

LEAGUE OF WOMEN VOTERS OF TEXAS,  
TEXAS STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
(NAACP) and RUTHANN GEER,

VS.

*Defendants.*

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TRAVIS COUNTY, TEXAS

98<sup>th</sup> JUDICIAL DISTRICT

COME NOW the Plaintiffs, LEAGUE OF WOMEN VOTERS OF TEXAS, TEXAS STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP), and RUTHANN GEER, and for their cause of action against the Defendants, ROLANDO PABLOS, Secretary of State for the State of Texas; and KEITH INGRAM, Director, Texas Elections Division, allege:

1. Plaintiff, the League of Women Voters of Texas (the “League”), is a nonpartisan, nonprofit organization founded in 1919 whose primary place of business is in Travis County, Texas.

2. Plaintiff, the Texas State Conference of the National Association for the Advancement of Colored People (the "NAACP"), is a nonpartisan, nonprofit organization chartered in 1940, whose primary place of business is in Travis County, Texas.

3. Plaintiff, Ruthann Geer is an instructor of government at Tarrant County College and a resident of Burleson, Texas. She serves as chair of the Statewide Nominating Committee of the League of Women Voters of Texas in a volunteer capacity, and formerly served as president.

4. Defendant Rolando Pablos is the Secretary of State for the State of Texas has been served and has appeared herein.

5. Defendant Keith Ingram is the Director of the Elections Division of the Secretary of State, and has been served and has appeared herein.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action and the requested relief sought under Tex. Civ. Prac. & Rem. Code §§ 37.003 and 65.011.

7. Venue in this Court is proper under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1) and (a)(3) in as much as a substantial part of the events or omissions giving rise to the claim occurred in Travis County and the Defendants' principal office is in Travis County.

8.

## DISCOVERY

9. Discovery is intended to be conducted under a Level 2 Discovery Control Plan, as set forth in Rule 190.3 of the Texas Rules of Civil Procedure.

## INTRODUCTION

10. This lawsuit seeks to prevent the Texas Secretary of State and Texas Elections Division from producing information from the State's computerized voter registration files to the Presidential Advisory Commission on Election Integrity (the "PACEI" or "Commission"), or any member or officer thereof, in a manner that does not comply with State law and that can harm millions of registered Texas voters.

11. In the aftermath of his unsubstantiated claim that "millions of people . . . voted illegally" in the 2016 presidential election<sup>1</sup>, President Donald Trump signed Executive Order No. 11,799, which established the Commission. The Commission's stated mission is to "study the registration and voting processes used in Federal elections," and to issue a report that addresses, *inter alia*, (i) "those laws, rules, policies, activities, strategies, and practices" that either "enhance" or "undermine the American people's confidence in the integrity of the voting processes used in Federal elections;" and (ii) "vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations

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<sup>1</sup> Donald Trump (@realDonaldTrump), Twitter (Nov. 27, 2016, 12:30 PM), <https://twitter.com/realdonaldtrump/status/802972944532209664?lang=en>

and improper voting, including fraudulent voter registrations and fraudulent voting.” Exec. Order No. 13,799, 82 Fed. Reg. 22,389 (May 16, 2017).

12. On June 28, 2017, the Commission sent letters to all 50 states (and the District of Columbia), including Texas, seeking a wide range of information pertaining to each state’s voters, including name, address, demographic information, partial social security numbers, party affiliations, criminal felony convictions, registration and voting histories, and more. In doing so, the Commission clearly stated that any information sent to it would become public. The Commission initially requested that Texas and the other states respond by July 14, 2017.

13. The information sought by the Commission is not widely available in Texas, but instead may be released only under certain circumstances and conditions imposed by Texas’s voting laws. Tex. Elec. Code § 18.066. Individuals and entities, like the Commission, seeking large-scale voter information are only permitted to access certain data contained in Texas’s computerized voter registration files and only upon certain conditions. Tex. Elec. Code § 18.066(b).

14. Specifically, requesting individuals or entities may obtain the limited, redacted information from the voter files only after (i) they pay a fee and (ii) they execute a notarized affidavit with the Elections Division of the Secretary of State’s Office (“Elections Division”) stating that they will not use the data in certain enumerated, proscribed ways. *See* Tex. Elec. Code § 18.066. In particular, the

affidavit from the requesting party must state “that the person will not use the information obtained in connection with advertising or promoting commercial products or services.” Tex. Elec. Code § 18.066(d).

15. On June 30, 2017, Texas Secretary of State Rolando Pablos (the “Secretary of State” or “Secretary”) issued a statement regarding the Commission’s request, stating:

The Secretary of State’s office will provide the Election Integrity Commission with public information and will protect the private information of Texas citizens while working to maintain the security and integrity of our state’s elections system.<sup>2</sup>

In doing so, the Secretary indicated that he will provide the Commission with the computerized voter file fields, including the full names of all registrants (including middle names or initials), addresses of most registrants, dates of birth, voting history from 2006 onward, active/inactive status and whether a voter’s registration has been canceled, voting method (absentee, provisional, early), the party primaries that the voter participated in, and the registration effective date.

16. On July 26, 2017, the Commission sent a second letter to all fifty states and the District of Columbia seeking voter data.

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<sup>2</sup> See Lauren McGaughy, *Texas Won’t Release Private Voter Info to Trump Administration*, Dallas News, June 30, 2017, <https://www.dallasnews.com/news/elections/2017/06/30/texas-will-releasevoters-private-info-trump-election-commission>.

17. On information and belief, this second letter (“Second Letter”) was sent to Defendant Pablos. In the Second Letter, the Commission purported to protect “any personally identifiable information” from the data it received.

18. On September 7, 2017, the Commission submitted to Defendants a request for voter data using the Secretary of State’s official form. The request seeks data for the entire state, including “active,” “suspense,” and “cancelled” voters.

19. On September 13, 2017, the Commission submitted to Defendants a revised request for voter data using the Secretary of State’s official form.

20. On information and belief, Defendants intend to respond to the Commission’s request and provide Texas voters’ data by September 28, 2017.

21. The Defendants’ provision of the data requested by the Commission, even if cabined to information generally available to candidates or other organizations who are entitled to request voter information under Texas law, would undermine, and run afoul of, the State’s carefully-crafted regulation of the use of voter data.

22. *First*, either the Commission’s stated intention of publishing otherwise private voter data or the disclosure of the data under federal transparency requirements would enable widespread abuse of that information to the detriment of Texas citizens. While the Commission has submitted an affidavit providing that it will not use the information obtained in connection with advertising or promoting

commercial products or services”, neither the Commission nor the Defendants can possibly provide assurances as to the voter data’s use once it is made public

23. *Second*, with specific regard to the Commission’s request for voter birth dates, the Commission’s request (and the Defendants’ compliance) threatens the privacy interests of Plaintiffs and other Texas voters. As Texas courts have acknowledged, a citizen has an inherent privacy interest in his or her birth date, given that such date, in combination with other information that the Defendants intend to make available, can result in identity theft. It is for that reason that Texas courts have held that the disclosure of birth date information constituted a “clearly unwarranted invasion of personal privacy.”

24. Providing the requested information to the Commission would make an end-run around Texas’s important restrictions on any secondary dissemination of received voter information. Once the information requested by the Commission is made publicly available (which the Commission has represented that it will do, and may otherwise be compelled by federal transparency requirements), the genie cannot be put back in the bottle.

25. As a result, Plaintiffs request that the Court enter declaratory and injunctive relief preventing the Defendants from releasing the voter registration information sought by the Commission absent a guarantee that the information will

not be further disseminated in violation of Texas law, and remittance of the applicable fees and deposits to which all other individuals and/or entities are subject.

26. As Plaintiffs anticipate the release of voter registration information to the Commission on or by September 28, 2017, Plaintiffs also request that the Court issue temporary injunctive relief to maintain the status quo, pending the resolution of this dispute.

### **STANDING OF THE PARTIES**

27. Plaintiff, the League of Women Voters of Texas (the “League”), is a nonpartisan, nonprofit organization founded in 1919 and based in Austin, Texas. The vast majority of the over 2,000 members of the League are residents of Texas who are registered to vote in Texas and whose information is contained in Texas’s Computerized Voter Registration List (the “Voter List”) which will be released by the Defendants to the Commission.

28. The League has standing to challenge the Defendants’ release of the Voter List on behalf of its members. The League has members who will be directly impacted and harmed by the release of the Voter List information to the Commission. The Voter List contains personal information regarding Texas voters’ identities which may be used to solicit, harass, or otherwise infringe upon the privacy of Texas voters, including the League’s members.



29. The League also has standing to challenge the Defendants' release of the Voter List on its own behalf. By producing information to the Commission—which has indicated that it will make any documents that are submitted to the Commission available to the public, which may be compelled under Federal Law in any event—the Defendants will impair the privacy of the League's members, including members that the League assisted in registering to vote. It will also make it substantially more difficult for the League to engage in voter-registration and get-out-the-vote activities, which they regularly perform in support of their civic-engagement mission. Voters and prospective voters will be more reluctant to participate in elections or register to vote in the future if they understand that the Defendants are willing to provide information on the Voter List to entities who openly admit that they intend to make such information public. The public disclosure of such personal information will chill League members' as well as other voters' and prospective voters' exercise of First Amendment rights including the right to vote and freedom of association.

30. Last year, the League, through its twenty-five local chapters, conducted at least two hundred voter registration drives. The League also encouraged and assisted individuals in voting and conducted other activities to boost civic engagement, which has been essential to its mission since its founding. If the Defendants provide the Commission with the Voter List, some portion of the

League's funds that would have gone to voter registration, get-out-the-vote, and civic engagement will be redirected to ameliorating the consequences of the Defendants' action, including educating voters regarding the Commission and the State's privacy laws. Furthermore, additional expenses may be incurred by the League as it responds to fallout from the release of Texans' personal information, including (but not limited to) voter education efforts, political activism, and litigation. Thus, the League will be forced to divert time, money, and resources from their other activities in order to expend more time and attention educating and assisting Texas citizens with regard to the protection (or, in this case, non-protection) of their personal information.

31. Plaintiff, the Texas State Conference of the National Association for the Advancement of Colored People (the "NAACP"), is a nonpartisan, nonprofit organization chartered in 1936 and currently based in Austin, Texas. The majority of the over 10,000 members of the NAACP are residents of Texas who are registered to vote in Texas and whose information is contained in the Voter List which will be released by the Defendants to the Commission.

32. The NAACP has standing to challenge the Defendants' release of the Voter List on behalf of its members. The NAACP has members who will be directly impacted and harmed by the release of the Voter List information to the Commission. The Voter List contains personal information regarding Texas voters'

identities, which may be used to solicit, harass, or otherwise infringe upon the privacy of Texas voters, including the NAACP's members.

33. The NAACP also has standing to challenge the Secretary's release of the Voter List on its own behalf. By producing information to the Commission—which has publicly stated it will make any documents that are submitted to the Commission available to the public—the Secretary will impair the privacy of the NAACP's members, including members that the NAACP assisted in registering to vote. It will also make it substantially more difficult for the NAACP to engage in voter-registration and get-out-the-vote activities, which they regularly perform in support of their civic-engagement mission. Voters and prospective voters will be more reluctant to participate in elections or register to vote in the future if they understand that the Secretary is willing to provide information on the Voter List to entities who openly admit that they intend to make such information public. The public disclosure of such personal information will chill NAACP members' as well as other voters' and prospective voters' exercise of First Amendment rights including the right to vote and freedom of association.

34. Last year, the NAACP, through its more than eighty local branches and college chapters, conducted numerous voter registration drives. Following the voter registration deadline, the NAACP helped get voters to the polls, including by providing rides to voting locations. If the Defendants provides Voter List

information to the Commission, some portion of the NAACP's funds that would have gone to voter registration, get-out-the-vote, and civic engagement will be redirected to ameliorating the consequences of the Secretary's action. Furthermore, additional expenses may be incurred by the NAACP as it responds to fallout from the release of Texans' personal information, including (but not limited to) voter education efforts, political activism, and litigation. Thus, the NAACP will be forced to divert time, money, and resources from their other activities in order to expend more time and attention educating and assisting Texas citizens with regard to the protection (or, in this case, non-protection) of their personal information.

35. Plaintiff Ruthann Geer is an instructor of government at Tarrant County College and a resident of Burleson, Texas. She serves as chair of the Statewide Nominating Committee of the League of Women Voters of Texas in a volunteer capacity, and formerly served as president. Ms. Geer is active in voter registration efforts. She is a registered voter and has consistently participated in Texas elections. On information and belief, Ms. Geer's name and information appears in Texas's Voter List. As such, her personal information will be released by the Defendant to the Commission. The release of such personal information will infringe on Ms. Geer's privacy rights. Furthermore, the public disclosure of such personal information could expose Ms. Geer to intimidation or harassment for merely exercising her right to vote, and may chill her exercise of First Amendment

rights including the right to vote and freedom of association. Ms. Geer believes that her unique name and address make her particularly easy to identify and thus susceptible to such harassment, even with the release of limited information. Additionally, Ms. Geer believes that the release of this information will make her students, who already fear disclosure of who they vote for, even more reluctant to register and vote. As a result, Ms. Geer has standing to bring this action individually.

36. Defendant Rolando Pablos is the duly appointed Secretary of State of Texas. He is sued only in his official capacity, and not personally. As Secretary of State, Secretary Pablos has responsibilities over a number of areas, including oversight of elections and the maintenance of state records—including more than 14 million voter registration records. *See Constitutional Duties*, Texas Secretary of State, <https://www.sos.state.tx.us/about/duties.shtml> (last visited July 17, 2017). With regard to elections, Secretary Pablos is Texas's Chief Elections official and is responsible for maintaining and overseeing appropriate requests for access to the Voter List. Tex. Elec. Code §§ 18.061, 18.066, and 31.001; *see* <https://www.sos.state.tx.us/about/duties.shtml>.

37. Defendant Keith Ingram is the Director of the Texas Elections Division, appointed by the Governor of Texas. He is sued only in his official capacity, and not personally. With regard to elections, Defendant Ingram oversees the Elections

Division which is responsible for maintaining and overseeing appropriate requests for access to the Voter List. Tex. Elec. Code §§ 18.061, 18.066, and 31.001.

### **PLAINTIFFS' CLAIM**

38. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint.

#### ***The Commission and Its Request***

39. The Presidential Advisory Commission on Election Integrity was established on May 11, 2017 by Executive Order (“Commission Order”). *See* Exec. Order. No. 13,799, 82 Fed. Reg. 22,389 (May 16, 2017).

40. Although the Commission has the stated task of “study[ing] the registration and voting processes used in Federal elections,” *see id.*, the Commission does not have any authority to subpoena records, to undertake investigations, or to demand the production of state voter records from state election officials, including in Texas or anywhere else.

41. Nonetheless, on June 28, 2017, the Vice Chair of the Commission, Kansas Secretary of State Kris Kobach, sent a letter to all fifty states and the District of Columbia seeking detailed voter data from each jurisdiction. *See* Office of the Vice President, Readout of the Vice President’s Call with the Presidential Advisory Commission on Election Integrity (June 28, 2017), <https://www.whitehouse.gov/the-press-office/2017/06/28/readout-vice-presidents->

call-presidential-advisory-commission-election (“Vice Chair of the Commission and Kansas Secretary of State Kris Kobach told members a letter will be sent today to the 50 states and District of Columbia on behalf of the Commission requesting publicly-available data from state voter rolls and feedback on how to improve election integrity.”).

42. On information and belief, one of the Commission’s letters was sent to Defendant Pablos (the “Letter”). The Letter sought, *inter alia*, the following data from the Voter List:

[T]he full first and last names of all [Texas voter] registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (election, voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

The Letter also asked Secretary Pablos to provide “evidence or information . . . regarding instances of voter fraud or registration fraud” and information on in-state “convictions for election-related crimes . . . since the November 2000 federal election.”

43. The Letter stated that “any documents that are submitted to the full Commission will also be made available to the public.”

44. By the plain terms of the Letter, the Commission requested that the Secretary provide the aforementioned Texas data by July 14, 2017.

45. On information and belief, in connection with a separate lawsuit pending in the U.S. District Court for the District of Columbia, on July 10, a federal officer working on behalf of the Commission notified election officials on behalf of the Commission, and requested a temporary hold on submitting data to the Commission. Plaintiffs are unaware of whether Defendants or any entity in Texas received this message.

46. On July 26, 2017, the Commission sent the Second Letter to all states and the District Columbia, including, on information and belief, Secretary Pablos.

47. The Commission submitted its request form on September 7, 2017, and its revised request form on September 13, 2017.

48. On information and belief, Defendants intend to respond to the Commission's request and provide Texas voters' data by September 28, 2017.

*Transparency requirements in federal law*

49. As an advisory committee covered under the Federal Advisory Committee Act (FACA), 5 U.S.C. § App. 2, the Commission must make available for inspection all "the records, reports, . . . or other documents which were made available" to it unless those records fall within one of the enumerated exceptions. 5 U.S.C. App. 2 § 10(b).

50. Indeed, the Commission has already been sued to compel its compliance with FACA's transparency requirements. See Lawyers' Committee for Civil



Rights Under Law v. Presidential Advisory Commission on Election Integrity, et al., No. 1:17-cv-01354 (D.D.C. July 10, 2017).

51. The Commission has submitted the Texas Voter Registration Public Information Request Form, but that form does not contemplate a scenario in which the requester is governed by a statute with disclosure requirements like those set forth in FACA.

52. On information and belief, the Commission has made no public representations as to how it will ensure the privacy of the Voter List while maintaining compliance with FACA.

*The risk of harm to Plaintiffs*

53. Plaintiff League of Women Voters of Texas consists of over 2,000 members, the vast majority of whom are Texas residents who are registered to vote in the state. Their personal information, including names, addresses, and dates of birth, is included in the Voter List that the Secretary of State intends to release to the Commission.

54. Plaintiff Ruthann Geer is a registered Texas voter whose personal information, including name, address, and date of birth, is included in the Voter List that the Secretary of State intends to release to the Commission.

55. The identifying information on the Voter List, if made public, may be used to solicit, harass, or otherwise infringe upon the privacy of Texas voters, including the League's members and Ruthann Geer.
56. That same information, if made public, could lead to Plaintiffs' and Texas voters' information being used by others for commercial purposes in violation of Tex. Elec. Code § 18.067. State law specifically contemplates this harm and sets out the prohibition against commercial use in response.
57. If Defendants release the Voter List to the Commission, the League will be forced to redirect its resources away from its civic engagement activities and toward addressing the consequences of that action. The release of the Voter List will also make it substantially more difficult for the League to engage in voter-registration and get-out-the-vote activities, which they regularly perform in support of their civic-engagement mission. Voters and prospective voters will be more reluctant to participate in elections or register to vote in the future if they understand that the Defendants are willing to provide information on the Voter List to entities who openly admit that they intend to make such information public, or may be compelled to do so. The public disclosure of such personal information will chill League members' as well as other voters' and prospective voters' exercise of First Amendment rights including the right to vote and freedom of association.

58. Once Defendants transmit the Voter List to the Commission, as will happen imminently absent court action, all of the implicated privacy and commercial use considerations become active concerns. Once in possession of the Voter List, the Commission could at any point release it intentionally, be compelled to release it, or have it stolen. The harm to Plaintiffs would be irreversible. But Defendants suffer no harm from withholding the release of the Voter List and maintaining the status quo while this matter is resolved.
59. The facts essential to injunctive relief are sworn to in the attached affidavits of Elaine Wiant, Ruthann Geer and Tomas Lopez.

***Texas's Voter List and Distribution of Voter Data***

60. Texas requires citizens to register to vote in order to participate in state and federal elections within the state. Tex. Elec. Code § 11.002(a)(6).

61. The Texas voter registration form instructs prospective voters to provide at least the following information: name; residence and postal address; any previous voter registration address in Texas; Texas county of residence; date of birth; previous name (if applicable); driver's license number (if applicant possesses one) or last four digits of social security number (if no driver's license); and date of application for registration. Other information, including a voter's gender and telephone number, is requested on the form, but is optional. Furthermore, the

application requires applicants to affirm that they: reside in the stated county and are a citizen of the United States; have not been finally convicted of a felony, or if a felon, have completed all punishment; and have not been determined by a court to be mentally incapacitated. The state's voter registration application can be located through a link on the Secretary's website. *See Voter Registration Application*, Texas Secretary of State, <http://www.sos.state.tx.us/elections/forms/vr-with-receipt.pdf> (last visited July 17, 2017).

62. The Director of the Elections Division, at the direction of the Secretary, is charged with implementing and maintaining "a statewide computerized voter registration list that serves as the single system for storing and managing the official list of registered voters in the state." Tex. Elec. Code § 18.061.

63. Under Texas and federal law "[t]he statewide computerized voter registration list must: (1) contain the name and registration information of each voter registered in the state; (2) assign a unique identifier to each registered voter; and (3) be available to any election official in the state through immediate electronic access." Tex. Elec. Code § 18.061(b).

64. Texas further provides that the local voter registrar must electronically submit to the Secretary each voter participating in an election within thirty days of the election. This data "must include a notation of whether the voter voted on

election day, voted early by personal appearance, [or] voted early by mail.” Tex. Elec. Code § 18.069.

65. Information on registered voters is not openly posted on the Internet and is generally not made available absent a specific request by an individual or entity. In the case of such a request, however, the Secretary is required to “furnish information in the statewide computerized voter registration list to any person on request not later than the 15th day after the date the request is received.” Tex. Elec. Code § 18.066(a).

66. Such request, however, is limited to certain information and must meet specific requirements.

67. *First*, the Secretary may not furnish (i) any voter’s social security number; or (ii) certain residential addresses. Tex. Elec. Code § 18.066(b).

68. *Second*, any request for voter information must be accompanied by “an affidavit to the secretary stating that the person will not use the information obtained in connection with advertising or promoting commercial products or services.” Tex. Elec. Code § 18.066(d). No data is to be furnished unless the affidavit is submitted to the Secretary.

69. The Director of the Elections Division requires the affidavit to be signed before a notary public. *See Voter Registration Public Information Request*

*Form*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pi.pdf> (last visited July 17, 2017).

70. In addition, use of the Voter List “in connection with advertising or promoting commercial products or services” is a Class A misdemeanor. Tex. Elec. Code § 18.067.

71. *Third*, Texas law authorizes the Secretary to collect fees when furnishing the Voter List. Tex. Elec. Code § 18.066(e). On information and belief, the Elections Division charges a minimum of \$93.75 for a CD-ROM containing the Voter List, and over \$1,000 for a list of the size of Texas’s registered voter population. *See Voter Registration Public Information Request Form*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pi.pdf> (last visited July 17, 2017).

72. In addition, on information and belief, the Secretary requires that a \$75.00 deposit accompany each request for the Voter List information. *See Voter Registration Public Information Request Form*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pi.pdf> (last visited July 17, 2017).

73. *Fourth*, Texas courts have recognized a “nontrivial privacy interest” in birth dates. *See Paxton v. City of Dallas*, No. 03-13-00546-CV, 2015 WL 3394061, at \*2 (Tex. App. May 22, 2015) (concluding that “public citizens have a privacy interest in their birth dates”), *review denied* (Sept. 4, 2015); *Tex. Comptroller of Pub.*

*Accounts v. Att’y Gen. of Tex.*, 354 S.W.3d 336, 346-48 (Tex. 2010) (holding that disclosure of state employee birth dates constituted a “clearly unwarranted invasion of personal privacy”); *see also* Tex. Att’y Gen. Op. OR2017-06026 (2017) (“Based on *Texas Comptroller*, the court of appeals [in *City of Dallas*] concluded the privacy rights of public employees apply equally to public citizens, and thus, public citizens’ dates of birth are also protected by common-law privacy . . .”). In doing so, courts have recognized the derivative harm arising from the release of information, including the threat that the disclosure of birth dates, along with other information, could be used for identity theft. Specifically, the Texas Supreme Court acknowledged in *Texas Comptroller* that the disclosure of “[birth] dates, when combined with name and place of birth, can reveal social security numbers.” 354 S.W.3d at 345.

#### ***Texas’s Provision of Data to the Commission***

74. On information and belief, the Commission submitted a voter information request form to Defendants on September 7, 2017, and a revised request form on September 13, 2017.

75. On information and belief, neither the Commission nor any of its members has explained to the Defendants, let alone offered any assurances or agreement, regarding how it will prevent third parties from using the Voter List

information for advertising or promoting commercial products or services once the Voter List information is in the hands of the Commission.

76. On information and belief, the Secretary has acknowledged it will provide certain information to the Commission including voter names, addresses, dates of birth and registration, voting methods, voter status, and the elections (including primaries) in which specific voters have participated.

77. On information and belief, the Secretary has not yet released the Voter List (or any other data) to the Commission, but intends to do so in response to the Commission's request by September 28, 2017. Unless restrained by this Court's injunction, the Defendants will imminently release the Voter List (or a subset of information contained in the Voter List) to the Commission.

78. The disclosure of birth dates included in the Voter List would violate Texas law and the rights of Texas citizens.

79. Additionally, the Commission's intended use of the Voter List, as confirmed in the Commission's Letter itself, would violate Texas law and the rights of Texas citizens.

80. Provision of the Voter List information to the Commission would multiply the number of individuals and entities with access to the information.

81. The Commission's Letter stated that "any documents that are submitted to the full Commission will also be made available to the public." The Commission



therefore apparently intends to make information received from the Texas Voter List fully available to the public.

82. In a July 5 filing in a case in the District of Columbia, Mr. Kobach, the Vice Chair of the Commission, reaffirmed that there would be a “public release of documents,” but asserted, without any explanation, that the voter roll data would be “de-identif[ied].” This assertion did not indicate which information from Texas’s (or any other states’) voter rolls would be made available to the public and which would not. Nonetheless, Mr. Kobach proffered, with no further explanation, that the “voter rolls themselves will not be released to the public by the Commission.” Decl. of Kris W. Kobach at 3, *Elec. Privacy Info. Ctr. v. Presidential Advisory Comm’n on Election Integrity*, No. 1:17-cv-01320-CKK (D.D.C. July 5, 2017), ECF No. 8-1.

83. On information and belief, the Commission has not issued a formal communication to Texas state officials (or to the officials in any other state) resolving the discrepancy between the express language in the June 28 letter that the Voter List information received in response to that request would later be made public, and the representation in the Second Letter that information would be protected in some manner.

84. Moreover, even if the Commission itself intended to keep the voter information private, it is not clear that the Commission, which is an advisory committee covered under the Federal Advisory Committee Act (FACA), has the

authority to prevent the dissemination of information provided to it. Rather, FACA requires advisory committees like the Commission to make available for public inspection all “the records, reports, . . . or other documents which were made available” to it unless those records fall within one of the enumerated exceptions. 5 U.S.C. App. 2 § 10(b). There is thus still a serious risk that, even if the Commission indicated that it did not intend to make any information provided to it public, the Voter List will still be made available, irrespective of any post-hoc assertions from Mr. Kobach.

85. The public dissemination of information contained in the Voter List by the Commission, without regard for the requirements of Texas law, will undermine Texas’s use restrictions and harm Texas voters.

86. The Commission’s intended (or compelled) publication of the information provided by Texas (and other states) would eviscerate the requirements set forth in Tex. Elec. Code § 18.066, including its requirement that a party submit an affidavit promising not to “use the information . . . in connection with advertising or promoting commercial products or services” before the Voter List is furnished.

87. In fact, the affidavit that requesting parties must execute specifically states “I do solemnly swear that the information obtained from the copy of the State Master Voter File will not be used to advertise or promote commercial products or services.” *See Voter Registration Public Information Request Form*, Texas

Secretary of State, <https://www.sos.state.tx.us/elections/forms/pi.pdf> (last visited July 17, 2017). Once Texas's Voter List is made public by the Commission, neither the Commission nor the Defendants can effectively monitor or police the use of the Voter List. Hence, it is impossible to guarantee the promise will be upheld when the information is publicly dispersed. In particular, neither the Defendants nor the Commission can guarantee that individuals or entities who seek or receive the Voter List information from the Commission will be subject to the use limitations imposed by Texas law.

88. Thus, by turning the Voter List or its information over to the Commission, the Defendants would be sanctioning the disclosure of information regarding millions of Texans to private firms, who could use such data without limitation and to the detriment of the privacy and associational rights of Texas voters, including Plaintiffs and their members.

**COUNT I:**  
**Violation of Tex. Elec. Code § 18.066 *et seq.***

89. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint.

90. The Defendants' release of the birth dates included in the Voter List violates Texas law.

91. Furthermore, the Defendants' release of the Voter List or information from the Voter List without adhering to the requirements and protections of the Texas Election Code, Tex. Elec. Code § 18.066 *et seq.*, violates Texas law.

92. Neither the Secretary nor members of the Elections Division are permitted to simply release the information to the Commission. The Defendants must follow the procedures outlined in Tex. Elec. Code § 18.066 in order to release the Voter List or information from the Voter List.

93. Specifically, the Defendants cannot distribute social security numbers or any part thereof pursuant to Tex. Elec. Code § 18.066(b).

94. Moreover, before being entitled to receive even the limited information permitted under Tex. Elec. Code § 18.066, the Commission and/or its members must first sign a notarized affidavit stating that the information the Commission and/or its members receive from the Voter File "will not be used to advertise or promote commercial products or services." *See Voter Registration Public Information Request Form*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pi.pdf> (last visited July 17, 2017).

95. The Defendants cannot sidestep Texas law simply because the Commission has requested the data. Rather, the Defendants must treat the Commission like every other entity requesting the Voter List—that is, requiring a notarized affidavit and the remittance of a fee. Otherwise, Texas election law, which

limits the use of the Voter List and information contained in it, can be easily circumvented once the Commission releases the Voter List to the general public.

96. These statutory protections are especially important in this case, as the Commission has stated that the information it receives will be shared with the public. Moreover, even if the Commission states its intention not to share the Voter List information, its publication may be required by federal law. This dissemination could lead to Texas voters' information being used by others for commercial purposes in violation of Tex. Elec. Code § 18.067. And the dissemination of voters' identifying information in combination with their physical addresses, mailing addresses, and voting history creates a further risk of harassment and intimidation.

97. If the Commission follows through on its stated plan to disseminate the information it receives to the public, then the Commission necessarily cannot guarantee that it will not be used "in connection with advertising or promoting commercial products or services" as required by the affidavit under Tex. Elec. Code § 18.066(d). Once voters' information becomes publicly available, the uses and purposes other entities have for it will be beyond the control of both the Defendants and the Commission.

98. Unless enjoined by this Court, Plaintiffs will suffer irreparable harm from the exposure of personal voter information, with no alternative adequate remedy at law.

99. Given the clear limitations imposed on the Defendants under Texas law and the rights of Texas voters, the irreparable nature of the harm that would follow of the release of the Voter List or information from the Voter List, and the fact that other remedies would not prevent a failure of justice, injunctive relief should be granted.

**COUNT II:**  
**Violation of Tex. Gov't Code § 552.101**

100. Plaintiffs reallege and incorporate all prior paragraphs of this Complaint.

101. On information and belief, the Secretary has indicated that birthdates are among the information that he intends to provide to the Commission.

102. The Defendants' release of the birth dates included in the Voter List violates Texas law.

103. Texas courts have held, and the Attorney General of Texas has acknowledged, that public citizens' dates of birth are protected by common-law privacy pursuant to Tex. Gov't Code § 552.101.

104. The provision of birth dates, in connection with the other information that the Commission has requested, can and will lead to identify theft and other invasions of privacy.

105. Accordingly, the Defendants cannot distribute voters' birth dates consistent with Texas law.

106. Unless enjoined by this Court, Plaintiffs will suffer irreparable harm from the exposure of their birth dates, with no alternative adequate remedy at law.

107. Given the clear limitations imposed on the Defendants under Texas law and the rights of Texas voters, the irreparable nature of the harm that would follow of the release of birth dates, and the fact that other remedies would not prevent a failure of justice, injunctive relief should be granted.

### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs request the following relief and judgment:

- A. a judgment in favor of Plaintiffs and against the Defendants, and under the authority of Tex. Civ. Prac. & Rem. Code § 65.011, entry of a temporary injunction, and after trial, a permanent injunction enjoining the Defendants, Secretary of State Rolando Pablos, and Keith Ingram, Director, Texas Elections Division, from providing the Voter List or any part thereof to the Commission.
- B. a declaratory judgment in favor of the Plaintiffs pursuant to Tex. Civ. Prac. & Rem. Code § 37.003, finding and determining that as announced:
  - 1. the release of birth dates as part of the Voter List would violate Tex. Gov't Code § 552.101 and Texas law generally;
  - 2. Defendants' release of the Voter List or any part thereof to the Commission must comply with all aspects of Tex. Elec. Code § 18.066 *et seq.*, including but not limited to the submission of a proper request, payment of a fee, and guarantees and assurances as to the use and publication of the Voter List information;
  - 3. Plaintiffs' rights will be irreparably harmed without injunctive or declaratory relief from this Court; and

4. the Defendants are under no obligation to provide the Voter List or any part thereof to the Commission in response to its June 28, 2017 request, or any other similar request.
- C. An order enjoining the Defendants, Secretary of State Rolando Pablos, and Keith Ingram, Director, Texas Elections Division, from providing the Voter List and any part thereof to the Commission.
- D. An order and judgment that Plaintiffs recover the costs of this action.
- E. Such other and further relief as the Court deems just in the premises.

Respectfully submitted,

LAW OFFICE OF CHARLES McGARRY

/s/ Charles W. McGarry

Charles W. McGarry

Texas Bar No. 13610650

701 Commerce Street, Suite 400

Dallas, Texas 75202

(214) 748-0800

(214) 748-9449 fax

cmcgarry@ix.netcom.com

Myrna Pérez, Esq.

Tomas Lopez, Esq.

Douglas Keith, Esq.

**Brennan Center for Justice**

120 Broadway, Suite 1750

New York, NY 10271

(646) 292-8310 phone

(212) 463-7308 fax

myrna.perez@nyu.edu

wendy.weiser@nyu.edu

tomas.lopez@nyu.edu

*(Applications for admission*

*pro hac vice pending)*



Daniel T. Donovan, Esq.

Susan M. Davies, Esq.

Michael A. Glick, Esq.

**Kirkland & Ellis LLP**

655 Fifteenth Street, N.W.

Washington, DC 20005

(202) 879-5000 phone

(202) 879-5200 fax

[daniel.donovan@kirkland.com](mailto:daniel.donovan@kirkland.com)

[susan.davies@kirkland.com](mailto:susan.davies@kirkland.com)

[michael.glick@kirkland.com](mailto:michael.glick@kirkland.com)

*(Applications for admission pro hac vice  
forthcoming)*

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this instrument was delivered to the following attorney of record on this 21<sup>st</sup> day of September, 2017, in accordance with the Texas Rules of Civil Procedure:

Esteban S.M. Soto

Assistant Attorney General

General Litigation Division

Office of the Attorney General

300 West 15th Street

Austin, TX 78701

Phone: 512-475-4054

Fax: 512-320-0667

[Esteban.Soto@oag.texas.gov](mailto:Esteban.Soto@oag.texas.gov)

/s/ Charles W. McGarry

Charles W. McGarry

[illegible]

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

28<sup>th</sup> JUDICIAL DISTRICT28<sup>th</sup> JUDICIAL DISTRICT

I affirm the following to be true under the penalties of perjury:

1. I am the President of the League of Women Voters of Texas. I have served in this capacity since June 1, 2014.
2. In my capacity as President of the League of Women Voters of Texas, I coordinate the activities of our local Leagues on a number of statewide matters. I communicate regularly with local Leagues on their voter registration and voter education activities.
3. The League is a nonpartisan political organization that encourages informed and active participation in government, and fights to improve our systems of government and to impact public policies. Our organization's main purpose is to encourage people to vote, keep them informed as voters, and also seek out information from candidates and public officials to serve the electorate and citizenry.

4. The League executes its civic engagement mission in a number of ways, including through voter registration and get-out-the-vote activities. Last year, the League, through its twenty-five local chapters, conducted at least two hundred voter registration drives.
5. The League has over 2,000 members, the vast majority of which are Texas residents who are registered to vote in the state. Their information is included in the voter list that the Secretary of State intends to release to the Presidential Advisory Commission on Election Integrity.
6. If the Secretary of State is permitted to provide voter data to the Commission, the personal information of League members will be included in any data set released. I understand this to include, among other things, names; residence and postal addresses; and dates of birth.
7. I am concerned about the harm that will result if League members' personal information is handed over to the Commission, especially as it relates to the impairment of their privacy.
8. I specifically fear that the Commission will make personal information public, as it initially promised, that it will be forced to make that information public by law, or that hackers will access that data.
9. Regardless of the way in which this information is made public, I am concerned that League members could be subject to harassment and intimidation by those who may oppose their viewpoints or participation in our organization. I worry that the public release of names, addresses, and birth dates, among other details, would allow malicious individuals to reach individuals directly or otherwise use that information to harass them.

10. I am also concerned about the vulnerability of League members' personal information to identity thieves. I understand that the Commission has not promised the Secretary of State that it would use specific security measures to protect individuals' information.
11. Furthermore, if Texans' personal information is released, our organization will be forced to redirect its resources away from its civic engagement activities and toward addressing the consequences of the Secretary of State's action. I believe that voters and prospective voters will be more reluctant to participate in elections or register to vote in the future if they understand that the Secretary of State is willing to provide their personal information to entities who openly admit that they intend to make such information public. The League will therefore expend more time and attention educating and assisting Texas citizens with regard to the protection (or, in this case, non-protection) of their personal information.
12. I understand that whenever the Commission makes personal information public, whether deliberately or otherwise, it will be effectively impossible to get back. This harm cannot be undone.
13. If the Secretary of State is permitted to provide League members' personal information, including dates of birth, to the Commission, that information will be immediately vulnerable to both security breaches and its deliberate or compelled release.

Executed this 19 day of September 2017.



Elaine Wiant  
President, League of Women Voters of Texas

No. D-1-GN-17-003451

LEAGUE OF WOMEN VOTERS OF TEXAS,  
TEXAS STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
(NAACP) and RUTHANN GEER,

*Plaintiffs,*

VS.

ROLANDO PABLOS, Secretary of State For the State of Texas, and KEITH INGRAM, Director, Texas Elections Division of the Secretary of State,

*Defendants.*

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

98<sup>th</sup> JUDICIAL DISTRICT

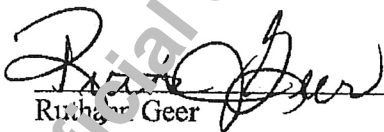
**AFFIDAVIT OF RUTHANN GEER IN SUPPORT OF PLAINTIFFS' APPLICATION  
FOR A TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION**

I affirm the following to be true under the penalties of perjury:

1. I am an instructor of government at Tarrant County College and a resident of Burleson, Texas. I also currently serve as chair of the Statewide Nominating Committee of the League of Women Voters of Texas in a volunteer capacity, and formerly served as the organization's president.
2. I am a registered Texas voter and understand that my name and personal information appears on the state's voter registration list.
3. If the Secretary of State is permitted to provide voter data to the Presidential Advisory Commission on Election Integrity, my personal information will be included in any data set provided. I understand this to include, among other things, my name; residence and postal address; and my date of birth.
4. I am concerned about the harm that will result if my personal information is handed over to the Commission, especially as it relates to the impairment of my privacy.

5. I specifically fear that the Commission will make my personal information public, as it initially promised, that it will be forced to make my information public by law, or that hackers will access that data.
6. Regardless of the way in which my information is made public, I fear that I could be subject to harassment and intimidation by those who may oppose my viewpoints or participation in the League of Women Voters. I worry that the public release of my name, address, and date of birth, among other details, would allow malicious individuals to reach me directly or otherwise use that information to harass me. I am especially concerned about this because I live alone in a rural part of the state.
7. I am also concerned about the vulnerability of my personal information to identity thieves. I understand that the Commission has not promised the Secretary of State that it would use specific security measures to protect my and other people's information.
8. I understand that whenever the Commission makes my personal information public, whether deliberately or otherwise, it will be effectively impossible to get back. This harm cannot be undone.
9. If the Secretary of State is permitted to provide my personal information, including my date of birth, to the Commission, that information will be immediately vulnerable to both security breaches and its deliberate or compelled release.

Executed this 20<sup>th</sup> day of September 2017.

  
Ruthann Geer

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

98<sup>th</sup> JUDICIAL DISTRICT

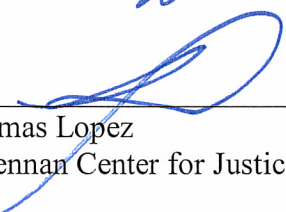
*Defendants.*

I affirm the following to be true under the penalties of perjury:

1. I am an attorney at the Brennan Center for Justice at NYU School of Law, counsel for Plaintiffs in the above-captioned matter. I submit this affirmation in support of Plaintiffs' application for a temporary restraining order and temporary injunction.
2. On September 7, 2017, Defendants' counsel informed Plaintiffs' counsel via email that Defendants received a "Voter Registration Public Information Request Form" that same day from Ron Williams, Policy Advisor to the Presidential Advisory Commission on Election Integrity (the "Commission").
3. In their email message to Plaintiffs' counsel, Defendants' counsel included a digital copy of the above-referenced form, which also included an affidavit submitted by Mr. Williams.
4. This form and affidavit are attached hereto as Exhibit 1.

5. On September 19, 2017, Defendants' counsel informed Plaintiffs' counsel that Defendants received a revised "Voter Registration Public Information Request Form" dated September 13 from Ron Williams. Defendants' counsel also provided Plaintiffs' counsel with a digital copy of this form, which also included an affidavit submitted by Mr. Williams.
6. This second form and affidavit are attached hereto Exhibit 2.
7. Pursuant to representations made by Defendants' counsel, it is our understanding that, absent an injunction, Defendants will provide the requested voter information to the Commission within fifteen days of the receipt of the revised request form, or on or before September 28, 2017.

Executed this 20<sup>th</sup> day of September 2017.

  
\_\_\_\_\_  
Tomas Lopez  
Brennan Center for Justice at NYU School of Law



Unofficial copy Travis Co. District Clerk Velva L. Price

## EXHIBIT 1

# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.state.tx.us

**For Internal Use Only**  
Receipt date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
PIR-Log number: \_\_\_\_\_

Phone: 512-463-5650  
Fax: 512-477-2811  
Dial 7-1-1 For Relay Services  
(800) 252-8975 (8683)

Secretary of State

## VOTER REGISTRATION PUBLIC INFORMATION REQUEST FORM

**Media must** be completed:

### Media

- ☒ CD-ROM  
☐ FTP - Provide FTP information:

FTP site: \_\_\_\_\_

Login: \_\_\_\_\_

Password: \_\_\_\_\_

### Format being provided

Voter registration list (individual records)  
in zipped fixed width text file(s). See the  
attached record layout.

### Requestor name:

Ron Williams

(required)

### Flagging Options ONLY

- ☒ Hispanic surname flag notation

### Voters may be extracted by:

Please checkmark all that apply to the request:

- ☒ Include Active Voters  
☒ Include Suspense Voters  
☒ Include Cancelled Voters

### I would like my data reduced to the following

Please checkmark all that apply to the request:

- ☐ Only voters with Texas mailing address  
☐ Only voters who are effective to vote between  
\_\_\_\_\_ and \_\_\_\_\_ dates  
☐ Only voters between the age \_\_\_\_\_ and \_\_\_\_\_  
☐ Hispanic Surnames only  
☐ Males only  
☐ Females only  
☐ Voters who Voted in the following Elections:  
☐ Entire State ☐ Counties listed below only

### Elections and Years:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A "suspense voter" is a voter known to have an incorrect or outdated address.

The county has sent the voter a form to obtain a new current address, but no response has been received. The voter is however, considered to be an active voter for voting purposes.

If the entire state is requested, mark the space provided. If a district or county is requested, list the district number or county (write "All" by the county name to indicate all precincts). Otherwise, for partial district, county or other requests, please list the county names and applicable precinct numbers.

COUNTY NAME(S) or DISTRICT NUMBER(S)

Check if entire State ☒

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: For requests in addition to the options provided on this form, please email  
[elections@sos.texas.gov](mailto:elections@sos.texas.gov), as a data manipulation estimate may need to be provided for you.

### For Internal Use Only

First Reviewer: \_\_\_\_\_

Date reviewed: \_\_\_\_/\_\_\_\_/\_\_\_\_

EFM: \_\_\_\_\_

Second Reviewer: \_\_\_\_\_

Date reviewed: \_\_\_\_/\_\_\_\_/\_\_\_\_

Date processed: \_\_\_\_/\_\_\_\_/\_\_\_\_

Completion date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## PUBLIC INFORMATION REQUEST FORM DETAILS AND INSTRUCTIONS

### Send Order to:

Ron Williams, Policy Advisor

Presidential Advisory Commission on Election Integrity

1650 Pennsylvania Ave., NW, EEOB-Rm. 268, Washington, DC 20504

Telephone (202) **881-7807**

### Send Statement to:

Kris L. Palmer, Program Analyst

General Services Administration

1800 F Street, NW, Washington, D.C. 20405

Telephone (202) **501-0525**

Below are the procedures for filling out the attached Public Information Request form. Failure to adequately complete the form may cause incorrect information or could delay the processing of your order.

1. Media Selection: CD-ROM or FTP. If selecting an FTP please provide FTP site, login and password information.
2. Format: Voter registration list (individual records) in zipped fixed width text file(s). See the attached record layout.
3. Extracts & Data Reduction- Options may be selected to select a limited group of voters. Additional extract requests may result in data manipulation, which would result in additional charges. Section 552.231 of the Texas Government Code requires that agencies send a written statement about the cost of potentially manipulating data to any requestor. Should it be determined that your request will require data manipulation, then a statement of the estimated cost of providing the information in the requested form will be supplied to you within the timeframe outlined in section 552.231.
4. In the area for county name(s), or District Number(s), please note the following: **If the entire state is requested**, mark the space provided. **If a district or county is requested**, list the district number or county (write "All" by the county name to indicate all precincts). Otherwise, for partial district, county or other requests, please list the county names and applicable precinct numbers.
5. The attached affidavit must be signed before a notary public. A \$75.00 deposit must accompany each request. If the request is from a Member of the House or Senate, the Member must submit the request through the appropriate business office for approval of funds before submitting it to this office, unless the request is being paid for out of personal funds. CD-ROM will not be released and/or files will not be uploaded to the FTP until full payment is received. A complete address (No P. O. Box) must be provided along with a telephone number. The Secretary of State will furnish information not later than the 15<sup>th</sup> day after the date the request is received. (Texas Election Code, Section 18.066).

Please retain a copy of this form for your records. Please include a \$75.00 deposit fee with your request, made payable to the Secretary of State's Office. The Secretary of State will furnish the information not later than the 15th day after the date the request is received. Your order will not be released until full payment is received. The attached affidavit must be signed before a notary public and accompany all requests.

If you have any questions, please contact Elections Division at (512) 463-5650 or toll free at 1-800-252-VOTE (8683).

Affidavit

~~THE STATE OF TEXAS~~ *District of Columbia: SS*

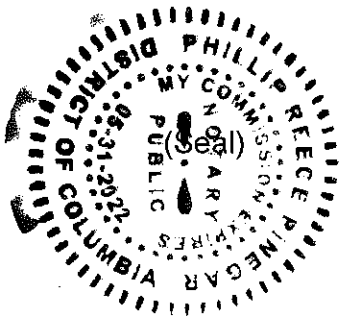
~~COUNTY OF~~ \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared  
*Ken Williams*, who being duly sworn, deposes and says:

I do solemnly swear that the information obtained from the copy of the State Master Voter File will not be used to advertise or promote commercial products or services.

*[Signature]*  
Signature

Sworn to and Subscribe before me, this the 7 day of Sept., 2017.



*[Signature]*  
Notary Public in and for the State of Texas

*Phillip R. Pinegar*  
Printed Name of Notary

My commission Expires: *5-31-2022*

**PLEASE BE ADVISED**

**§ 18.067. Unlawful Use of Master File Information**

(a) A person commits an offense if the person uses information in connection with advertising or promotion of commercial products or services that the person knows was obtained under Section 18.066.

(b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986.

Amended by Acts 1997, 75th Leg., ch. 864, § 13, eff. Sept. 1, 1997.

EXHIBIT 2

# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.state.tx.us

Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-7616 (8683)

Secretary of State

<b>For Internal Use Only</b>	
Receipt date:	____/____/____
PIR-Log number:	_____

## VOTER REGISTRATION PUBLIC INFORMATION REQUEST FORM

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### Media

- ☒ CD-ROM  
☐ FTP - Provide FTP information:

FTP site: \_\_\_\_\_

Login: \_\_\_\_\_

Password: \_\_\_\_\_

### Format being provided

Voter registration list (individual records)  
in zipped fixed width text file(s). See the  
attached record layout.

### Requestor name:

Ron Williams

(required)

### Flagging Options ONLY

- ☒ Hispanic surname flag notation

Voters may be extracted by  
*Please checkmark all that apply to the request:*

- ☒ Include Active Voters  
☒ Include Suspense Voters  
☒ Include Cancelled Voters

I would like my data reduced to the following  
*Please checkmark all that apply to the request:*

- ☐ Only voters with Texas mailing address  
☐ Only voters who are effective to vote between  
\_\_\_\_\_ and \_\_\_\_\_ dates  
☐ Only voters between the age \_\_\_\_\_ and \_\_\_\_\_  
☐ Hispanic Surnames only  
☐ Males only  
☐ Females only  
☒ Voters who Voted in the following Elections:  
☒ Entire State ☐ Counties listed below only

### Elections and Years:

General Election (11/07/2006; 11/04/2008; 11/02/2010; 11/06/2012; 11/04/2014; 11/08/2016)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A "suspense voter" is a voter known to have an incorrect or outdated address.

The county has sent the voter a form to obtain a new current address, but no response has been received. The voter is however, considered to be an active voter for voting purposes.

If the **entire state** is requested, mark the space provided. If a **district or county** is requested, list the district number or county (write "All" by the county name to indicate all precincts). Otherwise, for partial district, county or other requests, please list the county names and applicable precinct numbers.

COUNTY NAME(S) or DISTRICT NUMBER(S)

Check if entire State ☒

_____
_____
_____
_____

NOTE: For requests in addition to the options provided on this form, please email [elections@sos.texas.gov](mailto:elections@sos.texas.gov), as a data manipulation estimate may need to be provided for you.

<b>For Internal Use Only</b>	
First Reviewer: _____	Date reviewed: ____/____/____
Second Reviewer: _____	Date reviewed: ____/____/____
Completion date: ____/____/____	EFM: _____
	Date processed: ____/____/____

## PUBLIC INFORMATION REQUEST FORM DETAILS AND INSTRUCTIONS

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Ron Williams, Policy Advisor

Presidential Advisory Commission on Election Integrity

1650 Pennsylvania Ave., NW, EEOB-Rm. 268, Washington, DC 20504

Telephone (202) **881-7807**

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Kris L. Palmer, Program Analyst

General Services Administration

1800 F Street, N.W., Washington, DC 20405

Telephone (202) **501-0525**

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4. In the area for county name(s) or District Number(s), please note the following: **If the entire state is requested**, mark the space provided. **If a district or county is requested**, list the district number or county (write "All" by the county name to indicate all precincts). Otherwise, for partial district, county or other requests, please list the county names and applicable precinct numbers.
5. The attached affidavit must be signed before a notary public. A \$75.00 deposit must accompany each request. If the request is from a Member of the House or Senate, the Member must submit the request through the appropriate business office for approval of funds before submitting it to this office, unless the request is being paid for out of personal funds. CD-ROM will not be released and/or files will not be uploaded to the FTP until full payment is received. A complete address (No P. O. Box) must be provided along with a telephone number. The Secretary of State will furnish information not later than the 15<sup>th</sup> day after the date the request is received. (Texas Election Code, Section 18.066).

Please retain a copy of this form for your records. Please include a \$75.00 deposit fee with your request, made payable to the Secretary of State's Office. The Secretary of State will furnish the information not later than the 15th day after the date the request is received. Your order will not be released until full payment is received. The attached affidavit must be signed before a notary public and accompany all requests.

If you have any questions, please contact Elections Division at (512) 463-5650 or toll free at 1-800-252-VOTE (8683).

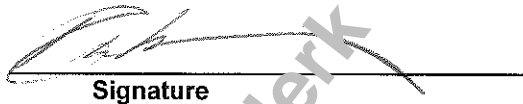
Affidavit

~~THE STATE OF TEXAS~~ District of Columbia: SS

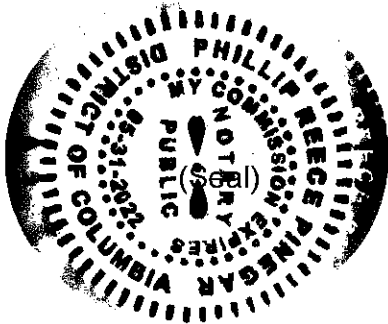
~~COUNTY OF~~ \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared  
Ron Williams \_\_\_\_\_, who being duly sworn, deposes and says:

I do solemnly swear that the information obtained from the copy of the State Master  
Voter File will not be used to advertise or promote commercial products or services.

  
Signature

Sworn to and Subscribe before me, this the 13 day of Sept., 2017.



  
Notary Public in and for the ~~State of Texas~~  
District of Columbia

Phillip R. Pinegar  
Printed Name of Notary

My commission Expires: 5-31-2022

**PLEASE BE ADVISED**

**§ 18.067. Unlawful Use of Master File Information**

(a) A person commits an offense if the person uses information in connection with advertising or  
promotion of commercial products or services that the person knows was obtained under Section 18.066.

(b) An offense under this section is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986.

Amended by Acts 1997, 75th Leg., ch. 864, § 13, eff. Sept. 1, 1997.