

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

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

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

UNITED STATES OF AMERICA,

Plaintiff,

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

Plaintiff-Intervenors,

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

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

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

<p>TEXAS STATE CONFERENCE OF NAACP BRANCHES, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CARLOS CASCOS, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil Action No. 2:13-cv-291 (NGR)</p>
<p>LENARD TAYLOR, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>STATE OF TEXAS, <i>et al.</i>,</p> <p style="text-align: center;">Defendants</p>	<p>Civil Action No. 2:13-cv-348 (NGR)</p>

JOINT SUBMISSION OF AGREED TERMS

Pursuant to this Court’s July 21 Order (ECF No. 859) and July 26 Order (ECF No. 869), the parties jointly propose that the Court incorporate the following terms in its interim remedy order:

1. Voters who appear on the official list of registered voters and present documentation that is acceptable photo identification under Section 63.0101 of the Texas Election Code (SB 14 ID) or SB 14 ID that has expired by no more than four years shall be permitted to vote using a regular ballot.
2. Voters who appear on the official list of registered voters and present a valid voter registration certificate, a certified birth certificate, a current utility bill, a bank statement, a government check, a paycheck, or any other government document that displays the

voter's name and an address and complete and sign a reasonable impediment declaration shall be permitted to vote using a regular ballot.

3. Defendants shall use the document attached to this Order as Exhibit 1 as the English-language reasonable impediment declaration.
4. Defendants shall ensure that the reasonable impediment declaration is translated into Spanish, Chinese, and Vietnamese for use in appropriate jurisdictions. Defendants shall also inform the Elections Administrators in El Paso County and Maverick County in writing of the need to include the reasonable impediment declaration in the list of documents that need to be orally translated in accordance with Section 203 of the Voting Rights Act, 52 U.S.C. § 10503.
5. The reasonableness of a voter's impediment to obtain SB 14 ID shall not be questioned by election officials.
6. After asking a voter if he or she has SB 14 ID, election officials shall not question or challenge voters concerning the voter's lack of SB 14 ID and the voter's claimed impediment to obtaining SB 14 ID prior to allowing a voter to cast a regular ballot with a reasonable impediment declaration.
7. A signed reasonable impediment declaration shall be rejected only upon conclusive evidence that the person completing the declaration is not the person in whose name the ballot will be cast.
8. No identification document provided pursuant to Paragraphs 1 or 2 shall be rejected based on the fact that the address on such document does not match the address recorded in the official list of registered voters.

9. Pursuant to Section 33.058 of the Texas Election Code, poll watchers shall not be permitted to communicate in any manner with any voter concerning the procedures outlined in this Order, presentation of identification, or the validity of a voter's impediment to obtain identification.
10. Defendants shall develop a detailed voter education plan, including timetables, for the November 2016 general election by no later than August 15, 2016. This plan shall include a statement of the total planned expenditure, in an amount equal to or greater than \$2,500,000.
11. Commencing with any elections held after the entry of this Order and until further order of the Court, Defendants shall continue to educate voters in subsequent elections concerning both voter identification requirements and the opportunity for voters who do not possess SB 14 ID and cannot reasonably obtain it to cast a regular ballot.
12. Defendants shall develop a detailed election official training program for the November 2016 general election by no later than August 15, 2016.
13. Defendants shall not modify the English-language reasonable impediment declaration attached to this Order as Exhibit 1 without either submission of a Notice to this Court including both a copy of the document and a statement indicating that all Plaintiffs have consented to the modification or an order of this Court.
14. These procedures shall remain in place until further order of this Court. Nothing in this order shall prevent any party from seeking relief based on future events, including but not limited to legislative action.

A copy of the proposed reasonable impediment declaration is attached to this submission as Exhibit 1. The parties will separately submit brief filings concerning any limited remaining terms upon which we have not been able to reach agreement.

Date: August 3, 2016

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2016, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

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REASONABLE IMPEDIMENT DECLARATION

Instructions: If a voter appears on the official list of registered voters, but does not possess an acceptable form of photo identification—under Section 63.0101 of the Texas Election Code (SB 14 ID) or SB 14 ID that has expired by no more than four years—due to a reasonable impediment, the following steps shall be taken by the election officer to allow the voter to cast a **regular ballot**:

1. Present this form to the voter, and ask the voter to provide **one** of the following forms of identification:
 - a. a valid voter registration certificate (if on Election Day, the voter registration certificate indicates that the voter is appearing at the incorrect polling place, the voter should be directed to the correct polling place) **or**
 - b. a certified birth certificate, current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and an address.
NOTE: The address on this document is not required to match the address recorded in the official list of registered voters.
2. Ask the voter to complete this form by entering their name, and then ask them to review the "Voter's Declaration of Reasonable Impediment or Difficulty," indicate their impediment or difficulty, and sign their name.
3. Ask the voter to return the completed form to you. You may not question the voter concerning the reasonableness of any claimed impediment or the truth of the declaration. The election judge should enter the date and then sign on the space provided on the declaration.
4. Either you or the election judge should indicate on the "To Be Completed By Election Official" form what type of document the voter provided by checking the appropriate box. Either you or the election judge should fill in the Date of Election and Location fields.
5. Allow the voter to cast a **regular ballot**.

REASONABLE IMPEDIMENT DECLARATION

TO BE COMPLETED BY VOTER

Name: _____

VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY

By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification.

My reasonable impediment or difficulty is due to the following reason(s):

(Check **at least one** box below)

- | | |
|--|--|
| <input type="checkbox"/> Lack of transportation | <input type="checkbox"/> Disability or illness |
| <input type="checkbox"/> Lack of birth certificate or other documents needed to obtain acceptable photo ID | |
| <input type="checkbox"/> Work schedule | <input type="checkbox"/> Family responsibilities |
| <input type="checkbox"/> Lost or stolen photo ID | <input type="checkbox"/> Photo ID applied for but not received |
| <input type="checkbox"/> Other reasonable impediment or difficulty _____ | |

The reasonableness of your impediment or difficulty cannot be questioned.

X

Signature of Voter

Date

Sworn to and subscribed before me this

____ day of ____, 20__

Presiding Judge _____

TO BE COMPLETED BY ELECTION OFFICIAL

The voter provided one of the following forms of identification or information:

Valid Voter Registration certificate; or

A copy or original of **one** of the following was provided:

_____ certified birth certificate (must be an original)

_____ current utility bill

_____ bank statement

_____ government check

_____ other government document that shows the voter's name and an address (with the exception of a government document containing a photograph which must be an original)

_____ paycheck

Location: _____

Date of Election: _____