

**In the Supreme Court of the United States**

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GREG ABBOTT, in his official capacity as Governor of Texas;  
ROLANDO PABLOS, in his official capacity as Texas Secretary of  
State; and the STATE OF TEXAS,

*Applicants,*

v.

SHANNON PEREZ, et al.,

*Respondents.*

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**STAY APPLICATION REPLY APPENDIX**

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PAUL D. CLEMENT

ERIN E. MURPHY

KIRKLAND & ELLIS LLP

655 Fifteenth Street, N.W.

Washington, D.C. 20005-5793

KEN PAXTON

Attorney General of Texas

JEFFREY C. MATEER

First Assistant Attorney

General

SCOTT A. KELLER

Solicitor General

*Counsel of Record*

MATTHEW H. FREDERICK

Deputy Solicitor General

MICHAEL P. MURPHY

ANDREW B. DAVIS

Assistant Solicitors

General

OFFICE OF THE TEXAS

ATTORNEY GENERAL

P.O. Box 12548 (MC 059)

Austin, Texas 78711-2548

scott.keller@oag.texas.gov

(512) 936-1700

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL,                    )  
    Plaintiffs,                            )  
  ) No. SA:11-CV-360  
    vs.                                     )  
  ) San Antonio, Texas  
RICK PERRY, ET AL,                     )  
    Defendants.                            ) April 27, 2017  
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TRANSCRIPT OF STATUS CONFERENCE

BEFORE THE HONORABLE ORLANDO L. GARCIA,  
THE HONORABLE XAVIER RODRIGUEZ,  
UNITED STATES DISTRICT JUDGES,  
AND THE HONORABLE JERRY E. SMITH,  
UNITED STATES CIRCUIT JUDGE

A P P E A R A N C E S:

FOR THE MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF  
REPRESENTATIVES:

Jose Garza, Esquire  
Attorney at Law  
1111 North Main Street  
San Antonio, Texas 78212

FOR SHANNON PEREZ, ET AL:

Richards Rodriguez & Skeith  
David R. Richards, Esquire  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701

FOR THE TEXAS LATINO REDISTRICTING TASK FORCE:

Mexican American Legal Defense & Educational Fund  
Nina Perales, Esquire  
Ernest Herrera, Esquire  
110 Broadway Street, Suite 300  
San Antonio, Texas 78205

1 districts. So the data that we presented to the Court in 2012  
2 and 2014 would be updated by three years, essentially.

3 One of the things that MALC would urge the Court is  
4 whatever schedule -- the Court has before it pending a motion  
5 for permanent injunction, at least as to the congressional  
6 2013 plan, C-235. One of the reasons that we did that is that  
7 we believe that some finality, that we can -- that is  
8 substantive should be in place for the 2018 elections.

9 We have gone now through two election cycles. And  
10 so whatever schedule the Court puts together for going  
11 forward, we believe that it is extremely important that that  
12 schedule, whether it is called a schedule for trial or a  
13 schedule for remedial hearing or a schedule for whatever else,  
14 that the Court keep in mind the election schedule for 2018,  
15 which, as I understand it, a critical date in that process is  
16 October of this year.

17 Counties and jurisdictions need time to modify  
18 voting precincts. Candidates and voters need to know where  
19 they are going to vote. As the Court recalls, when we went  
20 forward with the interim plan in 2012, there was a great deal  
21 of confusion.

22 Some people blamed Mr. Dewhurst's loss to the  
23 compactness of those schedules. And I understand that the  
24 Court has the power to do that, and it should do whatever it  
25 takes and implement whatever schedule it requires to make a

1           The first question is: What's your active  
2 pleading, document number what?

3           MR. RIOS: I don't have the document number, Your  
4 Honor, but it's the initial Complaint and we also joined in  
5 on the motion for Preliminary Injunction.

6           As far as 2018 elections, we've already had three  
7 of the five elections in this decade conducted in violation  
8 of the Voting Rights Act of the Constitution, and we urge  
9 the Court to move forward as expeditiously as possibly or  
10 else another election will be conducted.

11           JUDGE SMITH: So you're just not going to address  
12 these things?

13           MR. RIOS: I am.

14           JUDGE SMITH: That's why we are here. Do you  
15 understand?

16           MR. RIOS: Yes.

17           JUDGE SMITH: Then move to that or sit down.

18           MR. RIOS: The 2018 Election we urged the Court to  
19 move forward so that we can have a plan in place by October  
20 1st. The first meeting we had with the State, they said  
21 that October 1st is the deadline for moving forward with the  
22 election, so they're already looking at trying to avoid  
23 having to -- avoid having a plan in place for the 2018  
24 election.

25           Pending motions, we signed on to the Motion for

1 they want to discuss the process, if they want to discuss  
2 that issue, then they had the opportunity to disclose them.

3 JUDGE RODRIGUEZ: Let me make sure I understand  
4 what you are telling me. If, then, they already had  
5 witnesses that they did disclose, you have no objection to  
6 them bringing those witnesses to this 2013 trial?

7 MR. SWEETEN: Yeah. If they have disclosed  
8 them -- and what this Court says in Disclosure 11 and then  
9 Disclosure 13 -- witnesses and many of the parties did that.  
10 So I think that if they properly have already disclosed them  
11 then I think that that's a -- you know.

12 JUDGE RODRIGUEZ: So previously disclosed  
13 witnesses, disclosed within the discovery scheduling order,  
14 is okay. It's just new witnesses that are not on those old  
15 lists is what you object to?

16 MR. SWEETEN: Right. New deposition or new fact  
17 discovery.

18 JUDGE RODRIGUEZ: I got you. Thank you.

19 JUDGE GARCIA: Okay.

20 I believe, Ms. Callanen -- yes, you're our -- as  
21 of today -- you still are Election Administrator.

22 Ms. Callanen, if you will tell us both -- yes,  
23 from right there, ma'am -- tell us your full name and your  
24 position.

25 THE WITNESS: Yes. Jacquelyn Callanen. Bexar

1 County Election Administrator.

2 JUDGE GARCIA: If you will tell us the -- pull  
3 that microphone a little bit closer, if you don't mind. You  
4 have a soft voice.

5 Yes, Mr. Garza?

6 MR. GARZA: Can we have the witness sworn in, Your  
7 Honor?

8 JUDGE GARCIA: Yes, of course.

9 **JACQUELYN CALLANEN,**

10 was called as a witness and, having been first duly sworn,  
11 testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Thank you.

14 JUDGE GARCIA: If you will tell us the relevant  
15 critical deadlines for this next election cycle and what  
16 they mean?

17 THE WITNESS: Yes, sir. Thank you. And thank you  
18 for the opportunity.

19 As we heard the State had put out the October 1st  
20 deadline and we're here to say that we can stretch that. We  
21 can just descend that a little bit in two weeks.

22 But what happens in the election, as you know, we  
23 have to send out mass -- it's called a mass mail out. And  
24 by statute we are required to send new voter registration  
25 cards to every voter in the State of Texas between



**TAB P: Trial Transcript Excerpts**

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS  
3 SAN ANTONIO DIVISION

4 SHANNON PEREZ, ET AL )  
5 Plaintiffs, )  
6 vs. ) No. SA:11-CV-360  
7 ) San Antonio, Texas  
8 RICK PERRY, ET AL, ) July 15, 2017  
9 Defendants. )  
10 -----

11 TRANSCRIPT OF TRIAL DAY VI

12 BEFORE THE HONORABLE ORLANDO L. GARCIA,  
13 THE HONORABLE XAVIER RODRIGUEZ,  
14 UNITED STATES DISTRICT JUDGES,  
15 AND THE HONORABLE JERRY E. SMITH,  
16 UNITED STATES CIRCUIT JUDGE

17 A P P E A R A N C E S:

18 FOR THE MEXICAN AMERICAN LEGISLATIVE CAUCUS, TEXAS HOUSE OF  
19 REPRESENTATIVES:

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21 Attorney at Law  
22 1111 North Main Street  
23 San Antonio, Texas 78212

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25 Richards Rodriguez & Skeith  
David R. Richards, Esquire  
816 Congress Avenue, Suite 1200  
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Mexican American Legal Defense & Educational Fund  
Nina Perales, Esquire  
Ernest Herrera, Esquire  
110 Broadway Street, Suite 300  
San Antonio, Texas 78205

Leticia Ornelas Rangel, CSR

1 I speak for the panel, appreciate that you-all got together and  
2 resolved many, many issues even before we began Monday morning.  
3 The expert Flores matter apparently resolved itself, you-all  
4 agreed, worked on. And we are mindful of the many, many hours  
5 and days and nights you've spent on this.

6 We are going to require that briefs are due July 31.  
7 There'll be no page limitation. I suppose you can give us a  
8 treatise, but that's not quite necessary. And I think that's  
9 it, if there's nothing else.

10 (At the bench off the record)

11 JUDGE GARCIA: We need to start looking at future  
12 dates to convene. So if you would look at your calendars  
13 reasonably soon and then provide us a range or timeframe when  
14 we might reconvene again or should reconvene again. All right?

15 MR. HICKS: Your Honor, in that regard, do you have a  
16 sense of how much --

17 JUDGE GARCIA: If you'll come to the --

18 MR. HICKS: I understand. I thought you were  
19 pointing at somebody else.

20 JUDGE GARCIA: No.

21 MR. HICKS: I thought you were telling me to get out  
22 of the room.

23 But do you have a sense of how many days we're  
24 talking about setting aside? That might help us in terms of --  
25 is it two?

1 JUDGE RODRIGUEZ: Yes. What we're talking about is  
2 if we have to get to remedial maps --

3 MR. HICKS: I understand.

4 JUDGE RODRIGUEZ: So you tell us. I mean, how much  
5 time do you think we will need for remedial, if we get there?

6 MR. HICKS: Fifteen minutes or so.

7 Let's see. A quick -- I guess we can do this as part  
8 of advising you, maybe. Our quick reaction is two days.

9 JUDGE RODRIGUEZ: So why don't you-all try to confer  
10 about it, if we get to that point, the remedial maps, and how  
11 long do you think the hearing will take place. I guess some  
12 other thoughts from you-all would be helpful as to -- again,  
13 remind us if there's been any refinement on the election  
14 scheduling about when we would have to issue an opinion so that  
15 we can get to remedial discussions, if we get there. And, you  
16 know, we'll carry the election cycle all the way through. What  
17 is our timetables on all this? A discussion of that, again,  
18 will be helpful.

19 JUDGE GARCIA: Unless, Mr. Garza, you know now  
20 generally. What are we looking at here? If we have to go to  
21 remedial phase, when should we be doing that?

22 MR. GARZA: So I think there's two scenarios. One is  
23 the scenario in which you cause -- I'm sorry. I take that  
24 back. Where it is necessary to modify the election schedule --  
25 or to go forward without modifying the election schedule. And

1 I think the State has indicated that the drop-dead deadline for  
2 everything that we've done, so that the process can begin, is  
3 like the beginning of October.

4 If, on the other hand, that is less of a concern, the  
5 Court has the power, as it has done, to modify the election  
6 schedule so that it -- so that it fits with the timeframe that  
7 is required in order to adequately address the issues that are  
8 before the Court and adequately develop an order that is  
9 commiserate with that analysis.

10 And so I think it's entirely within the discretion of  
11 this Court to sort of fit that into that -- to that sort of  
12 scenario -- those two scenarios.

13 JUDGE RODRIGUEZ: Just thinking out loud, my only  
14 problem with that -- my only problem with contemplating that  
15 is, you know, we don't know who's going to win at this stage  
16 and who may appeal and whether or not the Supreme Court will be  
17 granting a stay. And so I'd be very reluctant, speaking  
18 individually here, to alter the election calendar. I'd hate to  
19 alter the election calendar, ruin everybody's election  
20 schedules, then the Supreme Court, just hypothetically now  
21 speaking, issues a stay and that was all for not.

22 MR. GARZA: Yeah. I don't think they'll do that,  
23 Judge.

24 JUDGE RODRIGUEZ: And so I prefer to be operating on  
25 a timetable where we're not doing that. That's my -- that's my

1 individual preference.

2 MR. GARZA: So we do know that the filing period for  
3 candidates begins in December.

4 JUDGE SMITH: So there -- isn't there a -- what I  
5 will call a relatively minor deadline about precinct lines in,  
6 I want to say, mid-September or something like that? Maybe it  
7 would be an easier one, perhaps, for us to change if we had to.  
8 But someone can clarify.

9 MR. GARZA: I think what the State has indicated is  
10 that for that sort of scenario the drop-dead deadline is  
11 October 1st, I believe, to have those things resolved, which  
12 means you have to date back from that point in order to get a  
13 decision of the Court, remedial hearing in place, et cetera.

14 And so the reason I stood up is just to clarify from  
15 Judge Garcia, you asked us to check our calendars. Is it in  
16 the timeframe of September that you'd like to get us to check  
17 our calendar?

18 JUDGE GARCIA: Uh-huh.

19 MR. HICKS: I just have one thing to kind of  
20 supplement to what Mr. Garza said about this election schedule.  
21 The one area in addition to that, relatively minor, I think is  
22 precinct chair -- the one area where there seems to be  
23 flexibility -- some flexibility without really disrupting  
24 what's happening with the voters is in the candidate qualifying  
25 period. If that's moved back a little bit, that gives a

1 little -- still a little bit more flexibility. I think it  
2 starts roughly around December 1st. I don't remember the exact  
3 date. So that gives a little bit more flexibility. We're  
4 not -- without pushing back the primary days at all.

5 MR. SWEETEN: Your Honors, with respect to that, I  
6 don't have more information other than whenever we were here on  
7 April 27th, I think we had a filing on file that suggested  
8 October 1st would be really the drop-dead date. I think we  
9 heard at that hearing -- I think Ms. Callanen even expressed  
10 some issues with that.

11 Therefore, if the Court would be contemplating that,  
12 I think the earlier we could do that, obviously the better. I  
13 think late August or early September would be, you know,  
14 something that we would advocate for if this Court wanted  
15 additional proceedings.

16 JUDGE RODRIGUEZ: Well, for purposes of providing us  
17 the notices on calendar, why don't you say the last week of  
18 August and all of September.

19 MR. GARZA: Yes, Your Honor.

20 JUDGE RODRIGUEZ: We'll see how this plays out.

21 JUDGE GARCIA: Okay. All right. Thank you very  
22 much. We're adjourned.

23 \* \* \*

24 (Trial adjourned)

25

**TAB Q: Advisory from District Court re Stay**



**In the United States District Court  
for the  
Western District of Texas**

SHANNON PEREZ, ET AL.	§	
	§	
v.	§	SA-11-CV-360
	§	
GREG ABBOTT, ET AL.	§	

**ADVISORY**

This Court recognizes the effect of the temporary stay entered by the Circuit Justice, but sees nothing in the order that would prohibit the parties from voluntarily exchanging their proposed remedial maps, conferring, and attempting to reach an agreement or understanding on certain aspects of the remedial maps so that in the event the stay is vacated by the Supreme Court this matter may be resumed expeditiously.

SIGNED this 28th day of August, 2017,

\_\_\_\_\_/s/\_\_\_\_\_  
XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE  
*on behalf of the panel*