

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

MARC VEASEY, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et al.*,

Defendants.

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

UNITED STATES OF AMERICA,

Plaintiff,

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

Plaintiff-Intervenors,

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

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

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

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

Plaintiffs,

v.

CARLOS CASCOS, *et al.*,

Defendants.

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

LENARD TAYLOR, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

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

**UNITED STATES REPLY MEMORANDUM IN SUPPORT OF
MOTION TO ENFORCE INTERIM REMEDIAL ORDER**

Defendants raise several arguments to defend their recasting of the language in the Court’s Remedial Order. Each should be rejected. Most surprisingly, Defendants now insist that the text of the Remedial Order—language they negotiated and asked this Court to approve—“invites ambiguity and questions regarding its meaning.” Tex. Opp. 9 (ECF No. 932). Thus, without notifying the Court or seeking leave, Defendants stripped the word “reasonably” from the Court’s standard, apparently to clarify the alleged “ambiguity.” Defendants’ purported fix is misleading and incorrect, and their refusal to conform all materials to the language of the Court’s Order risks substantial confusion. Indeed, Defendants’ misleading language has already been disseminated by media across Texas. It is not, however, too late to correct Defendants’ errors.

Accordingly, this Court should order Defendants to conform their education and training materials to the plain language of the Remedial Order.

I. Defendants' Alternative Language Is Inconsistent with the Remedial Order.

Defendants argue that their recast language is “consistent” with the Remedial Order. Tex. Opp. 2, 5-6. It is not. The Order’s central principle is that voters who have a reasonable impediment to obtaining SB 14 ID may still cast a ballot that they know will count. Remedial Order ¶ 2 & Ex. 1. The Order requires Defendants 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.” Remedial Order ¶ 11 (ECF No. 895) (second emphasis added). And yet the terms “reasonable” and “reasonably” appear nowhere on the homepage of VoteTexas.gov, nowhere in the Secretary of State’s primary press release, and nowhere on the notice of acceptable identification to be posted outside of polling places. *See* VoteTexas.gov, at www.votetexas.gov (Ex. 1); Press Release, Office of the Texas Secretary of State, *Voters Who Cannot Obtain One of Seven Forms of Approved Photo ID Have Additional Options at the Polls* (Aug. 19, 2016) (ECF No. 924-3); AW13-8 Poster (Aug. 2016) (Ex. 2). By expunging “reasonably,” Defendants suggest that relief is available only if obtaining SB 14 ID is impossible.¹

Defendants’ claim of consistency also rests on the erroneous assertion that “Not having obtained a form of SB 14 ID is one of the prerequisites” to casting a ballot using a reasonable

¹ Although Defendants’ press release later states that voters may vote after signing a declaration “explaining why the voter is unable to obtain” SB 14 ID, the release does not articulate what explanation will be adequate. Texas’s examination of affected voters at trial demonstrates what the State understands “unable” to obtain ID to mean. *See, e.g.*, Trial Tr. 227:7-230:7 (Sept. 5, 2014) (implying that an elderly voter should have ridden his bicycle ten miles to a DPS office to obtain an EIC); *see also* Tex. Opp. 10 (arguing that “Plaintiffs failed to identify individuals who faced a substantial obstacle to voting” because of SB 14); Appellants Br. 21, *Veasey v. Abbott*, No. 14-41127 (5th Cir. Jan. 29, 2015) (claiming that “plaintiffs failed to produce a single individual unable to vote on account of SB 14.”). Thus, requiring inability to obtain ID—without reasonableness—is inconsistent with the Remedial Order.

impediment declaration. Tex. Opp. 4; *see also id.* at 8. While this Court’s Remedial Order speaks of a voter’s impediment to obtaining SB 14 in the future, Remedial Order ¶¶ 5-6, 9, 11, the Order permits voters who do not “possess SB 14 ID” to vote using a reasonable impediment declaration, Remedial Order ¶ 11. The Remedial Order therefore protects voters who once obtained SB 14 ID but no longer possess it (*e.g.*, due to expiration, theft, or loss) and have a reasonable impediment to obtaining it again.²

Defendants also defend their reformulation of the Remedial Order by contending for the first time that the language of the Order “invites ambiguity and questions regarding its meaning,” Tex. Opp. 9, and “may cause confusion,” *id.* at 10. This is an about-face from the August 10 hearing, when counsel for Defendants asserted that Defendants “want clear and definable terms in the Court’s orders to provide them confidence that they are, in fact, complying with the Court’s order,” Tr. 26:6-8 (Aug. 10, 2016) (Ex. 3), and that “the terms set forth in the Joint Submission of Agreed Terms, and specifically the requirement set forth in Paragraph 10 through 12, are appropriate,” Tr. 29:2-5. Defendants may not now unilaterally rewrite the Remedial Order and publish a standard far harsher than the one to which all the parties and Court agreed. Even if the Court’s language could be seen as ambiguous—which it cannot—Defendants waived their opportunity to propose alternatives. *See* Order (ECF No. 869) (deadlines for submission of disputed terms).³

² Although two technical documents attempt to resolve this concern by defining “have not obtained” to mean “do not possess,” Tex. Opp. 8-9, most other documents do not present that atypical definition. Ordinarily, to obtain is “[t]o bring into one’s own possession,” *Obtain*, Black’s Law Dictionary (10th ed. 2014), but the fact that a voter once obtained SB 14 ID—and once possessed it—does not establish current possession. On the other hand, a voter who merely left a valid driver’s license at home continues to “possess” SB 14 ID. *See* U.S. Mot. 5 n.2. Allowing such a voter to complete a reasonable impediment declaration constitutes simple poll worker error not authorized by the Remedial Order. *See* Reasonable Impediment Declaration (ECF No. 932-8) (allowing a voter who forgot his or her wallet to vote and to use a form of identification not permitted under the Remedial Order).

³ To be sure, the State has modified some voter education and poll worker training materials to address

II. Defendants' Erroneous Message Is Being Disseminated Throughout the State.

Despite the United States' and Private Plaintiffs' numerous requests to eliminate all language that does not conform to the Remedial Order, *see* U.S. Mot. 4, Defendants have continued to communicate restrictive language to voters. Indeed, just one day after the United States' most recent request, Texas's Secretary of State's office published a press release reiterating that "additional" voting options existed for "voters who cannot obtain an approved photo ID." *See* Press Release, Office of the Texas Secretary of State, *Secretary Cascos Kicks off Vote Texas Campaign* (Aug. 31, 2016) (Ex. 4); *see also* Ken Paxton, Opinion, *Texans Want Reasonable Voter ID*, Corpus Christi Caller (Sept. 13, 2016) (Ex. 5) (stating that "voters must show a government-issued photo identification in order to cast their ballot" without mentioning the reasonable impediment process). These erroneous messages demonstrate the need for relief.⁴

Defendants are correct that the audience for a voter education and poll worker training program is not made up of election lawyers. Tex. Opp. 9. That is why the United States has focused on the headlines and leading paragraphs of Defendants' communications to the press and the public. *See* Tex. Opp. 5, 7. Voters, journalists, and poll workers may not read the entirety of a press release, let alone the minutiae of an election advisory. Moreover, headlines and ledes from the Defendants' materials make their way into local media without material buried in later

concerns raised by the United States and the private plaintiffs, but the language used in these modified documents still begins the description of eligibility to vote with SB 14 ID with the term "cannot obtain" such ID. *E.g.*, *Election Inspector's Handbook* at 8 (ECF No. 932-2). It is ambiguous whether the addition of "and has a reasonable impediment" modifies "cannot obtain" or imposes a second condition. *See, e.g., id.* The fact remains that the State agreed to the clear language of the Joint Submission, and this Court should not permit Texas to rewrite the Court's Order or proceed by *fait accompli*.

⁴ Texas points to instances in which the United States and private plaintiffs did not make duplicative requests to change "the same language" across multiple documents, particularly following the State's refusal to correct deviations from the Remedial Order. Tex. Opp. 11-14 & n.6. But a decision not to make futile requests to the State should not bar judicial relief here.

paragraphs. *See, e.g., Voters in November Election Have Additional ID Options*, Orange Leader, Aug. 17, 2016 (Ex. 6) (“In elections this fall, Texas voters who cannot obtain one of the seven forms of approved photo ID will have additional options when casting their ballots,” Secretary Cascos said in a press release.”).⁵ Ordinary citizens also read tweets, such as, “Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls,” Texas SOS Office (@VoteTexas), Twitter (Aug. 19, 2016, 9:40 PM) (Ex. 10), and these simple messages can circulate to vulnerable communities without buried context, *see, e.g., Black Houston* (@blckhouston), Twitter (Sept. 7, 2016, 12:37 AM) (Ex. 11) (same). Whether or not voters without SB 14 ID see these communications directly, the messages matter when they reach local officials, community organizations, potential assistors, and others who may discuss requirements with voters or help individuals without SB 14 ID to vote. Exactly because they are not election lawyers, Texas voters should not have to dissect Defendants’ varying communications to resolve inconsistencies and to determine with finality the remedial standard ordered by the Court. Defendants’ communications should simply conform to the Remedial Order.

III. This Court May Still Grant Meaningful Relief.

Defendants argue that it is “too late” to fix its misleading materials, Tex. Opp. 15, and suggest that any relief here will “bring the State’s election machinery to a halt,” Tex. Opp. 1. Not so. The United States has requested practical, prospective relief intended to fix Texas’s voter education and poll worker training where possible and to ensure that Defendants accurately “educate[s] voters in subsequent elections.” Remedial Order ¶ 11. Electronic materials may be

⁵ *See also, e.g., Claire Kowalick, Options Added to Voter ID Rules*, Wichita Falls Times Record News, Aug. 13, 2016 (Ex. 7); Ed Sterling, *Court Relaxes Texas Voter ID Law in Time for Fall Election*, Mexia News, Aug. 18, 2016 (Ex. 8); *cf.* County Press Release Template (Ex. 9) (model press release emphasizing additional options for “voters who cannot obtain” SB 14 ID).

corrected and redistributed, and corrections to press releases may be issued without substantial burden or expense. U.S. Mot. 8. Moreover, the United States has only requested corrections to materials “that have not yet been printed,” along with the distribution of corrections, where materials have already been printed. *Id.*

Importantly, Defendants’ opposition memorandum acknowledges for the first time that they intend to use language that deviates from the Remedial Order in mass media. Tex. Opp. 15 (acknowledging that mass media “contain references to ‘unable to obtain’ or ‘cannot obtain’”). Whether or not it is true that this content cannot be changed without “significant expense,” Tex. Opp. 14, the burden of the Defendants’ error should be borne by them and not the voters. In the absence of a declaration or witness to explain the feasibility of correcting television, radio, and print advertisements, it remains manifestly unclear what can be done to ensure that Texas voters receive accurate mass media advertising messages.⁶

Finally, correcting voter education and training material would not “sow confusion at a critical time.” Tex. Opp. 2. Indeed, failing to conform Defendants’ manifold and conflicting variations that are inconsistent with the Remedial Order alone risks substantial and widespread confusion. Absent relief, some Texas voters may reasonably believe that they cannot vote because—short of greater sacrifices or expending additional resources—they simply “cannot obtain” SB 14 ID.

⁶ At the August 12 status conference, the United States made clear that it would not then challenge Texas’s refusal to share mass media advertising scripts in advance. Tr. 27:12-23 (Aug. 12, 2016) (Ex. 12). But the United States also reserved the right to seek judicial relief for any ensuing problems. Tr. 27:24-28:3. Texas accepted the risk of going forward without consulting with the United States and the Private Plaintiffs and the State cannot now complain about fixing a problem that, with cooperation, could have been avoided at the outset.

To ensure a uniform and effective remedy, this Court should enter the proposed order attached to the United States' motion.

Date: September 16, 2016

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

Respectfully submitted,

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/s/ Daniel J. Freeman _____

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EXHIBIT

1



- REGISTER TO VOTE
- WHO, WHAT, WHERE, WHEN, HOW
- MILITARY & OVERSEAS VOTERS
- VOTERS WITH SPECIAL NEEDS
- YOUR RIGHTS
- FAQ
- RESOURCES

Search...



What do you want to know about voting

Thank you for visiting VoteTexas.gov, the one-stop resource for voter information.

Carlos

Secretary of State
Carlos H. Cascos



SELECT A QUESTION...

GO!

KEY REGISTRATION AND VOTING DATES

61:14:41

Days Hours Minutes Seconds



NOVEMBER 8, 2016 GENERAL ELECTION

The General Election will take place on Tuesday, November 8, 2016. Last day to register for this election is October 11. Early voting takes place from October 24 - November 4. To learn more about ID required for voting in person, check out the [FAQs](#).

[FREQUENTLY ASKED QUESTIONS](#)

Press Release: Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls

LATEST TWEETS

Tweets by @VoteTexas

Texas SOS Office @VoteTexas
@JoyRedeemed unfortunately, Mr. McMullin's application to be a write-in candidate was not accepted in Texas.

Texas SOS Office @VoteTexas
Texas Secretary of State discusses new

[View on Twitter](#)

Embed



Not Registered?

To vote in Texas, you must be



Remind your friends to vote



Voting is easy, so is getting the

EXHIBIT

2

ID required for Texas Voters

You must present one of the following forms of photo ID when voting in person:*

- ★ Texas driver license issued by the Texas Department of Public Safety (DPS)
- ★ Texas Election Identification Certificate issued by DPS
- ★ Texas personal identification card issued by DPS
- ★ Texas license to carry a handgun issued by DPS
- ★ United States military identification card containing your photograph
- ★ United States citizenship certificate containing your photograph
- ★ United States passport



Unable to obtain one of these IDs? Fill out a declaration at the polls explaining why and bring one of the following supporting documents:

- ★ Valid voter registration certificate
- ★ Certified birth certificate (must be an original)
- ★ Copy of or original current utility bill
- ★ Copy of or original bank statement
- ★ Copy of or original government check
- ★ Copy of or original paycheck
- ★ Copy of or original government document with your name and an address (original required if it contains a photograph)

*With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

Exemptions: Voters with a disability may apply with the county voter registrar for a permanent exemption to showing ID at the polls. Voters with a religious objection to being photographed or voters who do not have an ID due to certain natural disasters may apply for a temporary exemption to showing ID at the polls. Please contact your voter registrar for more details.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,	)	CASE NO: 2:13-CV-00193
)	
Plaintiffs,	)	CIVIL
)	
vs.	)	Corpus Christi, Texas
)	
RICK PERRY, ET AL.,	)	Wednesday, August 10, 2016
)	
Defendants.	)	(8:33 a.m. to 9:40 a .m.)

TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
Court Recorder:	Genay Rogan
Clerk:	Brandy Cortez
Court Security Officer:	Adolph Castillo
Transcriber:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, TX 78480-8668 361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 to provide input; and third, that Plaintiffs can seek to
2 address this Court if significant problems arise.

3 Thank you, your Honor.

4 **THE COURT:** All right. Anyone else speaking from any
5 of the Plaintiffs here?

6 **(No audible response)**

7 If not, I'm going to -- is it, Ms. Colmenero, are you
8 taking the lead or Mr. Frederick?

9 **MS. COLMENERO:** Your Honor, this is Angela Colmenero.
10 I will be responding to this point on behalf of the State
11 Defendants.

12 **THE COURT:** Okay, you can proceed.

13 **MS. COLMENERO:** Thank you.

14 Let me first start off with saying that effective and
15 meaningful voter education and election official training are
16 extremely important to the State Defendants. The only question
17 that education and training are essential during any election
18 cycles, but the State recognizes that this particular election
19 cycle is unique, given the new procedures that will be
20 implemented on this Court's forthcoming order, which include
21 the introduction of the reasonable impediment declaration in
22 the next few months before the 2016 November general election.

23 This is precisely why the Secretary of State Office
24 has developed a voter education campaign that is far more
25 expansive than anything the State has done in the past.

1 Indeed, the Secretary of State has dedicated slightly more than
2 \$2.5 million to spend in the next three months before the 2016
3 November general election.

4 **THE COURT:** So the plan is already in place? We have
5 some specifics?

6 **MS. COLMENERO:** Your Honor, the State started
7 preparing for the November general election in terms of getting
8 vendors to be the -- an engagement of the PR firm, as well as
9 the advertising firm, to help the State develop a mass media
10 campaign message to educate voters about the November -- the
11 changes that perhaps were pending in the November general
12 election. So -- and that is what the State reports in its
13 August 5th filing.

14 So while the parties have made great strides to reach
15 an agreement on the terms in the interim remedy order, the
16 State Defendants object to the language proposed by the
17 Plaintiffs regarding voter education and election worker
18 training for two reasons.

19 First, the language that the Plaintiffs put in their
20 proposed submission is vague and undefined, as we've already
21 said. They want the Court to include a requirement that the
22 parties meet and confer and allow them meaningful input into
23 what we intend to do.

24 **THE COURT:** Okay, let me just ask, because it's a
25 little confusing. I can't tell if you all have already met and

1 conferred about what specifically the Defendant State of Texas
2 here is planning to do. That wasn't clear to me. Have you
3 all --

4 **MS. PEREZ:** We have not, your Honor.

5 **THE COURT:** Okay --

6 **MS. PEREZ:** We have not. We have not seen any --

7 **THE COURT:** Wait, wait, wait, wait. Wait. I'm
8 talking to Ms. Colmenero.

9 Correct?

10 **MS. COLMENERO:** That's correct, your Honor. Let me
11 be clear. During the meet and confer process we did provide
12 the Plaintiffs with the different media channels that we
13 intended to use for the voter education campaign that we --
14 that are part of the contract that the State has with its
15 public relations firm and its advertising firm. In terms of
16 the specific complaints that the Plaintiffs have raised today,
17 that is the first time that we are hearing about that.

18 **THE COURT:** Okay, well then this doesn't work,
19 Counsel. I mean I ordered you all to meet and confer. So
20 we're just now talking about things on the day of the hearing.
21 That's not a good thing. Right?

22 **MS. PEREZ:** (Indiscernible)

23 **THE COURT:** But you can proceed, Ms. Colmenero.

24 **MS. COLMENERO:** Your Honor, if I may clarify a couple
25 of points too regarding the concerns the Plaintiffs have raised

1 regarding the website.

2 Several of those issues where they claim that there
3 were deficient notices on the website have, in fact, been
4 updated overnight. This is a fluid process the State is
5 undergoing in terms of the tax ratification elections that are
6 occurring on a weekly basis and we're trying to adjust our
7 processes and the Court has been very patient with us with the
8 entry of the Temporary Remedial Orders. And as those Orders
9 have been coming out, for example, the one last night, the
10 State was updating its website overnight, and those pages that
11 the Plaintiffs have pointed out as being deficient are, in
12 fact, now updated.

13 **THE COURT:** Okay, but that's just an example, though,
14 if you all were just to sit and visit that could probably be
15 taken care of. Right?

16 **MS. COLMENERO:** Your Honor, we agree. We would like
17 the Plaintiffs to provide us with specific issues, which we
18 have provided them, you know, what the State's plan was, but
19 this is the first time we're hearing about any type of other
20 deficiencies that are out there that perhaps the State could
21 correct.

22 **THE COURT:** Okay. What else?

23 **MS. PEREZ:** May I respond, your Honor?

24 **THE COURT:** No, not yet. It's not your turn. Right?
25 Ms. Colmenero's speaking.

1 **MS. COLMENERO:** Your Honor, may I continue?

2 **THE COURT:** Yes.

3 **MS. COLMENERO:** Okay. So as I was saying, Defendants
4 object to the inclusion of the meet and confer requirement, as
5 well as the meaningful input requirement, because the
6 Defendants want clear and definable terms in the Court's orders
7 to provide them confidence that they are, in fact, complying
8 with the Court's order.

9 **THE COURT:** But I can't do that with some vague
10 details of a possible plan or that you all might do this or
11 that and the other. I expect you all are going to have to
12 provide the Court a lot of the details that Plaintiffs are kind
13 of requesting. Right?

14 **MS. COLMENERO:** Well, and, your Honor, in terms of
15 the August 15th filing that the State is required to provide to
16 this Court, we can provide some additional specifics. But our
17 concern is that what I heard the Plaintiffs to say is that they
18 basically want us to lay out what in our mind is a three-month
19 plan for voter education and produce it to them within five
20 days.

21 **THE COURT:** But here's the problem here. What I'm
22 hearing the Plaintiffs say is "X" -- well, and this goes back
23 to the point that you all haven't sat and conferred about this.
24 Right?

25 **MS. COLMENERO:** Your Honor, the focus of the parties'

1 meet and confer, to be fair, was really focused on the
2 implementation of the reasonable impediment affidavit. The
3 parties didn't progress very far in terms of voter education,
4 given the timetables that we were faced with.

5 **THE COURT:** I know, but I think I told you all to
6 confer about everything. Right? So you all could have just
7 told the Court you know what, Court, we actually need a little
8 bit more time because we're not finished with this aspect of
9 it. Right? I've been very flexible with you guys because I
10 know you all are working hard.

11 **MS. COLMENERO:** Yes, your Honor, and we do appreciate
12 that, and the parties did not progress very far down the voter
13 education and outreach issues --

14 **THE COURT:** But it's not closed. I mean you all just
15 didn't get there because you all didn't have enough time or you
16 all didn't get there because nobody wants to get there?

17 **MS. COLMENERO:** We provided them details and we never
18 heard a response to those details. So we never heard kind of a
19 counter proposal by the Plaintiffs and so -- and that just
20 happened right before the deadline before the Court required us
21 to file the Joint Submission of Agreed Terms.

22 But I think some of the -- from the State's
23 standpoint, I think our concerns from what the Plaintiffs are
24 requesting or from what we just heard today is they're
25 essentially going to force us to take a three-month contract

1 that we have with our vendors and produce it in five days and
2 the State does need flexibility to execute our concept with our
3 vendors and we need flexibility to improve contact, because
4 it's a fluid process in terms of as how we get --

5 **THE COURT:** And I agree with that, but at some point,
6 and not just the Plaintiffs, the Court needs to know the
7 details of what you all are doing --

8 **MS. COLMENERO:** Well --

9 **THE COURT:** -- (indiscernible)

10 **MS. COLMENERO:** And, your Honor, I think what we were
11 waiting on at our end was obviously the implementation of the
12 Court's Order setting forth the interim remedies and at that
13 point we then know what message to provide to the voters.
14 Because constantly updating our website in terms of trying to
15 keep the temporary status of things, we didn't want to create
16 more confusion.

17 **THE COURT:** I understand that, but it's something
18 that we all need to sit and visit about together about what's
19 best and not just allow, you know, the State to go and do what
20 they think is right and appropriate. I mean the Court's
21 obligated to know the details, the Plaintiffs need to know the
22 details.

23 So I mean maybe what I do is I enter the joint
24 submission as an order and we continue to work on education and
25 training, which will be ongoing up until, you know, the

1 election, I'm assuming.

2 **MS. COLMENERO:** Your Honor, I think the terms set
3 forth in the Joint Submission of Agreed Terms, and specifically
4 the requirement set forth in Paragraphs 10 through 12, are
5 appropriate. The State agrees with those. And so I think the
6 process your Honor set out is something that we would be okay
7 with.

8 **THE COURT:** Okay. Anything else from the Defense at
9 this time before I let Ms. Perez respond?

10 **MS. COLMENERO:** Well, I think --

11 **THE COURT:** Let's just finish up this issue and then
12 we can move to the additional terms that the State was
13 requesting.

14 **MS. COLMENERO:** Your Honor, that's all from the State
15 Defendants at this time.

16 **THE COURT:** Okay then, Ms. Perez?

17 **MS. PEREZ:** Thank you, your Honor. I would note a
18 few things. The kind of information that Plaintiffs were given
19 looked very, very similar to the kind of bare boned
20 insufficient information that was put in front of the Court on
21 the August 5th filing. There is no mechanism for the Court or
22 the Plaintiffs to be able to assess from that what is going to
23 be -- whether or not the materials produced and accorded to
24 those five channels is accurate, done under what timetable, or
25 is going to be adequate. And it is for this reason that we

1 have been specifically requesting in advance an understanding
2 of what purportedly Texas intends to do.

3 I would encourage the Court to review this morning
4 the website that I -- that we took screen shots on yesterday.
5 I feel very confident in saying that the Court would not find
6 the modifications that have been made adequate. There are
7 couple of notations about changes that are happening in very
8 small elections involving a couple of thousand of people, but
9 even the language, when Texas was alerted about it as to, you
10 know, Shelby County abrogating all pending litigation, et
11 cetera, et cetera, has not been modified. Whatever updates
12 they made last night, after being told in many ways
13 (indiscernible) this issue has been raised before the Court, is
14 not up to task.

15 We are interested in providing our input, but we
16 believe that without the help of the Court we're constantly
17 going to be coming back to the Court saying we didn't get
18 enough details to know.

19 **THE COURT:** Well, you might be, but if you don't --

20 **MS. PEREZ:** We were not able to get that.

21 **THE COURT:** You might be going to come back to the
22 Court, but it didn't sound like you all really conferred in the
23 first place. Right?

24 **MS. PEREZ:** We certainly -- certainly we made an
25 effort to try and get the kind of info that we needed in order

EXHIBIT

4

Secretary of State Carlos Cascos Kicks Off Vote Texas Campaign

NewsRoom

8/31/16 AP Alerts 15:59:45

AP Alerts

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August 31, 2016

Secretary of State Carlos Cascos Kicks Off Vote Texas Campaign

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TO BUSINESS, AND POLITICAL EDITORS:

Secretary of State Carlos Cascos Kicks Off Vote Texas Campaign

AUSTIN, Texas, Aug. 31, 2016 /PRNewswire/ -- Texas Secretary of State

Carlos H. Cascos unveiled the state's voter education campaign today

to a University of Texas at Austin undergraduate American history

class of future and first-time voters. Vote Texas is a statewide,

bilingual effort to engage voters through the Nov. 8 general election

about the state's photo ID requirements and additional options for

voters who cannot obtain an approved photo ID, mandated by court

order.

"I'm excited to kick off Vote Texas with these first-time and future

voters who are the cornerstone of our democracy," Cascos said. "As the

state's chief election officer, I take very seriously the

responsibility of making sure every eligible Texan who wants to vote

in the upcoming election has the necessary information to do so."

Cascos talked with the students about the seven forms of acceptable

Secretary of State Carlos Cascos Kicks Off Vote Texas Campaign

photo identification voters will be asked to present at the polls in November. He also reminded them that voters who cannot obtain one of the seven approved forms of approved photo ID, and who have a reasonable impediment or difficulty to obtaining one of the approved forms of photo ID, now have additional options when voting in person. The session was moderated by Dr. H.W. Brands, a noted American history expert and professor at the University of Texas.

“We couldn’t think of a better way to ensure many of these first-time voters are prepared for the polls in November,” Brands said. “I applaud the secretary’s efforts to educate all Texans on what they need to know before voting.”

Kassie Barroquillo of UT Votes, a nonpartisan student organization that organizes voter registration and education activities to increase civic engagement and electoral awareness, provided information on how to register to vote.

As part of Vote Texas, Cascos and members of his team will be traveling the state through Election Day talking to all Texans in both English and Spanish about voting. Efforts include special outreach to first-time voters - both students and new Texans - seniors, members of the military and minority groups. The campaign will include advertisements in English and Spanish, which will run via television, radio, community newspapers and online throughout the state.

Voters with questions about how to cast a ballot in these elections can call 1-800-252-VOTE and visit www.VoteTexas.gov.

Early voting for the Nov. 8 election begins Oct. 24 and ends Nov. 4.

Websites: www.sos.state.tx.us www.votetexas.gov

Twitter: <https://twitter.com/TXsecofstate>

Secretary of State Carlos Cascos Kicks Off Vote Texas Campaign

<https://twitter.com/votetexas>

Facebook: <http://www.facebook.com/txsecretary>

To view the original version on PR Newswire,

visit:<http://www.prnewswire.com/news-releases/secretary-of-state-carlos-cascos-kicks-off-vote-texas-campaign-300320757.html>

SOURCE The Office of Texas Secretary of State Carlos H. Cascos

-0- 08/31/2016

/CONTACT: Alicia Pierce or Mari Bergman, (512) 463-6116

/Web Site: <http://www.votetexas.gov>

CO: The Office of Texas Secretary of State Carlos H. Cascos

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---- Index References ----

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Political Parties (1PO73); Public Affairs (1PU31); World Elections (1WO93))

Region: (Americas (1AM92); North America (1NO39); Texas (1TE14); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (H.W. Brands; Carlos Cascos; Kassie Barroquillo)

Word Count: 523

End of Document

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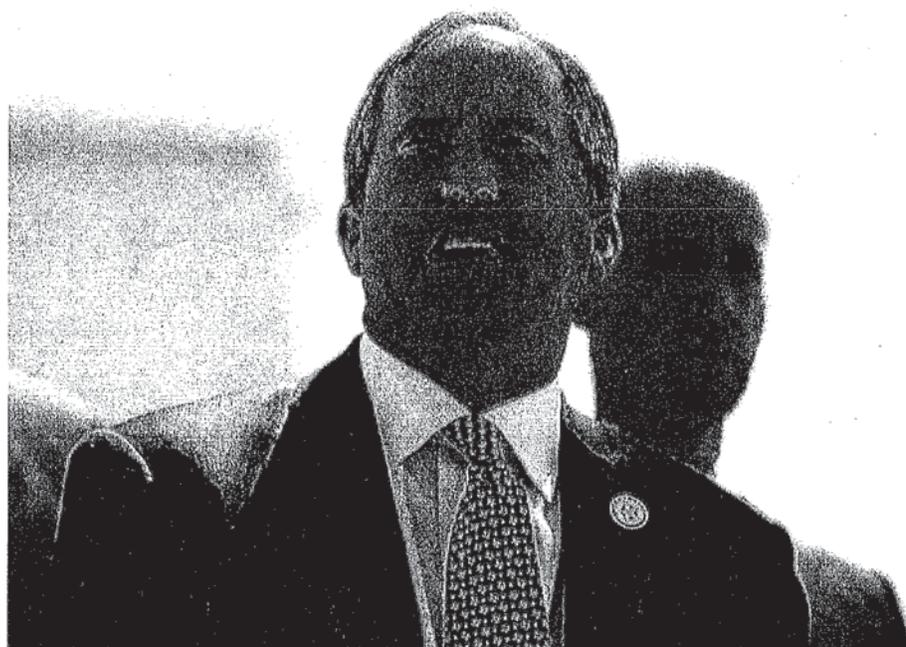
EXHIBIT

5



FORUMS | FORUM: KEN PAXTON

Texans want reasonable voter ID



Yesterday 6:21 p.m.

Voter ID may not be important to the Caller-Times Editorial Board, but it is important to me, the state Legislature which passed this law, a governor who signed it, and to the overwhelming majority of Texans who believe in the integrity of our electoral process.

My office is in the process of appealing a recent Fifth Circuit U.S. Court of Appeals ruling to the United States Supreme Court. We are doing so because this issue is important enough to be fully adjudicated by the highest court in our land. We will also continue litigation at the district court to ensure that the law is

properly enforced.

I would suggest that the Caller-Times put aside name calling and focus on the law and the direction given to us by the courts. To be clear, the court of appeals never accused anyone of voter suppression, nor is there evidence that supports the accusation. Moreover, the court of appeals is allowing Texas to amend the law before passing final judgment on Voter ID.

In previous rulings, the Supreme Court has made clear that photo identification requirements are nondiscriminatory. The Court has explained that it is not too much to ask of voters to get photo identification. After all, the inconvenience of getting a free photo ID does not even represent a significant increase over the usual burdens of voting. Indeed, President Obama's Department of Justice, who sued Texas to block our voter ID law, never identified a single person who faced a legally substantial obstacle to voting during the dozens of elections where Texas' voter ID law was enforced — even though its lawyers crisscrossed the state, microphones in hand, searching desperately for voters who could fit their narrative.

Under the Texas voter identification law, voters must show a government-issued photo identification in order to cast their ballot. Texans who do not already have a driver's license, passport, military identification card, or other approved form of identification can get a state-issued voter identification card free of charge from the Texas Department of Public Safety. Additionally, anyone who is disabled or over age 65 can vote by mail, which allows them to use mail-in ballots without having to get a photo identification.

The Texas Legislature, of which I was a member at the time, enacted the photo voter identification law in 2011 amid

overwhelming support throughout the state. A few months before the law's passage, a poll conducted by the University of Texas and the Texas Tribune revealed that 75 percent of Texas voters agreed that voters should be required to present a government-issued photo ID to vote. The support was universal: 58 percent of Democrats, 63 percent of African-Americans, and 68 percent of Hispanics supported a voter-ID law.

We in the Legislature enacted the law to help deter and detect election fraud and to improve the public's confidence in our elections, both of which the U.S. Supreme Court has recognized as valid state interests. Indeed, even the Commission on Federal Election Reform, chaired by former President Jimmy Carter and former Secretary of State James Baker, agrees: "The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs are currently needed to board a plane, enter federal buildings, and cash a check. Voting is equally important."

Safeguarding the integrity of our elections process is essential to preserving our democracy, and our common-sense law provides simple protections to ensure our elections accurately reflect the will of the voters of Texas.

Find this article at:

<http://www.caller.com/opinion/forums/texans-want-reasonable-voter-id-3c52b54f-0409-7422-e053-0100007f8e1d-393329451.html>

Check the box to include the list of links referenced in the article.

EXHIBIT

6

Voters in November election have additional ID options, 2016 WLNR 25182188

NewsRoom

8/17/16 Orange Leader (Orange, Tex.) (Pg. Unavail. Online)
2016 WLNR 25182188

Orange Leader, The (Orange, TX)
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August 17, 2016

Section: News

Voters in November election have additional ID options

Orange Leader

From staff reports

AUSTIN - Texas Secretary of State Carlos H. Cascos announced voters will have additional options when presenting ID at the polls for the November election.

"In elections this fall, Texas voters who cannot obtain one of the seven forms of approved photo ID will have additional options when casting their ballots," Secretary Cascos said in a press release. "My agency is working to make sure Texans know about these changes and that all qualified voters are ready to cast a ballot."

As provided by a court order issued, if a voter is not able to obtain one of the seven forms of approved photo ID, the voter may vote by signing a declaration at the polls explaining why the voter is unable to obtain one of the seven forms of approved photo ID, and providing one of various forms of supporting documentation.

Supporting documentation can be an original certified birth certificate, a valid voter registration certificate, a copy or original of one of the following: current utility bill, bank statement, government check, or paycheck, or other government document that shows the name and address of the voter, although government documents which include a photo must be original and cannot be copies. If a voter meets these requirements and is otherwise eligible to vote, the voter will be able to cast a regular ballot in the election.

The seven forms of approved photo ID are:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

Voters in November election have additional ID options, 2016 WLNR 25182188

"These are seven forms voters are already using," Alicia Pierce, a representative of Texas Secretary of State office, said. "It will be the same as the last few elections."

Pierce said the department is preparing for the upcoming election and are updating the official website with the latest information for those with concerns of what one will need to be able to vote.

With the exception of the U.S. citizenship certificate, the approved photo ID must be current or have expired no more than four years before being presented for voter qualification at the polling place.

Voters with a disability may continue to apply with the county registrar for a permanent exemption to showing approved photo ID (which now may be expired no more than four years) at the polls. Also, voters who have a consistent religious objections to being photographed or do not present one of the seven forms of approved photo ID because of certain natural disasters as declared by the President of the United States or the Texas Governor, may continue apply for a temporary exemption to showing approved photo ID at the polls.

Voters with questions about how to cast a ballot in these elections can call 1-800-252-VOTE.

"The last day to register to vote for the November election is October 11," Pierce said. "It is a little later than usual due to Columbus Day."

Normally, one must submit the application to register to vote 30 days before an election for one to be eligible to vote.

For an application to register to vote in Orange County, visit http://www.co.orange.tx.us/Elections_Voter_Application.html

Early voting begins October 24 and ends November 4. Election Day is November 8.

---- Index References ----

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Political Parties (1PO73); Public Affairs (1PU31); World Elections (1WO93))

Region: (Americas (1AM92); North America (1NO39); Texas (1TE14); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (Carlos Cascos; Alicia Pierce)

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EXHIBIT

7

Options added to voter ID rules, 2016 WLNR 24698092

NewsRoom

8/13/16 Times Rec. News (Wichita Falls, Tex.) 1A
2016 WLNR 24698092

Times Record News (Wichita Falls, TX)
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August 13, 2016

Section: Local

Options added to voter ID rules
Photo will not necessarily be needed

Claire Kowalick claire.kowalick@timesrecordnews.com 940-763-7548

Texas Secretary of State Carlos H. Cascos announced Wednesday that voters will have more options when presenting identification at the polls this November.

Texas voters who cannot provide one of the seven accepted forms of photo ID will have other options, Cascos said.

In a court order issued Wednesday, voters without a photo ID can vote by both signing a declaration at the poll explaining why they are unable to obtain a photo ID and also providing an alternative form of supporting documentation.

Supporting documentation can be an original certified birth certificate; valid voter registration certificate; a copy of or original current utility bill; bank statement; government check; or paycheck. Government documents that include a photo must be an original and cannot be a copy.

If voters meet these requirements and are otherwise eligible, they will be able to cast their ballot in the election.

The seven forms of approved photo ID are:

Texas driver's license issued by the Texas Department of Public Safety;

Texas Election Identification Certificate issued

See VOTER ID, 4A

by DPS;

Texas personal identification card issued by DPS;

Texas license to carry a handgun issued by DPS;

U.S. military identification card containing the person's photograph;

U.S. citizenship certificate containing the person's photograph;

U.S. passport.

Options added to voter ID rules, 2016 WLNR 24698092

All approved photo IDs must be current or expired no more than four years, except the U.S. citizenship certificate.

Voters with a disability can continue to apply with the county registrar for a permanent exemption to showing approved photo ID. Voters who either have a consistent religious objection to being photographed, or do not present one of the seven forms of photo ID because of certain natural disasters as declared by the president or Texas governor, may continue to apply for temporary exemption to showing photo ID.

Voters with questions about how to cast a ballot in these elections can call 800-252-VOTE or contact the Wichita County Clerk's Office at 940-766-8195.

Early voting begins Oct. 24 and ends Nov. 4. Locations for early voting will be Home Depot, the Wichita County Courthouse and Sikes Senter.

Election Day is Nov. 8. Election locations will be based on county precinct areas.

VOTER ID from 1A

---- Index References ----

Company: HOME DEPOT INC (THE)

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Political Parties (1PO73); Public Affairs (1PU31); World Elections (1WO93))

Region: (Americas (1AM92); Kansas (1KA13); North America (1NO39); Texas (1TE14); U.S. Midwest Region (1MI19); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (Carlos Cascos)

Edition: Wichita Falls

Word Count: 361

End of Document

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EXHIBIT

8

Court relaxes Texas voter ID law in time for fall election, 2016 WLNR 25369756

NewsRoom

8/18/16 Mexia News (Mexia, Tex.) 4
2016 WLNR 25369756

Mexia News, The (Mexia, TX)
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August 18, 2016

Section: News

Court relaxes Texas voter ID law in time for fall election

Ed Sterling

Voters will have more options when presenting personal identification at the polls for the November 8 general election, Texas Secretary of State Carlos Cascos announced last week.

Pursuant to an Aug. 10 federal court order, Cascos said, if a voter is not able to obtain one of the seven forms of approved photo ID, the voter may vote by: (1) signing a declaration at the polls explaining why the voter is unable to obtain one of the seven forms of approved photo ID; and (2) providing one of various forms of supporting documentation.

Supporting documentation can be an original, certified birth certificate, a valid voter registration certificate or one of the following: -Current utility bill; -Bank statement; -Government check; -Paycheck; or

-Other government document that shows the name and address of the voter.

The seven forms of approved photo ID are:

-Texas driver license issued by the Texas Department of Public Safety (DPS);

-Texas Election Identification Certificate issued by DPS;

-Texas personal identification card issued by DPS;

-Texas license to carry a handgun issued by DPS;

-U.S. military identification card containing the person's photograph;

-U.S. citizenship certificate containing the person's photograph; and

-U.S. passport.

The court-ordered change to voting requirements came after the U.S. Court of Appeals for the Fifth Circuit in July ruled Texas' stringent "voter ID" law put an unconstitutional burden on minority voters. The Fifth Circuit instructed U.S. District Judge Nelva Gonzales Ramos of Corpus Christi to approve less-restrictive requirements, which she did. Texas Attorney General Ken Paxton agreed to the changes in requirements for the November election, but said he plans to file an appeal.

Voters with questions about how to cast a ballot may call 1-800-252-VOTE.

Court relaxes Texas voter ID law in time for fall election, 2016 WLNR 25369756

DEATH IS LINKED TO ZIKA

An infant who died in Harris County recently had microcephaly linked to the Zika virus, the Texas Department of State Health Services announced Aug. 9.

During her pregnancy, the agency said, the mother was in Latin America, where she was infected. The baby acquired the infection in the womb and test results confirmed the baby's condition and link to Zika.

The DSHS has been emphasizing precautions, specifically for travelers and pregnant women, through an ongoing public education campaign and via www.TexasZika.org.

SCHOOL RATINGS RELEASED

The Texas Education Agency on Aug. 9 released preliminary financial accountability ratings for approximately 1,200 school districts and charters across the state.

According to the TEA, nearly 98 percent of all Texas school districts and charters earned an A, the highest preliminary rating possible for 2015-2016.

Ratings are based on annual financial reports provided to TEA by districts and charters from the 2015 fiscal year. A school district or charter is assigned one of four possible letter grades (A, B, C or F) and a financial management rating of Superior, Above Standard Achievement, Meets Standard or Substandard Achievement.

REVENUE IS DISTRIBUTED

Texas Comptroller Glenn Hegar on Aug. 10 announced he would send cities, counties, transit systems and special purpose taxing districts \$769.3 million in local sales tax allocations for August. The amount is 1.2 percent greater than in August 2015. Allocations are based on sales made in June by businesses that report tax monthly, and sales made in April, May and June by quarterly filers.

"The cities of San Antonio, Austin, Fort Worth, Arlington, Plano and Irving saw noticeable increases in sales tax allocations," Hegar said. "Energy-centric cities, such as Houston and Midland, continue to see decreases in sales tax allocations," he added.

Game gets folks outdoors

Texas Parks and Wildlife Department on Aug. 4 said state park sites are using the "Pokémon GO" smart phone game as "a new way to introduce the real natural world to players venturing into the great outdoors while on virtual hunts for the illusive Japanese characters known as Pokémon."

The Texas Parks & Wildlife Magazine has created a new digital guide in its free mobile app that has a wide range of helpful tips and tricks for gamers planning their next Pokémon hunting adventure in a Texas State Park.

"Pokémon GO is a cultural phenomenon and we're embracing it," said Nathan Adams, Texas Parks & Wildlife Magazine art director. "This new section of our app features an overview of the game, Pokémon vocabulary and tips. We're also spotlighting the PokéStops, Gyms and rare Pokémon found in our Texas State Parks. We'll continue to add to the app in the coming weeks."

---- Index References ----

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Local Taxing Authorities (1LO66); Public Affairs (1PU31); Taxation (1TA10); World Elections (1WO93))

Court relaxes Texas voter ID law in time for fall election, 2016 WLNR 25369756

Industry: (Accounting, Consulting & Legal Services (1AC73); Environmental (1EN24); Nature & Wildlife (1NA75))

Region: (Americas (1AM92); North America (1NO39); Texas (1TE14); U.S. Southwest Region (1SO89); USA (1US73))

Language: EN

Other Indexing: (Nathan Adams; Nelva Gonzales Ramos; Carlos Cascos; Ken Paxton; Glenn Hegar)

Word Count: 734

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EXHIBIT

9

Office Header

For immediate release
(Month) (Date), 2016

Contact: (Media Contact Name)
(phone number)

Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls

AUSTIN – Today, (County Name) (Title) (Full Name) reminded Texans that voters who cannot obtain one of the seven forms of approved photo ID now have additional options when voting in person.

“My office is working to make sure all the voters in (county name) are ready to cast a ballot,” said (last name). “These new options for voters who cannot obtain photo ID are currently in place and will be used in the November Election.”

As provided by a court order, if a voter has a reasonable impediment to obtaining one of the seven forms of approved photo ID, the voter may vote by (1) signing a declaration at the polls explaining why the voter is unable to obtain one of the seven forms of approved photo ID, and (2) providing one of various forms of supporting documentation.

Supporting documentation can be a certified birth certificate (must be an original), a valid voter registration certificate, a copy or original of one of the following: current utility bill, bank statement, government check, or paycheck, or other government document that shows the voter’s name and an address, although government documents which include a photo must be original and cannot be copies. If a voter meets these requirements and is otherwise eligible to vote, the voter will be able to cast a regular ballot in the election.

The seven forms of approved photo ID are:

- Texas driver license issued by the Texas Department of Public Safety (DPS)
- Texas Election Identification Certificate issued by DPS
- Texas personal identification card issued by DPS
- Texas license to carry a handgun issued by DPS
- United States military identification card containing the person’s photograph
- United States citizenship certificate containing the person’s photograph
- United States passport

With the exception of the U.S. citizenship certificate, the approved photo ID must be current or have expired no more than four years before being presented for voter qualification at the polling place.

Voters with a disability may continue to apply with the county registrar for a permanent exemption to showing approved photo ID (which now may be expired no more than four years) at the polls. Also, voters who (1) have a consistent religious objections to being photographed or (2) do not present one of the seven forms of approved photo ID because of certain natural disasters as declared by the President of the United States or the Texas Governor, may continue apply for a temporary exemption to showing approved photo ID at the polls.

Voters can learn more by visiting VoteTexas.gov or calling 1-800-252-VOTE. (can include county info)

Early voting for the November 8 Election begins October 24 and ends November 4.

###

Websites: www.sos.state.tx.us www.votetexas.gov

Twitter: <https://twitter.com/TXsecofstate> <https://twitter.com/votetexas> **Facebook:** <http://www.facebook.com/txsecretary>

EXHIBIT

10



Texas SOS Office

@VoteTexas



Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the polls sos.state.tx.us/about/newsrele...

RETWEETS
16

LIKES
14



9:40 PM - 19 Aug 2016



16



14



EXHIBIT

11



Voters who cannot obtain one of the seven forms of approved photo ID have additional options at the... m.tbnn.it/MCMRjR | [@aframnews](https://twitter.com/aframnews)



Voters who cannot obtain one of the seven forms of app...
Houston, TX – Harris County Clerk Stan Stanart reminds Texas voters who cannot obtain aframnews.com

12:37 AM - 7 Sep 2016



EXHIBIT

12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, ET AL.,	)	CASE NO: 2:13-CV-00193
)	
Plaintiffs,	)	CIVIL
)	
vs.	)	Corpus Christi, Texas
)	
RICK PERRY, ET AL.,	)	Friday, August 12, 2016
)	
Defendants.	)	(2:31 p.m. to 3:05 p .m.)

TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE NELVA GONZALES RAMOS,
UNITED STATES DISTRICT JUDGE

Appearances:	See Next Page
Court Recorder:	Frenchie Carbia
Case Manager:	Genay Rogan
Deputy U.S. Marshals:	H. Word; S. Osteicher
Transcriber:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, TX 78480-8668 361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 once a television ad or radio had as been aired, it cannot be
2 unaired. People that have heard it are going to absorb it, and
3 whatever information they have that is inaccurate or is
4 misleading is something that they're going to carry with them
5 when they go into the polls or do something -- not show up.

6 We certainly do not want this process to be
7 inefficient. Again, we are limiting our ads precisely because
8 we would like to move on and have the education and training
9 happen.

10 Would -- perhaps the State would be willing to submit
11 the text to the Court to ensure that it has the appropriate
12 level of accuracy and it's going to do the job that it's
13 supposed to do, which is adequately inform people about the
14 changes and the Interim Remedy.

15 **THE COURT:** It sounds like, though, from what
16 Ms. Colmenero said these are, kind of, changing as they're
17 going along and as they're being created and produced, I guess,
18 which appears to be what the problem is.

19 Ms. Colmenero, do you want to expand on that?

20 **MS. COLMENERO:** That is exactly correct, your Honor.
21 When we get into the production process, we have to retain
22 flexibility to make modifications to the text, if necessary.
23 And we really just don't want to find ourselves in a position
24 where we had to make a change because a director of a
25 commercial said that a certain scene shot wouldn't work, and

1 the Plaintiffs raise this as an issue that wasn't run by them.
2 And that is -- that's part of why this is just a very difficult
3 ads on our end.

4 And second, because the creative concepts that were
5 initially provided to the State from our vendor, they haven't
6 been updated in the 48 hours since this Court has issued its
7 Interim Remedy Order. And we're working as fast and furious as
8 we can to purchase media spots in the -- across the state so we
9 can start airing these, but also, to kind of get these to
10 production as quickly as we can.

11 **THE COURT:** Anything else on that issue?

12 **MR. DELLHEIM:** Your Honor, this is Richard Dellheim
13 for the United States. And speaking only for the United
14 States, at the end of the day we think it's the State's
15 responsibility, of course, to ensure compliance with -- with
16 Section 2 and completely remedy the discriminatory effects of
17 SB14.

18 And while we, of course, think it would be helpful
19 for the State to agree to share more fully its remedial plans
20 with us to avoid problems down the road, to the extent it
21 declines to do that with respect to the text that it's
22 advertising, we are not -- we are prepared at this time not to
23 seek relief from the Court.

24 I guess it's our preferred route to defer to the
25 State in this instance and wait and see what it does. And we

1 would, of course, reserve the right to address any substantial
2 shortcomings at an appropriate time, first, of course, with the
3 State, and then only if necessary, with the Court.

4 **THE COURT:** All right. Then the Court's going to
5 deny that request from the Plaintiffs regarding the text of the
6 commercials.

7 What else to address?

8 **MS. COLMENERO:** I think there was one final request
9 from the Plaintiffs, and that was regarding the introduction of
10 a -- I'll call it a "dispute resolution process" to resolve
11 issues in the future.

12 I think that the Court's prior order, obviously, puts
13 a burden on the State to create an implementation plan, provide
14 it to the Court on August the 15th, as well as move forward and
15 execute one. And that's what we're working as quickly as we
16 can on our end to accomplish.

17 And so, we believe that the Plaintiffs have
18 traditional remedies that are already available to them and
19 there does not need to be a formalization of a dispute
20 resolution process to move forward or put forth in any kind of
21 separate order.

22 **MS. PEREZ:** May I qualify, your Honor? This is
23 Ms. Perez.

24 **THE COURT:** Yes.

25 **MS. PEREZ:** We are in this position where we're