really are a fraudulent voter, then Stanart says their vote will still count, criminal charges or not.)

"We will always lean to the benefit of the voter—we don't want people to fall into a trap," Stanart said. "But we do want people to understand, if they have an existing photo ID, they must bring it."

With early voting only two months away, the Texas Secretary of State's Office has launched a court-mandated \$2.5 million education campaign to make sure all Texans are aware of the changes in the law before election time. Alicia Pierce, spokeswoman for the secretary of state, says it will include a vast array of TV, radio, print and social media advertisements.

"It is a big mission that we have ahead of us, but we've been preparing for it since January, knowing there could be a change in the law," Pierce said. "We want to meet voters in a surround-sound approach."

Early voting begins October 24 and ends November 4, while Election Day is November 8. The deadline to register to vote is October 11.

Exhibit B

Cohan, Lindsey

From: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Sent: Monday, August 22, 2016 1:08 PM
To: Frederick, Matthew; Colmenero, Angela
Cc: All Texas Voter ID; VOTTexasID@usdoj.gov
Subject: Veasey v. Abbott: Statements by State and County Officials
Attachments: Paxton Transcript.pdf; Stannard.pdf

Matt and Angela --

Since the Court's order granting interim relief, the press has reported statements by various government officials that Private Plaintiffs believe are intimidating and threatening to voters. Perhaps most disturbing was an interview that Attorney General Paxton gave to Fox News in which he expressly threatened to use the Declaration of Reasonable Impediment as a basis for perjury prosecutions. (We are attaching a full transcript of the interview.). A day later, the Houston Chronicle quoted Harris County election official Stannard as saying that he would turn over to the district attorney the names of declarants whom he believed had SB 14 ID "sitting at home". (Copy of article attached.)

The interim remedy was designed, at the directive of the Fifth Circuit, to reduce the discriminatory effects of SB 14, not to create a new vehicle for discrimination by putting the fear of criminal prosecution in the minds of the very persons on whose behalf the interim relief was meant to benefit. The remedy as a whole was intended to make the reasonable impediment process non-threatening, by prohibiting challenges by election officials and poll workers to declarants as to whether declarants possessed an SB 14 ID and the reasonableness of their impediment (Paras. 5, 6, 7 of Order), and by limiting rejection of the Declaration only upon "conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast." (Para. 7 of Order).

To cast the shadow of criminal prosecutions of voters signing the Declaration onto this process, where studies have shown that voters can often be mistaken or uncertain as to whether they do not have required ID, see RICE UNIVERSITY'S BAKER INSTITUTE FOR PUBLIC POLICY & UNIVERSITY OF HOUSTON HOBBY CENTER FOR PUBLIC POLICY, THE TEXAS VOTER ID LAW AND THE 2014 ELECTION: A STUDY OF TEXAS'S 23RD CONGRESSIONAL DISTRICT 1 (Aug. 2015), is contrary to the over-arching purpose of the interim relief order. The State is obliged to take all steps to ensure that those discriminated against by SB 14 vote, not that they be scared away from voting.

We note also that the Attorney General inaccurately described the Declaration of Reasonable Impediment (which he called an "affidavit"), indicating that it can be executed only by voters who "cannot get" SB 14 ID, when the standard is "reasonable impediment," and apparently agreeing that the voter has to "present some declaration of citizenship" at the polls.

Private Plaintiffs request that you confirm that your office will not continue to make these intimidating, threatening, and inaccurate statements, and will take appropriate steps to instruct county officials not to do so either. In the meanwhile, Private Plaintiffs intend to alert Judge Ramos to this issue, which is of great concern to us.

Thank you.

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Transcript, Fox News 8/18/2016

Fox News: So it looks nothing is going to change in this before November, am I right about that?

Paxton: Yeah we have an interim order that we worked out with the Justice Department and the DOJ, so we worked it out with the Court, so we're going forward with an interim plan that requires an affidavit if someone does not have a photo ID and cannot get a photo ID.

Fox News: So they have to present some declaration of citizenship and some proof of residence in the State of Texas to vote in lieu of that if they don't have that government issues ID, correct?

Paxton: Along with this affidavit that basically says they are not able to get the government issued ID that we require now under the Texas laws that we have.

Fox News: Alright so the Representative, Marc Veasey from Fort Worth is trying to figure out why you're still pursuing this because he says he's disappointed that the "Texas Attorney General will again waste Texas taxpayer money defending a law that has already been ruled unconstitutional by most conservative federal court in our country." Your response?

Paxton: My response is that we think the Court got it wrong. As Mr. Veasey knows, he was in the legislature, we overwhelmingly passed this in 2011. The voters of our state care about voter integrity. My job is to represent those voters, so that what we're going to do. We're going to take it to the highest court in the land and hopefully get this turned around.

Fox News: So the charges that it discriminates against black and Hispanic voters, why do you disagree with that notion?

Paxton: I disagree with it because we've had three statewide elections. We've had probably hundreds of local elections under this law and the Justice Department was unable to show that people couldn't vote. I mean there's literally 7 different forms

of ID you can use, and almost everyone has them. And we'll give you a free voter ID if you don't have one. So we've tried to cover all options and frankly this law's worked.

Fox News: Yeah I think a lot of people listen to this discussion and they think there's so many states in this country that have a voter ID law. You have to use your identification for pretty much everything you do in this country, so why is it so controversial to have to show your ID when you go to vote?

Paxton: You know what, I don't understand it, I think the majority of Texans don't understand it. When I went to hear the voter ID case I had to use a photo ID to get on the plane, I had to use a photo ID to get to a the hotel room, I actually had to have a photo ID to get into the court room. So this is a common practice throughout society. For some reason when we want to protect the integrity of our elections, it's controversial, and frankly I don't understand it and most Texans don't understand that.

Fox News: So in terms of this temporary remedy, do you feel that the election in Texas in November of 2016 is going to have the kind of integrity you want it to have based on this remedy. In other words, will there be any voter fraud given the documents that must be produced by voters as they come into the polling place.

Paxton: Look, it's not exactly what we passed in Texas but I do feel like this affidavit is strong because if you sign that affidavit and you lie about not being able to get a photo ID, you can be prosecuted for perjury. So it's still the strongest photo ID law in the country, so I feel comfortable going forward with this at least for the November elections.

Fox News: And other states are fighting similar battles?

Paxton: That's correct. I mean North Carolina I think has also applied to the United States Supreme Court. So I think you're going to see this going on all over the country. It's important to not just our state but I think it's important across the country to have elections that are fair and that don't have fraud involved.

Fox News: And do you think this is going to go to the Supreme Court?

Paxton: Absolutely do

Texas scrambling to train poll workers

Officials must train workers, educate voters after court ruling

By David Saleh Rauf

August 19, 2016 Updated: August 19, 2016 8:45pm

AUSTIN - With roughly two months before early voting starts, Texas election officials are facing the difficult task of training thousands of poll workers and educating the public about court-ordered changes to a voter ID law - all while under an intense microscope.

That process is expected to be exacerbated by the sheer size of Texas, the volume of county election offices - 254 in all - an extreme time crunch and a politically-charged environment.

The heavy lifting starts now.

The Texas Secretary of State's office late this week circulated final instructions to county officials about identification requirements for the Nov. 8 election - materials that will serve as guidance for local election administrators doing training.

In less than two weeks, Secretary of State Carlos Cascos is planning to embark on a statewide tour, where, according to court documents, he could visit San Antonio, Houston, Dallas, El Paso and the Rio Grande Valley, among a list of potential sites, to talk voter ID.

And around the same time, Texas is poised to start recording television and radio spots set to air in October, court documents say, the first steps in an estimated \$1.3 million advertising campaign. That will also include digital, print and social media ads slated to start appearing by the first week of September.

It's part of a collective education effort Texas agreed to after the 5th U.S. Circuit Court of Appeals ruled last month that the state's photo ID law discriminated against minorities.

The federal appeals court, considered one of the most conservative in the country, ordered the law to be weakened for November's election - a task that now falls on thousands of local election foot soldiers across the state to put in place.

"It's going to be a real challenge. It takes a long time to get this election machinery moving, and the closer it gets to the election the more likely the implementation of the changes will get screwed up in various places," said Joseph Fishkin, an assistant professor at the University of Texas at Austin who specializes in constitutional and election law. "You have so many poll workers in Texas that are well meaning but not necessarily well trained. There's going to be a lot of low-level questions about how to implement the ruling successfully."

Moving forward

Texas, under the direction of Attorney General Ken Paxton, agreed to a settlement earlier this month that keeps its voter ID law in place but allows for those lacking one of seven forms of required identification to cast a regular ballot by presenting an alternate ID and signing an affidavit. That's expected to provide a safety net for most of the estimated 600,000 Texans registered to vote but who lacked an approved ID under the measure.

The state will also spend \$2.5 million on a voter outreach program designed by public relations giant Burson-Marsteller, some details of which were released in court documents this week.

Meanwhile, Attorney General Ken Paxton has said he will challenge the 5th Circuit's ruling to the U.S. Supreme Court. That has yet to happen, and the

scope of Paxton's appeal isn't clear, either. A spokeswoman in his office declined comment Friday.

The pending situation, however, has not slowed down the state's outreach efforts that were mandated by the court, said Alicia Pierce, a spokeswoman for the Secretary of State's office.

"We are operating under court order with clear direction and guidelines and we'll continue to move forward with educating voters until we hear differently," Pierce said. "If something changes we will work to educate voters on what will be developed."

Likewise, election officials in Bexar, Harris and Travis Counties said they are planning to move forward with training thousands of poll workers on the court's changes to the photo ID law. Election officials in Fort Worth and Dallas did not return requests for comment.

In Bexar, officials are expected to train more than 1,500 poll officials, said Elections Administrator Jacque Callanen. The only uncertainty at the moment, she said, is what could happen with the state's appeal.

"We'll be holding our breath to see how we move forward, but if things stay the same as they are now, we shouldn't have too much of a problem," said Callanen. "We can train people and say, 'Maybe this will happen and we'll let you know when you come pick up your supplies.' Is it optimal, no, but is it doable, yes."

Harris County Clerk and chief election official Stan Stanart, who oversees one of the largest county election operations in the nation, said Friday he does not expect any problems with putting in place changes to the law. That's mostly because he is not expecting much of an influx of people lacking one of the state-approved ID.

"The numbers are going to be small," said Stanart, who estimates 6,000 election workers will be trained in Harris County before November. "That's our experience with voter ID."

'A lot of confusion'

But Stanart also issued a warning: his office will look into those signing affidavits claiming they don't have required identification. He said voters who lied will be turned over to the district attorney.

"People are signing an oath. They are swearing they don't have an ID," he said. "If they think they can come in and vote without an ID when they have one sitting in their pocket, that's going to be a problem."

The smooth sailing scenario offered by local elections officials stand in contrast to what some others are predicting.

Zenén Jaimes Pérez, spokesman for the Texas Civil Rights Project, a group involved in voting rights issues, said his organization is expecting the implementation to be bumpy since so many people need to be trained in such a short time frame.

"There's already a lot of confusion," Perez said, noting that his organization will be setting up a voter protection hotline ahead of November's election for people to report voter ID-related issues.

Chad Ruback, a Dallas-based appellate lawyer who has been following the case, had a much bleaker prediction.

"To speak in Texan, it'll be a big ol' mess. You have 254 counties, many of which are rural and remote, and getting election administrators up to speed is going to be difficult," he said. "I'm confident the election administrators will

try hard to get it right, but there's no doubt there's going to be a multitude of complaints."

Exhibit C

Angela V. Colmenero
Chief, General Litigation Division
Office of Attorney General

Matthew H. Frederick
Deputy Solicitor General
Office of Attorney General

Sent by email

Re: *Veasey v. Abbott*

Dear Angela and Matt:

This letter is sent on behalf of all Private Plaintiffs¹ in this action.

Attached please find a news article that appeared in the Houston Press on August 26, 2016, quoting Mr. Stanart, Harris County Clerk. We are concerned that his reported statements, following on the heels of similar comments by Attorney General Paxton, threaten, purposefully or otherwise, to undermine the educational efforts of the parties and the Court, and also threaten, purposefully or otherwise, to undermine the entire Interim Remedy by intimidating voters.

We call your attention particularly to three sentences:

“Stanart says he will investigate everyone who signs that form to insure they are not lying.”

“Whether anything happens, that’s up to the [Harris County] District Attorney’s Office.”

“But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement has a Texas Department of Public Safety-issued ID through the DPS database.”

As we read these sentences, they indicate that the Harris County Clerk’s office will engage in a wholesale investigation of every voter who signs a Reasonable Impediment Declaration, and further indicate a blanket reference for possible prosecution of every such voter who was at one time issued an SB 14-qualifying DPS photo ID.

¹ The Plaintiffs joining in this letter are the Texas State Conference of NAACP Branches, the Mexican American Legislative Caucus of the Texas House of Representatives, the Texas Association of Hispanic County Judges and County Commissioners, the Texas League of Young Voters Education Fund, Imani Clark, Estela Garcia Espinosa, Lionel Estrada, La Union Del Pueblo Entero, Inc., Maximina Martinez Lara, Eulalio Mendez, Jr., Lenard Taylor, Marc Veasey, Floyd James Carrier, Anna Burns, Michael Montez, Penny Pope, Jane Hamilton, Sergio DeLeon, Oscar Ortiz, Koby Ozias, John Mellor-Crummey, Evelyn Brickner, Gordon Benjamin, Ken Gandy, and the League of United Latin American Citizens (“LULAC”).

Such practices would unduly single out those voters who have already been found to be victims of discrimination and who are the intended beneficiaries of the Interim Remedy, a class disproportionately composed of African American and Latino voters. This unwarranted dragnet would subject these voters to a harsh regime of criminal law enforcement unlike that to which election officials subject any other voters.

Moreover, the statements are extraordinarily intimidating and chilling *now*. Any voter may no longer have a once-issued driver's license or have forgotten that they have one, and execute a Reasonable Impediment Declaration in good faith. Threatening to investigate every voter who signs a Reasonable Impediment Declaration and to prosecute even forgetful or mistaken voters renders the price of voting frighteningly steep, and many will simply avoid the process altogether. Such a result would effectively eliminate the Court's decision that the Declaration of Reasonable Impediment was necessary to preserve the right to vote in light of the discriminatory effect of SB 14.

We ask that you confirm whether Mr. Stanart made these remarks and, if so, that the State has advised him that the statements quoted above and the practices he describes in the above-quoted statements impermissibly undermine the court-ordered education and training program. We also ask that you confirm that the State will promptly and publicly seek to cure the effects of this publicity (whether or not accurately attributed to Mr. Stanart) and to that end is prepared to enter into immediate discussions with the Private Plaintiffs as to how to do so.

Because of the importance and urgency of this issue, we would appreciate your response by Noon, Central Time, September 2. Thank you.

Very truly yours,

Counsel for the Private Plaintiffs

cc: All parties (by email)

Harris County Clerk Will Vet Voters Who Claim to Lack Photo ID

FRIDAY, AUGUST 26, 2016 AT 5 A.M.

BY [MEAGAN FLYNN](#), HOUSTON PRESS

Harris County Clerk Stan Stanart said he's expecting the largest voter turnout ever in the county with 1.4 million voters expected to cast ballots this election season. And after the state's restrictive voter photo ID law was struck down by the U.S. Fifth Circuit Court of Appeals in July, the replacement law makes room for an estimated 600,000 voters statewide who may lack a photo ID to finally exercise their right to vote for the first time since 2011, when legislators adopted the photo ID law.

Under that law, which was considered among the most restrictive of its kind in the United States, voters were turned away if they lacked a government-issued ID. The appeals court ruled the law had a disproportionate effect on minority voters, who may lack drivers' licenses. Now, any voter without photo ID can bring a utility bill, bank statement, voter registration card or any government document displaying their name and address. They will also have to sign a sworn statement that says why they lack the photo ID.

Stanart says he will investigate everyone who signs that form to assure they are not lying.

"If I suspect someone has fraudulently signed a form saying they don't have that ID, then I think that's an issue," he said. "You can't skip around the photo ID requirement. It's an oath that people are signing. Whether anything happens, that's up to the [Harris County District Attorney's Office]."

Election workers, who will undergo training before the election, are not allowed to question the validity of the sworn statement at the polls. But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement

has a Texas Department of Public Safety-issued ID through the DPS database. If, for whatever reason, a person who actually has a license but decided to go through the trouble of lying under oath that he didn't, the voter is in trouble. Stanart says it is to ensure no one is voting fraudulently—[a problem that doesn't actually exist, according to a recent analysis](#)—but says his office won't look into the issue any further than the DPS check. (And if they really are a fraudulent voter, then Stanart says their vote will still count, criminal charges or not.)

"We will always lean to the benefit of the voter—we don't want people to fall into a trap," Stanart said. "But we do want people to understand, if they have an existing photo ID, they must bring it."

With early voting only two months away, the Texas Secretary of State's Office has launched a court-mandated \$2.5 million education campaign to make sure all Texans are aware of the changes in the law before election time. Alicia Pierce, spokeswoman for the secretary of state, says it will include a vast array of TV, radio, print and social media advertisements.

"It is a big mission that we have ahead of us, but we've been preparing for it since January, knowing there could be a change in the law," Pierce said. "We want to meet voters in a surround-sound approach."

Early voting begins October 24 and ends November 4, while Election Day is November 8. The deadline to register to vote is October 11.

Exhibit D



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

ANGELA V. COLMENERO
Chief, General Litigation Division

PHONE: (512) 475-4100
FAX: (512) 320-0667

September 2, 2016

Via Email

Ezra Rosenberg
Co-Director, Voting Rights Project
Lawyers' Committee for Civil Rights Under Law

Re: *Veasey, et al. v. Abbott, et al.*

Dear Mr. Rosenberg:

We write in response to your letter dated August 30, 2016, regarding an article published by the *Houston Press* on August 26, 2016, sent on behalf of the Private Plaintiffs. We also write to raise our concern about a Democratic Party official's inaccurate statements regarding the interim remedy.

You contend that certain statements made by Harris County Clerk Stan Stanart were intended to intimidate voters. You refer specifically to the following three sentences from the *Houston Press* article:

Stanart says he will investigate everyone who signs that form to insure they are not lying.

"Whether anything happens, that's up to the [Harris County District Attorney's Office]."

But after the votes are counted and the election ends, Stanart said his office will be checking to see whether a person who signed the sworn statement has a Texas Department of Public Safety-issued ID through the DPS database.

The first and third sentences are statements by the *Houston Press* reporter, not quotations attributed to Mr. Stanart. We do not know if they are based on statements by Mr. Stanart or if they merely represent the reporter's interpretation of his statements, whether quoted in the article or not. To the extent they reflect the reporter's interpretation of statements not quoted in the article, we have no way to know what Mr. Stanart said or what questions the reporter asked.

As for the quotations attributed to Mr. Stanart, we disagree that they have the effect of intimidating voters. The article quotes Mr. Stanart as making the following statements:

“If I suspect someone has fraudulently signed a form saying they don't have that ID, then I think that's an issue,” he said. “You can't skip around the photo ID requirement. It's an oath that people are signing. Whether anything happens, that's up to the [Harris County District Attorney's Office].”

“We will always lean to the benefit of the voter—we don't want people to fall into a trap,” Stanart said. “But we do want people to understand, if they have an existing photo ID, they must bring it.”

Those statements provide no reason to believe that the Harris County clerk “will engage in a wholesale investigation of every voter who signs a Reasonable Impediment Affidavit,” nor do they “indicate a blanket reference for possible prosecution” of every voter “who was at one time issued an SB 14-qualifying DPS photo ID.” To the extent the quotations attributed to Mr. Stanart include statements of fact, they appear to be accurate. To the extent they reflect Mr. Stanart's personal opinions, they appear to be reasonable and consistent with both the Fifth Circuit's opinion and the interim remedy.

We disagree with your suggestion that verifying possession of DPS-issued identification “would unduly single out those voters who have already been found to be victims of discrimination and who are the intended beneficiaries of the Interim Remedy.” Voters who have obtained a valid DPS-issued photo ID cannot possibly claim to be “victims of discrimination.” SB 14 imposed no burden on them, and the interim remedy does not purport to grant them any benefit. The only individuals who could claim to have faced any potential harm from SB 14—and the only voters to whom the interim remedy applies—are those who lack the documents necessary to obtain an acceptable photo ID or lack the financial means to obtain either underlying

documents and an acceptable photo ID, and cannot cast a ballot as a result.

We also disagree that any of the quoted statements attributed to Mr. Stanart in the *Houston Press* article are “extraordinarily intimidating,” “chilling,” or improper in any way. Fraudulent execution of a reasonable impediment declaration is a crime. We will not suggest to any voter that falsely executing a reasonable impediment declaration is acceptable, nor will we advise any other person to do so. Any statement to that effect would be incorrect, irresponsible, and contrary to the goal of educating voters about the interim remedy. The State Defendants will not ask local district attorneys or election officials to ignore such crimes, nor will they dictate investigation tactics to local law enforcement.

We cannot confirm or deny that Mr. Stanart made any particular remark to a reporter from the *Houston Press*. Mr. Stanart is the Harris County Clerk; he is not an employee or agent of any of the named State Defendants in this case. The State Defendants do not have any control over Mr. Stanart or his dealings with the press.

Nor can we agree to “seek to cure the effects” of “publicity” created by the *Houston Press*. The State Defendants have no control over the *Houston Press* or its reporters, and we accept no responsibility for their publications or reporting.

While you object to statements Mr. Stanart may or may not have made to the *Houston Press*, we have serious concerns about statements that the Democratic Party is unquestionably disseminating to voters. The Montgomery County Democratic Party Chair has informed voters that they do not need to present an SB 14-compliant ID when voting, even if they have one. *See Exhibit A* (“You may vote with a SB14 ID, if you have one. It is highly recommended that you use one of these ID’s if you have the ID, but you are not required to do so, even if you have one of the SB14 ID’s.”). The Party Chair has also advised voters “that election judges cannot send you home to get your ID just because you forgot it, in my opinion,” and that a reasonable impediment affidavit “is not going to be challenged (should not be, at least, under the judge's order), even if you have an acceptable form of photo ID.” This guidance blatantly disregards the Interim Remedy Order.

The Montgomery County Democratic Party Chair’s statements show why it must be clear to voters that the reasonable impediment declaration is only available to voters who are unable to obtain an SB 14-compliant ID. The purpose of the Interim Remedy Order is to accommodate voters who are unable to obtain an SB 14-compliant ID due to a legitimate reasonable impediment, such as a financial barrier to obtaining

a valid ID. Individuals who have an acceptable form of ID but left it at home—or who choose not to show it, “even if [they] have one”—are not the intended beneficiaries of the court’s order.

Sincerely,

/s/ Angela V. Colmenero

Angela V. Colmenero

Chief, General Litigation Division

Office of the Attorney General of Texas

EXHIBIT A

From: Montgomery County Democratic Party <montgomerycounty@democratic-party.ccsend.com> on behalf of Montgomery County Democratic Party <mcdpoffice@gmail.com>
Sent: Thursday, August 25, 2016 6:34 PM
To: Harvey, Suzie
Subject: MCDP News August 25, 2016

Having trouble viewing this email? [Click here](#)

The Montgomery County Democratic Party - helping to turn Texas Blue!



August 25, 2016

It's a busy time in Montgomery County for the Democratic Party!

Included in this issue of the MCDP Newsletter, you will find...

[Upcoming Events](#)

[From the Chair](#)

[Opportunities in the Progressive Movement](#)

Hillary Campaign items are currently available at the party Headquarters!



Upcoming Events

August

Tuesday, Aug 30 - 6:00 pm - 8:30 pm, GOTV Phone Banks

At MCDP Headquarters in Conroe

Volunteers for Montgomery County will make phone calls to get out the vote for Hillary Clinton and/or local candidates for the November 8 election. All volunteers should bring a cell phone and laptop/tablet with chargers and

invite friends. Refreshments will be provided. To sign up go to HillaryClinton.com/events or just drop in.

Thursday, Aug 25, 6:30 - 8:00 pm, VDR Orientation
At MCDP HQ in Conroe - More information [here!](#)

Final Friday Meetup, Aug 26, 7:00 pm
Montgomery County Democratic Party hosts a social meetup at Headquarters in Conroe. Join us for an informal gathering to meet local Democrats and featured speakers. Guest Speaker TBA

Saturday, Aug 27, 11:00 am - 2:00 pm, GOTV Phone Bank
At MCDP Headquarters in Conroe

Monday and Tuesday, Aug 29/30, 10:30 am - 1:30 pm, Voter Registration Drive
At Lone Star College Campus in the the Woodlands.

Wednesday, Aug 31. 10:30 am - 1:00 pm - Voter Registration Drive
At Lone Star College Campus in Conroe

September

Thursday Sept 1, 11:00 am - 1:30 pm, Voter Registration Drive
At Lone Star College Campus in Kingwood and
10:30 am - 1:00 pm at Lone Star College Campus in Conroe

Friday, Sept 2, 1:30 pm, Voter Registration Drive
At the Mosque on 1488

Tuesday, Sept 6, 13, 20,27 - 6:00 pm - 8:30 pm, GOTV Phone Banks
At MCDP Headquarters in Conroe
Volunteers for Montgomery County will make phone calls to get out the vote for Hillary Clinton and/or local candidates for the November 8 election. All volunteers should bring a cell phone and laptop/tablet with chargers and invite friends. Refreshments will be provided. To sign up go to HillaryClinton.com/events or just drop in.

Thursday, Sept 8, 10:30 am - 12:30 pm, Voter Registration Drive
At Splendora High School

Thursday, Sept 15, 6:45 am - 11:31 am, Voter Registration Drive
At Willis High School

Thursday, Sept 15, 5:00 pm at Headquarters: DFA Film

Sunday, Sept 18, Time TBA, MCDP Fall Fundraiser BBQ

at Willis Community Center

Wednesday, Sept 28, 6:00 pm Progressive Meetup
At Fuddruckers in The Woodlands

Friday, Sept 30, 7:00 pm, MCDP Final Friday meetup
at Conroe Headquarters, join us for a social gathering to meet local Democrats and featured speakers.



Message from the County Chair

by Marc Meyer

I'm sure that everyone has heard about the changes in the Voter ID law as a result of the Fifth Circuit decision earlier this year. On August 10th, Federal District Judge Nelda Ramos signed off on a plan to allow voters that do not have the valid photo ID's required by SB14 to vote in the November Elections. Highlights of the Order:

- You may vote with a SB14 ID, if you have one. It is highly recommended that you use one of these ID's if you have the ID, but you are not required to do so, even if you have one of the SB14 ID's;
- You may vote with any of the identification that has been considered valid enough, such as the voter registration card, utility bills , paychecks, government checks or other government documents that show the voter's name and address. If you don't have a SB14 ID with you, but you have one of these other documents, you will have to sign a "reasonable impediment" declaration, but you will be allowed to vote on a regular ballot;
- The declaration of reasonable impediment includes the following language: By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification. My reasonable impediment or difficulty is due to the following reason(s):
 - Lack of transportation;
 - Disability or illness;
 - Lack of birth certificate or other documents needed to obtain acceptable photo ID;
 - Work schedule;
 - Family responsibilities;

- Lost or stolen photo ID;
 - Photo ID applied for by not received; or
 - Other reasonable impediment or difficulty.
- Election personnel cannot challenge the reasonableness of the "impediment" to having a SB14 ID. Note that the affidavit does not ask if you have an ID and just didn't bring it or any other reason. It simply says that a reasonable impediment prevents the voter from getting an acceptable form of photo id and doesn't put any time limit on the prevention of getting the ID. I would interpret that very broadly to say if you "lost" your ID at home right before coming to the polls, you have a "reasonable impediment" and can vote with this affidavit;
 - The declaration may only be rejected if there is conclusive evidence that the person completing the declaration is not the person for whom the ballot is being cast. This means there really is still a protection against in-person voter fraud. It just puts the onus on the state to prove the fraud, not the individual to prove their eligibility to vote; and
 - The State must develop a plan and spend \$2.5 million on voter education before the November election.

What this means is that election judges cannot send you home to get your ID just because you forgot it, in my opinion. It is still a best practice to carry the ID with you to the polls, as the secretary of State has issued some guidance on the issue:

"If a voter possesses an acceptable form of photo ID but does not have it at the polling place, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present an acceptable form of photo identification to the county voter registrar, or fill out the natural disaster affidavit referenced in the Exemption/Exceptions section below), or the voter's ballot will be rejected."

However, as I noted before, the election clerks cannot challenge the "reasonableness" of the impediment. So it is not going to be challenged (should not be, at least, under the judge's order), even if you have an acceptable form of photo ID.

[Here](#) is a link to the Judges decision.

Texas Secretary of State [Press Releases](#) about Voter ID

Texas Secretary of State Voter ID page [here](#).

Stay tuned for any changes, as the Secretary of State and Montgomery County Elections have not completed all of the changes necessary to implement this plan yet.



Doing More!

Candidate Training - Project LIFT

Project LIFT, a program of the Texas Democratic Party developed to elect candidates to local office, is holding regional trainings again! This time we're looking for local candidates on the ballot this November or even May of 2017. These races are great opportunities to elect progressives to influential positions. This training is for anyone who wants to run for local office or work with people who want to get local progressives elected.

Training will be held:

August 27, 2016 Harris County

11:30 AM- 4:30PM

Area 5 Democrats Campaign Headquarters

3800 Spencer Hwy Suite L, Pasadena, TX 77504

Click [here](#) to RSVP.

There is no charge for this training, but if you would like to donate to offset the expenses incurred by our staff [click here](#).

Submission Information

The MCDP newsletter comes out every two weeks, with the submission deadline being the prior week. Here are the upcoming dates:

Newsletter Date: 9/8/16 - Submission deadline 9/1/16.

Newsletter Date: 9/22/16 - Submission deadline 9/15/16.

Please email submissions to [Darbi Lockridge](#).

If you would like editing assistance for your piece, please turn submissions in as early as possible so that it can go through our editing volunteers.

See what's happening on our social sites:



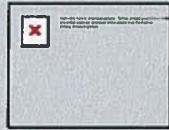
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936-242-DEMS (3367) | <http://www.mcdptx.org/>

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Montgomery County Democratic Party, PO Box 7133, The Woodlands, TX 77387

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Exhibit E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, et al.,	§
	§
Plaintiffs	§
VS.	§
	§
GREG ABBOTT, et al.,	§
	§
Defendants.	§

DECLARATION OF JUANITA VALDEZ-COX

I, Juanita Valdez-Cox, in accordance with the provisions of 28 U.S.C § 1746, declare as follows:

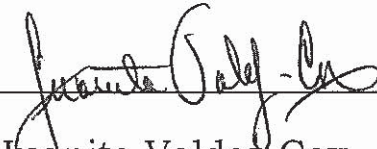
1. My name is Juanita Cox and I am the executive director of La Union del Pueblo Entero (LUPE). LUPE is one of the intervenors in the Voter ID litigation.
2. LUPE is a nonprofit organization based in San Juan in the Rio Grande Valley. Our mission is to improve our community by encouraging civic engagement.
3. To promote civic engagement, LUPE is dedicating substantial resources this fall to a non-partisan Get Out The Vote Campaign. We will have at least seven staff members dedicating between 30 and 100% of their time to this issue between now and election day. We are in the process of recruiting and training 70 “Capitanes de Votos” who will be leaders in this effort.

4. In our experience, eligible voters living in our community face many, many barriers to voting. They may not know how to vote, lack transportation, their registration may have been purged due to a move, their name may not appear the same on their documents, or they may be out of the valley doing migrant farmwork, to name just some of the many barriers to voting faced by voters in our community.
5. As part of LUPE's Get Out The Vote Campaign, we are telling people about the ID they need to bring to the polls. We have already seen many people do not know what ID they need in order to vote. We have also heard that people have been turned away at the polls *with* proper SB 14 ID (for example, when a driver's license had expired days earlier). Between now and election day, we will be spending a lot of time and resources informing voters of the new ID standards and the declaration for voters without SB 14 ID.
6. I have seen the statements made by the Texas Attorney General and Harris County Clerk and Election Official Stan Stanart. LUPE believes that statements like these, threatening prosecution, are going to frighten people from going to the polls. Many people in our community live in extreme poverty, have limited education, and little or no voting experience. They are often unwilling to take any risks, perceived or otherwise, that might jeopardize the fragile well-being of their family. News reports that the government may criminally prosecute people who have voted, for whatever reason, will keep people away from the polls. It is that simple.
7. The barriers to increasing voter turnout in the Rio Grande Valley are substantial. Politicians and election officials intimidating voters from showing up to vote will not only frustrate LUPE's efforts to increase civic engagement, it will keep minority voters from voting.

8. Threats of criminal prosecution of voters, like the statements already made, effectively discourage minority voters from voting. Election procedures are already complicated. In addition to frightening would-be-voters, these statements increase voter confusion.
9. Finally, threatening statements make it difficult for LUPE to convince voters without an SB14 ID to sign a reasonable impediment declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 7th day of September, 2016.



Juanita Valdez-Cox

Exhibit F

DECLARATION

STATE OF TEXAS

COUNTY OF BEXAR

My name is OLIVER W. HILL and I am competent to provide this statement. The facts stated in this affidavit are within my personal knowledge and are true and correct.

1. My name is Oliver W. Hill and I am fourth generation native of San Antonio, Bexar County, Texas and with the NAACP in the State of Texas and also hold the position of Branch President in San Antonio. The Texas State Conference of NAACP Branches is a plaintiff in the Voter ID litigation.
2. The Texas State Conference of NAACP Branches is a nonprofit organization affiliated with a parent organization which has its home office in Baltimore, Maryland. Our mission includes eliminating unwarranted color distinctions in our law and society.
3. To promote civic engagement, the NAACP in many parts of our state engages in Get Out the Vote Efforts, and at the State Level we also assist in protecting voters who may be the subject of intimidation or other voter suppression tactics.
4. Despite this being 2016 and there being an African-American President of the United States, voters in San Antonio and in Texas continue to suffer from efforts to intimidate our community from voting.
5. The Texas State Conference of NAACP Branches and many of its units plan to undertake efforts to educate voters and assist them in understanding the new remedy that was put in place by Judge Ramos.
6. I have seen the statements made by the Texas Attorney General and Harris County Clerk and Election Official Stan Stanart and they cause me great concern. The comments appear clearly to be intended to frighten and dissuade individuals from availing themselves of the new remedy from my observation.
7. The comments are so broad they may indeed have the effect of impacting voters who were not intending to vote pursuant to the interim order but instead under other normal procedures. This is why I say that: The comments made by the Texas Attorney General and the Harris County Clerk and Election Official have a chilling effect to threaten and intimidate African Americans and all people of color. Suggesting that a comment that anyone who executes an affidavit will be subject to

investigation for possible prosecution is somehow not intimidating is simply mind-boggling to me.

8. These comments have negatively impacted us in our community and have complicated our ability to participate in the electoral process by our voter registration and voter privileges as stated in our Constitution.
9. These events are mindful of history in our community such as the "Jim Crow" days when a Poll Tax was purchased to obtain the privilege of voting or in some parts of the country; Literacy Tests were given to African Americans and other minorities to prevent them from exercising their Constitutional rights.
10. Threats of criminal prosecution of voters, like the statements already made, effectively discourage minority voters from voting. Election procedures are already complicated. In addition to frightening would-be-voters, these statements increase voter confusion.

I, Oliver W. Hill, declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 7, 2016.



Oliver W. Hill

Exhibit G

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

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

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

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

Plaintiffs,

v.

CARLOS CASCOS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

LENARD TAYLOR, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

[PROPOSED] CLARIFICATION OF INTERIM REMEDIAL ORDER

Pursuant to a decision of the United States Court of Appeals for the Fifth Circuit, this Court, on August 10, 2016, issued an Interim Remedial Order allowing registered voters to vote a **regular** ballot in person in the upcoming November 2016 elections under certain circumstances, even if they do not possess one of the photo IDs listed in SB 14.

These circumstances include the following. First, the photo IDs required by SB 14 may be up to four years out-of-date (expired). Second, a voter may vote a **regular** ballot, by presenting a specific form of non-photo ID and signing a Declaration of Reasonable Impediment, which allows the voter to check a box explaining why he or she does not possess a SB 14 ID.

Recent publicity may have raised concerns in people's minds that signing the Declaration of Reasonable Impediment may subject them to criminal prosecution if they have ever been issued SB 14 ID, but cannot find it, or in good faith believe that they do not possess SB 14 ID, but it is later found that they in fact did possess an SB 14 ID at some point. That is not the intent of the Court's Interim Remedial Order.

To clarify the situation, and after reviewing the motions to enforce the Interim Remedial Order and holding a hearing on this matter, the Court has determined that clarification is needed. Accordingly, the Court clarifies its earlier Interim Remedial Order as follows. The Declaration of Reasonable Impediment is intended to be used by a voter who in good faith believes that he or she does not possess SB 14 ID and has a reasonable impediment or difficulty that prevents the voter from obtaining SB 14 ID (such as the ID has been lost or stolen, or that the voter cannot take time off from work to get the ID, or that the voter cannot find transportation to get to the facility where the ID is issued, and other explanations). Just because the voter has, at some time, been issued one or more of the SB 14 IDs does not mean, in and of itself, that the voter's signing of the Declaration of Reasonable Impediment is a false statement. Also, the Interim Remedial Order does not require the voter to make a declaration of proof of citizenship or provide proof of residency at the polling place. The State shall distribute a copy of this Clarification of Interim Remedial Order to all state and county election officials.

So ORDERED this ____ day of September, 2016.

The Honorable Nelva Gonzales Ramos
United States District Judge