

No. 14-20-00627-CV

*In the Court of Appeals
Fourteenth Judicial District of Texas – Houston*

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CHRISTOPHER A. PRINE
Clerk

THE STATE OF TEXAS,

Appellant,

v.

**CHRIS HOLLINS, IN HIS OFFICIAL CAPACITY AS
HARRIS COUNTY CLERK,**

Appellee.

*On Appeal from the 127th Judicial District Court, Harris County, Texas
Cause No. 2020-52383*

**BRIEF OF AMICI CURIAE
TEXAS STATE CONFERENCE OF THE NAACP
ANTI-DEFAMATION LEAGUE SOUTHWEST
REGION**

**IN SUPPORT OF APPELLEE CHRIS HOLLINS, IN HIS OFFICIAL
CAPACITY AS HARRIS COUNTY CLERK**

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TO THE HONORABLE COURT OF APPEALS:

Amici curiae, the Texas State Conference of the NAACP (“TX NAACP”) and the Anti-Defamation League Southwest Region (“ADLSW”), respectfully submit the following brief in support of Appellee Chris Hollins, in his official capacity as Harris County Clerk (“the Clerk”) and the trial court’s ruling below.

INTEREST OF AMICI CURIAE

Amici are nonprofit, nonpartisan organizations that conduct voter education, registration, and mobilization activities. Their members, supporters, and constituents include registered voters in Harris County who would be seriously prejudiced by the State’s requested injunction.

The TX NAACP was formally established in Texas in 1937. The organization’s primary office is in Austin, but it has over 100 chapters statewide, including in Houston. A substantial number of the TX NAACP’s more than 10,000 members are Harris County residents who are registered to vote in Texas.

The TX NAACP’s mission is to ensure the political, educational, social, economic equality of rights of all persons and to eliminate race-based discrimination. As a core part of this mission, the TX NAACP engages in voter education, registration, and mobilization activities and fights against voter suppression.

The Anti-Defamation League (“ADL”) is a national nonprofit, nonpartisan organization, founded in 1913 with a mission to “stop the defamation of the Jewish people and secure justice and fair treatment to all.” ADL, a D.C. corporation with its headquarters in New York City, formally established ADLSW, its Southwest regional office, in Texas in 1958. ADLSW’s primary office is in Houston, but the office’s reach extends from El Paso on the west end of Texas to Beaumont on the east end, and all points south. Major cities in the region include Houston, San Antonio, Corpus Christi, El Paso, and Beaumont.

ADLSW’s mission, consistent with ADL’s overall mandate, is to protect the civil rights of all persons, eliminate vestiges of discrimination, racism, and antisemitism within communities in southwest Texas, and to fight hatred in all its forms. As a core part of this mission, ADLSW engages in and promotes voter education and registration activities. ADLSW believes that encouraging voters to be active participants in the political process and meaningfully enabling universal access to the ballot are crucial to its founding mission of securing the fair and just treatment of all people.

One of ADL’s priority initiatives at both the national and southwest regional levels this election year is to promote voting rights and help ensure safe access to the ballot. This has been a major focus of ADL’s national and regional staff,

volunteer leadership, and supporters, occupying a priority position at the organization's annual national leadership summit in June, and the subject of a series of webinars and projects for staff, volunteer leadership, supporters and members of the community.

Amici therefore have a strong interest in the outcome of these proceedings, in their own right and through their members, supporters, and constituents. The trial court correctly denied Appellant's request for a temporary injunction. If a temporary injunction should issue, Amici and their affiliates will be adversely affected.

No fee was paid to prepare this brief. Tex. R. App. P. 11(c).

ARGUMENT

The trial court correctly determined that Appellant was not entitled to a temporary injunction. This Court reviews the denial of a temporary injunction for abuse of discretion. *Cooper Valves, LLC v. ValvTechnologies, Inc.*, 531 S.W.3d 254, 262-63 (Tex. App.—Houston [14th Dist.] 2017, no pet.). A temporary injunction is an extraordinary remedy, *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002), and this Court does not substitute its judgment for that of the trial court unless the trial court's action was so arbitrary that it exceeded the bounds of reasonable discretion, *Cooper Valves*, 531 S.W.3d at 262. The Court views the

evidence “in the light most favorable to the trial court’s order, indulging every reasonable inference in its favor.” *Id.*

There was no abuse of discretion here. On the contrary, the court’s decision was well-justified on multiple independent grounds and should be upheld.

I. The Trial Court Correctly Determined That The Clerk’s Plan Is Not Ultra Vires Nor Does It Impede The Free Exercise Of A Citizen’s Voting Rights

To obtain a temporary injunction, among other things an applicant must show: (1) a cause of action, (2) a probable right to the relief sought, and (3) a probable, imminent, and irreparable injury in the interim. *Id.*; *Mattox v.*

Jackson, 336 S.W.3d 759, 762 (Tex. App.—Houston [1st Dist.] 2011, no pet.).

The temporary injunction applicant bears the burden of production—*i.e.*, it must offer some evidence of each of these elements. *See In re Tex. Natural Res.*

Conservation Comm’n, 85 S.W.3d 201, 204 (Tex. 2002) (quoting *Camp v.*

Shannon, 162 Tex. 515, 348 S.W.2d 517, 519 (1961); *Dallas Anesthesiology*

Assocs., P.A. v. Tex. Anesthesia Group, P.A., 190 S.W.3d 891, 897 (Tex. App.—

Dallas 2006, no pet.).

The trial court correctly concluded that “Mr. Hollins’s contemplated conduct does not exceed his statutory authority as early voting clerk and therefore is not *ultra vires*.” CR.293. As the trial court explained, “the Election Code gives Mr.

Hollins a broad grant of authority to conduct and manage mail-in voting,” and “[t]here is no code provision that limits an early voting clerk’s ability to send a vote by mail application to a registered voter.” CR.291-92.

The trial court also correctly concluded that the Clerk’s contemplated action “does not impede the free exercise of voting rights.” CR.291. Indeed, the State did not submit any evidence in support of its claim that the proposed mailing would foster confusion. CR.293. Rather, the State conceded that the Clerk’s planned mailer included accurate, helpful information for the voter. Hr’g Tr. 93:11-12 (“I’ve commended the educational component of [the Harris County] mailer.”). The court correctly found that the mailer “accurately and thoroughly informs voters of Texas law concerning mail-in voting,” CR.293, and therefore facilitates voters’ ability to vote.

This court should affirm the trial court’s decision on these grounds and deny the State relief.

II. The Equities Overwhelmingly Favor The Clerk’s Plan

In addition to satisfying the three temporary injunction requirements referenced above, a movant seeking a temporary injunction must also show that the balance of the equities—including consideration of the public interest—weighs in favor of granting the injunction.” *Int’l Paper Co. v. Harris Cty.*, 445 S.W.3d 379,

396 (Tex. App.—Houston [1st Dist.] 2013, no pet.). The equities at stake in this case implicate Amici’s specific interests and expertise—and they strongly favor the proposed mailing. As a result, this brief largely focuses on the practical benefits of the Clerk’s plan.

Amici represent and are affiliated with a number of registered voters in Harris County who will benefit from receiving an application to vote by mail and being informed of Texas law concerning mail-in voting. Many of Amici’s members and constituents are not familiar with the vote by mail process, have a need to vote by mail, and/or face obstacles to obtaining a ballot application.

The TX NAACP’s membership consists largely of African Americans, and it considers its constituents and supporters to be people of color and members of other underrepresented and vulnerable populations, including people with disabilities. As a consequence of the disproportionate impact of COVID-19 on people of color, populations represented by the TX NAACP are more likely to be affected by COVID-19,¹ and thus are more likely to have a need to vote by mail

¹ Richard A. Oppel Jr. et al., *The Fullest Look Yet at the Racial Inequity of Coronavirus*, THE NEW YORK TIMES (July 5, 2020) (“[T]he new federal data...reveals a clearer and more complete picture: Black and Latino people have been disproportionately affected by the coronavirus in a widespread manner that spans the country, throughout hundreds of counties in urban, suburban and rural areas, and across all age groups.”), at <https://www.nytimes.com/interactive/2020/07/05/us/coronavirus-latinos-african-americans-cdc-data.html>; Centers for Disease Control and Prevention, *Health Equity Considerations and Racial and Ethnic Minority Groups* (July 24, 2020) (“There is increasing evidence that some racial and

due to “a sickness or physical condition” that prevents these voters from appearing at the polls in person and a need to obtain a vote by mail ballot. *See* TEX. ELEC. CODE § 82.002. Yet many of the TX NAACP’s members are unfamiliar with the vote by mail process.

Similarly, ADLSW’s constituents and members include voters in Harris County who would benefit from receiving an application to vote by mail. Some of these individuals are not comfortable using technology to access a ballot-by-mail application online or may not be able to access an application online. Others are not familiar with the ballot-by-mail application process—they have never voted by mail, even though many are eligible to do so, due to various concerns. For example, some ADLSW constituents have religious beliefs that require them to strenuously protect their health and safety and that of their family and community members. Despite being eligible to vote by mail, these voters felt at-ease voting in-person in prior elections; however, they no longer feel able to do so, given the COVID-19 pandemic and their religious obligations and values.

The Clerk’s planned mailing will facilitate voting access for Amici’s members, supporters, and constituents, and more generally, will provide voting

ethnic minority groups are being disproportionately affected by COVID-19.”) (footnotes omitted), *at* <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>.

access to numerous elderly, disabled, and other ballot-by-mail eligible voters. It will ease a burden on eligible voters at a time when voters, many of whom battered and bewildered by the pandemic, are stretched thin. It will equip them with necessary information for the Election by educating them as to important deadlines and alternatives to in-person voting, which is especially important given the pandemic. The Clerk's mailer will also streamline the office's processing of ballot applications in the face of greater numbers of eligible voters applying to vote by mail. It will allow election officials to better plan for the processing of absentee ballot applications by encouraging more voters to submit their applications early. It will help election officials confirm voter addresses, which is extremely important from an election security and voting rights perspective, when the ballots themselves are mailed out. And, finally, as the results of the July 2020 runoff demonstrate, it will increase civic engagement and voter participation.

The mailing will accomplish all of these ends by providing critically needed voter education and thereby reducing confusion.

Increasing ballot access and easing burdens on eligible voters. COVID-19 has had a tragic and terrifying effect on nearly every aspect of American life. As of September 2, 2020, the Texas Department of State Health Services reports more than 621,000 confirmed cases and nearly 13,000 fatalities due to the disease in

Texas. In Harris County, 111,525 cases of COVID-19 and 2,335 fatalities have been reported.² Businesses, schools, and places of worship have been shuttered and Texans have seen their daily lives change drastically. And, as the Supreme Court has observed, “[a]ll of this is occurring in an election year.” *In re State*, 602 S.W.3d 549, 551 (Tex. 2020).

Indeed, COVID-19 has already created—and will continue to create—significant obstacles to Texans’ ability to exercise their right to vote. Obtaining voting materials, like ballot-by-mail applications, is now more difficult due to government office closures, curtailment of some voter mobilization efforts, and other measures taken in response to COVID-19.³ For example, the Harris County Clerk’s office is currently closed to the general public.⁴ Furthermore, Texas does

² See Texas Department of State and Health Services, *Texas Case Counts: COVID-19*, available at: <https://txdshs.maps.arcgis.com/apps/opsdashboard/index.html#/ed483ecd702b4298ab01e8b9cafc8b83> (last accessed Sept. 7, 2020).

³ See, e.g., Asher Price, *Coronavirus in Texas: Voter registration has flatlined in big urban counties*, *Austin American Statesmen* (May 19, 2020 5:01 AM), <https://www.statesman.com/news/20200519/coronavirus-in-texas-voter-registration-has-flatlined-in-big-urban-counties>; Asher Price, *As Texas grapples with coronavirus, voter registration numbers are down*, *Austin American Statesman* (July 13, 2020 5:00 AM), <https://www.statesman.com/news/20200713/as-texas-grapples-with-coronavirus-voter-registration-numbers-are-down>.

⁴ See Harris County Clerk’s Office, *Homepage*, available at <https://www.cclerk.hctx.net/> (last accessed Sep. 2, 2020) (“The County Clerk’s Office and annexes, in compliance with State and Local guidelines and the Stay Home Work Safe policy, is currently closed to the general public. Our offices are open for appointments (Assumed Names/DBA, Birth/Death Certificate, & Marriage Licenses only)”).

not allow its voters to request a mail ballot online. Although Texas does allow voters to request an *application* for a mail ballot online, obtaining an application online is not an option for many Texans: According to a recent report by the Texas State Demographer, there are over 1.6 million households in Texas without internet access, making up 16.9% of Texas households.⁵ This is especially dire for Hispanic and African American Texans, of whom 14.2% and 12%, respectively, lack internet access.⁶

To respond to voters' needs during this pandemic, election officials should act to minimize the difficulty of accessing the ballot box. Mailing ballot-by-mail applications to all registered voters in Harris County, along with information about ballot-by-mail eligibility, will help to ensure that qualified voters who want or need to vote by mail are not excluded from the franchise due to unfamiliarity with the process and related deadlines or inability to obtain an application. The challenged practice thus removes several potential confusion points for voters during a period when stress is high for many Texans and time is in short supply. And by encouraging more eligible voters to vote by mail, the Clerk's planned mailer will

⁵ See Texas Demographic Center, *Internet Access in Texas and the 2020 Census*, available at https://demographics.texas.gov/Resources/publications/2019/20191219_InternetAccess2020Census.pdf (last accessed Sept. 7, 2020).

⁶ *Id.*

also make early and Election Day voting safer for those voters who choose to vote in-person. Should more eligible voters choose to vote by mail, it will reduce the number of people in polling places and greater facilitate social distancing. H'rg Tr. 126:18-127:6.

It is undisputed that the planned mailing will provide access to ballot-by-mail for voters who are potentially eligible for it. It cannot be disputed that such access is a vital, positive good and that every vote is critically important.

The State's request for injunctive relief is diametrically opposed to the concept of a responsive government. Contrary to the State's contention, applications sent by the Clerk will likely bolster voters' faith in the integrity of the voting process and minimize confusion, given that state law imposes no limits on third-parties' ability to send out ballot-by-mail applications. The Clerk, a government official, is seeking to provide accurate and trusted information regarding the ballot-by-mail process.

Furthermore, far from being the radical assault on election integrity depicted by the State, the Clerk's approach has been adopted by election administrators of both parties in jurisdictions across the country. For example, election administrators in states such as Iowa, Georgia, Michigan, Nebraska, and West Virginia mailed vote by mail applications to all registered voters in the state for

their primary elections.⁷ Several states plan to send ballot applications to all voters ahead of the general election,⁸ and additional states will go even further and send ballots to all registered voters for the general election.⁹

⁷ H.F. 2486, 2020 88th Gen. Assemb., Reg. Sess. (Iowa 2020).; Stephen Gruber-Miller, *Iowa secretary of state will mail every registered voter a ballot request form for June primary*, Des Moines Register (Mar. 31, 2020, 02:23:00 PM), <https://www.desmoinesregister.com/story/news/politics/2020/03/31/iowa-voters-ballot-request-forms-june-primary-coronavirus-covid-19-secretary-state-paul-pate/5097518002/>; Emil Moffatt, *To Encourage Mail-In Voting In May, Georgia Will Send Applications To All Registered Voters*, WBE (Mar. 24, 2020), <https://www.wabe.org/to-encourage-mail-in-voting-in-may-georgia-will-send-applications-to-all-registered-voters/>; *Benson: All voters receiving applications to vote by mail*, Michigan.Gov (May 19, 2020), https://www.michigan.gov/sos/0,4670,7-127-1640_9150-529536--,00.html; Martha Stoddard, *Nebraska sending mail-in ballot applications to all registered voters*, Omaha World-Herald (Aug. 19, 2020), https://omaha.com/news/state-and-regional/govt-and-politics/nebraska-sending-mail-in-ballot-applications-to-all-registered-voters/article_98d340c7-b4d1-57a9-8f4e-7098ed2397bd.html; *Mail-In Absentee Ballot 'Application' to be Sent to Every Registered Voter in WV*, Sos.Wv.Gov (Mar. 26, 2020), <https://sos.wv.gov/news/Pages/03-26-2020-A.aspx>.

⁸ *See, e.g.*, Del. Code Ann. tit. 15, § 5603; H.R. 4820, 191st Gen. Court, Reg. Sess. (Mass. 2020); New Mexico Stat. Ann. § 1-12-72(D); *Secretary Merrill Outlines Process and Timelines for November General Election*, Press Release, CT.GOV (Aug. 25, 2020), <https://portal.ct.gov/SOTS/Press-Releases/2020-Press-Releases/Secretary-Merrill-Outlines-Process-and-Timelines-for-November-General-Election>; Caroline Cummings, *Iowa secretary of state to send absentee ballot applications to all registered voters*, CBS2IOWA (Jul. 17, 2020), <https://cbs2iowa.com/news/local/iowa-secretary-of-state-to-send-absentee-ballot-applications-to-all-registered-voters>; *Governor Hogan Directs State Board of Elections to Conduct November General Election With Enhanced Voting Options*, Press Release, MARYLAND.GOV, <https://governor.maryland.gov/2020/07/08/governor-hogan-directs-state-board-of-elections-to-conduct-november-general-election-with-enhanced-voting-options/>; Patrick Marley, *Wisconsin Elections Commission approves sending 2.7 million absentee ballot request forms to voters*, Milwaukee Journal Sentinel (Jun. 17, 2020, 11:19:00 AM), <https://www.jsonline.com/story/news/politics/2020/06/17/wisconsin-elections-commission-finalize-mailing-absentee-ballot-request-forms/5329007002/>

⁹ *See, e.g.*, A.B. 860, 2019 - 2020 Leg., Reg. Sess. (Cal. 2020); Tracey Tully, *New Jersey Will Hold Mail-in Election in November, Over Trump's Objections*, The New York Times (Aug. 14, 2020), <https://www.nytimes.com/2020/08/14/nyregion/nj-vote-by-mail-election.html>; State of Vermont Office of the Secretary of State, *First Statewide Elections Directive*, Sos.Vermont.Gov

Educating voters and reducing confusion. Ballot-by-mail applications will give election officials a valuable opportunity to inform voters of election dates and deadlines. Voter education about deadlines and dates is even more important this year due to the general confusion created by COVID-19. Social science research has confirmed that any “touch” between election officials and voters is valuable in helping voters learn about important dates and deadlines.¹⁰ Moreover, providing much needed voter information, especially at a time where there is much misinformation and disinformation, reduces voter confusion. *See* H’rg Tr. 169:10-12 (noting the State encouraged the County’s provision of educational information). In particular, receiving a ballot-by-mail application, with accompanying eligibility information, allows voters to determine their eligibility and provides eligible voters with an easy and convenient method of applying for a ballot, thereby increasing the likelihood that they will participate in the election.

Streamlining the processing of ballot applications. The Clerk’s planned mailer will also streamline the office’s processing of ballot applications in several

(July 20, 2020), *available at* <https://sos.vermont.gov/media/hxgjjdkb/secretary-of-state-s-first-2020-statewide-election-procedures-directive.pdf>.

¹⁰ Emma Fernandez, *Reducing the Turnout Gap in San Francisco*, San Francisco Elections Commission (May 2019), https://sfgov.org/electionscommission/sites/default/files/Documents/meetings/2019/2019-08-21-commission/2019_08_21_Elections_Comm_Item5_Reducing_the_Voter_Turnout_Gap_in_San_Francisco_Emma%20Fernandez.pdf.

important ways. First, the applications will have a unique bar code for each voter. Hr’g Tr. 117:6-9. Ordinarily, to process applications printed from the Internet or provided by campaigns, officials must enter the voter’s information manually and match it to the correct voter, which can take additional time if the voter has a common name. *Id.* 117:8-16. The Clerk’s preprinted applications will allow officials to scan a bar code instead, thus quickly identifying the correct voter. *Id.* 117:17-21. Second, by reducing the amount of manual data entry by election officials, the Clerk’s preprinted application will also reduce the potential for error in processing. *Id.* 118:11-13. Third, the Clerk’s planned mailer includes the application as a postcard, thus making it unnecessary for election officials to open envelopes and unfold papers to access the application. *Id.* 117:22-118:4 (“if you’re doing hundreds of thousands of these, the step of opening an envelope and straightening out and unfolding that ballot is a lot of time”).

Alleviating last-minute demand for applications. Harris County experienced a record voter turnout for the July 2020 primary runoff, and it expects to encounter record turnout for the upcoming presidential election. Hr’g Tr. 129:5-15. By proactively informing voters of upcoming deadlines and sending applications to

voters, the Clerk's office will alleviate any last-minute demand for applications.¹¹ If the majority of eligible voters submit their ballot-by-mail applications at or near the deadline, Harris County election officials will face a serious election administration problem in processing requests and mailing out a huge number of vote by mail ballots in a very short amount of time, or risk disenfranchisement of thousands of voters.

Confirming voter addresses. Maintaining accurate voter address information is a challenge for any election administrator, but it is particularly important this year. As a result of the COVID-19 pandemic, Texas has already seen (and will almost certainly continue to see) a surge in absentee voting in this year's elections.¹² By sending mail ballot applications to all registered voters prior to the election cycle beginning in earnest, the Clerk's office can confirm, and as needed, update the databases of voter addresses. Accurate and up-to-date addresses are

¹¹ Any registered voter who wants a ballot-by mail application mailed to them has until eleven days prior to Election Day to submit a ballot-by-mail application. TEX. ELEC. CODE § 84.007. However, Texas requires all ballots-by-mail to be postmarked no later than Election Day. *Id.* at § 86.007.

¹² Jasper Scherer, *Mail-in ballots drive surge in early voting turnout for Harris County runoffs*, HOUSTON CHRONICLE (June 29, 2020), <https://www.houstonchronicle.com/politics/houston/article/Mail-ballots-drive-surge-in-early-voting-turnout-15375467.php>.

important to ensure that absentee ballots are received by voters in time to be returned and counted.

Expanding civic engagement and increasing voter turnout. As both parties to this proceeding agree, “[i]t is to the public interest that all qualified electors vote and the courts should lend encouragement to those who strive towards this end.” *Roberts v. Dotson*, 272 S.W.2d 164, 166 (Tex. Civ. App.—Austin 1954, no writ); Hr’g Tr. 37:18-22 (State and County agreeing that it is in the State’s best interest that all qualified voters participate in elections). By sending ballot-by-mail applications to all registered voters, the Harris County Clerk will not only create an effective and statutorily-permissible path for residents to exercise their right to vote, but also increase civic engagement and participation among Harris County residents.

The results of the July 2020 runoff election in Harris County bear out this prediction when the Clerk mailed ballot applications to all Harris County voters over the age of 65, and voter participation set historical records, in terms of both the number of votes cast overall and the number of absentee ballots cast.¹³ These

¹³ Jasper Scherer, *Harris County Democrats had record turnout in Tuesday’s runoff. COVID-19 may have helped*, HOUSTON CHRONICLE (July 15, 2020), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-Democrats-had-record-turnout-in-15411656.php>.

numbers demonstrate that the impact of mailing eligible voters ballot-by-mail applications on civic engagement is real and significant.

The Harris County mailing will educate voters in a way that helps increase civic participation.¹⁴ Outreach such as sending out vote by mail applications can be particularly helpful for promoting voter turnout in rural or remote areas without consistent access to government services, minority communities, and low-income communities.¹⁵

In contrast to that long list of important, substantial equities favoring the mailing, there are no significant equities, if any, favoring the State here. The State claims that it would be harmed by a permitted violation of a state statute, but there is no such violation here. The Clerk is not violating any statute by sending the mailing – as the trial court correctly determined, state law grants him the authority to carry out his planned mailing. And in any event, the State’s claim is belied by its express acquiescence to other unsolicited mailings which would also violate the same statute if (as the State incorrectly argues) unsolicited mailings violate the

¹⁴ *Id.*

¹⁵ *Id.*; Bernard L. Fraga, *The Turnout Gap Between Whites and Racial Minorities is Larger Than You Think – and Hard to Change*, WASH. POST (September 25, 2018), https://www.washingtonpost.com/news/monkey-cage/wp/2018/09/25/the-turnout-gap-between-whites-and-racial-minorities-is-larger-than-you-think-and-hard-to-change/?utm_term=.28dae494c677.

statute. The State also claims that the mailing would foster confusion, but submitted no proof for that counter-intuitive, incorrect conclusion.

The equities strongly favor denial of the State's requested injunctive relief, providing an additional ground on which the Court should affirm the trial court's ruling below.

CONCLUSION

The Court did not abuse its discretion – to the contrary, its interpretation of state law was clearly correct. Moreover, the equities plainly favor denying the State relief. Therefore, the Court should affirm the trial court's ruling denying the State's motion for a temporary injunction.

Dated: September 16, 2020

Respectfully submitted,

/s/ Lindsey B. Cohan

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CERTIFICATE OF SERVICE

I hereby certify that, on September 16, 2020, a true and correct copy of the foregoing document was served on all counsel of record using the Court's electronic case filing system.

/s/ Lindsey B. Cohan

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Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I hereby certify that this brief contains 3,845 words. All text appears in 14-point typeface, except for footnotes which are in 12-point typeface. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

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