

THE ANTI-DEFAMATION LEAGUE § IN THE DISTRICT COURT
AUSTIN, SOUTHWEST, AND TEXOMA §
REGIONS; COMMON CAUSE TEXAS; §
and ROBERT KNETSCH; §
 Plaintiffs, §
 §
v. §
 §
GREG ABBOTT, in his official capacity as §
the Governor of Texas, §
 Defendant. § TRAVIS COUNTY
 § 353rd JUDICIAL DISTRICT

**APPENDIX TO DEFENDANT’S PLEA TO THE JURISDICTION AND
RESPONSE TO PLAINTIFF’S APPLICATION FOR TEMPORARY INJUNCTIVE RELIEF**

<u>DOCUMENT</u>	<u>APPX.</u>
Governor’s Disaster Declaration (March 13, 2020).....	002–004
Governor’s Proclamation (May 11, 2020).....	005–008
Governor’s Proclamation (July 27, 2020).....	009–012
Governor’s Disaster Declaration (September 7, 2020)	0013–15
Governor’s Proclamation (October 1, 2020)	016–020
C.S.H.B. 1927 Bill Analysis ¹	021–024
Transcript of Texas Senate Committee on State Affairs, S.B. 9 (March 18, 2019)	025–044

¹ Publicly available at <https://capitol.texas.gov/tlodocs/84R/analysis/pdf/HB01927S.pdf#navpanes=0> (last accessed October 5, 2020); *see also* Bill History, available at Texas Legislature Online, HB 1927 (84th Regular Session), publicly available here: <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=84R&Bill=HB1927> (last accessed October 5, 2020).



GOVERNOR GREG ABBOTT

March 13, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 13 2020

Secretary of State

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, as of March 13, 2020, there are more than 30 confirmed cases of COVID-19 located in multiple Texas counties; and

WHEREAS, there are more than 50 Texans with pending tests for COVID-19 in Texas; and

WHEREAS, some schools, universities, and other governmental entities are beginning to alter their schedules, and some venues are beginning to temporarily close, as precautionary responses to the increasing presence of COVID-19 in Texas; and

WHEREAS, costs incurred to prepare for and respond to COVID-19 are beginning to mount at the state and local levels; and

WHEREAS, the State of Texas has already taken numerous steps to prepare for COVID-19, such as increasing laboratory testing capacity, coordinating preparedness efforts across state agencies, and working with local partners to promote appropriate mitigation efforts; and

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response.

NOW, THEREFORE, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that COVID-19 poses an imminent threat of disaster. In accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby declare a state of disaster for all counties in Texas.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

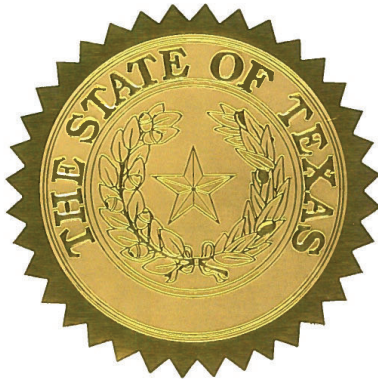
In accordance with the statutory requirements, copies of this proclamation shall be filed

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:26AM O'CLOCK

MAR 13 2020

Appx.003

with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 13th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "R. Hughes".

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

MAR 13 2020

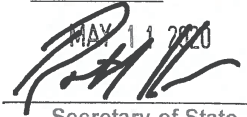


GOVERNOR GREG ABBOTT

May 11, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30pm O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAY 11 2020

Secretary of State

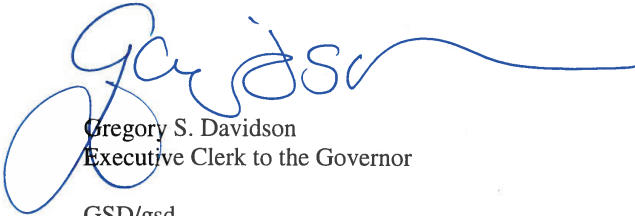
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation concerning early voting for special elections to occur on July 14, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,



Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued a proclamation on March 16, 2020, ordering a special election on July 14, 2020, to fill the vacancy in Texas State Senate District No. 14; and

WHEREAS, on March 20, 2020, I issued a proclamation postponing the runoff primary election date from May 26, 2020, to July 14, 2020; and

WHEREAS, I also issued a proclamation suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020; and

WHEREAS, I subsequently issued proclamations on April 2, April 6, April 8, and May 8, 2020, authorizing certain political subdivisions to call emergency special elections on July 14, 2020; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on July 14, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 PM O'CLOCK

MAY 11 2020

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

WHEREAS, Section 85.001(b) of the Texas Election Code provides that the period for early voting for a runoff primary election begins 10 days before election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that strict compliance with the statutory requirements relating to the duration of early voting contained in Sections 85.001(a) and 85.001(b) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Sections 85.001(a) and 85.001(b) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on July 14, 2020, early voting by personal appearance shall begin on Monday, June 29, 2020, and shall continue through the fourth day before election day, excluding any legal state or federal holidays. I further amend the proclamations issued on April 2, April 6, April 8, and May 8, 2020, authorizing emergency special elections, and the proclamation issued on March 16, 2020, ordering a special election to fill the vacancy in Texas State Senate District No. 14, so as to require that for each of these elections to be held on July 14, 2020, early voting by personal appearance shall begin on Monday, June 29, 2020, in accordance with the above suspension.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 11th day of May, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 PM O'CLOCK
MAY 11 2020

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughes', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 PM O'CLOCK

MAY 11 2020



GOVERNOR GREG ABBOTT

July 27, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

2:00pm O'CLOCK

JUL 27 2020


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning elections on November 3, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day for the November 3, 2020 elections, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK

JUL 27 2020

Appx.010

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

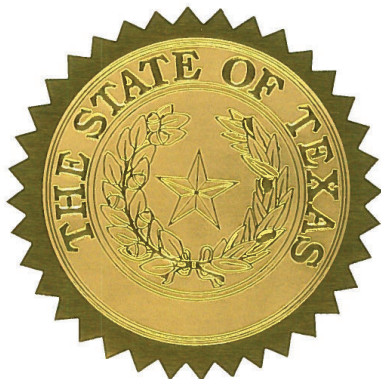
WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and


WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day. I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my office in
the City of Austin, Texas, this the
27th day of July, 2020.



GREG ABBOTT
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O'CLOCK
JUL 27 2020

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughs', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 pm O'CLOCK

JUL 27 2020

Appx.012



GOVERNOR GREG ABBOTT

September 7, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 PM O'CLOCK

SEP 7 2020

RTH
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

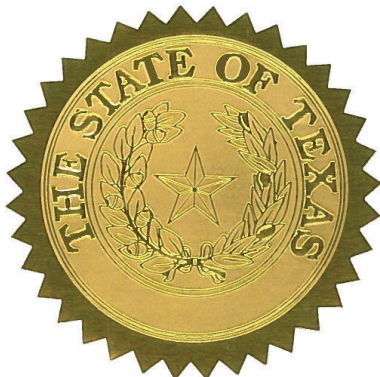
WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 7th day of September, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 PM O'CLOCK

SEP 07 2020

Appx.014

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00pm O'CLOCK

SEP 07 2020



GOVERNOR GREG ABBOTT

October 1, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK
OCT 01 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation suspending certain statutes concerning the November 3, 2020 elections.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, pursuant to legislative authorization under Chapter 418 of the Texas Government Code, I have issued executive orders, proclamations, and suspensions of Texas laws in response to the COVID-19 disaster, aimed at using the least restrictive means available to protect the health and safety of Texans and ensure an effective response to this disaster; and

WHEREAS, on July 27, 2020, I issued a proclamation suspending certain provisions of the Texas Election Code to provide additional time for early voting and to provide additional time in which a voter can deliver a marked mail ballot in person to the early voting clerk's office, such that this may be done prior to and including on election day; and

WHEREAS, the suspension of the limitation on the in-person delivery of marked mail ballots, as made in the July 27, 2020 proclamation, merely increased the amount of time for an eligible voter to return a marked mail ballot in person to the early voting clerk's office and did not suspend or otherwise affect the other applicable requirements that a voter must comply with when returning a marked mail ballot, including presenting an acceptable form of identification described by Section 63.0101 of the Election Code; and

WHEREAS, an amendment to the suspension of the limitation on the in-person delivery of marked mail ballots, as made in the July 27, 2020 proclamation, is appropriate to add ballot security protocols for when a voter returns a marked mail ballot to the early voting clerk's office; and

WHEREAS, Section 41.001(a) of the Texas Election Code provides that a general or special election in this state shall be held on a uniform election date, and the next uniform election date is occurring on November 3, 2020; and

WHEREAS, I issued a proclamation on March 18, 2020, suspending Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to the extent necessary to allow political subdivisions that would otherwise have held elections on May 2, 2020, to move their general and special elections for 2020 only to the November 3, 2020 uniform election date; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00AM O'CLOCK

OCT 01 2020

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person; and

WHEREAS, as counties across Texas prepare for the upcoming elections on November 3, 2020, and establish procedures for eligible voters to exercise their right to vote in person, it is necessary that election officials implement health protocols to conduct elections safely and to protect election workers and voters; and

WHEREAS, in order to ensure that elections proceed efficiently and safely when Texans go to the polls to cast a vote in person during early voting or on election day for the November 3, 2020 elections, it is necessary to increase the number of days in which polling locations will be open during the early voting period, such that election officials can implement appropriate social distancing and safe hygiene practices; and

WHEREAS, Section 85.001(a) of the Texas Election Code provides that the period for early voting by personal appearance begins 17 days before election day; and

WHEREAS, Section 86.006(a-1) of the Texas Election Code provides that a voter may deliver a marked mail ballot in person to the early voting clerk's office while the polls are open on election day; and

WHEREAS, in consultation with the Texas Secretary of State, it has become apparent that for the November 3, 2020 elections, strict compliance with the statutory requirements in Sections 85.001(a) and 86.006(a-1) of the Texas Election Code would prevent, hinder, or delay necessary action in coping with the COVID-19 disaster, and that providing additional time for early voting will provide Texans greater safety while voting in person; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders hav[ing] the force and effect of law;" and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the legislature has expressly authorized the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;"

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 85.001(a) of the Texas Election Code to the extent necessary to require that, for any election ordered or authorized to occur on November 3, 2020, early voting

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

OCT 01 2020

Appx.018

by personal appearance shall begin on Tuesday, October 13, 2020, and shall continue through the fourth day before election day.

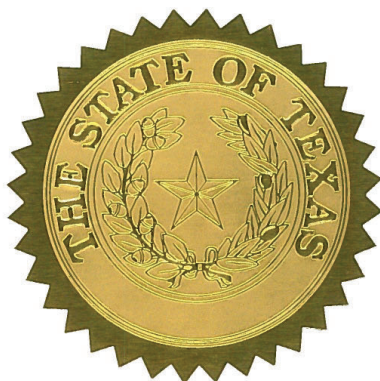
I further suspend Section 86.006(a-1) of the Texas Election Code, for any election ordered or authorized to occur on November 3, 2020, to the extent necessary to allow a voter to deliver a marked mail ballot in person to the early voting clerk's office prior to and including on election day; provided, however, that beginning on October 2, 2020, this suspension applies only when:

- (1) the voter delivers the marked mail ballot at a single early voting clerk's office location that is publicly designated by the early voting clerk for the return of marked mail ballots under Section 86.006(a-1) and this suspension; and
- (2) the early voting clerk allows poll watchers the opportunity to observe any activity conducted at the early voting clerk's office location related to the in-person delivery of a marked mail ballot pursuant to Section 86.006(a-1) and this suspension, including the presentation of an acceptable form of identification described by Section 63.0101 of the Election Code by the voter.

Any poll watchers operating under this suspension must comply with the requirements of Chapter 33 of the Election Code as if they were serving at an early voting polling place, as applicable to observing the in-person delivery of a marked mail ballot pursuant to Section 86.006(a-1) and this suspension.

Any marked mail ballot delivered in person to the early voting clerk's office prior to October 2, 2020, shall remain subject to the July 27, 2020 proclamation.

The Secretary of State shall take notice of this proclamation and shall transmit a copy of this order immediately to every County Judge of this state and all appropriate writs will be issued and all proper proceedings will be followed to the end that said elections may be held and their results proclaimed in accordance with law.



IN TESTIMONY WHEREOF, I
have hereto signed my name and
have officially caused the Seal of
State to be affixed at my office in
the City of Austin, Texas, this the
1st day of October, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

OCT 01 2020

Appx.019

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughs', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:00 AM O'CLOCK

OCT 01 2020

Appx.020

BILL ANALYSIS

Senate Research Center
84R30750 ATP-D

C.S.H.B. 1927
By: Bonnen, Greg et al. (Huffman)
State Affairs
5/18/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

After each election cycle, new situations arise that need to be addressed in state election laws to allow local jurisdictions more flexibility and direction in the election process. Recently, there have been issues relating to the implementation and application of providing eligible voters with a ballot by mail. Currently, political subdivisions that do not contract with a county to administer elections are not required to produce a ballot by mail. Some persons eligible to vote by mail expect to receive a ballot by mail for each election in which they qualify to participate. However, in some cases, these ballots are not delivered by mail. C.S.H.B. 1927 seeks to remedy these issues by providing clarification in the code for the annual application for a ballot by mail, or ABBM process—it defines annual ABBMs as a separate, but consistent, process, including consistent deadlines and submission requirements for single election ABBMs. These changes will ensure that voters who submit applications for a mail-in ballot are able to vote in every election for which they are eligible.

C.S.H.B. 1927 amends current law relating to the procedures for applying for a ballot to be voted by mail and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.001(e), Election Code, as follows:

(e) Authorizes an applicant for a ballot to be voted by mail to apply for ballots for the main election and any resulting runoff election on the same application. Provides that, if an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail. Deletes existing text providing that the timeliness of the application for both elections is determined in relation to the main election. Deletes existing text providing that if, however, the application is not timely for the main election, the timeliness of the application for the runoff election is determined in relation to that election.

SECTION 2. Amends Section 84.004(a), Election Code, as follows:

(a) Provides that a person commits an offense if:

- (1) the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election; or
- (2) the person signs an application for annual ballots by mail as a witness for more than one applicant in the same calendar year.

Deletes existing text providing that a person commits an offense if, in the same election, the person signs early voting ballot application as a witness for more than one applicant.

SECTION 3. Amends Section 84.007, Election Code, by amending Subsections (b) and (c) and adding Subsection (e), as follows:

(b) Requires that an application be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier;
- (3) telephonic facsimile machine, if a machine is available in the clerk's office; or
- (4) electronic transmission of a scanned application containing an original signature.

(c) Authorizes an application, except as provided by Section 86.0015(b) (providing that an application for a ballot to be voted by mail is considered to be for each election that fulfills certain criteria), to be submitted at any time in the year of the election for which a ballot is requested, but not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day. Deletes existing text requiring that an application be submitted on or after the 60th day before election day and before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the ninth day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(e) Requires the early voting clerk to designate an e-mail address for receipt of an application under Subsection (b)(4). Requires the secretary of state (SOS) to include the e-mail addresses on SOS's website.

SECTION 4. Amends Section 84.011(a), Election Code, as follows:

(a) Requires that the officially prescribed application form for an early voting ballot include certain information, including a space for an applicant applying on the ground of age or disability to indicate of the application is an application under Section 86.0015 (New heading: Annual Ballots by Mail). Makes nonsubstantive changes.

SECTION 5. Amends Subchapter B, Chapter 84, Election Code, by adding Section 84.038, as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION. Provides that the cancellation of an application for a ballot to be voted by mail under Section 84.032(c) (relating to submitting a request by appearing in person after the close of early voting), (d) (relating to submitting a request by appearing to certain persons), or (e) (relating to submitting a request and executing an affidavit that the applicant did not mark the ballot) is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) (relating to timeliness in relation to a runoff election date for an early ballot) or 86.0015(b).

SECTION 6. Amends Section 86.0015, Election Code, as follows:

Sec. 86.0015. New heading: ANNUAL BALLOTS BY MAIL. (a) Provides that this section applies only to an application for a ballot to be voted by mail that indicates, rather than is submitted to the county clerk indicating, the ground of eligibility is age or disability and does not specify the election for which a ballot is requested or has been marked by the applicant as an application for more than one election.

(b) Provides that an application described by Subsection (a) is considered to be an application for a ballot for each election, including any ensuing runoff:

(1) in which the applicant is eligible to vote; and

(2) that occurs before the earlier of:

(A) except as provided by Subsection (b-2), the end of the calendar year in which the application was submitted;

(B) the date the county clerk receives notice from the voter registrar under Subsection (f) that the voter has changed residence to another county; or

(C) the date the voter's registration is canceled.

Deletes existing text providing that an application described by Subsection (a) is considered to be an application for a ballot for each election in which the county clerk serves as early voting clerk and in which the applicant is eligible to vote and that occurs before the earlier of the end of the calendar year in which the application was submitted, or the date the county clerk receives notice from the voter registrar under Subsection (d) that the voter has submitted a change in registration information.

(b-1) Requires that an application submitted under this section be submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(b-2) Provides that an application is considered to be submitted in the following calendar year for purposes of this section if:

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

(c) Requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, to provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section. Requires the early voting clerk to provide a ballot to be voted by mail to each voter on the list.

(d) Requires the SOS to provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received under this section.

(e) Creates this subsection from existing text and makes no further change.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires the voter registrar to notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed. Requires the county clerk to update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar. Prohibits a voter's ballot application on file under this section from being canceled if a correction in

registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name. Deletes existing text requiring the voter registrar to notify the county clerk following the receipt of a notice of a change in registration information under Section 15.021 (Notice of Change in Registration Information by Voter).

SECTION 7. Amends Section 86.006, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a marked ballot voted under this chapter be returned to the early voting clerk in the official carrier envelope. Authorizes the carrier envelope to be delivered in another envelope and be transported and delivered only by:

(1) mail;

(2) common or contract carrier; or

(3) subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.

(a-1) Authorizes the voter to deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. Requires a person who delivers a marked ballot in person to present an acceptable form of identification described by Section 63.0101 (Documentation of Proof of Identification).

SECTION 8. Repealer: Section 84.009(b) (prohibiting an application submitted under this section from being submitted before the 20th day before election day), Election Code.

SECTION 9. Requires SOS, not later than January 1, 2016, to make the modifications to the official application form for a ballot to be voted by mail, as required by Section 84.011(a), Election Code, as amended by this Act.

SECTION 10. Provides that this Act applies only to an application for a ballot to be voted by mail submitted on or after January 1, 2016.

SECTION 11. Effective date: September 1, 2015.

TRANSCRIPTION OF
TEXAS SENATE COMMITTEE ON STATE AFFAIRS
SENATE BILL 9
MARCH 18, 2019

TRANSCRIBED BY: GRACE FAY

TRANSCRIPTION DATE: October 2, 2020

1 easier on the -- on the county to have a finite period of --
2 start voting on one day and you end on Election Day with
3 voting available all the way through. And so that will be a
4 amendment also.

5 MS. HUFFMAN: All right. We're gonna call up your
6 invited witnesses, Senator Hughes. Is that good? Omar
7 Escobar, Anthony Shaffer, and Dylan Lynch.

8 MR. ESCOBAR: Good morning.

9 MS. HUFFMAN: Mr. Escobar?

10 MR. ESCOBAR: Yes.

11 MS. HUFFMAN: You may proceed, sir. Thank you.

12 MR. ESCOBAR: Thank you. Good morning. My name is
13 Omar Escobar. I'm the district attorney for the 229th
14 Judicial District. Those counties include Starr County, Jim
15 Hogg Counties, and Duval counties.

16 I'm gonna just talk about some of our experience
17 as far as with the election code violations and sort of what
18 our experience with election fraud in the most recent
19 elections and then I'll field any questions you might have.
20 We began our efforts sometime in January of 2018 to begin to
21 enforce the laws that were passed in 2017 regarding election
22 fraud. And some of the -- some of the things that we began
23 to see was that, for example, we have 30,000 registered
24 voters in Starr County. And out of 30,000 registered voters,
25 we might see -- well, in the 2018 Democratic primary, we

1 would have seen approximately 14,000 people vote. But for
2 that election, we had 2000 applications for ballot by mail.
3 2000 applications for ballot by mail.

4 When we began our enforcement efforts as far as
5 that the changes to mail-in voting laws, what we saw was
6 sort of a decrease in the number of people that actually
7 voted by application -- by mail. So what happened in the
8 actual election was that only approximately 800 -- somewhere
9 about 800 of the persons who applied for ballot by mail
10 actually voted by mail. The rest began to cancel their
11 ballots. And the reason for -- the reason they did that is
12 because many people had been told by political workers that
13 they could vote from the convenience of their own home if
14 they just signed a form that they didn't understand. For
15 many voters, they believed that the political workers were
16 actually official election workers. So they were being
17 shoved a application in their face and told, "Do you want to
18 vote in the convenience of your own home?" And, well, who's
19 going to say "no" to that? So you had people signing off on
20 forms. What they didn't know was that the applications had
21 "disabled" marked for them. And many of these people were
22 not 65 years of age or older. They didn't know any better.

23 And so the practice had been that these
24 political workers who are being paid to harvest the votes
25 would tell them, "Hey, by the way, these particular -- the

1 mail-in is gonna come in at a particular time. As soon as
2 you get that mail-in, you call me and I'm gonna take care of
3 it for you." By the way, this is all borne out through our
4 investigation. And one of our investigators is here also
5 that will be available to testify. And so this had been the
6 practice. As soon as people found out that we were sort of
7 investigating these matters, people started canceling their
8 applications for ballot by mail and started instead going to
9 vote in person. So that decreased the people -- the mail-in
10 voting significantly, at least in the -- in the March 2018
11 Democratic primary.

12 What we did see was that most of these people --
13 I'm going to say, 9 out of 10 voters that claimed the
14 disability on a mail-in -- application for ballot by mail
15 were not disabled under Texas law. There is no way. Some of
16 them -- you had a firefighter, you even had a jailer, some
17 work for the school district -- they were all claiming
18 disability, and they didn't know any better. Some of these
19 are professionals, because of the practices that were --
20 that were common at that particular time. Also on the mail-
21 in side, you had elderly people, many of whom receive food
22 bank distributions, sort of approached by workers and being
23 told, you know, "Hey, here's a application for ballot by
24 mail. You need to sign this thing. And as soon as you get
25 the ballot, we're gonna come in and we're gonna -- we're

1 gonna prepare it for you." So the practice as we have seen
2 it was that they'd go in and, of course, as soon as that
3 ballot came in, they'd swoop in and help them sort of "vote
4 the right way."

5 And so that was really the practice -- that has
6 been the practice for years. But like I said, it began to
7 decrease the moment we began to investigate some of this.
8 And what I will tell you is that some -- what has led to
9 some of this -- these practices is that the reason they were
10 -- the political workers were so confident in allowing sort
11 of -- just putting "disabled" when they were not disabled,
12 is because the Secretary of State has sort of given this
13 opinion over the years that elections administrators could
14 not ask whether somebody was disabled or not. So the law was
15 on the books, in other words, you have to qualify to get an
16 application -- or ballot by mail, but there was really no
17 enforcement of it. So it's akin to saying that possession of
18 cocaine is illegal in Texas, but telling law enforcement
19 officers, "You can't ask what the white powdery substance in
20 the pocket is." That's the -- exactly what's going on with
21 the -- with the election code provision. So people were not
22 allowed to -- the elections administrators were not allowed
23 to ask -- inquire anything about disability. It's when we
24 started asking ourselves that people started noticing --
25 that election workers started sort of coming back to that.

1 So that was really our experience there and part
2 of the other experience that we saw was that we drafted
3 policies that were basically property use policies in Starr
4 County that kind of designated the parking areas around the
5 courthouse as "parking areas," because before what would
6 happen is that these parking areas would be commandeered by
7 people who were sort of campaign workers, and they'd have
8 tents and all kinds of things, and so it would effectively
9 cut off most of the parking. And as soon as a voter would
10 get down, you know, they'd be sort of congregated around,
11 harassed to vote in a particular way. And so our experience,
12 at least, is that most workers -- I mean, most voters just
13 want to be left alone. They want to get down, go vote in
14 peace, and leave in peace. And that wasn't happening. So
15 that was also our experience there.

16 One of the things that I will note is that in
17 the November election for 2018, we had -- we started
18 noticing a different practice of now it -- our enforcement
19 efforts decreased mail-in voting, even though -- I will tell
20 you that even though it decreased mail-in voting, it didn't
21 seem to have any impact in overall numbers. There was still
22 14,000 people who voted, probably more than non-presidential
23 primary elections, so it didn't affect -- in my mind, it
24 didn't affect voter turnout at all. In fact, it seemed to
25 increase it in one way or another. But it didn't affect it.

1 So as we go to November 2018, some of the local races as far
2 as the school district races and some of the general
3 election, at least in one polling location what we saw was -
4 - I'll preface it by saying there was much less mail-in than
5 had been in previous years. So now we have a whole bunch of
6 people that are cognizant that if they're not disabled, they
7 can't vote. So that really, you know, kind of weeded out a
8 lot of the false applications. And there's a lot of election
9 fraud there.

10 But what we started noticing in the first day of
11 early vote was at one polling location all of a sudden you
12 had people that -- campaign workers and even candidates
13 approaching the voters and asking them -- evidently asking
14 them if they needed assistance. Now -- so you can imagine a
15 situation where a person is going to vote, wants to get off
16 his car and go vote, being approached and asked, "Hey, do
17 you need assistance?" "Well, maybe, maybe not." "No, no. You
18 need assistance." You know, "You need assistance." "Well,"
19 and so, "Okay, well, yeah, let me get -- " So we saw
20 approximately one out of every five voters all of a sudden
21 needed assistance. They couldn't read, write, or otherwise
22 understand a ballot. I found that -- we found that
23 completely suspicious immediately. So it's my opinion, I
24 think, that the strategy then changed from mail-in -- from
25 concentrating on mail-in voting to then concentrating on

1 "assisted voting."

2 So what happens with assisted voting? Same thing
3 that happens with disabled -- disability. I'll reach into
4 the sort of curbside voting also -- is that when somebody
5 asked for assistance, most elections administrators are told
6 you cannot ask. So once again, the exception is swallowing
7 the rule. And so -- or this practice is now making it
8 largely unenforceable. So political workers know this, and
9 so they can go to a particular voter, say, "You need to
10 vote?" You know, "You need -- you need to -- you need
11 assistance." So somebody's gonna go in and say, "I -- this
12 person needs assistance," and they can't ask. So it was hard
13 to believe that a lot of these people that could otherwise
14 read and write were getting assistance.

15 And so it seems to me like the fraud seemed to
16 now shift over into assisted voting, which -- that has been
17 the Starr County experience. I won't talk for Hidalgo
18 County, but certainly Starr County that has been our
19 experience. So we've seen a reduction in mail-in, but now we
20 have an expansion in the practice of assisted voting. So
21 definitely I think the provisions in SB9 are something that
22 will help address these situations as far as election
23 integrity is concerned.

24 I will just briefly comment on something that I
25 think bears mention, that nowhere in any bill that I've seen

1 or any bills that I've seen are there enforcement
2 provisions. When we think about election fraud, we think of
3 it as after it happens. So we've got before fraud happens,
4 which is what -- why we have election laws and provisions.
5 And then we have what happens after election fraud, you
6 know, occurs. So we're usually coming in -- along with the
7 AG's office, or coming in after it happens and sometimes a
8 year or years after the election fraud happens, to
9 investigate, you know, interview witnesses, and come in and
10 sort of prosecute. But we've already had several election
11 cycles that have already gone past by the time there's
12 action taken.

13 So my concern is that I think some of our
14 conversation with the AG's office is that there is no
15 enforcement provision that I can see in the election code
16 that would give an -- and let's say, the county attorney,
17 district attorney, or the AG's office enforcement provisions
18 that would say, "Okay, Elections Administrator, you know
19 what the laws are, but you're not enforcing them." And so
20 the question would be, is there a way that, you know --
21 where we can have some kind of emergency enforcement
22 authority from the local officials before fraud happens? By
23 that I mean, either an injunction, mandamus, TROs, anything
24 that might -- and maybe, you know, some sort of punishment
25 for somebody who knowingly engages or knowingly fails to

1 enforce the election code. And that would apply basically to
2 presiding judges and elections administrators.

3 But right now, there -- it is unclear who
4 enforces election code violations and who can -- who can
5 sort of mandate that election code officials or election
6 officials enforce the laws. So I would recommend that at
7 some time in the -- some point in the future, there'll be
8 some provision in the laws that would give enforcement
9 authority to the AG's office and the county attorney, the
10 district attorney, or even the private -- even a private
11 remedy that would allow somebody to go into district court
12 and say, "Election official, you need to enforce this
13 provision." Or even if you know and you can show that --
14 let's say a politicara, that is a political worker, is is
15 knowingly engaging in election fraud to go in and get a TRA,
16 a temporary restraining order, against this person if they
17 can show it in court and have an order restraining them from
18 engaging in election code violations under some sort of
19 order that a court can adopt. But right now, it's just
20 unclear, you know, who can -- who can sort of in -- we did
21 have one situation of an election official who refused to
22 comply with part of the code. And it was like, "Well,
23 there's no enforcement. There's no remedy."

24 So in either case, I think that a lot of the
25 provisions that we have in SB9 are -- address a lot of the

1 concerns that we have, and I think they go a long way
2 towards -- towards addressing election fraud. Thank you.

3 MR. CREIGHTON: Thank you, very much. Members?
4 Senator Hughes.

5 MR. HUGHES: Thank you, Mr. Chairman. Mr.
6 Escobar, thanks for your testimony. The -- what you offered
7 during the hearing of the select committee some months ago
8 was really something. Much of what you shared, we had heard
9 -- maybe stories from back home, you know, nothing that we
10 could -- nothing that anyone would swear to, just rumors,
11 "This happens. That happens." And the investigation you
12 conducted, at great risk, we realize, did a lot to shine a
13 light not just for your county, but for the whole state. And
14 so thank you again for that and for being here today and
15 helping us -- helping us do something about it.

16 Let me ask you just a little bit --

17 MR. ESCOBAR: Sure. Sure.

18 MR. HUGHES: -- to make sure we get the picture
19 of what's happening about these folks who are offering --
20 "offering," I'm putting that in quotes -- assistance to
21 folks, either with curbside voting or meeting folks at the
22 polling place. So when these folks -- when these folks are
23 there to assist a voter, under current law, under the
24 practice, these political workers actually go in and see how
25 the person voted. Is that correct?

1 MR. ESCOBAR: That's right. So the assistant, by
2 the way -- so we're talking about -- there is assisting in
3 mail-in, and then there's assistant in in-person voting.

4 MR. HUGHES: Yes.

5 MR. ESCOBAR: So I will just get this in here. So
6 on the assisted voting on the applications for ballot by
7 mail, I just want to reference this quickly. Our
8 investigation has showed that we had one person, just one
9 person, assist 230 voters in an application for ballot by
10 mail. Just one. You had another one that assisted 100
11 people. Another one that assisted 70 people. Another one
12 that assisted 50 people.

13 Now, this is just the -- this is the application
14 for ballot by mail. On this other side, on the in-person
15 voting, you have people who are gonna assist, and of course,
16 the assistant is watching this voter vote and sometimes
17 marking the ballot for them. What's interesting about that
18 is that under current law, as I understand it, poll watchers
19 cannot watch when somebody is being assisted privately to
20 vote a ballot. But if the elections worker, somebody who's
21 working under elections administration, if they assist the
22 voter, the poll watchers can watch that ballot being
23 prepared and being voted, okay? To make sure that they are
24 not being told how to vote or forced. But when it's somebody
25 asking for an assistant, their own personal somebody -- I'm

1 gonna call it a "personal assistant" -- that cannot be
2 viewed.

3 And so it creates a situation where -- see,
4 assisted voting, just like mail-in voting, has become
5 commercialized. It's a business. So a lot of this, what
6 you're gonna find on this side, on in-person voting, is that
7 they know that poll watchers can't watch this. So it's just
8 -- now you're just left with the voter and the assistant
9 that they choose, which a lot of times is an election worker
10 and -- not like an official election worker, but a
11 politicara, or a political worker of some kind, campaign
12 worker. It's just them two in the car, and you're praying --
13 you're hoping that this person, this assistant, is not
14 telling them how to vote. You're sort of the honor system.
15 And so that's the situation that currently exists.

16 So I can I can find no reason for why poll
17 watchers should not be allowed to see that. I can understand
18 the privacy concerns, but in the end, I think the -- sort of
19 the election integrity concerns are something that we're
20 gonna have to balance out and address. And right now it's
21 sort of swinging the other way that allows an exception that
22 is -- I think is swallowing the rule also.

23 MR. HUGHES: That makes sense. And that's why I'm
24 -- to your point you just made, in Senate Bill 9, the --
25 what we propose is if a voter's being assisted by a family

1 member, then they wouldn't -- be wouldn't be observed.

2 MR. ESCOBAR: Right.

3 MR. HUGHES: But otherwise, the watchers ought to
4 be able to observe that process, again, to make sure the
5 voter is being protected. Right?

6 MR. ESCOBAR: Right. I think -- I think you can
7 have a situation where, you know, a family member, which is
8 -- in the ordinary cases, somebody who's gonna vote that
9 needs help is probably gonna take a family member and -- to
10 go -- to help them out. When you've got somebody who's being
11 paid, or even though they might say that they are
12 "volunteers," so to speak, there's an incentive there for
13 them to vote the "right way." And I think that's where it
14 makes sense to have poll watchers seeing this. And you've
15 got a family member who's taking their family member in to
16 vote, I -- we can see that they need some kind of privacy.
17 But when you've got somebody, a non-family member doing
18 this, I mean, obviously there's a risk that they're being
19 told -- they're getting paid to bring these people in.
20 They're being told or suggested, you know, who to vote and
21 nobody's watching it.

22 So I think, you know, I think these provisions
23 address that, and I think it does satisfy certain concerns
24 as to family members, sort of a family member exception that
25 is defined here. I think that it strikes the right balance.

1 We don't have to worry about just Russians. We
2 need to worry about people in our own counties. It's worth
3 millions and billions of dollars. How much is a city or a
4 county or a state election worth in dollars? Think about all
5 the contracts and all the contractors have a huge stake in
6 the outcomes of these. Surely, there are bad actors who are
7 -- who would love to have somebody in place or even next
8 door operating through the power cord to change the
9 elections. Thank you.

10 MS. HUFFMAN: All right. Thank you. Next we have
11 Robert Caples.

12 MR. CAPLES: Good afternoon. My name is Robert
13 Caples. I'm the commander for the Starr County Special
14 Crimes Unit. The district attorney covered most of the
15 things that we've experienced since January of 2018. But my
16 team and I are the ones that were actually on the ground
17 investigating a lot of these cases.

18 A lot of the things that we found were that --
19 and this goes back to the assistance issue -- we found that
20 people were being told misinformation, they were being
21 manipulated by campaign workers. Every single person that I
22 spoke to had no idea that their mail-in -- their mail-in
23 ballot application had been marked with the disability. One
24 of them was a rodeo cowboy, and he had zero disabilities.
25 Another one was a firefighter, a jailer, a nurse, providers.

1 And we also found that they were being told to
2 let the campaign workers know to come back when the mail-in
3 ballots were in, the actual ballots. And they were coming
4 back and picking them up, and they were taking off with
5 them. And when I asked these people, "Do you know what they
6 did with them?" They said, "Well, they were supposed to go
7 put it in the mail, I guess." Which is another violation of
8 the law, because they have not actually marked anywhere that
9 they had done so.

10 So all we've seen in our investigations are
11 manipulations, misinformation, and I know people have said
12 that it's up to the voters at the end of the day, but I
13 think that, you know, that's a really bad idea, because the
14 people that are doing the manipulation are the campaign
15 workers.

16 MS. HUFFMAN: Senator Hughes?

17 MR. HUGHES: Commander, thanks for your
18 testimony. Thank you for doing this. We know that in law
19 enforcement from your standpoint, also with prosecutors,
20 have so many crimes to be concerned about, violent crimes,
21 property crimes. Often election law violations, as important
22 as they are, there's just not the resources, there's not the
23 decision to commit the resources. So thank you for doing it.
24 And what you've done has really opened the eyes of a lot of
25 us to what's going on in all of our communities.

1 Let me ask you this. These election workers, and
2 we're talking about -- by that I mean campaign workers,
3 right? Paid campaign workers who come to these folks' homes,
4 especially the elderly. Did you ever find cases where the --
5 where the voters who are being visited by these political
6 workers -- where voters thought these folks were official
7 election workers from the county or from the government, had
8 some official role?

9 MR. CAPLES: We had some cases where they
10 believed that they were official workers, but even the ones
11 that didn't, because they were working with the elections,
12 they expect these folks to be knowledgeable about the laws.
13 So if they were coming to their house and say, "Hey, how
14 would you like to vote by mail? That way you don't have to
15 take the time off work or do anything else. You don't even
16 have to drive over there." The answer is always, "Yeah. What
17 do I need to do?" "Just sign the form and I'll take care of
18 the rest." So in every single case that I saw, none of the
19 voters actually filled out the mail-in applications. The
20 only thing they were required to do is to sign their name to
21 it.

22 And, you know, I ended up with a -- there's a
23 stack about that big on my desk. And I could randomly pick
24 any application out of there, which is how how we worked it
25 -- and we did that to avoid the implication that there's,

1 you know, targeting, you know, a particular side or
2 whatever. So we randomly selected applications, and every
3 single one of them was illegitimate that I've encountered.
4 100%.

5 MR. HUGHES: Man. Thank you for -- thank you for
6 the investigation and thank you for testifying. Thank you,
7 Madam Chair.

8 MS. HUFFMAN: Thank you. Okay. Dr. Laura
9 Pressley?

10 DR. PRESSLEY: Yes. Hello, Senator Huffman. Thank
11 you for this meeting and bringing this bill forward to the
12 committee. And thank you, Senator Hughes and Senator Hall
13 and other senators on this and moving this forward. I'm the
14 founder of True Texas Elections, I have a PhD in chemistry
15 and physics and spent 17 years in the semiconductor
16 industry, where I was a manager and an engineer and have
17 four patents on computer technology. I'm also a member of
18 the Grassroots America Coalition that supports Senate Bill
19 9.

20 This senate bill -- and, you know, Mr. Tom Glass
21 said it very well -- this senate bill really addresses all
22 of the issues in our Texas Supreme Court case that was --
23 that was pending for about four years across the state. And
24 I've given about 275 presentations around the state of Texas
25 on these issues. And I really support, you know, the

1 CERTIFICATION PAGE FOR TAPE RECORDING

2 I, Grace Fay, certify that the foregoing is a
3 correct transcription from the tape recording of the
4 proceedings in the above-entitled matter.

5 Please take note that I was not personally present for
6 said recording and, therefore, due to the quality of the
7 audiotape provided, inaudibles may have created inaccuracies
8 in the transcription of said recording.

9 I further certify that I am neither counsel for,
10 related to, not employed by any of the parties to the action
11 in which this hearing was taken, and further that I am not
12 financially or otherwise interested in the outcome of the
13 action.

14
15 
16

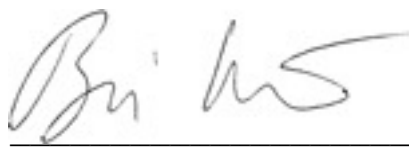
17 Grace Fay
18 Integrity Legal Support Solutions
19 Firm Registration No. 528
20 P. O. Box 245
21 Austin, Texas 78652
22 512.320.8690
23
24
25

1 STATE OF TEXAS)
2 COUNTY OF TRAVIS)

3 NOTARY PAGE

4 Before me, Brian Christopher, on this day personally
5 appeared Grace Fay, known to me to be the person whose name
6 is subscribed to the foregoing instrument and acknowledged
7 to me that they executed the same for the purpose and
8 consideration therein expressed.

9 Given under my hand and seal of office this 2nd day of
10 October, 2020.

11
12 

13 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
14 COMMISSION EXPIRES: _____

