

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS STATE LULAC, ET AL.,
Plaintiffs,

v.

Case No. 1:21-cv-00546-LY

BRUCE ELFANT, ET AL.,
Defendants,

AND

KEN PAXTON, ET AL.,
Intervenor-Defendants.

**DEFENANT-INTERVENOR KEN PAXTON'S
MOTION FOR SUMMARY JUDGMENT**

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INTRODUCTION

Plaintiffs Texas State LULAC and Voto Latino (*collectively* Plaintiffs) lack any legal or factual basis to support their claims before this Court. As discussed below, the Plaintiffs' case rests largely on a misinterpretation of the Texas Election Code. To the extent that Plaintiffs are reading the provisions of the Texas Election Code amended by Senate Bill 1111 in good-faith, the reading fails to recognize that the amended provisions are just that: amendments. The challenged provisions, when read in context of the statutes that have been amended, do not impose the substantive changes that the Plaintiffs assert. Even if Plaintiffs were correct (they are not), they lack standing to challenge Senate Bill 1111. Nor do the Plaintiffs properly invoke the First Amendment or demonstrate its applicability.

What's more, Plaintiffs flatly ignore the bevy of interests the State has in prohibiting the use of impossible addresses like post office boxes. Those interests include uniformity of elections; guaranteeing that a voter *actually* lives where they are voting, and therefore are receiving the right ballot for their district or precinct; and, combating voter fraud, among other interests described below. Finally, Plaintiffs challenge the Senate Bill 1111's amendments as imposing a burden on college students, whom Plaintiffs contend will be unable to discern where they live and thus register to vote properly.

At bottom, Plaintiffs' claims are based on conjecture and misinterpretation, and they are not supported by the law or the facts developed through discovery. No genuine issue of material fact exists concerning the proper interpretation of the statutes at issue, and the factual assertions included in this motion are not in genuine dispute. The briefing below demonstrates that the State is entitled to summary judgment in this case, and respectfully requests that the Court grant this motion and dispose of all claims against all parties.

STATEMENT OF THE ISSUES

1. The First Amendment protects the "freedom of speech" but allows States to regulate non-expressive conduct. Does Texas Election Code § 1.015(b) violates the First Amendment by

requiring voters to register to vote using the physical address where they reside rather than an impossible address?

2. The Supreme Court and the Fifth Circuit have upheld state election laws even where no evidence existed to support asserted state interests. Here, ample evidence exists to demonstrate the problems posed by impossible addresses and to support the asserted state interests. The Plaintiffs, however, have minimal, if any, evidence of any burden imposed by SB 1111. Do Texas Election Code §§ 1.015(b), (f) and 15.051(a) violate the First and Fourteenth Amendments considering the asserted state interests, evidence in support of those interests, and the minimal to non-existent burdens asserted by the Plaintiffs?
3. The Twenty-Sixth Amendment applies to denials and abridgements of voting rights that *make voting harder* for voters eighteen years of age or older. Here, there is no evidence of additional burden on college students in the registration process and the challenged provisions did not make the substantive changes to residency rules that the Plaintiffs claim. Do §§ 1.015(b), (f) and 15.051(a) *make voting harder* for college students as Plaintiffs' claim?

STATEMENT OF THE CASE

Senate Bill 1111 (SB 1111)¹ put an end to voters using impossible addresses when registering to vote. Governor Greg Abbott signed the bill into law on June 14, 2021, and the changes took effect on September 1, 2021. Appx.000150-000155 (SB 1111 Signed).² Relevant to this litigation, SB 1111 included two modifications to the definition of residence under § 1.015 of the Texas Election Code and added a process to verify the residence address of voters who have used impossible addresses. Appx.000150-000155 (SB 1111 signed); Appx.000005-000008 (SB 1111 Advisory).

The first change modified § 1.015(b) to eliminate reference to common law and instead specified that “[a] person may not establish residence for the purpose of influencing the outcome of a certain election.” Tex. Elec. Code § 1.015(b); *see also* Appx.000150-000155; Appx.000005-000008. The second change added § 1.015(f), providing that “[a] person may not establish residence at any place the person has not inhabited.” Appx.000150-000155; Appx.000005-000008. What’s more, “[a] person may not designate a previous residence as a home and fixed place of habitation unless the

¹ Senate Bill 1111 or SB 1111 refers to Texas Senate bill number for the legislative changes signed into law by Governor Greg Abbott and challenged by Plaintiffs in this litigation.

² Appendix references are the Appendix bates stamp numbering contained in the Motion for Summary Judgment Appendix. Document references are included for purposes of clarity and ease of identification.

person inhabits the place at the time of designation and intends to remain.” Tex. Elec. Code § 1.015(f); *see also* Appx.000150-000155; Appx.000005-000008. Finally, SB 1111 amended § 15.051(a), providing that if a voter registrar has a reason to believe “that the voter’s residence address is a commercial post office box or similar location that does not correspond to a residence” then the voter registrar will deliver a written notice requesting confirmation of the voter’s current residence.

Those changes clarified that a person could only register to vote using an address where they reside. Those changes, however, “[did] not alter the actions of voter registrar upon receiving and reviewing a voter registration application.” Appx.000005-000008. The requirements on voter registrars both before and after passage of SB 1111 remained “to review the address that is listed on the face of a voter registration applicable to determine if a voter resides within their county and determine the precinct in which a voter should be registered.” Appx.000150-000155; Appx.000005-000008. If a voter registers with an impossible address, a voter registrar will now request confirmation of the voter’s actual residence. Appx.000150-000155; Appx.000005-000008.

Plaintiffs LULAC and Voto Latino (*collectively* Plaintiffs) challenged the three foregoing provisions of the law in a lawsuit against five Texas counties, alleging violations of the First Amendment, the Fourteenth Amendment, and the Twenty-Sixth Amendment in a suit filed on June 22, 2021. ECF 1. The Office of the Attorney General (OAG) moved to intervene to defend the constitutionality of SB 1111’s changes. ECF 53. The motion was granted, and OAG now timely files this motion for summary judgment. ECF 76, 136.

ARGUMENT AND AUTHORITIES

I. Legal Standard

Federal courts favor granting summary judgment where no genuine fact issue exists. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986) (“Summary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole[.]”).

The Supreme Court teaches that courts should grant summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *Celotex Corp.*, 477 U.S. at 322. Disputes are genuine only where “a reasonable jury could return a verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Of course, [t]he movant bears the burden of identifying those portions of the record it believes demonstrate the absence of a genuine issue of material fact.” *Triple Tee Golf, Inc. v. Nike, Inc.*, 485 F.3d 253, 261 (5th Cir. 2007) (citation omitted). But where, as here, the burden of proof at trial lies with the nonmoving party, a defendant may satisfy its initial burden by “‘showing’—that is, pointing out to this Court—that there is an absence of evidence to support the nonmoving party’s case.” See *Celotex Corp.*, 477 U.S. at 325; *Nat’l Ass’n of Gov’t Emps. v. City Pub. Serv. Bd. of San Antonio, Tex.*, 40 F.3d 698, 712 (5th Cir. 1994).

A defendant must demonstrate the absence of a genuine issue of material fact to win summary judgment, but it need not negate the elements of a plaintiff’s case to carry their burden here. *Boudreaux v. Swift Transp. Co.*, 402 F.3d 536, 540 (5th Cir. 2005) (citation omitted). If a defendant meets its Rule 56 burden, the plaintiff must identify specific evidence in the record and articulate how that evidence supports his claim. *Baranowski v. Hart*, 486 F.3d 112, 119 (5th Cir. 2007). Plaintiffs cannot satisfy the burden by pointing out “‘some metaphysical doubt as to the material facts, by conclusory allegations, by unsubstantiated assertions, or by only a scintilla of evidence.’” *Boudreaux*, 402 F.3d at 540 (quotation omitted).

II. Plaintiffs lack standing

“[S]tanding is perhaps the most important of the jurisdictional doctrines.” *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990) (quotation omitted). Courts persistently inquire into standing because “[w]ithout jurisdiction the court cannot proceed at all in any cause.” *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (quotation omitted) (emphasis added). At the summary judgment

stage, the individual plaintiffs must set forth by specific evidence fact support standing. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). Specifically, a plaintiff must show: (1) an actual or imminent, concrete and particularized “injury-in-fact”; (2) that is fairly traceable to the challenged action of the defendant; and (3) that is likely to be redressed by a favorable decision. *Friends of the Earth, Inc. v. Laidlaw Envt’l Servs., Inc.*, 528 U.S. 167, 180-81 (2000).

Plaintiffs have two avenues to allege standing: (1) associational or (2) organizational. *See NAACP v. City of Kyle*, 626 F.3d 233, 237-38 (5th Cir. 2010). Organizational standing requires that the plaintiff establish injury, causation, and redressability. *Id.* For associational standing, the organization must show (1) that its members would independently have standing; (2) that the interests the organization is protecting are germane to the purpose of the organization; and (3) neither the claim asserted nor the relief requested requires participation of individual members. *Tex. Democratic Party v. Benkiser*, 459 F.3d 582, 587-88 (5th Cir. 2006).

Texas State LULAC disclaimed any assertion of organizational standing. Appx.000167 (LULAC Dep. 41:5-23). Despite that admission, LULAC does contend in its pleadings that the organization has been chilled because of concerns over prosecution, in violation of the First Amendment. ECF 1 at 63. That chilling, if established factually, could satisfy organizational standing, but the chill must be something more than subjective. Rather, LULAC must show that it “is seriously interests in disobeying, and the defendant seriously intent on enforcing, the challenged measure . . .” *Justice v. Hoseman*, 771 F.3d 285, 291 (5th Cir. 2014). The problem here is that LULAC did not sue any of the prosecutors in Texas who could have actually prosecuted them. There is no factual allegation than any of the county-level elections administrators are intent on prosecuting LULAC, and even if there were, there is no way to redress that concern through this lawsuit considering the parties—or non-parties in this case—with the authority to prosecute election crimes are not parties to the litigation. Thus, there is no basis to assert standing based on “chill” on LULAC’s speech.

That leaves LULAC to assert associational standing. However, the organization cannot have associational standing unless one of its members would have standing to sue individually. *See Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977). LULAC, however, has not identified any member impacted by SB 1111. Appx.000179 (LULAC Dep. 68:6-8) (“Q: Have you seen any examples of that happening? A: The bills just passed this last session so it’s too early.”); *see also* Appx.000162-000163 (LULAC Dep. 24:12-25:15). Without any identifiable member impacted, LULAC lacks a basis to assert its claims against the county-level defendants.

Voto Latino’s claims share LULAC’s defects. Voto Latino is not a membership organization and does not have any members. Appx.000252-000253 (Voto Latino Dep. 32:21-34:14). Nor can Voto Latino identify any member who has decided not to register or vote on account of SB 1111. Appx.000280 (Voto Latino Dep. 142:24-143:13) (“Q: Sitting here today, are you aware of any specific examples of a constituent of Voto Latino, who decided not to register or vote on account of SB 1111? A: I think that’s part of the challenges that we don’t know who we turned away as a result of SB 1111. Q: So you don’t know of any? A: Not that I’m aware of . . .”).

Because the Plaintiffs cannot point to specific members with individual standing, their claims should be dismissed. *See Ga. Republican Party v. SEC*, 888 F.3d 1198, 1203 (11th Cir. 2018); *Draper v. Healey*, 827 F.3d 1, 3 (1st Cir. 2016) (Souter, J.); *Disability Rights Wis., Inc. v. Walworth Cty. Bd. of Supervisors*, 522 F.3d 796, 804 (7th Cir. 2008).

Even if the Plaintiffs had Article III standing, they would still lack statutory standing. *See Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 127-28 nn.3-4 (2014). Section 1983 provides a cause of action only when the plaintiff suffers “the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.” 42 U.S.C. § 1983. It does not provide a cause of action to plaintiffs claiming an injury based on the violation of a third party’s rights. *See Coon v. Ledbetter*,

780 F.2d 1158, 1160 (5th Cir. 1986) (“[L]ike all persons who claim a deprivation of constitutional rights, [plaintiffs] were required to prove some violation of their personal rights.”).

Section 1983 “incorporates . . . the Court’s ‘prudential’ principle that the plaintiff may not assert the rights of third parties,” but it omits the “exceptions” that occasionally overrode the prudential doctrine. David P. Currie, *Misunderstanding Standing*, 1981 Sup. Ct. Rev. 41, 45. When “[t]he alleged rights at issue” belong to a third party, rather than the plaintiff, the plaintiff lacks statutory standing, regardless of Article III standing. *Danos v. Jones*, 652 F.3d 577, 582 (5th Cir. 2011); *see also Conn v. Gabbert*, 526 U.S. 286, 292–93 (1999).³

Here, the Plaintiffs premise their claims on the right to register to vote. But the Plaintiffs are artificial entities that do not have voting rights. “It goes without saying that political parties, although the principal players in the political process, do not have the right to vote.” *Vieth v. Pennsylvania*, 188 F. Supp. 2d 532, 546 (M.D. Pa. 2002). The Plaintiffs are necessarily asserting the rights of third parties.

The Plaintiffs therefore lack statutory standing to sue under Section 1983. Because this follows from the statute itself, exceptions from “prudential standing principles do not apply.” *Am. Psychiatric Ass’n v. Anthem Health Plans, Inc.*, 821 F.3d 352, 359 (2d Cir. 2016); *see also Currie*, 1981 Sup. Ct. Rev. at 45. But even if the Plaintiffs could invoke prudential-standing exceptions, their Complaint does not do so and no amount of evidence could overcome the statutory limitations. Plaintiffs do not allege that they have “a ‘close’ relationship with” voters, and there is no reason to think voters face any “hindrance” to protecting their “own interests.” *Kowalski v. Tesmer*, 543 U.S. 125, 130 (2004) (noting the Supreme Court has generally “not looked favorably upon third-party standing”).

Because Plaintiffs lack standing to assert any of their claims, this Court should grant summary judgment and dismiss this suit.

³ Section 2 of the Voting Rights Act also concerns a particular “citizen,” not third parties. 52 U.S.C. § 10301(a). To the extent it implies a private cause of action (which the Governor does not concede), it does so in favor of the individual voter injured, not non-voters suing to vindicate third parties’ rights.

III. SB 1111 Is Constitutional

A. Section 1.015(b) does not violate the First Amendment

1. The State can constitutionally prohibit impossible addresses

Plaintiffs assert a First Amendment challenge in their first count, ECF 1 at ¶¶ 52-64, against the definitional language of SB 1111 that prevents a person from “[establishing] residence for the purpose of influencing the outcome of a certain election.” Tex. Elec. Code § 1.015(b). However, the challenged language in subpart (b) must be read in context with subpart (a), which provides that “‘residence’ means a domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.” Tex. Elec. Code § 1.015(a). Read together, Texas law prohibits a person from establishing a residence that is not where the person is domiciled, but rather where the person seeks to influence the outcome of a certain election. The amendment clarified state law, but it did not substantively change the Texas Election Code. Appx.000058 (Ingram Dep. 130:1-22).

The problem solved by SB 1111 has cropped up in Texas elections several times. In the mid-2010s, a group of voters near Woodlands, Texas, decided to register to vote within the district boundaries of a Road Utility District (RUD)—a district authorized to tax within its boundaries—using the address of a local Marriot Residence Inn. *See Jenkins v. State*, 468 S.W.3d 656, 658-662 (Tex.App.—Houston [14th Dist.] 2015, pet. dismissed); *see also* Appx.000048-000049 (Ingram Dep. 92:18-93:16). The voters had commercial properties taxed by the RUD, not they were not domiciled within the RUD within the district. *Id.* To take control of the board, and thus its taxing authority, the voters registered at the Marriot Residence Inn, stayed briefly at the hotel, and then cast votes in the RUD election. *Id.* The purpose, of course, was to influence the outcome of the election, not to register to vote using each of the voters’ actual residences.

Another recent example involves an on-going prosecution of the former mayor of Edinburg, Texas, who is currently under indictment and being prosecuted. The mayor allegedly paid voters who

did not live in Edinburg, Texas, to change their addresses and cast ballots in his favor during the mayoral election. *See* Appx.000050 (Ingram Dep. 97:9-22); *see also* Dave Hendricks, *Judge: District Attorney's Office may prosecute Edinburg mayor for voter fraud*, Progress Times, November 26, 2021, available at <https://www.progresstimes.net/2021/11/26/judge-district-attorneys-office-may-prosecute-edinburg-mayor-for-voter-fraud/> (last visited May 3, 2022).

Even more recently, the Texas Secretary of State has been contacted by the Sheriff of Loving County, Texas, concerning allegations that 18 people are registered to vote at a trailer in Loving County that is uninhabitable and no one goes or comes from the mobile home. Appx.000059-000060 (Ingram Dep. 135:18-138:8). What's more, the most recent census data now indicates that Loving County, Texas has 65 inhabitants, but 97 registered voters. Appx.000059 (Ingram Dep. 136:2-21).

At bottom, subsection (b), when read in context is clear: a voter may register at any address where the voter lives for any reason they want, but they may not register to vote in a place where they do not live for the purpose of influencing the outcome of a certain election. *See* Appx.000048-000049 (Ingram Dep. 89:3-96:21); Appx.000061 (Ingram Dep. 141:4-142:20).

2. The First Amendment does not apply

Even if the language in subsection (b) of § 1.015 were unclear, as a threshold matter, the Plaintiffs cannot demonstrate that the First Amendment applies to their claim. *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 388 (5th Cir. 2013). The Supreme Court has explained that conduct is protected by the First Amendment when it contains sufficient “communicative elements” to be embraced by the First Amendment. Courts evaluating communicative elements look at whether conduct is intended to convey a particular message and the likelihood that the message will be understood. *Voting for Am., Inc.*, 732 F.3d at 388.

Plaintiffs contend that Texas Election Code § 1.015(b) violates the First Amendment because it (1) regulates core political speech; (2) is overbroad and vague; and (3) confuses the Plaintiffs and chills their own speech. ECF 1 at ¶¶ 52-64. Not so.

First, the plain language of the statutes makes clear that a person can register to vote where they live *for any reason that they want* without violating § 1.015(b). Appx.000048-000049 (Ingram Dep. 89:3-96:21). Thus, SB 1111's changes do not regulate speech or expressive conduct, let alone core political speech, in the manner Plaintiffs have alleged. Second, Plaintiffs do not have a single example of any person who has declined to register to vote on account of the amendment to § 1.105(b) of the Texas Election Code. *See* Appx.000162-000163 (LULAC Dep. 21:8-26:21); Appx.000280 (Vote Latino Dep. 142:24-143-13). Without a person to point to, Plaintiffs cannot identify any speech or conduct that any registering voter is *expressing* by way of registering to vote using their home address.

Finally, Plaintiffs only basis for their assertion that their speech will be chilled flows solely from a misreading of the law. ECF 1 at ¶ 63. Plaintiffs complain that their speech encouraging registration will be chilled. ECF 1 at ¶ 63. The Fifth Circuit has explained, however, that speech associated with filling out a registration form belongs to *voters* not the Plaintiffs. *Voting for Am., Inc.*, 732 F.3d at 390. And nothing about requiring voters to register where they live is expressive conduct in any event. There is no expressive conduct associated with using your home address to vote, and Plaintiffs can point to none. *See* Appx. 000162-000163 (LULAC Dep. 21:8-26:21); Appx.000280 (Voto Latino Dep. 142:24-143-13).

To the extent Plaintiffs' canvassers wish to engage in political speech when they are registering people to vote, they are free to do so. Texas Election Code § 1.015 does not regulate canvasser's speech or expressive conduct. Plaintiffs' unfounded misinterpretation of the statute does not require a contrary result. *See St. Louis Efforts for AIDS v. Huff*, 782 F.3d 1016, 1027-28 (8th Cir. 2015) (reversing

a preliminary injunction because a First Amendment vagueness challenge was based upon a misreading of a challenged statute).

B. There is no burden in identifying where you live when you register to vote

“[T]he Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections.” *Reynolds v. Sims*, 377 U.S. 533, 554 (1964). “It does not follow, however, that the right to vote in any manner . . . [is] absolute.” *Burdick v. Takahashi*, 504 U.S. 428, 433 (1992). Instead, “[common] sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections; ‘as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.’” *Burdick*, 504 U.S. at 433 (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)). Because all election regulations impose some burden upon individual voters not every voting regulation is subject to strict scrutiny. *See, e.g., Veasey v. Abbott*, 830 F.3d 216, n.46 (5th Cir. 2016) (citing *McDonald v. Bd. of Election Comm’rs of Chicago*, 394 U.S. 802 (1969), for the proposition that rational-basis review applies when examining different methods of casting votes).

To that end, federal courts have recognized that a “flexible standard [of review] applies” when analyzing state election laws that may burden the right to vote. *Burdick*, 504 U.S. at 434. The so-called Anderson/Burdick balancing test, an analysis arising from the Supreme Court’s holdings in *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and *Burdick*, 504 U.S. 428 (1992), requires “[a] court considering a challenge to a state election law” to “weigh the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments . . . against the precise interests put forward by the State . . . taking into consideration the extent to which those interests make it necessary to burden the plaintiff’s rights.” *Burdick*, 504 U.S. at 434.

Under this “flexible standard” of review, strict scrutiny applies only when the right to vote is “subjected to ‘severe’ restrictions.” *Id.* However, “when a state election law provision imposes only

reasonable, nondiscriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the State's important regulatory interests are generally sufficient to justify the restrictions." *Id.*; *see also Celebrezze*, 460 U.S. at 788. When evaluating state election laws, courts consider the state's election regime, including aspects that mitigate hardship that might be imposed by the challenged provisions. *See Cranford v. Marion Cty. Election Bd.*, 553 U.S. 181, 199 (2008) (considering mitigating aspects of Indiana's election laws); *see also Ohio Democratic Party v. Husted*, 834 F.3d 620, 627-28 (6th Cir. 2016).

Plaintiffs have challenged in their second count, §§ 1.015(b) and (f), clarifying state rules on residency, and § 15.051(a), which provides that if a voter registrar has a reason to believe "that the voter's residence address is a commercial post office box or similar location that does not correspond to a residence" then the voter registrar will deliver a written notice requesting confirmation of the voter's current residence. Plaintiffs assert that those provisions violate the First and Fourteenth Amendments. If any burden exists from these rules, however, it is minimal. And any burden, however small, is outweighed by the State's interests. Because the evidentiary record forecloses any genuine factual dispute over the burdens and State interests, this Court should grant summary judgment on Plaintiffs' Count Two.

1. The State has significant interests in prohibiting impossible addresses

For starters, the State has an interest in making sure that people vote where they live. Appx.000053 (Ingram Dep. 111:5-15). Verifying addresses guarantees that voters get the right ballots for the district they live in, and it prevents unlawful election outcomes. Appx.000053 (Ingram Dep. 111:5-15). The State also has interests in preventing fraud and promoting uniformity in State elections, interests those local officials may eschew or ignore altogether absent clear state laws requiring action. Appx.000137-000139 (Longoria Dep. 162:3-172:3). Texas "indisputably has a compelling interest in preserving the integrity of its election process." *Eu v. San Francisco Cty. Democratic Central Comm.*, 489

U.S. 214, 231 (1989); *see also Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (acknowledging “the State’s Case compelling interest in preventing voter fraud”).

Voter-registration fraud, like voter impersonation, is notoriously difficult for state officials to detect, so the State is hardly to be faulted for any absence of evidence, and in all events *Cranford* holds that states need not produce evidence of past fraud to justify their election-fraud prevention laws. *See Cranford*, 553 U.S. at 194, 204; *see also Ala. State Fed’n of Labor, Local Union No. 103 v. McAdory*, 325 U.S. 450, 465 (1945) (“When a statute is assailed as unconstitutional we are bound to assume the existence of any state of facts which would sustain the statute in whole or in part.”). But since *Cranford*, Texas has identified and prosecuted hundreds of cases of fraud in Texas, with hundreds more pending. *See, e.g.* Appx.000009-000025 (Prosecution spreadsheet); *see also Jenkins v. State*, 468 S.W.3d 656, 658-662 (Tex.App.—Houston [14th Dist.] 2015, pet. dismissed). Guaranteeing the ability to detect fraud, prevent fraud, run efficient elections, and guarantee efficiencies such as seamless receipt of the correct ballots by voters all demonstrate the weighty interests served by the State prohibiting the use of impossible addresses.

2. The evidence of burden, if any, is slight and does not outweigh the asserted State interests

Plaintiffs’ evidence of burden, however, is practically non-existent. *See* Appx. 000162-000163 (LULAC Dep. 21:8-26:21); (Vote Latino Dep. 142:24-143-13). LULAC, for example, asserts that identifying where you live and verifying your address if you registered using an impossible address like a post-office box is the burden that concerns them. *See* Appx.000173 (LULAC Dep. 66:2-68:5). Military, college students, and other transient workers, LULAC claims, will be burdened by verifying their physical residence if they register with an impossible address. The burdens, however, are that you register where you live, the same requirement that existed before SB 1111, and provide documentary proof—to the extent that you are not exempted—if you register using an impossible address. Appx.000058 (Ingram Dep. 130:1-22).

What's more, the clarifications in SB 1111 passed alongside exemptions for individuals who could still use impossible addresses. For example, SB 1111 included a new provision outlining the documentation required to demonstrate a voter's physical residence, but that new section expressly exempts, among others, member of the armed forces and their spouses and dependents; full-time students who live on campus; and, voters who hold a commercial driver's license. Tex. Elec. Code § 15.054(d). Even if those exemptions were not included, the Plaintiffs cannot identify any concrete examples of the burdens they assert. *See* Appx.000179 (LULAC Dep. 68:6-8) ("Q: Have you seen any examples of that happening? A: The bills just passed this last session so it's too early."); Appx.000280 (Voto Latino Dep. 142:24-143-13) ("Q: Sitting here today, are you aware of any specific examples of a constituent of Voto Latino, who decided not to register or vote on account of SB 1111? A: I think that's part of the challenges that we don't know who we turned away as a result of SB 1111. Q: So you don't know of any? A: Not that I'm aware of . . .").

C. SB 1111 does not violate the Twenty-Sixth Amendment

Plaintiffs assert, without evidence, that SB 1111 restricts registration opportunities for college students, in violation of the Twenty-Sixth Amendment. Not so. The Twenty-Sixth Amendment has been interpreted to provide an individual right to be free from the denial or abridgement of the right to vote based on the classification described in the Amendment. *Texas Democratic Party v. Abbott*, 978 F.3d 168, 183-84 (5th Cir. 2020). Namely, the Amendment prohibits denial or abridgement on account of age. U.S. Const. amend. XXVI.⁴ There is no argument that voting is denied on account of SB 1111. Rather, Plaintiffs contend that college students will have difficulty registering on account of SB 1111, but the Twenty-Sixth Amendment is *abridged* "only if [a law] makes voting *more difficult* for that person that it was before the law was enacted or enforced." *Texas Democratic Party v. Abbott*, 978 F.3d at 190-91 (5th Cir. 2020) (emphasis in the original).

⁴ On its face, the Twenty-Sixth Amendment says nothing about college students.

On that score, Plaintiffs' claim fails for at least three reasons. First, as a factual matter, Plaintiffs cannot point to *anyone* who now has a more difficult time voting on account of SB 1111. *See* Appx.000179 (LULAC Dep. 68:6-8) ("Q: Have you seen any examples of that happening? A: The bills just passed this last session so it's too early."); Appx.000280 (Voto Latino Dep. 142:24-143-13) ("Q: Sitting here today, are you aware of any specific examples of a constituent of Voto Latino, who decided not to register or vote on account of SB 1111? A: I think that's part of the challenges that we don't know who we turned away as a result of SB 1111. Q: So you don't know of any? A: Not that I'm aware of"). Second, as a factual matter, college students could register to vote wherever they live—on campus, at their parents' house, or anywhere else they intended to reside—before and after SB 1111's passage. Appx.000061-000062 (Ingram Dep. 144:17-22-146:19). Third, as a legal matter, the changes to SB 1111 did not substantively change the law on registration. Appx.00058 (Ingram Dep. 130:1-22). And to the extent that college students may want to use an impossible address, like a campus post office box, they have been exempted from portions of SB 1111's requirements. Tex. Elec. Code § 15.054(d)(2).

Because Plaintiffs cannot provide a legal or factual basis for their claim, this Court should dismiss Plaintiffs' Count Three.

CONCLUSION

This Court should grant summary judgment and dismiss all claims in favor of the Defendants and Defendant-Intervenors.

Dated: May 9, 2022

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Texas Bar No. 00798537

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Texas Bar No. 24088531

/s/ Eric A. Hudson
ERIC A. HUDSON
Senior Special Counsel
Texas Bar No. 24059977

KATHLEEN T. HUNKER
Special Counsel
Texas Bar No. 24118415

OFFICE OF THE ATTORNEY GENERAL
SPECIAL LITIGATION UNIT
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410

*Counsel for Intervenor-Defendant Ken Paxton, in his official
capacity as Texas Attorney General*

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 9, 2022, and that all counsel of record were served by CM/ECF.

/s/ Eric A. Hudson
ERIC A. HUDSON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS STATE LULAC, ET AL.,
Plaintiffs,

v.

BRUCE ELFANT, ET AL.,
Defendants,

AND

KEN PAXTON, ET AL.,
Intervenor-Defendants.

Case No. 1:21-cv-00546-LY

**DEFENANT-INTERVENOR KEN PAXTON'S
MOTION FOR SUMMARY JUDGMENT APPENDIX**

Document	Appendix Range
Statements from Senator Bettencourt	Appx.—000001-000004
Texas Secretary of State Election Advisory No. 2021-10	Appx.—000005-000008
Office of the Attorney General of Texas – Election Fraud Violations – Prosecution Chart	Appx.—000009-000025
Deposition of Keith Ingram in his capacity as Corporate Representative for the Texas Secretary of State	Appx.—000026-00096
Deposition of Isabel Longoria in her official capacity as Elections Administrator for Harris County, Texas	Appx.—000097-149
Signed Copy of Senate Bill 1111	Appx.—000150-000155
Deposition of Texas State LULAC's designated corporate representative	Appx.—000157-000243
Deposition of Voto Latino's designated corporate representative	Appx.—000244-357

Dated: May 9, 2022

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First Assistant Attorney General

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Deputy Attorney General for Special Litigation
Texas Bar No. 00798537

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Deputy Chief, Special Litigation Unit
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/s/ Eric A. Hudson
ERIC A. HUDSON
Senior Special Counsel
Texas Bar No. 24059977

KATHLEEN T. HUNKER
Special Counsel
Texas Bar No. 24118415

OFFICE OF THE ATTORNEY GENERAL
SPECIAL LITIGATION UNIT
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410

*Counsel for Intervenor-Defendant Ken Paxton, in his official
capacity as Texas Attorney General*



THE TEXAS SENATE

Senator Paul Bettencourt: District 7

[printer friendly](#)

Press Release

FOR IMMEDIATE RELEASE

April 28, 2021

Contact Cristie Strake

(512) 463 0107

Cristie Strake@senate.texas.gov

The Senate Passes Two More of Senator Bettencourt's Election Integrity Bills to Texas House

SB 1111 to stop use of private P.O box as a registration address & SB 1589 to create a DPS Election Marshall

Austin, Texas – Senator Paul Bettencourt (R-Houston), passed two major voter integrity bills, SB 1111 to stop the use of private P.O box as a registration address and SB 1589 to create educated DPS Election Marshalls for election disputes. These bills are a step in the right direction to ensuring a trusted election outcome, and a fair voter roll. These are the last of the "Integrity-7" bills to be passed by the full Senate.

"There are approx. 4,800 voters registered at private UPS store P.O. boxes in Houston and there is quite frankly no way anyone can fit into a 2x3 inch post office box!" said Senator Bettencourt **"Senate Bill 1111 is about ensuring voters are registered to vote at a physical address where they live so elections are not unfairly impacted."** he said. **"We cant have impossible addresses on the voter roll."** he emphasized.

"Election issues will be resolved quickly and efficiently by the Election Marshalls and Rocket Dockets to District Judges in SB1589. That's what the public would expect during a election!" Bettencourt added.

These 2 bills would make the following changes to voter registration to further support an accurate voter roll in each prescient as well as ensuring a rapid and purposeful response to election complaints of all parties:

- SB 1111 would emphasize that a person would be prohibited from establishing a residence in a place that the person has not inhabited, i.e. a private P.O. box. If the registrar believe the voters address is incorrect, they will send a written confirmation request and the voter can provide proof of their residence.
- SB 1589 will require that the DPS provide election law educated law enforcement personnel to immediately address violations as they occur. Election Marshalls will be supported by Judges trained on election law issues to be available to hear complaints immediately.

"These 2 bills passing are the last of my "Integrity-7" bills moving to the House" said Senator Bettencourt. **"Each one of these bills fix a voter integrity issue that will help restore trust in our Democracy and provide all Texans with the fairness and promptness the election process deserves!"** concluded Bettencourt.

Co/joint-authors include Senators Brian Birdwell (R- Granbury), Senator Brandon Creighton (R-Conroe), Senator Lois Kolkhorst (R-Brenham), Senator Bob Hall (R-Rockwall), Senator Bryan Hughes (R- Mineola) Senator Charles Schwertner (R-Georgetown), Senator Drew Springer (R-Muenster) and Senator Larry Taylor (R-Friendswood) have signed onto one or both of these election integrity bills, to ensure a accurate voter roll and faster resolution of election disputes.

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THE TEXAS SENATE

Senator Paul Bettencourt: District 7

[printer friendly](#)

Press Release

FOR IMMEDIATE RELEASE

May 25, 2021

Contact Cristie Strake

(512) 463 0107

Cristie Strake@senate.texas.gov

SB1111 By Bettencourt to Stop Commercial P.O. Box Registration Addresses Heads To Governor's Desk

SB 1111 finally passes 81-65 to stop the use of private P.O. box as a primary address for voter registration

Austin, Texas – House sponsor Representative Dennis Paul (R-Houston) passes SB 1111 authored by Senator Paul Bettencourt (R-Houston) by a vote of 81-65 to stop the use of private P.O. box as a registration address and ensure voters are registered to vote where they live. This bill is a step in the right direction to ensuring a trusted election outcome, and a fair voter roll so voters cannot establish residency for the purpose of unfairly influencing an election outcome.

"There has been a known problem in Harris County since 2018. We must have voter rolls with integrity! There are approx. 4,800 voters registered at private UPS store P.O. boxes in Houston and there is quite frankly no way anyone can fit into a 2x3 inch post office box!" said Senator Bettencourt **"Senate Bill 1111 is about ensuring voters are registered to vote at a physical address where they live so elections are not unfairly impacted."** he said. **"We cant have impossible addresses on the voter roll."** he emphasized.

In 2018, the UPS Store on Waugh Drive had 84 voters who were registered to vote with a residence address at the UPS Store and 22 of those people had voted in the November 2018

election. Currently, there are 54 registered voters at the 1302 Waugh Drive UPS store in Houston, Texas. **"This clearly shows a real life example of an ongoing issue that needs to be addressed to protect the integrity of our elections,"** said Bettencourt. **"Senator Bettencourt and I are glad to get this common sense legislation passed to prevent people from voting from a 2 by 3 inch private P.O box,"** added bill sponsor Representative Dennis Paul.

SB 1111 would emphasize that a person would be prohibited from establishing a residence in a place that the person has not inhabited, i.e. a private P.O. box. If the registrar believe the voters address is incorrect, they will send a written confirmation request and the voter can provide proof of their residence. This change to the voter registration provisions further supports an accurate voter roll in each prescient.

"Its critical to future elections that we have a voter roll with integrity so all Texans can trust the outcome," said Bettencourt. **"Big thanks to Dennis Paul for carrying this bill over the finish line in the Texas House so we can ensure accurate and fair election results!"** he concluded. Both Senator Hughes and Representative Cain supported this legislation in their committees.

Co/joint-authors include Senators Brian Birdwell (R- Granbury), Senator Brandon Creighton (R-Conroe), Senator Lois Kolkhorst (R-Brenham), Senator Bob Hall (R-Rockwall), Senator Bryan Hughes (R- Mineola) Senator Charles Schwertner (R-Georgetown), Senator Drew Springer (R-Muenster) and Senator Larry Taylor (R-Friendswood) signed onto this election integrity bill to ensure a voter roll with integrity!

###



The Texas Secretary of State will be closed Friday, April 15th in observance of Good Friday. [Holiday Closure Details.](#) X

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

Election Advisory No. 2021-10

To: County Chairs, County Election Officials, and County Judges

From: Keith Ingram, Director of Elections

A blue ink signature of Keith Ingram, the Director of Elections.

Date: August 31, 2021

RE: NEW LAW: SB 1111 (2021, Regular Session) Address Confirmation Process and Forms

In its 87th Regular Session (2021), the Texas Legislature enacted [Senate Bill 1111](#) (SB 1111), amending certain provisions of the Texas Election Code related to the definition of residence, address confirmation notices, and voters who register at certain locations that do not correspond to a residence. This advisory summarizes the changes and provides the new forms that must be used for this process.

Definition of Residence

SB 1111 modifies the definition of residence under Section 1.015 of the Texas Election Code. First, subsection (b) is modified to eliminate references to common law and to specify that "[a] person may not establish residence for the purpose of influencing the outcome of a certain election." Second, subsection (f) has been added, providing that "[a] person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain." See below for full text of Section 1.015, Texas Election Code.

Section 1.015. Residence

- a. In this code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence.
- b. **A person may not establish residence for the purpose of influencing the outcome of a certain election** ~~[Residence shall be determined in accordance with the common law rules, as enunciated by the courts of this state, except as otherwise provided by this code].~~
- c. A person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only.

- d. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home.
- e. A person who is an inmate in a penal institution or who is an involuntary inmate in a hospital or eleemosynary institution does not, while an inmate, acquire residence at the place where the institution is located.
- f. **A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.**

While SB 1111 modifies the definition of "residence" under the Election Code, it does not alter the actions of a voter registrar upon receiving and reviewing a voter registration application. Voter registrars will continue to review the address that is listed on the face of a voter registration application to determine if a voter resides within their county and determine the precinct in which a voter should be registered.

Modifications to Standard Address Confirmation Forms

SB 1111 made modifications to the "Notice of Address Confirmation" and response document. The official confirmation notice and response document must include the full definition of "residence" under Section 1.015 of the Texas Election Code and a sworn affirmation of the voter's residence. Other than the revisions to the forms, there are no procedural changes to the standard address confirmation process. Additionally, the Secretary of State has included in the "Notice of Address Confirmation" information about voters updating their residence via [Texas.gov](https://www.sos.state.tx.us) as in-county updates; this process may also be used by voters who are on suspense. The Secretary of State has revised the applicable forms. They are currently available in the Election Forms Manual and can be found below.

Notice to Confirm Voter Registration Address	Form	17-1
Address Confirmation Response - fold over	Form	17-2
Notice to Confirm Voter Registration Address Response - tri-fold	Form	17-3

Procedures for New Address Confirmation Requiring Documentation

SB 1111 created a new address confirmation process for voters registered at certain addresses that do not correspond to a residence. If the voter registrar has reason to believe that a voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the voter registrar shall deliver an address confirmation to the voter. (Section 15.051(a), Texas Election Code). The response to the address confirmation for these voters must include a photocopy of certain documentation that corresponds to the voter's residence address. (Sections 15.052, 15.054, Texas Election Code). The voter is required to provide a photocopy of the first document from the following list that corresponds to their residence under Section 1.015 of the Texas Election Code.

Required Documentation for Certain Address Confirmations

- A driver's license issued to the voter by the Department of Public Safety **that has not expired**;
 - **NOTE:** A driver's license may not be submitted by a voter who holds a commercial driver's license under Subchapter C, Chapter 522, Transportation Code.
- A personal identification card issued to the voter by the Department of Public Safety **that has not expired**;

- A license to carry a concealed handgun issued to the voter by the Department of Public Safety **that has not expired**;
- An appraisal district document showing the address the voter claims as a homestead in this state (**cannot be an appraisal for a commercial property**);
- A utility bill addressed to the voter's residence address; or
- An official tax document or Texas Department of Motor Vehicles document showing the registration address of a vehicle the voter owns.

If a voter has recently updated their address on documents 1-3 above, they may execute an affidavit indicating that they recently updated their address. This option will be provided on the "Address Confirmation Requiring Documentation" form.

Voters Whose Residence has no Address

Certain voters are exempt from providing a photocopy of the residential proof if they reside in a place with no address, and they execute an affidavit providing a concise description of the location of their residence. (Section 15.054, Texas Election Code).

Requirement for Residential Proof does not Apply to Certain Voters

The requirement for residential proof does not apply to a member of the U.S. armed forces or the spouse or dependent of a member, a voter enrolled as a full-time student who lives on campus at an institution of higher education, or a voter whose address is confidential under Texas law. (Section 15.054(d), Texas Election Code). If a voter registrar knows that a voter falls under one of these categories, the voter registrar is not required to send out the Notice to Confirm Voter Registration Address by Providing Documentation.

New Forms for Address Confirmation Requiring Documentation

The SOS has prescribed the following form for use for voters registered at certain addresses that do not correspond to a residence address. Please be advised that the new "Notice to Confirm Voter Registration Address by Providing Documentation" confirmation must be sent to the voter with a postage-paid response envelope that the voter can use to complete the required form and submit their required documentation, if applicable.

Notice to Confirm Voter Registration Address by Providing Documentation	Form	17-4
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Variations to Notice of Address Confirmation and Response Documents

Please be advised the voter registrar may prescribe a different design from that prescribed by the Secretary of State for an official form, if approved by the SOS. (Section 15.052, Texas Election Code).

Frequently Asked Questions

Q1: Why are you including information about updates via [Texas.gov](https://www.texas.gov) on the revised Address Confirmation Notices?

A1: The new address confirmation notice will include information about Texas.gov updates because voters who have moved within the same county can update their residence online through this application. An address update via

Texas Online is sufficient for providing a response to a **Notice to Confirm Voter Registration Address** that was sent to the voter.

Q2: For the new Notice to Confirm Voter Registration Address by Providing Documentation, what happens if the voter returns the response document but doesn't return the required documentation?

A2: If a voter doesn't return the required documentation or execute the affidavit stating their residence has no address, and the voter is not exempt under Section 15.054(d), the voter will be placed on the suspense list.

Q3: Is there a separate "suspense" designation for the two different address confirmation notices?

A3: No. The law does not provide for a separate designation. Therefore, any failure to respond or submit the required documentation/form will result in the voter being placed on suspense.

Q4: If a voter is on suspense because they did not return the required documentation associated with the Notice to Confirm Voter Registration Address by Providing Documentation, is the voter required to submit that documentation before voting?

A4: No. SB 1111 did not change the process for coming off of suspense when voting. All voters on suspense are required to complete a Statement of Residence prior to being accepted for voting. Once the Statement of Residence is complete and the election worker has accepted the voter for voting, the voter may vote a regular ballot, if otherwise eligible.

Q5: Would a ballot by mail voter who received the Notice to Confirm Voter Registration Address by Providing Documentation be required to submit a copy of their documentation with their returned mail ballot in order for their ballot to be counted?

A5: No. The process is the same for all voters. If a voter submits a complete Statement of Residence, the voter's ballot will be accepted, if otherwise eligible.

Q6: What if a voter who was previously sent a Notice to Confirm Voter Registration Address by Providing Documentation and did not provide a response, votes in person and completes a Statement of Residence with the same commercial address?

A6: The voter registrar has the authority to send out another Notice to Confirm Voter Registration Address by Providing Documentation. If the voter fails to respond to the new notice, the voter would be placed on suspense.

Q7: Are voter registrars required to review their list of registered voters to determine if voters are registered at a commercial address for the purpose of sending a Notice to Confirm Voter Registration Address by Providing Documentation?

A7: No. There is no requirement to proactively search for these addresses. However, if a voter's registration is challenged on such grounds or the voter registrar becomes aware of registration at a possible commercial post office box, they must send the Notice to Confirm Voter Registration Address by Providing Documentation to these voters.

KI:CA

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Bee	Melva Kay Ponce	Illegal Voting	2004 General Election	B-05-2101-0-CR-B	1 count illegal voting - voter impersonation	1	07/26/05	EC 64.012	Pled guilty to 1 count attempted illegal voting. 2 years deferred adjudication, \$1500 fine w/\$500 probated
Hardeman	Johnny Wayne Akers	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Possession of an official ballot by another	2004 Primary Election	013449	6 counts possession of official ballot or carrier envelope of another	6	11/04/05	EC 86.006	Pled guilty to possession of official ballot or carrier envelope of another. 2 years probation, \$2000 fine
Nueces	Virginia Ramos Garza	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Method of returning marked ballot, unlawful assistance, assisting voter	2005 School District Election	05-CR-9806-4	4 counts possessing an official ballot or carrier envelope of another	4	03/22/06	EC 86.006	1 year pre-trial diversion, 12 months community supervision
Nueces	Elida Garza Flores	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Method of returning marked ballot, unlawful assistance, assisting voter	2005 School District Election	05-CR-9805-4	1 count possessing an official ballot or carrier envelope of another	1	03/22/06	EC 86.006	1 year pre-trial diversion, 12 months community supervision
Nueces	Isabel Lisa Rios Gonzalez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Method of returning marked ballot, unlawful assistance, assisting voter	2005 School District Election	05-CR-9808-3	2 counts possessing an official ballot or carrier envelope of another	2	03/22/06	EC 86.006	Pled nolo contendere to 2 counts of possessing an official ballot or carrier envelope of another. 1 year deferred adjudication, \$500 fine, 12 months community supervision
Nueces	Josefina Marinas Suarez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Method of returning marked ballot, unlawful assistance, assisting voter	2005 School District Election	05-CR-9807-1	1 count illegally possessing an official carrier envelope of another	1	05/04/06	EC 86.006	Pled guilty to 1 count of illegally possessing an official carrier envelope of another. 1 year deferred adjudication, \$500 fine, 12 months community supervision
Reeves	Trine Villalobos	Vote Harvesting/Mail Ballot Fraud - Method of returning marked ballot	2004 Primary Election	25,185	4 counts possession of an official ballot or official carrier envelope of another	4	06/27/06	EC 86.006	Found guilty by jury of 4 counts of possession of an official ballot or official carrier envelope of another. 10 days jail / probated for 6 months
Bowie	Willie Howard Ray	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Unlawfully obstructing watcher, unlawfully witnessing application for more than one application, unlawful assistance, security of ballots, ballot boxes and envelopes	2004 Primary Election	06M1309-CCL	7 counts possessing an official ballot or carrier envelope of another	7	07/17/06	EC 86.006	Pled guilty to possession of an official ballot or official carrier envelope of another. 8 months deferred adjudication, \$200 fine. Original indictment dismissed.
Bowie	Jamillah Johnson	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Unlawfully obstructing watcher, unlawfully witnessing application for more than one application, unlawful assistance, security of ballots, ballot boxes and envelopes	2004 Primary Election	06M0302-CCL	2 counts possessing an official ballot or carrier envelope of another	2	07/17/06	EC 86.006	6 months deferred adjudication, \$200 fine
Bowie	Melinda Hunter	Unlawfully obstructing watcher, unlawfully witnessing application for more than one application, unlawful assistance, security of ballots, ballot boxes and envelopes	2004 Primary Election	06M0301-CCL	7 counts possessing an official ballot or carrier envelope of another	7	07/17/06	EC 86.006	6 months pre-trial diversion
Nueces	Maria Dora Flores	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud/Illegal Voting - Unlawful assistance, unlawfully influencing voter	2006 Primary Election	06-CR-2166-B	2 counts illegal voting-(4) marking a ballot without voter's consent	2	08/04/06	EC 64.012	Pled guilty to 2 counts illegal voting. 2 years deferred adj probation, \$750 fine
Reeves	Anita Baeza	Vote Harvesting/Mail Ballot Fraud - Method of returning marked ballot	2004 Primary Election	25,186	5 counts illegally possessing ballots for another person	5	08/28/06	EC 86.006	6 months pre-trial diversion

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Calhoun	Debra Briseno	Illegal voting, fraudulent registrations, and vote harvesting/mail ballot fraud	2006 Primary Election	2006-8-6465, 2006-8-6466, 2006-8-6467, 2006-8-6468, 2006-8-6469	3 counts illegal voting-(1) ineligible voter non-citizen, 1 count unlawful assistance, 11 counts possessing an official ballot or carrier envelope of another, 6 counts tampering with a governmental record, 6 counts false statement on a registration application	27	06/25/07	EC 64.012 / PC 37.10	Jury verdict of guilty on 2 counts illegal voting, 1 count tampering with a government record. 5 years TDCJ
Refugio	Raymond Villarreal	Illegal Voting, Tampering	2006 Primary Election	2007-2-4809, 2007-2-4810	4 counts illegal voting, 3 count tampering with governmental record	7	10/09/07	PC 37.10	Pled guilty to tampering with government record. 2 years TDCJ suspended for 5 years community supervision, \$1,500 fine, 90 days jail, \$2,090 restitution
Starr/ Brooks	Noelia Lopez	Illegal voting	2006 General Election	07-07-09767 CR	1 count illegal voting		01/24/08	EC 64.012	Dism'd
Hays	Mark Littlefield	Forgery, tampering with a government document	2006 Special Election	89,288	Possession of forged instrument	1	02/01/08	PC 32.21	1 year pre-trial diversion, \$300 donation
Starr/ Brooks	Jose Rene Gomez	Illegal voting	2006 General Election	07-05-09743 CR	1 count illegal voting-(2) voting more than once	1	05/01/08	EC 64.012	Pled guilty to illegal voting. 2 years deferred adjudication, \$300 fine, 2 years community supervision (Motion to Adjudicate)
Starr/ Brooks	Oscar Luis Rios	Vote Harvesting/Mail Ballot Fraud	2006 Primary Election	07-05-09741 CR	12 counts possessing a ballot without the voter's consent	12	05/01/08	EC 86.006	Pled guilty to 12 counts possessing a ballot without the voters's consent. 2 years deferred adjudication, \$300 fine, 2 years community supervision
Potter	Michael C. Shumate	Unlawfully accepting campaign donations, bribery	2008 Primary Election	56732-B, 56733-B, 56734-B	1 count unlawfully accepting contribution, 1 count organized criminal activity, 1 count unlawfully accepting contribution,	3	06/12/08	PC 71.02	Jury verdict of guilty to engaging in organized criminal activity. 10 years confinement, suspended for 8 years, community supervision with 180 days jail as a condition, \$5,000 fine
Duval/ Brooks	Lydia Molina	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud, unlawful buying and selling of ballot materials	2006 Primary Election	08-01-09864, 11479	6 counts possession of official ballot or carrier envelope of another	6	10/02/08	EC 86.006	Pled guilty to possession of official ballot or carrier envelope of another. 1 year deferred adjudication, \$300 fine, 12 months community supervision
Duval/ Brooks	Maria Soriano	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud, unlawful buying and selling of ballot materials	2006 Primary Election	08-01-09863, 11480	6 counts possession of official ballot or carrier envelope of another	6	10/02/08	EC 86.006	Pled guilty to possession of official ballot or carrier envelope of another. 1 year deferred adjudication, \$300 fine, 12 months community supervision
Duval/ Brooks	Elva Gutierrez Lazo	Unlawful assistance, unlawful buying and selling of ballot materials	2006 Primary Election	08-01-09865, 11482	3 counts possession of official ballot or carrier envelope of another	3	10/02/08	EC 86.006	Pled guilty to possession of official ballot or carrier envelope of another. 1 year deferred adjudication, \$300 fine, 12 months community supervision
Duval/ Brooks	Maria Adelina Trigo	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud, unlawful buying and selling of ballot materials	2006 Primary Election	08-01-09866, 11481	2 counts possession of official ballot or carrier envelope of another	2	10/02/08	EC 86.006	Pled guilty to possession of official ballot or carrier envelope of another. 1 year deferred adjudication, \$300 fine, 12 months community supervision
Goliad ^c	Jami Parkinson Billings	Unlawfully divulged voting results prior to the closing of polls	2008 Municipal Election	08-8-8967 CR	1 count unlawfully revealing information before polls close	1	11/12/08	EC 61.007	Pled nolo contendere to 1 count unlawfully revealing information before polls close. 2 years deferred adjudication, \$3,000 fine, 2 years community supervision
Starr/ Brooks	Guadalupe Rios	Vote Harvesting/Mail Ballot Fraud	2006 Municipal Election	08-08-09945 CR	11 counts possessing a ballot without the voter's consent	11	03/16/09	EC 86.006	Pled guilty to 11 counts possessing a ballot without the voter's consent. 2 years probated for 4 years probation, \$500 fine, 60 days house arrest
Starr/ Brooks	Oralia Frausto	Illegal Voting/Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2006 Primary Election	07-05-09738 CR	15 counts of possessing a ballot without the voter's consent	15	03/26/09	EC 86.006	1 year pre-trial diversion
Starr/ Brooks	Maria Gonzalez	Illegal Voting/Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2006 Primary Election	07-05-09742 CR	5 counts of possessing a ballot without the voter's consent	5	03/26/09	EC 86.006	1 year pre-trial diversion
Aransas/ Travis ^c	Gallagher, Todd	Misrepresentation of identity - intent to manipulate election or injure candidate	2008 Primary Election	C08999934	Misrepresentation of identity	1	05/21/09	E.C. 255.005	Pre-trial diversion for 1 year, 60 hours of community service, completed early.
Hidalgo ^c	Paulito Nilo	Illegal Voting - Felon	2008 Municipal Election	CR-2622-09-F	1 count of illegal voting-(1) ineligible voter felon	1	09/29/09	E.C. 64.012	Pled guilty for 5 years TDCJ, probated for 5 years of community supervision, 1 day in jail, \$500 fine
Hill	Leland Mac Coffman	Divulged election results prior to the closing of polls on election day; made false report to peace officer about divulging results	2007 School District and Municipal Election	M0593-09	3 counts false report to peace officer	3	10/14/09	PC 37.08	Pled guilty to 3 counts of false report to a peace officer. 2 years probation, \$2000 fine, 90 days in jail, probated

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Harris ^c	Jack Carol Crowder	Illegal Voting - Impersonation of deceased voter	2008 Primary Election	1215818	1 count illegal voting-(3) voter impersonation at polling place	1	10/06/09	EC 64.012	Pled guilty to 1 count fraudulent use of identifying information, 1 year deferred adjudication, \$200 fine
Starr/Brooks	Raul Reyna	Illegal Voting - Felon	2007 Municipal and School Election	09-04-09980 CR	2 counts illegal voting-(1) ineligible voter felon	2	11/05/09	EC 64.012	Pled guilty to illegal voting, 2 years TDCJ, \$500 fine
Starr/Brooks	Cynthia Pena	Illegal Voting - Felon	2007 Municipal and School Election	09-04-09881 CR	2 counts illegal voting-(1) ineligible voter felon	2	11/05/09	EC 64.012	Pled guilty to illegal voting, 10 years TDCJ-suspended, 4 years community supervision, \$500 fine
Starr/Brooks	Elizabeth Martinez	Illegal Voting - Felon	2007 Municipal Election	09-04-09982 CR	1 count illegal voting-(1) ineligible voter felon	1	11/05/09	EC 64.012	Pled guilty to 1 count of illegal voting, 5 years TDCJ
Panola	Drew Nixon	Official oppression; voting	2006 Special Election	2007-C-0193	2 counts of official oppression	2	01/28/10	PC 39.03	Dismissed Indictment. Defense motion for collateral estoppel granted.
Dimmit/LaSalle	Maria Mendoza Garcia	Vote Harvesting/Mail Ballot Fraud	2006 Primary Election	08-11-00052 CRL	7 counts knowingly provide false information on an application for an early voting ballot	7	04/15/10	EC 84.0041	12 months pre-trial diversion, \$60 supervision fee, 80 hours of community service
Dimmit/LaSalle	Estela Cruz Saenz	Vote Harvesting/Mail Ballot Fraud	2006 Primary Election	08-12-00063 CRL	7 counts knowingly provide false information on an application for an early voting ballot	7	04/15/10	EC 84.0041	6 months pre-trial diversion, \$60 supervision fee
Jim Wells/ Live Oak	Zaida Cantu Bueno	Vote Harvesting/Mail Ballot Fraud	2008 Primary Election	20068	4 counts of method of returned marked ballot (less than 10)	4	06/24/10	EC 86.006	Pled guilty to unlawful possession of ballot, 12 months probation, 180 days in jail (suspended), \$200 fine, 40 hours of community service
Jim Wells/ Live Oak	Norma Lopez	Vote Harvesting/Mail Ballot Fraud	2008 Primary Election	20067	8 counts of method of returned marked ballot (less than 10)	8	06/24/10	EC 86.006	Pled guilty to unlawful possession of ballot, 12 months probation, 180 days in jail (suspended), \$200 fine, 40 hours of community service
Jim Wells/ Live Oak	Cynthia Lopez	Vote Harvesting/Mail Ballot Fraud	2008 Primary Election	20066	3 counts of method of returned marked ballot (less than 10)	3	06/24/10	EC 86.006	Pled guilty to unlawful possession of ballot, 12 months probation, 180 days in jail (suspended) \$200 fine, 40 hours of community service.
Hidalgo/ Brooks	Ruben Trevino Garcia	Illegal voting - felon, bribery, and official misconduct	2008 School District Election	09-09-10116 CR	1 count illegal voting-(1) ineligible voter felon	1	06/17/10	EC 64.012	Pled guilty, 8 years TDCJ-ID suspended for 8 years community supervision, \$500 fine
Starr ^c	Raul Pena, Jr.	Vote Harvesting/Mail Ballot Fraud - Unlawful possession of 56 mail-in ballots by candidate	2010 Primary Election	CR-10-371	1 count of carrier envelope action by another person other than voter	1	06/22/10	EC 86.0051	Pled guilty, 6 months community supervision, 180 days in jail (suspended), \$500 fine
Starr/Brooks	Mary Lou Garza	Vote Harvesting/Mail Ballot Fraud - Providing fraudulent registration cards to vote harvesters	2006 Primary Election	07-07-09768 CR	1 count of unlawful delivery of a certificate	1	09/15/10	EC 13.145	Jury trial resulting in hung jury, dism'd
Hidalgo/ Brooks	Mario Manuel Medrano	Illegal voting - felon, bribery, and official misconduct	2008 School District Election	09-09-10117 CR	1 count illegal voting-(1) ineligible voter felon	1	11/10/10	EC 64.012	Pled guilty, 2 years TDCJ-ID
Duval/Live Oak	Christina Lichtenberger	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2008 Primary Election	20080, 20081	1 count of unlawful assistance, 1 count of method of returned marked ballot	2	12/14/10	EC 64.036, 86.006	Pled guilty to Possession of a Ballot and Unlawful Assistance, and received 1 year deferred adjudication, and paid a \$1000 fine and court costs
Duval/Live Oak	Andrea Campos Bierstedt	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2008 Primary Election	20082, 20083	1 count of unlawful assistance, 1 count of method of returned marked ballot	2	12/14/10	EC 64.036, 86.006	Pre-trial diversion 6 months, \$3,500 donation to the county
Duval/Live Oak	Alicia Pena Perez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2008 Primary Election	20084, 20085, 20086, 20087, 20088, 20089, 20090, 20091	4 counts of unlawful assistance, 4 counts of method of returned marked ballot	8	12/14/10	EC 64.036, 86.006	Pled guilty to 4 counts of Possession of a Ballot and 4 counts of Unlawful Assistance, and received 1 year jail, probated for 12 months, and paid a \$1000 fine and court costs
Smith	Ronald Marsh	Illegal Voting	2009 Municipal Election - Local Option	241-1682-11	1 count of Illegal Voting-(1) ineligible voter	1	03/23/11	E.C. 64.012	Pled guilty, received four years of deferred adjudication, a \$1,000 fine, and 100 hours of community service hours
Smith	Ann Marie Marsh	Illegal Voting	2009 Municipal Election - Local Option	241-1681-11	1 count of Illegal Voting-(1) ineligible voter		03/23/11	E.C. 64.012	Plea bargain in 241-1682-11 for guilty plea to def'd adj resulting in dismissal.
Bexar	Ester Sandoval Martinez-Moreno	Unlawfully accepting a voter, unlawfully permitting the deposit of a ballot, and illegal voting	2010 Primary Election	2010-W-0375	1 count of tampering of a governmental record	1	03/23/11	P.C. 37.10	Pled guilty to one count of misdemeanor Tampering, 1 year probation
Dallas/ Rockwall	Delores McMillian	Illegal Voting - Voter Impersonation	2010 Primary Election	11082011CCL-A	2 counts of attempted illegal voting-(3) voter impersonation at polling place	2	06/16/11	E.C. 64.012	Pled guilty to attempted illegal voting for impersonating a voter, 1 year probation, paid \$227 court costs.
Duval/ Jim Wells	Regino Cantu Salinas	Illegal Voting - Felon	2008 Primary Election	11-02-13251-CR	1 count of illegal voting-(1) ineligible voter felon	1	08/31/11	E.C. 64.012	Pled guilty for 2 years probation, 90 days in jail, and a \$2000 fine

Appx.--000011

OAG-000865

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Hidalgo/ Brooks	Reyna Almanza	Illegal voting	2009 School District Election	10-03-10342-CR	1 count of illegal voting- (3) voter impersonation	1	12/01/11	E.C. 64.012	Convicted by a jury on 11/16/11, sentenced to 2 years TDCJ, suspended for 5 years on probation, 90 days in County Jail as a condition of probation, \$313 court costs.
Bexar	Mary Comparin	Voter impersonation (voting for 20 years using the identity of a deceased voter still on voter rolls, while voting herself by mail ballot), benefits fraud (receiving SS benefits for herself and a deceased individual)	2008 General Election	2011-CR-7939	2 counts of illegal voting - voter impersonation	2		E.C. 64.012 (a) 3	Statute of limitations tolled by filing of indictment on 9/18/11. Defendant declared incompetent to stand trial. Cause 2011-CR-7939 closed, case left pending.
Brazos	Shank, Christine Thomas	Unlawfully Influencing Voter	2010 General Election	11-05590-CRM-CCL1	1 count of Unlawful Assistance	1	02/06/12	E.C. 64.036	Pled guilty, 1 year deferred adjudication community supervision, 20 hours community service, \$332.00 court costs, \$500.00 fine, prohibited from offering assistance in the election process to anyone.
Dallas/ Rockwall	Name Removed	Aggravated perjury in connection with Illegal Voting	2010 Primary Election		4 counts of aggravated perjury	4	02/16/12	E.C. 64.012	Expunged
Dallas/ Rockwall	Name Removed	Illegal Voting	2010 Primary Election		1 count of illegal voting - ineligible voter	1	02/16/12	E.C. 64.012	Expunged
Dallas/ Rockwall	Name Removed	Illegal Voting	2010 Primary Election		3 counts of illegal voting - ineligible voter	3	02/16/12	E.C. 64.012	Expunged
Dallas/ Rockwall	Name Removed	Illegal Voting	2010 Primary Election		3 counts of illegal voting - ineligible voter	3	02/16/12	E.C. 64.012	Expunged
Dallas/ Rockwall	Carlos Medrano	Illegal Voting	2010 Primary Election	2-11-418	2 counts of illegal voting - ineligible voter	2	02/27/12	E.C. 64.012	Elected Justice of the Peace convicted at bench trial of illegal voting - ineligible voter, 5 years TDCJ, probated for 5 years, 180 days in jail as a condition of probation, \$2500 fine, removed from office.
Dallas/ Rockwall	Robert Edward Medrano	Illegal Voting	2010 Primary Election	2-11-420	3 counts of illegal voting - ineligible voter	3	02/16/12	E.C. 64.012	In exchange for acknowledgement of offense and cooperating testimony at trial, charges dism'd
Dallas/ Rockwall	Rolando Medrano	Illegal Voting, aggravated perjury	2010 Primary Election	2-11-416	6 counts of aggravated perjury	6	02/29/12	P.C. 37.03	Pled guilty to two counts of aggravated perjury, 4 years TDCJ probated for 4 years community supervision, \$5,000 fine, \$219 Court Coust., 45 days in jail as a condition of probation, work release day for day.
Dallas/ Rockwall	Raquel Medrano	Illegal Voting, aggravated perjury	2010 Primary Election	2-11-108, 2-11-414	1 count of illegal voting - ineligible voter, 5 counts of aggravated perjury	6	02/28/12	E.C. 64.012, P.C. 37.03	Dism'd upon conviction of defendant in 2-11-418
Dallas/ Rockwall	Gilda Hernandez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud - Influencing Voter	2010 Primary Election	11082011CCL-B	4 counts of possession of an official ballot or carrier envelope, 3 counts of unlawful assistance (influencing voter), 2 counts failure to provide identifying info while assisting voter	9	04/05/12	E.C. 86.006, 64.036, 86.010	Pled guilty to two counts of Unlawful Assistance, two counts of Possession of a Ballot, and two counts of Failure to Provide Identifying Information While Assisting a Voter, and received one year of deferred adjudication and a \$250.
Hidalgo/ Brooks	Jose De Jesus Cano	Illegal voting - felon, bribery	2008 School District Election	09-09-10115 CR	1 count illegal voting-(1) ineligible voter felon	1	06/14/12	EC 64.012	Pled guilty, received 10 years TDCJ, probated for 10 years, \$1,000 fine, and \$313 court costs
Henderson/ Smith	Frank Ross	Illegal Voting	2009 Municipal Election	241-1683-11	1 count of Illegal Voting-(1) ineligible voter	1	06/19/12	E.C. 64.012	Dism'd
Hidalgo ^c	Angel Trujillo	Illegal Voting - Felon	2010 Municipal and School District Election	CR-1914-12-E	2 counts illegal voting by ineligible voter	2	08/08/12	E.C. 64.012	Pled guilty to illegal voting (1 ct), sentenced to 3 years TDCJ-probated for community supervision, \$750 fine.
Hidalgo ^c	Baudelia Zapata Rojas	Unlawfully revealing information before the polls close	2008 Municipal Election	12-03529	Unlawfully Revealing Information before polls close		12/27/12	E.C 61.007	No Bill
Hidalgo ^c	Sylvia Salas Vela	Illegal Voting	2008 Municipal Election	12-03519	Illegal Voting		12/27/12	E.C. 64.012	No Bill
Hidalgo ^c	Salvador Vela	Mail in ballot violation	2008 Municipal Election	12-03528	Method of returning marked ballot		12/27/12	E.C 86.006	No Bill
Hidalgo ^c	Fermina Castillo	Illegal Voting - Felon	2010 General Election	CR-1913-12-I	1 count of Illegal Voting-(1) ineligible voter felon	1	01/17/13	E.C. 64.012	Pled guilty to illegal voting, sentenced to 2 years deferred with community supervision and \$100 fine.
Cameron	Margarita Rangel Ozuna	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2010 Primary Election	2013-DCR-00484	1 count Unlawfully Assisting Voter	1	05/30/13	E.C. 86.010	Pled no contest to Unlawfully Assisting Voter (Class A Misdemeanor) 12 month county jail, probated for 12 month community service. \$250.00 fine.

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County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Hidalgo/ Brooks	Lorenzo Antonio Almanza	Illegal Voting - Voter Impersonation	2009 School District Election	10-03-10343-CR	2 counts of illegal voting-(3) voter impersonation at polling place	2	06/24/13	E.C. 64.012	Pled guilty to Illegal Voting - voter impersonation, Illegal Voting - voting twice, sentenced to 2 years TDCJ on both counts, run concurrently, \$313 court costs
Montgomery	James Alan Jenkins	Illegal Voting - Residency	2010 Special Election	12-03-025479-CR	1 count of illegal voting - ineligible voter	1	06/28/13	E.C 64.012	Convicted during a jury trial, 1 count of illegal voting (1) ineligible voter, 3 years TDCJ, \$10,000 fine and \$364.00 in court costs reversed/remanded by 14th COA, pending new trial
Montgomery	Peter Joseph Goeddert	False statement on application, illegal voting	2010 Special Election	12-03-02581-CR	1 count of illegal voting - ineligible voter	1	07/12/13	E.C. 64.012	1 year Probation - Pre-trial Diversion Program
Montgomery	Adrian Heath	False statement on application, illegal voting	2010 Special Election	12-03-025480-CR	1 count of illegal voting - ineligible voter	1	10/31/13	E.C. 64.012	Convicted during a jury trial, 1 count of illegal voting (1) ineligible voter. Sentenced to 3 years TDCJ and \$10,000 fine, \$334.00 in court costs.
Montgomery	Sybil Lea Doyle	False statement on application, illegal voting	2010 Special Election	12-03-02583-CR	1 count of illegal voting - ineligible voter	1	04/02/14	E.C. 64.012	Convicted at jury trial, 1 count of illegal voting (1) ineligible voter. Sentenced by deferred agreement, 3 years TDCJ, probated for 5 years, \$5,000 fine and \$359.00 in court costs.
Montgomery	Roberta Margaret Cook	False statement on application, illegal voting	2010 Special Election	12-03-02585-CR	1 count of illegal voting - ineligible voter	1	04/02/14	E.C 64.012	Convicted at bench trial, 1 count of illegal voting (1) ineligible voter. Sentenced by deferred agreement, 3 years TDCJ, probated for 5 years, \$5000 fine
Cameron ^c	Garza, Israel	Illegal Voting - Felon	2010 Municipal Election	2013-DCR-00957	1 count of illegal voting - ineligible voter (felon)	1	04/10/13	E.C 64.012	Pled guilty to illegal voting attempted (felon voter) Class A misdemeanor. Sentenced to 10 months confinement, 2 years probation, fine \$2500
Montgomery	Name Removed	False statement on application, illegal voting	2010 Special Election	12-03-xxxxx-CR	1 count of illegal voting - ineligible voter	1	05/15/14	E.C. 64.012	1 year Deferred Prosecution Probation. Eligible for expunction after serving 12 mos probation.
Montgomery	William Mervin Bernsten	False statement on application, illegal voting	2010 Special Election	12-03-02586-CR	1 count of illegal voting - ineligible voter	1	10/23/14	E.C.64.012	3 years Deferred Adjudication, \$2,500.00 fine, \$334.00 in court costs
Cameron	Tomas Chavez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02977-A/14-CCR-02983-A/14-CCR-02984-A/14-CCR-02985-A/14-CCR-02987-A/14-CCR-02989-A/14-CCR-02991-A/14-CCR-02993-A/14-CCR-02995-A/14-CCR-02996-A/14-CCR-02997-A/14-CCR-02999-A/14-CCR-03003-A	3 counts - Carrier Envelope Action: Person Other than voter (Misd B), 3 counts - Assisting Voter Violation (Misd A), 3 counts - Method of Returning Marked Ballot (Misd B), 4 count - Unlawful Assistance to Voter (Misd A)	13	01/22/15	E.C 86.0051 / E.C 86.010 / E.C 86.006 / E.C 64.036	Pled guilty to unlawful assistance of voter, 6 month confinement, probated for 1 year of community supervision, fine \$250.
Jim Wells	Benito Aranda Jr.	Illegal Voting - Felon	2012 Primary Election	14-07-13904-CR	Indicted 1 count of illegal voting(1) ineligible voter felon. 2nd Felony	1	02/18/15	E.C 64.012	Pled guilty to illegal voting (felon) Sentenced to 10 years confinement, probated for 10 years of community supervision
Jim Wells	Mark Homero Almaraz	Illegal Voting - Felon	2012 Primary Election	14-07-13903-CR	Indicted 1 count of illegal voting(1) ineligible voter felon. 2nd Felony	1	02/18/15	E.C 64.012	Pled guilty to illegal voting (felon) Sentenced to 10 years confinement, probated for 10 years of community supervision.
Hidalgo	Jorge Luis Martinez	Unlawfully rejecting voters, illegal voting, and unlawfully accepting voters	2008 Municipal Election	CR-2623-09-B	12 counts of illegal voting	12	02/25/15	E.C.64.012	Pled guilty to counts 1-6 for attempted Illegal Voting (Class A). Three years community supervision. Counts 7-12 were dismissed
Cameron	Facunda Garcia	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02980-A	1 Count - Unlawful Assistance to Voter (Misd. A)	1	03/19/15	E.C 64.036	Pled guilty to unlawful assistance of a voter. Sentenced to 3 day confinement in county jail and \$250.00 fine.
Cameron	Bernice Garcia	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02979-A/14-CCR-03010-A/14-CCR-03011-A	1 count - Carrier Envelope Action: Person Other than voter (Misd B), 1 Count - Method of Returning Marked Ballot (Misd B), 1 count - Unlawful Assistance to Voter (Misd A)	3	04/08/15	E.C 86.0051 / E.C 86.006 / E.C 64.036	1 year probation under diversion program (Deferred Pros.) for offense of unlawfully assisting voter.
Cameron	Rafael Angel Elizondo	Vote Harvesting/Mail Ballot Fraud - Method of Returning Marked Ballot	2012 Primary Election Runoff	2015-DCR-00269-D	1 Count -Method of Returing Marked Ballot more than 10 but less than 20 offical ballots/carrier envelopes. (3rd Degree Felony)	1	06/12/15	E.C. 86.006	Pled no contest to Method of Returning Marked Ballot =10<20, (Class A). Sentenced to three days in county jail. and taken into custody.

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County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Cameron	Jose Angel Garcia	Vote Harvesting/Mail Ballot Fraud - Method of Returning Marked Ballot	2012 Primary Election Runoff	2015-DCR-00270-D	5 Counts -Method of Returning Marked Ballot fewer than 10 official ballots/carrier envelopes (SJF)	5	06/12/15	E.C. 86.006	Pled guilty to Method of Returning Marked Ballot <10 (Class B). Sentenced to two days county jail.
Cameron	Margarita Ozuna	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02981-B/14-CCR-02986-B/14-CCR-02988-B/14-CCR-02990-B/14-CCR-02992-B/14-CCR-02994-B	3 counts - Carrier Envelope Action: Person Other than voter (Misd B), 3 counts - Method of Returning Marked Ballot (Misd B)	6	08/10/15	E.C 86.0051 / E.C 86.006	Pled guilty to Carrier Envelope Action by Person Other than Voter. Sentenced to 15 days county jail and \$250.00 fine/court cost.
Cameron	Vicenta Verino	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02978-C/14-CCR-02998-C/14-CCR-03000-C/14-CCR-03001-C/14-CCR-03002-C/14-CCR-03004-C/14-CCR-03005-C/14-CCR-03006-C/14-CCR-03007-C/14-CCR-03008-C	1 count - Unlawful Assistance to Voter (Misd A), 1 count - Assisting Voter Violation (Misd. A) , 4 counts - Carrier Envelope Action: Person Other than voter (Misd. B), 4 counts - Method of Returning Marked Ballot (Misd. B)	10	08/19/15	E.C 64.036/ E.C 86.010/ E.C 86.0051/ E.C 86.006	Pled guilty to Class A misdemeanor Unlawful Assistance of a Voter. 12 months of deferred adjudication, \$250 fine, and refraining from handling mail ballots and assisting voters.
Harris ^c	Avery Ayers	Forgery/Tampering with petition for candidacy - forged signatures	2014 General Election	1476757	1 Count of Tampering w / a Governmental Record (SJF)	1	10/06/15	P.C. 32.21	Waived a jury trial and pled guilty to one count of 3rd degree felony Forgery. Court convicted defendant and sentenced him to five (5) years TDCJ-Institutional Division. No fine, court costs or restitution.
Cameron	Sarah Perales	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2012 Primary Election Runoff	14-CCR-02982-C 14-CCR-03009-C	1 Count - Carrier Envelope Action: Person Other than voter (Misd. B), 1 Count - Method of Returning Marked Ballot (Misd. B)	2	10/28/15	E.C. 86.006	Pled guilty to Class B misdemeanor Method or Returning Ballot. Court sentenced her to one year of community supervision-deferred adjudication, plus a fine of \$150 and court costs. Defendant was ordered to refrain from assisting voters or other political activity.
Edwards	Michael Scotch	Illegal voting (residency)	2013 Municipal Election 2014 Primary Election	6053	1 Count Illegal Voting (Municipal) 2 Counts of Tamper w/ a Gov't rec 1 Count of Illegal Voting (Primary)	4	12/07/15	E.C 64.012	Pled no contest to Count 1 of the Indictment - Illegal voting (ineligible voter-non resident) in a plea bargain agreement. State to dismiss counts 2, 3 & 4. Sentenced to 24 months of deferred adjudication community supervision, \$500 fine.
Edwards	Tamara Scotch	Illegal voting (residency)	2013 Municipal Election 2014 Primary Election	6054	1 Count Illegal Voting (Municipal) 2 Counts of Tamper w/ a Gov't rec 1 Count of Illegal Voting (Primary)	4	12/07/15	E.C 64.012	Pled no contest to Count 1 of the Indictment - Illegal voting (ineligible voter-non resident) in a plea bargain agreement. State to dismiss counts 2, 3 & 4. Sentenced to 24 months of deferred adjudication community supervision, \$500 fine.
Hidalgo	Guadalupe "Lupe" Rivera, Jr.	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2013 Municipal Election	CR-15-08765-B, CR-15-08766-B	1 Count Carrier Envelope Action: Person Other than Voter, 1 count Method of Returning Marked Ballot <10	2	07/11/16	E.C. 86.0051 E.C. 86.006	Co-defendant accepted criminal responsibility for these offenses in plea resolving causes CR-15-08767-E, CR-15-08768-E, CR-15-08769-E, CR-15-08770-E, CR-15-08771-E, CR-15-08772-E, CR-15-08773-E, CR-15-08774-E, CR-15-08775-E, CR-15-08776-E, CR-15-08777-E, CR-15-08778-E, CR-15-08779-E, CR-15-08780-E, CR-15-08781-E, and CR-15-08782-E.
Hidalgo	Guadalupe "Lupe" Rivera, Sr.	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2013 Municipal Election	CR-15-08767-E CR-15-08768-E CR-15-08769-E CR-15-08770-E CR-15-08771-E CR-15-08772-E CR-15-08773-E CR-15-08774-E CR-15-08775-E CR-15-08776-E CR-15-08777-E CR-15-08778-E CR-15-08779-E CR-15-08780-E CR-15-08781-E	1 Count Unlawful Assistance to Voter, 6 counts Carrier Envelope Action: Person Other than Voter, 6 counts Method of Returning Marked Ballot <10, 3 counts Assisting Voter Violation	16	07/11/16	E.C. 64.036	Pled guilty to Unlawful Assistance to a Voter, Class A misdemeanor. Sentenced to 365 days in jail, probated for one year of community supervision with a \$500 fine.

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County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Hidalgo	Graciela Sanchez	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud; Influencing Voter	2013 Municipal Election	CR-15-08761-B CR-15-08762-B CR-15-08763-B CR-15-08764-B	2 counts Carrier Envelope Action: Person Other than Voter, 2 counts Method of Returning Marked Ballot <10	4	07/11/16	E.C. 86.0051	Pled guilty to Carrier Envelope Action: Person Other than Voter, Class B misdemeanor. Pre-trial diversion for a period of two years of community supervision, pay court and probations fees, complete 24 hours of community service. Other charges dismissed.
Dallas/ Tarrant	Rosa Maria Ortega	Illegal Voting - Non-Citizen	2012 General Election, 2014 Primary Run-Off Election	1434155	2 counts of illegal voting - ineligible voter (non citizen)	2	02/09/17	E.C. 64.012	Convicted by jury on both counts of Illegal Voting - Non citizen. Jury sentenced her to a period of eight (8) years in the Texas Department of Criminal Justice Institutional Division on each count, sentences to run concurrently. \$5,000.00 fine and \$329.00 in court costs.
Edwards	Manuel Rodriguez III	Illegal Voting - voter impersonation, Illegal Voting - ineligible voter (felon, unregistered voter)	2014 General Election	1730	2 counts of illegal voting, ineligible voter (felon, unregistered), voted as 99-yr-old grandfather	2	2/27/2017	E.C. 64.012 (a) 1	Convicted of illegal voting (2nd deg. felony). Sentenced to two (2) years in the Texas Department of Criminal Justice Institutional Division.
Edwards	Rita Renee Johnson	Illegal Voting- ineligible voter (non-resident)	Nov. 2014 general election, May 2015 RISD election, May 2015 City of Rocksprings election, March 2016 primary election, May 2016 City of Rocksprings election, Nov. 2016 general election, and May 2017 City of Rocksprings election	CX7779096408	7 counts of illegal voting - ineligible voter (non-resident) - 2nd degree Felony	7	12/20/17	E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 7 counts Illegal Voting
Webb	Angel Antonio De Leon, Jr.	Illegal Voting- ineligible voter (convicted felon, on paper)	Special COL Dist. 2 - 2/13/2016; Special COL Dist. 2 Runoff - 4/2/2016; Joint Primary Runoff - 5/24/2016; November 2016 General Election	CX8826260117	4 counts of illegal voting - ineligible voter (felon) - 2nd degree Felony	4	01/29/18	E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 4 counts Illegal Voting
Webb	Arturo Garcia, Jr.	Illegal Voting- ineligible voter (convicted felon, on paper)	Nov. 2014 general election; March 2016 Democratic primary; May 2016 Democratic runoff	CX8140980101	3 counts of illegal voting - ineligible voter (felon) - 2nd degree Felony	3	01/29/18	E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 3 counts Illegal Voting
Medina	Patricia Barton	Unlawfully Influencing Voter in Polling Place; Electioneering	Mar. 2018 Primary Election	CX4240437617	2 counts of unlawfully influencing voter in polling place; 1 count electioneering	3	04/26/18	E.C. 61.008; E.C. 61.003	Prosecution Diversion Program - stipulation of guilt to 2 counts unlawfully influencing voter; 1 count electioneering
Hill	Aaron Torres	Unlawfully Revealing Information Before the Polls Close	2018 Primary Runoff	CX7954393300	1 count unlawfully revealing information before the polls close	1	05/30/18	E.C. 61.007	Prosecution Diversion Program - stipulation of guilt to 1 count unlawfully revealing information before the polls close
Dallas	Shirley Brown	Unlawfully Accepting a Voter not eligible to vote, by election judge	2016 General Election	CX3852040670	3 counts unlawfully accepting a voter	3	05/31/18	E.C. 63.012	Prosecution Diversion Program - stipulation of guilt to 3 counts unlawfully accepting a voter
Kenedy	Chriselda Olvera	Illegal voting; Election Fraud; False Statement on Registration Application	Mar. 2018 Primary Election	CX3920309473	Count 1 - Illegal voting, 2nd Degree Felony; Count 2 - election fraud, CI A; Count 3 - false statement on a registration application, CI B	3	07/02/18	E.C. 64.012; 276.013; 13.007	Prosecution Diversion Program - stipulation of guilt to 1 count illegal voting, 1 count election fraud, and 1 count false statement on a registration application
Kenedy	Martin Olvera	Illegal voting; Election Fraud; False Statement on Registration Application	Mar. 2018 Primary Election	CX8890196392	Count 1 - Illegal voting, 2nd Degree Felony; Count 2 - election fraud, CI A; Count 3 - false statement on a registration application, CI B	3	06/27/18	E.C. 64.012; 276.013; 13.007	Prosecution Diversion Program - stipulation of guilt to 1 count illegal voting, 1 count election fraud, and 1 count false statement on a registration application

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Kenedy	Heather Lauren Miller	Illegal voting; Election Fraud; False Statement on Registration Application	Mar. 2018 Primary Election	CX4641286029	Count 1 – Illegal voting, 2nd Degree Felony; Count 2 – election fraud, CI A; Count 3 - false statement on a registration application, CI B	3	06/05/18	E.C. 64.012; 276.013; 13.007	Prosecution Diversion Program - stipulation of guilt to 1 count illegal voting, 1 count election fraud, and 1 count false statement on a registration application
Nueces/ San Patricio	Rosita Torres Flores	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud/Illegal voting	Robstown 2016 General	S-18-3065-CR; 18-CR-83358	Count 1 – Illegal voting, 2nd Degree Felony; Count 2 – method of returning marked ballot, SJF 1 count misdemeanor unlawful assistance, CI A	3	6/12/2018	E.C. 64.012; 86.006; 64.036	Convicted of unlawfully assisting/influencing voter with mail ballot (E.C. 64.036); 12 months jail, probated for 18 months; \$1000 fine; 10 days confinement in county jail served day for day as condition of probation
Frio	Consuelo Barrientos Cantu	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2016 Primary Runoff Election	CX3772923814	2 Counts Unlawful Assistance	2	6/15/2018	E.C. 64.036	Prosecution Diversion Program - stipulation of guilt to 2 Counts unlawful assistance to voters with their mail ballots
Frio	Maria Delcarmen Vela	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud	2016 Primary Runoff Election	CX3772923814	6 Counts Unlawful Assistance	6	6/15/2018	E.C. 64.036	Prosecution Diversion Program - stipulation of guilt to 6 Counts unlawful assistance to voters with their mail ballots
Starr	Miguel Moreno	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	Mar. 2016 Primary Election	CX4341881207	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/26/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Veronica Flores Vega	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX2819749616	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/25/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Abigail Estrada	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX7915417228	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/25/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Dora Barrera	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX4783488382	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/25/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Nitzia Marbella Flores	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX0192300090	1 Count Fraudulent Use of Application for Ballot by Mail; 2 Counts Illegal Voting	3	6/25/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 2 Counts Illegal Voting
Starr	Eusebio Lopez	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX6220705016	1 Count Fraudulent Use of Application for Ballot by Mail; 1 Count Illegal Voting	2	6/26/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 1 Count Illegal Voting
Starr	Adelaida Lopez	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX1897927803	1 Count Fraudulent Use of Application for Ballot by Mail; 2 Counts Illegal Voting	3	6/26/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 2 Counts Illegal Voting
Starr	Alayssa Lopez	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX9033550035	1 Count Fraudulent Use of Application for Ballot by Mail; 2 Counts Illegal Voting	3	6/26/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 2 Counts Illegal Voting
Starr	Zeida S. Maldonado	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX9693226046	1 Count Fraudulent Use of Application for Ballot by Mail; 2 Counts Illegal Voting	3	6/25/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 2 Counts Illegal Voting
Starr	Jose Guadalupe Garcia	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX0876257916	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/25/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Andrea Martinez	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX5913948503	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/25/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Rudolfo A. Trevino	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail	2016 Primary; 2016 Primary Runoff Election	CX4183309968	1 Count Fraudulent Use of Application for Ballot by Mail	1	6/26/2018	E.C. 84.0041	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail
Starr	Raul Lozano Jr.	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX6361275996	1 Count Fraudulent Use of Application for Ballot by Mail; 1 Count Illegal Voting	2	6/26/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 1 Count Illegal Voting
Starr	Deyla Maria Garcia	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 Primary; 2016 Primary Runoff Election	CX2635106999	1 Count Fraudulent Use of Application for Ballot by Mail; 1 Count Illegal Voting	2	6/26/2018	E.C. 84.0041; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count fraudulent use of application for ballot by mail and 1 Count Illegal Voting
Kenedy	Lariah Saenz	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2018 March Democratic Primary	CX9041380477	1 Count False Statement on Application; 1 Count Illegal Voting	2	7/17/2018	E.C. 13.007; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False Statement on Application and 1 Count Illegal Voting

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County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Kenedy	Juan Vela	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2018 March Democratic Primary	CX2940077682	1 Count False Statement on Application; 3 Counts Illegal Voting	4	7/17/2018	E.C. 13.007; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False Statement on Application and 3 Counts Illegal Voting
Kenedy	Leticia Munoz Vela	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2018 March Democratic Primary	CX8789204507	1 Count False Statement on Application; 5 Counts Illegal Voting	6	7/17/2018	E.C. 13.007; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False Statement on Application and 5 Counts Illegal Voting
Starr	Guadalupe Garza	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 March Democratic Primary	CX8930944834	1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 1 Count Illegal Voting	6	7/25/2018	E.C. 13.007; E.C. 84.0041; P.C. 37.10; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 1 Count Illegal Voting
Starr	Brandon Lee Garza	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 March Democratic Primary	CX6232993804	1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 1 Count Illegal Voting	6	7/25/2018	E.C. 13.007; E.C. 84.0041; P.C. 37.10; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 1 Count Illegal Voting
Nueces/ San Patricio	Cynthia Kay Gonzales	Vote Harvesting/Mail Ballot Fraud/Assistance Fraud/Illegal voting	Robstown 2016 Primary Runoff	18-CR-83109; 18-CR-83110; 18-CR-83111	Count 1 – carrier envelope action, SJF; Count 2 – method of returning marked ballot, SJF; Count 3 – assisting voter, SJF; and Count 4 – illegal voting, 2nd Degree Felony	4	8/14/2018	E.C. 86.0051; 86.006; 64.036; 64.012	Convicted of unlawful possession of a ballot (86.006); carrier envelope action other than voter (86.0051); and unlawfully assisting voter with a mail ballot (86.010); sentenced to 180 days jail probated for 540 days, 180 days probated for 540 days, and 365 days probated for 540 days and a \$500 fine, respectively. Sentenced to served 5 days county jail, day for day, as condition of probation.
Harris/ Montgomery	Laura Janeth Garza AKA Angle Yadira Zamora	Illegal Voting (non-citizen); Impersonation of a U.S. Citizen	2016 General Election	18-05-06033; 18-05-06032	Cause 1 - illegal voting - voter impersonation; Cause 2 - Illegal voting (non-citizen)	2	9/13/2018	E.C. 64.012	Convicted of two counts of Illegal Voting for impersonating a voter and voting when she was not eligible to vote (noncitizen); 10 years TDCJ probated for 10 years, with 180 days in jail as condition, \$10,000 fine probated for 10 years.
Starr	Artemio Lopez	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; Illegal Voting	2016 March Democratic Primary	CX8019112853	1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 3 Counts Illegal Voting	8	9/17/2018	E.C. 13.007; E.C. 84.0041; P.C. 37.10; E.C. 64.012	Prosecution Diversion Program - stipulation of guilt to 1 Count False statement on application; 2 Counts False information on application for ballot by mail; 2 Counts Tampering with a governmental record; 2 Counts Illegal Voting
Tarrant	Charles Jackson	False Statement on Application Mail Ballot Fraud/Vote Harvesting - Forged Voter's Signature	2016 Democratic Primary Election	1565412	False Statement on Mail Ballot Application	1	4/6/2019	E.C. 84.0041	Convicted of False Statement on Mail Ballot Application; sentenced to 10 days county jail.
Polk	William Williams	Tampering with a Governmental Record; Illegal Voting (voting ballot of another); Election Fraud - Mail Ballot	2018 General Election	CX1976897707	2 Counts - Tampering with a Governmental Record; 2 Counts - Illegal Voting (voting mail ballot of another); 2 Counts - Election Fraud	6	8/5/2019	P.C. 37.10; E.C. 64.012; E.C. 276.013	Prosecution Diversion Program - stipulation of guilt to 2 Counts Tampering with a Governmental Record; 2 Counts Illegal Voting (voting ballot of another); 2 Counts Election Fraud
Starr/Hidalgo	Bernice Garza	Illegal Voting/Mail Ballot Fraud - Impersonation of deceased voter, Mail ballot application fraud, Mail ballot cast for voter who was dead 9 years	2016 Democratic Primary Election	CR-0115-19-J	Counts 1-2 - Illegal voting Count 3 - False Statement on Mail Ballot Application	3	1/24/2019	E.C. 64.012; E.C. 84.0041	Dism'd for lack of evidence and in exchange for Defendant's cooperation with the State and an ongoing investigation by the Texas Rangers.
Harris	John Alsup	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/17/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud

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Harris	Betty Anderson	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election; 2019 Special Election; 2020 Primary	CX8794422517	1 Count - False Statement on Application, 3 Counts Illegal Voting; 1 Count Tampering with a Government Record, 1 Count Election Fraud	6	8/14/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 3 Counts Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	James Core	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/18/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Michael DeBello	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election	CX8794422517	1 Count - False Statement on Application, 1 Count Illegal Voting; 1 Count Tampering with a Government Record, 1 Count Election Fraud	4	8/12/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Name Removed	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election	CX87944225--	1 Count - False Statement on Application, 1 Count Illegal Voting; 1 Count Tampering with a Government Record, 1 Count Election Fraud	4	8/17/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count1 Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Brian Hoffner	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election; 2018 Primary Runoff	CX8794422517	1 Count - False Statement on Application, 2 Counts Illegal Voting; 1 Count Tampering with a Government Record, 1 Count Election Fraud	5	8/14/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 2 Counts Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Micaela Ladet	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/18/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	David Levy	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/14/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Kyle Levy	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/14/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Name Removed	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2019 Special Election		1 Count - False Statement on Application, 2 Counts Illegal Voting, 1 Count Tampering with a Government Record, 2 Counts Election Fraud	6	8/11/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 2 Counts Illegal Voting; 1 Count Tampering with a Government Record; 2 Counts Election Fraud
Harris	Barnett Pate	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election	CX8794422517	1 Count - False Statement on Application, 1 Count Illegal Voting, 1 Count Tampering with a Government Record, 1 Count Election Fraud	4	8/18/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	John Scott	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/19/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud

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Harris	Aaron Sprecher	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/20/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Justin Thomas	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/12/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Name Removed	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration		1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	8/21/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Judith Zimmerman	False Statement on Registration Application; Tampering with Government Record; Election Fraud - False Registration Address	Voter Registration	CX8794422517	1 Count - False Statement on Application, 1 Count Tampering with a Government Record, 1 Count Election Fraud	3	9/2/2020	E.C. 13.007; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Antonia McClammy	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election; 2019 Special Election	CX8794422517	1 Count - False Statement on Application, 2 Counts Illegal Voting, 1 Count Tampering with a Government Record, 1 Count Election Fraud	5	8/21/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 2 Counts Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Harris	Luis Cruz	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud - False Registration Address	2018 General Election	CX8794422517	1 Count - False Statement on Application, 1 Count Illegal Voting, 1 Count Tampering with a Government Record, 1 Count Election Fraud	4	8/20/2020	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Medina	A. Hitzfelder	Unlawfully Assisting Voters with Mail Ballot Applications	2020 Presidential Election	CX8093477769	10 Counts Unlawfully Assisting Applicant	10	05/19/21	E.C. 84.003	Prosecution Diversion Program - stipulation to the commission of 10 Counts Unlawfully Assisting Applicant
Lubbock	Christopher Donayre	False Statement on Registration Application; Illegal Voting; Tampering with Government Record; Election Fraud	2018 General Election	CX8764358848	1 Count - False Statement on Application, 1 Count Illegal Voting, 1 Count Tampering with a Government Record, 1 Count Election Fraud	4	09/02/21	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 1 Count Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Guadalupe	Gregory Gilcrease	Illegal Voting; Election Fraud; False Statement on Registration Application; Tampering with a Government Record	2018 General Election; 2020 General Election	CX3419210173	2 Counts - Illegal Voting, 1 Count - Election Fraud, 1 Count - False Statement on Registration Application, 1 Count Tampering with a Government Record	5	10/28/21	E.C. 13.007; E.C. 64.012; P.C. 37.10; E.C. 276.013	Prosecution Diversion Program - stipulation to the commission of 1 Count False Statement on Application; 2 Counts Illegal Voting; 1 Count Tampering with a Government Record; 1 Count Election Fraud
Gregg ^c	Shannon Everette Brown	Organized Election Fraud - Vote Harvesting	2018 Democratic Primary	50953-B	1 count of Engaging in Organized Election Fraud (F2), 7 counts of Fraudulent Use of an Application for Ballot by Mail (F3), 2 counts of Unlawful Possession of Ballot/Ballot Envelope (SJF), 8 counts of Election Fraud (SJF), and 5 counts of Tampering with a Governmental Record (SJF)	23	1/20/2022	E.C. 276.011; 84.0041; 86.006; 276.013; PC 37.10	Convicted of E.C. 276.013 Election Fraud, and sentenced to 1 yr county jail, probated for 1 yr. and \$2,000 fine. Public apology required as condition of plea deal.

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Resolved

County ^a	Defendant	Allegation	Election Involved	Cause/Case Number ^d	Charge(s)	# Offenses Charged	Resolution Date	Statute Violated	Disposition ^b
Gregg ^c	Marlena Roseanne Jackson	Organized Election Fraud - Vote Harvesting	2018 Democratic Primary	50949-B	1 count of Engaging in Organized Election Fraud (F1), 1 count of Illegal Voting (F2), 31 counts of Fraudulent Use of an Application for Ballot by Mail (F3), 7 counts of Unlawful Possession of Ballot/Ballot Envelope (SJF), 31 counts of Election Fraud (SJF), and 26 counts of Tampering with a Governmental Record (SJF)	97	1/20/2022	E.C. 276.011; 64.012; 84.0041; 86.006; 276.013; PC 37.10	Convicted of E.C. 276.013 Election Fraud, and sentenced to 1 yr county jail, probated for 1 yr. and \$2,000 fine. Public apology required as condition of plea deal.
Gregg ^c	Charlie Burns, Jr.	Organized Election Fraud - Vote Harvesting	2018 Democratic Primary	50951-B	1 count of Engaging in Organized Election Fraud (F3), 1 count of Fraudulent Use of an Application for Ballot by Mail (SJF), 5 counts of Unlawful Possession of a Ballot/Ballot Envelope (SJF), and 1 count of Tampering with a Governmental Record (SJF)	8	1/27/2022	E.C. 276.011; 84.0041; 86.006; 276.013; PC 37.10	Convicted of E.C. 86.006 Unlawful Possession of Ballot with Intent to Defraud. Sentenced to 1 yr county jail, probated for 1 yr.
Gregg ^c	DeWayne Ward	Organized Election Fraud - Vote Harvesting	2018 Democratic Primary	50947-B	1 count Engaging in Organized Election Fraud (F1), 1 count of Unlawful Possession of Ballot or Carrier Envelope without the Consent of the Voter (F2), and 4 counts Unlawful Possession of Ballot/Ballot Envelope (SJF)	6	1/31/2022	E.C. 276.011; 86.006	Convicted of E.C. 86.006 Unlawful Possession of Ballot with Intent to Defraud. Sentenced to 1 yr county jail, probated for 1 yr.
Bexar	Ozuki Trevino	Illegal Voting	2018 Republican Primary	CR-21-0000047	1 count Illegal Voting (F2)	1	3/8/2022	E.C. 64.012(b)	Prosecution Diversion Program - 1 count Illegal Voting
Guadalupe	Stan "Stosh" Boyle	Tampering with Government Record - Application for Candidacy - Felony Conviction/Ineligible for Office	2017 City of Cibolo Election; 2019 City of Cibolo Election	19-2108-CR-C; CCL-19-0809	1 count of Aggravated Perjury, 1 count of Tampering w/Government Record with Intent to Defraud, 1 count of Tampering with a Government Record	3	4/12/2022	P.C. 37.03; P.C. 37.10	Pled Guilty to 1 count Aggravated Perjury (F3) and 1 count Tampering with a Government Record with Intent to Defraud (SJF). Placed on 4-year deferred adjudication probation.

Total Counts/ Offenses		691		
Prosecuted				
Number of offenses related to cases involving:	Mail Ballot Fraud	444	64%	Note: significant overlap in fraud activity involving (two or more of) mail ballot fraud, assistance fraud, and illegal voting in the same case may result in totals > 100%.
	Assistance Fraud	169	24%	
	Illegal Voting	189	27%	

2015-present 429

^a County offense occurred/County offense prosecuted. | ^b For complete information on disposition, see judgment and sentence. Prosecution Diversion Program includes an acknowledgment of the commission of offense/s.^c Prosecuted by or with assistance of local district/county attorney. | ^d Cause number, where available; otherwise, OAG investigation or prosecution case number.**This document is not a summary of all election violations in this state. This document does not record or report offenses handled exclusively by local law enforcement, district or county attorneys, or federal authorities. This document only reflects cases investigated and/or prosecuted by the OAG.**

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Pending

County ^a	Defendant	Allegation	Election Involved	Cause Number	Charge(s)	# Counts Charged	Date Charged	Statute Violated
Jefferson/ Chambers	Zena Collins Stephens	Bribery, unlawfully accepting a cash contribution (\$5,000/\$1,000), tampering with a campaign finance report	2016 General Election	18DCR0152	Count 1 - tampering with an election record; Count 2 - unlawfully accepting a cash contribution; Count 3 - unlawfully accepting a cash contribution	3	4/26/2018	P.C. 37.10; E.C. 253.033
Jefferson/ Chambers	Ray Elliott Beck	Bribery, unlawfully accepting a cash contribution	2016 General Election	18DCR0153	Count 1 - unlawfully accepting a cash contribution; Count 2 - failure to return a political contribution	2	4/26/2018	E.C. 253.033; 254.034
Jefferson/ Chambers	Joseph Sterling Stevenson	Bribery, unlawfully accepting a cash contribution	2016 Democratic Primary Election	18DCR0154	Unlawfully accepting a cash contribution	1	4/26/2018	E.C. 253.033
Hidalgo	Marcela Gutierrez	Unlawfully assisting/influencing voters; illegal voting	2016 City of Hidalgo Runoff Election	CR-18-08298-G; CR-18-08299-G; CR-18-08300-G; CR-18-08301-G; CR-18-08302-G; CR-18-08303-G; CR-18-08304-G; CR-18-08305-G; CR-18-08306-G; CR-18-08307-G	Misdemeanor cases 1-10 - Unlawfully Assisting/Influencing Voters; Felony count 1 - Illegal Voting	11	6/1/2018	E.C. 64.036; 64.012
Hidalgo	Sara Ornelas	Unlawfully assisting/influencing voters	2016 City of Hidalgo Runoff Election	CR-18-08296-A; CR-18-08297-A; CR-18-08170-A	Counts 1-3 - unlawfully assisting/influencing voters	3	5/31/2018	E.C. 64.036
Hidalgo	Sylvia Arjona	Unlawfully assisting/influencing voters	2016 City of Hidalgo Runoff Election	CR-18-08167-H; CR-18-08168-H; CR-18-08169-H; CR-18-08295-H	Counts 1-4 - unlawfully assisting/influencing voters	4	5/31/2018	E.C. 64.036
Tarrant	Leticia Sanchez	Illegal Voting - voting another's ballot; Vote Harvesting/Mail Ballot Fraud False Statement on Mail Ballot Application	2016 Democratic Primary Election	1565416	Count 1 - Illegal voting Counts 2-17 - False Statement on Mail Ballot Application	17	10/10/2018	E.C. 64.012 (a) 4; E.C. 84.0041
Tarrant	Leticia Sanchez Tepichin	False Statement on Mail Ballot Application; Vote Harvesting/Mail Ballot Fraud	2016 Democratic Primary Election	1565415	Counts 1-9 - False Statement on Mail Ballot Application	9	10/10/2018	E.C. 84.0041
Tarrant	Maria Rosa Solis	False Statement on Mail Ballot Application; Vote Harvesting/Mail Ballot Fraud	2016 Democratic Primary Election	1565413	Counts 1-2 - False Statement on Mail Ballot Application	2	10/10/2018	E.C. 84.0041
Tarrant	Laura Parra	False Statement on Mail Ballot Application; Vote Harvesting/Mail Ballot Fraud	2016 Democratic Primary Election	1565155	Counts 1 - False Statement on Mail Ballot Application	1	10/10/2018	E.C. 84.0041

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Pending

County ^a	Defendant	Allegation	Election Involved	Cause Number	Charge(s)	# Counts Charged	Date Charged	Statute Violated
Navarro ^c	Marites Curry	Illegal Voting - Non-Citizen	2016 Presidential Election	D38883-CR	Illegal Voting	1	12/20/2018	E.C. 64.012
Harris ^c	Anthony Rodriguez	Election Fraud - False Statement to Election Official	2018 General Election	1629438	Counts 1-2 - Election Fraud	2	4/26/2019	E.C. 276.013
Hidalgo ^c	Ricardo Molina	Organized Election Fraud - Illegal Voting	2017 City of Edinburg Election	CR-2056-19-A	Count 1 - Engaging in Organized Election Fraud Counts 2-12 - Illegal Voting	12	6/6/2019	E.C. 276.011; E.C. 64.012
Hidalgo ^c	Dalia Molina	Organized Election Fraud - Illegal Voting	2017 City of Edinburg Election	CR-2057-19-A	Count 1 - Engaging in Organized Election Fraud Counts 2-3 - Illegal Voting	3	6/6/2019	E.C. 276.011; E.C. 64.012
Hidalgo ^c	Julio Carranza	Organized Election Fraud - Illegal Voting	2017 City of Edinburg Election	CR-2058-19-A	Count 1 - Engaging in Organized Election Fraud Counts 2-3 - Illegal Voting	3	6/6/2019	E.C. 276.011; E.C. 64.012
Hidalgo ^c	Araceli Gutierrez	Organized Election Fraud - Illegal Voting	2017 City of Edinburg Election	CR-3349-19-A	Count 1 - Engaging in Organized Election Fraud Count 2 - Illegal Voting	2	8/22/2019	E.C. 276.011; E.C. 64.012
Hidalgo ^c	Alyssa Cano	Illegal Voting	2017 City of Edinburg Election	CR-3493-19-A	Illegal Voting	1	8/29/2019	E.C. 64.012
Hidalgo ^c	Belinda Rodriguez	Illegal Voting	2017 City of Edinburg Election	CR-3343-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Brenda Rodriguez	Illegal Voting	2017 City of Edinburg Election	CR-3344-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Crystal Lee Ponce	Illegal Voting	2017 City of Edinburg Election	CR-3341-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Cynthia Tamez	Illegal Voting	2017 City of Edinburg Election	CR-3339-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Pending

County ^a	Defendant	Allegation	Election Involved	Cause Number	Charge(s)	# Counts Charged	Date Charged	Statute Violated
Hidalgo ^c	Daniel Castillo	Illegal Voting	2017 City of Edinburg Election	CR-3494-19-A	Illegal Voting	1	8/29/2019	E.C. 64.012
Hidalgo ^c	Felisha Rodriguez	Illegal Voting	2017 City of Edinburg Election	CR-3346-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Francisco Tamez, Jr.	Illegal Voting	2017 City of Edinburg Election	CR-3348-19-A	Counts 1-2 - Illegal Voting	2	8/22/2019	E.C. 64.012
Hidalgo ^c	Guadalupe Garza	Illegal Voting	2017 City of Edinburg Election	CR-3342-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Jose Martinez	Illegal Voting	2017 City of Edinburg Election	CR-3347-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Jose Vela	Illegal Voting	2017 City of Edinburg Election	CR-3491-19-A	Illegal Voting	1	8/29/2019	E.C. 64.012
Hidalgo ^c	Ludivina Leal	Illegal Voting	2017 City of Edinburg Election	CR-3492-19-A	Illegal Voting	1	8/29/2019	E.C. 64.012
Hidalgo ^c	Maria Aleman	Illegal Voting	2017 City of Edinburg Election	CR-3338-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Rosendo Rodriguez	Illegal Voting	2017 City of Edinburg Election	CR-3345-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Ruby Tamez	Illegal Voting	2017 City of Edinburg Election	CR-3340-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Hidalgo ^c	Veronica Vela Saenz	Illegal Voting	2017 City of Edinburg Election	CR-3337-19-A	Illegal Voting	1	8/22/2019	E.C. 64.012
Guadalupe	Stan "Stosh" Boyle	Tampering with Government Record - Application for Candidacy - Felony Conviction/Ineligible for Office	2017 City of Cibolo Election; 2019 City of Cibolo Election	19-2108-CR-C; CCL-19-0809	1 count of Aggravated Perjury, 1 count of Tampering w/Government Record with Intent to Defraud, 1 count of Tampering with a Government Record	3	9/5/19; 7/26/19	P.C. 37.03; P.C. 37.10
Limestone ^c	Kelly Reagan Brunner	Voter Registration Fraud - Vote Harvesting	2020 Presidential Election	15126-A	67 counts Purportedly Acting as Agent (F3), 67 counts Election Fraud (SJF)	134	10/21/2020	E.C. 13.006; 276.013

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Pending

County ^a	Defendant	Allegation	Election Involved	Cause Number	Charge(s)	# Counts Charged	Date Charged	Statute Violated
Medina/ Bandera ^a	Eva Ann Martinez	Organized Election Fraud - Vote Harvesting	2018 Republican Primary	CR21-022	1 count Engaging in Organized Election Fraud (F1), 9 counts Illegal Voting (F2), 15 counts Unlawful Possession of Ballot/Ballot Envelope Enhanced (SJF), 3 counts Purportedly Acting as an Agent (F3), 5 counts Tampering w/Government Document w/Intent to Harm or Defraud (SJF), 14 counts Election Fraud Enhanced (SJF), 4 counts Fraudulent Use of Mail Ballot Application Enhanced (F3), 13 counts Unlawfully Assisting Voter Voting Ballot by Mail Enhanced (F3)	64	2/9/2021	E.C. 276.011; E.C. 64.012; E.C. 86.006; E.C. 13.006; P.C. 37.10; E.C. 276.013; E.C. 84.0041; E.C. 86.010
Medina/ Bandera ^a	Leonor Rivas Garza	Organized Election Fraud - Vote Harvesting	2018 Republican Primary	CR21-019	1 count Engaging in Organized Election Fraud (F1); 2 counts Illegal Voting (F2); 8 counts of Unlawful Possession of Ballot/Ballot Envelope Enhanced (SJF); 2 counts Election Fraud Enhanced (SJF); 5 counts Fraudulent Use of Mail Ballot Application Enhanced (F3)	18	2/9/2021	E.C. 276.011; E.C. 64.012; E.C. 86.006; E.C. 276.013; E.C. 84.0041
Medina/ Bandera ^a	Mary Jane Balderrama	Organized Election Fraud - Vote Harvesting	2018 Republican Primary	CR21-020	1 count Engaging in Organized Election Fraud (F1); 9 counts Illegal Voting (F2); 2 counts Unlawful Possession of Ballot/Ballot Envelope Enhanced (SJF); 1 count Fraudulent Use of Mail Ballot Application Enhanced (F3); 2 Counts Unlawfully Assisting Voter Voting Ballot by Mail Enhanced (F3); 2 counts Tampering w/Government Document with Intent to Harm or Defraud (SJF); 8 counts Election Fraud Enhanced (SJF)	25	2/9/2021	E.C. 276.011; E.C. 64.012; E.C. 86.006; P.C. 37.10; E.C. 276.013; E.C. 84.0041; E.C. 86.010
Medina/ Bandera ^a	Tomas Ramirez	Organized Election Fraud - Vote Harvesting	2018 Republican Primary	CR21-021	1 count Engaging in Organized Election Fraud (F1); 17 counts Unlawful Possession of Ballot/Ballot Envelope Enhanced (SJF); 17 counts Unlawfully Assisting Voter Voting Ballot by Mail Enhanced (F3)	35	2/9/2021	E.C. 276.011; E.C. 86.006; E.C. 86.010
Victoria	Monica Mendez	Vote Harvesting, Assistance Fraud, Illegal Voting, Election Fraud	2018 Victoria Co Water District Election	21-06-32996-A	3 counts Illegal Voting (F2); 7 counts Unlawful Possession of Vote by Mail Enhanced (F3); 8 counts Unlawful Possession of Ballot/Ballot Envelope Enhanced (SJF); 8 counts Election Fraud Enhanced (SJF)	26	7/15/2021	E.C. 64.012; E.C. 86.006; E.C. 86.010; E.C. 276.013
Bexar/ Kendall ^a	Rachel "Raquel" Rodriguez	Vote Harvesting, Assistance Fraud, Illegal Voting, Election Fraud	2020 Presidential Election	8231; 21-078-CR	1 count Illegal Voting (F2); 1 count Unlawful Possession of Ballot w/ intent to defraud, victim over 65 (SJF); 1 count Unlawful Assistance (CI A); 1 count Election Fraud (CI A)	4	3/1/2021	E.C. 64.012; E.C. 86.006; E.C. 64.036; E.C. 276.013
Harris/ Montgomery ^a	Hervis Earl Rogers	Illegal Voting	2020 Primary Election; 2018 General and Special Elections	21-06-08801-CR	2 counts Illegal Voting (F2)	2	6/24/2021	E.C. 64.012

Office of the Attorney General of Texas
Election Fraud Violations
Prosecutions Pending

County ^a	Defendant	Allegation	Election Involved	Cause Number	Charge(s)	# Counts Charged	Date Charged	Statute Violated
Harris/ Montgomery ^a	Ignacio Gonzalez Beltran	Illegal Voting - Impersonation of a U.S. Citizen, Document Fraud; ref'd by Diplomatic Security Services - U.S. State Dept.	Multiple Elections	21-06-08808	4 counts Illegal Voting (F2)	4	6/24/2021	E.C. 64.012
Nolan ^c	Kenneth Ray Teaff	Fraudulent Use of Ballot Application - Deceased Voter Impersonation, Tampering with Gov't Record	2020 Presidential Election	13853; 13854	1 count Fraudulent Use of Application for Ballot by Mail, enhanced (F3); 1 count Tampering with Gov't Record (SJF)	2	8/17/2021	E.C. 84.0041; P.C. 37.10

Total Counts/ Offenses Pending
Prosecution

410

43

Number of offenses related to cases involving:	Mail Ballot Fraud	287	70%
	Assistance Fraud	18	4%
	Illegal Voting	67	16%

^a County offense occurred/County offense prosecuted. | ^b Investigated by local law enforcement and referred to OAG for prosecution | ^c Prosecuted by or with assistance of local district/county attorney.

This document is not a summary of all election violations in this state. This document does not record or report offenses handled exclusively by local law enforcement, district or county attorneys, and federal authorities. This document only reflects cases investigated and/or prosecuted by the OAG.

4/29/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Brian Ingram 30(b)(6)

Page 1	Page 3
<p>UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</p> <p>TEXAS STATE LULAC; VOTO) LATINO,) Plaintiffs,)) -vs-)) BRUCE ELFANT, in his) official capacity as the) Travis County Tax) Case No. Assessor-Collector, et) 1:21-cv-00546-LY al.,) Defendants,)) and)) KEN PAXTON, in his) official capacity as) Attorney General of) Texas, et al.,) Intervenor-) Defendants.))</p> <p>VIDEOTAPED RULE 30(b)(6) DEPOSITION OF JOHN B. SCOTT, TEXAS SECRETARY OF STATE TAKEN REMOTELY VIA VIDEOCONFERENCE BY AND THROUGH ITS DESIGNEE BRIAN KEITH INGRAM APRIL 29, 2022 9:07 A.M.</p> <p>REPORTED BY: DEBRA SAPIO LYONS, RDR, CRR, CRC, CCR, CLR, CPE</p> <p>DIGITAL EVIDENCE GROUP 1730 M Street, NW, Suite 812 Washington, D.C. 20036 (202) 232-0646</p>	<p>1 (All Counsel and Participants present via Zoom 2 videoconference.) 3 APPEARANCES: 4 ELIAS LAW GROUP LLP BY: CHRISTOPHER D. DODGE, ESQUIRE 5 MELINDA JOHNSON, ESQUIRE 10 G Street NE - Suite 600 6 Washington, D.C. 20002-4253 202.987.4928 7 cdodge@elias.law 202.968-4490 8 mjohnson@elias.law 9 Attorneys for Plaintiffs 10 11 TRAVIS COUNTY ATTORNEY'S OFFICE BY: CYNTHIA VEIDT, ESQUIRE 12 314 W. 11th Street - Suite 500 Austin, Texas 78701 13 512.854.9513 cynthia.veidt@traviscountytexas.gov 14 Attorneys for Defendant Bruce Elfant, in his official capacity as Travis County Tax Assessor-Collector 15 16 BEXAR COUNTY DISTRICT ATTORNEY BY: LARRY ROBERSON, ESQUIRE 17 101 W. Nueva - 7Th Floor San Antonio, Texas 78205 18 210.335.2146 19 lroberson@bexar.org 20 Attorneys for Defendant Jacquelyn Callanen, 21 in her official capacity as the Bexar 22 County Elections Administrator</p>
Page 2	Page 4
<p>1 April 29, 2022 2 Videotaped Rule 30(b)(6) Deposition of 3 John B. Scott, Texas Secretary of State, By 4 and Through Its Designee Brian Keith Ingram, 5 reported remotely via Zoom Videoconference by 6 Debra Sapio Lyons, a Registered Diplomat 7 Reporter, a Certified Realtime Reporter, a 8 Certified Realtime Captioner, a Certified 9 LiveNote Reporter, an Approved Reporter of the 10 United States District Court for the Eastern 11 District of Pennsylvania, a Certified Court 12 Reporter of the State of New Jersey and Notary 13 Public. 14 15 16 17 18 19 20 21 22</p>	<p>1 APPEARANCES CONTINUED: 2 OFFICE OF THE HARRIS COUNTY ATTORNEY BY: TIFFANY S. BINGHAM, ESQUIRE 3 1019 Congress - 15th Floor Houston, Texas 77002 4 713.274.5132 Tiffany.Bingham@cao.hctx.net 5 Attorneys Defendant Isabel Longoria, in her official capacity as Harris County 6 Elections Administrator 7 8 HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE-CIVIL DIVISION 9 BY: LEIGH ANN TOGNETTI, ESQUIRE 100 East Cano Street 10 Edinburg, Texas 78539 leigh.tognetti@da.co.hidalgo.tx.us 11 Attorneys for Defendant, Yvonne Ramon, in her official capacity as the Hidalgo County 12 Elections Administrator 13 14 15 16 17 18 19 20 21 22</p>

1 (Pages 1 to 4)

202-232-0646

4/29/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Brian Ingram 30(b)(6)

Page 9	Page 11
<p>1 RECORD MARKED PAGE</p> <p>2 I don't know why you would call that 128</p> <p>3 this -- this that</p> <p>4</p> <p>5 To your knowledge, did anyone search 265</p> <p>6 for documents in document storage</p> <p>7 databases besides e-mail accounts</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 MS. JOHNSON: Mindy Johnson, also</p> <p>2 on behalf of Plaintiffs.</p> <p>3 MR. HUDSON: Eric Hudson on behalf</p> <p>4 of Texas Secretary of State's Office,</p> <p>5 along with Zac Rhines, Adam Bitter,</p> <p>6 associate general counsel and general</p> <p>7 counsel respectively for the Texas</p> <p>8 Secretary of State's Office.</p> <p>9 MS. VEIDT: Cynthia Veidt for</p> <p>10 Defendant Elfant.</p> <p>11 THE VIDEOGRAPHER: Will the court</p> <p>12 reporter please swear in the Witness.</p> <p>13 THE REPORTER: Counsel, before</p> <p>14 swearing in the Witness, I have a</p> <p>15 statement to put on the record.</p> <p>16 The attorneys participating in this</p> <p>17 deposition acknowledge that I am not</p> <p>18 physically present in the deposition room</p> <p>19 and that I will be swearing in the witness</p> <p>20 and reporting this deposition remotely.</p> <p>21 Do all parties stipulate to the</p> <p>22 validity of this remote swearing and</p>
Page 10	Page 12
<p>1 THE VIDEOGRAPHER: This is Tape</p> <p>2 Number 1 of the videotaped deposition of</p> <p>3 Keith Ingram in the matter of Texas State</p> <p>4 LULAC versus Bruce Elfant in the</p> <p>5 United States District Court for the</p> <p>6 Western District of Texas, Case Number</p> <p>7 1:21-cv-546.</p> <p>8 This deposition is being held by</p> <p>9 Zoom video remote conferencing, physical</p> <p>10 recording in Fredericksburg, Virginia, on</p> <p>11 April 29th, 2022. The time on the video</p> <p>12 screen is 9:07 a.m. Central Time.</p> <p>13 My name is DeShawn White. I am the</p> <p>14 legal videographer from Digital Evidence</p> <p>15 Group. The court reporter is Debra Lyons</p> <p>16 in association with Digital Evidence</p> <p>17 Group.</p> <p>18 Will counsel please introduce</p> <p>19 themselves for the record.</p> <p>20 MR. DODGE: Christopher D. Dodge on</p> <p>21 behalf of Plaintiffs, Texas LULAC and Voto</p> <p>22 Latino.</p>	<p>1 remote reporting via video conference and</p> <p>2 that it will be admissible in the</p> <p>3 courtroom as if it had been taken</p> <p>4 following Rule 30 and the other rules --</p> <p>5 rules of the Federal Rules of Civil</p> <p>6 Procedure?</p> <p>7 I would ask that you state your</p> <p>8 name and your agreement, please.</p> <p>9 MR. DODGE: Christopher D. Dodge on</p> <p>10 behalf of Plaintiffs. We stipulate to the</p> <p>11 agreement.</p> <p>12 MR. HUDSON: Eric Hudson on behalf</p> <p>13 of the Texas Secretary of State's Office.</p> <p>14 We so stipulate.</p> <p>15 MS. VEIDT: Cynthia Veidt for</p> <p>16 Defendant Bruce Elfant. We stipulate.</p> <p>17 MS. AL-FUHAID: Munera Al-Fuhaid on</p> <p>18 behalf of Intervenor Defendants Terrie</p> <p>19 Pendley and Lupe Torres. We also agree to</p> <p>20 this.</p> <p>21 THE REPORTER: Mr. Ingram, would</p> <p>22 you raise your right hand, please?</p>

3 (Pages 9 to 12)

4/29/2022

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<p>1 - - -</p> <p>2 BRIAN KEITH INGRAM, having been</p> <p>3 first duly sworn, was examined and</p> <p>4 testified as follows:</p> <p>5 - - -</p> <p>6 THE REPORTER: Thank you.</p> <p>7 You may proceed.</p> <p>8 MR. DODGE: Great. Thank you.</p> <p>9 EXAMINATION</p> <p>10 BY MR. DODGE:</p> <p>11 Q. Good morning, Mr. Ingram. How are</p> <p>12 you?</p> <p>13 A. I'm fine. How are you?</p> <p>14 Q. I'm not bad. I don't believe we've</p> <p>15 met before. My name is Chris Dodge. I</p> <p>16 represent Plaintiffs in this case, Texas LULAC</p> <p>17 and Voto Latino.</p> <p>18 I know you've been deposed before,</p> <p>19 but I'd just sort of like to get through some</p> <p>20 basics.</p> <p>21 Could you state and spell your name</p> <p>22 for the record, please?</p>	<p>1 Election Code?</p> <p>2 A. Yes.</p> <p>3 Q. Is it fair to say that all of the</p> <p>4 cases you've been deposed in concerned the Texas</p> <p>5 Election Code?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. Okay. Have you ever been a party</p> <p>8 to a lawsuit before?</p> <p>9 A. Yes.</p> <p>10 Q. In what case?</p> <p>11 A. There was a case a few years ago</p> <p>12 where the League of Women Voters sued our office</p> <p>13 and me in my individual capacity.</p> <p>14 Q. Do you mean that you were sued in</p> <p>15 your individual capacity but also in your</p> <p>16 official capacity as a member of the Secretary</p> <p>17 of State's Office?</p> <p>18 A. That's right.</p> <p>19 Q. Okay. So you were not sued in your</p> <p>20 individual capacity as a private citizen?</p> <p>21 A. I don't know any other way to read</p> <p>22 individual capacity.</p>
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<p>1 A. Sure. My name is Brian Keith</p> <p>2 Ingram, B-R-I-A-N K-E-I-T-H I-N-G-R-A-M.</p> <p>3 Q. And can you tell me your business</p> <p>4 address, sir?</p> <p>5 A. 1019 Brazos Street, Austin, Texas</p> <p>6 78701.</p> <p>7 Q. Great. And am I correct in</p> <p>8 believing that you've been deposed before?</p> <p>9 A. I have.</p> <p>10 Q. Can you tell me how many times?</p> <p>11 A. I was just trying to think about</p> <p>12 that. Maybe as many as 50.</p> <p>13 THE REPORTER: I didn't hear you.</p> <p>14 THE WITNESS: Maybe as many as 50.</p> <p>15 BY MR. DODGE:</p> <p>16 Q. Is that 5-0?</p> <p>17 A. Yes.</p> <p>18 Q. So I suspect you cannot tell me all</p> <p>19 the cases you've been deposed in?</p> <p>20 A. That is true.</p> <p>21 Q. In any of the cases you were</p> <p>22 deposed in, did those cases concern the Texas</p>	<p>1 Q. Okay. Were you deposed in that</p> <p>2 case?</p> <p>3 A. I don't think we had depositions.</p> <p>4 Q. Got it. Okay. I'm going to take</p> <p>5 just a few moments to sort of go over some</p> <p>6 logistics, particularly given that we're</p> <p>7 appearing over video conferencing today.</p> <p>8 As you're aware, I'm not in the</p> <p>9 room with you. Your deposition will be recorded</p> <p>10 as we are all participating in this deposition</p> <p>11 through video conferencing technology.</p> <p>12 Because this deposition is taking</p> <p>13 remotely over video conferencing technology, I</p> <p>14 ask that you do your best to turn off your</p> <p>15 e-mail and cell phone notifications while the</p> <p>16 deposition is taking place.</p> <p>17 Can you tell me what address you're</p> <p>18 physically located at for this deposition?</p> <p>19 A. 1019 Brazos, Austin 78701.</p> <p>20 Q. And can you tell me what device</p> <p>21 you're using to participate in this deposition</p> <p>22 today?</p>

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<p>1 A. It's a Dell laptop.</p> <p>2 Q. Do you have any other screens open</p> <p>3 in front of you besides your Dell laptop?</p> <p>4 A. I do not.</p> <p>5 Q. Do you have any hard copy documents</p> <p>6 with you?</p> <p>7 A. I did bring a copy of SB 1111.</p> <p>8 Q. And did you collect that copy of</p> <p>9 SB 1111 yourself or was it provided to you?</p> <p>10 A. I did it.</p> <p>11 Q. Okay. I'll ask that you not refer</p> <p>12 to any documents today except those that I</p> <p>13 instruct you to review. And that would include</p> <p>14 a copy of SB 1111 which we'll look at in a bit.</p> <p>15 Is that okay?</p> <p>16 A. Sure.</p> <p>17 Q. Is anyone else physically present</p> <p>18 in the room with you?</p> <p>19 A. They are.</p> <p>20 Q. Would you let me know who?</p> <p>21 A. Eric Hudson and Adam Bitter.</p> <p>22 Q. Do you understand that because I'm</p>	<p>1 Because of that, I ask that your</p> <p>2 answers be audible to ensure that an accurate</p> <p>3 record of the deposition exists. So please</p> <p>4 avoid nodding or shaking your head. And please</p> <p>5 try to avoid using phrases like "uh-huh" or</p> <p>6 "uh-uh," and I will try to do the same.</p> <p>7 Does that all sound good?</p> <p>8 A. Sure.</p> <p>9 Q. I ask that you wait for me to</p> <p>10 finish my questions before you answer for the</p> <p>11 sake of the court reporter.</p> <p>12 Your answers today will be under</p> <p>13 oath, meaning that you're swearing to the</p> <p>14 truthfulness and accuracy of your answers.</p> <p>15 The oath you took just a moment ago</p> <p>16 has the same effect as if you were testifying in</p> <p>17 a Court of Law before a judge.</p> <p>18 Do you understand that?</p> <p>19 A. I do.</p> <p>20 Q. If any of my questions aren't clear</p> <p>21 to you, please let me know, and I will attempt</p> <p>22 to clarify them as best I'm able. But if you do</p>
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<p>1 not in the room with you today it would not be</p> <p>2 appropriate for your attorney or anyone else to</p> <p>3 tell you how to answer a particular question</p> <p>4 that I ask you?</p> <p>5 A. I agree with that.</p> <p>6 Q. Great. Do you agree that while</p> <p>7 you're testifying today you will not exchange</p> <p>8 communications, whether by text, e-mail, other</p> <p>9 messaging or any other means, about how to</p> <p>10 answer the questions I ask you?</p> <p>11 A. I agree.</p> <p>12 Q. I would also ask that your</p> <p>13 microphone remain on whenever we're on the</p> <p>14 record.</p> <p>15 And in addition to your microphone,</p> <p>16 my microphone and your attorney's microphones, I</p> <p>17 ask that everyone else's microphones be muted,</p> <p>18 unless they are speaking.</p> <p>19 During the deposition today I will</p> <p>20 be asking you questions. You will answer them</p> <p>21 and then the court reporter will be taking down</p> <p>22 my questions and your answers.</p>	<p>1 answer a question, I will assume you understood</p> <p>2 the question.</p> <p>3 Does that make sense?</p> <p>4 A. Yes.</p> <p>5 Q. Please try to give complete answers</p> <p>6 to my questions. Unless you indicate otherwise,</p> <p>7 I will assume that any answers you give are</p> <p>8 complete when you finish speaking.</p> <p>9 Does that also make sense?</p> <p>10 A. It does.</p> <p>11 Q. Your attorney is likely going to</p> <p>12 object to some of my questions. Those</p> <p>13 objections are for the judge to consider at a</p> <p>14 later time.</p> <p>15 You should still proceed to answer</p> <p>16 my questions unless you are specifically told</p> <p>17 not to do so by your attorney.</p> <p>18 Does that make sense?</p> <p>19 A. It does.</p> <p>20 Q. Finally, I will aim to take a break</p> <p>21 about every hour. If you need to take break for</p> <p>22 any reason before that, please just let me know,</p>

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<p>1 and we will -- we will do that for you.</p> <p>2 My only request is that if a</p> <p>3 question is pending, you answer my question</p> <p>4 before we go on break.</p> <p>5 Does that make sense?</p> <p>6 A. Sure.</p> <p>7 Q. Any questions about any of the</p> <p>8 logistics we've discussed so far?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. You understand that you're</p> <p>11 here today providing testimony on behalf of the</p> <p>12 Texas Secretary of State's Office and no other</p> <p>13 state or county office; correct?</p> <p>14 A. That's right.</p> <p>15 Q. Do you know who the Plaintiffs are</p> <p>16 in this case?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. So there are two Plaintiffs</p> <p>19 in this case, Texas State LULAC and Voto Latino,</p> <p>20 and I'm going to refer to them as the</p> <p>21 "Plaintiffs."</p> <p>22 Does that make sense?</p>	<p>1 and truthful answers to my questions; right?</p> <p>2 A. I agree with that.</p> <p>3 Q. During the deposition I may use the</p> <p>4 term "you" or the "Secretary of State."</p> <p>5 Can we agree that whenever I use</p> <p>6 those terms I'm referring to the Texas Secretary</p> <p>7 of State's Office?</p> <p>8 A. Sure.</p> <p>9 Q. Finally, if I use the term</p> <p>10 "SB 1111," can we agree that refers to</p> <p>11 legislation designated as Senate Bill 1111 that</p> <p>12 was enacted during the 2021 session of the Texas</p> <p>13 Legislature, signed by the Governor of Texas on</p> <p>14 June 15th, 2021, and that became effective on</p> <p>15 September 1, 2021?</p> <p>16 A. Yes.</p> <p>17 Q. Great. You have been designated to</p> <p>18 take this deposition pursuant to Rule 30(b)(6)</p> <p>19 of the Federal Rules of Civil Procedure. That</p> <p>20 means that your testimony today is on behalf of</p> <p>21 the Texas Secretary of State's Office and that</p> <p>22 your office is bound by your testimony today.</p>
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<p>1 A. Sure.</p> <p>2 Q. Are you aware who the Defendants</p> <p>3 are in this case?</p> <p>4 A. I am not.</p> <p>5 Q. Okay. There are a number of Texas</p> <p>6 counties who are Defendants in this case, and</p> <p>7 I'm likely to refer to them as the "counties" or</p> <p>8 the "County Defendants."</p> <p>9 Does that make sense?</p> <p>10 A. Sure.</p> <p>11 Q. The Texas Attorney General's office</p> <p>12 is also a party to this case, and I may</p> <p>13 sometimes refer to them as the "Attorney</p> <p>14 General" or the "Attorney General's office."</p> <p>15 Does that make sense?</p> <p>16 A. Okay.</p> <p>17 Q. You understand that the Secretary</p> <p>18 of State's Office is not a party to this</p> <p>19 lawsuit; correct?</p> <p>20 A. I understand that.</p> <p>21 Q. But you also understand that that</p> <p>22 does not impact your obligation to give complete</p>	<p>1 Do you understand that?</p> <p>2 A. I do.</p> <p>3 Q. Great.</p> <p>4 MR. DODGE: In that case, if we</p> <p>5 could please pull up Exhibit A.</p> <p>6 (Exhibit A, Subpoena To testify At</p> <p>7 a Deposition In A Civil Action, is marked</p> <p>8 for identification.)</p> <p>9 BY MR. DODGE:</p> <p>10 Q. Have you seen this document before?</p> <p>11 A. I have.</p> <p>12 Q. Okay. Do you recall when you first</p> <p>13 saw it?</p> <p>14 A. Sometime in the last week.</p> <p>15 Q. Great. Can you please turn to Page</p> <p>16 9 of this document.</p> <p>17 MR. HUDSON: Just for the benefit</p> <p>18 of the record, I want to make it clear</p> <p>19 that Mr. Ingram doesn't have a physical</p> <p>20 copy of the document that you're showing</p> <p>21 him. He wasn't shown the complete</p> <p>22 document when you asked the last question</p>

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<p>1 and he doesn't currently have control over</p> <p>2 the ability to move between the pages.</p> <p>3 MR. DODGE: Got it.</p> <p>4 BY MR. DODGE:</p> <p>5 Q. And if at any time you need --</p> <p>6 Mr. Ingram, if at any time you need a few</p> <p>7 moments to review a document, please just let me</p> <p>8 know and I'll make sure you have it.</p> <p>9 A. Sure.</p> <p>10 MR. DODGE: Could we scroll down to</p> <p>11 Page 9.</p> <p>12 Thank you.</p> <p>13 BY MR. DODGE:</p> <p>14 Q. Do you see at the top of the page</p> <p>15 it says "Deposition Topics"?</p> <p>16 A. Yes.</p> <p>17 Q. And have you reviewed these topics?</p> <p>18 A. I have.</p> <p>19 Q. Do you understand that you've been</p> <p>20 designated to testify as to each of these topics</p> <p>21 today?</p> <p>22 A. Yes.</p>	<p>1 Q. Did you speak with anyone in the</p> <p>2 Texas Secretary of State's Office about your</p> <p>3 deposition today?</p> <p>4 A. I did not.</p> <p>5 Q. About how long did you speak with</p> <p>6 Mr. Hudson about today's deposition?</p> <p>7 A. Hour and a half or two hours.</p> <p>8 Q. Besides Mr. Hudson, did you speak</p> <p>9 with anyone else in the Texas Attorney General's</p> <p>10 office?</p> <p>11 A. I did not.</p> <p>12 Q. Did you speak with any county</p> <p>13 official --</p> <p>14 A. Well, I take it back. Kathleen, I</p> <p>15 think, was here.</p> <p>16 Q. And that's Kathleen Hunker?</p> <p>17 A. That's right.</p> <p>18 Q. Anyone else from the Texas --</p> <p>19 A. That's it.</p> <p>20 Q. -- Attorney General's office?</p> <p>21 A. Those are them.</p> <p>22 Q. Did you speak with any county</p>
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<p>1 Q. And are you prepared to testify on</p> <p>2 behalf of the Secretary of State's Office</p> <p>3 regarding each of these topics?</p> <p>4 A. I am.</p> <p>5 Q. Great. Did you do anything to</p> <p>6 prepare for today's deposition?</p> <p>7 A. I did.</p> <p>8 Q. Could you tell me what you did?</p> <p>9 A. I reviewed a few e-mails between</p> <p>10 our office and the county election official. I</p> <p>11 reviewed our election advisory regarding Senate</p> <p>12 Bill 1111. And I reviewed our presentations</p> <p>13 that we made to the county election official --</p> <p>14 officials and to the party chairs. And I read</p> <p>15 the Complaint in this case.</p> <p>16 Q. Did you speak to anyone about</p> <p>17 today's deposition?</p> <p>18 A. I did.</p> <p>19 Q. Could you tell me who you spoke</p> <p>20 with?</p> <p>21 A. I met with Eric Hudson earlier this</p> <p>22 week.</p>	<p>1 officials about today's deposition?</p> <p>2 A. I did not.</p> <p>3 Q. Prior to preparing for your</p> <p>4 deposition, did you collect any documents ahead</p> <p>5 of today's deposition for production in this</p> <p>6 case?</p> <p>7 A. No.</p> <p>8 Q. Okay. I'd like to ask you some</p> <p>9 questions about your background.</p> <p>10 Can you tell me what the highest</p> <p>11 level you studied in school was?</p> <p>12 A. I have a Doctor of Jurisprudence</p> <p>13 from the University of Texas School of Law.</p> <p>14 Q. And in what year did you graduate</p> <p>15 from UT Law?</p> <p>16 A. 1993.</p> <p>17 Q. And did you obtain a Bachelor's</p> <p>18 degree before going to UT Law?</p> <p>19 A. I did.</p> <p>20 Q. Would you tell me where and when</p> <p>21 you obtained that degree?</p> <p>22 A. Sure. It was Texas A&M University</p>

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<p>1 in 1989.</p> <p>2 Q. And what was that degree in?</p> <p>3 A. Political science.</p> <p>4 Q. Could you tell me who your current</p> <p>5 employer is?</p> <p>6 A. The Texas Secretary of State.</p> <p>7 Q. How long have you worked for the</p> <p>8 Texas Secretary of State?</p> <p>9 A. Ten years and almost five months.</p> <p>10 Q. What's your current job title at</p> <p>11 the Texas Secretary of State?</p> <p>12 A. Director of the Elections Division.</p> <p>13 Q. And when did you become Director of</p> <p>14 the Election Division?</p> <p>15 A. January the 5th, 2012.</p> <p>16 Q. So you've been a Director of the</p> <p>17 Election Division since joining the Texas</p> <p>18 Secretary of State's Office?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you recall how you obtained that</p> <p>21 position?</p> <p>22 A. I applied for it.</p>	<p>1 Q. Do your duties as Director require</p> <p>2 you to be familiar with the Texas Election Code?</p> <p>3 A. Yes.</p> <p>4 Q. Is it fair to say that you</p> <p>5 routinely review the Texas Election Code in the</p> <p>6 course of your duties?</p> <p>7 A. I do.</p> <p>8 Q. Besides you, are there any other</p> <p>9 directors of the Election Division?</p> <p>10 A. No.</p> <p>11 Q. Can you tell me about how the</p> <p>12 Election Division is structured?</p> <p>13 A. Sure. We've got a voter</p> <p>14 registration team, we've got an admin team, and</p> <p>15 both of them are joined as the Team team.</p> <p>16 (Interruption.)</p> <p>17 THE REPORTER: I'm sorry. There's</p> <p>18 a blip in the audio. Please repeat.</p> <p>19 "And both of them are joined"?</p> <p>20 THE WITNESS: Both of those</p> <p>21 sections are joined as the Team team. And</p> <p>22 then we have a legal division, and we have</p>
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<p>1 Q. That makes sense.</p> <p>2 Can you tell me about your duties</p> <p>3 and responsibilities as Director of the</p> <p>4 Elections Division?</p> <p>5 A. The Secretary of State is the chief</p> <p>6 election official here in Texas and the</p> <p>7 legislature has provided for him to have a</p> <p>8 division to take care of that responsibility.</p> <p>9 And I manage that division.</p> <p>10 Q. Okay. You mentioned that the</p> <p>11 Secretary of State has a responsibility with</p> <p>12 respect to his role as Chief Elections Officer;</p> <p>13 is that right?</p> <p>14 A. That's right.</p> <p>15 Q. Could you tell me what those</p> <p>16 responsibilities are?</p> <p>17 A. To obtain and maintain uniformity</p> <p>18 in the interpretation, operation, application of</p> <p>19 the Texas Election Code and election law outside</p> <p>20 the election. We do that by assisting and</p> <p>21 advising election-holding authority across</p> <p>22 Texas.</p>	<p>1 an election management division.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. You mentioned a voter registration</p> <p>4 team; is that right?</p> <p>5 A. That's right.</p> <p>6 Q. So it's fair to say that the</p> <p>7 responsibilities of your office include</p> <p>8 assisting in voter registration efforts;</p> <p>9 correct?</p> <p>10 A. That's true, we help the counties</p> <p>11 use the Team system.</p> <p>12 Q. Can you tell me what Teams is?</p> <p>13 A. It is our HAVA compliant electronic</p> <p>14 voter registration database.</p> <p>15 Q. And what is it used for?</p> <p>16 A. It is used to keep track of Texas</p> <p>17 voter, and it also has several election</p> <p>18 management components.</p> <p>19 Q. Can you tell me what those</p> <p>20 components are?</p> <p>21 A. Yes, with candidate filings --</p> <p>22 THE REPORTER: I'm sorry. I'm</p>

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<p>1 sorry. If anyone makes other noises, it's</p> <p>2 going to override the audio.</p> <p>3 Could I please -- could you please</p> <p>4 start your answer again.</p> <p>5 THE WITNESS: Sure.</p> <p>6 We have candidate filing and the</p> <p>7 election night reporting and canvassing,</p> <p>8 so that you can follow a candidate's</p> <p>9 progress from filing their application for</p> <p>10 office all the way through to the end of</p> <p>11 the general election.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Tell me how many employees are in</p> <p>14 the Elections Division.</p> <p>15 A. About 36.</p> <p>16 Q. And they all report to you in your</p> <p>17 capacity as a Director?</p> <p>18 A. Yes, they have managers.</p> <p>19 Q. They have managers?</p> <p>20 A. They do. And so my direct reports</p> <p>21 are the three managers.</p> <p>22 Q. Could you tell me who they are and</p>	<p>1 THE WITNESS: Sure.</p> <p>2 And sending to the counties of</p> <p>3 voter registration applications that our</p> <p>4 office receives.</p> <p>5 BY MR. DODGE:</p> <p>6 Q. You mentioned phone calls during</p> <p>7 the months of August and September in even</p> <p>8 number years; is that right?</p> <p>9 A. That's right. And October as well.</p> <p>10 Q. And October. And why do you hire</p> <p>11 temporary employees in those months in</p> <p>12 particular?</p> <p>13 A. Because that's when the volume of</p> <p>14 voter registration applications and phone calls</p> <p>15 is quite high.</p> <p>16 Q. Who's making those phone calls?</p> <p>17 A. Members of the public and election</p> <p>18 officials.</p> <p>19 Q. So it's fair to say your office is</p> <p>20 contacted both by county officials and members</p> <p>21 of the public?</p> <p>22 A. That is true.</p>
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<p>1 what their titles are?</p> <p>2 A. Sure. We've got Kristi Hart who is</p> <p>3 the manager over the Team team. We have Dan</p> <p>4 Glutzer who is the manager over the election</p> <p>5 funds management group. And then we have</p> <p>6 Christina Adkins who is the legal director.</p> <p>7 Q. Does it ever get confusing in your</p> <p>8 office having a team called the Team team?</p> <p>9 A. It does not.</p> <p>10 Q. That's impressive.</p> <p>11 Do you ever hire temporary</p> <p>12 employees?</p> <p>13 A. Yes.</p> <p>14 Q. When? In what situations?</p> <p>15 A. We will hire temporary employees in</p> <p>16 August and September of even numbered years in</p> <p>17 order to assist with -- with the volume of phone</p> <p>18 calls as well as the sorting out and sending to</p> <p>19 the counties of the --</p> <p>20 THE REPORTER: I'm sorry. I missed</p> <p>21 a word with the door.</p> <p>22 "As well the sorting out" --</p>	<p>1 Q. And those members of the public,</p> <p>2 are they individuals seeking to register to</p> <p>3 vote?</p> <p>4 A. Some, and some are wanting to know</p> <p>5 where their polling place is.</p> <p>6 MR. DODGE: If we could pull up</p> <p>7 Exhibit B.</p> <p>8 THE WITNESS: By the way, Zac</p> <p>9 Rhines has rejoined us here in the room.</p> <p>10 THE REPORTER: Counsel, are we</p> <p>11 marking these for identification, the</p> <p>12 exhibits?</p> <p>13 MR. DODGE: Yes, this is Exhibit B.</p> <p>14 (Exhibit B, Election Code, Title 3.</p> <p>15 Election Officers And Observers, Chapter</p> <p>16 31. Officers To Administer Elections,</p> <p>17 Subchapter A. Secretary Of State, is</p> <p>18 marked for identification.)</p> <p>19 BY MR. DODGE:</p> <p>20 Q. Do you recognize this document?</p> <p>21 A. I do.</p> <p>22 Q. Can you tell me what it is?</p>

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<p>1 A. It's the first two sections of</p> <p>2 Chapter 31 in the Election Code.</p> <p>3 Q. And are you familiar with this</p> <p>4 chapter of the Election Code?</p> <p>5 A. I am.</p> <p>6 Q. Have you already quoted some of</p> <p>7 this chapter of the Election Code to me today?</p> <p>8 A. I have.</p> <p>9 Q. It's impressive.</p> <p>10 Do you see where it says,</p> <p>11 "Section 31.001. Chief Election Officer,"</p> <p>12 towards the top of the page?</p> <p>13 A. I got it.</p> <p>14 Q. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And Subsection (a) says,</p> <p>17 "The Secretary of State is the chief election</p> <p>18 officer of the state"; Correct?</p> <p>19 A. That's right.</p> <p>20 Q. And Subsection (b) says, "The</p> <p>21 secretary shall establish in the secretary's</p> <p>22 office an elections division with an adequate</p>	<p>1 Q. They would include issuing guidance</p> <p>2 to county election officials about the Texas</p> <p>3 Election Code though; correct?</p> <p>4 A. We do issue guidance and advisories</p> <p>5 and mass e-mails.</p> <p>6 There is one small bit of</p> <p>7 enforcement that we have with regard to</p> <p>8 Chapter 19 money. If counties don't follow the</p> <p>9 law with regard to voter registration</p> <p>10 responsibilities, we can withhold Chapter 19</p> <p>11 money.</p> <p>12 Q. When you say voter registration</p> <p>13 responses, what are you referring to?</p> <p>14 A. Their responsibility with regard to</p> <p>15 list maintenance.</p> <p>16 Q. How would a county run afoul of</p> <p>17 those responsibilities?</p> <p>18 A. By failing to perform them.</p> <p>19 MR. HUDSON: Object.</p> <p>20 THE REPORTER: I didn't get the</p> <p>21 full answer.</p> <p>22 THE WITNESS: By failing to perform</p>
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<p>1 staff to enable the secretary to perform the</p> <p>2 secretary's duties as chief election officer."</p> <p>3 Did I read that correctly?</p> <p>4 A. You did.</p> <p>5 Q. And can you tell me again what the</p> <p>6 Secretary's duties are as chief election</p> <p>7 officer?</p> <p>8 A. To obtain and maintain uniformity</p> <p>9 in the interpretation, application, and</p> <p>10 operation of the Election Code and election laws</p> <p>11 outside of the code.</p> <p>12 Q. And can you tell me in practice</p> <p>13 what that requires of the Secretary?</p> <p>14 A. It means that we assist and advise</p> <p>15 election officials in their duties, and we issue</p> <p>16 advisories, mass e-mails, as well as rules.</p> <p>17 Q. Anything else?</p> <p>18 A. Well, we answer questions and do</p> <p>19 one-off e-mails.</p> <p>20 Q. Would the Secretary's duties</p> <p>21 include enforcing election laws in any way?</p> <p>22 A. No.</p>	<p>1 them.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. If a county failed to comply with</p> <p>4 Texas Election Code regarding voter registration</p> <p>5 rules, would that potentially lead to an</p> <p>6 enforcement action by your office?</p> <p>7 A. I'm not sure what you mean.</p> <p>8 MR. HUDSON: Objection.</p> <p>9 Yeah, objection, form, incomplete</p> <p>10 hypothetical.</p> <p>11 BY MR. DODGE:</p> <p>12 Q. If it came to your awareness that</p> <p>13 a --</p> <p>14 A. I'm sorry. I'm taking my phone out</p> <p>15 for a minute, so that I can turn this headset</p> <p>16 off on it.</p> <p>17 Q. Let me know when you're ready to</p> <p>18 resume.</p> <p>19 A. I'm ready.</p> <p>20 THE REPORTER: Mr. Ingram, I'm</p> <p>21 wondering if you can get closer to the</p> <p>22 mic? Because there's an echo.</p>

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<p>1 THE WITNESS: There is a terrible</p> <p>2 echo.</p> <p>3 MR. DODGE: Why don't we go off the</p> <p>4 record for just a moment.</p> <p>5 THE VIDEOGRAPHER: Okay. The time</p> <p>6 is 9:32 a.m. We are now off the record.</p> <p>7 (A recess is held from 9:32 a.m. to</p> <p>8 9:36 a.m.)</p> <p>9 THE VIDEOGRAPHER: Okay. The time</p> <p>10 is 9:36 a.m. We are now on the record.</p> <p>11 BY MR. DODGE:</p> <p>12 Q. Mr. Ingram, do you recall that</p> <p>13 before that brief break we were discussing your</p> <p>14 office's enforcement responsibilities with</p> <p>15 respect to Chapter 19?</p> <p>16 A. I do.</p> <p>17 Q. And I was trying to understand what</p> <p>18 the county would have to do for you to bring an</p> <p>19 enforcement action under Chapter 19?</p> <p>20 A. So our enforcement action is</p> <p>21 limited to withholding funds. And so in order</p> <p>22 to declare a county out of compliance, what we</p>	<p>1 an advisory about SB 1113 and what we expect of</p> <p>2 the counties. And then we will begin declaring</p> <p>3 them in noncompliance if they don't follow those</p> <p>4 rules.</p> <p>5 Q. Beyond those list compliance issues</p> <p>6 you just described, are there other infractions</p> <p>7 a county could commit that would lead to</p> <p>8 withholding Chapter 19 funding?</p> <p>9 A. No.</p> <p>10 Q. So it's those specific acts of</p> <p>11 non-compliance alone?</p> <p>12 A. That's right.</p> <p>13 Q. And that's in the Texas Election</p> <p>14 Code?</p> <p>15 A. It is.</p> <p>16 Q. Okay. Do you recall that before</p> <p>17 discussing Chapter 19, we were discussing the</p> <p>18 Secretary's duties as chief election officer in</p> <p>19 the State of Texas?</p> <p>20 A. Yes.</p> <p>21 Q. Those duties would also include</p> <p>22 monitoring how county election officials enforce</p>
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<p>1 -- there's a couple of ways -- I mean, 18.064 of</p> <p>2 the Election Code -- or -- yeah, I'm pretty sure</p> <p>3 it's 18.064. Anyway, I could look it up. It</p> <p>4 might be a slightly different section.</p> <p>5 It requires that if they don't keep</p> <p>6 up with our -- the off-line counties, if they</p> <p>7 don't keep up our database as well as their own,</p> <p>8 that they could be declared in noncompliance.</p> <p>9 And so if they miss a night batch processing,</p> <p>10 we'll declare them out of compliance.</p> <p>11 The new law, SB 1113, says that if</p> <p>12 they don't complete their voter list maintenance</p> <p>13 activities in a timely fashion, that we can</p> <p>14 withhold Chapter 19 money and declare them out</p> <p>15 of compliance.</p> <p>16 We haven't issued an advisory or</p> <p>17 started that process yet because we're within</p> <p>18 the 90-day window of the National Voter</p> <p>19 Registration Act when regular programs of list</p> <p>20 maintenance have to be suspended.</p> <p>21 And so whenever we finish with the</p> <p>22 primary runoff at the end of May, we will issue</p>	<p>1 election law; correct?</p> <p>2 A. Not really, no.</p> <p>3 Q. So as part of the Secretary's</p> <p>4 duties to maintain uniformity, the Texas</p> <p>5 Election Code, you're telling me your office</p> <p>6 does not have the responsibility to observe how</p> <p>7 county election officials enforce election laws?</p> <p>8 A. Not -- not precisely, and -- and</p> <p>9 we've never really had the opportunity or the</p> <p>10 ability to do so.</p> <p>11 We have more of an insight into how</p> <p>12 counties are doing now because the legislature</p> <p>13 has given us more employees that can actually go</p> <p>14 out to the counties and interact with them in</p> <p>15 person. So we've got more capability to do that</p> <p>16 now than we ever have, but it's still not an</p> <p>17 official responsibility of ours. But we do try</p> <p>18 our best to assist and advise counties on an</p> <p>19 individual basis now that we have trainers</p> <p>20 available to do so.</p> <p>21 Q. So can you describe to me how else</p> <p>22 your office ensures uniformity in the</p>

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<p>1 application of the Texas Election Code?</p> <p>2 A. Well, like I said, we issue</p> <p>3 advisories and mass e-mails. If we -- if we are</p> <p>4 getting a similar question from a number of</p> <p>5 counties, we will sometimes issue a mass e-mail</p> <p>6 that will answer that question for all the</p> <p>7 counties so that we can make sure that we're all</p> <p>8 on the same page.</p> <p>9 Q. If it came to your awareness that a</p> <p>10 county was incorrectly interpreting the Texas</p> <p>11 Election Code and applying it incorrectly, what</p> <p>12 -- what actions would your office take?</p> <p>13 A. Well, sometimes we will call an</p> <p>14 election administrator and say, "It's our</p> <p>15 understanding this is occurring. Is that the --</p> <p>16 is that the way you understand it?"</p> <p>17 And they'll either say, "No, that's</p> <p>18 not at all what's happening, this is what's</p> <p>19 happening," or they will say, "Yes."</p> <p>20 And then we'll explain to them that</p> <p>21 that's not in compliance with the code.</p> <p>22 But all we can do is talk to them.</p>	<p>1 with guidance from the Secretary of State's</p> <p>2 Office?</p> <p>3 A. I agree with that.</p> <p>4 Q. Returning to the duties of the</p> <p>5 Secretary of State, would that also include</p> <p>6 helping voters to register to vote?</p> <p>7 A. Not really. Our role is limited to</p> <p>8 giving them the information and the tools to</p> <p>9 successfully register.</p> <p>10 Q. Would those duties include helping</p> <p>11 voters to cast ballots?</p> <p>12 A. No.</p> <p>13 Q. Would the duties include answering</p> <p>14 voters's questions about the voting laws?</p> <p>15 A. Yes.</p> <p>16 Q. And would it include answering</p> <p>17 their questions about their eligibility to vote?</p> <p>18 A. Absolutely.</p> <p>19 MR. DODGE: If we could return to</p> <p>20 Exhibit B.</p> <p>21 BY MR. DODGE:</p> <p>22 Q. I'm not sure if it's -- is it still</p>
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<p>1 We can't do anything else in an enforcement sort</p> <p>2 of way, except that we have leverage with the</p> <p>3 counties because they want to get it right and</p> <p>4 they believe if they do what we explain that</p> <p>5 they need to do, that they will be getting it</p> <p>6 right and be in safe harbor.</p> <p>7 Q. Is there, in fact, any safe harbor</p> <p>8 provision in the Texas Election Code if a county</p> <p>9 is acting on the advice of the Secretary of</p> <p>10 State's Office?</p> <p>11 A. No.</p> <p>12 Q. And if a county official had a</p> <p>13 disagreement with you about an interpretation of</p> <p>14 the Texas Election Code, and they persisted in</p> <p>15 acting upon that interpretation even after you</p> <p>16 advised them otherwise, would they be permitted</p> <p>17 to keep interpreting the Texas Election Code in</p> <p>18 that manner?</p> <p>19 A. Sure. What could we do?</p> <p>20 Q. So, theoretically, the Texas</p> <p>21 Election Code permits a county to interpret the</p> <p>22 Texas Election Code in a manner inconsistent</p>	<p>1 in front of you, Mr. Ingram?</p> <p>2 A. It's not.</p> <p>3 (Pause.)</p> <p>4 There it is.</p> <p>5 MR. DODGE: And if we could go to</p> <p>6 Page 2 of this document.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. You see about halfway down the page</p> <p>9 there's a Section 31.003, "Uniformity"?</p> <p>10 A. Yes.</p> <p>11 Q. And the first sentence reads, "The</p> <p>12 secretary of state shall obtain and maintain</p> <p>13 uniformity in the application, operation and</p> <p>14 interpretation of this code and of the election</p> <p>15 laws outside of this code."</p> <p>16 Did I read that correctly?</p> <p>17 A. You did.</p> <p>18 Q. So beyond issuing advisories and</p> <p>19 guidance to the counties, does your office do</p> <p>20 anything else to maintain uniformity in the</p> <p>21 application of the Texas Election Code?</p> <p>22 A. We answer questions from both the</p>

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<p>1 public and from election officials. We have a</p> <p>2 1-800 number for election officials and we have</p> <p>3 a 1-800 number for the public. And so we answer</p> <p>4 questions by phone and by e-mail.</p> <p>5 Q. The next two sentences in</p> <p>6 Section 31.003 read, [as read]: "In performing</p> <p>7 this duty, the secretary shall prepare detailed</p> <p>8 and comprehensive written directives and</p> <p>9 instructions relating to and based on this code</p> <p>10 and the election laws outside of this code. The</p> <p>11 secretary shall distribute these materials to</p> <p>12 the appropriate state and local authorities</p> <p>13 having duties in the administration of these</p> <p>14 laws."</p> <p>15 Did I read that correctly?</p> <p>16 A. You did.</p> <p>17 Q. Who within your office is</p> <p>18 responsible for preparing written directives and</p> <p>19 instructions relating to the Election Code?</p> <p>20 A. We all do.</p> <p>21 Q. So every single person in your</p> <p>22 office works on advisories?</p>	<p>1 Q. You mentioned earlier that your</p> <p>2 office responds to questions from county</p> <p>3 election officials; right?</p> <p>4 A. That's right.</p> <p>5 Q. Is there a particular person or</p> <p>6 group of persons who are responsible for</p> <p>7 answering those questions?</p> <p>8 A. Well, it depends upon the question.</p> <p>9 You know, if it's a legal question, it goes to</p> <p>10 the legal division. If it's a money question,</p> <p>11 it goes to the funds management section. And if</p> <p>12 it's a question regarding candidate filing or</p> <p>13 candidate management or voter registration</p> <p>14 system, it goes to the Team team.</p> <p>15 Q. And about how often do you get</p> <p>16 questions from county election officials?</p> <p>17 A. All day every day.</p> <p>18 Q. And what kind of guidance do they</p> <p>19 typically seek?</p> <p>20 A. Well, it depends upon what the</p> <p>21 issue is.</p> <p>22 Q. And you mentioned a few discrete</p>
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<p>1 A. Not -- not exactly. All of the</p> <p>2 lawyers work on their advisories. The election</p> <p>3 funds management team occasionally will issue an</p> <p>4 advisory or mass e-mail, and they work on those.</p> <p>5 And then, of course, the Team team.</p> <p>6 Usually, those advisories or Team materials are,</p> <p>7 you know, written by one or more of the line</p> <p>8 workers as well as their section leader and, of</p> <p>9 course, the division -- the manager for the</p> <p>10 whole Team team.</p> <p>11 Q. Turning down the page slightly to</p> <p>12 Section 31.004, "Assistance and Advice."</p> <p>13 Do you see that section?</p> <p>14 A. Sure.</p> <p>15 Q. And that reads, [as read]: "The</p> <p>16 secretary of state shall assist and advise all</p> <p>17 election authorities with regard to the</p> <p>18 application, operation, and interpretation of</p> <p>19 this code and of the election laws outside this</p> <p>20 code."</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p>	<p>1 categories of issues just a moment ago,</p> <p>2 including legal advice, money issues, and the</p> <p>3 Team system; is that right?</p> <p>4 A. That's right.</p> <p>5 Q. Any others?</p> <p>6 A. Well, everything in the world can</p> <p>7 be in those categories.</p> <p>8 Q. But any additional categories?</p> <p>9 A. I don't think so.</p> <p>10 Q. Well, has your office ever received</p> <p>11 questions from county officials about SB 1111?</p> <p>12 A. We have.</p> <p>13 Q. Do you recall which counties?</p> <p>14 A. I remember that Jefferson County</p> <p>15 had a question. I know that we've talked</p> <p>16 verbally with several counties on our county</p> <p>17 advisory call; and that would include Harrison,</p> <p>18 Dallas and Tarrant and Brazos and Midland, Lee</p> <p>19 and Houston and Bastrop.</p> <p>20 Q. Do you recall if those counties had</p> <p>21 questions about any specific provisions of</p> <p>22 SB 1111?</p>

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<p>1 A. Not really. I mean, the law itself</p> <p>2 is pretty straightforward.</p> <p>3 The specific question that came</p> <p>4 from Jefferson County was whether or not this</p> <p>5 affected college students.</p> <p>6 Q. Do any of the questions you receive</p> <p>7 from county officials ever concern voter</p> <p>8 confusion about Texas's voting laws?</p> <p>9 A. I'm not sure what you mean.</p> <p>10 Q. Have any of the questions you've</p> <p>11 ever received from a county official concerned a</p> <p>12 voter who was unsure about whether or not they</p> <p>13 were eligible to register to vote?</p> <p>14 A. We get questions from counties</p> <p>15 about particular situations sometimes if that's</p> <p>16 what you mean. It's not usually the voter</p> <p>17 having a question. It's the county that has the</p> <p>18 question.</p> <p>19 Q. Do the county's questions ever</p> <p>20 concern the eligibility of a voter to register?</p> <p>21 A. Sure.</p> <p>22 Q. Why is it important for your office</p>	<p>1 A. I agree with that.</p> <p>2 Q. -- in obtaining uniformity in the</p> <p>3 application and interpretation of the voting</p> <p>4 laws?</p> <p>5 A. Sure.</p> <p>6 Q. Do you agree that a vague or</p> <p>7 confusing provision in the Texas Election Code</p> <p>8 could result in non-uniform application and</p> <p>9 interpretation of the Election Code?</p> <p>10 A. Well, I would need to know what you</p> <p>11 were talking about.</p> <p>12 Q. Well, let me ask you this.</p> <p>13 Have you ever encountered a</p> <p>14 situation where a provision in the Texas</p> <p>15 Election Code resulted in the non-uniform</p> <p>16 application and interpretation of the Texas</p> <p>17 Election Code?</p> <p>18 A. I don't know what you mean. You'd</p> <p>19 have to give me an example of what you mean.</p> <p>20 Q. Well, I'm -- well, I'm asking you</p> <p>21 for an example.</p> <p>22 I'm asking, in your experience as</p>
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<p>1 to obtain uniformity in the application and</p> <p>2 interpretation of Texas's voting laws?</p> <p>3 A. Well, to make sure that the voters</p> <p>4 across the state have an equal playing field,</p> <p>5 that their vote -- a vote in Orange County will</p> <p>6 count the same as a vote in Terrell County.</p> <p>7 Q. Do you think it's important in</p> <p>8 obtaining uniformity in the application and</p> <p>9 interpretation of Texas's voting laws to have</p> <p>10 clear guidance from the Secretary of State about</p> <p>11 the meaning of the Texas Election Code?</p> <p>12 A. Well, the parts of the Election</p> <p>13 Code that have to do with the election</p> <p>14 administration. There are a number of</p> <p>15 provisions that counties don't enforce and we</p> <p>16 don't enforce that relate to criminal activity</p> <p>17 or fraud, that our role, either the counties or</p> <p>18 the state, is to recognize such activity as</p> <p>19 occurring and report it to the authorities.</p> <p>20 Q. But you would agree that clear</p> <p>21 guidance about election administration</p> <p>22 provisions is important --</p>	<p>1 director of the Elections Division, have you</p> <p>2 ever been aware of a provision in the Texas</p> <p>3 Election Code that was interpreted differently</p> <p>4 by different counties?</p> <p>5 A. We -- hew. That happens sometimes,</p> <p>6 but I don't believe it's because the code</p> <p>7 provision at issue is ambiguous or unclear.</p> <p>8 Q. Well, then why does it occur?</p> <p>9 A. Because people have different ideas</p> <p>10 about what the goal is.</p> <p>11 Q. The goal -- the goal of the Texas</p> <p>12 Election Code?</p> <p>13 A. Of the -- of the particular</p> <p>14 provision, and whether or not the language was</p> <p>15 unclear or ambiguous, I'm thinking of the 13.002</p> <p>16 in particular.</p> <p>17 Q. But it's fair to say that sometimes</p> <p>18 counties do interpret provisions of the Texas</p> <p>19 Election Code differently?</p> <p>20 A. They do.</p> <p>21 Q. Does that happen often?</p> <p>22 A. No.</p>

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<p>1 Q. Has it happened in multiple</p> <p>2 instances regarding multiple provisions of the</p> <p>3 Texas Election Code?</p> <p>4 A. Again, I can think of 13.002</p> <p>5 provision, as well as 16.0921 as the -- as the</p> <p>6 two that it's occurred on.</p> <p>7 Q. In those instances, do you think</p> <p>8 the counties that disagreed with each other both</p> <p>9 had good faith interpretations of the code?</p> <p>10 A. Were they acting in good faith? I</p> <p>11 don't know.</p> <p>12 Q. In those circumstances, do you</p> <p>13 think the counties involved had reasonable</p> <p>14 interpretations of the Texas Election Code?</p> <p>15 A. No.</p> <p>16 Q. So in these circumstances, you</p> <p>17 think one county had a reasonable interpretation</p> <p>18 and the other had an unreasonable</p> <p>19 interpretation?</p> <p>20 A. No, that's not what I said.</p> <p>21 Q. Well, you said just a moment ago</p> <p>22 that in these instances, at least one county did</p>	<p>1 Q. Including about whether they're --</p> <p>2 about their eligibility to register to vote?</p> <p>3 A. That, as well as their ability to</p> <p>4 find a voting location and what a primary</p> <p>5 election is and everything else in the world.</p> <p>6 Q. Does your office have any kind of a</p> <p>7 mission statement?</p> <p>8 A. Not other than provided in the</p> <p>9 statute.</p> <p>10 Q. In complying with that statute --</p> <p>11 strike that.</p> <p>12 When you refer to the mission</p> <p>13 provided in the statute, you're referring to</p> <p>14 your office's responsibility to ensure</p> <p>15 uniformity in the application, enforcement, and</p> <p>16 interpretation of the Texas Election Code;</p> <p>17 right?</p> <p>18 A. And to provide assistance and</p> <p>19 advice.</p> <p>20 And then if you go to the next</p> <p>21 page, to answer a 1-800 number and to refer</p> <p>22 criminal complaints to the Attorney General. I</p>
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<p>1 not have a reasonable interpretation of the</p> <p>2 Texas Election Code; right?</p> <p>3 A. I think in both instances the</p> <p>4 counties had an unreasonable interpretation.</p> <p>5 Q. Understood.</p> <p>6 Based on the questions you get from</p> <p>7 county election officials, do you agree that</p> <p>8 voters are sometimes confused about their</p> <p>9 eligibility to register to vote in Texas?</p> <p>10 MR. HUDSON: Objection, form, calls</p> <p>11 for speculation.</p> <p>12 THE WITNESS: I wouldn't base it on</p> <p>13 calls from the counties. I would base it</p> <p>14 on calls from the public.</p> <p>15 BY MR. DODGE:</p> <p>16 Q. But based on those calls from the</p> <p>17 public and in your experience receiving those</p> <p>18 calls, you're aware that voters can sometimes be</p> <p>19 confused about whether or not they're eligible</p> <p>20 to register to vote?</p> <p>21 A. In my experience, voters can be</p> <p>22 confused about anything.</p>	<p>1 mean, there's several more sections that we</p> <p>2 haven't talked about here.</p> <p>3 Q. Understood. But in fulfilling that</p> <p>4 duty, would you say your office has an interest</p> <p>5 in ensuring that people are able to register to</p> <p>6 vote in Texas?</p> <p>7 A. Again, our role is to make sure the</p> <p>8 people have the information and the tools to</p> <p>9 successfully register and vote. Our -- our --</p> <p>10 it's not our job to encourage registration or</p> <p>11 maximize registration or, you know, directly</p> <p>12 assist voters with registration other than</p> <p>13 answering their questions.</p> <p>14 We are here to assist and advise</p> <p>15 and provide information. We want to make sure</p> <p>16 that anybody that wants to register to vote</p> <p>17 knows what they need to do and successfully does</p> <p>18 it using the tools that we provide.</p> <p>19 Q. And the purpose of those tools is</p> <p>20 to permit any person in Texas lawfully eligible</p> <p>21 to vote to successfully register; correct?</p> <p>22 A. If they want to, you bet.</p>

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<p>1 Q. So to that extent, you make these</p> <p>2 tools in order to help people register if they</p> <p>3 desire to do so?</p> <p>4 MR. HUDSON: Objection, asked and</p> <p>5 answered.</p> <p>6 THE WITNESS: I agree with that.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. You mentioned earlier that voters</p> <p>9 sometimes directly contact your office with</p> <p>10 questions; right?</p> <p>11 A. Thousands and thousands and</p> <p>12 thousands of times.</p> <p>13 Q. When you --</p> <p>14 A. We have a 1-800 number. It's on</p> <p>15 every single voter registration certificate that</p> <p>16 goes out. It's on the wall of every polling</p> <p>17 place. It's ubiquitous, our 1-800 number.</p> <p>18 Q. When you say "thousands," do you</p> <p>19 mean thousands of calls per day, per year, per</p> <p>20 month?</p> <p>21 A. Per month.</p> <p>22 Q. Roughly how many per day?</p>	<p>1 A. I have access to it. They're --</p> <p>2 the lawyers rotate who answers, you know, and</p> <p>3 assigns out the e-mails in that box.</p> <p>4 Q. So the lawyers are primarily</p> <p>5 responsible for responding to questions sent to</p> <p>6 that e-mail address?</p> <p>7 A. They are if it's a legal question.</p> <p>8 If it's a Team question, they'll send it to a</p> <p>9 member of the Team team.</p> <p>10 Q. And folks rotate responsibility for</p> <p>11 answering questions from that e-mail address?</p> <p>12 A. They -- what we rotate is the</p> <p>13 responsibility for monitoring the e-mail and</p> <p>14 assigning out the e-mails. We all answer them.</p> <p>15 Q. Is monitoring that e-mail account a</p> <p>16 responsibility that people in your office enjoy?</p> <p>17 A. I don't know. It's just part of</p> <p>18 the job. I think everybody that works here</p> <p>19 enjoys this work. It's -- it's satisfying.</p> <p>20 It's important.</p> <p>21 Q. I absolutely agree with that.</p> <p>22 If a voter calls with a question</p>
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<p>1 Hundreds?</p> <p>2 A. Well, it depends on where we are in</p> <p>3 the election cycle. If it's, you know, August,</p> <p>4 September, and October of an even numbered year,</p> <p>5 we can have as many as 65, 70,000 calls in</p> <p>6 October of an even numbered year especially if</p> <p>7 it's a presidential year.</p> <p>8 You know, building up to the</p> <p>9 primary, this -- this time we had, I think,</p> <p>10 34,000 calls in February. The election was the</p> <p>11 1st of March. So thousands of phone calls.</p> <p>12 Q. And do voters primarily contact</p> <p>13 your office by phone?</p> <p>14 A. They do send e-mails to the</p> <p>15 Elections Internet mailbox as well.</p> <p>16 Q. Can you tell me what the Elections</p> <p>17 Internet is?</p> <p>18 A. Elections Internet is our general</p> <p>19 delivery mailbox. E-mail address, it's</p> <p>20 elections, with an S, @sos.texas.gov.</p> <p>21 Q. Who in your office receives those</p> <p>22 e-mails or has access to that e-mail account?</p>	<p>1 about registration, do you answer that question</p> <p>2 directly or do you refer them to county</p> <p>3 officials?</p> <p>4 A. It depends on the question. If</p> <p>5 it's a nuts and bolts, "Where is my</p> <p>6 registration," "What's happening," we refer them</p> <p>7 to the county.</p> <p>8 If it's something more generic,</p> <p>9 "Can my 17 year old register to vote" or "When</p> <p>10 will they be able to register to vote," we</p> <p>11 answer it.</p> <p>12 Q. Have you ever received questions</p> <p>13 from voters about which address they should use</p> <p>14 for a Voter Registration Application?</p> <p>15 A. Sure.</p> <p>16 Q. And do you respond to those</p> <p>17 questions or do you refer them to the county?</p> <p>18 A. We -- we respond to those</p> <p>19 questions.</p> <p>20 Q. Do you ever get questions from</p> <p>21 voters about where to vote if they moved close</p> <p>22 in time to an election?</p>

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<p>1 A. Sure.</p> <p>2 Q. And you guys respond to those</p> <p>3 questions?</p> <p>4 A. We do.</p> <p>5 Q. When you answer these questions,</p> <p>6 what do you rely on to answer the questions?</p> <p>7 A. The Election Code as applied to the</p> <p>8 facts that the person presents.</p> <p>9 Q. Anything else?</p> <p>10 A. No.</p> <p>11 Q. Guidance that your office issues?</p> <p>12 A. Well, I don't know. I mean, we</p> <p>13 issue guidance to counties not usually to</p> <p>14 voters. Voters, we'll answer their questions.</p> <p>15 Q. Does your office have any role in</p> <p>16 verifying the address on voter registration</p> <p>17 applications?</p> <p>18 A. No.</p> <p>19 Q. What role does your office play in</p> <p>20 determining whether a person is eligible to</p> <p>21 register in a particular county?</p> <p>22 A. We don't.</p>	<p>1 A. Well, that's the basic</p> <p>2 responsibility. We also receive information</p> <p>3 from other agencies about voter eligibility that</p> <p>4 we send to the counties for action.</p> <p>5 Q. Does your office have any</p> <p>6 additional responsibilities with respect to</p> <p>7 maintaining the voter registration database</p> <p>8 itself?</p> <p>9 A. That's what I'm saying. It's our</p> <p>10 responsibility to -- to make sure that it's up</p> <p>11 and running and available for use by the</p> <p>12 counties and that it's functioning properly</p> <p>13 whenever the counties enter information into it.</p> <p>14 We -- we pass through information</p> <p>15 from other state agencies regarding the</p> <p>16 eligibility of voters and then we also pass</p> <p>17 through information from the electronic</p> <p>18 registration and information center about voter</p> <p>19 eligibility and whether or not they have moved.</p> <p>20 So, I mean, we provide information</p> <p>21 to the counties and we give them tasks to work;</p> <p>22 but the counties have to do the actual</p>
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<p>1 Q. Would you play a role in that if a</p> <p>2 voter contacted your office directly with a</p> <p>3 question about which county to register in?</p> <p>4 A. Sure, if they asked us. And then</p> <p>5 we would want some factual information about why</p> <p>6 they're asking the question.</p> <p>7 Q. Can you tell me about the role your</p> <p>8 office plays in maintaining voter registration</p> <p>9 rolls in Texas?</p> <p>10 A. We host the electronic voter</p> <p>11 registration database that the counties use to</p> <p>12 maintain voter registrations on.</p> <p>13 Q. What goes into hosting the</p> <p>14 electronic voter registration database?</p> <p>15 A. Well, making sure that the database</p> <p>16 is available for use by the counties and that</p> <p>17 the counties know how to use the application</p> <p>18 that sits on top of the data.</p> <p>19 Q. Does your office have any</p> <p>20 responsibilities with respect to the database</p> <p>21 besides just hosting the registration system</p> <p>22 itself?</p>	<p>1 interaction with that material and the voters.</p> <p>2 Q. So would your office ever have</p> <p>3 cause to input data or update data in the</p> <p>4 registration database or is that the</p> <p>5 responsibility of the counties?</p> <p>6 A. It's mostly the responsibility of</p> <p>7 the counties. We -- we do have the ability</p> <p>8 under HB 2512 from the 83rd Session to use DPS</p> <p>9 data to supplement our data so that we can have</p> <p>10 better list maintenance processes.</p> <p>11 Q. Have any of your office's</p> <p>12 obligations with respect to the voter</p> <p>13 registration database changed since the</p> <p>14 enactment of SB 1111?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 A. I mean, it's changed since then,</p> <p>18 but not because of SB 1111.</p> <p>19 Q. In what way has it changed?</p> <p>20 A. We have an obligation under House</p> <p>21 Bill 1382 from last session, 87th Session, to</p> <p>22 provide a ballot tracker. So that required</p>

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<p>1 modification to the Team system for the counties</p> <p>2 to input the information with regard to</p> <p>3 application dates received, application dates</p> <p>4 accepted, application dates rejected as well as</p> <p>5 the mail ballot processes.</p> <p>6 So it required quite a bit of</p> <p>7 modification of the mail ballot module to make</p> <p>8 sure that all of the activity that's required by</p> <p>9 the ballot tracker is successfully tracked and</p> <p>10 available for voters to use.</p> <p>11 Q. Is that ballot tracker for the</p> <p>12 voter's benefit?</p> <p>13 A. Yes.</p> <p>14 Q. Who do you understand to be</p> <p>15 responsible for bringing prosecutions against</p> <p>16 individuals who violate the Texas Election Code?</p> <p>17 MR. HUDSON: Objection, outside the</p> <p>18 scope of the deposition topics for the</p> <p>19 Secretary of State.</p> <p>20 THE WITNESS: The DAs locally</p> <p>21 can -- can do it. They have concurrent</p> <p>22 jurisdiction with the Attorney General's</p>	<p>1 reasonable cause to suspect that a crime has</p> <p>2 occurred, we have to refer that over to the</p> <p>3 Attorney General's office for further</p> <p>4 investigation, possible prosecution.</p> <p>5 Q. If your office became aware that a</p> <p>6 voter was seeking to register in a particular</p> <p>7 county with an address located outside of that</p> <p>8 county, what action would your office take?</p> <p>9 MR. HUDSON: Objection form,</p> <p>10 incomplete hypothetical.</p> <p>11 Objection form, calls for</p> <p>12 speculation.</p> <p>13 THE WITNESS: Yeah, I have no idea</p> <p>14 what you even mean by that.</p> <p>15 BY MR. DODGE:</p> <p>16 Q. If information was made available</p> <p>17 to someone in your office that there is an</p> <p>18 individual in Harris County trying to register</p> <p>19 in Dallas County, what would your office do with</p> <p>20 that information?</p> <p>21 MR. HUDSON: Same objections.</p> <p>22 THE WITNESS: Yeah, again, I don't</p>
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<p>1 office.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. Does your office --</p> <p>4 A. -- so local district attorneys --</p> <p>5 THE REPORTER: I didn't hear the</p> <p>6 beginning of that.</p> <p>7 THE WITNESS: The county attorneys.</p> <p>8 And then local district attorneys, if the</p> <p>9 county has a district attorney in addition</p> <p>10 to the county attorney as well as the</p> <p>11 Attorney General's office.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Does your office assist law</p> <p>14 enforcement officials in investigating</p> <p>15 violations of the Texas Election Code?</p> <p>16 A. No.</p> <p>17 Q. If your office became aware of</p> <p>18 someone -- strike that.</p> <p>19 If your office became aware of a</p> <p>20 violation of the Texas Election Code, what would</p> <p>21 you do?</p> <p>22 A. Well, 31.006 says if we have</p>	<p>1 know what that means. I don't have any</p> <p>2 idea what you're talking about.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. All right. Well, let me put it</p> <p>5 this way.</p> <p>6 If an election official in Harris</p> <p>7 County contacted your office and said they were</p> <p>8 aware of an individual in Harris County trying</p> <p>9 to register there with an address outside of</p> <p>10 that county, how would you respond to that</p> <p>11 official?</p> <p>12 MR. HUDSON: Same -- same</p> <p>13 objections.</p> <p>14 THE WITNESS: Well, we would tell</p> <p>15 them to transfer the Voter Registration</p> <p>16 Application to the proper county.</p> <p>17 I don't -- I don't know what you're</p> <p>18 getting at. If -- if the application has</p> <p>19 been sent to the wrong county, it needs to</p> <p>20 get forwarded to the correct county.</p> <p>21 BY MR. DODGE:</p> <p>22 Q. But in that circumstance your</p>

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<p>1 office wouldn't contact law enforcement?</p> <p>2 A. No. Why would we contact law</p> <p>3 enforcement?</p> <p>4 Q. Are you aware of any instances in</p> <p>5 which someone who did not live in a Texas county</p> <p>6 sought to vote in that county?</p> <p>7 A. I don't know. We've got some</p> <p>8 information from ERIC about potential double</p> <p>9 voters in the 2020 general election that we are</p> <p>10 currently investigating and deciding whether or</p> <p>11 not there's sufficient evidence to refer to the</p> <p>12 Attorney General.</p> <p>13 Q. So your office does investigate</p> <p>14 potential violations of the Texas Election Code</p> <p>15 before making referrals to the Attorney</p> <p>16 General's office?</p> <p>17 A. No, sir, that is not -- that's not</p> <p>18 what I mean. We just -- we're trying to confirm</p> <p>19 whether or not this is a bureaucratic paperwork</p> <p>20 mistake or whether or not it appears from the</p> <p>21 paperwork that the voter actually did vote</p> <p>22 twice. So all we're doing is asking the</p>	<p>1 your office who are responsible for acting upon</p> <p>2 information related to a potential violation of</p> <p>3 the Texas Election Code before making a referral</p> <p>4 to the Attorney General?</p> <p>5 A. I don't know what that means.</p> <p>6 Q. Well, you said a moment ago that</p> <p>7 you received some information from Mr. Hudson</p> <p>8 about potential double voters; correct?</p> <p>9 A. No, I did not say that at all.</p> <p>10 I think your confusion is I said I</p> <p>11 received it from "ERIC." That is not</p> <p>12 Mr. Hudson. It's the Electronic Registration</p> <p>13 Information Center.</p> <p>14 Q. That is my confusion. My</p> <p>15 apologies.</p> <p>16 Well, you said a moment ago you</p> <p>17 received some information from ERIC about</p> <p>18 potential double voters; correct?</p> <p>19 A. That's right.</p> <p>20 Q. And your office had to take certain</p> <p>21 actions following up on that information to see</p> <p>22 if it was appropriate to make a referral;</p>
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<p>1 counties for their information regarding the</p> <p>2 check-in sheets.</p> <p>3 Q. Well, then your office does play a</p> <p>4 role in investigating a potential violation of</p> <p>5 the Texas Election Code before making a</p> <p>6 referral; right?</p> <p>7 MR. HUDSON: Objection, form,</p> <p>8 argumentative. Objection, form, asked and</p> <p>9 answered.</p> <p>10 THE WITNESS: Right. 31.006 says</p> <p>11 that if we get information that gives us</p> <p>12 reasonable cause to believe or suspect</p> <p>13 that a crime has occurred, we refer that</p> <p>14 to the Attorney General.</p> <p>15 The information that we've received</p> <p>16 from ERIC by itself is not sufficient</p> <p>17 cause to suspect that a crime has occurred</p> <p>18 without getting the records from each of</p> <p>19 the counties involved and making sure that</p> <p>20 it appears that this voter voted twice.</p> <p>21 BY MR. DODGE:</p> <p>22 Q. Are there particular individuals in</p>	<p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. In similar instances where your</p> <p>4 office receives information about a potential</p> <p>5 violation of the Texas Election Code, are there</p> <p>6 specific individuals in your office responsible</p> <p>7 for following up on that information?</p> <p>8 A. So I think that's also another</p> <p>9 source of confusion. You -- your under the</p> <p>10 impression that there's another situation like</p> <p>11 that and there's not.</p> <p>12 We get -- this information from</p> <p>13 ERIC is --is a one-source thing. It's not --</p> <p>14 there's not a bunch of other sources of</p> <p>15 information like that that we have to confirm.</p> <p>16 It's only ERIC.</p> <p>17 Everything else that we get is in</p> <p>18 the form of an election law complaint, where</p> <p>19 someone lays out a set of facts that either</p> <p>20 gives us reasonable cause to suspect or doesn't</p> <p>21 by itself. You know what I mean? There's not</p> <p>22 any -- there's not any activity involved in</p>

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<p>1 chasing down the allegations. All there is is a</p> <p>2 set of facts provided by a complainant.</p> <p>3 I review that -- those set of facts</p> <p>4 to see whether or not they, if proven, would --</p> <p>5 would constitute a crime. And if the -- if the</p> <p>6 facts set out the elements of a crime, if the --</p> <p>7 if those facts were, in fact, true, I send it</p> <p>8 over to the Attorney General's office. It's --</p> <p>9 it's that simple.</p> <p>10 Q. So if an election law complaint was</p> <p>11 not sufficient on its face to show that a crime</p> <p>12 occurred, you would not act upon it?</p> <p>13 A. It would not go to the Attorney</p> <p>14 General's office. We would send a letter back</p> <p>15 to the complainant asking them if they have any</p> <p>16 additional information.</p> <p>17 Q. Got it. Understood. Thank you.</p> <p>18 Are you aware of any instances in</p> <p>19 which someone who did not live in the State of</p> <p>20 Texas attempted to register to vote in Texas?</p> <p>21 A. No, not exactly. And that's --</p> <p>22 that's -- but, again, ERIC provides information</p>	<p>1 those who voted within the state and those who</p> <p>2 double voted in more than one state.</p> <p>3 Q. Got it. Thank you.</p> <p>4 We've been going for about an hour.</p> <p>5 And I know we took a brief technology break, but</p> <p>6 do we want to take a brief break now or would</p> <p>7 you like to keep going, Mr. Ingram?</p> <p>8 A. I'm fine.</p> <p>9 MR. DODGE: Okay. In that case,</p> <p>10 why don't we pull up Exhibit C, please.</p> <p>11 (Exhibit C, S.B. No. 1111, is</p> <p>12 marked for identification.)</p> <p>13 BY MR. DODGE:</p> <p>14 Q. Have you seen this document before?</p> <p>15 A. I have.</p> <p>16 Q. And what is this document?</p> <p>17 A. That's the first page of the Senate</p> <p>18 Bill 1111.</p> <p>19 Q. And you said earlier today that you</p> <p>20 have a paper copy of Senate Bill 1111 in front</p> <p>21 of you as well; right?</p> <p>22 A. I do. It's currently under the</p>
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<p>1 that could be a same person voting in two</p> <p>2 different states. But we have to, again, get</p> <p>3 the check-in sheets and all of that information</p> <p>4 to verify whether or not this person actually</p> <p>5 did vote in two states.</p> <p>6 Q. Got it. And I should have asked</p> <p>7 this earlier, but can you tell me precisely what</p> <p>8 ERIC is?</p> <p>9 A. ERIC is a group of states, there's</p> <p>10 30 states plus Washington DC right now, who</p> <p>11 agree to share information with regard to the</p> <p>12 voter registration list and their driver's</p> <p>13 license list, so that we can keep track of</p> <p>14 various categories.</p> <p>15 And specifically if you look at</p> <p>16 ericstates.org, you can -- you can see for</p> <p>17 yourself, but ERIC states -- ERIC provides</p> <p>18 information to the member states about in-state</p> <p>19 movers, cross-state movers, in-state duplicates,</p> <p>20 deceased persons as well as these vote history</p> <p>21 report on possible double voters, possible</p> <p>22 deceased voters. And the double voters include</p>	<p>1 microphone.</p> <p>2 Q. I would just ask that for purposes</p> <p>3 of our discussion we refer to this version of</p> <p>4 Senate Bill 1111 --</p> <p>5 A. Sure.</p> <p>6 Q. -- to make sure we're looking at</p> <p>7 the same thing.</p> <p>8 Is that okay?</p> <p>9 A. Absolutely.</p> <p>10 Q. Do you recall when you first saw</p> <p>11 this document?</p> <p>12 A. I don't know if it was precisely</p> <p>13 this language, but I saw Senate Bill 1111 when</p> <p>14 it was filed.</p> <p>15 Q. Do you recall when that was?</p> <p>16 A. Sometime during the legislative</p> <p>17 session there was a series of filings by Senator</p> <p>18 Bettencourt and this is one of those bills.</p> <p>19 Q. Did you speak with anyone from the</p> <p>20 Texas State Legislature about this bill before</p> <p>21 it was passed into law?</p> <p>22 A. I did.</p>

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<p>1 Q. Could you tell me who you spoke 2 with?</p> <p>3 A. Sure. I spoke with Senator 4 Bettencourt. I spoke with Senator Bettencourt's 5 general counsel, Sonya Aston.</p> <p>6 Q. Did you speak with any members of 7 the Texas legislature or their staff besides 8 Senator Bettencourt?</p> <p>9 A. I believe that I spoke with 10 Senator Hughes' staff person, Drew Tedford, his 11 legislative director.</p> <p>12 Q. Anyone else?</p> <p>13 A. Well, eventually, I spoke to both 14 the State Affairs Committee and the Elections 15 Committee. I don't know if I got called up to 16 testify on this bill in the Senate, but I 17 believe I did in the House.</p> <p>18 Q. So when you spoke to the committee 19 members, you were testifying as a witness?</p> <p>20 A. That's right.</p> <p>21 Q. But outside of instances where you 22 were testifying as a witness, do you recall</p>	<p>1 Q. You can answer the question to 2 the -- to the extent your counsel has advised 3 you.</p> <p>4 A. Yeah, I can't, you know, answer 5 that question without violating those 6 privileges.</p> <p>7 Q. Can you tell me why Senator 8 Bettencourt sought to speak with you about 9 Senate Bill 1111?</p> <p>10 MR. HUDSON: Same objections. Same 11 instructions.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Are you able to answer that 14 question?</p> <p>15 A. I don't think I can.</p> <p>16 Q. Did you have any conversations with 17 Senator Bettencourt apart from those involving 18 his general counsel?</p> <p>19 A. I don't know what you mean.</p> <p>20 Q. Did you have any conversations one 21 on one with Senator Bettencourt about Senate 22 Bill 1111?</p>
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<p>1 speaking with any other members of the Texas 2 State Legislature or their staff besides Senator 3 Hughes and Senator Bettencourt?</p> <p>4 A. I might have talked to Chairman 5 Cain's staff as well. I don't know for sure.</p> <p>6 Q. Can you tell me what you discussed 7 with Senator Bettencourt?</p> <p>8 MR. HUDSON: Objection. That would 9 encroach upon legislative privilege --</p> <p>10 THE REPORTER: I can't hear you, 11 counsel.</p> <p>12 MR. HUDSON: Objection, that would 13 potentially encroach upon the legislative 14 privilege, attorney-client privilege, 15 attorney work product doctrine. To the 16 extent that responding would encroach on 17 those privileges, I'm instructing him not 18 to answer.</p> <p>19 If you can answer without 20 encroaching upon those privileges, you're 21 free to do so.</p> <p>22 BY MR. DODGE:</p>	<p>1 A. I only had one conversation with 2 Senator Bettencourt about 1111 and it was on a 3 speaker phone and I don't know who was in the 4 room on his side.</p> <p>5 Q. Do you know if his general counsel 6 was present?</p> <p>7 A. I believe she was.</p> <p>8 Q. Okay. Can you tell me what you 9 discussed with Senator Hughes, his staff member, 10 about Senate Bill 1111?</p> <p>11 MR. HUDSON: Objection. To the 12 extent that it would encroach upon 13 legislative attorney-client or attorney 14 work product, doctrine privileges, I'm 15 instructing you not to answer.</p> <p>16 If you can answer without 17 encroaching upon those privileges, you may 18 do so.</p> <p>19 THE WITNESS: Well, we talked about 20 things that would be under the privilege, 21 but we also talked about the fact that it 22 was getting scheduled for a hearing in</p>

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<p>1 state affairs.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. And the third member of the</p> <p>4 legislature you believe you spoke with was</p> <p>5 Representative Cain? Do I have that right?</p> <p>6 A. That's correct. Sure.</p> <p>7 Q. And can you tell me what you spoke</p> <p>8 with him about with respect to Senate Bill 1111?</p> <p>9 MR. HUDSON: Same objections. Same</p> <p>10 instructions.</p> <p>11 THE WITNESS: Not without</p> <p>12 encroaching the privilege.</p> <p>13 BY MR. DODGE:</p> <p>14 Q. Okay. You mentioned that you were</p> <p>15 called to testify before at least a House</p> <p>16 committee; is that right?</p> <p>17 A. That's right.</p> <p>18 Q. Do you recall which committee that</p> <p>19 was?</p> <p>20 A. House Elections.</p> <p>21 Q. And about how long did you testify</p> <p>22 for?</p>	<p>1 County, Bexar County, Bastrop.</p> <p>2 Q. And what's -- what's the purpose of</p> <p>3 that committee?</p> <p>4 A. The purpose, we formed the advisory</p> <p>5 group when the pandemic was first starting in</p> <p>6 April of 2020 because we wanted to make sure</p> <p>7 that we were having good communication both ways</p> <p>8 between the counties and us regarding measures</p> <p>9 to ameliorate the danger of having elections</p> <p>10 during a pandemic.</p> <p>11 Q. Do you know if the intention is for</p> <p>12 that committee to continue acting indefinitely?</p> <p>13 A. I believe it is. We -- I think in</p> <p>14 our office we're interested in -- in making it</p> <p>15 kind of more formal, making sure there's a</p> <p>16 rotation process, so that it's not just the same</p> <p>17 group all of the time so we can get more input</p> <p>18 and more cross-pollination without necessarily</p> <p>19 growing the group because we need a small group</p> <p>20 in order for people to feel comfortable</p> <p>21 speaking.</p> <p>22 In addition to the counties I</p>
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<p>1 A. I don't know.</p> <p>2 Q. All day?</p> <p>3 A. No.</p> <p>4 Q. An hour?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you recall what the substance of</p> <p>7 your testimony was?</p> <p>8 A. I don't. I would have to go back</p> <p>9 and look at the video to see what I said.</p> <p>10 Q. Did you speak with any county</p> <p>11 officials about Senate Bill 1111 before it was</p> <p>12 passed into law?</p> <p>13 A. Probably. We have a county</p> <p>14 advisory group that we were talking with every</p> <p>15 other week during the legislative session, and</p> <p>16 it's -- it's likely that we discussed 1111 when</p> <p>17 it was set for hearing in State Affairs or</p> <p>18 Elections.</p> <p>19 Q. Who is on that advisory committee?</p> <p>20 A. Like I said, it's Dallas and Harris</p> <p>21 and Tarrant, Collin and Denton, Midland, Brazos,</p> <p>22 Houston, Houston County and city anyway, Lee</p>	<p>1 listed before, there's also Cameron and Hidalgo.</p> <p>2 Q. Do you recall how many times you</p> <p>3 spoke with that county committee about SB 1111</p> <p>4 before it was enacted?</p> <p>5 A. No idea. I don't remember speaking</p> <p>6 about it at all, but I'm sure we did.</p> <p>7 Q. So you don't recall what the</p> <p>8 substance of any of those conversations was?</p> <p>9 A. That's right.</p> <p>10 Q. Did any of the counties express</p> <p>11 concern about Senate Bill 1111?</p> <p>12 MR. HUDSON: Objection, form, asked</p> <p>13 and answered.</p> <p>14 THE WITNESS: I don't remember the</p> <p>15 substance of the conversations.</p> <p>16 BY MR. DODGE:</p> <p>17 Q. Okay. Returning to Exhibit C, and</p> <p>18 to Page 1, could you zoom in please on Section</p> <p>19 1.015(b).</p> <p>20 This provision reads, "A person may</p> <p>21 not establish residence for the purpose of</p> <p>22 influencing the outcome of a certain election."</p>

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<p>1 Did I read that correctly?</p> <p>2 A. You did.</p> <p>3 Q. I'm going to refer to this as the</p> <p>4 "residency restriction" for the duration of the</p> <p>5 deposition.</p> <p>6 Is that okay?</p> <p>7 A. You can call it that if you want</p> <p>8 to, sure.</p> <p>9 Q. But you'll understand when I use</p> <p>10 that term, that I'm referring to this provision</p> <p>11 of Senate Bill 1111; correct?</p> <p>12 A. I do not agree with you that that's</p> <p>13 a restriction on residency, so I'm going to have</p> <p>14 a hard time with that one.</p> <p>15 Q. So if I -- when I say the term</p> <p>16 "residency restriction," you'll have difficulty</p> <p>17 understanding that it refers to Section 1.015(b)</p> <p>18 of the Texas Election Code?</p> <p>19 A. No, I'm going to have trouble</p> <p>20 agreeing with the premise that this is a</p> <p>21 restriction on residency. This --</p> <p>22 Q. Well, that's okay.</p>	<p>1 particular election, and specifically, there</p> <p>2 were two situations, I think, that demonstrate</p> <p>3 what this is trying to prevent in the real</p> <p>4 world.</p> <p>5 Q. You just said that it means a</p> <p>6 person can't claim a residence that's not their</p> <p>7 residence address for the purpose of influencing</p> <p>8 the outcome of a particular election; is that</p> <p>9 right?</p> <p>10 A. That's right.</p> <p>11 Q. So it's your view that this</p> <p>12 provision does not apply to a person claiming a</p> <p>13 residence that is their residence address for</p> <p>14 the purpose of influencing the outcome of a</p> <p>15 particular election?</p> <p>16 A. So people move all the time. I</p> <p>17 moved from Travis County to Williamson County,</p> <p>18 and one of the things that I had in mind when I</p> <p>19 moved was that I would be in a different state</p> <p>20 representative district and in a state -- a</p> <p>21 different state senatorial district, a</p> <p>22 senatorial district and a state representative</p>
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<p>1 A. -- is a restriction on claiming</p> <p>2 residency. This is not a restriction on</p> <p>3 residency.</p> <p>4 And so, yeah, if you're going to</p> <p>5 insist on calling it a restriction on residency,</p> <p>6 I'm going to have to disagree with that every</p> <p>7 time.</p> <p>8 Q. Well, that's fine. I don't need</p> <p>9 you to agree with the characterization. I just</p> <p>10 need you to understand what I'm referring to.</p> <p>11 Is that okay?</p> <p>12 A. And I'm telling you, it's going to</p> <p>13 cause problems if that's the way you refer to</p> <p>14 this.</p> <p>15 Q. Are you familiar with this</p> <p>16 provision of Senate Bill 1111?</p> <p>17 A. I am.</p> <p>18 Q. And what does this provision mean</p> <p>19 to you in plain language?</p> <p>20 A. It means that a person can't claim</p> <p>21 a residence that's not their residence address</p> <p>22 for the purpose of influencing the outcome of a</p>	<p>1 district that I preferred, but that doesn't mean</p> <p>2 that I was establishing residence to influence</p> <p>3 the outcome of a particular election.</p> <p>4 In order to meet the qualifications</p> <p>5 of this what you have to do is do what, I don't</p> <p>6 know, 20 or 30 people did with regard to the</p> <p>7 mayoral election in the City of Edinburg. And</p> <p>8 that is, maintain their residence in Palmview,</p> <p>9 for instance, or McAllen or San Benito, but then</p> <p>10 claim residence in Edinburg so that they</p> <p>11 register to vote at an apartment complex in</p> <p>12 Edinburg where they had never lived and then</p> <p>13 proceed to vote for mayor because they wanted to</p> <p>14 particular mayoral candidate to win.</p> <p>15 That's illegal voting. Those</p> <p>16 were -- those were indicted and prosecuted.</p> <p>17 That's what I think this is talking about.</p> <p>18 There was another instance where</p> <p>19 there was a road utility district in Montgomery</p> <p>20 County, where 10 people, I think it might have</p> <p>21 been fewer than that, but as many as 10 people</p> <p>22 registered to vote at a roadway inn that some of</p>

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<p style="text-align: right;">Page 93</p> <p>1 them met with for one evening but certainly they</p> <p>2 never lived there and they never claimed to have</p> <p>3 a residence there, they kept their homesteads</p> <p>4 and their residence addresses elsewhere in</p> <p>5 Montgomery County, but their intention was to</p> <p>6 influence the outcome of a particular trustee</p> <p>7 election for that road utility district and take</p> <p>8 over the board of trustees.</p> <p>9 And they did so. But there was an</p> <p>10 election contest thereafter and the judge ruled</p> <p>11 that there was illegal voting that influenced</p> <p>12 the outcome of the election, set the results</p> <p>13 aside, and held another election. In addition,</p> <p>14 to those persons were charged with and convicted</p> <p>15 of illegal voting and sentenced to prison, all</p> <p>16 of them, for three years each.</p> <p>17 Q. I appreciate your thoughts about</p> <p>18 what motivated the Texas legislature to enact</p> <p>19 this provision, but my question is a little</p> <p>20 different and it focuses on the text of the</p> <p>21 provision.</p> <p>22 And you testified earlier that you</p>	<p style="text-align: right;">Page 95</p> <p>1 this section.</p> <p>2 Like I said, I moved, and one of</p> <p>3 the thoughts I had in mind was that I would be</p> <p>4 able to vote for different candidates for</p> <p>5 different offices. That doesn't mean that I</p> <p>6 violated this provision.</p> <p>7 Anybody can move anywhere they want</p> <p>8 to and if they actually do live there, that's</p> <p>9 their residence, under 1.015(a), they're -- they</p> <p>10 live there, that's it. That's where they sleep.</p> <p>11 That's their domicile.</p> <p>12 Q. What in the text of this provision</p> <p>13 leads you to conclude that it means a person</p> <p>14 can't claim a residence that's not their</p> <p>15 residence for purposes of influencing the</p> <p>16 outcome of a particular election?</p> <p>17 A. Well, it's not in the words here.</p> <p>18 It's in the fact that (a) goes before it.</p> <p>19 1.015(a) says that the residence is where a</p> <p>20 person lives.</p> <p>21 Q. I'm still not sure you're answering</p> <p>22 my question, even referencing Subsection (a).</p>
<p style="text-align: right;">Page 94</p> <p>1 understand this provision to mean that a person</p> <p>2 may not establish a residence or may not use a</p> <p>3 residence that is not actually their residence</p> <p>4 for purposes of influencing the outcome of a</p> <p>5 certain election; right?</p> <p>6 A. Right. In other words, they can't</p> <p>7 register to vote and, thereby, quote, establish</p> <p>8 a residence where they don't actually live just</p> <p>9 so that they can vote in a particular election</p> <p>10 and influence the outcome.</p> <p>11 Q. Okay. And my question, which I'm</p> <p>12 not sure you precisely answered is: Based on</p> <p>13 the text of this provision as you understand it</p> <p>14 in your capacity as Director of the Elections</p> <p>15 Division, could a person use their actual</p> <p>16 residence when they move somewhere for the</p> <p>17 purpose of influencing the outcome of a certain</p> <p>18 election? Would they be permitted to register</p> <p>19 with that address?</p> <p>20 A. They -- folks can move wherever</p> <p>21 they want to for whatever reason they want to.</p> <p>22 This -- that's not going to be a violation of</p>	<p style="text-align: right;">Page 96</p> <p>1 And I guess my -- my -- and I guess</p> <p>2 I'll ask it again, which is: Is there anything</p> <p>3 in the text of this particular provision that</p> <p>4 leads you to conclude that a person can't claim</p> <p>5 a residence that's not their residence</p> <p>6 specifically for the purpose of influencing the</p> <p>7 outcome of a particular election?</p> <p>8 MR. HUDSON: Objection, form,</p> <p>9 argumentative. Objection, form, asked and</p> <p>10 answered.</p> <p>11 THE WITNESS: Yes, I've answered</p> <p>12 that question.</p> <p>13 BY MR. DODGE:</p> <p>14 Q. Does this provision say that a</p> <p>15 person may not establish residence at a place</p> <p>16 that is not their residence for the purpose of</p> <p>17 influencing the outcome of a certain election?</p> <p>18 MR. HUDSON: Objection, form, asked</p> <p>19 and answered. Objection, form,</p> <p>20 argumentative.</p> <p>21 THE WITNESS: That's what it means.</p> <p>22 And -- and look down at (f), "A</p>

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<p>1 person may not establish a residence at 2 any place the person has not inhabited." 3 I mean, the way they're using 4 "establish a residence" doesn't mean that 5 it's actually somebody's home. They're 6 saying that you can't claim a residence, 7 you can't establish a residence at a place 8 where you haven't lived. 9 You can't establish a residence for 10 the purpose of influencing a certain -- 11 the outcome of a certain election. Just 12 like they did in Edinburg. They 13 established a residence at an apartment 14 complex that they never intended to live 15 at. They didn't live there. They weren't 16 going to live there. They just registered 17 to vote there. 18 That's not allowed by this 19 provision. You can't establish a 20 residence at a place you haven't lived for 21 the purpose of influencing the outcome of 22 a election.</p>	<p>1 Q. So it's your view that this 2 provision is clear on its face? 3 A. Absolutely. 4 Q. Do you think it's clear how your 5 office is supposed to interpret the residency 6 restriction provision? 7 A. Sure. 8 Q. What do you understand the term 9 "establish residence" to mean? 10 A. Claim a residence at a place where 11 you don't live, so that you can vote in a 12 certain election. Particularly, establish 13 residence by registering to vote at that 14 address. 15 Q. So you understand the term 16 "establish residence" to mean to claim a 17 residence at a place where you don't live? 18 A. Particularly, to register to vote 19 at a place where you don't live. 20 Q. Well, I'm asking about this term 21 specifically, so not necessarily within the 22 broader context of the subsection. What do you</p>
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<p>1 BY MR. DODGE: 2 Q. Well, my question is still a little 3 bit different, sir, which is you said, I think 4 several times there, that that's what this 5 provision means, and my question is about what 6 this provision says. 7 A. And I'm saying the words "establish 8 residence" don't mean actually living there 9 because then if they actually lived there, that 10 is their residence under (a) and it's not a 11 violation of (b). 12 Do you understand what I'm saying? 13 In if I actually live there, it's never going to 14 be a violation of (b). It's where I live. It's 15 my residence. 16 Q. Well, the (b) says that I can't 17 establish residence if my purpose for moving to 18 that residence was for purposes of influencing 19 the outcome of a certain election; correct? 20 A. That is not what it says and, no, 21 that's not what it means. You can move anywhere 22 you want to for any reason you want to.</p>	<p>1 understand the term "establish residence" to 2 mean? 3 A. To claim a residence for the 4 purpose of influencing the outcome of an 5 election. The only way you influence the 6 outcome of an election is registering to vote. 7 So registering to vote at a place where you 8 don't live so that you can vote in a particular 9 election and hopefully influence the outcome, 10 that's what this means. 11 Q. It's your view that a person can 12 only influence the outcome of an election by 13 registering to vote? 14 A. Well, that's the most direct way. 15 They could also block walk or, you know, donate 16 money to candidates. But the fact is that 17 doesn't have anything to do with residency. If 18 you establish residency, that means you're 19 getting there to vote. 20 Q. But you would agree that are many 21 ways to influence an election besides voting; 22 correct?</p>

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<p>1 A. Sure, but the only one that</p> <p>2 involves establishing residency is voting.</p> <p>3 Q. Doing the Texas Election Code</p> <p>4 define what it means to establish residence?</p> <p>5 A. It does not.</p> <p>6 Q. So what are you basing the</p> <p>7 definition you just provided me on?</p> <p>8 A. The context of 1.015. Have I not</p> <p>9 been clear about this? If you live there, under</p> <p>10 (a) you can claim your residence all day long</p> <p>11 because that's where you live. So (b) obviously</p> <p>12 has to mean something different. (f) makes it</p> <p>13 clear that establishing a residence doesn't</p> <p>14 involve actually living there. So I don't know</p> <p>15 what you're confused about. People can live</p> <p>16 wherever they want to live.</p> <p>17 Q. Do you think the Texas legislature</p> <p>18 could have drafted Subsection (b) to say, A</p> <p>19 person may not establish residence at a place</p> <p>20 that is not their residence for the purpose of</p> <p>21 influencing the outcome of a certain election?</p> <p>22 MR. HUDSON: Objection, form, calls</p>	<p>1 means to establish residence?</p> <p>2 A. It has not.</p> <p>3 Q. If a county election official</p> <p>4 contacted your office and asked for a definition</p> <p>5 of the term "establish residence," what would</p> <p>6 you tell them?</p> <p>7 MR. HUDSON: Objection, form, calls</p> <p>8 for speculation.</p> <p>9 THE WITNESS: Yeah, I would -- I</p> <p>10 would say, "What are you talking about? I</p> <p>11 need more facts."</p> <p>12 BY MR. DODGE:</p> <p>13 Q. So you're not sure how you would</p> <p>14 answer a question from a county election</p> <p>15 official about what it means to establish</p> <p>16 residence in the context of this provision?</p> <p>17 A. I don't know. I don't know how to</p> <p>18 answer a question that hasn't occurred yet.</p> <p>19 Q. Well, you previously offered me</p> <p>20 your definition of establish residence; correct?</p> <p>21 A. That's right.</p> <p>22 Q. So a county election official</p>
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<p>1 for speculation.</p> <p>2 THE WITNESS: They could have.</p> <p>3 They don't need to. They've said it</p> <p>4 already by putting in the context of (a).</p> <p>5 BY MR. DODGE:</p> <p>6 Q. But you agree they did not use that</p> <p>7 language in Subsection (b) --</p> <p>8 A. It would have --</p> <p>9 Q. -- correct?</p> <p>10 A. It would have -- it would have been</p> <p>11 redundant.</p> <p>12 Q. But you agree they could have used</p> <p>13 that language in this subsection; correct?</p> <p>14 A. Lege counsel doesn't use redundant</p> <p>15 language, so probably they couldn't, if they</p> <p>16 wanted a lege counsel draft.</p> <p>17 Q. Has your office provided any</p> <p>18 official definition of what it means to</p> <p>19 establish residence?</p> <p>20 A. We have not.</p> <p>21 Q. Has any of the guidance your office</p> <p>22 has prepared offered a definition of what it</p>	<p>1 called and said, "What does this mean, what does</p> <p>2 establish residence mean," would you provide</p> <p>3 them that definition?</p> <p>4 A. I would ask them why they're asking</p> <p>5 the question. But, yeah, I would -- I would say</p> <p>6 that this means you can't register to vote at a</p> <p>7 place you don't live so that you can influence</p> <p>8 the outcome of an election. I'd say, "Do you</p> <p>9 have any evidence of anybody doing that? Send</p> <p>10 us a complaint."</p> <p>11 Q. Okay. Moving on -- moving on to a</p> <p>12 different term in this provision, what do you</p> <p>13 understand the term "for the purpose of" to</p> <p>14 mean?</p> <p>15 A. With the intent of registering to</p> <p>16 vote so that you can influence an election.</p> <p>17 Exactly what The Red 7 did, exactly what the</p> <p>18 people in Edinburg did.</p> <p>19 There was another situation in</p> <p>20 Karnes County, Kenedy County, one of those,</p> <p>21 where a justice of the peace race was affected</p> <p>22 by persons from Kingsville who registered to</p>

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<p>1 vote at a derelict house, a group of them, 16 or</p> <p>2 so. That also was overturned in election</p> <p>3 contest.</p> <p>4 Q. Does Subsection (b) refer to</p> <p>5 registering to voting?</p> <p>6 A. It says, "for the purpose of</p> <p>7 influencing the outcome of a certain election."</p> <p>8 The only reason you establish residence to</p> <p>9 influence the outcome of an election is by</p> <p>10 registering to vote and voting.</p> <p>11 Q. Will you agree with me that -- you</p> <p>12 agreed with me earlier that there are many ways</p> <p>13 a person can influence the outcome of an</p> <p>14 election; correct?</p> <p>15 A. That's true, but the only one of</p> <p>16 those ways that your residence matters in is</p> <p>17 when you want to vote in that election. You</p> <p>18 have to vote where your residence is.</p> <p>19 Q. So could the Texas legislature have</p> <p>20 drafted this provision to say: A person may not</p> <p>21 establish residence for the purpose of</p> <p>22 registering to vote to influence the outcome of</p>	<p>1 THE WITNESS: Yeah, we haven't had</p> <p>2 questions about this so I don't know; but</p> <p>3 I would tell them looks like it means for</p> <p>4 the purpose of registering to vote and</p> <p>5 influencing the outcome of the election.</p> <p>6 BY MR. DODGE:</p> <p>7 Q. What do you understand the term</p> <p>8 "influencing the outcome of a certain election"</p> <p>9 to mean?</p> <p>10 MR. HUDSON: Objection, form, asked</p> <p>11 and answered.</p> <p>12 THE WITNESS: Yeah, you want me to</p> <p>13 say it again?</p> <p>14 BY MR. DODGE:</p> <p>15 Q. Well, I -- well, I do because you</p> <p>16 agreed with me earlier that there are many ways</p> <p>17 to influence the outcome of an election. Right?</p> <p>18 A. I did, but the only one that</p> <p>19 involves residency is the one that allows you to</p> <p>20 register to vote there so that you can vote in</p> <p>21 the election and hopefully achieve the outcome</p> <p>22 that you want.</p>
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<p>1 a certain election?</p> <p>2 MR. HUDSON: Objection, form, calls</p> <p>3 for speculation.</p> <p>4 THE WITNESS: They could have, but</p> <p>5 that wouldn't be consistent with what</p> <p>6 1.015 is which is a definition of</p> <p>7 residency.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. So it's your understanding of this</p> <p>10 provision -- strike that.</p> <p>11 It's your understanding of the term</p> <p>12 "for the purpose of" that it refers solely to</p> <p>13 establishing residence for the purpose of</p> <p>14 registering to vote; is that correct?</p> <p>15 A. And voting.</p> <p>16 Q. Okay. If a county election</p> <p>17 official contacted your office and asked for a</p> <p>18 definition of the term "for the purpose of,"</p> <p>19 what would you tell them?</p> <p>20 MR. HUDSON: Objection, form, calls</p> <p>21 for speculation. Objection, form,</p> <p>22 incomplete hypothetical.</p>	<p>1 Q. Right. But a person could move</p> <p>2 somewhere for the purpose of influencing the</p> <p>3 outcome of a certain election if they moved</p> <p>4 there, for example, to volunteer on a campaign;</p> <p>5 correct?</p> <p>6 A. Absolutely. They could -- they</p> <p>7 could move there. And if they moved there, they</p> <p>8 live there, that's their residence. Then B is</p> <p>9 not implicated. (A) kicks in. (A) wins. (A)</p> <p>10 is first.</p> <p>11 Q. Does the Texas Election Code define</p> <p>12 the term "influencing the outcome of a certain</p> <p>13 election"?</p> <p>14 A. It does not.</p> <p>15 Q. Has your office provided a</p> <p>16 definition of what influencing the outcome of a</p> <p>17 certain election means?</p> <p>18 A. We have not.</p> <p>19 Q. So none the guidance your office</p> <p>20 has prepared for county officials has included a</p> <p>21 definition of what it means to influence the</p> <p>22 outcome of a certain election?</p>

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<p>1 A. No.</p> <p>2 Q. Has your office prepared any</p> <p>3 examples of what means to influence the outcome</p> <p>4 of a certain election?</p> <p>5 A. No, we've got enough examples</p> <p>6 already for that purpose.</p> <p>7 Q. And those -- just to be clear,</p> <p>8 those are the examples you've been describing</p> <p>9 me -- describing to me of instances of voter</p> <p>10 misconduct?</p> <p>11 A. That's right.</p> <p>12 Q. And if a county election official</p> <p>13 contacted your office and asked for a definition</p> <p>14 of what it means to influence the outcome of a</p> <p>15 certain election, what would you tell them?</p> <p>16 MR. HUDSON: Objection, form,</p> <p>17 incomplete hypothetical.</p> <p>18 Objection, form, speculation.</p> <p>19 THE WITNESS: I've already</p> <p>20 discussed that with you. I would tell</p> <p>21 them that it means claiming a residence so</p> <p>22 that they can register to vote and out --</p>	<p>1 Q. Do you know if this language</p> <p>2 appears in any criminal section of the Texas</p> <p>3 Election Code?</p> <p>4 A. I don't know. I don't believe so.</p> <p>5 Q. Can you tell me what interests of</p> <p>6 your office were served by this provision of</p> <p>7 Senate Bill 1111?</p> <p>8 A. Well, it's not the interest of our</p> <p>9 office. It's the interest of -- of the state,</p> <p>10 that you want to make sure that people vote</p> <p>11 where they live, people vote where they live and</p> <p>12 get the proper ballot style so that it doesn't</p> <p>13 unlawfully or unnaturally sway the outcome of</p> <p>14 elections in another place where they don't</p> <p>15 actually live.</p> <p>16 Q. All right.</p> <p>17 MR. DODGE: Could we take a</p> <p>18 five-minute break right now? Is that all</p> <p>19 right with everyone?</p> <p>20 THE WITNESS: Sure.</p> <p>21 MR. DODGE: Okay. All right.</p> <p>22 10:46?</p>
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<p>1 and vote in a particular election that</p> <p>2 they want to influence the outcome of.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. Have you spoken with any county</p> <p>5 officials about this provision of Senate</p> <p>6 Bill 1111?</p> <p>7 A. No. There have been no questions</p> <p>8 about this provision. This provision is not</p> <p>9 really implicated in the administration of</p> <p>10 elections. This is not something that election</p> <p>11 officials would concern themselves with.</p> <p>12 This is only a potential element in</p> <p>13 a criminal case against a voter who's tried to</p> <p>14 establish a residency to influence an outcome of</p> <p>15 a certain election.</p> <p>16 Q. Well, this provision is located in</p> <p>17 the section of the Texas Election Code that has</p> <p>18 to deal with registering to vote; right?</p> <p>19 A. No.</p> <p>20 Q. What section is it in?</p> <p>21 A. It's in Chapter 1, which is</p> <p>22 "Definitions and General Provisions."</p>	<p>1 MR. HUDSON: Okay.</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 10:41 a.m. We are now off the record.</p> <p>4 (A recess is held from 10:41 a.m.</p> <p>5 to 10:48 a.m.)</p> <p>6 THE VIDEOGRAPHER: Okay. The time</p> <p>7 is 10:48 a.m. We are now on the record.</p> <p>8 MR. DODGE: Can you please pull up</p> <p>9 Exhibit D.</p> <p>10 (Exhibit D, Voter Registration</p> <p>11 Application, is marked for</p> <p>12 identification.)</p> <p>13 BY MR. DODGE:</p> <p>14 Q. Just take a moment to look at this.</p> <p>15 Do you recognize this document?</p> <p>16 A. I do.</p> <p>17 Q. Can you tell me what it is?</p> <p>18 A. It's a Voter Registration</p> <p>19 Application for use by a Volunteer Deputy</p> <p>20 Registrar.</p> <p>21 Q. Will you zoom in on Box 10, please,</p> <p>22 which is about two-thirds of the way down the</p>

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<p>1 page.</p> <p>2 Right.</p> <p>3 And Box 10 says, "I understand that</p> <p>4 giving false information to procure a voter</p> <p>5 registration is perjury, and a crime under state</p> <p>6 and federal law."</p> <p>7 Did I read that correctly?</p> <p>8 A. You did.</p> <p>9 Q. And then Box 10 asks the applicant</p> <p>10 to affirm three statements before signing. Is</p> <p>11 that also correct?</p> <p>12 A. It is.</p> <p>13 Q. The first statement is, "I am a</p> <p>14 resident of this county and a U.S. citizen.</p> <p>15 And say by signing that document an</p> <p>16 applicant affirms that they are a resident of a</p> <p>17 particular Texas county; is that right?</p> <p>18 A. That's right.</p> <p>19 Q. So you would agree that a voter</p> <p>20 needs to understand what it means to be a</p> <p>21 resident under the Texas Election Code of a</p> <p>22 particular county in order to register to vote;</p>	<p>1 individual's register -- registration</p> <p>2 application, what would you advise them?</p> <p>3 MR. HUDSON: Objection, form,</p> <p>4 incomplete hypothetical.</p> <p>5 Objection, form, calls for</p> <p>6 speculation.</p> <p>7 You can answer, if you can.</p> <p>8 THE WITNESS: Yeah, I would say</p> <p>9 register them to vote.</p> <p>10 But do you understand that that</p> <p>11 question would never come our way? They</p> <p>12 would get a Voter Registration</p> <p>13 Application. They would enter it into</p> <p>14 their system. That person would get</p> <p>15 registered.</p> <p>16 BY MR. DODGE:</p> <p>17 Q. So you don't think it's possible</p> <p>18 for a county official to become aware of</p> <p>19 information that a person moved to a county for</p> <p>20 a particular purpose?</p> <p>21 A. I think that's highly unlikely,</p> <p>22 especially in any county of any size at all.</p>
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<p>1 right?</p> <p>2 A. Agree.</p> <p>3 Q. And if they were to give false</p> <p>4 information on this form, it would be a criminal</p> <p>5 act potentially; right?</p> <p>6 A. It would, that's right.</p> <p>7 Q. Okay. You mentioned earlier that</p> <p>8 county officials often contact your office with</p> <p>9 questions about the interpretation and</p> <p>10 application of the Texas Election Code; right?</p> <p>11 A. That's right.</p> <p>12 Q. All right. So let's say that a</p> <p>13 county election administrator calls your office,</p> <p>14 says that they have an individual who's seeking</p> <p>15 to register to vote in that county after moving</p> <p>16 there solely for the purpose of working for a</p> <p>17 family member who's running for the state</p> <p>18 legislature.</p> <p>19 Do you have that in mind?</p> <p>20 A. Okay.</p> <p>21 Q. If that county official asked for</p> <p>22 your advice on whether or not to approve that</p>	<p>1 Q. But, again, I'm asking you: In</p> <p>2 this situation, the county official is aware</p> <p>3 that the person has moved there for a particular</p> <p>4 purpose, namely to work on a family member's</p> <p>5 election campaign for the state legislature.</p> <p>6 You understand that; correct?</p> <p>7 A. Sure.</p> <p>8 Q. And that doesn't impact your</p> <p>9 answer?</p> <p>10 A. No.</p> <p>11 MR. HUDSON: Objection, form,</p> <p>12 speculation --</p> <p>13 THE WITNESS: Absolutely not.</p> <p>14 MR. HUDSON: Let me finish.</p> <p>15 Objection form, speculation.</p> <p>16 Objection, form, incomplete hypothetical.</p> <p>17 THE WITNESS: It absolutely does</p> <p>18 not. Register them to vote. They live</p> <p>19 there.</p> <p>20 BY MR. DODGE:</p> <p>21 Q. So in your view, an individual who</p> <p>22 moved to a particular county to work on a family</p>

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<p>1 member's campaign for state legislature and for</p> <p>2 no other purpose who then sought to register to</p> <p>3 vote would not violate the residency restriction</p> <p>4 in Senate Bill 1111?</p> <p>5 A. Again, Senate Bill 1111 does not</p> <p>6 have a residency restriction. Only restriction</p> <p>7 in Senate Bill 1111 is you can't live at</p> <p>8 commercial post office boxes or other impossible</p> <p>9 addresses.</p> <p>10 Q. Okay. So you're not going to</p> <p>11 answer that question?</p> <p>12 MR. HUDSON: Objection, form,</p> <p>13 argumentative.</p> <p>14 THE WITNESS: I'm telling you, if</p> <p>15 you think that that first provision is a</p> <p>16 residency restriction, I do not agree with</p> <p>17 that. You can live wherever you want to</p> <p>18 for whatever reason you want to.</p> <p>19 BY MR. DODGE:</p> <p>20 Q. Well, I don't need you to agree</p> <p>21 with it. I just -- you understand what I'm</p> <p>22 referring to; right?</p>	<p>1 reason they want to.</p> <p>2 What they can't do is register at a</p> <p>3 vacant trailer like 18 people have in</p> <p>4 Loving County who don't live in Loving</p> <p>5 County.</p> <p>6 BY MR. DODGE:</p> <p>7 Q. Well, let's say a previously</p> <p>8 registered Texas voter moved from one county to</p> <p>9 another for a job opportunity but also to</p> <p>10 volunteer with a local political candidate.</p> <p>11 Do you have that situation in mind?</p> <p>12 A. Sure.</p> <p>13 Q. And if that person went to register</p> <p>14 in the county they moved to and the county</p> <p>15 election official was aware of the fact they had</p> <p>16 moved there in part to volunteer for a local</p> <p>17 political candidate and called your office with</p> <p>18 guidance about whether or not to register such a</p> <p>19 person to vote, what would you tell me?</p> <p>20 A. Register them --</p> <p>21 MR. HUDSON: Objection, form --</p> <p>22 THE WITNESS: Sorry.</p>
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<p>1 MR. HUDSON: Objection, form,</p> <p>2 argumentative.</p> <p>3 THE WITNESS: I understand what</p> <p>4 you're pointing to and I do not agree that</p> <p>5 that's a residency restriction; and I told</p> <p>6 you if you refer to it that way, we're</p> <p>7 going to have problems.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. My question isn't whether or not it</p> <p>10 is a residency restriction.</p> <p>11 My question is whether or not an</p> <p>12 individual in that situation I just set out for</p> <p>13 you would violate that provision, in your view,</p> <p>14 in that situation.</p> <p>15 MR. HUDSON: Objection, form, asked</p> <p>16 and answered.</p> <p>17 Objection, form, incomplete</p> <p>18 hypothetical.</p> <p>19 Objection, form, calls for</p> <p>20 speculation.</p> <p>21 THE WITNESS: Yeah, a person can</p> <p>22 live wherever they want to for whatever</p>	<p>1 MR. HUDSON: Objection, form,</p> <p>2 incomplete hypothetical.</p> <p>3 Objection, form, calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: Register them to</p> <p>6 vote.</p> <p>7 And, again, that question would</p> <p>8 never come up. They would get the</p> <p>9 application. They would enter it into the</p> <p>10 system. The voter would be registered.</p> <p>11 BY MR. DODGE:</p> <p>12 Q. Just so I understand, it's your</p> <p>13 view that a county election official has no</p> <p>14 responsibility with respect to this provision of</p> <p>15 Senate Bill 1111?</p> <p>16 A. That's right. They're entitled to</p> <p>17 rely on the representation of the voter in</p> <p>18 Box 10 here that they're a resident of the</p> <p>19 county.</p> <p>20 Q. You would agree with the provision,</p> <p>21 falls within the scope of the definition of</p> <p>22 residence under the Texas Election Code; right?</p>

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<p>1 A. That's right. And residence is</p> <p>2 defined as a domicile, a place where you live,</p> <p>3 place to which you intend to return after any</p> <p>4 temporary absence.</p> <p>5 Q. Do county election officials have</p> <p>6 any responsibilities with respect to reviewing</p> <p>7 the residence --</p> <p>8 A. They review the --</p> <p>9 Q. -- of an applicant provided on a</p> <p>10 form?</p> <p>11 A. They review the address provided on</p> <p>12 the form. They see whether it's in their county</p> <p>13 or not. If it is, they register them to vote.</p> <p>14 If it's in the neighboring county, they'll</p> <p>15 forward the Voter Registration Application to</p> <p>16 the appropriate county.</p> <p>17 Q. So county officials do have</p> <p>18 responsibilities with respect to ensuring that</p> <p>19 voter registration applicants comply with the</p> <p>20 registration requirements of the Texas Election</p> <p>21 Code; right?</p> <p>22 A. That's not what I said.</p>	<p>1 you're not aware of any?</p> <p>2 A. No, I'm pretty sure that they've --</p> <p>3 they've got a -- when they take action on a</p> <p>4 Voter Registration Application, make sure that</p> <p>5 the voter checked the box that they're a</p> <p>6 citizen, that the voter is over 18, that the</p> <p>7 person has an address in their county.</p> <p>8 And I'm pretty sure Chapter 13 lays</p> <p>9 that out. But if you don't let me look at my</p> <p>10 code, I can't look at my code.</p> <p>11 Q. That's okay. If a voter moved from</p> <p>12 one Texas county to another solely for the</p> <p>13 purposes of volunteering on a political campaign</p> <p>14 and then elected after the campaign to stay in</p> <p>15 the county indefinitely, would they be permitted</p> <p>16 to register to vote in that county under Senate</p> <p>17 Bill 1111?</p> <p>18 MR. HUDSON: Objection, form,</p> <p>19 incomplete hypothetical.</p> <p>20 Objection, form, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: Of course.</p>
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<p>1 Q. Well -- okay. Well, let me ask.</p> <p>2 Do county -- do -- strike that.</p> <p>3 Do county election officials have</p> <p>4 responsibilities with respect to ensuring that</p> <p>5 voter registration applicants comply with the</p> <p>6 residence requirements of the Texas Election</p> <p>7 Code?</p> <p>8 A. Other than checking to see that the</p> <p>9 address provided is within their county, no.</p> <p>10 Q. Okay.</p> <p>11 A. They don't have any responsibility</p> <p>12 to go out and do anything else. Just look at</p> <p>13 the address. If facially it's within the</p> <p>14 county, they register them to vote.</p> <p>15 Q. Is there a provision of the Texas</p> <p>16 Election Code that sets out the responsibilities</p> <p>17 of county election officials with respect to</p> <p>18 reviewing the provided residence of a voter</p> <p>19 registration applicant?</p> <p>20 A. I don't know. I'd have to look in</p> <p>21 Chapter 13 and see.</p> <p>22 Q. But off the top of your head,</p>	<p>1 BY MR. DODGE:</p> <p>2 Q. If a person moved to a neighboring</p> <p>3 county to run for office and after filing their</p> <p>4 candidacy paperwork then sought to register to</p> <p>5 vote in that county, would they be permitted to</p> <p>6 do so under Senate Bill 1111?</p> <p>7 A. So you're asking if they could</p> <p>8 register to vote after they filed the candidate</p> <p>9 application?</p> <p>10 Q. Yes.</p> <p>11 A. Well, that wouldn't be a very good</p> <p>12 idea because you need to be registered to vote</p> <p>13 before you file a candidate application or else</p> <p>14 your candidate application is going to get</p> <p>15 rejected.</p> <p>16 Q. Okay. So let's say a person moved</p> <p>17 from one county to another for the purposes of</p> <p>18 running for office and first registered to vote,</p> <p>19 would that person be allowed to register to vote</p> <p>20 under Senate Bill 1111?</p> <p>21 A. Of course.</p> <p>22 Q. Under Senate Bill 1111 is a voter</p>

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<p>1 the legal resident of a county if they move to</p> <p>2 that county exclusively for purposes of</p> <p>3 influencing a certain election?</p> <p>4 A. I'm not sure what you're asking.</p> <p>5 If a voter moves to a county, they can register</p> <p>6 to vote there for any reason, whatever the</p> <p>7 reason for moving.</p> <p>8 Q. Does that mean the answer to my</p> <p>9 question is yes?</p> <p>10 A. I don't know. I think so, but I'm</p> <p>11 not really sure what your question was.</p> <p>12 If your question was, can a person</p> <p>13 move to a place solely with the idea in mind</p> <p>14 that I'm going to go block walk for this person</p> <p>15 and I'm going to vote for this person and</p> <p>16 together we're going to get this person elected,</p> <p>17 they absolutely can do that. Yes, they can --</p> <p>18 they can register to vote in that county every</p> <p>19 day.</p> <p>20 Q. And they would be considered a</p> <p>21 legal resident of that county?</p> <p>22 A. Absolutely.</p>	<p>1 up Exhibit C, please.</p> <p>2 And if we could zoom in on</p> <p>3 Subsection (f). It's about halfway down</p> <p>4 the page.</p> <p>5 BY MR. DODGE:</p> <p>6 Q. This provision reads, [as read]: "A</p> <p>7 person may not establish a residence any place</p> <p>8 the person has not inhabited. A person may not</p> <p>9 designate a previous residence as a home and</p> <p>10 fixed place of habitation unless the person</p> <p>11 inhabits the place at the time of designation</p> <p>12 and intends to remain."</p> <p>13 Did I read that correctly?</p> <p>14 A. You did.</p> <p>15 Q. If I refer to this as the</p> <p>16 "temporary relocation provision," will you</p> <p>17 understand what I'm referring to?</p> <p>18 A. The temporary relocation provision?</p> <p>19 How do you get that out of this?</p> <p>20 Q. Will you understand the provision</p> <p>21 of the code that I'm referring to if I use that</p> <p>22 term?</p>
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<p>1 Q. Now, if a voter moved from</p> <p>2 California to Texas and the reason for doing so</p> <p>3 was to vote for a particular party to help that</p> <p>4 party succeed in Texas elections, would that</p> <p>5 voter violate Senate Bill 1111?</p> <p>6 A. No.</p> <p>7 Q. If a voter moved from California to</p> <p>8 Texas and one of the reason for that move was to</p> <p>9 help elect more Latino individuals to the state</p> <p>10 legislature, would that person violate Senate</p> <p>11 Bill 1111?</p> <p>12 A. No.</p> <p>13 Q. If an individual moved to Texas to</p> <p>14 take a job working on an election campaign and</p> <p>15 then chose to register to vote in the location</p> <p>16 they were living at while working on that</p> <p>17 election campaign, would they violate Senate</p> <p>18 Bill 1111?</p> <p>19 A. They would not. A person can live</p> <p>20 wherever they want to for whatever reason they</p> <p>21 want to and register to vote where they live.</p> <p>22 MR. DODGE: If we could bring back</p>	<p>1 A. I don't see how this is temporary</p> <p>2 relocation.</p> <p>3 Q. Sir, I'm not asking for you to</p> <p>4 agree or disagree with my characterizations. I</p> <p>5 just want to make sure that we're talking about</p> <p>6 the same thing.</p> <p>7 A. Well, I can't agree that we're</p> <p>8 talking about the same thing when I don't have</p> <p>9 any idea why you're calling this a temporary</p> <p>10 relocation provision.</p> <p>11 Q. So if I use the term "temporary</p> <p>12 relocation provision," you will not understand</p> <p>13 that I'm referring to Section 1.015(f) of the</p> <p>14 Texas Election Code?</p> <p>15 A. I don't know why you would call</p> <p>16 that this -- this that.</p> <p>17 Q. Okay.</p> <p>18 MR. DODGE: Mark the answer as</p> <p>19 non-responsive.</p> <p>20 (Record Marked.)</p> <p>21 BY MR. DODGE:</p> <p>22 Q. Are you familiar with this</p>

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<p>1 provision of Senate Bill 1111?</p> <p>2 A. I am.</p> <p>3 Q. What does this provision mean to</p> <p>4 you in plain language?</p> <p>5 A. That you can't claim a residency</p> <p>6 where you haven't lived and you can't claim a</p> <p>7 previous home as a residency unless you still</p> <p>8 inhabit the place.</p> <p>9 Q. And can you tell me what interest</p> <p>10 of your office is served by this provision?</p> <p>11 A. Again, this is not an interest of</p> <p>12 our office. It's an interest of the state. And</p> <p>13 the interest is in uniformity and making sure</p> <p>14 that people vote where they live so that they</p> <p>15 get the proper ballot style and don't improperly</p> <p>16 skew an election someplace else.</p> <p>17 Q. Now, the first sentence of Section</p> <p>18 (f) says, "A person may not establish a</p> <p>19 residence at any place the person has not</p> <p>20 inhabited."</p> <p>21 Did I read that correctly?</p> <p>22 A. That's correct.</p>	<p>1 Q. Do you recall that?</p> <p>2 A. Claim a residence, I said exactly</p> <p>3 that. It's not different, what you just said.</p> <p>4 Q. Well, I think there might be a</p> <p>5 difference and I just want to understand what</p> <p>6 that difference is, because with respect to</p> <p>7 Subsection (f), you told me that establish a</p> <p>8 residence means to claim a residence; correct?</p> <p>9 MR. HUDSON: Objection, asked and</p> <p>10 answered.</p> <p>11 Objection, argumentative.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Well, and your -- and your</p> <p>14 definition for Subsection (b) was a little bit</p> <p>15 more expansive, which was that it was to claim a</p> <p>16 residence that is not your residence; correct?</p> <p>17 A. That's right.</p> <p>18 MR. HUDSON: Objection, asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: And that's exactly</p> <p>21 what (f) means, claim a residence that is</p> <p>22 not your residence. I just -- I really am</p>
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<p>1 Q. Prior to the enactment of Senate</p> <p>2 Bill 1111, could a person in Texas establish</p> <p>3 residence at a place they had not inhabited?</p> <p>4 A. Nope.</p> <p>5 Q. So does this provision, Senate</p> <p>6 Bill 1111, substantively change the Texas</p> <p>7 Election Code with respect to residency?</p> <p>8 A. It does not.</p> <p>9 Q. Okay. And as used in this</p> <p>10 sentence, what does the term "establish</p> <p>11 residence" mean to you?</p> <p>12 A. Claim a residence.</p> <p>13 Q. Does the term "establish residence"</p> <p>14 in this provision have a different meaning than</p> <p>15 in Subsection (f) -- excuse me, Subsection (b)?</p> <p>16 A. It does not. They both mean claim</p> <p>17 a residence.</p> <p>18 Q. Well, you previously told me that</p> <p>19 the term "establish residence" as used in</p> <p>20 Subsection (b) means to claim a residence at a</p> <p>21 place that is not your residence?</p> <p>22 A. That's right.</p>	<p>1 not seeing the difference here. I --</p> <p>2 goodness.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. So in Subsection (f) "does</p> <p>5 establish a residence" mean to claim a residence</p> <p>6 or to claim a residence that is not your</p> <p>7 residence --</p> <p>8 MR. HUDSON: Objection --</p> <p>9 BY MR. DODGE:</p> <p>10 Q. -- or do you view those as</p> <p>11 synonymous?</p> <p>12 A. Those are synonymous.</p> <p>13 MR. HUDSON: Objection --</p> <p>14 THE WITNESS: I'm a resident --</p> <p>15 THE REPORTER: Wait a minute. I'm</p> <p>16 sorry. Excuse me. I'm sorry.</p> <p>17 MR. HUDSON: Let me finish the</p> <p>18 objection.</p> <p>19 THE REPORTER: Can I just have the</p> <p>20 question and then the objection?</p> <p>21 MR. HUDSON: Sure.</p> <p>22 Objection, asked and answered.</p>

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<p>1 Objection, compound.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. You can answer.</p> <p>4 A. I don't know what the question was.</p> <p>5 Q. The question -- well, let's start a</p> <p>6 new question.</p> <p>7 In your mind, does the term "claim</p> <p>8 a residence" mean the same thing as to claim a</p> <p>9 residence that is not your residence?</p> <p>10 A. In both (b) and (f) the idea is</p> <p>11 that you are claiming a residence where you</p> <p>12 couldn't live.</p> <p>13 Q. Well, okay. But my question,</p> <p>14 again, is specifically about the term "establish</p> <p>15 a residence."</p> <p>16 MR. HUDSON: Objection, asked and</p> <p>17 answered.</p> <p>18 And at this point, if we're going</p> <p>19 to continue going down this, I think I'm</p> <p>20 probably willing to take this to the</p> <p>21 Court. So if you want to keep asking him</p> <p>22 the same question, I'm going to shut down</p>	<p>1 BY MR. DODGE:</p> <p>2 Q. You stated previously that the</p> <p>3 Texas Election Code does not define establish</p> <p>4 residence; right?</p> <p>5 MR. HUDSON: Objection, asked and</p> <p>6 answered.</p> <p>7 THE WITNESS: I agree with that.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. And with respect to Subsection (f),</p> <p>10 your office has also not provided a definition</p> <p>11 of what it means to establish residence;</p> <p>12 correct?</p> <p>13 A. Agree with that.</p> <p>14 Q. Within this sentence what does the</p> <p>15 word "inhabited" mean?</p> <p>16 A. Inhabited means to spend some time</p> <p>17 there.</p> <p>18 Q. Okay. And does the Texas Election</p> <p>19 Code define inhabited?</p> <p>20 A. It does not.</p> <p>21 Q. Does your office define the term</p> <p>22 inhabited?</p>
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<p>1 the deposition, and we can go take it up</p> <p>2 with the Court because this is about the</p> <p>3 fifth time that you've asked this</p> <p>4 question.</p> <p>5 MR. DODGE: Well --</p> <p>6 MR. HUDSON: I'll defer to you.</p> <p>7 I'm very serious about that. I don't</p> <p>8 think Judge Yeakel will like hearing from</p> <p>9 us, but I defer to you. You do what you</p> <p>10 want.</p> <p>11 MR. DODGE: Well, I agree he won't</p> <p>12 like hearing from us.</p> <p>13 And the Witness has provided two</p> <p>14 different definitions for the term</p> <p>15 "establish a residence," and I'm trying to</p> <p>16 understand why the definition is different</p> <p>17 in these provisions.</p> <p>18 MR. HUDSON: Okay. So do we need</p> <p>19 to stop the deposition then? And we can</p> <p>20 go ahead and call the Court and see if --</p> <p>21 MR. DODGE: No, there's absolutely</p> <p>22 no reason to stop the deposition.</p>	<p>1 A. It does not.</p> <p>2 Q. If a county election official</p> <p>3 called your office and asked for a definition of</p> <p>4 the term inhabited, would your office be able to</p> <p>5 provide them with one?</p> <p>6 A. That has actually happened.</p> <p>7 Q. Okay.</p> <p>8 A. I had a long conversation with the</p> <p>9 sheriff in Loving County. I don't know if you</p> <p>10 know Loving County, but according to the most</p> <p>11 recent census, it's got 65 people that live</p> <p>12 there and they've got about 97 registered</p> <p>13 voters. So they've got 32 more registered</p> <p>14 voters than they have inhabitants.</p> <p>15 And the sheriff is understandably,</p> <p>16 as the voter registrar for Loving County, not</p> <p>17 happy with this situation. So we went through</p> <p>18 several different scenarios. Since it's a small</p> <p>19 place, he knows everybody, and he understands</p> <p>20 their living circumstances on a day to day</p> <p>21 basis.</p> <p>22 There are 18 people registered at a</p>

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<p>1 vacant mobile home at which no one comes or goes</p> <p>2 ever. It is derelict. It is uninhabitable. It</p> <p>3 has no utilities hooked up to it. There are 18</p> <p>4 people who are registered to vote there.</p> <p>5 And I told him that if he brings a</p> <p>6 challenge to those as living at an impossible</p> <p>7 address, then -- then that's good.</p> <p>8 There are other persons who have a</p> <p>9 house or another sort of place to live in Loving</p> <p>10 County. And they do come visit, you know, a</p> <p>11 week or two a year.</p> <p>12 And I told the sheriff that those</p> <p>13 places were inhabited by those people who spent</p> <p>14 at least some time during the year at that</p> <p>15 location. So he could not successfully</p> <p>16 challenge those persons under impossible</p> <p>17 addresses.</p> <p>18 Q. So in that conversation with the</p> <p>19 sheriff, did you provide him with a definition</p> <p>20 of inhabited or were you applying the term to</p> <p>21 the specific circumstances in Loving County?</p> <p>22 A. Well, I don't know what you --</p>	<p>1 their residency for voter registration purposes</p> <p>2 because they have every intention of coming back</p> <p>3 the next year and coming back the year after</p> <p>4 that.</p> <p>5 Q. Okay. Prior to the enactment of</p> <p>6 Senate Bill 1111, could a voter in Texas</p> <p>7 designate a previous residence as a home for</p> <p>8 purposes of registering to vote?</p> <p>9 A. Yes.</p> <p>10 Q. In what circumstances could they do</p> <p>11 that?</p> <p>12 A. Primarily, it involves</p> <p>13 over-the-road truck drivers or full-time</p> <p>14 military personnel who had a rotation here in</p> <p>15 the State of Texas, want to return to Texas when</p> <p>16 they retire, but don't have a place where they</p> <p>17 actually live in Texas while they finish their</p> <p>18 military career before they come here to retire.</p> <p>19 Q. Can those individuals no longer use</p> <p>20 a prior residence to register to vote?</p> <p>21 A. The military still can, they're</p> <p>22 exempted under the rest of the bill, but the</p>
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<p>1 that's a distinction without a difference. I'm</p> <p>2 not going to act like there's a difference in</p> <p>3 that. I -- for me inhabited means spend some</p> <p>4 time there.</p> <p>5 Q. And that, in substance, is the</p> <p>6 definition you provided to the sheriff in Loving</p> <p>7 County?</p> <p>8 A. That's right.</p> <p>9 Q. Okay. The second sentence in</p> <p>10 Subsection (f) says, "A person may not designate</p> <p>11 a previous residence as a home and fixed place</p> <p>12 of habitation unless the person inhabits the</p> <p>13 place at the time of designation and intends to</p> <p>14 remain."</p> <p>15 Did I read that correctly?</p> <p>16 A. That's right.</p> <p>17 Q. And what does that sentence mean to</p> <p>18 you in plain language?</p> <p>19 A. Exactly what I told the sheriff,</p> <p>20 that these folks who have a place in Loving</p> <p>21 County that they visit at least some amount of</p> <p>22 time during the year, they can establish that as</p>	<p>1 over-the-road truck drivers now have a problem.</p> <p>2 Q. Are you aware of any truck drivers</p> <p>3 who encountered any difficulty registering to</p> <p>4 vote since the enactment of Senate Bill 1111?</p> <p>5 A. I'm not.</p> <p>6 Q. Excepting truck drivers and members</p> <p>7 of the military, prior to the enactment of</p> <p>8 Senate Bill 1111, could a voter in Texas</p> <p>9 designate a previous residence as a home for</p> <p>10 purposes of registering to vote?</p> <p>11 A. No, you have to register to vote</p> <p>12 where you live. Of course, where you live is</p> <p>13 defined by 1.015(a) and it can include a place</p> <p>14 that you intend to return after a temporary</p> <p>15 absence. So they could use a former place, but</p> <p>16 they still have to have some objective and</p> <p>17 subjective connections to that place.</p> <p>18 Q. What does the term "previous</p> <p>19 residence" mean in this sentence?</p> <p>20 A. Previous residence would be a place</p> <p>21 where you lived before.</p> <p>22 Q. All right. Does the Texas Election</p>

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<p>1 Code offer any definition for previous 2 residence? 3 A. It does not. 4 Q. And has your office provided any 5 definition of previous residence? 6 A. We have not. 7 Q. Okay. What about a "fixed place of 8 habitation," what does that mean in this 9 sentence? 10 A. A place where you go to every day 11 to lay your head, a fixed place of habitation. 12 It's where you live. 13 Q. Would a mobile trailer be a fixed 14 place of habitation? 15 A. If you lived there -- 16 Q. So it would -- 17 A. -- but this says you can't use a 18 previous residence as a home and a -- and a 19 place where you live because you don't live 20 there, you used to live. 21 Q. So what does the term "fixed place" 22 mean to you?</p>	<p>1 of designation"? 2 A. It does not. 3 Q. And has your office provided a 4 definition of the term "inhabit the place at the 5 time of designation"? 6 A. We have. 7 Q. And in what document have you 8 provided that definition? 9 A. Never said it was in a document. 10 Q. In what context did you provide 11 that definition? 12 A. By phone to the sheriff of Loving 13 County. 14 Q. Was that definition ever 15 promulgated in a formal document? 16 A. Formal or informal, no, not that I 17 know of. 18 Q. Okay. 19 A. Don't know what a formal document 20 is. 21 Q. Well, in any guidance your office 22 has proposed, have you defined the term "inhabit</p>
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<p>1 A. It just means the place you go back 2 to every evening. 3 I don't know what you mean. Your 4 house, your home, your -- where you live. That 5 can be a mobile home, any -- that can be a 6 camper trailer. 7 Q. Okay. And does the Texas Election 8 Code define fixed place of habitation? 9 A. It does not. 10 Q. Has your office provided a 11 definition of the term "fixed place of 12 habitation"? 13 A. We have not. 14 Q. What does the term "inhabit the 15 place" -- strike that. I misread it. 16 What does the term "inhabit the 17 place at the time of designation" mean to you in 18 this sentence? 19 A. Spend some time there during a 20 year, just like I said before. 21 Q. And does the Texas Election Code 22 define the term "inhabit the place at the time</p>	<p>1 the place at the time of designation"? 2 A. I think we've just quoted this 3 language. 4 Q. And what does the phrase "intend to 5 remain" mean to you in the context of this 6 sentence? 7 A. That you inhabit it and you intend 8 to keep inhabiting it. 9 Q. And does the Texas Election Code 10 define intent to remain? 11 A. No. 12 Q. And has your office provided any 13 definition of the term "intent to remain"? 14 A. I think we've just copied this 15 language on our various presentations and 16 materials. 17 Q. Okay. Is there any in particular 18 length of time an individual needs to intend to 19 remain at their residence in order to be 20 considered a resident of a county in Texas? 21 A. Nope. 22 Q. Okay. All right. So imagine that</p>

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<p>1 a college student moves from Harris County to</p> <p>2 Travis County for school but desires to register</p> <p>3 at her parents' home in Harris County.</p> <p>4 Is that permissible under</p> <p>5 Subsection (f)?</p> <p>6 A. You bet.</p> <p>7 Q. And if a college student moved from</p> <p>8 Oklahoma to Travis County to attend school and</p> <p>9 desired to register to vote in Travis County,</p> <p>10 would that be permissible under Subsection (f)?</p> <p>11 A. Of course.</p> <p>12 Q. Suppose that a college senior at</p> <p>13 UT Austin in Travis County wanted to register to</p> <p>14 vote for the May runoff election, but was not</p> <p>15 sure about whether or not they intended to</p> <p>16 remain in Travis County after graduating and,</p> <p>17 therefore, decided to register at their parents'</p> <p>18 home in Dallas County, would that be permissible</p> <p>19 under Subsection (f)?</p> <p>20 A. Of course.</p> <p>21 Q. And if that same individual chose</p> <p>22 to register in Travis County, would that also be</p>	<p>1 THE VIDEOGRAPHER: Say that again,</p> <p>2 counsel.</p> <p>3 MR. DODGE: Can we pull up Exhibit</p> <p>4 M, as in Martha or Maryland.</p> <p>5 THE VIDEOGRAPHER: Thank you.</p> <p>6 (Exhibit M, e-mail correspondence,</p> <p>7 is marked for identification.)</p> <p>8 BY MR. DODGE:</p> <p>9 Q. Let's take a moment to look at</p> <p>10 this.</p> <p>11 I'll represent to you that this</p> <p>12 e-mail was produced to us last night by your</p> <p>13 counsel and that it comes from your office.</p> <p>14 Do you have any reason to doubt</p> <p>15 that?</p> <p>16 A. I don't.</p> <p>17 Q. You see that this e-mail was sent</p> <p>18 to the Elections Internet address?</p> <p>19 A. I see that.</p> <p>20 Q. And that's the Elections Internet</p> <p>21 address associated with the Secretary of State's</p> <p>22 Office?</p>
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<p>1 permissible under Subsection (f)?</p> <p>2 A. It's -- it's permissible under (a).</p> <p>3 They live there, both places. They can pick</p> <p>4 where they live.</p> <p>5 (A) says it's the place where you</p> <p>6 live or a place to which you intend to return</p> <p>7 after a temporary absence. You can say if</p> <p>8 you're a college student that I'm temporarily</p> <p>9 absent at college and I'm -- I intend to return</p> <p>10 to Dallas, and so you can stay registered in</p> <p>11 Dallas.</p> <p>12 It also allows college students to</p> <p>13 say, "No, I live in Austin now, I'm registering</p> <p>14 to vote here. I don't know how long I'm going</p> <p>15 to live in Austin. I might only live here the</p> <p>16 four years I'm in college, but I live here now</p> <p>17 and I'm going to register to vote here."</p> <p>18 That's what the (a) provision does.</p> <p>19 (F) doesn't have anything to do with it.</p> <p>20 Q. Okay.</p> <p>21 MR. DODGE: Can we pull up Exhibit</p> <p>22 M?</p>	<p>1 A. I agree.</p> <p>2 Q. Okay. And do you see that this</p> <p>3 e-mail comes from Cecilia Aguilera at Fair</p> <p>4 Elections Center?</p> <p>5 A. I do.</p> <p>6 Q. Do you see that there's an</p> <p>7 attachment to this e-mail?</p> <p>8 A. I see that it says there is. I</p> <p>9 don't -- I don't see the attachment here.</p> <p>10 MR. DODGE: We can pull up Exhibit</p> <p>11 N. It's the old one, but...</p> <p>12 (Exhibit N, letter dated August 30,</p> <p>13 2021 on Fair Elections Center letterhead</p> <p>14 addressed to Elections Division, Office of</p> <p>15 the Texas Secretary of State, is marked</p> <p>16 for identification.)</p> <p>17 BY MR. DODGE:</p> <p>18 Q. Just take a moment to review this.</p> <p>19 Well, will you accept my</p> <p>20 representation that this letter is the</p> <p>21 attachment to the August 30, 2021 e-mail we were</p> <p>22 just looking at?</p>

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<p>1 A. Sure.</p> <p>2 Q. Okay. Do you see the first</p> <p>3 sentence of the letter says, "Fair Elections</p> <p>4 Center writes to request clarification as to</p> <p>5 implementation of revisions made by SB 1111 to</p> <p>6 Texas Election Code Section 1.015, defining</p> <p>7 residence for voting purposes"?</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. And then at the bottom of that</p> <p>11 paragraph, it says, "Because the election code"</p> <p>12 --</p> <p>13 MR. HUDSON: --</p> <p>14 THE REPORTER: I'm sorry. Did you</p> <p>15 say something, Mr. Hudson?</p> <p>16 MR. HUDSON: I did.</p> <p>17 Yeah, these old eyes are having</p> <p>18 trouble seeing. Is there any way we can</p> <p>19 --</p> <p>20 MR. DODGE: Oh, yeah. If you</p> <p>21 could -- I'm sorry. If we could zoom in</p> <p>22 on the -- the first paragraph.</p>	<p>1 Q. Do you agree that it is uncertain</p> <p>2 under what circumstances student voters may</p> <p>3 register or remain registered to vote at their</p> <p>4 family's home?</p> <p>5 A. I do not agree that it's uncertain</p> <p>6 in any way.</p> <p>7 Q. Okay.</p> <p>8 A. The -- (f) did not change (a).</p> <p>9 MR. DODGE: If we could go to the</p> <p>10 third page of this letter. If we could</p> <p>11 zoom in on the list of six questions at</p> <p>12 the top.</p> <p>13 Thank you.</p> <p>14 BY MR. DODGE:</p> <p>15 Q. You see this list of questions</p> <p>16 posed on this page of the letter?</p> <p>17 A. I do.</p> <p>18 Q. Question 3 is, "Under</p> <p>19 Section 1.015(f), may a student who attends</p> <p>20 school outside the county or state in which her</p> <p>21 family's Texas home is located designate the</p> <p>22 family's home as her residence on a voter</p>
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<p>1 MR. HUDSON: Sorry about that,</p> <p>2 Chris. I didn't mean to --</p> <p>3 MR. DODGE: No problem. No</p> <p>4 problem.</p> <p>5 MR. HUDSON: Thank you.</p> <p>6 BY MR. DODGE:</p> <p>7 Q. You see the final sentence in this</p> <p>8 paragraph says, "Because the Election Code fails</p> <p>9 to define the terms "inhabits" and "intends to</p> <p>10 remain" -- and then it cites to the Texas</p> <p>11 Election Code -- "it is uncertain under what</p> <p>12 circumstances student voters may register or</p> <p>13 remain registered to vote at their family's</p> <p>14 home, which they stay -- they still may consider</p> <p>15 their domicile, when they attend college in</p> <p>16 another county or state."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. And you agreed previously that the</p> <p>20 Texas Election Code does not define the terms</p> <p>21 "inhabit" or "intends to remain"; right?</p> <p>22 A. Agree with that.</p>	<p>1 registration form while she is physically</p> <p>2 present at her school, such that she may be</p> <p>3 lawfully registered to vote at that home and may</p> <p>4 lawfully vote for all offices that will appear</p> <p>5 on ballots issued in the precinct in which the</p> <p>6 home is located?"</p> <p>7 You see that question?</p> <p>8 A. I do.</p> <p>9 Q. And can you answer that question</p> <p>10 for me?</p> <p>11 A. Of course.</p> <p>12 Q. Are you reviewing the question or</p> <p>13 are you waiting for a question from me?</p> <p>14 A. No, that's the answer. Of course,</p> <p>15 they can register to vote at their home.</p> <p>16 Q. Now I understand.</p> <p>17 So the answer to Question 3 is yes?</p> <p>18 A. Of course.</p> <p>19 Q. Okay. Question 5 reads, [as read]:</p> <p>20 "Under Section 1.015(f), may a student who is</p> <p>21 already registered to vote at her family's home</p> <p>22 and who later travels to another county or state</p>

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<p style="text-align: right;">Page 153</p> <p>1 to attend school remain lawfully registered to</p> <p>2 vote at the family -- family's home address,</p> <p>3 including following receipt of confirmation</p> <p>4 notice, and lawfully vote for all offices that</p> <p>5 will appear on ballots issued in the precinct in</p> <p>6 which that family home is located?"</p> <p>7 Do you see that question?</p> <p>8 A. Right.</p> <p>9 Q. Can you answer that question for</p> <p>10 me?</p> <p>11 A. Of course, they can. (F) didn't --</p> <p>12 Q. Can you --</p> <p>13 A. -- change (a). I don't know why</p> <p>14 they're even asking these questions. These</p> <p>15 questions don't make any sense.</p> <p>16 The students can do exactly what</p> <p>17 they could do before. Didn't change the law</p> <p>18 with regard to students at all.</p> <p>19 Q. So you don't think that the Fair</p> <p>20 Elections Center was reasonable in posing these</p> <p>21 questions to your office?</p> <p>22 A. I do not.</p>	<p style="text-align: right;">Page 155</p> <p>1 canceled as a voter or have your application</p> <p>2 rejected as a candidate.</p> <p>3 Q. Do you know if your office ever</p> <p>4 responded to this letter from the Fair Elections</p> <p>5 Center?</p> <p>6 A. I don't think we did.</p> <p>7 Q. Is there a particular reason why</p> <p>8 you didn't?</p> <p>9 A. Because it was silly. Why in the</p> <p>10 world would we answer silly questions?</p> <p>11 We have an obligation in this</p> <p>12 office to help with the election administration</p> <p>13 across the state, and if election officials have</p> <p>14 a question, we'd be glad to answer it.</p> <p>15 We also have a responsibility under</p> <p>16 the Open Records Act to provide documents if</p> <p>17 they're requested. This is not a document</p> <p>18 request --</p> <p>19 Q. Does your office --</p> <p>20 A. -- and it's not -- from an election</p> <p>21 official.</p> <p>22 THE REPORTER: I'm sorry. I didn't</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. Question 6 reads, "What are the</p> <p>2 penalties for voters who inadvertently violate</p> <p>3 Section 1.015(f)?"</p> <p>4 Do you see that question?</p> <p>5 A. I do.</p> <p>6 Q. And can you answer that question</p> <p>7 for me?</p> <p>8 A. There aren't any penalties for</p> <p>9 violating 1.015(f). If you're a candidate for</p> <p>10 office and you don't live where you say you live</p> <p>11 under the definition of 1.015, then you're</p> <p>12 candidacy is subject to challenge because you're</p> <p>13 potentially ineligible to represent that</p> <p>14 district.</p> <p>15 If you're a voter and you're</p> <p>16 registered to vote at a place where you don't</p> <p>17 live, then your residency is subject to</p> <p>18 challenge under 16.0921 because you don't live</p> <p>19 where you say you live.</p> <p>20 But the only penalty is that if you</p> <p>21 don't actually live where you say you live as a</p> <p>22 candidate or as a voter, you could become</p>	<p style="text-align: right;">Page 156</p> <p>1 hear the beginning of your question --</p> <p>2 answer.</p> <p>3 MR. DODGE: Yeah, I apologize.</p> <p>4 THE REPORTER: Could I have the</p> <p>5 answer, the end of the answer? I -- it</p> <p>6 was cut off.</p> <p>7 THE WITNESS: Sure.</p> <p>8 And this is not an election</p> <p>9 official administering elections in the</p> <p>10 State of Texas that we're obligated to</p> <p>11 assist and advise.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Does your office ever receive</p> <p>14 questions and correspondence regarding the</p> <p>15 interpretation of the Texas Election Code from</p> <p>16 groups or individuals who are not state or local</p> <p>17 officials?</p> <p>18 A. We get questions from all kinds of</p> <p>19 folks, yes.</p> <p>20 Q. Including individuals who are not</p> <p>21 voters in the State of Texas?</p> <p>22 A. That's right.</p>

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<p>1 Q. Does your office typically respond</p> <p>2 to inquiries from groups or individuals who are</p> <p>3 not state or local officials or voters in Texas</p> <p>4 regarding the meaning of the Texas Election</p> <p>5 Code?</p> <p>6 A. Most of the time if we're asked for</p> <p>7 advisory opinions from outside groups, we do not</p> <p>8 respond.</p> <p>9 Q. When you say "advisory opinion," do</p> <p>10 you mean something specific or are you just</p> <p>11 referring to questions about the Election Code</p> <p>12 generally?</p> <p>13 A. This right here is asking for an</p> <p>14 advisory opinion. This is not in the particular</p> <p>15 context of a particular voter. This is just</p> <p>16 asking us what would happen if. And we don't</p> <p>17 answer those kind of questions if we can help</p> <p>18 it. We just absolutely do not.</p> <p>19 Q. Got it.</p> <p>20 MR. DODGE: Okay. If we could pull</p> <p>21 up exhibit P, as in Peter.</p> <p>22 (Exhibit P, e-mail correspondence,</p>	<p>1 Civil Rights Project; is that right?</p> <p>2 A. That's correct.</p> <p>3 MR. DODGE: If we could scroll down</p> <p>4 to the e-mail below this one.</p> <p>5 Just sort of broaden out the doc --</p> <p>6 there we go.</p> <p>7 Thank you.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. You see this is an e-mail from</p> <p>10 Mr. Slattery on October 29th, 2021 to</p> <p>11 Ms. Adkins; right?</p> <p>12 A. Agree.</p> <p>13 MR. DODGE: And if we could</p> <p>14 actually zoom in on the third paragraph of</p> <p>15 that e-mail.</p> <p>16 BY MR. DODGE:</p> <p>17 Q. And this sentence -- this paragraph</p> <p>18 begins, "However, the new Subsection (f) that</p> <p>19 SB 1111 added to Section 1.015 could be read to</p> <p>20 mean that a college student can only register to</p> <p>21 vote at their parents' address if they are</p> <p>22 'inhabiting' that location (i.e. sleeping there</p>
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<p>1 is marked for identification.)</p> <p>2 MR. DODGE: And if we could zoom in</p> <p>3 at the top.</p> <p>4 That's good.</p> <p>5 BY MR. DODGE:</p> <p>6 Q. And I'll represent to you that this</p> <p>7 e-mail was produced to us last night by your</p> <p>8 counsel and that it comes from your office.</p> <p>9 Do you have any reason to doubt</p> <p>10 that?</p> <p>11 A. I do not.</p> <p>12 Q. And you see this e-mail was sent to</p> <p>13 Christina Adkins at 2:49 p.m., on November 10th,</p> <p>14 2021?</p> <p>15 A. I agree with that.</p> <p>16 Q. And Ms. Adkins works in your</p> <p>17 office; correct?</p> <p>18 A. She does.</p> <p>19 Q. Could you tell me what her role is?</p> <p>20 A. She's the legal director.</p> <p>21 Q. And this e-mail comes from a James</p> <p>22 Slattery, Senior Staff Attorney at the Texas</p>	<p>1 at night) when they submit their voter</p> <p>2 application."</p> <p>3 Did I read that correctly?</p> <p>4 A. Right.</p> <p>5 Q. And then it quotes the new</p> <p>6 Subsection (f) in Senate Bill 1111.</p> <p>7 Then it continues, "We are</p> <p>8 concerned this could be interpreted to mean that</p> <p>9 a college student filling out a Voter</p> <p>10 Registration Application during a voter</p> <p>11 registration drive on campus, while they are</p> <p>12 sleeping in an on campus dorm, could not put</p> <p>13 their parents' address as their registration</p> <p>14 address because the student is not 'inhabiting'</p> <p>15 that address on the literal day they fill out</p> <p>16 the form."</p> <p>17 Did I read that correct?</p> <p>18 A. You did.</p> <p>19 Q. And could a student filling out a</p> <p>20 Voter Registration Application on campus put</p> <p>21 their parents' address as their registration</p> <p>22 address if they are currently inhabiting a dorm</p>

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<p>1 room on their school's campus?</p> <p>2 A. Of course they can.</p> <p>3 Q. And you think that answer is clear</p> <p>4 from the text of Senate Bill 1111?</p> <p>5 A. I do.</p> <p>6 Q. And do you know if your office ever</p> <p>7 responded to this e-mail from the Texas Civil</p> <p>8 Rights Project?</p> <p>9 A. I don't think we did.</p> <p>10 Q. And would you have not responded to</p> <p>11 them for the same reason that you didn't respond</p> <p>12 to the Fair Elections Center's letter?</p> <p>13 A. That's right.</p> <p>14 Q. Okay.</p> <p>15 MR. DODGE: If we could pull up</p> <p>16 Exhibit R, as in Robert.</p> <p>17 (Exhibit R, e-mail correspondence,</p> <p>18 is marked for identification.)</p> <p>19 BY MR. DODGE:</p> <p>20 Q. Take a moment to review this</p> <p>21 e-mail.</p> <p>22 MR. DODGE: And if we could zoom in</p>	<p>1 out.</p> <p>2 Thank you.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. And do you see that Mr. Pinney is</p> <p>5 responding to an August 23 e-mail from Alicia</p> <p>6 Monk?</p> <p>7 A. I do.</p> <p>8 Q. Do you know who Ms. Monk is?</p> <p>9 A. She works in the voter registration</p> <p>10 office in Jefferson County.</p> <p>11 Q. Okay.</p> <p>12 MR. DODGE: And if we could scroll</p> <p>13 down to see her original e-mail.</p> <p>14 If you go to Page 2. There we go.</p> <p>15 BY MR. DODGE:</p> <p>16 Q. Her e-mail reads, "Will there be</p> <p>17 any change for college students who chose to</p> <p>18 stay registered at their parents' address, but</p> <p>19 live in a different city for school? The</p> <p>20 wording of SB 1111 indicates they will not be</p> <p>21 able to keep their voter registration at their</p> <p>22 parents/primary address. Is this correct?</p>
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<p>1 just at the information at the very top,</p> <p>2 "From," "Sent," "To," "Subject," and the</p> <p>3 like.</p> <p>4 BY MR. DODGE:</p> <p>5 Q. I'll represent to you this e-mail</p> <p>6 was produced to us last night by your counsel</p> <p>7 and that it comes from your office.</p> <p>8 Do you have any reason to doubt</p> <p>9 that?</p> <p>10 A. I do not.</p> <p>11 Q. And you see that the top e-mail in</p> <p>12 this thread is a response from a Mr. Charles</p> <p>13 Pinney on August 27th, 2021?</p> <p>14 A. I do.</p> <p>15 Q. You see that?</p> <p>16 Did I get his name correct?</p> <p>17 A. His name is a PIN-NEY.</p> <p>18 Q. PIN-NEY.</p> <p>19 And who is Charles Pinney?</p> <p>20 A. He's one of our staff attorneys.</p> <p>21 Q. Okay.</p> <p>22 MR. DODGE: And if we zoom back</p>	<p>1 Please advise."</p> <p>2 Did I read her e-mail correctly?</p> <p>3 A. You did.</p> <p>4 Q. And what's the answer to Ms. Monk's</p> <p>5 question?</p> <p>6 A. Exactly what Chuck said.</p> <p>7 MR. DODGE: Can we scroll up and</p> <p>8 see --</p> <p>9 THE WITNESS: That says it all.</p> <p>10 THE REPORTER: I didn't hear your</p> <p>11 answer.</p> <p>12 MR. DODGE: Mr. -- sorry.</p> <p>13 THE WITNESS: The first sentence of</p> <p>14 Chuck's e-mail says it all.</p> <p>15 MR. DODGE: Could we scroll up and</p> <p>16 see Mr. Pinney's e-mail.</p> <p>17 BY MR. DODGE:</p> <p>18 Q. And Mr. Pinney says, [as read]:</p> <p>19 "The residency definitions in SB 1111 do not</p> <p>20 modify the ability of college students to select</p> <p>21 whether their residence will be at their</p> <p>22 parents' house where they lived before attending</p>

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<p>1 college or whether their residence will be at</p> <p>2 the location where they are physically located</p> <p>3 during their time as a student."</p> <p>4 That's the sentence you're</p> <p>5 referring to in your answer?</p> <p>6 A. That's correct.</p> <p>7 Q. So was Ms. Monk incorrect in her</p> <p>8 reading of Senate Bill 1111?</p> <p>9 A. She was.</p> <p>10 Q. Do you think that Ms. Monk's e-mail</p> <p>11 reflects that some county officials might be</p> <p>12 confused about the impact on -- of Senate</p> <p>13 Bill 1111 on college students?</p> <p>14 A. She asked a question. I don't know</p> <p>15 if that is a question that others had or not.</p> <p>16 Q. Well, do you think it's fair that</p> <p>17 Ms. Monk's e-mail reflects that at least one</p> <p>18 county individual was confused about the impact</p> <p>19 that Senate Bill 1111 on college students?</p> <p>20 MR. HUDSON: Objection, calls for</p> <p>21 speculation.</p> <p>22 THE WITNESS: I mean, it indicates</p>	<p>1 CCd the Elections Internet address at the</p> <p>2 Secretary of State's Office?</p> <p>3 A. I agree with that.</p> <p>4 Q. Okay.</p> <p>5 MR. DODGE: If we could actually</p> <p>6 scroll down to the original e-mail in this</p> <p>7 thread.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. And I apologize if I'm getting her</p> <p>10 name incorrect, but could -- do you know who --</p> <p>11 who Charisa Hauser is?</p> <p>12 A. Well, apparently, she's the Senior</p> <p>13 Registration Clerk in Rockwall DA's office,</p> <p>14 Chris Lynch's office.</p> <p>15 Q. Okay.</p> <p>16 MR. DODGE: And if we could widen</p> <p>17 the view just a little bit and get some of</p> <p>18 the first page up there, too. I'm looking</p> <p>19 for the "Subject" line of her e-mail.</p> <p>20 Got it.</p> <p>21 BY MR. DODGE:</p> <p>22 Q. We see that the "Subject" line of</p>
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<p>1 that she had a question.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. Do you know if Ms. Monk responded</p> <p>4 to this e-mail?</p> <p>5 A. I do not know.</p> <p>6 MR. DODGE: If we could pull up</p> <p>7 Exhibit U, as in Ulysses.</p> <p>8 (Exhibit U, e-mail correspondence,</p> <p>9 is marked for identification.)</p> <p>10 BY MR. DODGE:</p> <p>11 Q. Just take a moment to review this.</p> <p>12 MR. DODGE: And if we could zoom</p> <p>13 in, again, sort of at the "From" "Sent"</p> <p>14 "To" lines.</p> <p>15 BY MR. DODGE:</p> <p>16 Q. And I'll represent to you, again,</p> <p>17 that your counsel produced this e-mail to us</p> <p>18 last night and that it comes from your office.</p> <p>19 Do you have any reason to doubt</p> <p>20 that?</p> <p>21 A. I do not.</p> <p>22 Q. And you see this e-mail at the top</p>	<p>1 her e-mail is "SB 1111 college students"?</p> <p>2 A. Agree with that.</p> <p>3 Q. Her e-mail asks, "Does the SB 1111</p> <p>4 residency changes affect college students and</p> <p>5 their ability to vote by absentee?"</p> <p>6 MR. DODGE: And that's on the</p> <p>7 second page if we could move back there.</p> <p>8 I apologize for bouncing around.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. So I'll say it again.</p> <p>11 Her e-mail says, "Does the SB 1111</p> <p>12 residency changes affect college students and</p> <p>13 their ability to vote by absentee?"</p> <p>14 Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. And we can -- we can look at the</p> <p>17 first e-mail, but can you answer her question?</p> <p>18 A. The answer is, no, it does not.</p> <p>19 Q. Is it fair to say that your office</p> <p>20 received questions from county election</p> <p>21 officials about the impact of Senate Bill 1111</p> <p>22 on college students?</p>

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<p>1 A. We got one from Rockwall and one</p> <p>2 from Jefferson.</p> <p>3 Q. Are you aware of any other</p> <p>4 questions or inquiries from county election</p> <p>5 officials about the impact of Senate Bill 1111</p> <p>6 on college students?</p> <p>7 A. I'm not aware of any others.</p> <p>8 Q. Do you think it's fair to say that</p> <p>9 at least some county election officials were</p> <p>10 unclear about the impact of Senate Bill 1111 on</p> <p>11 college students?</p> <p>12 MR. HUDSON: Objection, calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: Well, one in</p> <p>15 Jefferson County and one in Rockwall</p> <p>16 County.</p> <p>17 MR. DODGE: If we could pull up</p> <p>18 Exhibit E, as in Elizabeth.</p> <p>19 (Exhibit E, multipage document</p> <p>20 titled SB 1111 and the Address</p> <p>21 Confirmation Process bearing Bates Numbers</p> <p>22 LONGORIA-00099 through LONGORIA-00115, is</p>	<p>1 Q. What is a party chair for a county?</p> <p>2 A. Each county has either a republican</p> <p>3 or a democratic party or both. And they have a</p> <p>4 chair of each county party for each democratic</p> <p>5 and republican party of a -- in a particular</p> <p>6 county.</p> <p>7 Q. So this presentation wasn't for</p> <p>8 public officials, it was for party officials; is</p> <p>9 that right?</p> <p>10 A. I believe this version of it was</p> <p>11 for the party chairs.</p> <p>12 Q. Okay.</p> <p>13 A. But the website that it was</p> <p>14 presented in was open to anybody who wanted to</p> <p>15 log on.</p> <p>16 Q. Okay. Did you help to prepare this</p> <p>17 document?</p> <p>18 A. I probably reviewed it before it</p> <p>19 went out, but this is -- it's copied largely</p> <p>20 from the one we did for the county Election</p> <p>21 Official Seminar. It just has a few things</p> <p>22 about candidacy and stuff that was tweaked a</p>
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<p>1 marked for identification.)</p> <p>2 BY MR. DODGE:</p> <p>3 Q. This is a document produced to us</p> <p>4 by Defendant Isabell Longoria, the Election</p> <p>5 Administrator of Harris County, and it bears the</p> <p>6 Bate Stamp LONGORIA-00099.</p> <p>7 Are you familiar with this</p> <p>8 document?</p> <p>9 A. I am.</p> <p>10 Q. Can you tell me what this document</p> <p>11 is?</p> <p>12 A. It's a presentation at, I believe,</p> <p>13 the County Chair Seminar.</p> <p>14 Q. And what's the County Chair</p> <p>15 Seminar?</p> <p>16 A. The one-day meeting that we have</p> <p>17 for party chairs every other year. We do it in</p> <p>18 the fall of odd numbered years.</p> <p>19 Q. You just said party chairs, but did</p> <p>20 you mean county chairs?</p> <p>21 A. Party chairs for the county. The</p> <p>22 county party chairs.</p>	<p>1 little bit for the audience.</p> <p>2 Q. So there's a separate presentation</p> <p>3 similar to this one that was prepared</p> <p>4 specifically for county chairs?</p> <p>5 A. No, not county chairs. It was for</p> <p>6 county election officials.</p> <p>7 Q. Pardon me. So there -- but there</p> <p>8 is another presentation that was prepared for</p> <p>9 county election officials; is that right?</p> <p>10 A. That's right. That we presented at</p> <p>11 our seminar in July earlier in the summer.</p> <p>12 Q. And that's July 2021?</p> <p>13 A. That's right.</p> <p>14 Q. Do you recall if you helped present</p> <p>15 this presentation to the party officials?</p> <p>16 A. I was a panelist on the</p> <p>17 presentation. I don't know if I spoke at all.</p> <p>18 I don't think I did.</p> <p>19 Q. Do you recall attendees asking any</p> <p>20 questions during this presentation?</p> <p>21 A. I do not.</p> <p>22 Q. Were there any county registrars in</p>

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<p>1 attendance during this presentation?</p> <p>2 A. Well, apparently Isabell Longoria</p> <p>3 was.</p> <p>4 Q. Apparently. Are you aware of any</p> <p>5 other registrars who were present for this</p> <p>6 presentation?</p> <p>7 A. I don't know. If they were, they</p> <p>8 were incidental to the party chairs.</p> <p>9 Q. Does your office have this document</p> <p>10 in its possession?</p> <p>11 A. It does.</p> <p>12 Q. Okay. Were there any other</p> <p>13 presentations offered at the Election Law</p> <p>14 Seminar in September, 2021, that addressed</p> <p>15 Senate Bill 1111?</p> <p>16 A. No.</p> <p>17 Q. You recall that I previously asked</p> <p>18 you some questions about the meaning of various</p> <p>19 terms within Senate Bill 1111; right?</p> <p>20 A. Yep.</p> <p>21 Q. And does this presentation offer</p> <p>22 any definitions for any of those terms we</p>	<p>1 Q. And you're not aware of any other</p> <p>2 presentations your office prepared that touched</p> <p>3 upon Senate Bill 1111 in any capacity?</p> <p>4 A. Well, the -- so the regular, you</p> <p>5 know, voter registration presentations might</p> <p>6 have included something about this new</p> <p>7 confirmation process, address confirmation</p> <p>8 process as part of their presentation.</p> <p>9 What -- what often happens is</p> <p>10 whenever we've got a law change like this, we'll</p> <p>11 do a presentation specifically on the law</p> <p>12 change. But the law changed substantive areas</p> <p>13 of election administration, and so we'll also</p> <p>14 touch on those changes in those presentations.</p> <p>15 So the hope is that the audience</p> <p>16 will get more than one exposure to the material</p> <p>17 and come away with an education that includes</p> <p>18 that material.</p> <p>19 Q. Okay.</p> <p>20 MR. DODGE: Could we turn to Page 5</p> <p>21 of the presentation, which is on the page</p> <p>22 ending in Bates 00101.</p>
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<p>1 discussed?</p> <p>2 A. Not that I -- not that I recall. I</p> <p>3 think it just gives the 1.015 definition of</p> <p>4 residence with those terms in it.</p> <p>5 Q. Besides the presentation to the</p> <p>6 party chairs and to the county election</p> <p>7 officials, are you aware of any other</p> <p>8 presentations that your office prepared</p> <p>9 regarding the meaning of Senate Bill 1111?</p> <p>10 A. Well, it was included in the</p> <p>11 presentations that were the entire legislative</p> <p>12 updates. So it was one of the bills discussed</p> <p>13 in the legislative update presentations.</p> <p>14 Q. Okay. And just so I understand the</p> <p>15 universe of documents we're talking about, there</p> <p>16 are -- there are three presentations you've</p> <p>17 mentioned, the -- the one to the county election</p> <p>18 officials, the one to party officials, and then</p> <p>19 one that was part of a broader legislative</p> <p>20 update that included Senate Bill 1111; is that</p> <p>21 right?</p> <p>22 A. That's right.</p>	<p>1 Thank you.</p> <p>2 And if we could zoom in on that top</p> <p>3 slide.</p> <p>4 BY MR. DODGE:</p> <p>5 Q. This slide reflects several of the</p> <p>6 changes that Senate Bill 1111 made to the Texas</p> <p>7 Election Code; right?</p> <p>8 A. That's right.</p> <p>9 MR. DODGE: And if we could go to</p> <p>10 the next slide on the same page, page --</p> <p>11 Slide 6.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Okay. You see the third bullet</p> <p>14 reads, "Change in statute may affect how you</p> <p>15 answer voter questions."</p> <p>16 Did I read that correctly?</p> <p>17 A. You did.</p> <p>18 Q. So you agree that your office</p> <p>19 anticipated that Senate Bill 1111 would impact</p> <p>20 how county officials answered voter questions;</p> <p>21 correct?</p> <p>22 MR. HUDSON: Objection, form,</p>

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<p>1 argumentative.</p> <p>2 THE WITNESS: I mean, I agree</p> <p>3 that's what the bullet says.</p> <p>4 BY MR. DODGE:</p> <p>5 Q. And your office prepared the</p> <p>6 bullet; correct?</p> <p>7 A. That's right.</p> <p>8 Q. So is it fair to say that your</p> <p>9 office anticipated that Senate Bill 1111 would</p> <p>10 affect how county officials answer voter</p> <p>11 questions?</p> <p>12 A. Any time there's change in the law,</p> <p>13 especially with something as foundational as</p> <p>14 residence, it's going to affect how voter</p> <p>15 questions get answered.</p> <p>16 Q. In what ways did your office think</p> <p>17 that Senate Bill 1111 would affect the answers</p> <p>18 county election officials gave to voters in</p> <p>19 response to their questions?</p> <p>20 A. Well, it would depend on the</p> <p>21 question, but, I mean, since the definition of</p> <p>22 residency changed, whenever you're telling a</p>	<p>1 Senate Bill 1111?</p> <p>2 A. Other than the FAQs that might be</p> <p>3 later on, no.</p> <p>4 Q. Okay. Do you recall if voter</p> <p>5 confusion about the new law was discussed at all</p> <p>6 during the presentation?</p> <p>7 A. I'm sorry. What?</p> <p>8 Q. Do you recall if voter confusion</p> <p>9 about the new law was discussed at all during</p> <p>10 the presentation?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 MR. DODGE: If we could go to the</p> <p>14 final page of this document, please, which</p> <p>15 is Slide 34.</p> <p>16 BY MR. DODGE:</p> <p>17 Q. Just so I understand, that -- that</p> <p>18 e-mail address, that's the Elections Internet</p> <p>19 address that we've seen in some of the e-mails</p> <p>20 we've looked at; right?</p> <p>21 A. It is.</p> <p>22 Q. Okay. Can you tell me broadly what</p>
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<p>1 voter what the definition of residency is, you</p> <p>2 have to give them the changed language.</p> <p>3 Q. Yeah, I'm just curious if there</p> <p>4 were -- you know, this -- this seems to reflect</p> <p>5 that your office anticipated that voters might</p> <p>6 have questions about the new law.</p> <p>7 And I'm just interested if your</p> <p>8 office anticipated that there'd be particular</p> <p>9 issues or provisions of the bill that were</p> <p>10 likely to result in voter questions with new</p> <p>11 answers.</p> <p>12 That's all I'm asking.</p> <p>13 A. Yeah, I don't -- I don't think so.</p> <p>14 I mean, we've got -- I don't know if this</p> <p>15 presentation has it, but at the end of the</p> <p>16 presentation FAQs. Those are the questions that</p> <p>17 we think are going to come up and what we think</p> <p>18 the answer to those questions ought to be.</p> <p>19 Q. Got it. Do you recall if during</p> <p>20 this presentation anyone from your office</p> <p>21 discussed what kinds of questions registrars or</p> <p>22 county election officials might receive about</p>	<p>1 this e-mail address is used for?</p> <p>2 A. I told you. It's our general</p> <p>3 delivery e-mail address that -- that catches the</p> <p>4 questions from election officials as well as</p> <p>5 voters.</p> <p>6 Q. Got it. Okay.</p> <p>7 MR. DODGE: Can we pull up</p> <p>8 Exhibit O.</p> <p>9 (Exhibit O, e-mail correspondence,</p> <p>10 is marked for identification.)</p> <p>11 BY MR. DODGE:</p> <p>12 Q. Just take a moment to review this.</p> <p>13 I will represent to you, again,</p> <p>14 this e-mail was produced to us last tonight by</p> <p>15 your counsel and that it comes from your office.</p> <p>16 Any reason to doubt that?</p> <p>17 A. No.</p> <p>18 Q. Do you see that the original e-mail</p> <p>19 in this chain was sent on August 30th, 2021 by</p> <p>20 the Elections Internet e-mail address to your</p> <p>21 office?</p> <p>22 A. I do.</p>

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<p>1 Q. And the "Subject" line is "Mass 2 Email - Legal Webinar Schedule Fall 2021 for 3 County Election Officials"; correct? 4 A. I agree with that. 5 Q. And do you see the list of webinars 6 in that August 30 e-mail? 7 A. I do. 8 Q. And can you tell me the date that 9 the Senate Bill 1111 and Address Confirmations 10 presentation was scheduled for? 11 A. September 9th, 2021. 12 Q. Do you know if that's the 13 presentation we were just looking at? 14 A. Yeah. And I was wrong about the 15 audience. This one was a Webex for election 16 officials. 17 Q. Okay. And there was a -- the one 18 for party chairs, was that held at a different 19 time? 20 A. It was. I think it was later in 21 the month. 22 Q. Okay. Thank you for clarifying</p>	<p>1 THE VIDEOGRAPHER: That's why I 2 was -- that's why I said hold on because I 3 was like, hum? But we're good. 4 MR. DODGE: Yeah, I -- 5 THE VIDEOGRAPHER: Is this good, 6 counsel? 7 MR. DODGE: It works for me if it 8 works for the Witness and for Mr. Hudson. 9 Are you guys able to see it? We 10 can -- we can zoom in as-needed. 11 MR. HUDSON: Yeah, again, if you 12 can zoom in. Otherwise, I have no -- 13 MR. DODGE: Of course. 14 MR. HUDSON: -- objections to 15 the -- the native format. I think that's 16 how it -- 17 MR. DODGE: If we -- yeah, if we 18 could zoom in on Ms. Hasting' e-mail about 19 halfway down the page. And scroll up just 20 a smidge. 21 Okay. That's good. 22 BY MR. DODGE:</p>
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<p>1 that. 2 Do you recall if the date of this 3 presentation moved at all? 4 A. It did not, I don't believe. 5 Q. Okay. 6 MR. DODGE: Could we pull up 7 Exhibit S as in Samuel. 8 THE VIDEOGRAPHER: Give me one 9 moment, counsel. 10 MR. DODGE: Sure. Of course. And 11 I apologize for going out of order. 12 THE VIDEOGRAPHER: No. No, it's -- 13 no, it's fine. 14 (Exhibit S, e-mail correspondence, 15 is marked for identification.) 16 MR. DODGE: Yeah, if I recall, this 17 document would not save as a PDF. And so 18 I had to upload it as a native file. Is 19 that -- is that the difficulty? 20 THE VIDEOGRAPHER: Yeah, I'm 21 pulling it up now. 22 MR. DODGE: Great. Thank you.</p>	<p>1 Q. Are you -- are you able to see 2 that -- 3 A. I am. 4 Q. -- Mr. Ingram? 5 Okay. I'll represent to you, 6 again, that this e-mail was produced to us last 7 tonight by your counsel and that it comes from 8 your office. 9 Any reason to doubt that? 10 A. I don't doubt it. 11 Q. Okay. 12 MR. DODGE: And, actually, if we 13 could -- apologies. If we could scroll 14 down just a little bit. 15 BY MR. DODGE: 16 Q. Do you see that this is a September 17 7th e-mail, the "Subject" line "Mass Email 18 Reminder Webinar on SB 1111 and Address 19 Confirmation." 20 Do you see that? 21 A. I do. 22 Q. And it says that webinar is on</p>

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<p>1 September 7th, 2021.</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Okay.</p> <p>5 MR. DODGE: If we could scroll up</p> <p>6 to Ms. Hasting' e-mail again.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. Okay. Do you know who Sue Hastings</p> <p>9 is?</p> <p>10 A. I do.</p> <p>11 Q. Can you tell me who she is?</p> <p>12 A. She works in the Harris County</p> <p>13 Election Administrator's office.</p> <p>14 Q. Okay. And do you see Ms. Hasting's</p> <p>15 question to your office?</p> <p>16 A. I do.</p> <p>17 Q. She asks, "Is this still scheduled</p> <p>18 for" -- well, I'm paraphrasing it.</p> <p>19 She says, "I also show this</p> <p>20 scheduled for 09/09/2021. Is that date still</p> <p>21 valid?"</p> <p>22 Did I read that correctly?</p>	<p>1 Q. Okay.</p> <p>2 A. I don't know if the original 9th</p> <p>3 was a typo or if it moved, but...</p> <p>4 MR. DODGE: Could we pull up</p> <p>5 Exhibit X, as in Xavier.</p> <p>6 (Exhibit X, e-mail correspondence,</p> <p>7 is marked for identification.)</p> <p>8 BY MR. DODGE:</p> <p>9 Q. You see that this e-mail again</p> <p>10 involves Mr. PINE-NEY of your office?</p> <p>11 A. His name is PIN-NEY.</p> <p>12 Q. I'm sorry. My apologies. Yeah,</p> <p>13 you told me that. That's Mr. -- Mr. PIN-NEY.</p> <p>14 I'm sorry.</p> <p>15 But you see that Mr. Pinney is on</p> <p>16 this e-mail?</p> <p>17 A. I do.</p> <p>18 Q. And you see the e-mail at the</p> <p>19 bottom from a Whisper Hitt --</p> <p>20 A. I do.</p> <p>21 Q. -- at coryelltax.com?</p> <p>22 A. I do see that, yes.</p>
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<p>1 A. You did.</p> <p>2 Q. Okay.</p> <p>3 MR. DODGE: And if you could scroll</p> <p>4 up to Mr. Pinney's e-mail.</p> <p>5 BY MR. DODGE:</p> <p>6 Q. And Mr. Pinney responds, "The SB</p> <p>7 1111 and Confirmation Notices webinar will be</p> <p>8 held today, September 7th, at 2 p.m. There will</p> <p>9 not be a repeat session of that webinar on</p> <p>10 Thursday."</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Okay. So you agree that Mr. Pinney</p> <p>14 is telling Ms. Hastings there that, in fact,</p> <p>15 there's not going to be a presentation on Senate</p> <p>16 Bill 1111 on Thursday, September 9th; correct?</p> <p>17 A. I see that.</p> <p>18 Q. Okay. Does this refresh your</p> <p>19 recollection that the Senate Bill 1111 webinar</p> <p>20 was moved from the 9th to the 17th -- from the</p> <p>21 -- from the 9th to the 7th?</p> <p>22 A. Apparently.</p>	<p>1 Q. Do you know who Whisper Hitt is?</p> <p>2 A. I don't. I mean, apparently, she</p> <p>3 works in Coryell County.</p> <p>4 Q. Could you read Whisper Hitt's</p> <p>5 e-mail underneath that red box?</p> <p>6 A. It says, "The previous e-mail</p> <p>7 about," I assume she meant "this," "says</p> <p>8 Thursday 9/9/21. Is this actually today now?"</p> <p>9 Q. And then Mr. Pinney responds, "The</p> <p>10 webinar on SB 1111 and Address Confirmations is</p> <p>11 being held today at 2:00 p.m."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Do you know if anyone from Coryell</p> <p>15 County was able to attend the webinar?</p> <p>16 A. I don't; but the webinars are</p> <p>17 posted on our Internet website so that people</p> <p>18 can access them any time they want to. So they</p> <p>19 can go back and revisit it and watch it over and</p> <p>20 over and over if they want to.</p> <p>21 So anybody that wasn't able to make</p> <p>22 it on the 7th could watch it on the 9th at their</p>

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<p style="text-align: right;">Page 189</p> <p>1 convenience. They could watch it on the 10th.</p> <p>2 They could watch it on the 11th. They could</p> <p>3 watch on the 8th and the 12th. They could do</p> <p>4 whatever they wanted to because it's going to be</p> <p>5 posted for anybody to go look at.</p> <p>6 Q. Do you know if the webinar is still</p> <p>7 posted on your website?</p> <p>8 A. It is.</p> <p>9 Q. And is it available to the public?</p> <p>10 A. It's not available to the public.</p> <p>11 I think there's a password so the election</p> <p>12 officials can see it, but not -- not the public.</p> <p>13 It might be for the public, but I think it's</p> <p>14 behind the password.</p> <p>15 Q. Okay. To your knowledge, were</p> <p>16 there other county officials who were unable to</p> <p>17 attend the webinar due to the date change?</p> <p>18 A. I don't know. But that's why we</p> <p>19 post them for later viewing, so that they can be</p> <p>20 watched at leisure.</p> <p>21 MR. DODGE: Can you go back to</p> <p>22 Exhibit C which is Senate Bill 1111.</p>	<p style="text-align: right;">Page 191</p> <p>1 Did I read that correctly?</p> <p>2 A. That's right.</p> <p>3 Q. Now, if I refer to this provision</p> <p>4 as the "post office box provision," will you</p> <p>5 understand what I'm referring to?</p> <p>6 A. Sure.</p> <p>7 Q. Okay. And are you familiar with</p> <p>8 this provision of Senate Bill 1111?</p> <p>9 A. I am.</p> <p>10 Q. And can you tell me in plain</p> <p>11 language what this provision of Senate Bill 1111</p> <p>12 does?</p> <p>13 A. Well, it provides for a different</p> <p>14 kind of confirmation process in the context of</p> <p>15 what I call impossible addresses.</p> <p>16 Q. What do you mean by "impossible</p> <p>17 address"?</p> <p>18 A. A place where -- that's listed as a</p> <p>19 voter's residence address, but it's impossible</p> <p>20 for them to live there.</p> <p>21 Q. Okay. And how did this provision</p> <p>22 change existing Texas law?</p>
<p style="text-align: right;">Page 190</p> <p>1 If we could go to Page 2, please.</p> <p>2 Scratch that. If we could go back</p> <p>3 to Page 1.</p> <p>4 And if we could zoom in on Section</p> <p>5 2 at the bottom. And I think about one</p> <p>6 line of this carries over to the second</p> <p>7 page. I don't know if it's possible to</p> <p>8 pull that up as well.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. Are you able to see Section 2,</p> <p>11 Mr. Ingram?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. That section reads, "If the</p> <p>14 registrar has reason to believe that a voter's</p> <p>15 current residence is different from that</p> <p>16 indicated on the registration records, or that</p> <p>17 the voter's residence address is a commercial</p> <p>18 post office box or similar location that does</p> <p>19 not correspond to a residence, the registrar</p> <p>20 shall deliver to the voter a written</p> <p>21 confirmation notice requesting confirmation of</p> <p>22 the voter's current residence."</p>	<p style="text-align: right;">Page 192</p> <p>1 A. It provides for another</p> <p>2 confirmation process in a specific context. So</p> <p>3 the -- the regular NVRA process applies for the</p> <p>4 changes of address, but now then we've got an</p> <p>5 address confirmation process for a specific</p> <p>6 circumstance.</p> <p>7 Q. Got it. And so prior to the</p> <p>8 enactment of Senate Bill 1111, could voters</p> <p>9 register at a commercial post office box?</p> <p>10 A. They needed to register where they</p> <p>11 live; and if they didn't register where they</p> <p>12 lived, the registration was subject to challenge</p> <p>13 under 16.0921.</p> <p>14 Q. Prior to Senate Bill 1111, if a</p> <p>15 voter provided a commercial post office box as</p> <p>16 an address on a Voter Registration Application,</p> <p>17 would they be registered as a voter by a county</p> <p>18 election official?</p> <p>19 A. You're talking about if they listed</p> <p>20 a commercial post office box as their residence</p> <p>21 address?</p> <p>22 Q. Correct.</p>

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<p>1 A. Yes, they would be registered at</p> <p>2 that address. They still will.</p> <p>3 Q. Okay. Has your office provided any</p> <p>4 instructions to county registrars about how to</p> <p>5 determine if a location is a commercial post</p> <p>6 office box?</p> <p>7 A. No.</p> <p>8 Q. Has your office provided any</p> <p>9 instructions to registrars or county election</p> <p>10 officials about how to determine if a voter's</p> <p>11 residence is a similar location that does not</p> <p>12 correspond to a residence?</p> <p>13 A. No.</p> <p>14 Q. Prior to the enactment of Senate</p> <p>15 Bill 1111, could a voter register to vote at an</p> <p>16 address that was a similar location that does</p> <p>17 not correspond to a residence?</p> <p>18 A. They could. And they still can.</p> <p>19 Q. But they'd be subject to challenge?</p> <p>20 A. They were subject to challenge</p> <p>21 before. They're subject to challenge now.</p> <p>22 Q. Okay. What do you understand the</p>	<p>1 knows that it's impossible to live at that</p> <p>2 location. That's a similar location for Loving</p> <p>3 County's purposes.</p> <p>4 Q. But you don't think it's possible</p> <p>5 for your office to provide sort of a single,</p> <p>6 comprehensive definition of the term "similar</p> <p>7 location that does not correspond to a</p> <p>8 residence"?</p> <p>9 A. I think that's purposefully left to</p> <p>10 the interpretation of the voter registrar so</p> <p>11 that they can deal with circumstances that are</p> <p>12 individual to their counties.</p> <p>13 Q. Got it.</p> <p>14 A. That's the same thing, the JP Court</p> <p>15 race down in Kenedy County or King County,</p> <p>16 wherever it was, they knew that the house was</p> <p>17 vacant where all these people from Kingsville</p> <p>18 registered to vote. They -- they knew nobody</p> <p>19 lived there. That's a similar location under</p> <p>20 this.</p> <p>21 Q. So the interpretation of this</p> <p>22 provision is specific to the county?</p>
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<p>1 term "similar location that does not correspond</p> <p>2 to a residence" to mean in the context of</p> <p>3 Section 2(a)?</p> <p>4 A. Well, I don't know exactly what</p> <p>5 that means. I know that it means in part a</p> <p>6 commercial address where there's not a</p> <p>7 residence. Could be a church. Could be a</p> <p>8 business.</p> <p>9 Q. You said it means in part.</p> <p>10 So do you think the definition of</p> <p>11 that term could actually be broader than what</p> <p>12 you just said?</p> <p>13 A. I do, and that's why I think it's</p> <p>14 worded the way it's worded. Because in the</p> <p>15 particular circumstances of the county, the</p> <p>16 voter registrar is in a better position to know</p> <p>17 whether or not that's actually a residence</p> <p>18 address.</p> <p>19 In other words, the sheriff in</p> <p>20 Loving County knows that there's a derelict</p> <p>21 mobile home with no utilities hooked up to it</p> <p>22 where 18 people are registered to vote. He</p>	<p>1 A. The counties are the ones who do</p> <p>2 this work. The counties are the ones who need</p> <p>3 the definition. The counties are the ones who</p> <p>4 supply the definition in their own particular</p> <p>5 context. The counties are the ones who actually</p> <p>6 do voter registration in Texas.</p> <p>7 Q. Does -- does the term "similar</p> <p>8 location" in this provision -- do you understand</p> <p>9 that term to refer to commercial post office box</p> <p>10 or that does not correspond to a residence?</p> <p>11 A. Well, what the -- what the</p> <p>12 provision says is that if the voter's residence</p> <p>13 address is listed -- that -- that's listed is a</p> <p>14 commercial P.O. Box or a similar location where</p> <p>15 it's not a residence, then you can use this</p> <p>16 procedure.</p> <p>17 Q. Got it. I guess what I'm trying to</p> <p>18 understand is: Does this provision include any</p> <p>19 location that does not correspond to a residence</p> <p>20 or only those locations that are similar to a</p> <p>21 commercial post office box?</p> <p>22 A. I think it means any location that</p>

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<p>1 doesn't constitute a residence.</p> <p>2 Q. Okay.</p> <p>3 MR. DODGE: I think it's been over</p> <p>4 an hour since we last took a break. I'm</p> <p>5 hoping maybe we can take one more break</p> <p>6 before wrapping up since I know Eric has</p> <p>7 more to do today.</p> <p>8 Is now a good time to take a break?</p> <p>9 THE WITNESS: Sure.</p> <p>10 MR. DODGE: Okay. Do you want to</p> <p>11 come back at 12:06 p.m. Central Time?</p> <p>12 THE WITNESS: Okay.</p> <p>13 THE VIDEOGRAPHER: Okay. The time</p> <p>14 is 12:01 p.m. We are now off the record.</p> <p>15 (A recess is held from 12:01 p.m.</p> <p>16 to 12:07 p.m.)</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 12:07 p.m. We are now on the record.</p> <p>19 THE WITNESS: I just want to</p> <p>20 clarify one thing.</p> <p>21 Whenever we password protect</p> <p>22 webinars, we post the password as well so</p>	<p>1 Q. Got it. But in this case, you</p> <p>2 think you just uploaded the PowerPoint? Do I</p> <p>3 have that right?</p> <p>4 A. So we had already had an Address</p> <p>5 Confirmation PowerPoint incorporating 1111 from</p> <p>6 the County Election Official Seminar posted, and</p> <p>7 so it's -- it's what's posted.</p> <p>8 Q. Got it. Okay.</p> <p>9 MR. DODGE: All right. If we pull</p> <p>10 up Exhibit F, as in Frank.</p> <p>11 (Exhibit F, multipage document</p> <p>12 titled Texas Secretary of State John B.</p> <p>13 Scott, Election Advisory No. 2021-10,</p> <p>14 bearing Bates Numbers OAG-000853 through</p> <p>15 OAG-000856, is marked for identification.)</p> <p>16 BY MR. DODGE:</p> <p>17 Q. And this document was produced to</p> <p>18 Plaintiffs by the office the Attorney General.</p> <p>19 It's beginning with the Bates Stamp OAG-000853.</p> <p>20 Do you recognize this document,</p> <p>21 Mr. Ingram?</p> <p>22 A. I do.</p>
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<p>1 it's publicly available.</p> <p>2 The other thing is this particular</p> <p>3 presentation is not posted to the web, but</p> <p>4 we do have the previous version that was</p> <p>5 given at the County Election Seminar that</p> <p>6 is posted, and, of course, this one was</p> <p>7 e-mailed to all election officials, so</p> <p>8 they have their own copy.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. Thank you for clarifying that.</p> <p>11 When you say "this particular</p> <p>12 presentation," are you referring to the</p> <p>13 PowerPoint or to the video of the presentation?</p> <p>14 A. The PowerPoint.</p> <p>15 Q. Okay. When you post those</p> <p>16 presentations to your websites, do you typically</p> <p>17 post the PowerPoint or a video of the</p> <p>18 presentation itself?</p> <p>19 A. We do both. Sometimes we've</p> <p>20 recorded the presentation and it does the</p> <p>21 presentation and PowerPoint. Sometimes it's</p> <p>22 just the PowerPoint.</p>	<p>1 Q. And can you tell me what this</p> <p>2 document is?</p> <p>3 A. It's the advisory that we put out</p> <p>4 specifically for SB 1111.</p> <p>5 Q. And did you assist in preparing</p> <p>6 this election advisory?</p> <p>7 A. I did.</p> <p>8 Q. Did you -- in what -- in what</p> <p>9 manner did you assist in preparing it?</p> <p>10 A. I reviewed and made a few small</p> <p>11 changes. So I was not the primary author.</p> <p>12 Q. Okay. And can you tell me the</p> <p>13 purpose of the document is?</p> <p>14 A. The purpose of the document is to</p> <p>15 make sure that the county election officials are</p> <p>16 aware of this new law and the new address</p> <p>17 confirmation procedure for impossible addresses.</p> <p>18 Q. Okay.</p> <p>19 MR. DODGE: If we could turn to</p> <p>20 Page 2, please.</p> <p>21 BY MR. DODGE:</p> <p>22 Q. Do you see about a third of the way</p>

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<p>1 down the page, it says, "Modifications to</p> <p>2 Standard Address Confirmation Forms"?</p> <p>3 A. Agree with that.</p> <p>4 Q. And the first sentence -- first</p> <p>5 sentence of that paragraph says, "SB 1111 made</p> <p>6 modifications to the 'Notice of Address</p> <p>7 Confirmation' and response document."</p> <p>8 Did I get that right?</p> <p>9 A. You did.</p> <p>10 Q. And then in that box before there</p> <p>11 are three forms referenced, Form 17-1, 17-2, and</p> <p>12 17-3; correct?</p> <p>13 A. That's right.</p> <p>14 Q. And those forms preexisted Senate</p> <p>15 Bill 1111; correct?</p> <p>16 A. They did.</p> <p>17 Q. Can you tell me in what way Senate</p> <p>18 Bill 1111 modified those forms?</p> <p>19 A. It -- it -- like this says, it</p> <p>20 required that the definition of residence be</p> <p>21 placed on the form. And that there be a sworn</p> <p>22 affirmation by the person responding that that's</p>	<p>1 process for voters registered at certain</p> <p>2 addresses that do not correspond to a</p> <p>3 residence."</p> <p>4 Did I get that right?</p> <p>5 A. You did.</p> <p>6 Q. And it continues that, "If the</p> <p>7 voter registrar has reason to believe that a</p> <p>8 voter's residence address is a commercial post</p> <p>9 office box or similar location that does not</p> <p>10 corresponds to a residence, the voter registrar</p> <p>11 shall deliver an address confirmation to the</p> <p>12 voter." And then it cites the Texas Election</p> <p>13 Code.</p> <p>14 And it continues, [as read]: "The</p> <p>15 response to the address confirmation for these</p> <p>16 voters must include a photocopy of certain</p> <p>17 documentation that corresponds to the voter's</p> <p>18 address."</p> <p>19 Did I get all that correct?</p> <p>20 A. You did.</p> <p>21 Q. Okay.</p> <p>22 MR. DODGE: And if we could turn to</p>
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<p>1 where they live.</p> <p>2 Q. Can you tell me in what</p> <p>3 circumstances a county official would use these</p> <p>4 forms?</p> <p>5 A. This is our standard address</p> <p>6 confirmation form. It's used any time that the</p> <p>7 voter registrar has reason to believe that the</p> <p>8 voter has changed their address.</p> <p>9 Q. Did Senate Bill 1111 add any</p> <p>10 requirement to supply documentation for</p> <p>11 individuals required to complete these forms?</p> <p>12 A. For these forms, no. These forms</p> <p>13 are the standard NVRA address change process.</p> <p>14 The response document is the entirety of what's</p> <p>15 necessary.</p> <p>16 Q. Okay. And the section below that</p> <p>17 table reads, "Procedures for New Address</p> <p>18 Confirmation Requiring Documentation."</p> <p>19 Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. And then the first sentence reads,</p> <p>22 "SB 1111 created a new address confirmation</p>	<p>1 Page 3 of this document.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. And do you see about halfway down</p> <p>4 the page it has a section, it says, "New Forms</p> <p>5 For Address Confirmation Requiring</p> <p>6 Documentation"?</p> <p>7 A. Agreed.</p> <p>8 Q. And then it reads, "The SOS has</p> <p>9 prescribed the following form for use for voters</p> <p>10 registered at certain addresses that do not</p> <p>11 correspond to a residence address."</p> <p>12 Did I get that correct?</p> <p>13 A. Yes.</p> <p>14 Q. So is it right that Senate</p> <p>15 Bill 1111 created a new address confirmation</p> <p>16 process for certain voters?</p> <p>17 A. Agree with that.</p> <p>18 Q. And for which voters did Senate</p> <p>19 Bill 1111 create a new address confirmation</p> <p>20 process?</p> <p>21 A. For those that are registered at an</p> <p>22 address that is not a residence.</p>

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<p>1 Q. And can you describe the process</p> <p>2 for those voters who received a confirmation</p> <p>3 form?</p> <p>4 A. So if a voter is registered to vote</p> <p>5 at a -- at an address that does not correspond</p> <p>6 to a residence and they get one of these</p> <p>7 notices, they can either claim an exemption from</p> <p>8 the requirement to provide documentation or they</p> <p>9 will need to return the form with appropriate</p> <p>10 documentation.</p> <p>11 Q. Okay. And that form you're</p> <p>12 referring to is Form 17-4?</p> <p>13 A. That's right.</p> <p>14 Q. That form did not exist prior to</p> <p>15 Senate Bill 1111?</p> <p>16 A. Agree with that.</p> <p>17 Q. Is it fair to say that prior to</p> <p>18 Senate Bill 1111 there was one confirmation</p> <p>19 process for all voters?</p> <p>20 A. Well, there was one confirmation</p> <p>21 and it was to be used in the case of an address</p> <p>22 change. So when the voter registrar had reason</p>	<p>1 a residence; is that right?</p> <p>2 A. Agree.</p> <p>3 Q. Okay. And that process did not</p> <p>4 require any voters to submit documentation of</p> <p>5 residence; correct?</p> <p>6 A. That's right.</p> <p>7 Q. Can you explain to me what interest</p> <p>8 your office has in requiring that some voters</p> <p>9 but not others submit documentation to confirm</p> <p>10 their registration addresses?</p> <p>11 A. Well, again, it's important to</p> <p>12 recognize this is not in the context of an</p> <p>13 address change. This is where someone resides</p> <p>14 at an address that they're not -- they're not</p> <p>15 moving, there's not any evidence that they are</p> <p>16 moving. They live there or they say they live</p> <p>17 there and that address is not a residence.</p> <p>18 So this is not inside of the NVRA.</p> <p>19 This is something that's challenging an existing</p> <p>20 address, not -- not updating a changed address.</p> <p>21 And the documentation provided has to be in a</p> <p>22 hierarchy with driver's license first, going</p>
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<p>1 to believe that an address changed, then they</p> <p>2 needed to do an address confirmation.</p> <p>3 The only other time an address</p> <p>4 confirmation would be sent is if the voter was</p> <p>5 challenged under 16.0921.</p> <p>6 Q. So prior to Senate Bill 1111, would</p> <p>7 a county official not send a confirmation notice</p> <p>8 if it appeared that the voter's address did not</p> <p>9 correspond to a residence?</p> <p>10 A. They could do that, but the -- the</p> <p>11 confirmation response did not contain a</p> <p>12 requirement for documentation. So the voter</p> <p>13 registrar could on their own initiative, if a</p> <p>14 voter was registered at something other than a</p> <p>15 residence, send an address confirmation or they</p> <p>16 could do it in response to a -- to a challenge</p> <p>17 of the voter's voter registration.</p> <p>18 Q. Right. And prior to Senate</p> <p>19 Bill 1111, a county official would have used the</p> <p>20 same form for a voter who appears to have</p> <p>21 changed his or her address and also for a voter</p> <p>22 whose residence does not appear to correspond to</p>	<p>1 down to, I believe, tax appraisal district</p> <p>2 documents.</p> <p>3 Q. So is it your understanding that</p> <p>4 the bifurcation in the confirmation notices was</p> <p>5 due to the NVRA?</p> <p>6 A. No, it's just -- it's due to the</p> <p>7 fact that there are different circumstances.</p> <p>8 There's one where you have an update because the</p> <p>9 voter's residence has changed. And there's one</p> <p>10 where the place where the voter claims to live</p> <p>11 and is not changing, but it's impossible to live</p> <p>12 there.</p> <p>13 Q. I understand all that.</p> <p>14 I'm -- I'm interested in why one</p> <p>15 requires photo documentation, but not the other</p> <p>16 and what interest your office or the state has</p> <p>17 in requiring documentation in one situation but</p> <p>18 not the other.</p> <p>19 A. Well, in an address change, you</p> <p>20 know, the NVRA says that it has to be on a</p> <p>21 postage paid card. So the limitation can't</p> <p>22 require any additional documentation.</p>

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<p>1 The -- the impossible address</p> <p>2 challenge can require additional documentation</p> <p>3 and in order to confirm that the residence</p> <p>4 address is actually the residence address, Texas</p> <p>5 believes that it's appropriate to require</p> <p>6 documentation. That's what the legislature has</p> <p>7 provided. That's what our office is</p> <p>8 implementing.</p> <p>9 Q. Got it. And just so I understand,</p> <p>10 so you're saying the NVRA does play some role in</p> <p>11 why some voters are required to submit photo</p> <p>12 documentation but not others?</p> <p>13 A. I agree with that, yes.</p> <p>14 Q. Okay.</p> <p>15 MR. DODGE: If we could pull up</p> <p>16 Exhibit G.</p> <p>17 (Exhibit G, document titled Notice</p> <p>18 To Confirm Voter Registration Address, is</p> <p>19 marked for identification.)</p> <p>20 MR. DODGE: And if we could scroll</p> <p>21 in on the English portion that's the top</p> <p>22 half of the page.</p>	<p>1 their change of residence; is that right?</p> <p>2 A. Agree with that.</p> <p>3 Q. And this form, subject to some</p> <p>4 modifications, perhaps, existed prior to Senate</p> <p>5 Bill 1111; correct?</p> <p>6 A. That's correct.</p> <p>7 Q. So if I went into a county election</p> <p>8 office to lodge a registration challenge and</p> <p>9 said that I know that John Smith is registered</p> <p>10 at an address across town, but, in fact, he now</p> <p>11 permanently lives next door to me, is this the</p> <p>12 form that the county election official would</p> <p>13 issue in that circumstance?</p> <p>14 A. That's correct.</p> <p>15 Q. And in that circumstance, the</p> <p>16 individual would not be required to -- John</p> <p>17 Smith would not be required to submit</p> <p>18 documentation as part of responding to this</p> <p>19 notice?</p> <p>20 A. Agree with that.</p> <p>21 Q. If I lodged a election complaint</p> <p>22 with the county official and informed them that</p>
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<p>1 Okay.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. I do.</p> <p>5 Q. Could you tell me what it is?</p> <p>6 A. It's an address confirmation form.</p> <p>7 Q. And you see in the upper left where</p> <p>8 it says, "Prescribed by Secretary of State,</p> <p>9 Section 15.051, Texas Election Code, 17-1?</p> <p>10 A. I do.</p> <p>11 Q. And so this -- is this Form 17-1</p> <p>12 that we were just referring to?</p> <p>13 A. It is.</p> <p>14 Q. And can you tell me when this form</p> <p>15 is issued to a voter?</p> <p>16 A. If you have reason to believe their</p> <p>17 address has changed --</p> <p>18 Q. Okay.</p> <p>19 A. -- or residence is different from</p> <p>20 the residence on the registration record.</p> <p>21 Q. And this form does not call for a</p> <p>22 voter to submit any documentation to establish</p>	<p>1 I knew that Jane Smith is registered at the</p> <p>2 address of an apartment building that was</p> <p>3 demolished, would this form then be sent to Jane</p> <p>4 Smith?</p> <p>5 A. I don't believe so. I think we</p> <p>6 would send the impossible address form.</p> <p>7 Q. Okay. And can you explain to me</p> <p>8 why that is?</p> <p>9 A. 'Cause demolished apartment is not</p> <p>10 a residence. There's no indication that she's</p> <p>11 moved other than the place is gone.</p> <p>12 Q. What happens if a voter fails to</p> <p>13 return Form 17-1?</p> <p>14 A. They are placed in suspense.</p> <p>15 Q. And what's the consequence of being</p> <p>16 placed in suspense?</p> <p>17 A. That in order to vote they're going</p> <p>18 to have to fill out a statement of residence.</p> <p>19 Q. But they are not removed from the</p> <p>20 voter roll; is that right?</p> <p>21 A. They are not unless they don't show</p> <p>22 up and vote for two federal elections and then</p>

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<p>1 they are removed from the voter rolls.</p> <p>2 Q. Got it.</p> <p>3 MR. DODGE: If we can pull up</p> <p>4 Exhibit H, as in Henry.</p> <p>5 (Exhibit H, document titled Voter</p> <p>6 Registration Address Confirmation, is</p> <p>7 marked for identification.)</p> <p>8 MR. DODGE: And, again, if we can</p> <p>9 zoom in on the top English portion of the</p> <p>10 document.</p> <p>11 BY MR. DODGE:</p> <p>12 Q. Are you familiar with this</p> <p>13 document?</p> <p>14 A. I am.</p> <p>15 Q. Can you tell me what this document</p> <p>16 is?</p> <p>17 A. This is the response to an Address</p> <p>18 Confirmation Request.</p> <p>19 Q. And you see in the upper left-hand</p> <p>20 corner it says, "Prescribed by the Secretary of</p> <p>21 State 17-2"?</p> <p>22 A. Yep.</p>	<p>1 (Exhibit I, document titled County</p> <p>2 Return Address, Voter Registration Address</p> <p>3 Confirmation, is marked for</p> <p>4 identification.)</p> <p>5 MR. DODGE: All right. If we could</p> <p>6 also zoom in on the top half.</p> <p>7 Thank you.</p> <p>8 BY MR. DODGE:</p> <p>9 Q. Are you familiar with this</p> <p>10 document?</p> <p>11 A. Right, this is another version of</p> <p>12 the previous document.</p> <p>13 Q. Okay. That -- that was my</p> <p>14 question. Is there any substantial difference</p> <p>15 between this and Form 17-2?</p> <p>16 A. Substantively, they're the same.</p> <p>17 The difference is how they fold.</p> <p>18 Q. I see. And so it's just an option</p> <p>19 for county officials whether to use one or the</p> <p>20 other?</p> <p>21 A. That's right.</p> <p>22 Q. Okay. And this form also then</p>
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<p>1 Q. Is it fair to say that this is</p> <p>2 Form 17-2 we were discussing when reviewing the</p> <p>3 election advisory?</p> <p>4 A. That's correct.</p> <p>5 Q. And so is this form issued</p> <p>6 separately or in conjunction with Form 17-1?</p> <p>7 A. They go together.</p> <p>8 Q. Okay. So when a county election</p> <p>9 official sends out 17-1, they would include this</p> <p>10 as an attachment?</p> <p>11 A. They would include it as the</p> <p>12 response document. It's -- I don't know if it</p> <p>13 would be attached or inside an envelope.</p> <p>14 Q. Okay. And this form also predated</p> <p>15 Senate Bill 1111; correct?</p> <p>16 A. It did.</p> <p>17 Q. And like 17-1, this document does</p> <p>18 not call for a voter to submit any documentation</p> <p>19 to confirm their address; right?</p> <p>20 A. Agree with that.</p> <p>21 MR. DODGE: If we could pull up</p> <p>22 Exhibit I.</p>	<p>1 predated Senate Bill 1111?</p> <p>2 A. It did.</p> <p>3 Q. And this form also does not call</p> <p>4 for a voter to submit any documentation to</p> <p>5 confirm their address?</p> <p>6 A. Agree with that.</p> <p>7 Q. Okay.</p> <p>8 MR. DODGE: If we could pull up</p> <p>9 Exhibit J.</p> <p>10 (Exhibit J, document titled Notice</p> <p>11 to Confirm Voter Registration Address by</p> <p>12 Providing Documentation, is marked for</p> <p>13 identification.)</p> <p>14 MR. DODGE: And why don't we zoom</p> <p>15 in on the top third for now.</p> <p>16 BY MR. DODGE:</p> <p>17 Q. Are you familiar with this</p> <p>18 document?</p> <p>19 A. I am.</p> <p>20 Q. Can you tell me what it is?</p> <p>21 A. This is the address confirmation</p> <p>22 that we send to folks who haven't changed their</p>

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<p>1 address, but apparently claim to live at a place</p> <p>2 that doesn't correspond to a residence.</p> <p>3 Q. And this Form 17-4?</p> <p>4 A. It is.</p> <p>5 Q. So this form was created as a</p> <p>6 result of Senate Bill 1111; right?</p> <p>7 A. Agree with that.</p> <p>8 Q. And the first paragraph reads, "If</p> <p>9 you are receiving this notice, the residence</p> <p>10 address on your Voter Registration Application</p> <p>11 has been identified as a commercial post office</p> <p>12 box or similar location that does not correspond</p> <p>13 to a residence."</p> <p>14 Did I get that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Is it fair to say this form is used</p> <p>17 when a voter's registered address appears to be</p> <p>18 a commercial post office box or the like?</p> <p>19 A. That's right.</p> <p>20 Q. And the second paragraph of this</p> <p>21 document says, "You must provide proof that the</p> <p>22 address where you registered to vote is your</p>	<p>1 BY MR. DODGE:</p> <p>2 Q. And the first sentence reads,</p> <p>3 "Please place this completed form along with</p> <p>4 your photocopy of the required proof of</p> <p>5 residence in the included postage-paid envelope</p> <p>6 and mail to your county voter registrar."</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. What would happen if a voter</p> <p>10 completed the form, did not claim an exemption,</p> <p>11 but did not include the required photocopy of</p> <p>12 proof of residence when returning the form?</p> <p>13 A. They would -- they would be placed</p> <p>14 on suspense.</p> <p>15 Q. Okay. So returning this form</p> <p>16 without photocopied proof of residence and</p> <p>17 without claiming an exemption means that the</p> <p>18 voter would -- would no longer be eligible to</p> <p>19 vote; is that right?</p> <p>20 A. That is not correct.</p> <p>21 Q. Okay. But they'd be put on the</p> <p>22 suspense list?</p>
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<p>1 residence. Proof of residence must be provided</p> <p>2 by submitting a photocopy of the first document</p> <p>3 you possess on the list below that corresponds</p> <p>4 to your residence address."</p> <p>5 MR. DODGE: And then if we scroll</p> <p>6 down a little bit.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. You see a list of documents that</p> <p>9 can be submitted to establish registration</p> <p>10 address; is that right?</p> <p>11 A. That's right.</p> <p>12 Q. So unlike Form 17-1, 17-2, and</p> <p>13 17-3, this form does require certain voters to</p> <p>14 submit documentation when establishing their</p> <p>15 residence address; correct?</p> <p>16 A. Right, or they can check one of the</p> <p>17 boxes that they're exempt from the requirement.</p> <p>18 Q. Okay.</p> <p>19 MR. DODGE: And if we go to the</p> <p>20 second page of this document. And if we</p> <p>21 could zoom on the top couple paragraphs</p> <p>22 above the box.</p>	<p>1 A. They'd be put on the suspense list;</p> <p>2 and if they complete a statement of residence,</p> <p>3 they vote.</p> <p>4 Q. So if -- so let me understand that.</p> <p>5 So if I were mailed this form and I</p> <p>6 returned it completed without complain --</p> <p>7 complete -- without claiming an exemption but</p> <p>8 did not include a documentary proof of</p> <p>9 residence, I would be put on the suspense list;</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 Q. And if I then went to vote on</p> <p>13 election day, what would I need to do to be able</p> <p>14 to vote?</p> <p>15 A. Fill out a statement of residence.</p> <p>16 Q. And does a statement of residence</p> <p>17 require the voter to submit any documentation</p> <p>18 showing their residence address?</p> <p>19 A. It does not.</p> <p>20 Q. Okay. So it wouldn't matter in</p> <p>21 returning this form if I gave a residence</p> <p>22 address that on its face appeared to be a valid</p>

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<p>1 residence address if I did not also include a</p> <p>2 photocopy of the required documentation; right?</p> <p>3 A. That's correct.</p> <p>4 Q. So even if I were to submit a</p> <p>5 residence address that was identical to one I</p> <p>6 might provide on a change of residence address</p> <p>7 on Form 17-2 or 17-3, that would not suffice for</p> <p>8 purposes of this form; right?</p> <p>9 A. You know, now that I'm thinking</p> <p>10 about it, I would probably need to ask --</p> <p>11 consult with my lawyers and see what we think</p> <p>12 about that because I think that you're right,</p> <p>13 that -- that if there's no proof and they supply</p> <p>14 a different address, but still don't supply the</p> <p>15 proof, that they still go on suspense, but...</p> <p>16 Q. You ended with a "but." Was</p> <p>17 there -- was there more to your response?</p> <p>18 A. Yeah, I just -- I just want to</p> <p>19 make --</p> <p>20 Q. Take your time.</p> <p>21 A. Yeah. I think for our purposes</p> <p>22 today, yeah, that's the -- that's the answer.</p>	<p>1 A. Well, what's missing from your</p> <p>2 hypothetical is that they also changed their</p> <p>3 address from the impossible one.</p> <p>4 Q. Right. So assume in my question</p> <p>5 that they have changed their address to a</p> <p>6 facially valid residence address. If they</p> <p>7 complete this form in total, but don't supply</p> <p>8 documentary proof of the change of residence,</p> <p>9 would the form itself still supply all the</p> <p>10 necessary information that if taken at face</p> <p>11 value was sufficient to deem them to have</p> <p>12 changed their address?</p> <p>13 A. I don't know the answer to that</p> <p>14 question as we sit here today. I'm going to</p> <p>15 have to consult.</p> <p>16 Q. So it's possible it might?</p> <p>17 A. That's right.</p> <p>18 Q. But as best you can -- as best you</p> <p>19 can determine right now, without further</p> <p>20 consultation with attorneys, you still believe</p> <p>21 that the result of such a submission would be to</p> <p>22 put the voter on the suspense list because they</p>
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<p>1 If they put a different address on here and they</p> <p>2 don't supply a copy of their driver's license or</p> <p>3 anything else on that list, then they would</p> <p>4 still go on the suspense list.</p> <p>5 Q. Can you explain to me why you have</p> <p>6 to think about it though?</p> <p>7 A. Because if it's a different address</p> <p>8 that is actually a residence, then I don't know</p> <p>9 why we can't use this as a change of address</p> <p>10 form. If they're not still claiming to live at</p> <p>11 the impossible address, then I think we should</p> <p>12 maybe use this as a change of address form, and</p> <p>13 they -- they're putting their driver's license</p> <p>14 number on it.</p> <p>15 Q. Okay. So if a -- if a voter</p> <p>16 completed this form in full, that is Form 17-4,</p> <p>17 and did not claim an exemption and did not</p> <p>18 include documentary proof of their residence,</p> <p>19 you would agree that they otherwise would still</p> <p>20 have supplied all the necessary information to</p> <p>21 conclude that they provided an adequate</p> <p>22 residence address?</p>	<p>1 did not provide documentary proof?</p> <p>2 A. Agree with that.</p> <p>3 Q. Okay. It's the case that voters</p> <p>4 registering for the first time in Texas are not</p> <p>5 required to submit documentary proof of</p> <p>6 residence; right?</p> <p>7 A. That's right.</p> <p>8 Q. So a voter registering for the</p> <p>9 first time in Texas could theoretically supply a</p> <p>10 residential address they don't actually live at,</p> <p>11 and if later challenged, they would not be</p> <p>12 required to submit any documentary evidence when</p> <p>13 confirming either that address or a changed</p> <p>14 address; is that right?</p> <p>15 A. I'm not sure what you mean.</p> <p>16 Q. Well, let's say I register at 100</p> <p>17 Main Street in Amarillo, Texas, and year later</p> <p>18 someone files an election challenge and says he</p> <p>19 doesn't actually live at 100 Main Street. I</p> <p>20 would receive Form 17-1 and 17-2; correct?</p> <p>21 A. That's right.</p> <p>22 Q. And in responding to Form 17-1 and</p>

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<p>1 17-2, I would not be required to submit any</p> <p>2 documentary evidence to either confirm that I</p> <p>3 lived at 100 Main Street in Amarillo, Texas, or</p> <p>4 to confirm that I had changed my address to</p> <p>5 somewhere else in the State of Texas; correct?</p> <p>6 A. Agree with that.</p> <p>7 Q. Okay. But if a voter registering</p> <p>8 for the first time in Texas were to provide an</p> <p>9 address that appears to be a commercial post</p> <p>10 office box that they receive mail at and that</p> <p>11 voter had their registration address later</p> <p>12 challenged, they would be required to submit</p> <p>13 documentation to confirm their address; is that</p> <p>14 right?</p> <p>15 A. Agreed.</p> <p>16 Q. Okay.</p> <p>17 MR. DODGE: Could we pull up</p> <p>18 Exhibit T, as in Taylor.</p> <p>19 (Exhibit T, e-mail correspondence,</p> <p>20 is marked for identification.)</p> <p>21 MR. DODGE: And if we could zoom in</p> <p>22 at the "From" "To" "Sent" box in the</p>	<p>1 MR. DODGE: Could we actually</p> <p>2 scroll down to see her e-mail signature.</p> <p>3 Thank you.</p> <p>4 BY MR. DODGE:</p> <p>5 Q. Fair to say just based on that</p> <p>6 signature that at least at this time Ms. Garcia</p> <p>7 was the Elections Administrator for Refugio</p> <p>8 County, Texas?</p> <p>9 A. It's RE-FUR-IO County.</p> <p>10 And yes.</p> <p>11 Q. I'm sorry. RE-FUR-IO?</p> <p>12 A. That's right.</p> <p>13 Q. Even though it has a "G" in it?</p> <p>14 A. That's right.</p> <p>15 Q. Well...</p> <p>16 A. It's kind of like we don't say</p> <p>17 BEX-AR County here, either. It's BEAR.</p> <p>18 Q. Yeah. I won't ask.</p> <p>19 A. We do it with RE-AL and MON-TAIG</p> <p>20 instead of MON-TA-U.</p> <p>21 Q. All right. Well, I'm glad I</p> <p>22 learned -- I'm glad I learned something today.</p>
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<p>1 middle of the page.</p> <p>2 Thank you.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. I'll represent to you that this</p> <p>5 e-mail was produced to us yesterday evening by</p> <p>6 your counsel and that it comes from your office.</p> <p>7 Any reason to doubt that?</p> <p>8 A. No.</p> <p>9 Q. You see that this e-mail was sent</p> <p>10 on September 7th, 2021 by a Rachael Garcia to</p> <p>11 the --</p> <p>12 A. I do.</p> <p>13 Q. -- Elections Internet address at</p> <p>14 Secretary of State's Office?</p> <p>15 A. Yes.</p> <p>16 Q. And you see that Ms. Adkins is</p> <p>17 CC'd?</p> <p>18 A. I do.</p> <p>19 Q. Can you tell me who Rachael Garcia</p> <p>20 is?</p> <p>21 A. Apparently, a county employee in</p> <p>22 Refugio County.</p>	<p>1 Okay. So fair to say that based on</p> <p>2 this signature, Ms. Garcia appears -- appears to</p> <p>3 be the Elections Administrator of Refugio</p> <p>4 County, Texas?</p> <p>5 A. That's right.</p> <p>6 Q. All right.</p> <p>7 MR. DODGE: And if we could scroll</p> <p>8 back up to the substance of her e-mail.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. You see that she poses two</p> <p>11 questions to the Elections Internet address in</p> <p>12 her e-mail?</p> <p>13 A. Yes.</p> <p>14 Q. Question 1 is: "If an" -- Question</p> <p>15 1 is: "If an electronic submission is sent via</p> <p>16 fax, e-mail, et cetera to the office, of the</p> <p>17 Notice of Confirmation and for the required</p> <p>18 documentation for Notice of Confirmation instead</p> <p>19 of mailing paper documents, is that acceptable?</p> <p>20 Must original of that documentation be</p> <p>21 received?"</p> <p>22 And then you see above where</p>

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<p>1 Ms. Adkins said, "Thank you for the questions. 2 See my answers below"?</p> <p>3 A. That's right.</p> <p>4 Q. Fair to assume that the red text 5 under these questions are Ms. Adkins's 6 responses?</p> <p>7 A. Agreed.</p> <p>8 Q. Okay. Ms. Adkins responds, "For 9 the standard address confirmation (that does not 10 require documentation), the only way they can 11 respond electronically is through Texas.gov. 12 Other than that specific option, you have to 13 have a wet signature as this is a voter 14 registration document. For the address 15 confirmation that requires documentation, this 16 also has to be sent to you via mail or dropped 17 off at your office by the voter because this is 18 also a voter registration document and requires 19 a wet signature." 20 Did I get that right? 21 A. You did. 22 Q. So is it the case that a voter who</p>	<p>1 Form 17-4 submit documentation establishing 2 their residence on line through Texas.gov?</p> <p>3 A. They cannot.</p> <p>4 Q. Could a person completing Form 17-4 5 submit documentary proof of residence 6 electronically via fax or e-mail?</p> <p>7 A. They cannot.</p> <p>8 Q. Is there any particular reason why 9 a person completing a Form 17-4 cannot submit 10 their documentation through electronic means?</p> <p>11 A. Like Christina says, it's a voter 12 registration form and requires that it be in 13 writing and signed by the voter.</p> <p>14 Q. Okay. So the reason why is the 15 Texas state law imposes a wet signature 16 requirement on voters for registration 17 documents; is that right?</p> <p>18 A. That's right.</p> <p>19 Q. Does the State of Texas have an 20 interest in permitting some voters to complete 21 confirmation notices on line but not others? 22 A. Again, what you do at Texas.gov is</p>
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<p>1 receives a standard confirmation notice, such as 2 Form 17-2, can complete that form on line?</p> <p>3 A. No.</p> <p>4 Q. So can you explain to me what 5 Ms. Adkins meant when she said that the only way 6 they can respond electronically is through 7 Texas.gov?</p> <p>8 A. They can update their address in 9 Texas.gov and that will -- that will clear the 10 issue. Instead of sending the address change 11 back on a confirmation card, they can go to 12 Texas.gov and update their address.</p> <p>13 Q. Okay. So if a voter receives 14 Form 17-2, in lieu of mailing it back into the 15 office, they can just go to Texas.gov and update 16 their address; right?</p> <p>17 A. That's right.</p> <p>18 Q. Okay. And that's -- they've 19 satisfied their obligations even if they throw 20 Form 17-2 in the trash after that?</p> <p>21 A. That's right.</p> <p>22 Q. Okay. Could a person who receives</p>	<p>1 not fill out a confirmation form. You update 2 your address.</p> <p>3 Q. Well, I'm not sure that is 4 responsive to my question.</p> <p>5 What I'm curious about is why some 6 voters are able to respond to these forms by 7 going on line and updating some information 8 while others have to mail in photocopies of 9 documents.</p> <p>10 A. Because the State of Texas has 11 determined that proof is required of the 12 impossible address.</p> <p>13 Q. Okay. I understand that.</p> <p>14 And my question to you then is: 15 What is the interest that the State of Texas has 16 in requiring that subset of voters to provide 17 physical hard copy documentation of residence as 18 compared to other voters who are not so 19 required?</p> <p>20 A. Because the interest of the State 21 of Texas is to make sure that voters are 22 registered where they live. And if someone</p>

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<p>1 claims to live in an address that does not</p> <p>2 correspond to a residence, then they need to</p> <p>3 have some additional evidence that they actually</p> <p>4 live there in order to satisfy the requirement</p> <p>5 that you be registered to vote where you live.</p> <p>6 That way, the voting power, voting strength,</p> <p>7 whatever you want to call, is not skewed by</p> <p>8 people who don't actually live in a precinct</p> <p>9 that they're registered to vote in.</p> <p>10 Q. You agree that a voter who receives</p> <p>11 a Form 17-2 could also potentially not live in</p> <p>12 the precinct in which their offered address is</p> <p>13 located; right?</p> <p>14 A. Agreed.</p> <p>15 Q. And they still would not be</p> <p>16 required to submit documentary evidence of their</p> <p>17 address; right?</p> <p>18 A. Agreed, but the place where they</p> <p>19 claim to live is actually a residence. It's a</p> <p>20 completely different situation. They -- they --</p> <p>21 there's not any indication that -- that it</p> <p>22 doesn't correspond to an address and, therefore,</p>	<p>1 registration address, so that we can have our</p> <p>2 voter rolls be current and not be filling out</p> <p>3 statements of residence at the polling place and</p> <p>4 backing up the line.</p> <p>5 Q. So the answer is, no, that wouldn't</p> <p>6 make a difference?</p> <p>7 A. It doesn't make a difference. The</p> <p>8 point is to get the voter's current address, so</p> <p>9 that they don't have to fill out any paperwork</p> <p>10 when they come to vote.</p> <p>11 Q. Okay.</p> <p>12 A. When they come to vote and the --</p> <p>13 and the person at the desk says, "Do you still</p> <p>14 live at this address," they can say, "Yes," and</p> <p>15 go through the line.</p> <p>16 Q. If we could return to Ms. Garcia's</p> <p>17 e-mail, you see there was a second question</p> <p>18 posed; right?</p> <p>19 A. Yes.</p> <p>20 Q. And that question is, "If a voter</p> <p>21 has been registered for years at a lot that is</p> <p>22 empty with intentions to build or move a trailer</p>
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<p>1 they don't live there. The reason why they're</p> <p>2 being sent an address confirmation is because it</p> <p>3 looks like they've moved and we want to capture</p> <p>4 their most recent address.</p> <p>5 It's a completely different</p> <p>6 situation than the voter who is currently</p> <p>7 registered and for all intents and purposes</p> <p>8 intends to stay registered at an address that</p> <p>9 does not correspond to a residence. If that</p> <p>10 person wants to stay at that place, they're</p> <p>11 going to have to come up with additional</p> <p>12 evidence that they actually live there. That's</p> <p>13 the -- that's the purpose behind the</p> <p>14 documentation requirement.</p> <p>15 Q. Would it differ if the reason a</p> <p>16 Form 17-2 was sent to a voter was that an</p> <p>17 individual came in and made an allegation that</p> <p>18 the person the form was sent to was</p> <p>19 misrepresenting their address in order to vote</p> <p>20 in a place they didn't actually live?</p> <p>21 A. Well, again, it's -- it's -- that's</p> <p>22 the whole point, is to get their current voter</p>	<p>1 there some day, are they required to update</p> <p>2 their voter registration records according to</p> <p>3 the new residence definition?"</p> <p>4 Did I read that correctly?</p> <p>5 A. You did.</p> <p>6 Q. And Ms. Adkins responds, "This</p> <p>7 scenario may be one that falls under a</p> <p>8 commercial post office box or similar location</p> <p>9 that does not correspond to a residence. In</p> <p>10 this case, you would send out the new SB 1111</p> <p>11 confirmation notice that requires the voter to</p> <p>12 provide documentation."</p> <p>13 Did I read that correctly?</p> <p>14 A. You did.</p> <p>15 Q. Am I right that Ms. Adkins said the</p> <p>16 scenario may fall under the P.O. Box provision?</p> <p>17 A. That's right.</p> <p>18 Q. Are you able, sitting here today,</p> <p>19 to answer that question more definitively about</p> <p>20 whether or not the scenario set out by</p> <p>21 Ms. Garcia falls within the scope of the P.O.</p> <p>22 Box provision?</p>

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<p>1 A. Well, the reason for the "may"</p> <p>2 there is because we're not the voter registrar</p> <p>3 in Refugio County. Rachael Garcia is.</p> <p>4 So our office, we don't -- we don't</p> <p>5 do this work and so we don't implement. We</p> <p>6 don't -- we're not the ones that actually deal</p> <p>7 with voter registrations and confirmation</p> <p>8 notices.</p> <p>9 We're just explaining to Ms.</p> <p>10 Garcia, you might consider this to be a similar</p> <p>11 location that doesn't correspond to a residence.</p> <p>12 If you do, then you need to send this new</p> <p>13 address confirmation notice that requires</p> <p>14 documentation. But that's only if, in Rachael</p> <p>15 Garcia's judgment, she determines that a blank</p> <p>16 lot is a similar location that doesn't</p> <p>17 correspond to a residence.</p> <p>18 She's the voter registrar for</p> <p>19 Refugio County. She's the one that gets to make</p> <p>20 that decision. We don't make that decision for</p> <p>21 her. We provide assistance and advice.</p> <p>22 Q. In making that judgment as a county</p>	<p>1 A. I would have to review the</p> <p>2 presentations and see what the FAQs are. Yes, I</p> <p>3 believe we've provided examples.</p> <p>4 Q. And when you say "FAQs," you're</p> <p>5 referring to the webinar we looked at earlier?</p> <p>6 A. That one, as well as the one from</p> <p>7 the County Election Seminar, Election Official</p> <p>8 Seminar, as well as the advisory that we've put</p> <p>9 out that you showed me earlier.</p> <p>10 MR. HUDSON: While we're at a</p> <p>11 natural pausing point, Chris, I don't know</p> <p>12 if you're handling the deposition at 1:00,</p> <p>13 but I am. We're about a little over 10</p> <p>14 minutes away. My office where I'm</p> <p>15 presenting that is in a different part of</p> <p>16 town. I don't anticipate that we'll be</p> <p>17 prepared to go at 1:00.</p> <p>18 So you tell me how you want to</p> <p>19 handle this because we're either going to</p> <p>20 move to 1:00, or we need to break and</p> <p>21 we'll need to move it anyway because I've</p> <p>22 got to get across town; and with, you</p>
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<p>1 election official -- strike that.</p> <p>2 You mentioned that it's Ms.</p> <p>3 Garcia's judgment about whether -- what form to</p> <p>4 send in this circumstance; right?</p> <p>5 A. Agreed.</p> <p>6 Q. Has your office provided any</p> <p>7 guidance to county election officials about how</p> <p>8 to make that judgment?</p> <p>9 A. Well, we have. I mean, we've --</p> <p>10 we've done that advisory and we've done at least</p> <p>11 two PowerPoint presentations that are devoted to</p> <p>12 the topic.</p> <p>13 Q. But you agreed earlier that your</p> <p>14 office hasn't provided any definition of the</p> <p>15 term "similar location"?</p> <p>16 A. Agreed, but in our presentations,</p> <p>17 as well as in our advisory, I believe we've got</p> <p>18 FAQs.</p> <p>19 Q. Okay. Has your office provided any</p> <p>20 set of examples to county election officials</p> <p>21 about what might constitute a similar location</p> <p>22 that does not correspond to a residence?</p>	<p>1 know, personal sugar issues, I need to get</p> <p>2 something to eat.</p> <p>3 MR. DODGE: I understand that. And</p> <p>4 I am nearly finished. I'm not -- I can't</p> <p>5 guarantee I'm going to finish by 2:00. I</p> <p>6 am not handling the next deposition.</p> <p>7 MR. HUDSON: Okay. Well, we can go</p> <p>8 off the record or we can come to an</p> <p>9 agreement --</p> <p>10 MR. DODGE: Why don't we go off the</p> <p>11 record briefly and discuss.</p> <p>12 MR. HUDSON: Yeah.</p> <p>13 THE VIDEOGRAPHER: Okay. The time</p> <p>14 is 12:46 p.m. We are now off the record.</p> <p>15 (A recess is held from 12:46 p.m.</p> <p>16 to 12:48 p.m.)</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 12:48 p.m. We are now on the record.</p> <p>19 MR. HUDSON: Yeah, during the</p> <p>20 break, I discussed with counsel the fact</p> <p>21 that we had two depositions set for today,</p> <p>22 one to begin at 9:00, one to begin at</p>

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<p>1 1:00. I am the person who will be 2 defending both depositions today. 3 I have discussed with opposing 4 counsel the fact that they have staffed 5 their depositions today with multiple 6 lawyers. However, my deposition for the 7 1:00 is in an office in another part of 8 Austin and because of personal dietary 9 issues, as well as the need to travel, 10 that deposition will not start at 1:00. 11 We do not have a start time 12 certain. But I understand from opposing 13 counsel that he is aware of the issues and 14 has made his colleagues aware that we will 15 not be starting at 1:00 today. 16 MR. DODGE: And I'll echo that 17 Plaintiffs' counsel is aware of the issue 18 and is glad to accommodate Mr. Hudson's 19 need to travel and obtain some food 20 between the two depositions scheduled for 21 today. 22 BY MR. DODGE:</p>	<p>1 election officials in determining whether or not 2 a residence address constitutes a similar 3 location that does not correspond to a 4 residence? 5 A. That's not what I said. 6 Q. Well -- well, help me understand. 7 I'm trying to understand what your office has 8 done to help county election officials if they 9 are presented with an address and they're 10 sitting there just like Ms. Garcia trying to 11 determine whether or not an address constitutes 12 a similar location that does not correspond to a 13 residence. 14 And I just want to understand the 15 universe of whatever assistance your office has 16 prepared for them. 17 A. It would be in the FAQs in the 18 advisory as well as in the presentation 19 presented to county election officials in July 20 and the Webex that was presented in September of 21 2021. 22 Q. Okay.</p>
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<p>1 Q. Mr. Ingram, before the break you 2 indicated that you believe that the FAQ your 3 office prepared for county election officials 4 included examples of similar locations that do 5 not correspond to address; is that right? 6 A. Not exactly. 7 THE WITNESS: I mean, are we back 8 on the record? 9 MR. HUDSON: Yes. 10 THE WITNESS: Okay. So not 11 exactly. 12 What I was referring to is the 13 different situations where you would send 14 one confirmation notice versus another 15 confirmation notice. And it may include, 16 you know, "a similar location." I don't 17 know if it just talks about commercial 18 post office boxes. I'd have to go review 19 those again. 20 BY MR. DODGE: 21 Q. But to your knowledge, your office 22 has not prepared guidance to assist county</p>	<p>1 MR. DODGE: Can we pull back up 2 Exhibit E, please. 3 And if we could go to the page 4 ending in 00112. 5 BY MR. DODGE: 6 Q. Are these the FAQs you're referring 7 to, at least with respect to this presentation? 8 A. That's right. 9 Q. Okay. And take a moment to review 10 the ones -- we'll -- we'll scroll through them 11 in -- stop me when one looks like one that you 12 believe is guidance to a county election 13 official about whether or not a residence 14 constitutes a similar location that does not 15 correspond to a residence. 16 A. Right. Neither one of these. 17 Q. Okay. 18 MR. DODGE: If we could go to the 19 next page. 20 THE VIDEOGRAPHER: Say that again, 21 counsel. My apologies. 22 MR. DODGE: I'm sorry. If we could</p>

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<p>1 go to the next page, 113 please.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. Either of these?</p> <p>4 A. No.</p> <p>5 MR. DODGE: If we could go to 114.</p> <p>6 BY MR. DODGE:</p> <p>7 Q. Do either of these FAQs respond</p> <p>8 to --</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 MR. DODGE: Go to 115.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. What about --</p> <p>14 A. No.</p> <p>15 Q. Okay. And you -- you agree this is</p> <p>16 the final page of the document?</p> <p>17 A. I do.</p> <p>18 Q. Okay. So having reviewed the FAQs</p> <p>19 in this presentation, do you agree that there is</p> <p>20 not any guidance in this presentation to county</p> <p>21 election officials about the meaning of the term</p> <p>22 "similar location that does not correspond to a</p>	<p>1 MR. DODGE: If we could zoom in at</p> <p>2 the address bars at the top.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. Can you tell me who Krystine Ramon</p> <p>5 is?</p> <p>6 A. She was one of our staff attorneys</p> <p>7 that's recently departed.</p> <p>8 Q. Okay. But she used to be employed</p> <p>9 by your office?</p> <p>10 A. She did.</p> <p>11 Q. And you agree that at this time she</p> <p>12 was employed at your office, October 11th, 2021?</p> <p>13 A. She was.</p> <p>14 Q. Okay.</p> <p>15 MR. DODGE: If you could scroll</p> <p>16 down to the e-mail from Shannon Lackey to</p> <p>17 Ms. Ramon.</p> <p>18 BY MR. DODGE:</p> <p>19 Q. Do you know who Ms. Lackey is or</p> <p>20 Mr. Lackey?</p> <p>21 A. Yes. She's the Election</p> <p>22 Administrator in Randall County. Randall and</p>
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<p>1 residence"?</p> <p>2 A. Agree with that.</p> <p>3 Q. Okay.</p> <p>4 MR. DODGE: If we could pull back</p> <p>5 up Ms. Garcia's e-mail, which was Exhibit</p> <p>6 T, as in Taylor.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. Do you recall we were discussing</p> <p>9 her second question?</p> <p>10 A. That's right.</p> <p>11 Q. Okay. Do you think for purposes of</p> <p>12 Ms. Garcia's question that the text of Senate</p> <p>13 Bill 1111 is sufficiently clear for her to make</p> <p>14 a judgment about whether or not the address she</p> <p>15 is describing constitutes a similar location</p> <p>16 that does not correspond to a residence?</p> <p>17 A. Well, I think it is.</p> <p>18 Q. Okay.</p> <p>19 MR. DODGE: All right. If we could</p> <p>20 pull up Exhibit L, as in Larry.</p> <p>21 (Exhibit L, e-mail correspondence,</p> <p>22 is marked for identification.)</p>	<p>1 Potter County share Amarillo.</p> <p>2 Q. And Ms. Lackey is asking your</p> <p>3 office whether or not she can use existing</p> <p>4 confirmation notice forms after the enactment of</p> <p>5 Senate Bill 1111; is that right?</p> <p>6 A. That's right.</p> <p>7 MR. DODGE: If we could scroll back</p> <p>8 up to Ms. Ramon's response.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. Ms. Ramon responds, "Since SB 1111</p> <p>11 (87RS) took effect on September 1, 2021 it</p> <p>12 required a significant change to the address</p> <p>13 confirmation form. Therefore it is recommended</p> <p>14 that you use the new form because of the</p> <p>15 significant change."</p> <p>16 Do you know what significant change</p> <p>17 Ms. Ramon is referring to.</p> <p>18 A. Yes, it requires the text of</p> <p>19 1.015(b) on the form.</p> <p>20 Q. Do you agree that Senate Bill 1111</p> <p>21 required a significant change to the address</p> <p>22 confirmation forms?</p>

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<p>1 A. Well, it's significant enough that</p> <p>2 you can't use the old stock, I agree with that.</p> <p>3 Q. Okay.</p> <p>4 MR. DODGE: If we could pull back</p> <p>5 up Exhibit C, which is the text of</p> <p>6 SB 1111.</p> <p>7 If we could go to Page 2 and zoom</p> <p>8 in on Section 4.</p> <p>9 BY MR. DODGE:</p> <p>10 Q. Subsection (a) of Section 4 reads,</p> <p>11 "Not later than the 30th day after the date a</p> <p>12 confirmation notice is mailed, the voter shall</p> <p>13 submit to the registrar a written, signed</p> <p>14 response to the notice that confirms the voter's</p> <p>15 current residence. The response must contain:"</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. And the section then lists</p> <p>19 information the voter's response to the</p> <p>20 confirmation notice must contain; right?</p> <p>21 A. That's right.</p> <p>22 MR. DODGE: We could scroll down a</p>	<p>1 THE WITNESS: -- "residence,</p> <p>2 evidence of the voter's residence address</p> <p>3 as required by 15.054 or an indication</p> <p>4 that the voter is exempt from those</p> <p>5 requirements."</p> <p>6 BY MR. DODGE:</p> <p>7 Q. Okay. So looking at Subsection 2,</p> <p>8 it's correct that this provision of SB 1111</p> <p>9 requires all voters returning a confirmation</p> <p>10 notice to include a sworn affirmation of the</p> <p>11 voter's current residence; right?</p> <p>12 A. Agree with that.</p> <p>13 Q. And looking at Subsection 3, it's</p> <p>14 correct that that provision of Senate Bill 1111</p> <p>15 requires, quote, evidence of the voter's</p> <p>16 residence only from a particular group of</p> <p>17 voters; correct?</p> <p>18 A. Agreed.</p> <p>19 Q. So do you agree that Senate</p> <p>20 Bill 1111 created a distinction between certain</p> <p>21 groups of voters for purposes of confirming a</p> <p>22 voter's residential address?</p>
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<p>1 little bit.</p> <p>2 BY MR. DODGE:</p> <p>3 Q. The first requirement is that the</p> <p>4 response must include "all of the information</p> <p>5 that a person must include in an application to</p> <p>6 register to vote under Section 13.002."</p> <p>7 Did I get that right?</p> <p>8 A. You did.</p> <p>9 Q. And the second requirement is that</p> <p>10 the response include "a sworn affirmation of the</p> <p>11 voter's current residence as defined by</p> <p>12 Section 1.015."</p> <p>13 Did I read that correctly?</p> <p>14 A. You did.</p> <p>15 Q. And then if you could just read the</p> <p>16 third requirement for me.</p> <p>17 A. And [as read]: "If the voter's</p> <p>18 residence is a commercial post office box or</p> <p>19 similar location that does not correspond to a"</p> <p>20 --</p> <p>21 MR. DODGE: And if we could scroll</p> <p>22 to the next page, please.</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. We're getting close. I just</p> <p>3 have a couple more e-mails I'd like to go over.</p> <p>4 MR. DODGE: If we could pull up</p> <p>5 Exhibit V, as in Victor.</p> <p>6 (Exhibit V, e-mail correspondence,</p> <p>7 is marked for identification.)</p> <p>8 BY MR. DODGE:</p> <p>9 Q. If we look at the top here, this is</p> <p>10 an e-mail seemingly sent by you on September</p> <p>11 14th, 2021.</p> <p>12 Do you agree with that?</p> <p>13 A. That's right.</p> <p>14 Q. Any reason to believe that this</p> <p>15 e-mail was not sent by you?</p> <p>16 A. No.</p> <p>17 Q. Okay. And if we scroll down to the</p> <p>18 very bottom of this document, we should see an</p> <p>19 e-mail from a Kate Blifford to you and Katherine</p> <p>20 Longoria.</p> <p>21 MR. DODGE: Can you get the "To"</p> <p>22 line visible.</p>

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<p>1 Can we scroll up one page.</p> <p>2 Thank you.</p> <p>3 BY MR. DODGE:</p> <p>4 Q. At the bottom, you see -- you see</p> <p>5 that this is an e-mail from Ms. Blifford to you</p> <p>6 and Ms. Longoria?</p> <p>7 A. Agree with that.</p> <p>8 Q. Can you tell me who Ms. Blifford</p> <p>9 is?</p> <p>10 A. She is a person that is Director of</p> <p>11 Governmental Affairs apparently at the</p> <p>12 Department of Criminal Justice.</p> <p>13 Q. Okay. Can you tell me who</p> <p>14 Ms. Longoria is?</p> <p>15 A. I don't know. Looks like a staffer</p> <p>16 for Representative Fierro maybe.</p> <p>17 Q. And if we scroll back down to the</p> <p>18 substance of Ms. Blifford's e-mail, she says,</p> <p>19 "For those inmates who are legally able to vote</p> <p>20 (due to their case being on appeal), but are</p> <p>21 incarcerated within TDCJ, where do they register</p> <p>22 to vote (using what address/residence)?"</p>	<p>1 Q. Right. Okay. So it's correct that</p> <p>2 an inmate at a penal institution in Texas cannot</p> <p>3 establish residency at that penal institution;</p> <p>4 correct?</p> <p>5 A. Exactly. And so they need to use</p> <p>6 an address where they've got the right to</p> <p>7 inhabit.</p> <p>8 Q. Okay. And it's also the case,</p> <p>9 though, that an individual at a penal</p> <p>10 institution in Texas cannot use a previous</p> <p>11 residence as a home and fixed place of</p> <p>12 habitation unless the person inhabits the place</p> <p>13 at the time of designation and intends to</p> <p>14 remain; correct?</p> <p>15 A. Exactly. And so it could be that</p> <p>16 for that person inhabiting the place means</p> <p>17 that's where their -- that's where their clothes</p> <p>18 and things are that they're going to use when</p> <p>19 they get out of prison, that they're inhabiting</p> <p>20 it by keeping their stuff there. I don't know.</p> <p>21 Q. Did that person intend to remain at</p> <p>22 that address?</p>
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<p>1 Did I read that correctly?</p> <p>2 A. You did.</p> <p>3 Q. Then up top you'll see you</p> <p>4 responded to Ms. Blifford's e-mail.</p> <p>5 MR. DODGE: If we could go to the</p> <p>6 top of the document.</p> <p>7 BY MR. DODGE:</p> <p>8 Q. Could you read the first sentence</p> <p>9 of your response?</p> <p>10 A. "Difficult question especially in</p> <p>11 light of new law."</p> <p>12 Q. By "new law" you're referring to</p> <p>13 Senate Bill 1111?</p> <p>14 A. That's right.</p> <p>15 Q. Can you explain -- and take a</p> <p>16 moment to review it, but can you just explain to</p> <p>17 me how you responded and why you -- why you</p> <p>18 reached the conclusion you did in responding to</p> <p>19 Ms. Blifford's e-mail?</p> <p>20 A. Because the voters can't use a</p> <p>21 penal institution address as their voter</p> <p>22 registration address.</p>	<p>1 A. Well, that's the thing. At least</p> <p>2 for the duration of the incarceration.</p> <p>3 Q. So if someone were to have a life</p> <p>4 sentence, could they intend to remain at an</p> <p>5 address they lived at prior to their</p> <p>6 incarceration?</p> <p>7 A. Well, as you read in the question,</p> <p>8 the question is they're on appeal. So they</p> <p>9 still have the right to vote. If they have a</p> <p>10 final sentence, then they're not allowed to vote</p> <p>11 anymore. So they intend to remain at that</p> <p>12 address is because they're hoping their appeal</p> <p>13 is going to be successful.</p> <p>14 Q. Okay. But the provision also</p> <p>15 requires them to inhabit the place at the time</p> <p>16 of designation and --</p> <p>17 A. Right, if they can't inhabit the</p> <p>18 place with --</p> <p>19 Q. -- so --</p> <p>20 THE REPORTER: I'm sorry. One at a</p> <p>21 time, please.</p> <p>22 THE WITNESS: Okay.</p>

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<p>1 BY MR. DODGE:</p> <p>2 Q. Well, I'm just -- I'm trying to</p> <p>3 understand what -- what you admit is a difficult</p> <p>4 question, which is that the person at the time</p> <p>5 they choose to register an address must both</p> <p>6 inhabit the place at the time of designation and</p> <p>7 intend to remain.</p> <p>8 And, you know, if you could just</p> <p>9 explain more about how an inmate at a penal</p> <p>10 institution can inhabit a place that is not the</p> <p>11 penal institution and to intend to remain at</p> <p>12 that place at the time they register, I would</p> <p>13 appreciate it.</p> <p>14 A. Yeah, and it's like I said, they</p> <p>15 can't inhabit it with their -- with their</p> <p>16 personal body, but they can inhabit it with</p> <p>17 their stuff.</p> <p>18 Q. Okay. Any other difficult</p> <p>19 questions you've encountered as a result of</p> <p>20 Senate Bill 1111?</p> <p>21 A. No. The over-the-road truck</p> <p>22 drivers have a difficult situation as I've</p>	<p>1 to learning that a lawsuit had been filed</p> <p>2 challenging Senate Bill 1111?</p> <p>3 A. I was surprised that it didn't</p> <p>4 bring a Section 2 claim or under the Voting</p> <p>5 Rights Act or an NVR claim.</p> <p>6 Q. Do you think there's a basis for</p> <p>7 alleging a claim against Senate Bill 1111 under</p> <p>8 Section 2 of the Voting Rights Act of 1965?</p> <p>9 A. No, it would have been a bad claim,</p> <p>10 but I was surprised it wasn't made.</p> <p>11 Q. Can you tell me why you were</p> <p>12 surprised?</p> <p>13 A. Because they always make those</p> <p>14 claims.</p> <p>15 Q. Who's "they" in that sentence?</p> <p>16 A. The Plaintiffs, particularly, the</p> <p>17 Elias Group.</p> <p>18 Q. Is that the only reason you were</p> <p>19 surprised there wasn't a Section 2 claim?</p> <p>20 A. That's right.</p> <p>21 Q. Do you think there's a basis for</p> <p>22 alleging a claim under the National Voter</p>
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<p>1 mentioned before.</p> <p>2 Q. Okay.</p> <p>3 MR. DODGE: I think one final</p> <p>4 e-mail. If we could pull up Q, Exhibit Q.</p> <p>5 (Exhibit Q, e-mail correspondence,</p> <p>6 is marked for identification.)</p> <p>7 BY MR. DODGE:</p> <p>8 Q. Please take a minute to review this</p> <p>9 e-mail.</p> <p>10 You'll see at the top this is an</p> <p>11 e-mail sent by you at June 24th, 2021 at 10:07</p> <p>12 a.m. to Sonya Aston; is that right?</p> <p>13 A. That's correct.</p> <p>14 Q. The "Subject" line is "SB 1111</p> <p>15 Lawsuit"; right?</p> <p>16 A. That's right.</p> <p>17 Q. Do you recall if this e-mail was in</p> <p>18 reference to the lawsuit that brings us here</p> <p>19 today?</p> <p>20 A. It is.</p> <p>21 Q. Okay. And looking at this</p> <p>22 document, do you recall what your reaction was</p>	<p>1 Registration Act of 1993 against Senate</p> <p>2 Bill 1111?</p> <p>3 A. I do not.</p> <p>4 Q. Can you tell me why you were</p> <p>5 surprised then that an NVRA claim was not filed?</p> <p>6 A. Because, again, that's -- often</p> <p>7 would have been done. It would have been</p> <p>8 without a basis. It would have lost, but it</p> <p>9 could have been claimed.</p> <p>10 Q. Any other bases for challenging</p> <p>11 Senate Bill 1111 you're aware of?</p> <p>12 A. No, there's not any basis in your</p> <p>13 current lawsuit as filed.</p> <p>14 Q. Is that a legal conclusion?</p> <p>15 A. It is.</p> <p>16 Q. Okay. The second sentence in your</p> <p>17 e-mail reads, "And are they really trying to</p> <p>18 allege that folks have a First Amendment right</p> <p>19 to commit voter registration fraud in order to</p> <p>20 affect the outcome of an election?"</p> <p>21 Did I read that correctly?</p> <p>22 A. You did.</p>

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<p style="text-align: right;">Page 261</p> <p>1 Q. Okay. So setting aside Senate 2 Bill 1111 for a moment, if a person moves from 3 Dallas to San Antonio to volunteer on a friend's 4 election campaign, do you agree that would 5 constitute trying to affect the outcome of an 6 election? 7 MR. HUDSON: Objection, asked and 8 answered. 9 THE WITNESS: I do. And, again, we 10 went over this in detail before. They've 11 got the right to live anywhere they want 12 for any reason they want. 13 They do not have the right to 14 register or vote where they don't live so 15 that they can effect the outcome of an 16 election. 17 BY MR. DODGE: 18 Q. All right. I just want to be 19 clear, this question was asking that as a 20 general question and not in the context of 21 Senate Bill 1111. 22 You understood that; right?</p>	<p style="text-align: right;">Page 263</p> <p>1 MR. HUDSON: Objection, calls for 2 legal conclusion. 3 BY MR. DODGE: 4 Q. Okay. All right. A few final 5 questions. 6 We've reviewed some e-mails from 7 your office today. Do you know how those were 8 collected? 9 A. I don't. 10 Q. Do you know who collected -- 11 collected them and searched for them? 12 A. I don't. 13 Q. Do you know whose -- 14 A. And I presume Adam Bitter along 15 with the IT Department. 16 Q. Okay. Do you know whose e-mail 17 addresses were searched for those e-mails? 18 A. I don't -- I don't think they 19 searched by e-mail address. I think they 20 searched by term in all of the e-mail addresses. 21 Q. So your understanding is they 22 searched within the e-mail accounts for all</p>
<p style="text-align: right;">Page 262</p> <p>1 A. I understand. 2 Q. Okay. Would moving from Dallas to 3 San Antonio to volunteer on a friend's election 4 campaign constitute a form of voter registration 5 fraud? 6 A. It would not. 7 Q. Would moving from Dallas to San 8 Antonio to volunteer on a friend's election 9 campaign constitute conduct protected by the 10 First Amendment to the United States 11 Constitution? 12 MR. HUDSON: Objection, form, calls 13 for legal conclusion. 14 THE WITNESS: Yeah, I don't know -- 15 moving generally is not -- does not 16 implicate the First Amendment. You can 17 move for whatever reason you want to move. 18 BY MR. DODGE: 19 Q. Does going somewhere to volunteer 20 on a political campaign implicate the First 21 Amendment? 22 A. I don't think so.</p>	<p style="text-align: right;">Page 264</p> <p>1 members of the Election Division? 2 A. Right. 3 Q. Okay. And do you know if anyone 4 searched for documents in any databases besides 5 e-mail accounts? 6 A. Well, I don't know what the 7 document requests are and so I certainly don't 8 know what was done to look for those documents. 9 But if they -- if they needed to look in other 10 places, they would have. 11 Q. But to your knowledge they did not? 12 A. That is not what I said, sir. 13 Please. If they needed to, they did. 14 Q. Okay. Well, I just want to 15 understand what was done to search for 16 documents. 17 To your knowledge, did anyone 18 search for documents in document storage 19 databases besides e-mail accounts? 20 A. Again, I don't know what the 21 requests are so I don't know where they looked. 22 They looked in all the appropriate places where</p>

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<p>1 documents that might be responsive could be</p> <p>2 found.</p> <p>3 Q. Okay.</p> <p>4 MR. DODGE: Please mark the</p> <p>5 question as -- as not responsive to my</p> <p>6 question.</p> <p>7 (Record marked.)</p> <p>8 BY MR. DODGE:</p> <p>9 Q. And I'll try it one more time.</p> <p>10 To your knowledge, yes or no, do</p> <p>11 you know if anyone looked for documents</p> <p>12 responsive to our requests in any databases</p> <p>13 besides e-mail accounts?</p> <p>14 MR. HUDSON: Objection, asked and</p> <p>15 answered.</p> <p>16 Objection, argumentative.</p> <p>17 THE WITNESS: Do you want me to go</p> <p>18 off the -- off the record and find out? I</p> <p>19 can get an answer to your question very</p> <p>20 easily.</p> <p>21 MR. HUDSON: Well --</p> <p>22 BY MR. DODGE:</p>	<p>1 searched for; and if you want me to get a</p> <p>2 specific list of the locations, I would be happy</p> <p>3 to do so.</p> <p>4 Q. What is your basis for the</p> <p>5 conclusion that documents were searched for in</p> <p>6 all databases where they needed to be searched</p> <p>7 for?</p> <p>8 A. Because that's what we do, we</p> <p>9 respond to document requests comprehensively.</p> <p>10 Q. Okay. Are you aware of any</p> <p>11 documents produced from your office that are not</p> <p>12 e-mails?</p> <p>13 A. Yes.</p> <p>14 Q. Can you identify one?</p> <p>15 A. The election advisory you flashed</p> <p>16 up here earlier.</p> <p>17 MR. DODGE: Can we pull up Exhibit</p> <p>18 F.</p> <p>19 BY MR. DODGE:</p> <p>20 Q. Do you see in the lower right-hand</p> <p>21 corner there's a Bate Stamp reading OAG-000853?</p> <p>22 A. Okay.</p>
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<p>1 Q. All I want is your knowledge. I</p> <p>2 don't need a categorical answer one way or the</p> <p>3 other.</p> <p>4 A. Well, I'm here as 30(b)(6), aren't</p> <p>5 I?</p> <p>6 MR. HUDSON: Yeah, well, hold on.</p> <p>7 If you're asking for Keith Ingram's</p> <p>8 knowledge, I'm going to object to outside</p> <p>9 the scope of the deposition. He's already</p> <p>10 provided you the answer on behalf of the</p> <p>11 Office of the Secretary of State.</p> <p>12 So, again, object as to form,</p> <p>13 argumentative. Form, asked and answered.</p> <p>14 BY MR. DODGE:</p> <p>15 Q. Okay. So in your capacity as a</p> <p>16 Rule 30(b)(6) Witness here today on behalf of</p> <p>17 the Secretary of State's Office, you are not</p> <p>18 able to categorically state one way or the other</p> <p>19 whether or not documents were searched for</p> <p>20 outside of e-mail databases; is that right?</p> <p>21 A. Again, my answer is that documents</p> <p>22 were searched for wherever they needed to be</p>	<p>1 Q. Would you accept my representation</p> <p>2 that this document was produced to us by the</p> <p>3 Office of the Attorney General and not by the</p> <p>4 Secretary of State's Office?</p> <p>5 A. I don't know who it was produced</p> <p>6 by, but I know it's our document that you've</p> <p>7 got.</p> <p>8 Q. But it didn't come from your</p> <p>9 office; correct?</p> <p>10 A. It did come from our office. This</p> <p>11 is our advisory.</p> <p>12 Q. This document was not produced by</p> <p>13 your office in response to our subpoena</p> <p>14 requests; correct?</p> <p>15 A. It doesn't look like it. It looks</p> <p>16 like it predates that.</p> <p>17 Q. Okay. Are you aware of any</p> <p>18 documents besides e-mails that were produced in</p> <p>19 response to our subpoena requests?</p> <p>20 A. I don't know what documents were</p> <p>21 produced in response to the subpoena. I can</p> <p>22 find out. Do you want me to find out?</p>

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<p style="text-align: right;">Page 269</p> <p>1 MR. DODGE: Well, let's go off the</p> <p>2 record briefly.</p> <p>3 THE WITNESS: Was that part of the</p> <p>4 document -- was that part of the topics we</p> <p>5 were --</p> <p>6 MR. HUDSON: We're not going to --</p> <p>7 we're not going to talk on the record.</p> <p>8 MR. DODGE: Yeah, why don't we go</p> <p>9 off the record for a second.</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 1:11 --</p> <p>12 THE REPORTER: Wait a minute. Wait</p> <p>13 a minute.</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 1:11 --</p> <p>16 THE REPORTER: Excuse me. Are we</p> <p>17 agreed to go off the record?</p> <p>18 MR. HUDSON: No, we're not.</p> <p>19 MR. DODGE: Okay. Well, in that</p> <p>20 case, I'm going to ask one final time</p> <p>21 if we're not going to go off the record.</p> <p>22 BY MR. DODGE:</p>	<p style="text-align: right;">Page 271</p> <p>1 Are you suggesting we don't have</p> <p>2 the documents? Do you want me to get a</p> <p>3 list of custodians?</p> <p>4 Because, you know, quite honestly,</p> <p>5 we had another deposition that was</p> <p>6 supposed to start 15 minutes ago on the</p> <p>7 basis that during our meet and confer you</p> <p>8 all agreed that we could get both of these</p> <p>9 done, one in the morning and one in the</p> <p>10 afternoon.</p> <p>11 We spent 15 minutes earlier going</p> <p>12 over e-mails about whether a webinar was</p> <p>13 handled on the 7th or 9th of September for</p> <p>14 15 minutes.</p> <p>15 We're now going back and forth</p> <p>16 about whether someone did or did not</p> <p>17 search a particular e-mail inbox for a</p> <p>18 non-party who received a Rule 45 subpoena.</p> <p>19 So I'm more than happy to go off</p> <p>20 the record, but I've also got an e-mail</p> <p>21 here that I just received from your</p> <p>22 co-counsel suggesting that we're supposed</p>
<p style="text-align: right;">Page 270</p> <p>1 Q. Sitting here today, as a Rule</p> <p>2 30(b)(6) Witness on behalf of the Secretary of</p> <p>3 State's Office, are you aware of any documents</p> <p>4 produced by your office in response to our</p> <p>5 document requests in the subpoena to your office</p> <p>6 that are not e-mails?</p> <p>7 MR. HUDSON: Objection, asked and</p> <p>8 answered.</p> <p>9 THE WITNESS: Yeah, I don't know</p> <p>10 what was -- what was produced. I can find</p> <p>11 out if you want me to.</p> <p>12 BY MR. DODGE:</p> <p>13 Q. Would finding out require us to go</p> <p>14 off the record?</p> <p>15 A. It would.</p> <p>16 Q. Does your counsel consent to go off</p> <p>17 the record?</p> <p>18 MR. HUDSON: Well, let's talk about</p> <p>19 what we're doing here. I mean, are we</p> <p>20 really arguing over e-mails? Or I guess</p> <p>21 I'm trying to figure out what you're</p> <p>22 trying to do.</p>	<p style="text-align: right;">Page 272</p> <p>1 to start the second deposition at 1:30.</p> <p>2 So I'll do whatever you want to do,</p> <p>3 but I want to make sure that I understand</p> <p>4 and that you understand on the record that</p> <p>5 the way that you're using your time is</p> <p>6 impacting the second deposition that we</p> <p>7 had set for 1:00.</p> <p>8 MR. DODGE: But do you think I'm</p> <p>9 not within my rights to ask about whether</p> <p>10 or not you've complied with our subpoena</p> <p>11 requests?</p> <p>12 MR. HUDSON: You can ask whatever</p> <p>13 you want. I'm telling you --</p> <p>14 MR. DODGE: This is the last</p> <p>15 question I have to this Witness, but this</p> <p>16 Witness is not answering the question.</p> <p>17 Do you agree with that?</p> <p>18 MR. HUDSON: Well, this -- I</p> <p>19 believe he's answered it several times.</p> <p>20 You may not like the answer, but he has</p> <p>21 answered.</p> <p>22 MR. DODGE: His answer is that he</p>

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<p>1 needs to go off the record to find 2 information to answer the question. 3 MR. HUDSON: Okay. So file a 4 Motion To Compel and say that he wasn't 5 adequately prepared to answer your 6 question. That's your relief, not to make 7 us go dig up things. 8 If you would like to come to some 9 agreement about when we're going to start 10 the second deposition, we can do that. 11 But I'm not going to be in a position 12 where you're trying to start another 13 deposition at 1:30 and we're arguing over 14 something that really has no bearing on 15 the merits of the case. 16 MR. DODGE: All right. Well -- 17 MR. HUDSON: If you think that 18 we're somehow hiding something from you, 19 we can have a meet and confer about that. 20 That said, it seems like the real 21 problem here is you want some sort of 22 finely articulated detail about every</p>	<p>1 e-mails? 2 A. As I sit here at this moment, I 3 don't know the answer to that question. I know 4 that our office searched whatever they needed to 5 search to be responsive to the document request. 6 If that included databases that aren't e-mails, 7 then they were searched. 8 MR. HUDSON: And just for the 9 record, I would also add that we sent 10 objections to opposing counsel concerning 11 the scope of the deposition and the scope 12 of the document requests, and pointed out 13 that all publicly available documents we 14 objected to because we don't believe we 15 have the obligation to go pull all 16 publicly available documents and produce 17 them to you. 18 So, for example, the current 19 exhibit that is on the screen, which is a 20 copy of the Texas Secretary of State's 21 Elections Advisory doesn't need to come 22 both from the OAG and the SOS, because not</p>
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<p>1 place that was searched for documents. 2 If you want to go off the record -- 3 MR. DODGE: I just want to know if 4 you searched for any -- 5 THE REPORTER: Okay. One at a 6 time. One at a -- I'm sorry. One at a 7 time. 8 MR. DODGE: I just want to know if 9 documents were searched for that weren't 10 e-mails, that's it. 11 MR. HUDSON: Okay. 12 MR. DODGE: I think my question was 13 pretty clear about that. 14 MR. HUDSON: Ask that question. 15 MR. DODGE: Okay. I'll ask that 16 question. 17 You want to go back on the record? 18 THE REPORTER: We're on the record. 19 MR. DODGE: Oh, right. 20 BY MR. DODGE: 21 Q. Did your office search for any 22 e-mails -- for any documents that are not</p>	<p>1 only do you have a copy from OAG, it's 2 also publicly available on the 3 public-facing website of the Texas 4 Secretary of State's Office, as are the 5 webinars, as are the Frequently Asked 6 Questions, as are all publicly facing 7 guidance documents from the Texas 8 Secretary of State's Office. So -- 9 MR. DODGE: Okay. I'll note for 10 the record that the Witness's testimony 11 was that the webinar is no longer on line. 12 But I have no further questions. 13 And, Eric, I don't know if you have 14 anything, but otherwise, I'm glad to let 15 you go and I hope you're able to get some 16 lunch. 17 MR. HUDSON: I am as well. 18 I guess we can go ahead and go off 19 the record and discuss -- well, actually, 20 let's stay on the record for a moment. 21 Well, what time are you all 22 planning on starting? Because I think I'm</p>

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<p style="text-align: right;">Page 277</p> <p>1 not going to be able to start probably</p> <p>2 until 2:15.</p> <p>3 MR. DODGE: Let me...</p> <p>4 (Pause.)</p> <p>5 MR. DODGE: I think that's fine</p> <p>6 with us.</p> <p>7 MR. HUDSON: Thank you.</p> <p>8 We'll reserve.</p> <p>9 MR. DODGE: Okay.</p> <p>10 All right. Thank you for your</p> <p>11 time --</p> <p>12 THE VIDEOGRAPHER: This --</p> <p>13 MR. DODGE: -- Mr. Ingram, and I</p> <p>14 hope you have a nice weekend.</p> <p>15 THE REPORTER: We're not off yet.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 THE VIDEOGRAPHER: Okay. This</p> <p>18 concludes for today's deposition. The</p> <p>19 date is April 29th, 2022. The time is</p> <p>20 1:16 p.m. We are now off the record.</p> <p>21 (Off the record from 1:16 p.m. to</p> <p>22 1:18 p.m.)</p>	<p style="text-align: right;">Page 279</p> <p>1 CERTIFICATE</p> <p>2 I, Debra Sapio Lyons, a Registered</p> <p>3 Diplomat Reporter, a Certified Realtime</p> <p>4 Reporter, a Certified Realtime Captioner, an</p> <p>5 Approved Reporter of the United States</p> <p>6 District Court for the Eastern District of</p> <p>7 Pennsylvania, a Certified Court Reporter for</p> <p>8 the State of New Jersey; and Notary Public do</p> <p>9 hereby certify:</p> <p>10 That Brian Keith Ingram, the witness whose</p> <p>11 deposition is hereinbefore set forth, appeared</p> <p>12 remotely via Zoom videoconference, was</p> <p>13 remotely sworn by me and that such deposition</p> <p>14 is a true record of the testimony given by</p> <p>15 such witness, to the best of my ability and</p> <p>16 thereafter reduced to typewriting under my</p> <p>17 direction.</p> <p>18 I further certify that I am not related to</p> <p>19 any of the parties to this action by blood or</p> <p>20 marriage and that I am in no way interested in</p> <p>21 the outcome of the matter.</p> <p>22 In witness whereof, I have hereunto set my</p> <p>hand this 3rd day of May, 2022.</p> <p style="text-align: center;">_____ DEBRA SAPIO LYONS CRR, RDR, CRC, CCR, CPE</p>
<p style="text-align: right;">Page 278</p> <p>1 THE VIDEOGRAPHER: Okay. The time</p> <p>2 is 1:18 p.m. We are now on the record.</p> <p>3 MR. HUDSON: Sure. We're coming</p> <p>4 back on the record just so -- I forgot at</p> <p>5 the end, we need to request a read and</p> <p>6 sign copy under the Federal Rules of Civil</p> <p>7 Procedure.</p> <p>8 That's it.</p> <p>9 THE VIDEOGRAPHER: Okay. The time</p> <p>10 is 1:18 p.m. and we are now off the</p> <p>11 record.</p> <p>12 (Time noted: 1:18 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 280</p> <p>1 Brian Keith Ingram 30(b)(6), c/o</p> <p>2 OFFICE OF THE ATTORNEY GENERAL OF TEXAS</p> <p>3 P.O. Box 12548 (MC-009)</p> <p>4 Austin, Texas 78711-2548</p> <p>5</p> <p>6 Case: Texas State LULAC, et al., v. Bruce Elfant, et al.</p> <p>7 Date of deposition: April 29, 2022</p> <p>8 Deponent: Brian Keith Ingram 30(b)(6)</p> <p>9</p> <p>10 Please be advised that the transcript in the above</p> <p>11 referenced matter is now complete and ready for signature.</p> <p>12 The deponent may come to this office to sign the transcript,</p> <p>13 a copy may be purchased for the witness to review and sign,</p> <p>14 or the deponent and/or counsel may waive the option of</p> <p>15 signing. Please advise us of the option selected.</p> <p>16 Please forward the errata sheet and the original signed</p> <p>17 signature page to counsel noticing the deposition, noting the</p> <p>18 applicable time period allowed for such by the governing</p> <p>19 Rules of Procedure. If you have any questions, please do</p> <p>20 not hesitate to call our office at (202)-232-0646.</p> <p>21</p> <p>22 Sincerely,</p> <p>Digital Evidence Group</p> <p>Copyright 2022 Digital Evidence Group</p> <p>Copying is forbidden, including electronically, absent</p> <p>express written consent.</p>

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SIGNATURE PAGE

Case: Texas State LULAC, et al., v. Bruce Elfant, et al.

Witness Name: Brian Keith Ingram 30(b)(6)

Deposition Date: April 29, 2022

6 I do hereby acknowledge that I have read
 7 and examined the foregoing pages
 8 of the transcript of my deposition and that:

(Check appropriate box):

9 () The same is a true, correct and
 10 complete transcription of the answers given by
 11 me to the questions therein recorded.

12 () Except for the changes noted in the
 13 attached Errata Sheet, the same is a true,
 14 correct and complete transcription of the
 15 answers given by me to the questions therein
 16 recorded.

DATE_____
WITNESS SIGNATURE_____
DATE_____
NOTARY

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ERRATA SHEET

Case: Texas State LULAC, et al., v. Bruce Elfant, et al.

Witness Name: Brian Keith Ingram 30(b)(6)

Deposition Date: April 29, 2022

Page No. Line No. Change

Signature_____
Date

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Texas State LULAC, et al., v. Bruce Elfant, et al.

Isabel Longoria 30(b)(6)

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</p> <p>-----X</p> <p>TEXAS STATE LULAC, : VOTO LATINO, : Plaintiffs, : : vs. : : BRUCE ELFANT, in his official : Case No. capacity as the Travis : County Tax Assessor-Collector, : 1:21-cv-00546-LY Administrator, et al., : : Defendants, : : and KEN PAXTON, in his : official capacity as Attorney : General of Texas, et al., : : Intervenor-Defendants. : -----X</p> <p style="text-align: center;">VIRTUAL VIDEOTAPED DEPOSITION OF HARRIS COUNTY 30(b)(6) REPRESENTATIVE ISABEL LONGORIA Thursday, April 14, 2022 9:10 a.m. Central Daylight Time</p> <p>REPORTER: Dawn A. Jaques, CSR, CLR</p> <hr/> <p style="text-align: center;">DIGITAL EVIDENCE GROUP 1730 M Street, NW, Suite 812 Washington, D.C. 20036 (202) 232-0646</p>	<p style="text-align: center;">Page 3</p> <p>1 APPEARANCES (Continued): 2 On behalf of the witness and Harris County: 3 TIFFANY S. BINGHAM, ESQ. 4 SAMEER S. BIRRING, ESQ. 5 HEENA KEPADIA, ESQ. 6 SUSANNAH MITCHAM, ESQ. 7 CHRISTINA BEELER, ESQ. 8 Office of the Harris County Attorney 9 1019 Congress Avenue, 15th Floor 10 Houston, Texas 77002 11 PHONE: (713) 274-5132 (Mr. Bingham) 12 (713) 274-5142 (Mr. Birring) 13 (713) 274-4390 (Ms. Kepadia) 14 (713) 274-5334 (Ms. Mitcham) 15 (713) 274-5345 (Ms. Beeler) 16 EMAIL: tiffany.bingham@cao.hctx.net 17 sameer.birring@cao.hctx.net 18 henna.kepadia@cao.hctx.net 19 susannah.mitcham@cao.hctx.net 20 christine.beeler@cao.hctx.net 21 22</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: 2 On behalf of Plaintiffs, Texas State LULAC and Voto Latino: 3 CHRISTOPHER D. DODGE, ESQ. MICHAEL JONES, ESQ. 4 Elias Law Group LLP 10 G Street, NE, Suite 600 5 Washington, D.C. 20002 PHONE: (202) 987-4928 6 EMAIL: cdodge@elias.law mjones@elias.law 7 8 On behalf of the State Intervenor: ERIC ALAN HUDSON, ESQ. 9 Office of the Texas Attorney General P.O. Box 12548 (MC-009) 10 Austin, Texas 78711-2548 209 West 14th Street 11 Austin, Texas 78701 PHONE: (512) 936-1414 12 EMAIL: eric.hudson@oag.texas.gov 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: center;">Page 4</p> <p>1 APPEARANCES (Continued): 2 On behalf of Defendant Bruce Elfant (Travis County): 3 CYNTHIA VEIDT, ESQ. Assistant County Attorney 4 Travis County Attorney's Office State Court Team, Legal Division 5 P.O. Box 1748 Austin, Texas 78767 6 PHONE: (512) 854-2911 EMAIL: cynthia.veidt@traviscountytexas.gov 7 8 On behalf of Yvonne Ramón (Hidalgo County Elections Administrator): 9 JOSEPHINE RAMIREZ SOLIS, ESQ. Assistant Criminal District Attorney 10 Chief - Civil Division Office of Criminal District Attorney 11 100 E. Cano Edinburg, Texas 78539 12 PHONE: (956) 292-7609 josephine.ramirez@da.co.hidalgo.tx.us 13 14 On behalf of Intervenor-Defendants Lupe Torres Medina County Elections Administrator) and Terrie 15 Pendley (Real County Tax Assessor-Collector): MUNERA AL-FUHAID, ESQ. 16 Texas Public Policy Foundation 901 Congress Avenue 17 Austin, Texas 78701 PHONE: (512) 472-2700 18 EMAIL: mal-fuhaid@texaspolicy.com 19 20 21 22</p>

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<p>1 APPEARANCES (Continued):</p> <p>2 On behalf of Defendant Jacquelyn Callanen (Bexar</p> <p>3 County Elections Administrator):</p> <p>4 JOSÉ E. HERRERA, ESQ.</p> <p>5 Assistant District Attorney</p> <p>6 Civil Division</p> <p>7 101 W. Nueva Street, 7th Floor</p> <p>8 San Antonio, Texas 78205</p> <p>9 PHONE: (210) 335-2142</p> <p>10 EMAIL: jose.herrera@bexar.org</p> <p>11</p> <p>12 APPEARANCES (Continued):</p> <p>13 VIDEOGRAPHER AND EXHIBIT TECHNICIAN:</p> <p>14 Billy Fahnert, Digital Evidence Group</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 INDEX (Continued)</p> <p>2 E-X-H-I-B-I-T-S</p> <p>3 EXHIBITS MARKED DURING PLAINTIFF'S EXAMINATION</p> <p>4 EXHIBIT: PAGE:</p> <p>5 Exhibit G Voter Registration Address</p> <p>Confirmation form</p> <p>6 LONGORIA - 00097 through 00098 107</p> <p>7 Exhibit H Notice to Confirm Voter</p> <p>Registration Address</p> <p>8 LONGORIA - 00092 110</p> <p>9 Exhibit I Notice to Confirm Voter</p> <p>Registration Address by</p> <p>10 Providing Documentation</p> <p>LONGORIA - 00093 through 00094 113</p> <p>11</p> <p>12</p> <p>13 INTERVENOR DEFENDANT EXHIBITS</p> <p>14 EXHIBIT: PAGE:</p> <p>15 Exhibit 1 Complaint for Declaratory and</p> <p>Injunctive Relief (20 pages) 122</p> <p>16 Exhibit 2 August 31, 2021, Memorandum</p> <p>from Keith Ingram to County</p> <p>17 Chairs, County Election</p> <p>Officials, and County Judges</p> <p>18 RE: NEW LAW SB 1111</p> <p>(No Bates) (3 pages) 135</p> <p>19 Exhibit 3 Sworn Statement/Affidavit of</p> <p>20 Alan D. Vera</p> <p>21 LONGORIA - 00005 through 00068 164</p> <p>22</p>
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<p>1 I-N-D-E-X</p> <p>2 WITNESS: PAGE:</p> <p>3 ISABEL LONGORIA</p> <p>4 Examination by Mr. Dodge 11, 196</p> <p>5 Examination by Mr. Hudson 122, 202</p> <p>6</p> <p>7 E-X-H-I-B-I-T-S</p> <p>8 EXHIBITS MARKED DURING PLAINTIFF'S EXAMINATION</p> <p>9 EXHIBIT: PAGE:</p> <p>10 Exhibit A Plaintiff's Amended Notice of</p> <p>Deposition of Intervenor-</p> <p>11 Defendant Isabel Longoria 22</p> <p>12 Exhibit B Senate Bill 1111</p> <p>(No Bates numbers) (6 pages) 48</p> <p>13 Exhibit C August 31, 2021, Election</p> <p>Advisory 2021-10, RE: SB-1111</p> <p>14 LONGORIA-00087 through 00091 50</p> <p>15 Exhibit D Texas Voter Registration</p> <p>Application</p> <p>16 (No Bates) (1 page) 80</p> <p>17 Exhibit E PowerPoint, "SB 1111 and the</p> <p>Address Confirmation Process"</p> <p>18 Election Law Seminar</p> <p>September 2021</p> <p>19 (No Bates) (17 pages) 93</p> <p>20 Exhibit F Voter Registration Address</p> <p>Confirmation form</p> <p>21 LONGORIA - 00085 through 00086 104</p> <p>22</p>	<p>1 INDEX (Continued)</p> <p>2 E-X-H-I-B-I-T-S</p> <p>3 INTERVENOR DEFENDANT EXHIBITS</p> <p>4 EXHIBIT: PAGE:</p> <p>5 Exhibit 4 Voter Registration Residency</p> <p>Challenge, Affidavit of</p> <p>6 Alan D. Vera</p> <p>LONGORIA - 00069 through 00080 168</p> <p>7 Exhibit 5 SB-1111 redline version</p> <p>(No Bates) (6 pages) 172</p> <p>8 Exhibit 6 House Journal, 80th Legislature,</p> <p>Proceedings from Monday,</p> <p>9 April 23, 2007, page 2224</p> <p>(No Bates) (2 pages) 176</p> <p>10 Exhibit 7 April 25, 2019, New York Times</p> <p>article, "South Texas Mayor is</p> <p>11 Arrested on Election Fraud</p> <p>Charges, Fueling Bitter</p> <p>12 Political Fight"</p> <p>(No Bates) (3 pages) 179</p> <p>13 Exhibit 8 Grand Jury Indictment</p> <p>RE: Ricardo Molina</p> <p>14 (No Bates) (6 pages) 182</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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<p>1 INDEX (Continued)</p> <p>2</p> <p>3 EXHIBITS ENTERED INTO THE RECORD BY</p> <p>4 COUNSEL FOR ISABEL LONGORIA AND HARRIS COUNTY</p> <p>5</p> <p>6 (Documents verbally entered on the record by</p> <p>7 Tiffany Bingham at page 205)</p> <p>8</p> <p>9 1) Defendant Isabel Longoria's Objections</p> <p>10 to Intervenor-defendant Ken Paxton's Cross-notice</p> <p>11 of Intent to Take Oral and Videotaped Deposition</p> <p>12 of Isabel Longoria, Pursuant to Rule 30(b)(6)</p> <p>13</p> <p>14 2) Defendant Isabel Longoria's Objections</p> <p>15 to Plaintiffs' Amended Notice of Taking Deposition</p> <p>16 of Intervenor-defendant Isabel Longoria Pursuant</p> <p>17 to Federal Rule of Civil Procedure 30(b)(6)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 Whereupon,</p> <p>2 ISABEL LONGORIA,</p> <p>3 was called as a witness, after having been</p> <p>4 first duly sworn by the Notary Public,</p> <p>5 was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS</p> <p>7 BY MR. DODGE:</p> <p>8 Q Good morning, Ms. Longoria.</p> <p>9 How are you?</p> <p>10 A Good morning, good.</p> <p>11 Q My name is Chris Dodge. I'm an</p> <p>12 attorney for Plaintiffs, Texas LULAC and</p> <p>13 Voto Latino in this matter. The videographer</p> <p>14 already noted this, but I'll just note for the</p> <p>15 record that a number of other attorneys are also</p> <p>16 present and have stated their appearances on the</p> <p>17 stenographic record.</p> <p>18 I want to begin just with some basics.</p> <p>19 Could you please state and spell your full name</p> <p>20 for the record?</p> <p>21 A My name is Isabel Longoria, and that</p> <p>22 is spelled I-S-A-B-E-L, Longoria is</p>
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<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are on the</p> <p>3 record. This is the remote video deposition of</p> <p>4 Isabel Longoria, in the matter of Texas State</p> <p>5 LULAC Voto Latino vs. Bruce Elfant, et al., in the</p> <p>6 United States District Court, Western District of</p> <p>7 Texas, Austin Division.</p> <p>8 My name is Billy Fahnert; I am the</p> <p>9 video technician today. The court reporter is</p> <p>10 Dawn Jaques. We are here on behalf of Digital</p> <p>11 Evidence Group. Today's date is April 14th, 2022.</p> <p>12 The time is 9:10 a.m. Central Daylight Time.</p> <p>13 All parties have stipulated to the</p> <p>14 witness being sworn in remotely. Counsel has been</p> <p>15 noted on the stenographic record, and the court</p> <p>16 reporter may now swear in the witness.</p> <p>17 THE REPORTER: Ms. Longoria, if you'll</p> <p>18 raise your right hand to be sworn, please.</p> <p>19</p> <p>20 (The witness was administered the oath.)</p> <p>21</p> <p>22</p>	<p>1 L-O-N-G-O-R-I-A.</p> <p>2 Q Could you please provide your business</p> <p>3 address?</p> <p>4 A 1001 Preston, Houston, Texas 77002,</p> <p>5 Fourth Floor.</p> <p>6 Q Have you ever been deposed before?</p> <p>7 A Yes.</p> <p>8 Q How many times?</p> <p>9 A Once.</p> <p>10 Q Okay. And in what case?</p> <p>11 A A case I had against the State of</p> <p>12 Texas regarding Senate Bill 1.</p> <p>13 Q Understood. And that matter involved</p> <p>14 issues pertaining to the Texas Election Code; is</p> <p>15 that correct?</p> <p>16 A Correct.</p> <p>17 Q Have you ever been a party to a</p> <p>18 lawsuit before?</p> <p>19 A Yes.</p> <p>20 Q And is that the same case regarding</p> <p>21 SB-1?</p> <p>22 A I would say a variety of lawsuits in</p>

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<p>1 my capacity as Elections Administrator regarding</p> <p>2 the various election functions.</p> <p>3 Q I see. So you've been a party in a</p> <p>4 number of lawsuits?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. And do you know roughly how</p> <p>7 many?</p> <p>8 A I can't remember the exact number</p> <p>9 right now, no.</p> <p>10 Q That's okay. Okay, as we get going,</p> <p>11 I'm just going to take a few minutes now to cover</p> <p>12 some basics about how this deposition will</p> <p>13 operate. I suspect you're somewhat familiar with</p> <p>14 it, having been deposed before.</p> <p>15 This is a remote deposition. I am not</p> <p>16 in the room with you. Your deposition is being</p> <p>17 recorded, and as we are all -- and all of us are</p> <p>18 participating in this deposition through</p> <p>19 videoconferencing technology.</p> <p>20 Because this deposition is taking</p> <p>21 place remotely, I ask you to please do your best</p> <p>22 to turn off any email or cell phone notifications</p>	<p>1 Is that understood?</p> <p>2 A Yes, sir.</p> <p>3 Q Great, thank you.</p> <p>4 Is anyone else present in the room</p> <p>5 with you?</p> <p>6 A No, sir.</p> <p>7 Q Because the deposition is occurring</p> <p>8 remotely, I may not be able to see what you have</p> <p>9 in front of you or who may enter the room while</p> <p>10 you're testifying, but you understand that it</p> <p>11 would not be appropriate for your attorney or</p> <p>12 anyone else to tell you how to answer a particular</p> <p>13 question I ask; is that right?</p> <p>14 A Yes, sir.</p> <p>15 Q Do you agree that while you're</p> <p>16 testifying today, you will not exchange</p> <p>17 communications by any means about how to answer</p> <p>18 the questions I ask?</p> <p>19 A Other than if I need to ask my</p> <p>20 attorney for advice about a client privilege or</p> <p>21 some other matter, correct, I won't ask about how</p> <p>22 to answer the question.</p>
Page 14	Page 16
<p>1 while the deposition is occurring.</p> <p>2 And could you please let me know what</p> <p>3 address you're located at for the deposition?</p> <p>4 A To confirm, email is shut off, phones</p> <p>5 are away, and I am at the 1001 Preston office,</p> <p>6 which is the same business address I provided</p> <p>7 earlier.</p> <p>8 Q Great, thank you. I appreciate that.</p> <p>9 Could you please let me know what</p> <p>10 device you are using to participate in the</p> <p>11 deposition?</p> <p>12 A My work laptop.</p> <p>13 Q And do you have any other screens open</p> <p>14 on your laptop?</p> <p>15 A No, sir.</p> <p>16 Q Do you have any other documents in</p> <p>17 front of you, either hard copies or electronic?</p> <p>18 A No, sir.</p> <p>19 Q Please don't refer to any documents</p> <p>20 during the course of this deposition unless I</p> <p>21 instruct you to do so, and the videographer will</p> <p>22 put them on your screen for you when needed.</p>	<p>1 Q Okay, thank you.</p> <p>2 I also please ask that you keep your</p> <p>3 microphone on while we're on the record. In</p> <p>4 addition to your microphone, my microphone and</p> <p>5 your attorney's microphones will also be on while</p> <p>6 we're making the record, but everyone else's</p> <p>7 should be muted when they're not speaking.</p> <p>8 During the deposition, I will ask you</p> <p>9 questions, and as you answer them, the court</p> <p>10 reporter will be taking down my questions and your</p> <p>11 answers. Your answers need to be audible to</p> <p>12 ensure that an accurate record of the deposition</p> <p>13 exists, so please do your best to avoid nodding or</p> <p>14 shaking your head or responding to questions with</p> <p>15 answers such as "uh-huh" or "nuh-uh," and I will</p> <p>16 try to do the same.</p> <p>17 A Yes, sir.</p> <p>18 Q I ask that you wait for me to finish</p> <p>19 my questions before you answer for the sake of the</p> <p>20 court reporter.</p> <p>21 A Yes, sir.</p> <p>22 Q Your answers will be under oath,</p>

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<p style="text-align: right;">Page 17</p> <p>1 meaning that you are swearing to their</p> <p>2 truthfulness and accuracy. The oath that you took</p> <p>3 today is the same as if you were testifying in a</p> <p>4 court. Do you understand that?</p> <p>5 A Yes, sir.</p> <p>6 Q If any of my questions today are</p> <p>7 unclear, please let me know and I will do my best</p> <p>8 to clarify them for you, but if you do answer a</p> <p>9 question, I will assume that you understood the</p> <p>10 question fully. Does that make sense?</p> <p>11 A Absolutely.</p> <p>12 Q Please give complete answers to my</p> <p>13 questions. Unless you indicate otherwise, I will</p> <p>14 assume that your answers are complete when you</p> <p>15 finish speaking.</p> <p>16 Does that also make sense?</p> <p>17 A Yes, sir.</p> <p>18 Q Your attorney may object to some of my</p> <p>19 questions; those objections are for the record and</p> <p>20 for the judge to consider later. You should still</p> <p>21 proceed to answer my question unless you're</p> <p>22 specifically told not to do so by your attorney.</p>	<p style="text-align: right;">Page 19</p> <p>1 Administrator and no other county or elected</p> <p>2 office; is that right?</p> <p>3 A Yes.</p> <p>4 Q Do you understand who the Plaintiffs</p> <p>5 are in this case?</p> <p>6 A Yes.</p> <p>7 Q Okay. So if I refer to Texas State</p> <p>8 LULAC and Voto Latino as the Plaintiffs, you'll</p> <p>9 understand what I'm referring to?</p> <p>10 A Yes, I know of them generally as</p> <p>11 organizations in Texas, yes.</p> <p>12 Q You understand that you are a named</p> <p>13 defendant in this case; is that right?</p> <p>14 A Yes.</p> <p>15 Q And you also understand that there are</p> <p>16 additional defendants in this case?</p> <p>17 A Yes.</p> <p>18 Q But if I use the term "you" or</p> <p>19 "Harris County" or "yours," you understand that</p> <p>20 I'm referring specifically to your office of the</p> <p>21 Harris County Election Administrator and no other,</p> <p>22 correct?</p>
<p style="text-align: right;">Page 18</p> <p>1 Does that make sense?</p> <p>2 A Yes, sir.</p> <p>3 Q Finally, I will aim to pause for a</p> <p>4 break about every hour, but if you need to take a</p> <p>5 break for any reason earlier than that, please</p> <p>6 just let me know. My only request is that if a</p> <p>7 question is pending, please answer my question</p> <p>8 before we take a break.</p> <p>9 Does that make sense?</p> <p>10 A Absolutely. And just again for the</p> <p>11 record, if at all possible timing allows to be</p> <p>12 present at a 1:00 p.m. meeting, that would be</p> <p>13 fantastic, but I understand that my goal today and</p> <p>14 my commitment is to this deposition.</p> <p>15 Q Great. We will try to move as</p> <p>16 expeditiously as possible.</p> <p>17 Any other questions about what I've</p> <p>18 said so far?</p> <p>19 A That all sounds very reasonable.</p> <p>20 Q Okay. And you understand that in this</p> <p>21 deposition you are here to provide testimony today</p> <p>22 on behalf of the Harris County Elections</p>	<p style="text-align: right;">Page 20</p> <p>1 A Correct.</p> <p>2 Q And if I refer to the other county</p> <p>3 defendants in this case as "the other defendants,"</p> <p>4 you'll understand I'm referring to the other</p> <p>5 counties, correct?</p> <p>6 A Correct.</p> <p>7 Q Finally, if I use the term "SB-1111,"</p> <p>8 can we agree that that refers to legislation</p> <p>9 designated as Senate Bill 1111 that was enacted</p> <p>10 during the 2021 session of the Texas Legislature</p> <p>11 and signed by the Governor of Texas on June 15,</p> <p>12 2021, and that became effective on September 1,</p> <p>13 2021?</p> <p>14 A If you wouldn't mind clarifying, as</p> <p>15 there were multiple special sessions, just to be</p> <p>16 clear. I believe we're referring to</p> <p>17 Senate Bill 1111 from the regularly called</p> <p>18 legislative session, correct?</p> <p>19 Q I believe that's correct, yes.</p> <p>20 A I'm just making sure we're not</p> <p>21 referring to anything else in any following</p> <p>22 special session.</p>

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<p>1 Q Sure. Why don't we make it simple.</p> <p>2 If I use the term "Senate Bill 1111," I'll be</p> <p>3 referring to the bill signed by -- that became</p> <p>4 effective on September 1, 2021.</p> <p>5 Does that make sense?</p> <p>6 A Yes, sir. Thank you. I can agree to</p> <p>7 that.</p> <p>8 Q A few more preliminaries.</p> <p>9 You've been designated to take this</p> <p>10 deposition under Federal Rule of Civil Procedure</p> <p>11 30(b)(6). That means that your testimony today is</p> <p>12 on behalf of the Harris County Elections</p> <p>13 Administrator, and that that office is bound by</p> <p>14 your testimony today.</p> <p>15 Does that make sense to you?</p> <p>16 A Yes, sir.</p> <p>17 Q And do you understand that you're</p> <p>18 being offered by the Harris County Elections</p> <p>19 Administrator as its designated representative to</p> <p>20 testify regarding the topics that we noticed?</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. In that case, can we please</p>	<p>1 strike that.</p> <p>2 Did you do anything to prepare for</p> <p>3 today's deposition?</p> <p>4 A Yes, sir.</p> <p>5 Q Can you tell me what you did?</p> <p>6 A I met with members of the County</p> <p>7 Attorney Office and my staff on these different</p> <p>8 deposition topics to make sure that I had the</p> <p>9 information available to our office to answer</p> <p>10 appropriately.</p> <p>11 Q Okay. And about how long did you</p> <p>12 speak with attorneys in the Harris County</p> <p>13 Attorney's Office?</p> <p>14 A We've prepared over the last two days.</p> <p>15 Q And who else in your office did you</p> <p>16 speak with about today's deposition?</p> <p>17 A Chief Director of Voting,</p> <p>18 Beth Stevens; and my Director of Voter</p> <p>19 Registration, Sue Hastings.</p> <p>20 Q And besides attorneys associated with</p> <p>21 Harris County and those two individuals, have you</p> <p>22 spoken with anyone else about today's deposition?</p>
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<p>1 pull up Exhibit A?</p> <p>2 (Exhibit A was marked</p> <p>3 for identification.)</p> <p>4 BY MR. DODGE:</p> <p>5 Q And if we could please turn to page --</p> <p>6 well, actually, let me ask you first.</p> <p>7 Have you seen this document before?</p> <p>8 A Yes.</p> <p>9 Q If we could turn to page 6. Do you</p> <p>10 see at the top it says "Deposition Topics"?</p> <p>11 A Yes, sir.</p> <p>12 Q Have you reviewed these topics?</p> <p>13 A Yes, sir.</p> <p>14 Q And do you understand that you've been</p> <p>15 designated to testify with respect to each of</p> <p>16 these topics?</p> <p>17 A Yes, sir.</p> <p>18 Q And are you prepared to testify on</p> <p>19 behalf of the Harris County Elections</p> <p>20 Administrator regarding each of these topics?</p> <p>21 A Yes, sir.</p> <p>22 Q If you're ever -- did you do any --</p>	<p>1 A No, sir.</p> <p>2 Q So you haven't spoken with any</p> <p>3 counterparts in any other counties involved in</p> <p>4 this matter about today's deposition?</p> <p>5 A No, sir.</p> <p>6 Q And you haven't spoken with anyone in</p> <p>7 the Texas Secretary of State's Office about</p> <p>8 today's deposition?</p> <p>9 A Not about the deposition, no, sir.</p> <p>10 Q Okay. All right. In that case, I'd</p> <p>11 like to turn to some questions about your</p> <p>12 background.</p> <p>13 What is the highest level you studied</p> <p>14 in school?</p> <p>15 A I received a master's degree.</p> <p>16 Q Okay. And where did you receive a</p> <p>17 master's degree from?</p> <p>18 A The University of Texas at Austin</p> <p>19 LBJ School of Public Affairs.</p> <p>20 Q And what was the master's degree in?</p> <p>21 A Public affairs.</p> <p>22 Q And in what year did obtain that</p>

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<p>1 degree?</p> <p>2 A Graduated in 2012.</p> <p>3 Q And do you have any other degrees?</p> <p>4 A I have a bachelor's degree from</p> <p>5 Trinity University.</p> <p>6 Q And what was that degree in?</p> <p>7 A Sociology.</p> <p>8 Q And in what year did you obtain that</p> <p>9 degree?</p> <p>10 A 2010.</p> <p>11 Q Could you state your current employer</p> <p>12 for the record, please?</p> <p>13 A Harris County, Office of Elections</p> <p>14 Administration.</p> <p>15 Q And could you tell me your current job</p> <p>16 title?</p> <p>17 A I am the Harris County Elections</p> <p>18 Administrator.</p> <p>19 Q And could you briefly tell me how you</p> <p>20 became the Harris County Elections Administrator?</p> <p>21 A Broadly, I was appointed by the</p> <p>22 Election Commission of the County Commissioners</p>	<p>1 processes them per the Texas Election Code, and</p> <p>2 then if folks are able and eligible to be a</p> <p>3 registered voter, we accept them, add them to our</p> <p>4 voter rolls; and if not, we send them notices and</p> <p>5 otherwise maintain the voting rolls for</p> <p>6 Harris County and the surrounding entities.</p> <p>7 Q You just mentioned the Texas</p> <p>8 Election Code. Do your duties as Harris County</p> <p>9 Elections Administrator require you to be familiar</p> <p>10 with the Texas Election Code?</p> <p>11 A Yes, I'm to be generally familiar with</p> <p>12 the Texas Election Code and its applicable laws.</p> <p>13 Q And do you ever review the Texas</p> <p>14 Election Code in the course of fulfilling your</p> <p>15 duties?</p> <p>16 A I don't read the Texas Election Code</p> <p>17 casually, but yes, I refer to the Texas</p> <p>18 Election Code when completing my duties, yes.</p> <p>19 Q Understood. Can you tell me how your</p> <p>20 office is structured?</p> <p>21 A I am the Harris County Elections</p> <p>22 Administrator and the early voting clerk, voter</p>
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<p>1 Court to serve as the Elections Administrator of</p> <p>2 Harris County.</p> <p>3 Q And in what year were you appointed?</p> <p>4 A 2020.</p> <p>5 Q So you've had that title for</p> <p>6 approximately two years?</p> <p>7 A Yep, just about.</p> <p>8 Q What are your duties and</p> <p>9 responsibilities related to elections as the</p> <p>10 Harris County Elections Administrator?</p> <p>11 A My duty is to administer elections for</p> <p>12 the voters of Harris County, which includes the</p> <p>13 functions of voter registration, election</p> <p>14 logistics, providing and storing election records,</p> <p>15 and otherwise helping, you know, the functions of</p> <p>16 voting and voter registration in Harris County.</p> <p>17 Q Great. And could you more</p> <p>18 specifically describe your duties and</p> <p>19 responsibilities with respect to voter</p> <p>20 registration in particular?</p> <p>21 A Yes. Our office accepts voter</p> <p>22 registration applications from potential voters,</p>	<p>1 registrar for Harris County.</p> <p>2 I have a Chief of Staff and a Chief</p> <p>3 Director of Voting. Under them report several</p> <p>4 directors -- I can't remember off the top of my</p> <p>5 head -- structured into various departments, such</p> <p>6 as voter registration, election technology,</p> <p>7 operations, administration, et cetera. Happy to</p> <p>8 name the others.</p> <p>9 Q Approximately how many departments are</p> <p>10 there?</p> <p>11 A Eight? I think we have eight</p> <p>12 departments in total.</p> <p>13 Q Okay. And if possible, could you try</p> <p>14 to name as many as possible?</p> <p>15 A Sure, yes, I'm happy to. Thank you.</p> <p>16 The communications department, voter</p> <p>17 registration, IT, operations, recruitment and</p> <p>18 training, administration, ballot by mail.</p> <p>19 I'm sure I'm missing some. Election</p> <p>20 technology warehouse, did I say that? Yeah.</p> <p>21 I can pull up an org chart for you.</p> <p>22 I'm blanking on the other ones.</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q Ok, great. No, I appreciate you</p> <p>2 making the effort. I think you got close to</p> <p>3 eight.</p> <p>4 Approximately how many employees are</p> <p>5 in your office?</p> <p>6 A Approximately 140 full-time employees.</p> <p>7 Q And are there any non-full-time</p> <p>8 employees?</p> <p>9 A Yes.</p> <p>10 Q Approximately how many of those?</p> <p>11 A For any given election, another 150 or</p> <p>12 so temporary employees.</p> <p>13 Q Great, thank you.</p> <p>14 And how many elections have you run in</p> <p>15 your capacity as Harris County Elections</p> <p>16 Administrator?</p> <p>17 A I believe I've run about six elections</p> <p>18 up to this point.</p> <p>19 Q Have you ever encountered voter</p> <p>20 confusion during the course of an election?</p> <p>21 A Can you be more specific on "voter</p> <p>22 confusion"?</p>	<p style="text-align: right;">Page 31</p> <p>1 vote in an election?</p> <p>2 MR. HUDSON: Objection, calls for</p> <p>3 speculation.</p> <p>4 THE WITNESS: Am I allowed to answer?</p> <p>5 BY MR. DODGE:</p> <p>6 Q Please proceed, yes.</p> <p>7 A The voters in our engagement with our</p> <p>8 office sometimes leave very frustrated. I don't</p> <p>9 know ultimately if they do or don't vote, but they</p> <p>10 sometimes have mentioned to us that they feel so</p> <p>11 overwhelmed with the different topics at hand that</p> <p>12 they perhaps may or may not vote.</p> <p>13 Q So in your experience as Harris County</p> <p>14 Elections Administrator, that kind of voter</p> <p>15 frustration can discourage a person from</p> <p>16 potentially voting?</p> <p>17 A To the extent that I don't track</p> <p>18 whether or not voters do ultimately go vote,</p> <p>19 voters have expressed to our office in phone calls</p> <p>20 and other communications that they feel so</p> <p>21 frustrated that they actually may not vote.</p> <p>22 Q Does your office have any kind of a</p>
<p style="text-align: right;">Page 30</p> <p>1 Q Have you ever had a situation where a</p> <p>2 voter was confused about their ability to vote in</p> <p>3 an election?</p> <p>4 A I think so, yes, probably.</p> <p>5 Q And could you give me examples of what</p> <p>6 a voter might be confused about?</p> <p>7 A Voters have had questions about their</p> <p>8 eligibility to vote in any given election or</p> <p>9 contest; the methods of voting that they are</p> <p>10 allowed by law to engage in, such as the</p> <p>11 differences in legality with using curb-side</p> <p>12 voting versus mail ballot voting.</p> <p>13 Confusion as to, you know, their</p> <p>14 status, be it with voter registration suspense,</p> <p>15 et cetera.</p> <p>16 And just questions on what is on the</p> <p>17 ballot and questions on what the topics are and</p> <p>18 how they should vote about them, but we do not</p> <p>19 advise how any voter should vote.</p> <p>20 Q In your experience, do the categories</p> <p>21 of voter confusion that you just named ever have</p> <p>22 any impact on a person's likelihood to ultimately</p>	<p style="text-align: right;">Page 32</p> <p>1 mission statement?</p> <p>2 A Yes.</p> <p>3 Q Can you tell me what that mission</p> <p>4 statement is or characterize it for me?</p> <p>5 A Yes. I don't remember the exact</p> <p>6 words, we'd have to pull it up, but broadly, the</p> <p>7 mission of the office is to serve the voters of</p> <p>8 Harris County in providing safe, fair, accessible</p> <p>9 and transparent elections, and voter registration.</p> <p>10 Q And so in serving the people of</p> <p>11 Harris County, as part of your mission, that would</p> <p>12 include helping people in Harris County to</p> <p>13 register to vote, right?</p> <p>14 A Absolutely. It's one of the core</p> <p>15 functions, not only legally of this office, but in</p> <p>16 our mission to register people to vote in</p> <p>17 Harris County.</p> <p>18 Q And that mission would also include</p> <p>19 ensuring that voting is accessible to people in</p> <p>20 Harris County; is that right?</p> <p>21 A Yes, sir.</p> <p>22 Q And it would further involve ensuring</p>

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<p style="text-align: right;">Page 33</p> <p>1 that all eligible voters are able to ultimately</p> <p>2 cast a ballot; is that right?</p> <p>3 A Yes, sir.</p> <p>4 Q You mentioned previously that voters</p> <p>5 contact your office with questions; is that</p> <p>6 correct?</p> <p>7 A Yes, sir.</p> <p>8 Q Can you describe the process by which</p> <p>9 your office intakes and responds to questions from</p> <p>10 voters?</p> <p>11 A Voters can reach our office by</p> <p>12 calling -- calling our office at (713) 755-6965,</p> <p>13 our general voter line.</p> <p>14 They can send us letters to our main</p> <p>15 office here at Preston.</p> <p>16 Voters can appear in person here at</p> <p>17 our main office or any one of our branch offices.</p> <p>18 And voters also have access to an</p> <p>19 email account voters@ -- I believe voters@Harris</p> <p>20 whatever.com to email questions.</p> <p>21 Q So there are a number of channels by</p> <p>22 which a voter can reach out to your office?</p>	<p style="text-align: right;">Page 35</p> <p>1 A Yes.</p> <p>2 Q And would it likewise respond to any</p> <p>3 questions about whether or not an individual is</p> <p>4 lawfully eligible to vote?</p> <p>5 A You'll have to be more specific on</p> <p>6 that question, sir.</p> <p>7 Q If a voter called your office or</p> <p>8 emailed your office and wanted to know whether or</p> <p>9 not they were eligible to vote, would your office</p> <p>10 assist them in determining whether or not they</p> <p>11 were eligible to cast a vote in Harris County?</p> <p>12 A We -- in that context, we would</p> <p>13 provide the voter information as to what the Texas</p> <p>14 law or Texas Election Code allows for voter</p> <p>15 eligibility, and it's usually up to the voter to</p> <p>16 determine their eligibility and whether or not</p> <p>17 they meet those requirements.</p> <p>18 Q Would your office respond to questions</p> <p>19 from potential voters about what address they</p> <p>20 should use for a voter registration application?</p> <p>21 A If you could reframe the context of</p> <p>22 that question.</p>
<p style="text-align: right;">Page 34</p> <p>1 A Yes, sir.</p> <p>2 Q Who is responsible for answering those</p> <p>3 questions?</p> <p>4 A My staff in different departments,</p> <p>5 services, outreach, or the relevant division that</p> <p>6 that question might be applied.</p> <p>7 Q So there are a number of people</p> <p>8 employed by your office who are responsible for</p> <p>9 answering these questions?</p> <p>10 A Yes.</p> <p>11 Q Recognizing that the volume probably</p> <p>12 changes over the course of the year, generally how</p> <p>13 many questions might your office receive in a day?</p> <p>14 A I can't speak to how many we might</p> <p>15 receive in a day, but if you'll allow, I can</p> <p>16 provide that we receive, you know, between 3 and</p> <p>17 10,000 calls per the month depending on proximity</p> <p>18 to election.</p> <p>19 Q If a voter were to contact your office</p> <p>20 through any of those means you just named about</p> <p>21 how to register to vote, would your office respond</p> <p>22 to that question?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Let me give you a hypothetical.</p> <p>2 If I'm a resident of Harris County,</p> <p>3 but I'm moving a few weeks before an election and</p> <p>4 I'm concerned about being able to cast a ballot</p> <p>5 and I call your office, inquire about which</p> <p>6 address to list on my voter registration</p> <p>7 application, would your office respond to that</p> <p>8 question?</p> <p>9 MR. HUDSON: Objection, form,</p> <p>10 foundation. Objection, form, speculation.</p> <p>11 MR. DODGE: You can answer.</p> <p>12 MS. BINGHAM: Object to form also.</p> <p>13 THE WITNESS: My office would pick up</p> <p>14 the call from the voter, or whatever method, relay</p> <p>15 to them what the Texas Election Code or law states</p> <p>16 regarding eligibility, moving, residency,</p> <p>17 et cetera, and then it is up to the voter to then</p> <p>18 inform us what they believe is their address, and</p> <p>19 therefore to register it.</p> <p>20 BY MR. DODGE:</p> <p>21 Q When your office responds to these</p> <p>22 questions from voters, what resources does it rely</p>

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<p style="text-align: right;">Page 37</p> <p>1 upon to answer the questions?</p> <p>2 A We look at the Texas Election Code, we</p> <p>3 have a form of FAQs, if you will, in the office,</p> <p>4 shorthand notes, to inform those decisions.</p> <p>5 And then if particularly a difficult</p> <p>6 question, we would reach out to the county</p> <p>7 attorney or Texas Secretary of State for</p> <p>8 direction.</p> <p>9 Q Would your office ever rely on</p> <p>10 previously issued Secretary of State guidance in</p> <p>11 answering those questions?</p> <p>12 A Generally, yes, we look at materials</p> <p>13 from the Secretary of State's office.</p> <p>14 Q Okay. So beyond the Texas</p> <p>15 Election Code and guidance from the Secretary of</p> <p>16 State's Office, is there anything else your office</p> <p>17 would rely upon in responding to voter questions</p> <p>18 about registering or voting in an election?</p> <p>19 A Again, other than guidance from the</p> <p>20 County Attorney's Office as appropriate.</p> <p>21 Q How does a person register to vote in</p> <p>22 Harris County?</p>	<p style="text-align: right;">Page 39</p> <p>1 person, whether or not that needs to be</p> <p>2 transferred essentially to the Harris County</p> <p>3 rolls.</p> <p>4 And then if no record exists for that</p> <p>5 person, they're a new voter, we create a voter</p> <p>6 record for them in Harris County and apply the</p> <p>7 VUID numbers, et cetera, to create a record.</p> <p>8 Q Understood. And if a person was</p> <p>9 seeking to update their voter registration because</p> <p>10 they moved to Harris County or within</p> <p>11 Harris County, what steps would they take?</p> <p>12 A They would submit to our office a</p> <p>13 voter registration form with whatever previous</p> <p>14 address is applicable. Especially in Texas, if</p> <p>15 they're moving from their VUID, if they were</p> <p>16 moving and eligible -- or, sorry, registered to</p> <p>17 vote somewhere in Texas, then their residential</p> <p>18 address and mailing address is applicable to us</p> <p>19 within the Harris County files.</p> <p>20 Q When a voter submits a voter</p> <p>21 registration application, how does your office</p> <p>22 verify the address on the application?</p>
<p style="text-align: right;">Page 38</p> <p>1 A In Harris County, a potential voter</p> <p>2 submits to our office an application, voter</p> <p>3 registration application, generally by mail or in</p> <p>4 person, either themselves or through a volunteer</p> <p>5 deputy voter registrar, and we accept and process</p> <p>6 those applications.</p> <p>7 Q In processing an application, what</p> <p>8 does your office do?</p> <p>9 A When accepting an application, we</p> <p>10 first see if there is already a voter record for</p> <p>11 that voter within our database, our voter rolls,</p> <p>12 if you will. If that person is potentially an</p> <p>13 existing voter based on their name and birth date,</p> <p>14 or it can be matched to a previous file, we would</p> <p>15 update their voter record with whatever</p> <p>16 information they provided on their voter</p> <p>17 registration form.</p> <p>18 If they are a new voter or not within</p> <p>19 our database, we would then look to the Texas</p> <p>20 TEAMS website, if you're familiar with that, so</p> <p>21 essentially the Texas system to see if a voter</p> <p>22 record in the State of Texas exists for that</p>	<p style="text-align: right;">Page 40</p> <p>1 A Per the Texas Election Code, we take</p> <p>2 that address at face value. Whatever address the</p> <p>3 voter submits to us as their residence is what we</p> <p>4 accept as their residence.</p> <p>5 Q Does your office take any steps to</p> <p>6 ensure that the address is located within</p> <p>7 Harris County?</p> <p>8 A Generally we would look at the</p> <p>9 United States Postal Service records, I believe</p> <p>10 HCAD, and if needed, even Google Maps or some kind</p> <p>11 of mapping function, to make sure that that</p> <p>12 address is within the bounds of Harris County, and</p> <p>13 then to determine what other -- if within the</p> <p>14 bounds of Harris County, what jurisdictions that</p> <p>15 voter would be eligible to vote in in the future.</p> <p>16 Q What procedures does your office have</p> <p>17 in place to ensure the accuracy of your voter</p> <p>18 database?</p> <p>19 A Can you specify what you mean by</p> <p>20 accuracy or what function?</p> <p>21 Q Well, you mentioned a few moments ago</p> <p>22 the TEAM system with Texas, and I'm curious if you</p>

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<p style="text-align: right;">Page 41</p> <p>1 could tell me how your office updates its voter 2 database periodically just to ensure its accuracy. 3 MS. BINGHAM: Object to form. 4 THE WITNESS: In regards to TEAMS, 5 Harris County is considered an off-system county. 6 We maintain our own voter roll, but we send daily 7 updates -- daily data updates between the state 8 TEAMS and our voter roll to make sure that the 9 state's records and our records match on a daily 10 basis. 11 BY MR. DODGE: 12 Q And what role does your office play in 13 assessing whether or not a person is eligible to 14 vote in Harris County? 15 A Based on the information provided to 16 us, either on the voter's application form, you 17 know, we may have to research that; or if anything 18 is reported to our office that meets different 19 legal standards for reporting, then we would 20 research a voter's record to determine eligibility 21 or to answer the question at hand. 22 Q Have any of the ways in which you</p>	<p style="text-align: right;">Page 43</p> <p>1 communities, in addition to which they process and 2 help process and accept voter registration forms. 3 Q You mentioned a few moments ago that 4 your office sometimes receives requests to 5 investigate a voter's qualification to vote; is 6 that right? 7 A Yes. 8 Q Who do you understand to be 9 responsible for investigating individuals who 10 violate the Texas Election Code? 11 A It depends on what they are being 12 reported for or what the case or voter question is 13 at hand. 14 Q Could you give me an example of 15 different circumstances where a different office 16 might be responsible for investigating a violation 17 of the Texas Election Code? 18 MR. HUDSON: Objection, foundation. 19 Objection, calls for speculation. Objection, 20 vague. 21 MS. BINGHAM: Object to form. 22 THE WITNESS: Would you mind repeating</p>
<p style="text-align: right;">Page 42</p> <p>1 maintain your voter database changed as a result 2 of SB-1111? 3 A Yes. 4 Q Could you say how? 5 A Since the implementation of SB-1111, 6 we've updated the different notice forms, the 7 confirmation of address forms as directed by the 8 Secretary of State, and other FAQs, you know, on 9 our documentation regarding the different 10 definitions that were updated within SB-1111. 11 Q You mentioned earlier that one of the 12 missions of your office was to help people 13 register to vote. 14 Could you describe any outreach 15 efforts or programs that your office has to 16 encourage or facilitate voter registration? 17 A We have specifically dedicated a voter 18 registration outreach team, a team of roughly 20 19 people whose duty it is to go out and register 20 people in the community, as well as train and 21 organize volunteer deputy voter registrars to 22 train -- sorry, to register voters out in the</p>	<p style="text-align: right;">Page 44</p> <p>1 the question? 2 BY MR. DODGE: 3 Q Sure. You mentioned that it would 4 depend on the circumstances which office would be 5 responsible for investigating a violation of the 6 Texas Election Code; is that right? 7 A Ah, understood, yes. 8 Q Could you give me an example of when 9 one particular office might be responsible for 10 investigating a violation of the Texas 11 Election Code? 12 MR. HUDSON: Objection, foundation. 13 Objection, speculation. Objection, vague as to 14 the word "investigate." 15 THE WITNESS: For example, if a 16 voter -- if it was made known by someone who had 17 personal knowledge of an incident, we would, 18 you know, see what the claim was in regards to 19 that voter, or who was making the claim. 20 If it was regarding their -- 21 for example, they put they live in Kansas and want 22 to register in Texas, it might be on the Kansas</p>

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<p style="text-align: right;">Page 45</p> <p>1 state authorities to then determine if that person</p> <p>2 was actually a resident of Texas or Kansas.</p> <p>3 If they perhaps mentioned that they</p> <p>4 did have a felony, they would not be eligible to</p> <p>5 vote, and so it would be on maybe a prosecuting</p> <p>6 authority or another legal entity to determine</p> <p>7 their felony status, for example.</p> <p>8 That's what I mean. It is wholly</p> <p>9 dependent on the case of the voter and what the</p> <p>10 question was to investigate.</p> <p>11 BY MR. DODGE:</p> <p>12 Q If I were a resident of Harris County</p> <p>13 and I thought that my neighbor was violating the</p> <p>14 Texas Election Code and I wanted to refer them to</p> <p>15 an authority to investigate the matter, what</p> <p>16 authority would I make that report to in the first</p> <p>17 instance?</p> <p>18 MS. BINGHAM: Object to form.</p> <p>19 THE WITNESS: I would imagine again,</p> <p>20 barring any other details, that neighbor would</p> <p>21 reach out to our office, the elections office</p> <p>22 first on that matter to report perhaps what they</p>	<p style="text-align: right;">Page 47</p> <p>1 BY MR. DODGE:</p> <p>2 Q And if it came to your office's</p> <p>3 attention that someone was attempting to register</p> <p>4 to vote in Harris County with an address located</p> <p>5 outside of Harris County, what actions would your</p> <p>6 office take?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 THE WITNESS: So if in their</p> <p>9 residential address someone placed an address that</p> <p>10 was outside of Harris County, if it is within the</p> <p>11 State of Texas, we would forward that voter</p> <p>12 registration form to the applicable county. You</p> <p>13 know, say they meant to register to vote in</p> <p>14 Fort Bend, we would forward that to Fort Bend</p> <p>15 County.</p> <p>16 If it was from another state, we would</p> <p>17 forward that voter registration application to the</p> <p>18 applicable state on their form.</p> <p>19 BY MR. DODGE:</p> <p>20 Q So your office would not, for example,</p> <p>21 contact the Secretary of State's Office in</p> <p>22 response to such an application?</p>
<p style="text-align: right;">Page 46</p> <p>1 thought or not about a next-door neighbor.</p> <p>2 BY MR. DODGE:</p> <p>3 Q Understood. Is there any other way in</p> <p>4 which your office assists law enforcement in</p> <p>5 investigating violations of the Texas</p> <p>6 Election Code?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 THE WITNESS: Yeah, if you could</p> <p>9 provide maybe a more specific question.</p> <p>10 BY MR. DODGE:</p> <p>11 Q I guess in what ways does your office</p> <p>12 assist law enforcement, any law enforcement body,</p> <p>13 with investigations into violations of the Texas</p> <p>14 Election Code?</p> <p>15 MR. HUDSON: Objection, form.</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 THE WITNESS: We may be asked to</p> <p>18 verify whether or not someone is currently or has</p> <p>19 been registered to vote in Harris County, or if</p> <p>20 someone violated an election hearing or other</p> <p>21 Texas Election Code while campaigning or voting at</p> <p>22 voting locations.</p>	<p style="text-align: right;">Page 48</p> <p>1 A If it's very clear that the voter put</p> <p>2 on their form, for example, you know, Wichita,</p> <p>3 Kansas, we accept that that is the voter's</p> <p>4 residential address as they've stated on their</p> <p>5 form and, therefore, we would forward it to Kansas</p> <p>6 immediately.</p> <p>7 Q Are you aware of any instance in which</p> <p>8 someone who did not live in Harris County</p> <p>9 attempted to register to vote in Harris County?</p> <p>10 A No.</p> <p>11 Q Are you aware of any instance in which</p> <p>12 someone who did not live in the State of Texas</p> <p>13 attempted to register to vote in Harris County?</p> <p>14 A No.</p> <p>15 Q Okay. If we could pull up Exhibit B,</p> <p>16 please.</p> <p>17 (Exhibit B was marked</p> <p>18 for identification.)</p> <p>19 BY MR. DODGE:</p> <p>20 Q Have you ever seen this document</p> <p>21 before? Take a moment to familiarize yourself</p> <p>22 with it.</p>

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<p style="text-align: right;">Page 49</p> <p>1 A (Witness reviewing Exhibit B.) Yes.</p> <p>2 Q And could you tell me what this</p> <p>3 document is?</p> <p>4 A It would appear to be the text of</p> <p>5 Senate Bill 1111 that we have been discussing this</p> <p>6 afternoon, or will discuss.</p> <p>7 Q And do you recall when you first saw</p> <p>8 this document?</p> <p>9 A I would have first seen a version of</p> <p>10 this document in 2021 during the Texas legislative</p> <p>11 session.</p> <p>12 Q Did anyone from the Texas State</p> <p>13 Legislature speak to you or anyone in your office</p> <p>14 about this bill before it was signed into law?</p> <p>15 A Yes.</p> <p>16 Q Can you tell me who that was?</p> <p>17 A Respectfully, Mr. Dodge, I'd have to</p> <p>18 go back to see which specific legislators I spoke</p> <p>19 to. I can only say broadly members of the</p> <p>20 Harris County delegation and others. I know that</p> <p>21 I've spoken and counseled them on different</p> <p>22 election matters, including the potential impacts</p>	<p style="text-align: right;">Page 51</p> <p>1 regarding the implementation of Senate Bill 1111.</p> <p>2 Q Okay. And can you tell me what the</p> <p>3 purpose of this document is?</p> <p>4 MR. HUDSON: Objection, form, calls</p> <p>5 for speculation.</p> <p>6 THE WITNESS: Advisories from the</p> <p>7 Secretary of State's Office advise and help</p> <p>8 provide direction to county offices on how to</p> <p>9 implement laws, Texas election codes and legal</p> <p>10 laws.</p> <p>11 BY MR. DODGE:</p> <p>12 Q So you understand the purpose of this</p> <p>13 document to be advising your office on how to</p> <p>14 implement Senate Bill 1111; is that correct?</p> <p>15 A Broadly, yes.</p> <p>16 Q And do you recall when your office</p> <p>17 first received this advisory?</p> <p>18 A August 31st.</p> <p>19 Q And can you tell me what your office</p> <p>20 did with this advisory when it received it?</p> <p>21 A I and members of my staff read this</p> <p>22 advisory, discussed this advisory, and then</p>
<p style="text-align: right;">Page 50</p> <p>1 of Senate Bill 1111.</p> <p>2 Q I understand. Those were</p> <p>3 conversations that those members of the Texas</p> <p>4 State Legislature had with you personally?</p> <p>5 A Yes, sir.</p> <p>6 Q And those discussions were about the</p> <p>7 impacts of Senate Bill 1111?</p> <p>8 A My professional opinion or assessment</p> <p>9 on what the impacts could be of Senate Bill 1111.</p> <p>10 Q Understood. Could we pull up</p> <p>11 Exhibit C, please?</p> <p>12 (Exhibit C was marked</p> <p>13 for identification.)</p> <p>14 BY MR. DODGE:</p> <p>15 Q If you can take just a moment to</p> <p>16 familiarize yourself with this document.</p> <p>17 A (Witness reviewing Exhibit C.) Mm-hmm.</p> <p>18 Q Have you seen this document before?</p> <p>19 A Yes, sir.</p> <p>20 Q Can you tell me what this document is?</p> <p>21 A It would appear to be the Texas</p> <p>22 Secretary of State's Election Division's advisory</p>	<p style="text-align: right;">Page 52</p> <p>1 updated, if needed or as necessary, any forms or</p> <p>2 procedures regarding voter registration in our</p> <p>3 office.</p> <p>4 Q Are you familiar with any other</p> <p>5 guidance that the Secretary of State's office</p> <p>6 provided your office about the implementation of</p> <p>7 Senate Bill 1111?</p> <p>8 A There was at one time a training or</p> <p>9 meeting in which they provided a PowerPoint, as</p> <p>10 well with different provisions of SB-1111, and</p> <p>11 advice on how to implement it.</p> <p>12 Q And did you attend that training?</p> <p>13 A Oh, boy. I think so, yes. I can't</p> <p>14 remember the exact time. I can't remember if it</p> <p>15 was at a conference or someone else, but yes, I</p> <p>16 believe I attended that training.</p> <p>17 Q Okay. So besides this election</p> <p>18 advisory and the training PowerPoint you just</p> <p>19 referred to, you're not familiar with any other</p> <p>20 guidance from the Secretary of State's Office</p> <p>21 about the implementation of Senate Bill 1111?</p> <p>22 A I can say these are the two main ones</p>

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<p>1 my office relies on, even if there were other</p> <p>2 smaller notices sent to our office.</p> <p>3 Q Did your office receive guidance about</p> <p>4 Senate Bill 1111 from any other state officials</p> <p>5 besides the Secretary of State's Office?</p> <p>6 A Not that I can recall.</p> <p>7 Q Did your office seek any additional</p> <p>8 guidance from any state officials, including the</p> <p>9 Secretary of State, about the implementation of</p> <p>10 Senate Bill 1111?</p> <p>11 A Not that I can recall.</p> <p>12 Q Do you see here on Exhibit C the</p> <p>13 section "Definition of Residence"?</p> <p>14 A Would you mind zooming in a bit?</p> <p>15 There we go. Yes, I see it on the screen.</p> <p>16 Q Could you please read aloud the</p> <p>17 underlined sentence in subsection (b)?</p> <p>18 A Subsection (b) states, "A person may</p> <p>19 not establish residence for the purpose of</p> <p>20 influencing the outcome of a certain election."</p> <p>21 Q Okay. I'm going to refer to this as</p> <p>22 "the residence restriction" for the remaining of</p>	<p>1 in Harris County.</p> <p>2 BY MR. DODGE:</p> <p>3 Q Do you think it's clear what the term</p> <p>4 "establish residence" means?</p> <p>5 MR. HUDSON: Objection, form.</p> <p>6 THE WITNESS: I don't believe that</p> <p>7 "establish" is defined in the Texas Election Code.</p> <p>8 BY MR. DODGE:</p> <p>9 Q Did the Secretary of State's Office</p> <p>10 provide you with a definition of what it means to</p> <p>11 establish residence?</p> <p>12 A In subsection (a) just above the one</p> <p>13 you're referencing on the screen, they do define</p> <p>14 the term "residence," but as I understand, the</p> <p>15 Secretary of State has not provided any guidance</p> <p>16 to us on the word "establish."</p> <p>17 Q Would it be -- strike that.</p> <p>18 Would it have been helpful to your</p> <p>19 office if the Secretary of State's Office had</p> <p>20 provided you with a definition of what it means to</p> <p>21 establish?</p> <p>22 A Yes, it would be incredibly helpful if</p>
Page 54	Page 56
<p>1 the deposition. Does that make sense?</p> <p>2 A Yes, sir.</p> <p>3 Q Are you familiar with the residence</p> <p>4 restriction provision of Senate Bill 1111?</p> <p>5 A Yes, sir.</p> <p>6 Q What does this provision mean to you</p> <p>7 in plain language?</p> <p>8 A In plain language, as it's stated</p> <p>9 there, a person may not establish residence for</p> <p>10 the purpose of influencing the outcome of an</p> <p>11 election.</p> <p>12 Q Okay. Well, I'd like to get into some</p> <p>13 of the specific language in the provision then.</p> <p>14 What do you understand the term</p> <p>15 "establish residence" to mean?</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 THE WITNESS: That is a very good</p> <p>18 question, and depending on the voter and their</p> <p>19 circumstances, I may need to seek guidance from</p> <p>20 the Secretary of State or County Attorney on, but</p> <p>21 it would mean that they establish or represent to</p> <p>22 us that an address is their address of residence</p>	<p>1 that definition, in those words together,</p> <p>2 "establish residence," were provided to my office.</p> <p>3 Q Would it have been helpful if the</p> <p>4 Secretary of State's Office had provided you with</p> <p>5 examples of what it means to establish a</p> <p>6 residence?</p> <p>7 A Yes. There is a -- in Harris County,</p> <p>8 we have listed 2.5 million registered voters, all</p> <p>9 of which you have different circumstances for</p> <p>10 where they may live, and so it would be incredibly</p> <p>11 helpful to have more direction on what it would</p> <p>12 mean to establish a residence in the context of</p> <p>13 those varying examples.</p> <p>14 Q Do you think it's clear how your</p> <p>15 office is supposed to apply the term "establish</p> <p>16 residence" within the context of the residence</p> <p>17 restriction?</p> <p>18 A In the context of this residence</p> <p>19 restriction, no.</p> <p>20 Q If your office was confronted with a</p> <p>21 circumstance where it needed to apply this</p> <p>22 provision, would you require assistance from the</p>

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<p style="text-align: right;">Page 57</p> <p>1 Secretary of State's Office?</p> <p>2 MR. HUDSON: Objection, form,</p> <p>3 foundation. Objection, form, calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: Depending on the case</p> <p>6 the voter presented to us, yes. There are more</p> <p>7 difficult situations or more ambiguous questions</p> <p>8 that may be raised that it would be helpful or</p> <p>9 where we would absolutely need the direction of</p> <p>10 the County Attorney or Secretary of State.</p> <p>11 BY MR. DODGE:</p> <p>12 Q Has your office prepared any</p> <p>13 interpretation of what it means to establish</p> <p>14 residence for voters in Harris County?</p> <p>15 A We have not.</p> <p>16 Q What do you understand the term "for</p> <p>17 the purpose of" to mean within the context of the</p> <p>18 residence restriction?</p> <p>19 MS. BINGHAM: Object to form.</p> <p>20 THE WITNESS: "For the purpose of"</p> <p>21 generally means to me with the purpose of intent</p> <p>22 or intent to do something actively.</p>	<p style="text-align: right;">Page 59</p> <p>1 it would mean to influence the outcome of a</p> <p>2 certain election.</p> <p>3 BY MR. DODGE:</p> <p>4 Q You don't think it's clear from the</p> <p>5 language in the bill what the meaning of the term</p> <p>6 "influencing the outcome of a certain election"</p> <p>7 is?</p> <p>8 MS. BINGHAM: Object to form.</p> <p>9 THE WITNESS: No. I think it,</p> <p>10 depending on the situation or context, could have</p> <p>11 multiple meanings or interpretations.</p> <p>12 BY MR. DODGE:</p> <p>13 Q So would your office have difficulty</p> <p>14 applying this language in enforcing the residence</p> <p>15 restriction?</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 THE WITNESS: Not only in applying</p> <p>18 this, but, if you will, we accept documents from</p> <p>19 voters at face value. We don't ask voters, nor is</p> <p>20 it in the Texas Election Code, to determine a</p> <p>21 voter's intent or reason for registering to vote</p> <p>22 in any given area. So it is not part of my legal</p>
<p style="text-align: right;">Page 58</p> <p>1 BY MR. DODGE:</p> <p>2 Q Did the Secretary of State's Office</p> <p>3 provide you with any definition of what it means</p> <p>4 to do something for the purpose of within the</p> <p>5 context of the residence restriction?</p> <p>6 A No, sir.</p> <p>7 Q Would it have been helpful for the</p> <p>8 Secretary of State's Office to provide your office</p> <p>9 with a definition of what it means to do something</p> <p>10 for the purpose of within the residence</p> <p>11 restriction?</p> <p>12 A In this context, no. I believe we</p> <p>13 have a clear sense of what "with purpose" means,</p> <p>14 you know, the active intent.</p> <p>15 Q What do you understand the term</p> <p>16 "influencing the outcome of a certain election" to</p> <p>17 mean?</p> <p>18 MS. BINGHAM: Object to form.</p> <p>19 THE WITNESS: That is equally</p> <p>20 something I would appreciate direction from the</p> <p>21 Secretary of State's Office or, you know, as</p> <p>22 needed, from the County Attorney's Office on, what</p>	<p style="text-align: right;">Page 60</p> <p>1 authority or duties to ever ask for someone's</p> <p>2 intent, purpose, et cetera, for registering to</p> <p>3 vote anywhere.</p> <p>4 BY MR. DODGE:</p> <p>5 Q Okay. Did the Secretary of State's</p> <p>6 Office provide you with a definition of what it</p> <p>7 means to influence the outcome of a certain</p> <p>8 election?</p> <p>9 A No, sir.</p> <p>10 Q Would it have been helpful for you if</p> <p>11 the Secretary of State's Office had provided you</p> <p>12 with a definition of what it means to influence</p> <p>13 the outcome of a certain election?</p> <p>14 A Yes, sir, very much so.</p> <p>15 Q Has the Secretary of State's Office</p> <p>16 provided you with any examples of what it means to</p> <p>17 influence the outcome of a certain election?</p> <p>18 A Not that I recall. If I'm recalling</p> <p>19 that PowerPoint presentation, I can't remember,</p> <p>20 but please remind me if there were other examples</p> <p>21 in there, but I don't believe so.</p> <p>22 Q Would it have been helpful if they had</p>

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<p style="text-align: right;">Page 61</p> <p>1 provided you such examples?</p> <p>2 A Yes.</p> <p>3 Q Has your office prepared any</p> <p>4 interpretation of what it means to influence the</p> <p>5 outcome of a certain election for voters in</p> <p>6 Harris County?</p> <p>7 A Absent of any more direction from the</p> <p>8 Secretary of State, it's difficult for us to</p> <p>9 prepare materials internally when we have the</p> <p>10 questions that are more applicable on a</p> <p>11 case-by-case basis.</p> <p>12 Q To your knowledge, have Texas state</p> <p>13 officials provided any guidance to the public in</p> <p>14 Harris County on what the terms we've just been</p> <p>15 discussing mean?</p> <p>16 A Again, they may have sent emails, but</p> <p>17 I've not checked out their website to know</p> <p>18 specifically what they might have shared with the</p> <p>19 public.</p> <p>20 Q Has anyone from the Secretary of</p> <p>21 State's Office reached out to you to speak about</p> <p>22 what these terms mean?</p>	<p style="text-align: right;">Page 63</p> <p>1 benefit it would have for the elections office.</p> <p>2 Q In your capacity as Harris County</p> <p>3 Elections Administrator, do you believe that the</p> <p>4 residence restriction furthers your office's</p> <p>5 mission in helping people to register to vote?</p> <p>6 A Can you repeat the question, please?</p> <p>7 Q Do you believe that the residence</p> <p>8 restriction provision furthers your office's</p> <p>9 mission in helping people to register to vote?</p> <p>10 A No.</p> <p>11 Q And do you believe that the residency</p> <p>12 restriction furthers your office's mission in</p> <p>13 making sure that voting is accessible to the</p> <p>14 residents of Harris County?</p> <p>15 A No.</p> <p>16 Q And in your view, does this provision</p> <p>17 advance your office's mission in helping people</p> <p>18 cast a ballot in Harris County?</p> <p>19 A No.</p> <p>20 Q Can you identify any interest of the</p> <p>21 State of Texas that is served by the residence</p> <p>22 restriction?</p>
<p style="text-align: right;">Page 62</p> <p>1 A No, sir.</p> <p>2 Q Do you believe that any interests of</p> <p>3 Harris County are served by the residency</p> <p>4 restriction?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 THE WITNESS: I find it difficult to</p> <p>7 determine, from a county perspective again, what</p> <p>8 this residency restriction even means, and</p> <p>9 therefore what benefit, if any, there would be to</p> <p>10 Harris County.</p> <p>11 BY MR. DODGE:</p> <p>12 Q So sitting here today, you can't</p> <p>13 identify any interest of Harris County that is</p> <p>14 served by the residence restriction?</p> <p>15 A No.</p> <p>16 Q Can you identify any interests of the</p> <p>17 Harris County Elections Administrator's Office</p> <p>18 that are served by the residency restriction?</p> <p>19 A Similarly, without further direction</p> <p>20 on what this term might mean or how it's applied</p> <p>21 or how we would even gather this information from</p> <p>22 voters, it's hard to determine even what, if any,</p>	<p style="text-align: right;">Page 64</p> <p>1 MS. BINGHAM: Object to form.</p> <p>2 THE WITNESS: Respectfully, sir, I</p> <p>3 can't make any assumptions as to what the State of</p> <p>4 Texas might prefer.</p> <p>5 MR. DODGE: Okay. We've been going</p> <p>6 for a little under an hour, but I think we've</p> <p>7 actually reached a decent point for maybe a</p> <p>8 five-minute break, if that sounds good.</p> <p>9 MS. BINGHAM: Yeah, sounds great.</p> <p>10 THE WITNESS: Reconvene at 10:07?</p> <p>11 MR. DODGE: That sounds good. Okay,</p> <p>12 we'll go off the record.</p> <p>13 THE VIDEOGRAPHER: Okay, going off the</p> <p>14 record. The time is 10:02.</p> <p>15 (A break was taken.)</p> <p>16 THE VIDEOGRAPHER: We are back on the</p> <p>17 record. The time is 10:10 a.m.</p> <p>18 BY MR. DODGE:</p> <p>19 Q Ms. Longoria, you recall that before</p> <p>20 the break we were discussing the residence</p> <p>21 restriction in Senate Bill 1111, correct?</p> <p>22 A Yes, sir.</p>

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<p style="text-align: right;">Page 65</p> <p>1 Q You also mentioned earlier in the</p> <p>2 deposition that voters sometimes contact your</p> <p>3 office with questions about voter registration; is</p> <p>4 that correct?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. If a voter moved from Dallas to</p> <p>7 Houston to help a family member run for the</p> <p>8 statehouse and came into your office asking if</p> <p>9 they could register to vote in Harris County, what</p> <p>10 would your answer to them be?</p> <p>11 MR. HUDSON: Objection, form, calls</p> <p>12 for speculation.</p> <p>13 MS. BINGHAM: Object to form.</p> <p>14 THE WITNESS: My office would first</p> <p>15 remind them of the different residency</p> <p>16 requirements or definitions in the Texas</p> <p>17 Election Code; verify, you know, for the voter</p> <p>18 again what they believe to be or express to us was</p> <p>19 their residence -- their address of residence.</p> <p>20 I would then call the Harris County</p> <p>21 attorney, and at their direction, involve the</p> <p>22 Secretary of State to determine whether or not the</p>	<p style="text-align: right;">Page 67</p> <p>1 registration form.</p> <p>2 The question of what their intent was,</p> <p>3 again, that is -- I believe we would be able to</p> <p>4 kind of accept their application that day. The</p> <p>5 question on intent and this residency restriction,</p> <p>6 we would have to ask the Secretary of State for or</p> <p>7 County Attorney for advice on, irrespective of</p> <p>8 being able to register them that day.</p> <p>9 BY MR. DODGE:</p> <p>10 Q So if a registrant made you aware of</p> <p>11 the fact that they had moved to Harris County for</p> <p>12 the purpose of helping a family member run for the</p> <p>13 statehouse, you would have to reach out to either</p> <p>14 the Secretary of State's Office or the</p> <p>15 Harris County Attorney's Office for guidance in</p> <p>16 that situation?</p> <p>17 A Yeah.</p> <p>18 MR. HUDSON: Objection to form,</p> <p>19 foundation, speculation, improper hypothetical.</p> <p>20 MS. BINGHAM: Object to form.</p> <p>21 THE WITNESS: Sorry. For the record,</p> <p>22 I believe I answered yes to that question.</p>
<p style="text-align: right;">Page 66</p> <p>1 question about -- or the statement about</p> <p>2 potentially moving to vote for a family member</p> <p>3 qualified for the residency restriction or not.</p> <p>4 BY MR. DODGE:</p> <p>5 Q So in that scenario, your office would</p> <p>6 not be able to process that individual's voter</p> <p>7 registration application without contacting either</p> <p>8 the Harris County Attorney's Office or the Texas</p> <p>9 Secretary of State's Office; is that correct?</p> <p>10 MS. BINGHAM: Object to form.</p> <p>11 MR. HUDSON: Objection, form.</p> <p>12 Objection, foundation. Objection, calls for</p> <p>13 speculation. Objection, improper hypothetical.</p> <p>14 THE WITNESS: As I understand it from</p> <p>15 direction we've received from the Secretary of</p> <p>16 State, that if a voter puts on their voter</p> <p>17 registration form an address as their residence</p> <p>18 address which is within the bounds of</p> <p>19 Harris County, which meets the other obligations</p> <p>20 of being over the age of 18, for example, being a</p> <p>21 citizen of the state or of the country, that we</p> <p>22 have to accept and process their voter</p>	<p style="text-align: right;">Page 68</p> <p>1 BY MR. DODGE:</p> <p>2 Q Setting aside what you or your office</p> <p>3 would tell such a voter, do you believe it would</p> <p>4 violate the residency restriction of</p> <p>5 Senate Bill 1111 for a voter to register in</p> <p>6 Harris County if they moved from Dallas to Houston</p> <p>7 for the purpose of helping a family member run for</p> <p>8 the Texas Legislature?</p> <p>9 MR. HUDSON: Objection, form --</p> <p>10 MS. BINGHAM: Object to form.</p> <p>11 MR. HUDSON: Objection, form,</p> <p>12 foundation, speculation, improper hypothetical.</p> <p>13 THE WITNESS: To the extent that that</p> <p>14 is a question at hand, I would say that I don't</p> <p>15 know. I don't know if helping -- or expressing</p> <p>16 that you wanted to vote for a family member</p> <p>17 qualifies as wanting to influence an election.</p> <p>18 BY MR. DODGE:</p> <p>19 Q Okay, I'm going to amend that scenario</p> <p>20 somewhat.</p> <p>21 If a person came into your office</p> <p>22 seeking to register in Harris County and explained</p>

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<p style="text-align: right;">Page 69</p> <p>1 to you that they had moved to Houston from Dallas</p> <p>2 for the purpose of helping a family member run for</p> <p>3 the statehouse, but also told you that they had</p> <p>4 always wanted to try living in Houston, what would</p> <p>5 you tell that voter if they asked about their</p> <p>6 ability to register?</p> <p>7 MR. HUDSON: Objection, form,</p> <p>8 foundation --</p> <p>9 MS. BINGHAM: Object to form.</p> <p>10 MR. HUDSON: Objection, form,</p> <p>11 foundation, speculation, improper hypothetical.</p> <p>12 THE WITNESS: Again, we would ask the</p> <p>13 voter to submit on their application what they</p> <p>14 believed to be their residence. If that was</p> <p>15 within the bounds of Harris County and all other</p> <p>16 obligations were met, such as being over the age</p> <p>17 of 18, et cetera, we would, and are directed by, I</p> <p>18 believe the Secretary of State, to accept their</p> <p>19 application on the face of the application</p> <p>20 regardless of what comments they may have made.</p> <p>21 If my staff felt uncomfortable or had</p> <p>22 a question, again, we would seek the direction or</p>	<p style="text-align: right;">Page 71</p> <p>1 State.</p> <p>2 BY MR. DODGE:</p> <p>3 Q Okay, I'm going to amend the scenario</p> <p>4 once again.</p> <p>5 Imagine that a person moves from</p> <p>6 Dallas to Houston to volunteer with a family</p> <p>7 member who is running for statehouse.</p> <p>8 Do you have that in mind?</p> <p>9 A Sure, yes.</p> <p>10 Q Okay. If that person chooses to</p> <p>11 continue residing in Houston after the election</p> <p>12 because they just love Houston, what would you</p> <p>13 tell that person if they came in to register to</p> <p>14 voter after the election, but told you that they</p> <p>15 had moved there initially to volunteer with a</p> <p>16 family member's campaign?</p> <p>17 MS. BINGHAM: Object to form.</p> <p>18 MR. HUDSON: Objection, form,</p> <p>19 foundation, speculation, improper hypothetical,</p> <p>20 calls for a legal conclusion.</p> <p>21 THE WITNESS: We would ask the voter</p> <p>22 what their residence was, what their address of</p>
<p style="text-align: right;">Page 70</p> <p>1 advice from the County Attorney's Office or</p> <p>2 Secretary of State on whether or not statements</p> <p>3 made by a voter when registering to vote had any</p> <p>4 bearing on whether or not we could accept their</p> <p>5 voter registration.</p> <p>6 BY MR. DODGE:</p> <p>7 Q Okay. And setting aside what your</p> <p>8 office would tell a voter in such a scenario, do</p> <p>9 you believe it would violate the residence</p> <p>10 restriction in Senate Bill 1111 for a voter to</p> <p>11 register in Harris County if they moved there to</p> <p>12 assist a family member running for office, but at</p> <p>13 the same time, also wanted to move to Houston for</p> <p>14 personal reasons?</p> <p>15 MS. BINGHAM: Object to form.</p> <p>16 MR. HUDSON: Objection, form, improper</p> <p>17 hypothetical, speculation, foundation, calls for a</p> <p>18 legal conclusion.</p> <p>19 THE WITNESS: I don't know in that</p> <p>20 scenario whether or not it violates the residency</p> <p>21 restriction or not, so I would need to seek</p> <p>22 guidance from the County Attorney and Secretary of</p>	<p style="text-align: right;">Page 72</p> <p>1 residence was that they intend to put on their</p> <p>2 form, and based on the face of the application</p> <p>3 itself, the address they put down on the</p> <p>4 application, if it was within the bounds of</p> <p>5 Harris County and met other obligations for being</p> <p>6 an eligible voter, such as being over the age of</p> <p>7 18, et cetera, that we would accept their</p> <p>8 application on the face of the application if the</p> <p>9 address they submitted to us, what they shared</p> <p>10 with us, was a residential address within</p> <p>11 Harris County.</p> <p>12 BY MR. DODGE:</p> <p>13 Q If a person moved from Montgomery</p> <p>14 County, Texas, to Harris County for the purpose of</p> <p>15 running for office and contacted your office to</p> <p>16 register to vote, what would you tell them?</p> <p>17 MS. BINGHAM: Object to form.</p> <p>18 MR. HUDSON: Objection, form,</p> <p>19 speculation, improper hypothetical, calls for a</p> <p>20 legal conclusion, foundation.</p> <p>21 THE WITNESS: My office does not</p> <p>22 determine eligibility for the sake of running for</p>

18 (Pages 69 to 72)

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<p style="text-align: right;">Page 73</p> <p>1 office, but we would remind any potential voter to</p> <p>2 please review the Texas Election Code as it</p> <p>3 pertains to the needs/right for running for</p> <p>4 office, for meeting residency requirements to run</p> <p>5 for any given position, and again, that whatever</p> <p>6 they express to us on their voter registration</p> <p>7 application as their residence is what we have to</p> <p>8 accept at face value as their residence.</p> <p>9 BY MR. DODGE:</p> <p>10 Q If a voter moved to Texas from</p> <p>11 California, and one of the reasons for that move</p> <p>12 was to vote for a particular party and to help</p> <p>13 that party gain elected office in Texas, would</p> <p>14 that voter violate the residence restriction if</p> <p>15 they registered to vote in Harris County?</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 MR. HUDSON: Objection, form, improper</p> <p>18 hypothetical, lacks foundation, calls for</p> <p>19 speculation, calls for a legal conclusion.</p> <p>20 THE WITNESS: One, our office does not</p> <p>21 know for which purpose anyone may or may not move</p> <p>22 to Harris County unless they specifically state</p>	<p style="text-align: right;">Page 75</p> <p>1 somewhat.</p> <p>2 If a voter walked into your office to</p> <p>3 seek to register to vote in Harris County prior to</p> <p>4 the enactment of Senate Bill 1111 and told you</p> <p>5 that they had moved there to assist a family</p> <p>6 member in running for office for the Texas</p> <p>7 Legislature, would that have caused you to reach</p> <p>8 out to the Secretary of State's Office for</p> <p>9 guidance?</p> <p>10 MS. BINGHAM: Object to form.</p> <p>11 MR. HUDSON: Objection, form,</p> <p>12 foundation, improper hypothetical, calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: We would be -- my office</p> <p>15 would be extremely less likely to reach out</p> <p>16 (computer notification ringing) for guidance from</p> <p>17 the County Attorney or Secretary of State --</p> <p>18 THE REPORTER: I'm sorry,</p> <p>19 Ms. Longoria, a notification drowned out part of</p> <p>20 your answer.</p> <p>21 My office would be extremely less</p> <p>22 likely to reach out? Could you repeat?</p>
<p style="text-align: right;">Page 74</p> <p>1 that purpose to us.</p> <p>2 And even such, we would need direction</p> <p>3 from the Secretary of State or County Attorney's</p> <p>4 Office if such a statement was made that we</p> <p>5 thought might -- may or may not violate the</p> <p>6 restriction provision -- residency restriction</p> <p>7 provision, whatever we're calling it.</p> <p>8 BY MR. DODGE:</p> <p>9 Q Would you have had to have contacted</p> <p>10 the Secretary of State's Office for guidance in</p> <p>11 such situation prior to the enactment of</p> <p>12 Senate Bill 1111?</p> <p>13 MR. HUDSON: Objection, form,</p> <p>14 foundation, calls for speculation, improper</p> <p>15 hypothetical, calls for a legal conclusion.</p> <p>16 THE WITNESS: I would say even</p> <p>17 pre-Senate Bill 1111, whatever address the voter</p> <p>18 submits to us as their address of residence is</p> <p>19 what we have to accept at face value when</p> <p>20 registering that voter.</p> <p>21 BY MR. DODGE:</p> <p>22 Q Okay, let me clarify that question</p>	<p style="text-align: right;">Page 76</p> <p>1 THE WITNESS: Thank you, apologies.</p> <p>2 My office would be extremely less</p> <p>3 likely to seek the Secretary of State or County</p> <p>4 Attorney's Office on guidance for that specific</p> <p>5 voter. Again, the voter's intents or motives are</p> <p>6 not always known to us. We can only accept what</p> <p>7 is written on the application to our office.</p> <p>8 BY MR. DODGE:</p> <p>9 Q Okay. For the purposes of a clear</p> <p>10 record, I'm just going to restate and reframe the</p> <p>11 question briefly.</p> <p>12 A Sure.</p> <p>13 Q Is it correct that prior to the</p> <p>14 enactment of Senate Bill 1111, it would have been</p> <p>15 extremely less likely for your office to contact</p> <p>16 the Secretary of State's Office for guidance if a</p> <p>17 voter had told you they moved to Harris County for</p> <p>18 the purpose of assisting a family member running</p> <p>19 for statehouse?</p> <p>20 MR. HUDSON: Objection, vague as to</p> <p>21 "extremely less likely."</p> <p>22 THE WITNESS: Yes.</p>

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<p style="text-align: right;">Page 77</p> <p>1 BY MR. DODGE:</p> <p>2 Q If a voter moved to Texas from</p> <p>3 California, and your office became aware that one</p> <p>4 of the reasons for that move was to help elect</p> <p>5 more Latino representatives in the State of Texas,</p> <p>6 would that violate the residence restriction?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 MR. HUDSON: Objection, form,</p> <p>9 foundation, improper hypothetical, calls for</p> <p>10 speculation, calls for a legal conclusion.</p> <p>11 THE WITNESS: I apologize, will you</p> <p>12 repeat the question, please?</p> <p>13 BY MR. DODGE:</p> <p>14 Q Ms. Longoria appears to have frozen on</p> <p>15 my screen.</p> <p>16 A Can you now hear me? Can you hear me</p> <p>17 now?</p> <p>18 MS. BINGHAM: I can.</p> <p>19 MR. HUDSON: I can hear you fine.</p> <p>20 THE WITNESS: I think Chris is the one</p> <p>21 that froze, right?</p> <p>22 THE VIDEOGRAPHER: Yeah.</p>	<p style="text-align: right;">Page 79</p> <p>1 BY MR. DODGE:</p> <p>2 Q And if the witness could restate her</p> <p>3 answer?</p> <p>4 A I would need -- again, if the voter</p> <p>5 submitted to us a residence address on their form</p> <p>6 that met the obligations of being within the</p> <p>7 bounds of Harris County, being over the age of 18</p> <p>8 and other necessary requirements to be a voter in</p> <p>9 Texas, we would register them to vote, but I would</p> <p>10 seek counsel from the County Attorney or Secretary</p> <p>11 of State's Office on whether or not their</p> <p>12 statements that were made to our office would be</p> <p>13 in violation of that residency restriction.</p> <p>14 THE REPORTER: May I ask -- I'm sorry</p> <p>15 to interrupt. Someone has their notifications on,</p> <p>16 and there's bells ringing when emails are coming</p> <p>17 in. It sometimes make it difficult hear the</p> <p>18 witness. Can you turn off your notifications?</p> <p>19 That would be helpful. Thank you.</p> <p>20 Please proceed, Counsel. I apologize</p> <p>21 for the interruption.</p> <p>22</p>
<p style="text-align: right;">Page 78</p> <p>1 MS. BINGHAM: Maybe so.</p> <p>2 THE WITNESS: There we go, Chris.</p> <p>3 BY MR. DODGE:</p> <p>4 Q We're back?</p> <p>5 A Yes.</p> <p>6 Q Apologies for that. I think it might</p> <p>7 have been a connectivity issue on my end.</p> <p>8 A Would you repeat the question, please?</p> <p>9 Q Yeah. Could the court reporter read</p> <p>10 back where we last were?</p> <p>11 (The reporter read back the</p> <p>12 following question:)</p> <p>13 QUESTION: "If a voter moved to Texas</p> <p>14 from California, and your office became</p> <p>15 aware that one of the reasons for that move</p> <p>16 was to help elect more Latino</p> <p>17 representatives in the State of Texas,</p> <p>18 would that violate the residence</p> <p>19 restriction?</p> <p>20 MR. HUDSON: Same objections.</p> <p>21 MS. BINGHAM: Same objection.</p> <p>22</p>	<p style="text-align: right;">Page 80</p> <p>1 BY MR. DODGE:</p> <p>2 Q No problem.</p> <p>3 Can we please pull up Exhibit D?</p> <p>4 (Exhibit D was marked</p> <p>5 for identification.)</p> <p>6 BY MR. DODGE:</p> <p>7 Q Could the witness please take a moment</p> <p>8 to familiarize herself with the document?</p> <p>9 A (Witness reviewing Exhibit D.) Yeah.</p> <p>10 Q Do you recognize this document?</p> <p>11 A Looks like a general voter</p> <p>12 registration application for the State of Texas.</p> <p>13 Q Okay. Can we please zoom in on box 10</p> <p>14 about two-thirds of the way down the page?</p> <p>15 Box 10 begins by stating, "I</p> <p>16 understand that giving false information to</p> <p>17 procure a voter registration is perjury, and a</p> <p>18 crime under state and federal law."</p> <p>19 Did I read that correctly?</p> <p>20 A Yes.</p> <p>21 Q Am I correct in saying that the</p> <p>22 application then directs the voter to affirm three</p>

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<p style="text-align: right;">Page 81</p> <p>1 statements before signing the application?</p> <p>2 A Yes.</p> <p>3 Q Could we go off the record?</p> <p>4 Am I having connectivity issues again?</p> <p>5 (Discussion held off the record.)</p> <p>6 BY MR. DODGE:</p> <p>7 Q The first statement that the voter is</p> <p>8 required to affirm is that, quote, "I am a</p> <p>9 resident of this county and a U.S. citizen."</p> <p>10 Did I read that correctly?</p> <p>11 A Yes.</p> <p>12 Q And so by signing this document, a</p> <p>13 voter is affirming that they are a resident of a</p> <p>14 particular county, and in this case,</p> <p>15 Harris County; is that correct?</p> <p>16 A Yes.</p> <p>17 Q So a voter, before signing this</p> <p>18 document, needs to understand what it means to be</p> <p>19 a resident of Harris County; is that correct?</p> <p>20 MR. HUDSON: Objection, form, calls</p> <p>21 for speculation. Objection, form, foundation.</p> <p>22 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 83</p> <p>1 Q Are you familiar with this provision</p> <p>2 of Senate Bill 1111?</p> <p>3 A Yes.</p> <p>4 Q And can you tell me what this</p> <p>5 provision means in plain language?</p> <p>6 MS. BINGHAM: Object to form.</p> <p>7 THE WITNESS: A person may not</p> <p>8 establish a residence at a place that they haven't</p> <p>9 been inhabited or lived in; and a person may not</p> <p>10 designate a previous home residence, fixed place</p> <p>11 of habitation, et cetera, unless the person has</p> <p>12 lived at that place or inhabits that place at the</p> <p>13 time that they are registering to vote or intend</p> <p>14 to remain in that place.</p> <p>15 BY MR. DODGE:</p> <p>16 Q The first sentence of subsection (f)</p> <p>17 says, "A person may not establish a residence at</p> <p>18 any place the person has not inhabited."</p> <p>19 Did I read that correctly?</p> <p>20 A Yes.</p> <p>21 Q What does it mean to "establish</p> <p>22 residence"?</p>
<p style="text-align: right;">Page 82</p> <p>1 BY MR. DODGE:</p> <p>2 Q And if a person were to give false</p> <p>3 information on this form, it would potentially be</p> <p>4 a criminal matter; is that correct?</p> <p>5 A Yes.</p> <p>6 Q Okay, can we bring Exhibit B back up?</p> <p>7 Ms. Longoria, you'll recall that this</p> <p>8 is the text of Senate Bill 1111.</p> <p>9 Can we please zoom in on page 1,</p> <p>10 subsection (f)?</p> <p>11 Could you please read the two first</p> <p>12 sentences of subsection (f) aloud?</p> <p>13 A Subsection (f) states, "A person may</p> <p>14 not establish a residence at any place the person</p> <p>15 has not inhabited. A person may not designate a</p> <p>16 previous residence as a home and fixed place of</p> <p>17 habitation unless the person inhabits the place at</p> <p>18 the time of designation and intends to remain."</p> <p>19 Q I'm going to refer to this as the</p> <p>20 "temporary relocation provision" for the remainder</p> <p>21 of the deposition. Is that okay?</p> <p>22 A Understood.</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. BINGHAM: Object to form.</p> <p>2 THE WITNESS: As I believe I answered</p> <p>3 previously, the Secretary of State's Office has</p> <p>4 not provided to my office guidance on the</p> <p>5 definition of "establish a residence."</p> <p>6 BY MR. DODGE:</p> <p>7 Q And would it have been helpful if the</p> <p>8 Secretary of State's Office had provided you with</p> <p>9 guidance on the meaning of "establish residence"</p> <p>10 within the context of this provision?</p> <p>11 A Yes.</p> <p>12 Q What does the word "inhabited" mean to</p> <p>13 you within the temporary relocation provision?</p> <p>14 MS. BINGHAM: Object to form.</p> <p>15 THE WITNESS: Equally, I do not</p> <p>16 believe that the term "inhabited" is defined in</p> <p>17 the Texas Election Code or otherwise. So within</p> <p>18 the context of any voter's question, I would need</p> <p>19 guidance on what it means to "inhabit" a certain</p> <p>20 location.</p> <p>21 BY MR. DODGE:</p> <p>22 Q So you don't think it is clear from</p>

21 (Pages 81 to 84)

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<p>1 the text of this provision what the term</p> <p>2 "inhabited" means within the context of</p> <p>3 Senate Bill 1111?</p> <p>4 A No, it is not clear.</p> <p>5 Q And would it have been helpful for the</p> <p>6 Secretary of State's Office to provide you with</p> <p>7 guidance on the meaning of the term "inhabited"</p> <p>8 within the context of this provision?</p> <p>9 A Yes.</p> <p>10 Q Second sentence in this</p> <p>11 subsection says, quote, "A person may not</p> <p>12 designate a previous residence as a home and fixed</p> <p>13 place of habitation unless the person inhabits the</p> <p>14 place at the time of designation and intends to</p> <p>15 remain."</p> <p>16 Did I read that correctly?</p> <p>17 A Yes.</p> <p>18 Q Can you tell me what that sentence</p> <p>19 means in plain language?</p> <p>20 MS. BINGHAM: Object to form.</p> <p>21 THE WITNESS: I would just have to</p> <p>22 read it at -- you know, plain language as it is,</p>	<p>1 MS. BINGHAM: Object to form.</p> <p>2 THE WITNESS: The term is not defined</p> <p>3 in the Texas Election Code.</p> <p>4 BY MR. DODGE:</p> <p>5 Q And so you do not believe that it's</p> <p>6 clear what a fixed place of habitation refers to</p> <p>7 within the context of this provision?</p> <p>8 A Correct. Based on this provision</p> <p>9 alone, I don't -- I don't know exactly what they</p> <p>10 mean by "fixed place of habitation," and it would</p> <p>11 have to be determined on a case-by-case voter</p> <p>12 as -- sorry, on a case-by-case per voter with</p> <p>13 guidance from the County Attorney or Secretary of</p> <p>14 State.</p> <p>15 Q And did the Secretary of State's</p> <p>16 Office provide you with any guidance on the</p> <p>17 meaning of the term "fixed place of habitation"</p> <p>18 within the context of the temporary relocation</p> <p>19 provision?</p> <p>20 A No, not that I know of.</p> <p>21 Q Would it have been helpful for the</p> <p>22 Secretary of State's Office to provide you with</p>
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<p>1 right? A person may not designate a previous</p> <p>2 residence as a home and fixed place of habitation</p> <p>3 unless the person inhabits the place at the time</p> <p>4 of designation and intends to remain.</p> <p>5 BY MR. DODGE:</p> <p>6 Q So you are not able to explain the</p> <p>7 meaning of that sentence beyond reciting the text</p> <p>8 of the statute; is that right?</p> <p>9 MS. BINGHAM: Object to form.</p> <p>10 THE WITNESS: Correct. I need more</p> <p>11 guidance perhaps on what any one of those terms</p> <p>12 mean in order to interpret it a different way.</p> <p>13 BY MR. DODGE:</p> <p>14 Q Let's get into some of those terms.</p> <p>15 What do you understand "previous</p> <p>16 residence" to mean within the context of the</p> <p>17 temporary relocation provision?</p> <p>18 A A place someone resided before the</p> <p>19 place they reside now.</p> <p>20 Q Okay. And what do you understand a</p> <p>21 fixed place of habitation to refer to within the</p> <p>22 context of the temporary relocation provision?</p>	<p>1 guidance on the meaning of the term "fixed place</p> <p>2 of habitation" within the context of the</p> <p>3 provision?</p> <p>4 A Yes.</p> <p>5 Q What does the term "inhabit the place</p> <p>6 at the time of designation" mean to you within the</p> <p>7 context of this provision?</p> <p>8 MS. BINGHAM: Object to form.</p> <p>9 THE WITNESS: I am not clear on what</p> <p>10 the Texas Election Code would say or constitutes</p> <p>11 as inhabiting, but at the place and time of</p> <p>12 designation, I reasonably assume means at the time</p> <p>13 that they submit to our office a voter</p> <p>14 registration application.</p> <p>15 BY MR. DODGE:</p> <p>16 Q But it's not clear to you what the</p> <p>17 term "inhabit" means in this sentence; is that</p> <p>18 correct?</p> <p>19 A No. I can only come up with</p> <p>20 similarly, but equally. Because it's not defined</p> <p>21 in the Texas Election Code, it is a bit subjective</p> <p>22 in nature.</p>

22 (Pages 85 to 88)

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<p style="text-align: right;">Page 89</p> <p>1 Q And am I correct in -- strike that.</p> <p>2 Did the Secretary of State's Office</p> <p>3 provide you with a definition of the term</p> <p>4 "inhabit" within the context of this provision?</p> <p>5 A Not that I'm aware of, sir.</p> <p>6 Q Would it have been helpful to your</p> <p>7 office if the Secretary of State had provided such</p> <p>8 guidance?</p> <p>9 A Yes.</p> <p>10 Q What does the phrase "intend to</p> <p>11 remain" mean within the context of the temporary</p> <p>12 relocation provision?</p> <p>13 MS. BINGHAM: Object to form.</p> <p>14 THE WITNESS: That they intend to stay</p> <p>15 in that place, but for what length of time is not</p> <p>16 defined in the Texas Election Code.</p> <p>17 BY MR. DODGE:</p> <p>18 Q That leads to my next question:</p> <p>19 How long does a person need to intend</p> <p>20 to remain at their residence in order to be a</p> <p>21 lawful resident of Harris County?</p> <p>22 MS. BINGHAM: Object to form.</p>	<p style="text-align: right;">Page 91</p> <p>1 A In regards to this provision or</p> <p>2 initially registering to vote, that is correct.</p> <p>3 Q If a college student originally from</p> <p>4 Harris County called your office and told you that</p> <p>5 she had moved to Austin, Texas, to attend college,</p> <p>6 but wanted to register to vote at her parents'</p> <p>7 home in Harris County, what would your office tell</p> <p>8 that student?</p> <p>9 MS. BINGHAM: Object to form.</p> <p>10 MR. HUDSON: Objection, form,</p> <p>11 speculation, foundation, improper hypothetical,</p> <p>12 calls for a legal conclusion.</p> <p>13 THE WITNESS: I would refer that</p> <p>14 individual to the section of the Texas</p> <p>15 Election Code or other provisions and ask again</p> <p>16 that the voter express to us what they believe is</p> <p>17 their residence, and we have to accept that</p> <p>18 residence at face value on their application.</p> <p>19 BY MR. DODGE:</p> <p>20 Q What interests of the Harris County</p> <p>21 Elections Administrator are served by the</p> <p>22 temporary relocation provision?</p>
<p style="text-align: right;">Page 90</p> <p>1 MR. HUDSON: Objection, form, calls</p> <p>2 for speculation.</p> <p>3 THE WITNESS: I don't believe that</p> <p>4 that has been defined either, either in the Texas</p> <p>5 Election Code or with guidance from the Secretary</p> <p>6 of State.</p> <p>7 BY MR. DODGE:</p> <p>8 Q So the Secretary of State's Office has</p> <p>9 not provided you with any guidance on how long an</p> <p>10 individual needs to intend to remain at a</p> <p>11 residence in order to be a lawful resident of a</p> <p>12 particular county?</p> <p>13 A In regards specifically to their</p> <p>14 ability to register to vote in Harris County.</p> <p>15 Q I'm just going to reask the question</p> <p>16 because I think there was some background noise</p> <p>17 there.</p> <p>18 The Secretary of State's Office has</p> <p>19 not provided you with any guidance on how long an</p> <p>20 individual needs to intend to remain at a</p> <p>21 particular residence in order to be a lawful</p> <p>22 resident of a particular county; is that correct?</p>	<p style="text-align: right;">Page 92</p> <p>1 A Can you repeat the question, please?</p> <p>2 Q Let me reframe it.</p> <p>3 Can you name any interests of the</p> <p>4 Harris County Elections Administrator that are</p> <p>5 served by the temporary relocation provision?</p> <p>6 A No.</p> <p>7 Q Can you name any interests of</p> <p>8 Harris County generally that are served by the</p> <p>9 temporary relocation provision?</p> <p>10 MS. BINGHAM: Object to form.</p> <p>11 THE WITNESS: I can't -- I can't speak</p> <p>12 for the county as an entity, but I can share that,</p> <p>13 you know, if you mean broadly Harris County</p> <p>14 voters, I cannot think of a benefit to this</p> <p>15 clause.</p> <p>16 BY MR. DODGE:</p> <p>17 Q So you can't identify any benefit to</p> <p>18 the voters of Harris County in the temporary</p> <p>19 relocation provision; is that right?</p> <p>20 A Correct.</p> <p>21 Q Does the temporary relocation</p> <p>22 provision in any way further your office's mission</p>

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<p>1 of helping people register to vote?</p> <p>2 A No.</p> <p>3 Q Okay, can we pull up Exhibit E?</p> <p>4 (Exhibit E was marked</p> <p>5 for identification.)</p> <p>6 BY MR. DODGE:</p> <p>7 Q Ms. Longoria, just take a moment to</p> <p>8 familiarize yourself with the document.</p> <p>9 A Would you mind zooming in a bit?</p> <p>10 (Witness reviewing Exhibit E.)</p> <p>11 Q Do you recognize this document?</p> <p>12 A Yes. It's the PowerPoint version of</p> <p>13 the SB-1111 training provided by the Texas</p> <p>14 Secretary of State and disseminated to county</p> <p>15 election officials and offices.</p> <p>16 Q And you recall that you perhaps</p> <p>17 attended that training; is that right?</p> <p>18 A I cannot remember if I personally</p> <p>19 attended this training, but I know that I have</p> <p>20 seen this document, reviewed this document, even</p> <p>21 if I didn't attend the training in real time.</p> <p>22 Q Do you know when this presentation was</p>	<p>1 please? And if we could zoom in on -- sorry,</p> <p>2 that's not where I wanted to go.</p> <p>3 Apologies, if we could go to page 3,</p> <p>4 and if we could zoom in on what is slide 5 at the</p> <p>5 top.</p> <p>6 MR. HUDSON: While you're doing that,</p> <p>7 Mr. Dodge, would you mind identifying this by the</p> <p>8 Bates stamp numbers for purposes of the record?</p> <p>9 Or, alternatively, I can do it when it's my chance</p> <p>10 to ask questions, but just for purposes of</p> <p>11 clarity, it would be helpful.</p> <p>12 MR. DODGE: For purposes of the</p> <p>13 record, Exhibit E is a document produced to</p> <p>14 Plaintiffs by Ms. Longoria that begins with</p> <p>15 Bates stamp LONGORIA-00099.</p> <p>16 MR. HUDSON: Thank you.</p> <p>17 BY MR. DODGE:</p> <p>18 Q We're looking at slide 5 of this</p> <p>19 PowerPoint presentation, correct?</p> <p>20 A Correct.</p> <p>21 Q And this slide reflects several of the</p> <p>22 changes that Senate Bill 1111 made to the Texas</p>
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<p>1 given?</p> <p>2 A I can't remember when this</p> <p>3 presentation was first given. I'm happy to go</p> <p>4 look up the exact dates if you need them.</p> <p>5 Q Do you know who from the Secretary of</p> <p>6 State's Office presented this PowerPoint?</p> <p>7 A I would assume just by seeing</p> <p>8 "Election Law Seminar" that it would have been</p> <p>9 Christina Adkins or Keith Ingram with the Texas</p> <p>10 Secretary of State's Office.</p> <p>11 Q And to your knowledge, there were no</p> <p>12 other presentations offered by the Secretary of</p> <p>13 State's Office regarding the meaning of</p> <p>14 Senate Bill 1111; is that right?</p> <p>15 A Mr. Dodge, I do, but I'm happy to go</p> <p>16 look and see when they would have scheduled these,</p> <p>17 even if it was a repeat of the same presentation.</p> <p>18 I just in this moment can't remember</p> <p>19 the details of when they offered this presentation</p> <p>20 or on what day, but I'm happy to look it up for</p> <p>21 you.</p> <p>22 Q Can we turn to page 5 of Exhibit E,</p>	<p>1 Election Code, correct?</p> <p>2 A Correct.</p> <p>3 Q Can we go to the next slide, which is</p> <p>4 slide 6 on the same page?</p> <p>5 Could you please read aloud the third</p> <p>6 bullet point on this page?</p> <p>7 A "Change in statute may affect how you</p> <p>8 answer voter questions."</p> <p>9 Q So you would agree that the Secretary</p> <p>10 of State's presentation reflected its</p> <p>11 understanding that voters sometimes contact your</p> <p>12 office with questions about voting?</p> <p>13 A Yes.</p> <p>14 Q And would you also agree that this</p> <p>15 presentation reflects that the Secretary of</p> <p>16 State's Office expected that you might receive</p> <p>17 questions about Senate Bill 1111 in particular?</p> <p>18 A I think it's reasonable to assume,</p> <p>19 yes, that the presentation was based on that</p> <p>20 voters would have questions about these law</p> <p>21 changes.</p> <p>22 Q And would you also agree that this</p>

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<p style="text-align: right;">Page 97</p> <p>1 presentation reflects that the Secretary of</p> <p>2 State's Office believed Senate Bill 1111 might</p> <p>3 change how your office answered questions from</p> <p>4 voters about registering to vote?</p> <p>5 A Yes.</p> <p>6 Q Did the Secretary of State discuss any</p> <p>7 of the questions that voters might have about the</p> <p>8 impact of Senate Bill 1111?</p> <p>9 MR. HUDSON: Objection, foundation.</p> <p>10 THE WITNESS: Respectfully,</p> <p>11 Fred [sic], I'd have to touch base with my staff</p> <p>12 again to see if they recollect any questions that</p> <p>13 were given as examples in this presentation.</p> <p>14 BY MR. DODGE:</p> <p>15 Q But the Secretary of State's Office</p> <p>16 has never reached out to you specifically to</p> <p>17 identify questions voters might have about the</p> <p>18 impact of Senate Bill 1111; is that correct?</p> <p>19 A Sorry. To my knowledge, our office</p> <p>20 has not received documents or kind of FAQs from</p> <p>21 the Secretary of State's Office on general</p> <p>22 questions we may receive from voters, no.</p>	<p style="text-align: right;">Page 99</p> <p>1 A Yes.</p> <p>2 Q Has Senate Bill 1111 affected how</p> <p>3 voter registrars within your office evaluate the</p> <p>4 face of a voter registration application?</p> <p>5 A No.</p> <p>6 Q If we could return to Exhibit B,</p> <p>7 please. If we could please zoom in on</p> <p>8 Section 2(a) towards the bottom of the first page,</p> <p>9 and if possible, I think a little bit of the</p> <p>10 section goes on to the next page. I don't know if</p> <p>11 it's possible to have both up at the same time.</p> <p>12 Thank you.</p> <p>13 Ms. Longoria, could you please read</p> <p>14 aloud Section 2(a)?</p> <p>15 A In its entirety?</p> <p>16 Q Please.</p> <p>17 A Absolutely. "If the registrar has</p> <p>18 reason to believe that a voter's current residence</p> <p>19 is different from that indicated on the</p> <p>20 registration records, or that the voter's</p> <p>21 residence address is a commercial post office box</p> <p>22 or similar location that does not correspond to a</p>
<p style="text-align: right;">Page 98</p> <p>1 Q To your knowledge, has the Secretary</p> <p>2 of State's Office ever discussed how</p> <p>3 Senate Bill 1111 might confuse voters?</p> <p>4 A No.</p> <p>5 Q Has Senate Bill 1111 affected how you</p> <p>6 answer or how your office answers questions from</p> <p>7 voters?</p> <p>8 A Yes.</p> <p>9 Q Can you tell me how?</p> <p>10 A Similar to the examples previously</p> <p>11 given, if voters make statements to us or ask how</p> <p>12 these provisions of the law might affect them,</p> <p>13 what a definition of "inhabitation" or "residence"</p> <p>14 means, we have to direct them to the Secretary of</p> <p>15 State or other documents for them to determine</p> <p>16 what their residency is when sharing that with us</p> <p>17 for the purposes of registering to vote.</p> <p>18 Q The final bullet point on this slide</p> <p>19 says, quote, "Voter Registrars will continue to</p> <p>20 evaluate what is on the face of a voter</p> <p>21 registration application."</p> <p>22 Did I read that correctly?</p>	<p style="text-align: right;">Page 100</p> <p>1 residence, the registrar shall deliver to the</p> <p>2 voter a written confirmation notice requesting</p> <p>3 confirmation of the voter's current residence."</p> <p>4 Q Thank you. I'm going to refer to this</p> <p>5 provision going forward as "the post office box</p> <p>6 provision." Does that seem reasonable?</p> <p>7 A Yes.</p> <p>8 Q Are you familiar with this provision</p> <p>9 of Senate Bill 1111?</p> <p>10 A Yes.</p> <p>11 Q Can you explain to me how this</p> <p>12 provision changes existing Texas Election Code</p> <p>13 provisions?</p> <p>14 MS. BINGHAM: Object to form.</p> <p>15 THE WITNESS: Would you repeat the</p> <p>16 question again?</p> <p>17 BY MR. DODGE:</p> <p>18 Q Could you explain to me how this</p> <p>19 provision of Senate Bill 1111 changes existing</p> <p>20 Texas election law?</p> <p>21 MS. BINGHAM: Object to form.</p> <p>22 THE WITNESS: It seems to amend the</p>

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<p style="text-align: right;">Page 101</p> <p>1 code to make it very specific that an individual</p> <p>2 cannot be registered to vote at a post office box,</p> <p>3 or what they refer to as a similar location that</p> <p>4 does not correspond to a residence.</p> <p>5 BY MR. DODGE:</p> <p>6 Q Prior to the enactment of</p> <p>7 Senate Bill 1111, what would your office have done</p> <p>8 if it received a voter registration application</p> <p>9 that listed a commercial post office box as an</p> <p>10 address?</p> <p>11 A Pre-Senate Bill 1111, if anyone used</p> <p>12 PO, PO Box, PB and a number that we could</p> <p>13 reasonably assume was a post office box, we would</p> <p>14 send to that voter a letter sharing that we,</p> <p>15 you know, did not believe perhaps that that was a</p> <p>16 residence, or if they could please confirm that</p> <p>17 that was where they intended to reside.</p> <p>18 Q Did that notice call for any kind of</p> <p>19 documentation establishing that person's</p> <p>20 residence?</p> <p>21 A No. If I remember correctly, we would</p> <p>22 send them a letter saying, you know, you can't be</p>	<p style="text-align: right;">Page 103</p> <p>1 MS. BINGHAM: Object to form.</p> <p>2 THE WITNESS: The way it's worded to</p> <p>3 me means a place where a voter does not reside,</p> <p>4 live, inhabit, et cetera.</p> <p>5 BY MR. DODGE:</p> <p>6 Q How would your office determine if a</p> <p>7 voter's listed address is a residence?</p> <p>8 A Mr. Dodge, I think you cut out there a</p> <p>9 second. Would you mind repeating the question</p> <p>10 again?</p> <p>11 Q I apologize. The question I was</p> <p>12 asking is how would your office determine if a</p> <p>13 voter's residence -- strike the question.</p> <p>14 How would your office determine if a</p> <p>15 voter's listed address is a similar location that</p> <p>16 does not correspond to a residence?</p> <p>17 A It would have to -- a report would</p> <p>18 have to be made to our office by someone with</p> <p>19 personal knowledge that, you know, they believe</p> <p>20 that a voter's address as provided was not their</p> <p>21 residence for us to then, you know, go on to do a</p> <p>22 little more research to determine whether or not</p>
<p style="text-align: right;">Page 102</p> <p>1 registered at a PO Box, please provide your</p> <p>2 address of residence, and they would submit to us</p> <p>3 a form provided by the Secretary of State, a form</p> <p>4 where they would reply to us what their residence</p> <p>5 address was, and we would take it at face value.</p> <p>6 Q How does your office determine if a</p> <p>7 voter's residence is a commercial post office box?</p> <p>8 MS. BINGHAM: Object to form.</p> <p>9 THE WITNESS: If it has the letters</p> <p>10 PO, PO Box, PB, and has after that a set of</p> <p>11 numbers, that I think generally are understood to</p> <p>12 denote a post office box.</p> <p>13 BY MR. DODGE:</p> <p>14 Q What does the phrase "a similar</p> <p>15 location that does not correspond to a residence"</p> <p>16 mean to you within the context of the post office</p> <p>17 box provision?</p> <p>18 MS. BINGHAM: Object to form.</p> <p>19 THE WITNESS: That to me means a</p> <p>20 location that is not a residence of the voter.</p> <p>21 BY MR. DODGE:</p> <p>22 Q Can you give me an example of that?</p>	<p style="text-align: right;">Page 104</p> <p>1 that was likely true.</p> <p>2 MR. DODGE: Will you bring up</p> <p>3 Exhibit F?</p> <p>4 (Exhibit F was marked</p> <p>5 for identification.)</p> <p>6 BY MR. DODGE:</p> <p>7 Q I'm going to go through a series of</p> <p>8 forms that your office produced to us in this</p> <p>9 litigation just to better understand what they are</p> <p>10 and what they do.</p> <p>11 Can you please take a moment to review</p> <p>12 Exhibit F?</p> <p>13 A (Witness reviewing Exhibit F.) Okay.</p> <p>14 Q Are you familiar with this document?</p> <p>15 A Yes. It appears to be a general Voter</p> <p>16 Registration Address Confirmation form as provided</p> <p>17 by the Secretary of State.</p> <p>18 Q And did your office use this form</p> <p>19 prior the enactment of Senate Bill 1111?</p> <p>20 A No.</p> <p>21 Q Is this the most current version of</p> <p>22 the form that your office uses?</p>

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<p>1 A I believe so, yes.</p> <p>2 Q And your office continues to use this</p> <p>3 form?</p> <p>4 A Yes.</p> <p>5 Q And you believe that this form in its</p> <p>6 current state is a result of the enactment of</p> <p>7 Senate Bill 1111?</p> <p>8 A Yes. This form is to address the</p> <p>9 provisions of SB-1111 requiring an address</p> <p>10 confirmation.</p> <p>11 Q Can you tell me in what circumstances</p> <p>12 your office would use this form?</p> <p>13 A If it was made known to us either by</p> <p>14 report or, for example, a voter registration -- a</p> <p>15 voter's registration card or other notice from our</p> <p>16 office bounced back as undeliverable for a certain</p> <p>17 purpose, it may trigger needing to send this</p> <p>18 letter or a notice to a voter that we require them</p> <p>19 to confirm their address.</p> <p>20 Q And what would happen if that voter</p> <p>21 failed to return the form?</p> <p>22 A The voter is placed on Suspense, what</p>	<p>1 applicable statewide applications, president,</p> <p>2 for example, if after two statewide elections --</p> <p>3 I'm sorry, after two federal elections the voter</p> <p>4 had not responded to correspondence or multiple</p> <p>5 letters from our office, or had not appeared in</p> <p>6 person to update, validate, or otherwise submit an</p> <p>7 address confirmation form, then we are compelled</p> <p>8 by law to automatically remove them for not having</p> <p>9 corresponded with our office.</p> <p>10 Q But the voter can cure their</p> <p>11 registration at any time prior to that, including</p> <p>12 on an election day?</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. Can we please go to Exhibit G?</p> <p>15 Actually, just for purposes of</p> <p>16 clarity, let's go back to Exhibit F. I'll just</p> <p>17 put on the record that Exhibit F is a document</p> <p>18 that was produced to Plaintiffs by Ms. Longoria</p> <p>19 that is at Bates LONGORIA-00085.</p> <p>20 If we could now go to Exhibit G.</p> <p>21 (Exhibit G was marked</p> <p>22 for identification.)</p>
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<p>1 we call the Suspense List, which means</p> <p>2 colloquially their record is flagged as needing an</p> <p>3 update or confirmation of their address.</p> <p>4 Any time they go to vote or interact</p> <p>5 with our office, be it voter registration or</p> <p>6 otherwise, whoever spoke to them would ask that</p> <p>7 they please submit an updated address or complete</p> <p>8 an address confirmation form to correct our</p> <p>9 records.</p> <p>10 Q Okay.</p> <p>11 A I'm sorry, to correct our validate our</p> <p>12 records.</p> <p>13 Q I'd like to better understand the</p> <p>14 Suspense List. A voter put on the Suspense List</p> <p>15 is not removed from the voter rolls; is that</p> <p>16 correct?</p> <p>17 A Correct, they are not removed. They</p> <p>18 are not removed immediately upon being placed on</p> <p>19 the Suspense List.</p> <p>20 Q At what point would they be removed?</p> <p>21 A If after two federal elections, which</p> <p>22 are usually defined as a gubernatorial or other</p>	<p>1 BY MR. DODGE:</p> <p>2 Q This is a document that was produced</p> <p>3 to Plaintiffs by Ms. Longoria that is at</p> <p>4 Bates LONGORIA-00097.</p> <p>5 Ms. Longoria, if you could take a</p> <p>6 moment to just familiarize yourself with the</p> <p>7 document.</p> <p>8 A (Witness reviewing Exhibit G.)</p> <p>9 Q Are you familiar with this document?</p> <p>10 A Yes.</p> <p>11 Q And did your office use this form</p> <p>12 before the enactment of Senate Bill 1111?</p> <p>13 A Oh, boy. They're very similar</p> <p>14 documents, so now I'm a bit confused, but it</p> <p>15 looks -- I will say, based on the date of 08/2021,</p> <p>16 that this is something we would have used post</p> <p>17 SB-1111.</p> <p>18 Q You said post Senate Bill 1111?</p> <p>19 A Yeah, sorry. Yes, that's what I said,</p> <p>20 based on the -- it has a date of August 2021 on</p> <p>21 it.</p> <p>22 Q So your office continues to use this</p>

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<p style="text-align: right;">Page 109</p> <p>1 form?</p> <p>2 A Yes, I believe so.</p> <p>3 Q I promise this isn't a trick question.</p> <p>4 Is this form different from Exhibit F,</p> <p>5 which we just looked at?</p> <p>6 A We would -- honestly, not meant to be</p> <p>7 a trick answer either. We would have to compare</p> <p>8 them side by side, but they look materially very</p> <p>9 similar, at least on the top portion.</p> <p>10 Q Okay. So are you aware of -- strike</p> <p>11 that. In what circumstances would you use this</p> <p>12 form?</p> <p>13 A Similarly, if there's a question as to</p> <p>14 whether or not a voter's residence, as shared with</p> <p>15 us on their voter registration form or in their</p> <p>16 voter file, was otherwise incorrect, to be</p> <p>17 questioned, et cetera, or not eligible per the</p> <p>18 law.</p> <p>19 So we would send this form to the</p> <p>20 voter to say, hey, we've received -- or have come</p> <p>21 to believe or become aware that we need to update</p> <p>22 your address, can you confirm whether or not the</p>	<p style="text-align: right;">Page 111</p> <p>1 And I'll ask Ms. Longoria to take a</p> <p>2 moment to familiarize herself with this document.</p> <p>3 A (Witness reviewing Exhibit H.)</p> <p>4 Yes, thank you.</p> <p>5 Q Are you familiar with this document?</p> <p>6 A Yes.</p> <p>7 Q Did your office use this form before</p> <p>8 the enactment of Senate Bill 1111?</p> <p>9 A No.</p> <p>10 Q To your knowledge, was this form</p> <p>11 created as a result of the enactment of</p> <p>12 Senate Bill 1111?</p> <p>13 A Yes.</p> <p>14 Q Is this, to your knowledge, the most</p> <p>15 current version of the form that your office uses?</p> <p>16 A Yes.</p> <p>17 Q Could you please read the first</p> <p>18 sentence under the title "NOTICE TO CONFIRM VOTER</p> <p>19 REGISTRATION ADDRESS"?</p> <p>20 A "This office has received information</p> <p>21 indicating that your current residence is</p> <p>22 different from the residence on your registration</p>
<p style="text-align: right;">Page 110</p> <p>1 address we have on file for you is a correct</p> <p>2 address to what your current residence is?</p> <p>3 Q But you're not sure in what</p> <p>4 circumstances your office would use Exhibit G</p> <p>5 rather than Exhibit F, which we just looked at; is</p> <p>6 that right?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 THE WITNESS: Please consider that</p> <p>9 my -- I'm only getting confused in the two forms</p> <p>10 and side by side. So if there could be any more</p> <p>11 clarity on which form was which, it would be</p> <p>12 helpful, but generally, because it says "address</p> <p>13 confirmation" on the top, to confirm the address</p> <p>14 of a voter for which there was a question.</p> <p>15 MR. DODGE: Okay. If we could now</p> <p>16 pull up Exhibit H.</p> <p>17 (Exhibit H was marked</p> <p>18 for identification.)</p> <p>19 BY MR. DODGE:</p> <p>20 Q This is a document produced to</p> <p>21 Plaintiffs by Ms. Longoria's office, beginning</p> <p>22 with Bates LONGORIA-00092.</p>	<p style="text-align: right;">Page 112</p> <p>1 record."</p> <p>2 Q So is it correct to say that your</p> <p>3 office uses this form when it believes that a</p> <p>4 voter no longer resides at the address listed on</p> <p>5 their registration?</p> <p>6 MS. BINGHAM: Object to form.</p> <p>7 THE WITNESS: We use this when</p> <p>8 information has been made -- when we have received</p> <p>9 or been made aware of information that a voter may</p> <p>10 not live at the address on their voter record.</p> <p>11 BY MR. DODGE:</p> <p>12 Q Does this form require a registrant to</p> <p>13 submit any documentation in responding to it? And</p> <p>14 feel free to ask for them to scroll down if</p> <p>15 needed.</p> <p>16 A I'm just making sure I read through it</p> <p>17 appropriately. I don't believe so.</p> <p>18 Q If a voter failed to return this form,</p> <p>19 would they be put on the Suspense List?</p> <p>20 A They would I believe already be on the</p> <p>21 Suspense List, but yes, if they failed to return</p> <p>22 this form, they would remain on the Suspense List.</p>

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<p>1 Q Can you please read aloud the sentence</p> <p>2 at the bottom of the screen beginning "if you</p> <p>3 have"?</p> <p>4 A "If you have any questions about your</p> <p>5 registration status, please call my office at"</p> <p>6 blank.</p> <p>7 Q So this form encourages registrants to</p> <p>8 call your office with questions about their</p> <p>9 registration status; is that correct?</p> <p>10 A Correct.</p> <p>11 Q And that would include questions about</p> <p>12 whether or not they meet the residency</p> <p>13 requirements under the Texas Election Code,</p> <p>14 correct?</p> <p>15 A Correct.</p> <p>16 MR. DODGE: Okay, if we could pull up</p> <p>17 Exhibit I.</p> <p>18 (Exhibit I was marked</p> <p>19 for identification.)</p> <p>20 BY MR. DODGE:</p> <p>21 Q This is a document produced to</p> <p>22 Plaintiffs by Ms. Longoria's office beginning with</p>	<p>1 post office box or similar location that does not</p> <p>2 correspond to a residence."</p> <p>3 Q So is it correct that your office uses</p> <p>4 this form when a voter's listed address appears to</p> <p>5 be a commercial post office box or the like?</p> <p>6 A Yes.</p> <p>7 Q Okay, I've been asking you to read a</p> <p>8 lot, so I'll take this one.</p> <p>9 The second paragraph of the form</p> <p>10 reads, "You must provide proof that the address</p> <p>11 where you registered to vote is your residence.</p> <p>12 Proof of residence must be provided by submitting</p> <p>13 a photocopy of the first document you possess on</p> <p>14 the list below that corresponds to your residence</p> <p>15 address."</p> <p>16 Did I read that correctly?</p> <p>17 A Yes.</p> <p>18 Q And do you see then that below that on</p> <p>19 the form, the form lists a number of documents</p> <p>20 that can establish proof of residence?</p> <p>21 A Yes.</p> <p>22 Q So is it correct to say that a voter</p>
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<p>1 the Bates stamp LONGORIA-00093, and I'll ask the</p> <p>2 witness to just take a moment to familiarize</p> <p>3 herself with the document.</p> <p>4 A (Witness reviewing Exhibit I.) Okay.</p> <p>5 Q Are you familiar with this document?</p> <p>6 A Yes.</p> <p>7 Q Did your office use this form before</p> <p>8 the enactment of Senate Bill 1111?</p> <p>9 A No.</p> <p>10 Q So to your knowledge, was this form</p> <p>11 created as a result of Senate Bill 1111?</p> <p>12 A Yes.</p> <p>13 Q And to your knowledge, is this the</p> <p>14 most current version of the form that your office</p> <p>15 uses?</p> <p>16 A Yes.</p> <p>17 Q Could you please read the first</p> <p>18 sentence under the header beginning with "if you</p> <p>19 are"?</p> <p>20 A "If you are receiving this notice, the</p> <p>21 residence address on your voter registration</p> <p>22 application has been identified as a commercial</p>	<p>1 whose address appears to be a commercial post</p> <p>2 office box or the like must submit documentation</p> <p>3 to cure their registration?</p> <p>4 A Yes.</p> <p>5 Q And what would be the consequence if a</p> <p>6 voter failed to return this form?</p> <p>7 A They would -- if a voter failed to</p> <p>8 return this form, they would be kept on the</p> <p>9 Suspense List until they either submitted --</p> <p>10 you know, until they cured their record and/or</p> <p>11 enough elections had elapsed that they would be</p> <p>12 then removed automatically from the voter rolls.</p> <p>13 Q We've been going about an hour. I'm</p> <p>14 almost close to finishing up. I suspect I don't</p> <p>15 have more than 10 or 15 more minutes of questions,</p> <p>16 so why don't we take a break.</p> <p>17 MS. BINGHAM: Sounds good. How long?</p> <p>18 THE VIDEOGRAPHER: Going off the</p> <p>19 record. The time is 11:06.</p> <p>20 (A break was taken.)</p> <p>21 THE VIDEOGRAPHER: We are back on the</p> <p>22 record. The time is 11:18.</p>

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<p style="text-align: right;">Page 117</p> <p>1 BY MR. DODGE:</p> <p>2 Q Can we bring Exhibit B back up,</p> <p>3 please? If we could go to page 2 of this</p> <p>4 document. And if we could then zoom in on</p> <p>5 Section 4, which begins at line 16.</p> <p>6 Subsection (a) of Section 4 states</p> <p>7 that "Not later than the 30th day after the date a</p> <p>8 confirmation notice is mailed, the voter shall</p> <p>9 submit to the registrar a written, signed response</p> <p>10 to the notice that confirms the voter's current</p> <p>11 address [sic]. The response must contain:" and</p> <p>12 then it lists what the response must contain.</p> <p>13 Did I read that correctly?</p> <p>14 A Unfortunately not, Mr. Dodge. I</p> <p>15 believe you said -- on line 21, you said the</p> <p>16 voter's current address. I think it's important</p> <p>17 to note it's the current residence.</p> <p>18 Q All right. Well, just in the pursuit</p> <p>19 of accuracy, let me try it again.</p> <p>20 Subsection (a) of Section 4 of</p> <p>21 Senate Bill 1111 reads, "Not later than the 30th</p> <p>22 day after the date a confirmation notice is</p>	<p style="text-align: right;">Page 119</p> <p>1 could offer some assistance there. I think there</p> <p>2 still might be a line obscured on the top part.</p> <p>3 THE VIDEOGRAPHER: My apologies.</p> <p>4 MR. DODGE: Excellent, thank you.</p> <p>5 THE WITNESS: I believe subsection 3</p> <p>6 states, "if the voter's residence address is a</p> <p>7 commercial post office box or similar location</p> <p>8 that does not correspond to a residence, evidence</p> <p>9 of the voter's residence address as required by</p> <p>10 Section 15.054 or an indication that the voter is</p> <p>11 exempt from those requirements."</p> <p>12 BY MR. DODGE:</p> <p>13 Q So is it accurate to say that the</p> <p>14 third requirement only applies to voters who</p> <p>15 receive a confirmation notice because their</p> <p>16 address appears to be a commercial post office box</p> <p>17 or the like?</p> <p>18 A Yes.</p> <p>19 Q So only individuals who list their</p> <p>20 address as a commercial post office box or the</p> <p>21 like are required to submit documentation with</p> <p>22 their responses to a voter confirmation notice; is</p>
<p style="text-align: right;">Page 118</p> <p>1 mailed, the voter shall submit to the registrar a</p> <p>2 written, signed response to the notice that</p> <p>3 confirms the voter's current residence. The</p> <p>4 response must contain:" and then it lists what the</p> <p>5 response must contain.</p> <p>6 Did I read it correctly that time?</p> <p>7 A Yes, sir. Thank you for clarifying.</p> <p>8 Q Great. The first requirement is that</p> <p>9 the response include all of the information that a</p> <p>10 person must include in an application to register</p> <p>11 to vote under Section 13.002.</p> <p>12 Did I get that right?</p> <p>13 A Yes.</p> <p>14 Q And second requirement is that the</p> <p>15 response includes, quote, "a sworn affirmation of</p> <p>16 the voter's current residence as defined by</p> <p>17 Section 1.015."</p> <p>18 Did I read that correctly?</p> <p>19 A Yes.</p> <p>20 Q Okay. I'm going to ask you if you</p> <p>21 could read the third requirement, which I think is</p> <p>22 split between two pages, so if the videographer</p>	<p style="text-align: right;">Page 120</p> <p>1 that correct?</p> <p>2 A Yes.</p> <p>3 Q And is it then also correct that this</p> <p>4 third requirement does not apply to voters who</p> <p>5 receive a confirmation notice for another reason,</p> <p>6 such as their residence not matching their</p> <p>7 registration form?</p> <p>8 A Can you repeat the question, please?</p> <p>9 Q It was a bit convoluted, so let me</p> <p>10 reframe it.</p> <p>11 Is it correct that the third</p> <p>12 requirement does not apply to voters who receive a</p> <p>13 confirmation notice for a reason other than their</p> <p>14 listed address appearing to be a commercial post</p> <p>15 office box or the like?</p> <p>16 A I believe that's correct, yes.</p> <p>17 Q Okay. I just have a few final</p> <p>18 questions related to your office's collection of</p> <p>19 documents in this matter.</p> <p>20 We've reviewed a number of documents</p> <p>21 today that your office collected and produced to</p> <p>22 us, correct?</p>

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<p>1 A Yes.</p> <p>2 Q And can you tell me that in collecting</p> <p>3 and producing those documents, whose files did you</p> <p>4 search?</p> <p>5 A We searched our own files as the</p> <p>6 election office.</p> <p>7 Q Okay. And do you know whose emails</p> <p>8 you searched through, if anyone's?</p> <p>9 A I'd have to go back and check</p> <p>10 specifically which staff members we directed.</p> <p>11 MR. DODGE: Okay. Well, thank you</p> <p>12 very much for your time today. I don't have any</p> <p>13 further questions, and I'm glad to pass the</p> <p>14 witness.</p> <p>15 THE WITNESS: Good meeting you,</p> <p>16 Mr. Dodge.</p> <p>17 MR. DODGE: Thank you. Likewise.</p> <p>18 THE WITNESS: Eric.</p> <p>19 MR. HUDSON: Isabel. What's going on?</p> <p>20 THE WITNESS: For the record, Eric was</p> <p>21 my first deposition, and now my second deposition.</p> <p>22 What better lucky charm is that?</p>	<p>1 I'd be using another screen. I am using another</p> <p>2 screen just to see this document, but for no other</p> <p>3 purpose.</p> <p>4 MR. DODGE: I understand.</p> <p>5 MR. HUDSON: And can I get the --</p> <p>6 whoever is handling the exhibits, go ahead and</p> <p>7 pull down that exhibit window. There you go.</p> <p>8 Let me know when you're ready, Isabel.</p> <p>9 THE WITNESS: Ready.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q Okay. So I'm going to throw up here</p> <p>12 on the screen -- do you see what I've got up</p> <p>13 there?</p> <p>14 A Yes, sir.</p> <p>15 Q Okay. So this is Intervenor</p> <p>16 Defendant's 1. This is the copy of the Complaint</p> <p>17 for Declaratory Injunctive Relief found at ECF-1</p> <p>18 in Case No. 21-cv-546.</p> <p>19 Have you ever seen this document</p> <p>20 before?</p> <p>21 A Yes, sir.</p> <p>22 Q Have you had a chance to read it and</p>
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<p>1 MR. DODGE: He's a difficult man to</p> <p>2 avoid.</p> <p>3 MR. HUDSON: You're not the first</p> <p>4 person to say that, Chris. I guess let's jump</p> <p>5 right into it. I'm going to try to keep this</p> <p>6 relatively brief, at least as much as I can.</p> <p>7 EXAMINATION BY COUNSEL FOR</p> <p>8 INTERVENOR DEFENDANT STATE OF TEXAS</p> <p>9 BY MR. HUDSON:</p> <p>10 Q I guess the first question I have for</p> <p>11 you is do you know how the Chat function works to</p> <p>12 download documents on Zoom?</p> <p>13 A Yes.</p> <p>14 Q Okay. Well, let's try one out and see</p> <p>15 where we are with it.</p> <p>16 So I'm just going to drop this in here</p> <p>17 as Intervenor Defendant 1, and go ahead and</p> <p>18 download that, and let me know when you've got it.</p> <p>19 (Intervenor Defendant Exhibit 1</p> <p>20 was marked for identification.)</p> <p>21 THE WITNESS: I just want to be clear</p> <p>22 for the record. I think, Mr. Dodge, you asked if</p>	<p>1 review it?</p> <p>2 A I can't remember line by line, but</p> <p>3 yes, generally have read it.</p> <p>4 Q Okay. Now, you understand you're a</p> <p>5 party to this case, right?</p> <p>6 A Yes.</p> <p>7 Q But that's only in your official</p> <p>8 capacity?</p> <p>9 A Correct.</p> <p>10 Q Okay. So in other words, this is a</p> <p>11 suit against the office that you hold.</p> <p>12 Do you understand that?</p> <p>13 A Yes.</p> <p>14 Q Okay. Let's go through and take a</p> <p>15 look at this.</p> <p>16 Do you have any knowledge about the</p> <p>17 factual basis that's alleged in paragraphs 18</p> <p>18 through 27 of ECF-1? That's Intervenor</p> <p>19 Defendant's 1.</p> <p>20 A Which page is it -- or which bullet</p> <p>21 points again?</p> <p>22 Q This is paragraphs 18 through 27.</p>

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<p>1 A Is your question whether or not I've</p> <p>2 broadly read these, or is there a more specific</p> <p>3 question?</p> <p>4 Q Here, let me see if I can make it</p> <p>5 easier on you.</p> <p>6 Do you see paragraph 24 that's up on</p> <p>7 the screen right now?</p> <p>8 A Yes.</p> <p>9 Q You're Defendant Isabel Longoria,</p> <p>10 right?</p> <p>11 A That is me, yes.</p> <p>12 Q And you are currently the Voter</p> <p>13 Registrar for Harris County?</p> <p>14 A That is correct.</p> <p>15 Q Okay. And you understand that the</p> <p>16 Harris County Elections Administrator has been</p> <p>17 sued for the manner in which you implemented the</p> <p>18 provisions of SB-1111 which are challenging this</p> <p>19 action. Would you agree with that?</p> <p>20 A Yes.</p> <p>21 Q Okay. Now, let me ask you this,</p> <p>22 having read this lawsuit, you wouldn't disagree</p>	<p>1 Elections Administrator's Office, right?</p> <p>2 MR. DODGE: Objection, form.</p> <p>3 THE WITNESS: Correct.</p> <p>4 BY MR. HUDSON:</p> <p>5 Q And you would agree with me that the</p> <p>6 Harris County Elections Administrator, you, are</p> <p>7 responsible for making sure that your office</p> <p>8 complies with SB-1111, right?</p> <p>9 MR. DODGE: Objection, form.</p> <p>10 THE WITNESS: It is the duty of my</p> <p>11 office to comply with Texas Election Codes and</p> <p>12 enforce them here at the county level.</p> <p>13 BY MR. HUDSON:</p> <p>14 Q Okay. With regard to implementation</p> <p>15 of SB-1111, you're the person who directed your</p> <p>16 staff on how to comply with SB-1111, right?</p> <p>17 A Yes.</p> <p>18 Q All right. And ultimately you're the</p> <p>19 person who's responsible if your staff doesn't</p> <p>20 comply with SB-1111, right?</p> <p>21 MS. BINGHAM: Object to form.</p> <p>22 THE WITNESS: If you could clarify.</p>
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<p>1 with me that the State of Texas was not a named</p> <p>2 defendant in the original lawsuit, right?</p> <p>3 MR. DODGE: Objection, form.</p> <p>4 MS. BINGHAM: Object to form.</p> <p>5 THE WITNESS: I understand that we, as</p> <p>6 county officials, have -- the five of us I believe</p> <p>7 named here as county officials have been named in</p> <p>8 our official capacity. To what extent that</p> <p>9 includes the state, I don't know.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q Okay. Let me ask you this:</p> <p>12 In reading SB-1111, did the Secretary</p> <p>13 of State's Office come to your office in</p> <p>14 Harris County and explain to you how to comply</p> <p>15 with SB-1111?</p> <p>16 A The Secretary of State, or members of</p> <p>17 his office, did not visit our office personally to</p> <p>18 educate just our office on the implementation of</p> <p>19 these provisions.</p> <p>20 Q Okay. And you would agree that on a</p> <p>21 day-to-day basis, nobody from the Texas Secretary</p> <p>22 of State's Office works at the Harris County</p>	<p>1 BY MR. HUDSON:</p> <p>2 Q Sure. If you direct your staff on how</p> <p>3 to comply with SB-1111 and they don't, you're the</p> <p>4 person that would be responsible for getting them</p> <p>5 back in compliance, right?</p> <p>6 MR. DODGE: Objection, form.</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 THE WITNESS: I would say broadly. It</p> <p>9 depends on what provisions of SB-1111 you're</p> <p>10 talking about and what we did or did not do.</p> <p>11 You know, our office is in charge of</p> <p>12 executing things. The state may come in and ask,</p> <p>13 you know, for a revision of for those purposes as</p> <p>14 well.</p> <p>15 BY MR. HUDSON:</p> <p>16 Q Sure. Let me ask it a different way.</p> <p>17 Maybe this is confusing.</p> <p>18 How many people do you supervise as</p> <p>19 Elections Administrator?</p> <p>20 A 160 -- approximately between 140 and</p> <p>21 160 full-time employees.</p> <p>22 Q Okay. And of those employees, you're</p>

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<p style="text-align: right;">Page 129</p> <p>1 ultimately the person in charge of hiring and</p> <p>2 firing them, right?</p> <p>3 A Yes.</p> <p>4 Q And you're the person in charge of</p> <p>5 making sure that they come to work on time?</p> <p>6 A Yes.</p> <p>7 Q You oversee their day-to-day</p> <p>8 activities?</p> <p>9 A Yes.</p> <p>10 Q My point to you is, ultimately, if</p> <p>11 somebody is not doing their job in the</p> <p>12 Harris County Elections Administrator's office,</p> <p>13 you're the person who would take action to make</p> <p>14 sure that they were doing their job, right?</p> <p>15 MR. DODGE: Objection, form.</p> <p>16 THE WITNESS: I am generally in charge</p> <p>17 of directing their day-to-day duties here at the</p> <p>18 office.</p> <p>19 BY MR. HUDSON:</p> <p>20 Q Okay. Nobody from the Texas Secretary</p> <p>21 of State's Office supervises you in your</p> <p>22 performance of supervision of the Elections</p>	<p style="text-align: right;">Page 131</p> <p>1 BY MR. HUDSON:</p> <p>2 Q Gotcha. Let me ask you this:</p> <p>3 Does the Harris County Elections</p> <p>4 Administrator keep any kind of data on the race of</p> <p>5 Harris County voters?</p> <p>6 A Texas Election Code does not allow us</p> <p>7 to keep the specific race of voters.</p> <p>8 Q Okay. What about whether someone is</p> <p>9 or is not in college?</p> <p>10 A We do not -- you know, the Texas</p> <p>11 Election Code does not provide us a mechanism to</p> <p>12 keep information about whether someone is</p> <p>13 currently enrolled in an institution of higher</p> <p>14 education.</p> <p>15 Q Does the Harris County Elections</p> <p>16 Office currently keep any data on whether someone</p> <p>17 has moved from outside the state into</p> <p>18 Harris County?</p> <p>19 A Could you clarify what you mean by</p> <p>20 that question?</p> <p>21 Q Sure. Do you have any data at the</p> <p>22 Harris County Elections Administrator's Office</p>
<p style="text-align: right;">Page 130</p> <p>1 Administrator's office. Would you agree with</p> <p>2 that?</p> <p>3 A The Secretary of State is not my</p> <p>4 direct supervisor, no.</p> <p>5 Q Is the Texas Secretary of State your</p> <p>6 indirect supervisor?</p> <p>7 A I think kind of to the extent that we</p> <p>8 look to them for advice and we have to follow the</p> <p>9 Texas Election Code, and they are officers of the</p> <p>10 Texas Election Code as well in the State of Texas,</p> <p>11 and providing us that direction and counsel.</p> <p>12 Q Okay. But in terms of making sure</p> <p>13 that your employees are doing what they're</p> <p>14 supposed to do on their day-to-day, you don't</p> <p>15 think that's the Secretary of State's job, do you?</p> <p>16 MR. DODGE: Objection, form.</p> <p>17 MS. BINGHAM: Object to form.</p> <p>18 THE WITNESS: It's not the Secretary</p> <p>19 of State's job to make sure that folks are showing</p> <p>20 up every day and doing what I have asked them to</p> <p>21 do.</p> <p>22</p>	<p style="text-align: right;">Page 132</p> <p>1 about whether people who vote in Harris County</p> <p>2 have at any point moved into Harris County from</p> <p>3 outside the State of Texas?</p> <p>4 A Yes.</p> <p>5 Q All right. Where do you keep that</p> <p>6 data?</p> <p>7 A Now that Texas and Harris County is</p> <p>8 part of ERIC, the federal voter registration</p> <p>9 system, we would have information denoting whether</p> <p>10 or not someone had previously been a registered</p> <p>11 voter in another state; and, you know, in updating</p> <p>12 their information and now residing in</p> <p>13 Harris County, we perhaps on their voter rolls or</p> <p>14 through those different databases would be able to</p> <p>15 see if they had moved -- or assumed that they had</p> <p>16 moved to Texas.</p> <p>17 Q Okay. In implementing SB-1111 in the</p> <p>18 Harris County Elections Administrator's Office,</p> <p>19 did you refer to the data that you just described</p> <p>20 in determining whether any voter in Harris County</p> <p>21 is eligible to vote under SB-1111?</p> <p>22 MS. BINGHAM: Object to form.</p>

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<p>1 THE WITNESS: If you wouldn't mind</p> <p>2 repeating it, Eric.</p> <p>3 BY MR. HUDSON:</p> <p>4 Q Sure. Let me see if I can break it</p> <p>5 down just a little bit.</p> <p>6 You just described federal data about</p> <p>7 whether people have been voters in extrastate</p> <p>8 jurisdictions, right?</p> <p>9 A Correct.</p> <p>10 Q Okay. And I believe your testimony</p> <p>11 was that Harris County has access -- or</p> <p>12 Harris County Elections Administrator has access</p> <p>13 to that data, right?</p> <p>14 A Yes.</p> <p>15 Q In advising and directing your staff</p> <p>16 to implement the provisions of SB-1111 that are</p> <p>17 challenged in this action, was part of that</p> <p>18 implementation review of the federal data that you</p> <p>19 just described?</p> <p>20 A No.</p> <p>21 MS. BINGHAM: Object to form.</p> <p>22</p>	<p>1 THE WITNESS: To the extent that a</p> <p>2 voter does or does not voluntarily share that</p> <p>3 information, we wouldn't have access to it.</p> <p>4 BY MR. HUDSON:</p> <p>5 Q You certainly don't go out and</p> <p>6 actively gather it, right?</p> <p>7 A Correct, we do not.</p> <p>8 Q I'm going to put into the Chat</p> <p>9 function what I'm going to mark as Intervenor</p> <p>10 Defendant's 2. Go ahead and download that, take a</p> <p>11 look, and let me know when you're ready to</p> <p>12 discuss.</p> <p>13 (Intervenor Defendant Exhibit 2</p> <p>14 was marked for identification.)</p> <p>15 THE WITNESS: I'm ready.</p> <p>16 BY MR. HUDSON:</p> <p>17 Q All right. So I'll represent to you</p> <p>18 that this is Election Advisory No. 2021-10.</p> <p>19 Have you ever seen this document</p> <p>20 before?</p> <p>21 A Yes.</p> <p>22 Q Okay. You would agree with me that</p>
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<p>1 BY MR. HUDSON:</p> <p>2 Q I'm sorry, I didn't catch your answer.</p> <p>3 A No.</p> <p>4 Q Okay. Obviously, you don't have</p> <p>5 race-based data, right?</p> <p>6 MR. DODGE: Objection, form.</p> <p>7 THE WITNESS: We do have race-based</p> <p>8 data. We do not collect the individual race of</p> <p>9 voters per the Texas Election Code.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q Okay. So then you would agree with me</p> <p>12 that you don't look at the individual race of</p> <p>13 voters in Harris County in implementing the</p> <p>14 provisions of SB-1111 that are challenged in this</p> <p>15 action?</p> <p>16 A Correct.</p> <p>17 Q And you also don't look at any data</p> <p>18 about whether someone is or is not enrolled in</p> <p>19 college when you're implementing the provisions of</p> <p>20 SB-1111 that are challenged in this action?</p> <p>21 MS. BINGHAM: Object to form.</p> <p>22 MR. DODGE: Objection, form.</p>	<p>1 this document is publicly available, right?</p> <p>2 MR. DODGE: Objection, form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HUDSON:</p> <p>5 Q In fact, this is available on the</p> <p>6 Secretary of State's website, right?</p> <p>7 A Don't know if it's available --</p> <p>8 MR. DODGE: Objection, form.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 I don't know if it's available right</p> <p>11 now, but yes, generally their advisories are</p> <p>12 available on their website.</p> <p>13 BY MR. HUDSON:</p> <p>14 Q Okay. Do you see down here on the</p> <p>15 bottom left-hand corner of page 1 of 3 where I've</p> <p>16 just highlighted?</p> <p>17 A Yes.</p> <p>18 Q Do you see that website right there?</p> <p>19 A Yes.</p> <p>20 Q I'll represent to you that I pulled</p> <p>21 this from the Secretary of State's website.</p> <p>22 Do you have any reason to dispute</p>

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<p style="text-align: right;">Page 137</p> <p>1 that?</p> <p>2 A I see you pulled it at 1:00 a.m. last</p> <p>3 night.</p> <p>4 Q So you'd agree that there's no -- you</p> <p>5 don't have any dispute over that, right?</p> <p>6 A No, sir.</p> <p>7 Q Okay. Now I want to draw your</p> <p>8 attention to a portion that I'm going to highlight</p> <p>9 right here, and follow along with me as I read</p> <p>10 this.</p> <p>11 "While SB-1111 modifies the definition</p> <p>12 of 'residence' under the Election Code, it does</p> <p>13 not alter the actions of a voter registrar upon</p> <p>14 receiving and reviewing a voter registration</p> <p>15 application."</p> <p>16 Did I read that correctly?</p> <p>17 A Yes.</p> <p>18 Q Do you disagree with that statement?</p> <p>19 A Do I disagree with that statement?</p> <p>20 I'm getting lost in the double negative here.</p> <p>21 I agree with that sentence as written</p> <p>22 in that document.</p>	<p style="text-align: right;">Page 139</p> <p>1 registrar. We accept the application on the face</p> <p>2 of the application.</p> <p>3 We would look at the address provided,</p> <p>4 verify that it is within the legal bounds of</p> <p>5 Harris County; that the date of birth provided is</p> <p>6 one of a voter over the age of 18; and otherwise</p> <p>7 meeting the other requirements; and therefore, as</p> <p>8 I believe I described earlier to the other</p> <p>9 questions, that if a voter was a new voter to the</p> <p>10 State of Texas or in Harris County, we would</p> <p>11 create a voter record for that individual.</p> <p>12 If they were already a resident of</p> <p>13 Harris County, we would update their voter file to</p> <p>14 contain the new address as provided by the voter</p> <p>15 in said application.</p> <p>16 BY MR. HUDSON:</p> <p>17 Q Do you follow the same process today?</p> <p>18 A Very similar. That procedure is</p> <p>19 followed. The difference would be that there are</p> <p>20 new forms, right, required for processing voter --</p> <p>21 for new definitions that we would have to alert a</p> <p>22 voter to to make sure that they are aware of the</p>
<p style="text-align: right;">Page 138</p> <p>1 Q Okay. Were you the Election</p> <p>2 Administrator prior to the enactment of SB-1111?</p> <p>3 A Yes.</p> <p>4 Q Okay. Can you tell me what your</p> <p>5 activities with regard to SB-1111 -- well,</p> <p>6 actually, I guess let me ask it to you like this:</p> <p>7 Can you tell me what differences, if</p> <p>8 any, there are in how you handle voter</p> <p>9 registration at the Harris County Elections</p> <p>10 Administrator's office before --</p> <p>11 THE REPORTER: I'm sorry, Mr. Hudson,</p> <p>12 you just went a little too fast.</p> <p>13 Can you tell me what differences there</p> <p>14 are?</p> <p>15 MR. HUDSON: Between how the Harris</p> <p>16 County Elections Administrator's Office</p> <p>17 implemented Section 1.015 of the Texas</p> <p>18 Election Code before passage of SB-1111?</p> <p>19 THE WITNESS: Before the passage of</p> <p>20 SB-1111, a voter would submit to us an application</p> <p>21 to register to vote, again, themselves via mail,</p> <p>22 in person, or through a volunteer deputy voter</p>	<p style="text-align: right;">Page 140</p> <p>1 new definitions for SB-1111.</p> <p>2 Q Aside from the change in form and the</p> <p>3 change in definition that you just described, are</p> <p>4 there any other differences in your process</p> <p>5 pre- and post-SB-1111?</p> <p>6 MR. DODGE: Objection, form.</p> <p>7 THE WITNESS: Broadly, pre- and</p> <p>8 post-SB-1111 were directed by the Secretary of</p> <p>9 State and Texas Election Code essentially to</p> <p>10 accept the voter registration application at face</p> <p>11 value.</p> <p>12 BY MR. HUDSON:</p> <p>13 Q And you still do that today, right?</p> <p>14 A Yes.</p> <p>15 Q Let me ask you this, has the</p> <p>16 Harris County Elections Administrator's Office</p> <p>17 rejected any voter registration on account of</p> <p>18 SB-1111?</p> <p>19 A We don't ever get to reject any voter</p> <p>20 registration form. We can only add a voter onto a</p> <p>21 Suspense List if information is made aware to us</p> <p>22 or we come upon information that would suggest the</p>

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<p>1 residence on their voter file is in any way</p> <p>2 different from their current residence.</p> <p>3 Q Can you describe to the Court what a</p> <p>4 Suspense is?</p> <p>5 A A Suspense List means, again, if we</p> <p>6 come upon information that a voter's current</p> <p>7 address is different from the address on their</p> <p>8 voter file, that we then place them on Suspense</p> <p>9 and send them, as appropriate per their situation,</p> <p>10 a notice requesting that they update their</p> <p>11 residence -- you know, update or confirm their</p> <p>12 residence address.</p> <p>13 They're placed on Suspense, which</p> <p>14 means that the next time they interact with our</p> <p>15 office, be it calling us, getting a letter,</p> <p>16 sending a letter, or voting in person, that they</p> <p>17 are asked to update their address as appropriate.</p> <p>18 Q To your knowledge, has the</p> <p>19 Harris County Elections Administrator's office</p> <p>20 added anyone to a Suspense List on account of</p> <p>21 SB-1111?</p> <p>22 A On account of SB-1111. I'll have to</p>	<p>1 don't know how many people, if any, have been</p> <p>2 added to a Suspense List solely on account of</p> <p>3 SB-1111?</p> <p>4 MR. DODGE: Objection, form.</p> <p>5 THE WITNESS: I would have to consult</p> <p>6 with my staff exactly on SB-1111.</p> <p>7 BY MR. HUDSON:</p> <p>8 Q So the answer is no?</p> <p>9 MR. DODGE: Objection, form.</p> <p>10 THE WITNESS: Again, it can't be yes</p> <p>11 or no. I'd just have to check with staff to make</p> <p>12 sure I'm very clear on if the reasons were for</p> <p>13 SB-1111 or violation of SB-1111 alone.</p> <p>14 If you're put on Suspense, it's</p> <p>15 because of multiple reasons under the Texas</p> <p>16 Election Code.</p> <p>17 BY MR. HUDSON:</p> <p>18 Q Right. It actually can be yes or no.</p> <p>19 I'm asking your knowledge as you sit here right</p> <p>20 now. You're not aware of anyone who, on account</p> <p>21 of SB-1111, has been added to the Harris County</p> <p>22 Elections Administrator's Suspense List?</p>
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<p>1 double-check on whether or not voters were added</p> <p>2 onto the list because of SB-1111 exclusively, but</p> <p>3 we have added voters to the Suspense List since</p> <p>4 Senate Bill 1111 was enacted.</p> <p>5 Q Okay. Maybe let me ask my question a</p> <p>6 little bit differently because we're here today to</p> <p>7 get your testimony.</p> <p>8 My question is, as you sit in the</p> <p>9 chair right now, can you identify any person who's</p> <p>10 been added to a Suspense List on account of a</p> <p>11 perceived violation of SB-1111?</p> <p>12 MS. BINGHAM: Object to form.</p> <p>13 MR. DODGE: Objection, form.</p> <p>14 THE WITNESS: Sir, I'd have to get</p> <p>15 that specifically. When we suspend people, we</p> <p>16 just do so. They just go on Suspense. So I'd</p> <p>17 have to check exactly why they were added on</p> <p>18 Suspense.</p> <p>19 I can tell you broadly the number of</p> <p>20 people that have been put on the Suspense List.</p> <p>21 BY MR. HUDSON:</p> <p>22 Q So as you sit here right now, you</p>	<p>1 MR. DODGE: Objection, form, asked and</p> <p>2 answered.</p> <p>3 MS. BINGHAM: Object to form.</p> <p>4 MR. HUDSON: Go ahead.</p> <p>5 THE WITNESS: Correct.</p> <p>6 BY MR. HUDSON:</p> <p>7 Q Okay. Are you aware of any letters</p> <p>8 that have been sent out by the Harris County</p> <p>9 Elections Administrator's office asking for a</p> <p>10 voter to update their residence information on</p> <p>11 account of SB-1111?</p> <p>12 A Since the implementation of SB-1111,</p> <p>13 we have had multiple state elections or general</p> <p>14 elections in Harris County, so we have been unable</p> <p>15 per the federal law to send out these notices to</p> <p>16 voters.</p> <p>17 Q Are there notices that need to be sent</p> <p>18 out on account of SB-1111?</p> <p>19 A There are notices of people who are on</p> <p>20 the Suspense List that need to be sent out, yes.</p> <p>21 Q Well, so, we just talked about</p> <p>22 SB-1111, and you told me, at a minimum, you'd have</p>

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<p style="text-align: right;">Page 145</p> <p>1 to check with your staff. Now you're telling me</p> <p>2 that there are people on the Suspense List on</p> <p>3 account of SB-1111?</p> <p>4 MS. BINGHAM: Object to form.</p> <p>5 MR. DODGE: Objection, form.</p> <p>6 THE WITNESS: Sorry, my answer remains</p> <p>7 consistent that I know there are suspense letters</p> <p>8 that need to be sent out. I do not know</p> <p>9 specifically if they pertain to provisions</p> <p>10 regarding SB-1111.</p> <p>11 BY MR. HUDSON:</p> <p>12 Q Okay, fair enough.</p> <p>13 My question is specifically about</p> <p>14 SB-1111 because that's what this lawsuit is about.</p> <p>15 My question for you is, as you sit</p> <p>16 here, are you aware of anybody on the</p> <p>17 Harris County Elections Administrator's</p> <p>18 Suspense List who should be receiving a letter</p> <p>19 from your office on account of SB-1111?</p> <p>20 A No.</p> <p>21 Q You talked earlier with my friend on</p> <p>22 the other side about voter confusion this morning.</p>	<p style="text-align: right;">Page 147</p> <p>1 MS. BINGHAM: Object to form.</p> <p>2 THE WITNESS: Can you pose the</p> <p>3 question differently, Eric, to help me out here on</p> <p>4 the negative?</p> <p>5 BY MR. HUDSON:</p> <p>6 Q I'm not asking you to speculate.</p> <p>7 Here's what I'm asking you:</p> <p>8 As you sit here, you don't have</p> <p>9 knowledge of any person who decided not to</p> <p>10 register on account of SB-1111, right?</p> <p>11 MR. DODGE: Objection.</p> <p>12 MS. BINGHAM: Object to form.</p> <p>13 THE WITNESS: That's actually --</p> <p>14 that's actually not true. I do know of at least</p> <p>15 one voter in my personal knowledge who did not</p> <p>16 register to vote because of SB-1111.</p> <p>17 BY MR. HUDSON:</p> <p>18 Q Okay. Who is that?</p> <p>19 A A photographer who came to take my</p> <p>20 photo expressed to me that because of the new</p> <p>21 provisions with SB-1111 and his residence, and he</p> <p>22 was confused as to whether or not it counted as a</p>
<p style="text-align: right;">Page 146</p> <p>1 Do you recall that?</p> <p>2 A Yes.</p> <p>3 Q As you sit here, are you aware of any</p> <p>4 voter in Harris County who did not vote on account</p> <p>5 of SB-1111?</p> <p>6 MR. DODGE: Objection, form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. HUDSON:</p> <p>9 Q Are you aware of any voter who did not</p> <p>10 register on account of SB-1111?</p> <p>11 MR. DODGE: Objection, form.</p> <p>12 THE WITNESS: I can't determine</p> <p>13 whether -- I don't know why -- I don't know the</p> <p>14 actions of everyone in Harris County enough to</p> <p>15 know, or would ever possibly know, if they never</p> <p>16 came to our office.</p> <p>17 BY MR. HUDSON:</p> <p>18 Q So the answer is no, you're not aware</p> <p>19 of anybody who didn't register on account of</p> <p>20 SB-1111?</p> <p>21 MR. DODGE: Objection, form, calls for</p> <p>22 speculation.</p>	<p style="text-align: right;">Page 148</p> <p>1 commercial residence, that he intended no longer</p> <p>2 to register to vote in Harris County.</p> <p>3 Q Okay. What's that photographer's</p> <p>4 name?</p> <p>5 A I'll have to remember the exact name,</p> <p>6 but --</p> <p>7 Q When did he come to take your picture?</p> <p>8 A I'm happy to look up the details. I</p> <p>9 don't recall at this moment what exact day he came</p> <p>10 to take my picture.</p> <p>11 Q Okay. Was this prior to the March</p> <p>12 primary?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you know if the photographer</p> <p>15 ultimately registered to vote?</p> <p>16 A Never went back to look.</p> <p>17 Q Okay. Do you know if the photographer</p> <p>18 intends to vote in future elections in</p> <p>19 Harris County?</p> <p>20 A I do not.</p> <p>21 Q Do you know whether the photographer</p> <p>22 was a resident of Harris County?</p>

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<p>1 A I did not look up their address.</p> <p>2 Q Okay. Do you know if the photographer</p> <p>3 is a resident of Texas?</p> <p>4 A They did not share their residence</p> <p>5 with me in that moment.</p> <p>6 Q Did the photographer tell you whether</p> <p>7 they had ever voted in a Texas election?</p> <p>8 A Yes.</p> <p>9 Q Had the person -- did the person tell</p> <p>10 you that they voted in a prior Texas election?</p> <p>11 A They led me to believe that they had</p> <p>12 voted previously.</p> <p>13 Q Did they make statements to lead you</p> <p>14 to believe that they voted in Texas?</p> <p>15 A I do not recall.</p> <p>16 Q Aside from the photographer that you</p> <p>17 just described, are there any other examples that</p> <p>18 you can give me of a person that the Harris County</p> <p>19 Elections Administrations Office believes did not</p> <p>20 register to vote on account of SB-1111?</p> <p>21 A No.</p> <p>22 Q Was the photographer Latino?</p>	<p>1 speculation.</p> <p>2 THE WITNESS: They did not express to</p> <p>3 me any current or previous felonies stats.</p> <p>4 BY MR. HUDSON:</p> <p>5 Q What about whether the photographer</p> <p>6 was going to be in Harris County on an available</p> <p>7 date to vote? Did the photographer tell you that?</p> <p>8 MR. DODGE: Objection, form.</p> <p>9 THE WITNESS: They did not.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q Did the photographer have any</p> <p>12 disability?</p> <p>13 MR. DODGE: Objection, form, calls for</p> <p>14 speculation.</p> <p>15 THE WITNESS: They did not express to</p> <p>16 me whether they had a disability.</p> <p>17 BY MR. HUDSON:</p> <p>18 Q Did you encourage the photographer to</p> <p>19 register to vote?</p> <p>20 A I encouraged the photographer to do</p> <p>21 whatever they thought was best for them as a voter</p> <p>22 of Texas.</p>
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<p>1 A They did not --</p> <p>2 MR. DODGE: Objection, form.</p> <p>3 THE WITNESS: They did not express to</p> <p>4 me what their race or ethnicity was.</p> <p>5 BY MR. HUDSON:</p> <p>6 Q Was the photographer a college</p> <p>7 student?</p> <p>8 MR. DODGE: Objection, form, calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: They did not express to</p> <p>11 me whether or not they were enrolled in an</p> <p>12 institution of higher education.</p> <p>13 BY MR. HUDSON:</p> <p>14 Q Was the photographer over 65?</p> <p>15 MR. DODGE: Objection, form, calls for</p> <p>16 speculation.</p> <p>17 THE WITNESS: They did not express to</p> <p>18 me their exact age or date of birth.</p> <p>19 BY MR. HUDSON:</p> <p>20 Q Was the photographer convicted prior</p> <p>21 of a felony?</p> <p>22 MR. DODGE: Objection, form, calls for</p>	<p>1 Q All right, going back to page 1 of</p> <p>2 Intervenor Defendant's 2, do you see that on your</p> <p>3 screen?</p> <p>4 A Yes.</p> <p>5 Q Do you see the highlighted line?</p> <p>6 A Yes.</p> <p>7 Q Follow along with me as I read this.</p> <p>8 "Other than the revisions to the</p> <p>9 forms, there are no procedural changes to the</p> <p>10 standard address confirmation process."</p> <p>11 Did I read that correctly?</p> <p>12 A Yes.</p> <p>13 Q Do you agree with that sentence as</p> <p>14 stated?</p> <p>15 A To the standard address confirmation</p> <p>16 process. To the extent that I can assume</p> <p>17 "standard" refers to items that don't require the</p> <p>18 extra paperwork or confirmation or proof of</p> <p>19 address.</p> <p>20 Q I got the caveat. I guess I didn't</p> <p>21 get the original answer.</p> <p>22 A Sorry. I'll have to see what this</p>

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<p style="text-align: right;">Page 153</p> <p>1 provision refers to in -- yes, the standard SOR, 2 Statement of Residence, that went out previous to 3 SB-1111 didn't change materially in any way. 4 The new confirmation address process 5 for certain voters does require them to submit a 6 proof of residence, that then requires us to scan 7 and accept those documents in a different manner. 8 Q And let me ask you this, you would 9 agree with me that the Harris County Elections 10 Administrator's office wants to follow all 11 applicable Texas Election Code provisions, right? 12 MR. DODGE: Objection, form. 13 THE WITNESS: Regardless of whether I 14 want to or the office wants to or not, we are 15 mandated by law to follow the law. 16 BY MR. HUDSON: 17 Q And you do in fact follow the law, 18 right? 19 A Yes, sir. 20 Q And you were able to follow the 21 residency requirements under the Texas 22 Election Code prior to Senate Bill 1111 being</p>	<p style="text-align: right;">Page 155</p> <p>1 Q In speaking with any legislator In the 2 Texas Legislature who was a member during the 3 passage of Senate Bill 1111, did you get any 4 indication that any of those legislators passed 5 Senate Bill 1111 with the intent to discriminate? 6 MS. BINGHAM: Object to form. 7 MR. DODGE: Object to form. 8 THE WITNESS: The individuals -- 9 you'll have to give me -- are you talking about 10 the individuals who voted or wrote the bill? What 11 legislators are you referring to? 12 BY MR. HUDSON: 13 Q Anybody that you talked to. I guess 14 let me ask it to you like this. 15 Do you recall the names of any 16 individual legislator with whom you spoke about 17 Senate Bill 1111? 18 A Gotcha. Of the individuals I spoke 19 to, those individuals I don't believe intended to 20 support the bill, nor -- therefore, it's -- 21 I think your question was predicated upon whether 22 or not assuming they did support it.</p>
<p style="text-align: right;">Page 154</p> <p>1 enacted, right? 2 A Yes, sir. 3 Q And you're able to comply with SB-1111 4 now, right? 5 MS. BINGHAM: Object to form. 6 MR. DODGE: Objection, form. 7 THE WITNESS: Broadly, yes, but each 8 provision contains its own quirks. 9 BY MR. HUDSON: 10 Q Are there provisions of 11 Senate Bill 1111 that the Harris County Elections 12 Administrator doesn't believe that it followed in 13 a lawful manner during the March '22 primary? 14 MS. BINGHAM: Object to form. 15 THE WITNESS: No. 16 BY MR. HUDSON: 17 Q So you followed the law, right? 18 A Yes. 19 Q You mentioned earlier today that you 20 spoke to legislators about Senate Bill 1111; is 21 that right? 22 A Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q Well, no, my question is a little bit 2 broader than that. I guess let me ask it to you 3 like this. 4 Do you think any particular member of 5 the Texas Legislature is racist? 6 MS. BINGHAM: Object to form. 7 MR. DODGE: Object to form. 8 THE WITNESS: As I represent the 9 Elections Administration Office today, the 10 Elections Administration Office holds no opinion 11 as to the personal philosophies of any one 12 legislator. 13 BY MR. HUDSON: 14 Q And the Harris County Elections 15 Administrator's Office also doesn't know the 16 intent of any particular legislator. 17 Would you agree with that? 18 A It's up to those individuals to 19 express their intent. 20 Q Okay. As you sit here today, you have 21 no evidence one way or the other about the intent 22 of any particular member of the Texas House, for</p>

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<p style="text-align: right;">Page 157</p> <p>1 instance, right?</p> <p>2 MS. BINGHAM: Object to form.</p> <p>3 MR. DODGE: Objection, form.</p> <p>4 THE WITNESS: I cannot speculate on</p> <p>5 the intent of any one given legislator.</p> <p>6 BY MR. HUDSON:</p> <p>7 Q Okay. That's also true of the senate?</p> <p>8 A Correct, yes.</p> <p>9 MR. DODGE: Same objection.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q That's also true of the governor?</p> <p>12 MR. DODGE: Same objection.</p> <p>13 MS. BINGHAM: Object to form.</p> <p>14 THE WITNESS: Correct.</p> <p>15 BY MR. HUDSON:</p> <p>16 Q That's also true of the Lieutenant</p> <p>17 Governor?</p> <p>18 MR. DODGE: Same objection.</p> <p>19 MS. BINGHAM: Object to form.</p> <p>20 THE WITNESS: Correct.</p> <p>21 BY MR. HUDSON:</p> <p>22 Q That would also be true of the people</p>	<p style="text-align: right;">Page 159</p> <p>1 Senate Bill 1111?</p> <p>2 A I do not believe so.</p> <p>3 Q Are you aware of anybody being</p> <p>4 prosecuted on account of Senate Bill 1111 for a</p> <p>5 violation of that law in Harris County?</p> <p>6 A No.</p> <p>7 Q Is the Harris County Elections</p> <p>8 Administrator's Office aware of any person who is</p> <p>9 not going to register to vote on account of</p> <p>10 SB-1111 in advance of any of the currently</p> <p>11 scheduled May elections?</p> <p>12 MS. BINGHAM: Object to form.</p> <p>13 MR. DODGE: Objection, form.</p> <p>14 THE WITNESS: To the extent that no</p> <p>15 voter has expressed to our office directly that I</p> <p>16 know of that they intend to vote or not vote in an</p> <p>17 upcoming election.</p> <p>18 BY MR. HUDSON:</p> <p>19 Q Same question as to the November '22</p> <p>20 general election, it would be true that you don't</p> <p>21 have any specific knowledge of any person who is</p> <p>22 not going to register to vote on account of</p>
<p style="text-align: right;">Page 158</p> <p>1 who operate the Texas Secretary of State's Office,</p> <p>2 right?</p> <p>3 MS. BINGHAM: Object to form.</p> <p>4 MR. DODGE: Object to form.</p> <p>5 THE WITNESS: I cannot assume the</p> <p>6 intent of -- I don't have knowledge as the</p> <p>7 election office on the intent of any one of those</p> <p>8 individuals.</p> <p>9 BY MR. HUDSON:</p> <p>10 Q That would also be true of the Office</p> <p>11 of the Attorney General, right?</p> <p>12 MR. DODGE: Object to form.</p> <p>13 MS. BINGHAM: Object to form.</p> <p>14 THE WITNESS: Correct.</p> <p>15 BY MR. HUDSON:</p> <p>16 Q Have you spoken with anybody at the</p> <p>17 Harris County District Attorney's Office about</p> <p>18 their intent concerning enforcement of SB-1111?</p> <p>19 A I have not.</p> <p>20 Q Has anybody from the Harris County</p> <p>21 Elections Administrator's office talked to Harris</p> <p>22 County DA's Office about their intent to enforce</p>	<p style="text-align: right;">Page 160</p> <p>1 SB-1111, right?</p> <p>2 MR. DODGE: Objection, form.</p> <p>3 MS. BINGHAM: Object to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. HUDSON:</p> <p>6 Q Now, you would agree with me that the</p> <p>7 Harris County Elections Administrator's Office</p> <p>8 agrees that uniformity in elections is important,</p> <p>9 right?</p> <p>10 MR. DODGE: Objection, form.</p> <p>11 MS. BINGHAM: Object to form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. HUDSON:</p> <p>14 Q Do you think the State of Texas has an</p> <p>15 interest in maintaining uniform elections?</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 MR. DODGE: Objection, form.</p> <p>18 THE WITNESS: It would speak to the</p> <p>19 interest of the state.</p> <p>20 BY MR. HUDSON:</p> <p>21 Q What about the interest of the</p> <p>22 Harris County? Do you think the Harris County</p>

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<p>1 Elections Administrator's Office has an interest</p> <p>2 in maintaining a uniform election?</p> <p>3 MR. DODGE: Objection, form.</p> <p>4 MS. BINGHAM: Object to form.</p> <p>5 THE WITNESS: Could you define what</p> <p>6 "uniform election" means for that purpose?</p> <p>7 BY MR. HUDSON:</p> <p>8 Q Sure. Do you have a general</p> <p>9 understanding of what the word "uniform" means?</p> <p>10 A It would be helpful to know your</p> <p>11 understanding. "Uniform" could have different</p> <p>12 definitions.</p> <p>13 Q Sure. Let me know your understanding</p> <p>14 since I'm here to ask the questions, and we'll</p> <p>15 just use your definition.</p> <p>16 Do you have a general understanding of</p> <p>17 what "uniform" means?</p> <p>18 A Uniforms could mean pieces of clothing</p> <p>19 that individuals use for the purpose of</p> <p>20 maintaining, you know, uniformity in appearance.</p> <p>21 Uniformity broadly can also be</p> <p>22 described to mean consistency or equality for a</p>	<p>1 consistency, there's many aspects to an election</p> <p>2 regarding uniform and consistency, so broadly it</p> <p>3 is good to be consistent.</p> <p>4 BY MR. HUDSON:</p> <p>5 Q What about fraud? You would agree</p> <p>6 with me that the State of Texas has an interest in</p> <p>7 preventing fraud in elections, right?</p> <p>8 MS. BINGHAM: Object to form.</p> <p>9 THE WITNESS: I can't comment on the</p> <p>10 State of Texas and its interests.</p> <p>11 BY MR. HUDSON:</p> <p>12 Q What about Harris County Elections</p> <p>13 Administrator's Office? Does the Harris County</p> <p>14 Elections Administrator's Office have an interest</p> <p>15 in preventing fraud in Harris County elections?</p> <p>16 MS. BINGHAM: Object to form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. HUDSON:</p> <p>19 Q Are you aware of any fraud related to</p> <p>20 residency in the State of Texas?</p> <p>21 A In the entire state? I can't recall</p> <p>22 any specific instances.</p>
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<p>1 various term.</p> <p>2 Those are the two definitions I know.</p> <p>3 Q Okay. Isabel, do you really think I'm</p> <p>4 asking you about clothing?</p> <p>5 A I'm asking you to repeat the question</p> <p>6 and helping me to determine what you mean by</p> <p>7 "uniform elections."</p> <p>8 Q Fair enough. And for the record,</p> <p>9 since somebody might be reading this transcript, I</p> <p>10 chuckled after I asked you that. That was a less</p> <p>11 than serious question.</p> <p>12 So you said consistency in equality,</p> <p>13 right, is a potential definition of uniformity?</p> <p>14 A Correct.</p> <p>15 Q Okay. Based on that definition, as</p> <p>16 you understand it, would you agree with me that</p> <p>17 the Harris County Elections Administrator's Office</p> <p>18 has an interest in uniformity in its elections?</p> <p>19 MR. DODGE: Object to form.</p> <p>20 MS. BINGHAM: Object to form.</p> <p>21 THE WITNESS: Though I understand the</p> <p>22 term of uniformity to be, you know, equality and</p>	<p>1 Q What about the Harris County Elections</p> <p>2 Administrator's Office, are you aware of any in</p> <p>3 Harris County?</p> <p>4 A Fraud related to residency? I can't</p> <p>5 think of any cases that come to mind right now</p> <p>6 about fraud related to residency in Harris County.</p> <p>7 Q I'm going to put into the Chat</p> <p>8 function what I'm going to mark as Intervenor</p> <p>9 Defendant 3. Go ahead and pull that document, let</p> <p>10 me know when you're ready to discuss it.</p> <p>11 (Intervenor Defendant Exhibit 3</p> <p>12 was marked for identification.)</p> <p>13 THE WITNESS: Ready.</p> <p>14 BY MR. HUDSON:</p> <p>15 Q Okay. Have you ever seen this</p> <p>16 document before?</p> <p>17 A Yes.</p> <p>18 Q What is this document?</p> <p>19 A It appears to be a copy of a claim</p> <p>20 submitted by a one Mr. Alan Vera, submitted at</p> <p>21 some point in 2018.</p> <p>22 Q I'll represent to you we got this as</p>

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<p style="text-align: right;">Page 165</p> <p>1 part of the discovery. Bottom right-hand corner,</p> <p>2 you can see page 1 is Bates stamped</p> <p>3 LONGORIA-00005, and it goes all the way through</p> <p>4 LONGORIA-00068. Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And do you see here at the bottom,</p> <p>7 last page, which is LONGORIA-68, it says, "I swear</p> <p>8 that the information provided above is accurate to</p> <p>9 the best of my knowledge. Alan Vera, Chairman,</p> <p>10 HCRP, Ballot Security Committee."</p> <p>11 Did I read that correctly?</p> <p>12 A Yes.</p> <p>13 Q And do you know Mr. Vera?</p> <p>14 A Yes.</p> <p>15 Q Are you familiar with his signature?</p> <p>16 A No.</p> <p>17 Q Do you see that this document has also</p> <p>18 been notarized?</p> <p>19 A Yes.</p> <p>20 Q It says, "Sworn to and subscribed</p> <p>21 before me, by the said, Alan Vera, this the 28th</p> <p>22 day of July 2018, to certify which, witness my</p>	<p style="text-align: right;">Page 167</p> <p>1 rescinded those letters about the voters'</p> <p>2 residency.</p> <p>3 Q Do you have any idea why that</p> <p>4 happened?</p> <p>5 A Which part?</p> <p>6 Q The rescission.</p> <p>7 A I do not.</p> <p>8 Q As you sit here today, do you have any</p> <p>9 intent to place any of these voters on Suspense?</p> <p>10 A No.</p> <p>11 Q Do you think this document gives you</p> <p>12 reason to believe that the addresses that are</p> <p>13 being used are not residences that comply with</p> <p>14 SB-1111?</p> <p>15 MS. BINGHAM: Object to form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. HUDSON:</p> <p>18 Q Why not?</p> <p>19 A Well, one, this is a document</p> <p>20 submitted before I came into office, and the</p> <p>21 Secretary of State has shared very clearly in</p> <p>22 their advisories that it is not the duty,</p>
<p style="text-align: right;">Page 166</p> <p>1 hand and seal of office."</p> <p>2 And below that is the signature and</p> <p>3 printed name of Marie Nugent, Notary Public in the</p> <p>4 State of Texas.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Do you have any reason to dispute that</p> <p>8 Alan Vera is the signatory on this document?</p> <p>9 A No.</p> <p>10 Q What year did you become the Elections</p> <p>11 Administrator for Harris County?</p> <p>12 A November 2020.</p> <p>13 Q At the time that you became the</p> <p>14 Elections Administrator, do you know if anyone had</p> <p>15 looked into whether any of these residency</p> <p>16 challenges had been evaluated by the Harris County</p> <p>17 Elections Administrator's Office?</p> <p>18 A Broadly, as I understand it, the</p> <p>19 former voter registrar in 2018, I don't know for</p> <p>20 what purpose, but did send letters to the voters</p> <p>21 based on Mr. Vera's claims here in 2018; and then</p> <p>22 upon advice of the County Attorney's Office,</p>	<p style="text-align: right;">Page 168</p> <p>1 position, or otherwise, that an elections</p> <p>2 administration office investigate voters who were</p> <p>3 on the voter rolls before SB-1111 went into</p> <p>4 effect.</p> <p>5 Q So we have -- go ahead.</p> <p>6 A So I did not proactively investigate</p> <p>7 voters, no.</p> <p>8 Q I'm going to put into the Chat</p> <p>9 function what I'm going to mark as Intervenor</p> <p>10 Defendant's 4. Go ahead and pull that off and let</p> <p>11 me know when you're ready to discuss.</p> <p>12 (Intervenor Defendant's Exhibit 4</p> <p>13 was marked for identification.)</p> <p>14 THE WITNESS: Ready.</p> <p>15 BY MR. HUDSON:</p> <p>16 Q Have you ever seen this document</p> <p>17 before?</p> <p>18 A Yes.</p> <p>19 Q What is this document?</p> <p>20 A I believe it's a claim made by</p> <p>21 Mr. Vera in September 2021 of last year, submitted</p> <p>22 to our office.</p>

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<p style="text-align: right;">Page 169</p> <p>1 Q Okay. And I'll represent to you we've</p> <p>2 received this in discovery. It's LONGORIA-00069,</p> <p>3 and it proceeds all the way down to</p> <p>4 LONGORIA-00080. Do you see that?</p> <p>5 A Yes.</p> <p>6 Q Now, Mr. Vera writes, "My name is</p> <p>7 Alan D. Vera. I am above the age of 18 years and</p> <p>8 fully competent to make this affidavit. I am a</p> <p>9 registered voter in Harris County, Texas. My</p> <p>10 voter registration residence address is</p> <p>11 18130 Cadbury Dr., Houston, TX 77084. My state</p> <p>12 VUID Number is 1118581985. The facts stated in</p> <p>13 this affidavit are within my personal knowledge</p> <p>14 and are true and correct."</p> <p>15 Did I read that correctly?</p> <p>16 A Yes.</p> <p>17 Q He goes on to write, "I am challenging</p> <p>18 the registrations of the voters listed below on</p> <p>19 the basis of residency. I am making these</p> <p>20 challenges on the basis of the following sections</p> <p>21 of the Texas Election Code."</p> <p>22 Did I read that correctly?</p>	<p style="text-align: right;">Page 171</p> <p>1 investigate whether any of the names on this</p> <p>2 10-page list are names of people who are currently</p> <p>3 violating the residency statute?</p> <p>4 A No.</p> <p>5 Q Has the Harris County Elections</p> <p>6 Administrator's Office put any of the names on</p> <p>7 this list in Suspense?</p> <p>8 A We have no reason to because the claim</p> <p>9 itself did not meet the merits of the statute to</p> <p>10 even look into these voters.</p> <p>11 Q What merits did this claim not meet?</p> <p>12 A It was not -- you know, on the advice</p> <p>13 of the county attorney, it was not reported to us</p> <p>14 correctly.</p> <p>15 Q What is the Harris County Elections</p> <p>16 Administrator's Office understanding of what the</p> <p>17 defects are in this report?</p> <p>18 A If you'll scroll up -- scroll up under</p> <p>19 the provisions that you shared earlier, Mr. Vera</p> <p>20 states that he received knowledge of these by</p> <p>21 Googling the addresses, and Googling, as I</p> <p>22 understand, does not constitute personal</p>
<p style="text-align: right;">Page 170</p> <p>1 A Yes.</p> <p>2 Q He cites several provisions and goes</p> <p>3 on to write, "I have personal knowledge that the</p> <p>4 voters below are registered to vote at the</p> <p>5 residence addresses shown next to their names. I</p> <p>6 retrieved the information from the Harris County</p> <p>7 Elections Administrator's records. I have omitted</p> <p>8 apartment numbers because there are no apartments</p> <p>9 at these addresses."</p> <p>10 Did I read that correctly?</p> <p>11 A Yes.</p> <p>12 Q Now, on the next page, the second full</p> <p>13 paragraph reads, "I am requesting that the</p> <p>14 Harris County Elections Administrator take the</p> <p>15 actions required by the Texas Election Code,</p> <p>16 including new provisions from Senate Bill 1111</p> <p>17 passed by the 87th Legislature and effective on</p> <p>18 September 1, 2021."</p> <p>19 Did I read that correctly?</p> <p>20 A Yes.</p> <p>21 Q Has the Harris County Elections</p> <p>22 Administrator's Office done anything to</p>	<p style="text-align: right;">Page 172</p> <p>1 knowledge. So, broadly, this individual does not</p> <p>2 have personal knowledge of the residency status,</p> <p>3 et cetera, of these voters on the list.</p> <p>4 Q Has Mr. Vera been informed that his</p> <p>5 objection has been rejected?</p> <p>6 MS. BINGHAM: Object to form.</p> <p>7 THE WITNESS: Truly, Eric, I can't</p> <p>8 remember what letters we've sent to Mr. Vera about</p> <p>9 this specific instance. We'll have to ask the</p> <p>10 County Attorney.</p> <p>11 BY MR. HUDSON:</p> <p>12 Q Let's do an easy one now. I'm</p> <p>13 dropping into the Chat function Intervenor</p> <p>14 Defendant's 5. Go ahead and pull that up and let</p> <p>15 me know when you're ready to discuss.</p> <p>16 (Intervenor Defendant's Exhibit 5</p> <p>17 was marked for identification.)</p> <p>18 THE WITNESS: Ready.</p> <p>19 BY MR. HUDSON:</p> <p>20 Q Have you ever seen this document</p> <p>21 before?</p> <p>22 A Yes.</p>

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<p>1 Q What is this document?</p> <p>2 A Broadly, the legislative language of</p> <p>3 Senate Bill 1111, I assume as it was passed out of</p> <p>4 the Texas Legislature.</p> <p>5 Q Let's go down to the last page here.</p> <p>6 Have you ever seen this page before?</p> <p>7 A Yes.</p> <p>8 Q This is page 6 of Intervenor</p> <p>9 Defendant's 5. Do you see here where it says</p> <p>10 "President of the Senate"?</p> <p>11 A Yes.</p> <p>12 Q And here it says "Speaker of the</p> <p>13 House"?</p> <p>14 A Yes.</p> <p>15 Q And above both those lines are</p> <p>16 signatures. Do you see that?</p> <p>17 A Yes.</p> <p>18 Q And do you see it has "Secretary of</p> <p>19 the Senate" with a signature above that?</p> <p>20 A Yes.</p> <p>21 Q And do you see "Chief Clerk of the</p> <p>22 House," and there's a signature above that?</p>	<p>1 Q And what about language that has a</p> <p>2 line through it?</p> <p>3 A That means that language has been</p> <p>4 stricken or removed from the applicable</p> <p>5 Election Code -- or applicable legal code.</p> <p>6 Q And if the language has no line either</p> <p>7 under or through it?</p> <p>8 A You can assume that that language</p> <p>9 existed in the law before the bill, and will</p> <p>10 remain there after the bill unchanged.</p> <p>11 Q You would agree with me that Texas had</p> <p>12 residency requirements in voting before</p> <p>13 Senate Bill 1111, right?</p> <p>14 MR. DODGE: Objection to form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. HUDSON:</p> <p>17 Q Does the Harris County Elections</p> <p>18 Administrator's Office disagree that vote by mail</p> <p>19 is a target for fraud in Texas?</p> <p>20 MS. BINGHAM: Object to form.</p> <p>21 MR. DODGE: Objection, form.</p> <p>22 THE WITNESS: Could you restate the</p>
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<p>1 A Yes.</p> <p>2 Q And then finally, it says "Governor,"</p> <p>3 and then it has a signature above that.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And then lastly, there's a signature</p> <p>7 at the bottom, "Secretary of State" with a</p> <p>8 signature. Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Do you have any reason to dispute that</p> <p>11 this is a true and accurate copy of the signed</p> <p>12 version of Senate Bill 1111?</p> <p>13 A No.</p> <p>14 Q Now, you've done a little bit of work</p> <p>15 in legislation; is that right?</p> <p>16 A Yes.</p> <p>17 Q Can you explain to the Court what it</p> <p>18 means in this signed version of the bill if a</p> <p>19 provision has a line underneath of it?</p> <p>20 A Language that is underlined in a bill</p> <p>21 is language that is being newly added to an</p> <p>22 election code or was newly added by the bill.</p>	<p>1 question, please?</p> <p>2 BY MR. HUDSON:</p> <p>3 Q Sure. Does the Harris County</p> <p>4 Elections Administrator's Office have a position</p> <p>5 on whether fraud occurs in vote by mail in Texas?</p> <p>6 A No.</p> <p>7 Q Do you know who Rafael Anchia is?</p> <p>8 A Yes.</p> <p>9 Q Who is he?</p> <p>10 A I assume we're speaking of the</p> <p>11 legislator from Dallas.</p> <p>12 Q I am, actually. I'm going to drop in</p> <p>13 the Chat function what we're going to mark as</p> <p>14 Intervenor Defendant 6. Go ahead and open that up</p> <p>15 and let me know after you've had a chance to take</p> <p>16 a look.</p> <p>17 (Intervenor Defendant's Exhibit 6</p> <p>18 was marked for identification.)</p> <p>19 THE WITNESS: Go ahead.</p> <p>20 BY MR. HUDSON:</p> <p>21 Q Do you know what the House Journal is?</p> <p>22 A Yes.</p>

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<p>1 Q Can you explain to the Court what the</p> <p>2 House Journal is?</p> <p>3 A The House Journal keeps a record of</p> <p>4 business and conversation at the Texas Legislature</p> <p>5 for whatever applicable session.</p> <p>6 Q So do you see here it says</p> <p>7 House Journal at the top of Intervenor</p> <p>8 Defendant 6?</p> <p>9 A Yes.</p> <p>10 Q And beneath that it says</p> <p>11 "Eightieth Legislature, Regular Session."</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q And it says "Sixtieth Day - Monday,</p> <p>15 April 23, 2007." Did I read that correctly?</p> <p>16 A Yes.</p> <p>17 Q So I'll represent to you that that's</p> <p>18 the first page of the House Journal for that day,</p> <p>19 and I've also pulled as a relevant provision</p> <p>20 page 2224 from that same section from that same</p> <p>21 day of the House Journal.</p> <p>22 Do you see the highlighted name there</p>	<p>1 A I have no information at my disposal</p> <p>2 right now to assume that fraud, if and when it</p> <p>3 occurs, has happened at a higher rate in mail</p> <p>4 versus in-person versus other forms of voting.</p> <p>5 Q I'm dropping into the Chat function</p> <p>6 what I'm going to mark as Intervenor Defendant 7.</p> <p>7 Go ahead and pull that document and let me know</p> <p>8 when you're ready to discuss.</p> <p>9 (Intervenor Defendant's Exhibit 7</p> <p>10 was marked for identification.)</p> <p>11 THE WITNESS: Ready.</p> <p>12 BY MR. HUDSON:</p> <p>13 Q Have you ever seen this document</p> <p>14 before?</p> <p>15 A No.</p> <p>16 Q So I'll represent to you this is a</p> <p>17 copy of The New York Times.</p> <p>18 Do you see the title here?</p> <p>19 A Yes.</p> <p>20 Q It says, "South Texas Mayor Is</p> <p>21 Arrested on Election Fraud Changes, Fueling Bitter</p> <p>22 Political Fight."</p>
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<p>1 under "HB 218 - REMARKS"?</p> <p>2 A Yes.</p> <p>3 Q What name is that?</p> <p>4 A Representative Anchia.</p> <p>5 Q And if we go down, do you see the</p> <p>6 highlighted provision toward the bottom of page 2?</p> <p>7 A Yes.</p> <p>8 Q Can you read that section for me?</p> <p>9 A "Vote by mail, that we know, is the</p> <p>10 greatest source of voter fraud in the state. In</p> <p>11 fact, all of the prosecutions by the</p> <p>12 attorney general -- I shouldn't say all, but a</p> <p>13 great majority of the prosecutions by the</p> <p>14 attorney general occur with respect to vote by</p> <p>15 mail."</p> <p>16 Q Does the Harris County Elections</p> <p>17 Administrator's Office disagree with</p> <p>18 Representative Anchia's statement?</p> <p>19 MS. BINGHAM: Object to form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. HUDSON:</p> <p>22 Q Why?</p>	<p>1 Did I read that correctly?</p> <p>2 A Yes.</p> <p>3 Q And below that it says, "By</p> <p>4 Manny Fernandez on April 25, 2019."</p> <p>5 Did I read that correctly?</p> <p>6 A Yes.</p> <p>7 Q Do you see the highlighted portion?</p> <p>8 A Yes.</p> <p>9 Q It reads, "Nearly 20 people have been</p> <p>10 arrested since last year in connection with the</p> <p>11 fraud case. Prosecutors said the scheme -</p> <p>12 involving Mr. Molina, his wife and paid campaign</p> <p>13 workers - was largely carried out by having</p> <p>14 numerous voters who did not live in Edinburgh</p> <p>15 claim they were residents, including many who</p> <p>16 stated they lived in an apartment complex</p> <p>17 Mr. Molina owns."</p> <p>18 Did I read that correctly?</p> <p>19 A Yes.</p> <p>20 Q Did you know before I showed you this</p> <p>21 article that the current mayor of Edinburgh is</p> <p>22 under indictment for organized election fraud</p>

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<p style="text-align: right;">Page 181</p> <p>1 involving claims of false residency?</p> <p>2 A No, not specifically, no.</p> <p>3 Q Does that change your opinion about</p> <p>4 whether residency fraud has occurred in Texas?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 THE WITNESS: I don't think that was</p> <p>7 the question you asked me previously, so I can't</p> <p>8 say if my opinion changed. You'll have to remind</p> <p>9 me if that was a question earlier.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q Well, let me ask it to you like this:</p> <p>12 Does the Harris County Elections</p> <p>13 Administrator's Office disagree that residency</p> <p>14 fraud has happened in Texas?</p> <p>15 MS. BINGHAM: Object to form.</p> <p>16 THE WITNESS: I don't know the</p> <p>17 specifics of this case, if it said they were</p> <p>18 finally convicted of something. So that would</p> <p>19 change or inform my opinion on whether or not</p> <p>20 residency fraud happens in Texas.</p> <p>21 BY MR. HUDSON:</p> <p>22 Q I'll put this in the Chat function.</p>	<p style="text-align: right;">Page 183</p> <p>1 BY MR. HUDSON:</p> <p>2 Q You don't think it's out of the</p> <p>3 ordinary that a news story from Hidalgo County</p> <p>4 gets picked up by the national paper of record?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. HUDSON:</p> <p>8 Q Why is that?</p> <p>9 A Because news has merits regardless of</p> <p>10 where it comes from. So I don't know why Hidalgo,</p> <p>11 Texas, or any other state or jurisdiction should</p> <p>12 be reported from more or less than any other given</p> <p>13 jurisdiction.</p> <p>14 Q I agree with that.</p> <p>15 You would also agree that it's pretty</p> <p>16 big news that the Edinburg mayor got indicted on</p> <p>17 organized election fraud charges, right?</p> <p>18 MS. BINGHAM: Object to form.</p> <p>19 MR. DODGE: Objection, form.</p> <p>20 THE WITNESS: That depends on what you</p> <p>21 constitute as "big." It's not big news for me.</p> <p>22</p>
<p style="text-align: right;">Page 182</p> <p>1 We've got Intervenor Defendant 8.</p> <p>2 (Intervenor Defendant's Exhibit 8</p> <p>3 was marked for identification.)</p> <p>4 BY MR. HUDSON:</p> <p>5 Q And before I ask you questions about</p> <p>6 that, are you familiar with what</p> <p>7 The New York Times is?</p> <p>8 A Yes.</p> <p>9 Q What is The New York Times?</p> <p>10 A It is the paper of record, a newspaper</p> <p>11 and news source for New York state.</p> <p>12 Q It's also a national paper of record,</p> <p>13 isn't it?</p> <p>14 A Is it the national? Good for them. I</p> <p>15 take your word for it, Eric, it's a national paper</p> <p>16 of record.</p> <p>17 Q Well, let me ask you this:</p> <p>18 Do you think a lot of local news from</p> <p>19 Texas gets reported in The New York Times?</p> <p>20 MR. DODGE: Objection, form.</p> <p>21 MS. BINGHAM: Object to form.</p> <p>22 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 184</p> <p>1 BY MR. HUDSON:</p> <p>2 Q Do you see Intervenor Defendant -- I</p> <p>3 believe we're on 7 [sic]? (Referring to Ex. 8)</p> <p>4 A Yes.</p> <p>5 Q Have you ever seen an indictment</p> <p>6 before?</p> <p>7 A No, actually, I don't think so, no.</p> <p>8 Q Okay. So that would mean you've never</p> <p>9 seen this indictment before?</p> <p>10 A Correct, I've never seen this</p> <p>11 indictment. Regardless of whether I may or may</p> <p>12 not have seen an indictment before, I've</p> <p>13 definitely never seen this indictment before.</p> <p>14 Q Understood. You have no reason to</p> <p>15 dispute that this is a true and accurate copy of</p> <p>16 the indictment against, among others,</p> <p>17 Ricardo Molina, the current mayor of Edinburg?</p> <p>18 A No.</p> <p>19 Q Do you come to Austin very often?</p> <p>20 A No.</p> <p>21 Q When you've met with legislators, have</p> <p>22 you seen newspapers in their offices before?</p>

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<p>1 A Yes.</p> <p>2 Q Have you ever seen The New York Times</p> <p>3 in a legislator's office?</p> <p>4 A I can't recall specifically.</p> <p>5 Q Would it surprise you if legislators</p> <p>6 read The New York Times?</p> <p>7 A No.</p> <p>8 MR. DODGE: Objection, form.</p> <p>9 BY MR. HUDSON:</p> <p>10 Q Can you explain the process for me of</p> <p>11 how a voter goes about verifying their personal</p> <p>12 address if they receive a Suspense Letter from</p> <p>13 your office on account of them providing a PO Box?</p> <p>14 A If an individual puts in the address</p> <p>15 line or in the residence, you know, that they have</p> <p>16 a PO box -- letters PO, PO box, PB and those</p> <p>17 numbers -- we do not accept that voter</p> <p>18 registration form.</p> <p>19 So we let them know, send a letter to</p> <p>20 the voter that the PO Box cannot constitute a</p> <p>21 residence address and ask them to resubmit to us</p> <p>22 what their residential address is.</p>	<p>1 for this purpose.</p> <p>2 Q With regard to PO boxes, does the</p> <p>3 Harris County Administrator's Office know whether</p> <p>4 you actually have to reside in the same location</p> <p>5 as the PO Box that you purchase?</p> <p>6 MS. BINGHAM: Object to form.</p> <p>7 THE WITNESS: I did not refresh myself</p> <p>8 on PO Box laws before this meeting, Eric.</p> <p>9 BY MR. HUDSON:</p> <p>10 Q Well, let me ask you this:</p> <p>11 Would it surprise you to learn that</p> <p>12 you don't actually have to live in the same state</p> <p>13 where you purchase a PO Box?</p> <p>14 MR. DODGE: Objection, form.</p> <p>15 MS. BINGHAM: Object to form.</p> <p>16 THE WITNESS: I'll have to take your</p> <p>17 word. I did not -- don't know the laws around</p> <p>18 PO boxes.</p> <p>19 BY MR. HUDSON:</p> <p>20 Q Okay. Do you have any reason to</p> <p>21 believe that you have to reside in the same state</p> <p>22 as a PO Box that you purchase?</p>
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<p>1 Q Have you ever purchased a PO Box</p> <p>2 before?</p> <p>3 A No.</p> <p>4 Q Does the Harris County Elections</p> <p>5 Administrator's Office have a PO Box?</p> <p>6 A Yes.</p> <p>7 Q Do you know what the requirements were</p> <p>8 to get the PO Box?</p> <p>9 A I'd have to ask my staff who purchased</p> <p>10 that PO Box.</p> <p>11 Q And just so we're clear for the court,</p> <p>12 when we're referring to PO Box, what we're talking</p> <p>13 about is a post office box, right?</p> <p>14 A Yes.</p> <p>15 Q That's what the PO stands for, post</p> <p>16 office?</p> <p>17 A I'll spare you, Eric, but yes.</p> <p>18 Q Just to be clear, I'm just trying to</p> <p>19 make the record clear, that's all.</p> <p>20 Do you know if --</p> <p>21 A Eric and I are joking, but yes,</p> <p>22 "PO Box" I understand counts as "post office box"</p>	<p>1 MR. DODGE: Objection, form.</p> <p>2 MS. BINGHAM: Object to form.</p> <p>3 MR. DODGE: Objection, foundation.</p> <p>4 THE WITNESS: I don't know what the</p> <p>5 laws are around requesting or getting a PO Box.</p> <p>6 MR. HUDSON: If we go off the record</p> <p>7 for, say, 10 minutes, I'll take a look at my</p> <p>8 notes. I should be pretty close to finished.</p> <p>9 Are you okay with that, Counsel?</p> <p>10 MS. BINGHAM: That's good, yes.</p> <p>11 MR. DODGE: That's fine.</p> <p>12 MR. HUDSON: Isabel, are you okay with</p> <p>13 that?</p> <p>14 THE WITNESS: 12:37, I'll see you</p> <p>15 here.</p> <p>16 THE VIDEOGRAPHER: Going off the</p> <p>17 record. The time is 12:27.</p> <p>18 (A break was taken.)</p> <p>19 THE VIDEOGRAPHER: We are back on the</p> <p>20 record. The time is 12:37.</p> <p>21 MR. HUDSON: I'm pulling back up</p> <p>22 Intervenor Defendant 5. This is a copy of</p>

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<p>1 Senate Bill 1111 that we already discussed</p> <p>2 earlier. This is the copy that was signed.</p> <p>3 Do you recall discussing that?</p> <p>4 A Yes.</p> <p>5 Q Section 5 of the bill reads,</p> <p>6 "Subchapter C, Chapter 15, Election Code, is</p> <p>7 amended by adding Section 15.054 to read as</p> <p>8 follows</p> <p>9 Did I read that correctly?</p> <p>10 A Yes.</p> <p>11 Q And if we scroll down to</p> <p>12 subsection (b), it reads, "A voter whose residence</p> <p>13 in this state has no address may document</p> <p>14 residence under this section by executing an</p> <p>15 affidavit stating that the voter's residence in</p> <p>16 this state has no address, providing a concise</p> <p>17 description of the location of the voter's</p> <p>18 residence, and delivering the affidavit to the</p> <p>19 registrar with the voter's response to the</p> <p>20 confirmation notice."</p> <p>21 Did I read that correctly?</p> <p>22 A Yes.</p>	<p>1 ballot?</p> <p>2 A No. We provide multiple ballot styles</p> <p>3 per election.</p> <p>4 Q When you say "multiple ballot styles,"</p> <p>5 can you explain to the Court what that means?</p> <p>6 A Depending on who is being elected,</p> <p>7 for example, if there are certain elections -- if</p> <p>8 you'll allow, State Representative 147 versus</p> <p>9 State Representative 137 -- there are different</p> <p>10 voters who would be eligible to vote in each of</p> <p>11 those statehouse districts; therefore, we need to</p> <p>12 prepare a different ballot, as in the voters in</p> <p>13 147 would not be eligible to vote for House</p> <p>14 District 137. Therefore, two different ballots in</p> <p>15 that case would need to be prepared to signify</p> <p>16 that there are a certain number of combinations</p> <p>17 that only a certain number of voters can vote for.</p> <p>18 Q So what is the difference between, for</p> <p>19 instance, in your example, Representative 147 and</p> <p>20 Representative 137?</p> <p>21 A They are different geographical</p> <p>22 locations.</p>
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<p>1 Q So supposing someone who is</p> <p>2 experiencing homelessness in Houston wanted to</p> <p>3 vote, they could execute an affidavit describing,</p> <p>4 for instance, a bridge where they have set up a</p> <p>5 tent nearby, and that would satisfy the residence</p> <p>6 requirement, right?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 MR. DODGE: Object to form.</p> <p>9 THE WITNESS: Broadly, yes, knowing no</p> <p>10 other details on what you presented, that sounds</p> <p>11 reasonable for a voter in that situation.</p> <p>12 BY MR. HUDSON:</p> <p>13 Q Sure. You would agree with me that</p> <p>14 addressing transient voters is a purpose for</p> <p>15 Section (b), right?</p> <p>16 MR. DODGE: Objection, form.</p> <p>17 THE WITNESS: Could be one of the</p> <p>18 purposes, yes.</p> <p>19 BY MR. HUDSON:</p> <p>20 Q So let me ask you this:</p> <p>21 When you are preparing ballots for</p> <p>22 elections in Harris County, do you only have one</p>	<p>1 Q And by geographical locations, we're</p> <p>2 talking about their district covering a different</p> <p>3 part of Harris County?</p> <p>4 A Yes. The bounds of those districts</p> <p>5 encompass a different geographical area, and</p> <p>6 therefore it encompassed a different set of</p> <p>7 coordinates, right, or eligible voters based on</p> <p>8 where they've expressed their address to us.</p> <p>9 Q So it would be fair to say that if</p> <p>10 we're going to figure out who is going to vote</p> <p>11 for, in your example, Representative 147 or 137,</p> <p>12 we have to know where a voter lives to determine</p> <p>13 which ballot they get, right?</p> <p>14 A Yes.</p> <p>15 MR. DODGE: Objection, form.</p> <p>16 BY MR. HUDSON:</p> <p>17 Q I didn't catch your answer.</p> <p>18 A Yes.</p> <p>19 Q Okay. So you would agree that to make</p> <p>20 sure that the right voters are getting the right</p> <p>21 ballots, the Harris County Elections</p> <p>22 Administrator's Office has an interest in knowing</p>

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<p style="text-align: right;">Page 193</p> <p>1 where the voters live in Harris County?</p> <p>2 MS. BINGHAM: Object to form.</p> <p>3 THE WITNESS: I don't have an interest</p> <p>4 in knowing where they live, but I do have an</p> <p>5 interest in accurately recording where the voter</p> <p>6 submits to us is their residence.</p> <p>7 BY MR. HUDSON:</p> <p>8 Q And the reason for that is you want to</p> <p>9 make sure that the right voters are getting the</p> <p>10 right ballots, right?</p> <p>11 A Yes.</p> <p>12 MS. BINGHAM: Object to form.</p> <p>13 BY MR. HUDSON:</p> <p>14 Q And that would also be view of</p> <p>15 transient voters, you want to make sure that you</p> <p>16 have some idea about a transient voter being</p> <p>17 located within the geographic bounds of a</p> <p>18 particular district, right?</p> <p>19 A It's important to know where any</p> <p>20 voter, regardless of their status or living</p> <p>21 status, marks their residence address in order to</p> <p>22 provide to them at the moment of voting the</p>	<p style="text-align: right;">Page 195</p> <p>1 different.</p> <p>2 You've never seen someone physically</p> <p>3 live at a post office, right?</p> <p>4 MS. BINGHAM: Object to form.</p> <p>5 THE WITNESS: I individually have</p> <p>6 never seen someone residing at a post office.</p> <p>7 BY MR. HUDSON:</p> <p>8 Q Are you aware of any circumstances</p> <p>9 where someone may own a post office box in one</p> <p>10 geographic district, but have a residence, being</p> <p>11 their home, in a different geographic district?</p> <p>12 A Sure, generally that sounds like it</p> <p>13 could be a case.</p> <p>14 Q Would you agree I've been courteous to</p> <p>15 you today?</p> <p>16 A Always, Eric, always.</p> <p>17 Q Anything I haven't asked you that you</p> <p>18 think I should?</p> <p>19 A Not today. Not on the record at</p> <p>20 least.</p> <p>21 Q Fair enough. We'll reserve.</p> <p>22 MS. BINGHAM: Tiffany Bingham for</p>
<p style="text-align: right;">Page 194</p> <p>1 correct ballot style.</p> <p>2 Q Does the Harris County Administrator's</p> <p>3 Office have a position on whether someone can</p> <p>4 reside at a post office?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 MR. DODGE: Objection, form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. HUDSON:</p> <p>9 Q You would agree with me that, just as</p> <p>10 a general matter, people don't live inside of</p> <p>11 U.S. post offices, right?</p> <p>12 MS. BINGHAM: Object to form.</p> <p>13 MR. DODGE: Objection, form.</p> <p>14 BY MR. HUDSON:</p> <p>15 Q I'm sorry?</p> <p>16 A I don't agree with that.</p> <p>17 Q Okay. Why not?</p> <p>18 A There could be from any different</p> <p>19 reasons. Folks who live in or around a post</p> <p>20 office, and therefore need to designate that</p> <p>21 address as their address of residence.</p> <p>22 Q Agreed. My question is a little bit</p>	<p style="text-align: right;">Page 196</p> <p>1 Harris County Attorney's Office for EA Longoria.</p> <p>2 We'll reserve all of our questions for</p> <p>3 the time of trial, and we request that the</p> <p>4 deponent have the opportunity to read and sign.</p> <p>5 MR. DODGE: If I could just take a few</p> <p>6 minutes for a few brief redirect questions.</p> <p>7 MS. BINGHAM: Oh, I apologize.</p> <p>8 MR. DODGE: No, that's okay. Feel</p> <p>9 free to put whatever you need on the record.</p> <p>10 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS</p> <p>11 BY MR. DODGE:</p> <p>12 Q If we could pull up Intervenor</p> <p>13 Defendant 3, please.</p> <p>14 Ms. Longoria, you recall discussing</p> <p>15 this document with counsel for the State of Texas?</p> <p>16 A Yes.</p> <p>17 Q Does anything on the face of this</p> <p>18 document give you reason to believe that any of</p> <p>19 the individuals listed on this document have or</p> <p>20 intend to vote with fraudulent purpose in an</p> <p>21 election in Harris County?</p> <p>22 A No.</p>

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<p>1 Q Okay. If we could pull up the</p> <p>2 Intervenor Defendant 4.</p> <p>3 Do you recall discussing this document</p> <p>4 with counsel earlier?</p> <p>5 A Yes.</p> <p>6 Q Does anything on the face of this</p> <p>7 document give you reason to believe that any of</p> <p>8 the voters identified on it have or intend to vote</p> <p>9 with fraudulent intent in Harris County, Texas?</p> <p>10 A On the face of this document and what</p> <p>11 was provided, no, I can't assume a voter's intent.</p> <p>12 Q Okay. If we could pull up Intervenor</p> <p>13 Defendant 6. If we could go to the second page,</p> <p>14 please.</p> <p>15 If you look at the top of the second</p> <p>16 paragraph of Representative Anchia's remarks, do</p> <p>17 you see the sentence that says, "This is clearly</p> <p>18 not about voter fraud, it's not about voter</p> <p>19 impersonation, it's not about expanding the</p> <p>20 franchise, it's not about protecting those that</p> <p>21 are least vulnerable in our society, and it's not</p> <p>22 about making sure that elections are more secure."</p>	<p>1 A If I remember correctly, I</p> <p>2 communicated to them that, at least from my</p> <p>3 knowledge as an elections administrator, I felt</p> <p>4 that Senate Bill 1111, as written and passed, was</p> <p>5 not needed, unhelpful, that the definitions in it</p> <p>6 were unclear, and that it would be very difficult</p> <p>7 for any elections administrator, including myself,</p> <p>8 to carry out the purposes of the bill, especially</p> <p>9 where it notes, you know, having to know the</p> <p>10 intent of the voters for moving, or whatever</p> <p>11 purposes, having to know, you know, or in any</p> <p>12 other way question what a voter would provide to</p> <p>13 us as their residence.</p> <p>14 So I found the bill to be ambiguous,</p> <p>15 and in its ambiguity, could therefore cause</p> <p>16 situations for voters that they would maybe</p> <p>17 unintentionally be -- or unintentionally not be</p> <p>18 able to comply with the law, which could be</p> <p>19 detrimental to them.</p> <p>20 So I believe, based on that kind of</p> <p>21 broad conversation and summary, the voters I spoke</p> <p>22 with -- or the legislators I spoke with took that</p>
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<p>1 Do you see that, and did I read it</p> <p>2 correctly?</p> <p>3 A Yes.</p> <p>4 Q Do you agree with that comment?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 THE WITNESS: I don't know what this</p> <p>7 bill is referring to and, therefore, I don't know</p> <p>8 what claims Mr. Anchia was making.</p> <p>9 BY MR. DODGE:</p> <p>10 Q Fair enough.</p> <p>11 Do you recall that counsel for the</p> <p>12 State asked you some questions about the state</p> <p>13 legislators from Harris County who you spoke with</p> <p>14 about Senate Bill 1111?</p> <p>15 A Yes.</p> <p>16 Q You indicated to him that the</p> <p>17 legislators you spoke with were opposed to</p> <p>18 Senate Bill 1111, correct?</p> <p>19 A Yes.</p> <p>20 Q Do you recall any of the reasons that</p> <p>21 those legislators provided to you for their</p> <p>22 opposition to Senate Bill 1111?</p>	<p>1 under advisement, but, you know, ultimately why</p> <p>2 they did or did not vote is up to them.</p> <p>3 Q Was it your impression from your</p> <p>4 conversation with the legislators that they agreed</p> <p>5 with your assessment of the bill as you just</p> <p>6 described?</p> <p>7 MS. BINGHAM: Object to form.</p> <p>8 THE WITNESS: I think they solicited</p> <p>9 my advice and interpretation as an election</p> <p>10 official in Texas on what effect the bill might</p> <p>11 have on voters.</p> <p>12 BY MR. DODGE:</p> <p>13 Q Based on your conversations with those</p> <p>14 legislators, did any of them oppose the bill</p> <p>15 because they believed it was likely to have</p> <p>16 discriminatory impact on voters, different groups</p> <p>17 of voters within Texas?</p> <p>18 A What I remember broadly of the</p> <p>19 conversations, I think some legislators expressed</p> <p>20 that they were concerned it would have a negative</p> <p>21 impact on groups of voters, be them transient or</p> <p>22 otherwise.</p>

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<p>1 Q Do you recall any other groups of</p> <p>2 voters who those legislators might have mentioned</p> <p>3 in your conversations who would bear a</p> <p>4 disproportionate impact from Senate Bill 1111?</p> <p>5 MR. HUDSON: Objection, form.</p> <p>6 THE WITNESS: I think broadly, if I</p> <p>7 remember in the discourse of the legislature, it</p> <p>8 was discussed people who were enrolled in</p> <p>9 institutions of higher education; older voters who</p> <p>10 may not be able to access documents required to</p> <p>11 confirm their address; and otherwise voters of</p> <p>12 color perhaps who may not be able to access,</p> <p>13 historically or otherwise, those forms of</p> <p>14 documents.</p> <p>15 BY MR. DODGE:</p> <p>16 Q Do you recall from your conversations</p> <p>17 with those legislators if any of them opposed the</p> <p>18 bill because they believed it was enacted with</p> <p>19 discriminatory intent?</p> <p>20 A I can't -- I can't remember if they</p> <p>21 discussed or otherwise the intent of whoever were</p> <p>22 the writers of these bills.</p>	<p>1 there?</p> <p>2 A Yes.</p> <p>3 Q Can I get you to read that for me?</p> <p>4 A "Notwithstanding the other provisions</p> <p>5 of this section, a voter enrolled as a full-time</p> <p>6 student who lives on campus at an institution of</p> <p>7 higher education may use the address of a post</p> <p>8 office box located on the campus of the</p> <p>9 institution or in a dormitory owned or operated by</p> <p>10 the institution to confirm the voter's residence."</p> <p>11 Q You've read Senate Bill 1111 before,</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q Does Senate Bill 1111 make any</p> <p>15 reference to any race?</p> <p>16 A No.</p> <p>17 MS. BINGHAM: Object to form.</p> <p>18 BY MR. HUDSON:</p> <p>19 Q Does Senate Bill 1111 make any</p> <p>20 reference to any sexual orientation?</p> <p>21 A No.</p> <p>22 Q Does Senate Bill 1111 make any</p>
Page 202	Page 204
<p>1 I apologize, I think the term is</p> <p>2 authors of the bill, but yes.</p> <p>3 Q I'm sorry, I missed that last part.</p> <p>4 A It's not the writers, it's the authors</p> <p>5 of the bill. I'm just correcting myself on the</p> <p>6 terms. It does not change the material answer.</p> <p>7 Q I appreciate your clarity.</p> <p>8 I have no further questions for the</p> <p>9 witness, and I'm glad that, as promised, we</p> <p>10 wrapped up before 1:00 p.m.</p> <p>11 MR. HUDSON: I've got one follow-up.</p> <p>12 FURTHER EXAMINATION BY COUNSEL FOR</p> <p>13 DEFENDANT INTERVENOR</p> <p>14 BY MR. HUDSON:</p> <p>15 Q I'm going to put up -- can I get the</p> <p>16 exhibit window pulled down there? There we go.</p> <p>17 I'll pull up Intervenor Defendant's 5.</p> <p>18 Do you see on the screen, this is the</p> <p>19 copy of Senate Bill 1111 that we've been talking</p> <p>20 about?</p> <p>21 A Yes.</p> <p>22 Q Do you see the highlighted portion</p>	<p>1 reference to any religion?</p> <p>2 A No.</p> <p>3 Q Does it make reference to any voting</p> <p>4 group?</p> <p>5 MS. BINGHAM: Object to form.</p> <p>6 THE WITNESS: Yes, broadly in that it</p> <p>7 makes references to groups of voters, such as</p> <p>8 here, folks who go to institutions of higher</p> <p>9 education.</p> <p>10 BY MR. HUDSON:</p> <p>11 Q And you'd be referring to</p> <p>12 subsection (f) that you just read?</p> <p>13 A Yes.</p> <p>14 Q And you would agree with me that</p> <p>15 there's nothing on the face of the bill that</p> <p>16 references any other minority group in Texas,</p> <p>17 right?</p> <p>18 MS. BINGHAM: Object to form.</p> <p>19 MR. DODGE: Objection to form.</p> <p>20 THE WITNESS: I think I can agree to</p> <p>21 that.</p> <p>22 MR. HUDSON: Nothing further.</p>

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<p style="text-align: right;">Page 205</p> <p>1 MS. BINGHAM: Thank you.</p> <p>2 Counsel, I think the only other thing</p> <p>3 is that I sent the court reporter our objections</p> <p>4 to both 30(b) -- our written objections to both</p> <p>5 corporate rep notices, and so I just want to</p> <p>6 attach those as exhibits to the deposition.</p> <p>7 MR. DODGE: No objection here.</p> <p>8 MR. HUDSON: No objection.</p> <p>9 MS. BINGHAM: Thank you.</p> <p>10 THE VIDEOGRAPHER: Okay, we are going</p> <p>11 off the record. This deposition is concluded at</p> <p>12 12:54.</p> <p>13 (Whereupon, at 12:54 p.m. CDT, the taking</p> <p>14 of the deposition was concluded.</p> <p>15 Reading and signature were RESERVED.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 207</p> <p>1 Isabel Longoria 30(b)(6), c/o</p> <p>Office of the Harris County Attorney</p> <p>2 109 Congress Avenue, 15th Floor</p> <p>Houston, Texas 77002</p> <p>3</p> <p>Case: Texas State LULAC, et al., v. Bruce Elfant, et al.</p> <p>4 Date of deposition: April 14, 2022</p> <p>Deponent: Isabel Longoria 30(b)(6)</p> <p>5</p> <p>6 Please be advised that the transcript in the above</p> <p>referenced matter is now complete and ready for signature.</p> <p>7 The deponent may come to this office to sign the transcript,</p> <p>8 a copy may be purchased for the witness to review and sign,</p> <p>9 or the deponent and/or counsel may waive the option of</p> <p>10 signing. Please advise us of the option selected.</p> <p>11 Please forward the errata sheet and the original signed</p> <p>12 signature page to counsel noticing the deposition, noting the</p> <p>13 applicable time period allowed for such by the governing</p> <p>14 Rules of Procedure. If you have any questions, please do</p> <p>15 not hesitate to call our office at (202)-232-0646.</p> <p>16</p> <p>17</p> <p>18 Sincerely,</p> <p>19 Digital Evidence Group</p> <p>20 Copyright 2022 Digital Evidence Group</p> <p>21 Copying is forbidden, including electronically, absent</p> <p>22 express written consent.</p>
<p style="text-align: right;">Page 206</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, DAWN A. JAQUES, a Notary Public in and for</p> <p>the Commonwealth of Virginia, before whom the</p> <p>3 foregoing deposition was taken, do hereby certify</p> <p>that witness whose testimony appears in the</p> <p>4 foregoing pages was duly sworn by me; that the</p> <p>testimony of said witness was taken by me in</p> <p>5 shorthand at the time and place mentioned in the</p> <p>caption hereof and thereafter reduced to typewriting</p> <p>6 under my supervision; that said deposition is a true</p> <p>record of the testimony given by said witness; that</p> <p>7 I am neither counsel for, related to, nor employed</p> <p>by any of the parties to the action in which this</p> <p>8 deposition is taken; and, further, that I am not a</p> <p>relative or employee of any attorney or counsel</p> <p>9 employed by the parties thereto, nor financially or</p> <p>otherwise interested in the outcome of the actions.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 <u>Dawn A. Jaques, CSR, CLR</u></p> <p>18 Notary Public in and for</p> <p>19 Commonwealth of Virginia</p> <p>20 My commission expires:</p> <p>21 August 31, 2023</p> <p>22 Registration No. 132328</p>	<p style="text-align: right;">Page 208</p> <p>1 Digital Evidence Group, L.L.C.</p> <p>1730 M Street, NW, Suite 812</p> <p>2 Washington, D.C. 20036</p> <p>(202) 232-0646</p> <p>3</p> <p>4 SIGNATURE PAGE</p> <p>Case: Texas State LULAC, et al., v. Bruce Elfant, et al.</p> <p>5 Witness Name: Isabel Longoria 30(b)(6)</p> <p>Deposition Date: April 14, 2022</p> <p>6</p> <p>I do hereby acknowledge that I have read</p> <p>7 and examined the foregoing pages</p> <p>of the transcript of my deposition and that:</p> <p>8</p> <p>9 (Check appropriate box):</p> <p>() The same is a true, correct and</p> <p>10 complete transcription of the answers given by</p> <p>me to the questions therein recorded.</p> <p>11 () Except for the changes noted in the</p> <p>attached Errata Sheet, the same is a true,</p> <p>12 correct and complete transcription of the</p> <p>13 answers given by me to the questions therein</p> <p>14 recorded.</p> <p>15</p> <p>16</p> <p>17 <u>DATE</u> <u>WITNESS SIGNATURE</u></p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 <u>DATE</u> <u>NOTARY</u></p>

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 2 1730 M Street, NW, Suite 812
 3 Washington, D.C. 20036
 4 (202)232-0646
 5

6 ERRATA SHEET
 7

8 Case: Texas State LULAC, et al., v. Bruce Elfant, et al.
 9 Witness Name: Isabel Longoria 30(b)(6)
 10 Deposition Date: April 14, 2022
 11 Page No. Line No. Change
 12
 13
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 18
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 22

Signature _____
 Date _____

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Chapter 869

S.B. No. 1111AN ACT

relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.015, Election Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) A person may not establish residence for the purpose of influencing the outcome of a certain election ~~[ResideeRoe-shall-be eetermiRee-iR-aooreeaRoe-with-the-oeFRFRER-law-rules,—as-eRuRoiatee by-the-oeurts-ef-this-state,—exoept-as-etherwise-previeeee-by-this -o-e4e-]~~.

(f) A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.

SECTION 2. Section 15.051(a), Election Code, is amended to read as follows:

(a) If the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, or that the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the

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1 voter's current residence.

2 SECTION 3. Section 15.052(b), Election Code, is amended to
3 read as follows:

4 (b) The official confirmation notice response form must:

5 (1) provide spaces for the voter to include all of the
6 information that a person must include in an application to
7 register to vote under Section 13.002; [afl.&]

8 (2) describe the requirements of Section 15.054,
9 provide a space for the voter to indicate if the voter is exempt
10 from those requirements, and provide a space to indicate the reason
11 for an exemption, if any;

12 (3) provide the definition of residence under Section
13 1.015; and

14 **ill** be postage prepaid and preaddressed for delivery
15 to the registrar.

16 SECTION 4. Section 15.053(a), Election Code, is amended to
17 read as follows:

18 (a) Not later than the 30th day after the date a
19 confirmation notice is mailed, the voter shall submit to the
20 registrar a written, signed response to the notice that confirms
21 the voter's current residence. The response must contain:.

22 **ill** all of the information that a person must include
23 in an application to register to vote under Section 13.002₁.

24 (2) a sworn affirmation of the voter's current
25 residence as defined by Section 1.015; and

26 (3) if the voter's residence address is a commercial
27 post office box or similar location that does not correspond to a

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residence, evidence of the voter's residence address as required by
Section 15.054 or an indication that the voter is exempt from those
requirements.

SECTION 5. Subchapter C, Chapter 15, Election Code, is
 amended by adding Section 15.054 to read as follows:

Sec. 15.054. DOCUMENTATION OF RESIDENCE FOR PURPOSES OF
CONFIRMATION NOTICE RESPONSE. (a) For purposes of Section 15.053,
a voter's residence may be documented by providing a photocopy of
the first document, beginning with Subdivision (1) and continuing
through Subdivision (6), in the following list that corresponds to
the voter's residence under Section 1.015:

(1) a driver's license issued to the voter by the
Department of Public Safety that has not expired or, if the voter
has notified the department of a change of address under Section
521.054, Transportation Code, an affidavit from the voter stating
the new address contained in the notification;

(2) a personal identification card issued to the voter
by the Department of Public Safety that has not expired or, if the
voter has notified the department of a change of address under
Section 521.054, Transportation Code, an affidavit from the voter
stating the new address contained in the notification;

(3) a license to carry a concealed handgun issued to
the voter by the Department of Public Safety that has not expired
or, if the voter has notified the department of a change of address
under Section 411.181, Government Code, an affidavit from the voter
stating the new address contained in the notification;

(4) an appraisal district document showing the address

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1 the voter claims as a homestead in this state;

2 (5) a utility bill addressed to the voter's residence
3 address; or

4 (6) an official tax document or Texas Department of
5 Motor Vehicles document showing the registration address of a
6 vehicle the voter owns.

7 (b) A voter whose residence in this state has no address may
8 document residence under this section by executing an affidavit
9 stating that the voter's residence in this state has no address,
10 providing a concise description of the location of the voter's
11 residence, and delivering the affidavit to the registrar with the
12 voter's response to the confirmation notice.

13 (c) The address described by Subsection (a) (4) may not be a
14 commercial post office box or similar location that does not
15 correspond to a residence.

16 (d) This section does not apply to:

17 (1) a voter who is a member of the armed forces of the
18 United States or the spouse or a dependent of a member;

19 (2) a voter enrolled as a full-time student who lives
20 on campus at an institution of higher education;

21 (3) a voter whose address is confidential under
22 Subchapter C, Chapter 56, Code of Criminal Procedure;

23 (4) a federal judge, state judge, or spouse of a
24 federal or state judge whose driver's license includes the street
25 address of a courthouse under Section 521.121, Transportation Code;
26 or

27 (5) a peace officer whose driver's license omits the

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officer's actual residence address under Section 521.1211,
Transportation Code.

(e) Subsection (a) (1) does not apply to a voter who holds a
commercial driver's license under Subchapter C, Chapter 522,
Transportation Code.

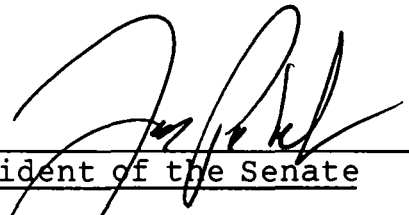
(f) Notwithstanding the other provisions of this section, a
voter enrolled as a full-time student who lives on campus at an
institution of higher education may use the address of a post office
box located on the campus of the institution or in a dormitory owned
or operated by the institution to confirm the voter's residence.

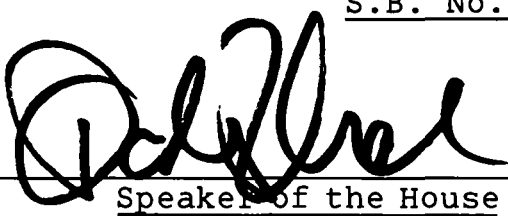
(g) The secretary of state shall adopt rules as necessary to
implement this section.

SECTION 6. This Act takes effect September 1, 2021.

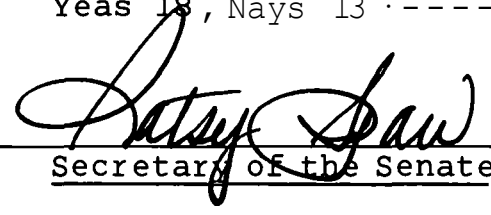
7/10/22
Klee

S.B. No. 1111


President of the Senate


Speaker of the House

I hereby certify that S.B. No. 1111 passed the Senate on April 28, 2021, by the following vote: Yeas 18, Nays 13 -----


Secretary of the Senate

I hereby certify that S.B. No. 1111 passed the House on May 25, 2021, by the following vote: Yeas 81, Nays 65, one present not voting. _____


Chief Clerk of the House

Approved:

6-14-21
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

11 PI O'CLOCK

JUN 1 ---


Secretary of State

<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</p> <p>TEXAS STATE LULAC; VOTO) LATINO,)) PLAINTIFFS)) V.) Case No. 1:21-cv-00546-LY)) BRUCE ELFANT, ET AL) AND KEN PAXTON, ET AL,)) DEFENDANTS)</p> <hr/> <p style="text-align: center;">ORAL AND VIDEOCONFERENCE DEPOSITION OF TEXAS STATE LULAC MARCH 23, 2022</p> <hr/> <p style="text-align: center;">ORAL AND VIDEOCONFERENCE DEPOSITION OF DOMINGO GARCIA, produced as a witness at the instance of the INTERVENOR-DEFENDANT, and duly sworn, was taken in the above-styled and numbered cause on MARCH 23, 2022, from 10:23 a.m. to 1:26 p.m., before Elizabeth N. Parker, Certified Shorthand Reporter in and for the State of Texas, reported by oral stenography at the Office of Perkins Coie LLP, 405 Colorado St., Suite 1700, Austin, Texas 78701, pursuant to the Texas Rules of Civil Procedure, the Emergency Orders regarding the COVID-19 State of Disaster, and the provisions stated on the record or attached hereto.</p>	<p style="text-align: right;">Page 3</p> <p>1 Munera Al-Fuhaid, on behalf of Terrie Pendley 2 and Lupe Torres 3 Barbara Nicholas, on behalf of Michael 4 Scarpello 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFFS: 4 KATHRYN YUKEVICH, ESQUIRE 5 MINDY JOHNSON, ESQUIRE 6 ELIAS LAW GROUP 7 700 THIRTEENTH STREET NW, SUITE 800 8 WASHINGTON, D.C. 20005-3960 9 202-968-4502 10 KYUKEVICH@ELIAS.LAW 11 MJOHNSON@ELIAS.LAW 12 13 ON BEHALF OF THE DEFENDANTS: 14 ERIC HUDSON, ESQUIRE 15 KATHLEEN HUNKER, ESQUIRE 16 OFFICE OF THE ATTORNEY GENERAL 17 P.O. BOX 12548 (MC-009) 18 AUSTIN, TEXAS 78711-2548 19 (512) 463-2100 20 ERIC.HUDSON@OAG.TEXAS.GOV 21 kathleen.hunker@oag.texas.gov 22 23 ALSO PRESENT: Tony Bauml, Videographer 24 Lisa Cubriel, on behalf of Jacquelyn Callanen 25 Josephine Ramirez, on behalf of Yvonne Ramon Leigh Tognetti, on behalf of Yvonne Ramon Cynthia Veidt, on behalf of Bruce Elfant Leslie Dippel, on behalf of Bruce Elfant Kelsey Spector, on behalf of Lisa Wise. Angelica Leo, on behalf of Lisa Wise Heena Kepadia, on behalf of Isabel Longoria.</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX 2 APPEARANCES. 2 3 STIPULATIONS. 5 4 DOMINGO GARCIA 5 Examination by ERIC HUDSON. 5 6 Changes and Signature 124 7 8 EXHIBITS 9 NO. DESCRIPTION PAGE MARKED 10 Exhibit D1 Notice of Deposition 11 11 Exhibit D2 Original complaint 27 12 Exhibit D3 Election Advisory No. 2021-09 74 13 Exhibit D4 Election Advisory No. 2021-10 80 14 Exhibit D5 House Journal 85 15 Exhibit D6 Senate Journal 91 16 Exhibit D7 LULAC's Responses and Objections 102 17 Exhibit D8 Governor Abbott's State of the State Address 18 103 19 Exhibit D9 California/Texas Article 105 20 Exhibit D10 Texas Political Changes Article 107 21 Exhibit D11 The Texas Tribune Article 108 22 Exhibit D12 Youth Voting Trends Article 113 23 Exhibit D13 Enrollment Forecast 114 24 25</p>

<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are on the record</p> <p>3 at 10:23 a.m., today, March 23, 2022, at Perkins Coie</p> <p>4 LLP, 405 Colorado St., Suite 1700 Austin, Texas 78701.</p> <p>5 To depose Domingo Garcia, in the case styled Texas State</p> <p>6 LULAC, et al. v. Bruce Elfant, et al., and Ken Paxton,</p> <p>7 et al., Cause No. 1:21-CV-00546-LY. Tried in the United</p> <p>8 States District Court, Western District of -- District</p> <p>9 of Texas, Austin Division.</p> <p>10 I'm Tony Bauml, videographer and notary.</p> <p>11 My business address is 15248 Scenic Loop Helotes, Texas</p> <p>12 78023. Will counsel please state their appearance with</p> <p>13 their name, firm, and the party that they're</p> <p>14 representing?</p> <p>15 MS. YUKEVICH: Okay. I'm Kathryn</p> <p>16 Yukevich, for the plaintiff.</p> <p>17 MR. HUDSON: Eric Hudson and Kathleen</p> <p>18 Hunker, on behalf of the State of Texas</p> <p>19 Intervenor-Defendant.</p> <p>20 THE VIDEOGRAPHER: Court reporter, will</p> <p>21 you swear in the witness.</p> <p>22 DOMINGO GARCIA,</p> <p>23 having been first duly sworn, testified as follows:</p> <p>24 EXAMINATION</p> <p>25 Q. (BY MR. HUDSON) My name is Eric Hudson. I'm</p>	<p style="text-align: right;">Page 7</p> <p>1 appearing via Zoom or telephone that I haven't</p> <p>2 identified already for the record?</p> <p>3 Okay. So I guess let's start with you</p> <p>4 introducing yourself to the Court. Do you mind</p> <p>5 explaining to the Judge who you are?</p> <p>6 A. My name is Domingo Alberto Garcia,</p> <p>7 D-O-M-I-N-G-O, Alberto, A-L-B-E-R-T-O, Garcia,</p> <p>8 G-A-R-C-I-A. And I'm a national president of LULAC the</p> <p>9 League of United Latin American Citizens.</p> <p>10 Q. Where do you currently live?</p> <p>11 A. I live in Dallas, Texas.</p> <p>12 Q. You fly down this morning?</p> <p>13 A. I did.</p> <p>14 Q. Well, thank you for attending. How long have</p> <p>15 you been the national president for --</p> <p>16 A. Three.</p> <p>17 Q. -- LULAC?</p> <p>18 A. Three years.</p> <p>19 Q. Okay. Now, like I said, this will be a little</p> <p>20 bit tedious, you know, because I know you've probably</p> <p>21 done boatload of depositions in your time. I understand</p> <p>22 you're a personal injury lawyer. Right?</p> <p>23 A. Correct.</p> <p>24 Q. All right. So you've deposed lots of people.</p> <p>25 Right?</p>
<p style="text-align: right;">Page 6</p> <p>1 with the Office of State Attorney General. I know</p> <p>2 you're -- you're an attorney, Mr. Garcia, so it's going</p> <p>3 to seem a little bit tedious what I'm about to go</p> <p>4 through. But I think we have to go through the exercise</p> <p>5 in any event. Before we do that, though -- deposition,</p> <p>6 so this is going to be on transcript.</p> <p>7 I want to describe the room so that the</p> <p>8 Judge reading this or the clerk who's reading this for</p> <p>9 the judge will understand we've got a Zoom camera up to</p> <p>10 my right hand side, the deponent's left hand side, and</p> <p>11 we've got, it looks to be 12 people on the screen, who</p> <p>12 are also appearing for the named defendant counties. I</p> <p>13 understand that the court reporter and videographer are</p> <p>14 going to capture the names and the clients for each of</p> <p>15 the attorneys for the defendants. They're also going to</p> <p>16 capture the name of the parties for the</p> <p>17 Intervenor-Defendants.</p> <p>18 I believe the county's of Medina and</p> <p>19 Real, but I want to be clear on the record that all of</p> <p>20 these people are in attendance. We've got Cynthia</p> <p>21 Veidt; Barbara Nicholas; Kathleen Hunker; Heena Kepadia;</p> <p>22 Josephine Ramirez; Leigh Tognetti; Kelsey Spector; ADA,</p> <p>23 which I understand is an acronym for Assistant District</p> <p>24 Attorney, Lisa Cubriel; Munera Al-Fuhaid; Leslie Dippel;</p> <p>25 and Mindy Johnson. Is there anybody else that's</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I have.</p> <p>2 Q. Okay. So I'll -- I'll breeze through this.</p> <p>3 If I'm asking a question, I ask that you allow me to</p> <p>4 finish I'll extend the same courtesy to you. If during</p> <p>5 the course of questioning you don't understand the</p> <p>6 question that I'm asking, just say so. I'll see if I</p> <p>7 can't rephrase it.</p> <p>8 If you hear an objection from your</p> <p>9 counsel unless you're instructed not to answer, I ask</p> <p>10 that you go ahead and answer the question. If you need</p> <p>11 a break during the day, just let me know. The only</p> <p>12 thing I ask is that if I ask a question that you answer</p> <p>13 it before we take the break.</p> <p>14 Need a drink, need anything like that</p> <p>15 that's fine too. This isn't a hostage situation, so if</p> <p>16 you need to stand up and walk around just let me know we</p> <p>17 can take some breaks. I'm going to try to get you out</p> <p>18 of here as efficiently as possible. But you know, if</p> <p>19 you need to take one, just let me know.</p> <p>20 A. Sure.</p> <p>21 Q. Any questions about that?</p> <p>22 A. No, sir.</p> <p>23 Q. Can we agree to do that today?</p> <p>24 A. I can.</p> <p>25 Q. Okay. I think you can hear me fine.</p>

<p style="text-align: right;">Page 9</p> <p>1 A. I can.</p> <p>2 Q. It's kind of nice being in person. Right?</p> <p>3 A. I can hear you fine.</p> <p>4 Q. Okay. All right. So since 2018, you've been</p> <p>5 the LULAC national president. Right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And what are your -- what is your role or what</p> <p>8 are your duties as LULAC national president?</p> <p>9 A. I'm elected by the general assembly. LULAC is</p> <p>10 the nation's largest and oldest Latino civil rights</p> <p>11 organization. We have a convention once a year. And my</p> <p>12 job duties and responsibilities are to help with running</p> <p>13 our national office, which is based in Washington, D.C.,</p> <p>14 where we have a staff that deals with multiple issues</p> <p>15 and programs such as civil rights, voter registration,</p> <p>16 voter turnout, scholarships for students, and community</p> <p>17 programs, including educational programs, and work</p> <p>18 programs.</p> <p>19 Q. Okay. Thank you for that. One thing I might</p> <p>20 want to say for the court reporter's benefit you speak a</p> <p>21 little fast. We might want to take it down just a</p> <p>22 little bit to make sure our court reporter is not going</p> <p>23 nuts with the -- with the transcription.</p> <p>24 A. Okay.</p> <p>25 Q. Prior to your current position, what did you</p>	<p style="text-align: right;">Page 11</p> <p>1 A. I was a state representative for State of</p> <p>2 Texas for six years. Part of that I was a Dallas City</p> <p>3 Council member and I was Mayor Pro Tem for the City of</p> <p>4 Dallas between 1991 and 1995. And in terms of</p> <p>5 positions.</p> <p>6 Q. So let's go back and make sure I get all that</p> <p>7 down. So you were state representative for how many</p> <p>8 terms?</p> <p>9 A. Three terms.</p> <p>10 Q. All right. And when was the first term?</p> <p>11 A. 1996 to 2001.</p> <p>12 Q. Those were consecutive?</p> <p>13 A. Yes, sir.</p> <p>14 Q. That was a State House?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And you said you were Mayor Pro Tem in Dallas?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What was the time period for that?</p> <p>19 A. 1991 to 1995.</p> <p>20 Q. And that's -- I'm assuming you were city</p> <p>21 council member as well during that time?</p> <p>22 A. Yes, sir.</p> <p>23 Q. I'm going to hand you what I marked as D1.</p> <p>24 (WHEREUPON; the document was marked for</p> <p>25 Identification as Exhibit D1 and is</p>
<p style="text-align: right;">Page 10</p> <p>1 do for a living?</p> <p>2 A. I'm an attorney, and I have a Law Office of</p> <p>3 Domingo Garcia PC.</p> <p>4 Q. And where is that headquartered?</p> <p>5 A. It's headquartered in Dallas, Texas?</p> <p>6 Q. And what is the focus of your practice?</p> <p>7 A. Personal injury law.</p> <p>8 Q. How long have you been practicing?</p> <p>9 A. Thirty six years.</p> <p>10 Q. Have you always had your own practice?</p> <p>11 A. Yes, sir. Except for a short time that I</p> <p>12 worked for Assistant District Attorney for Harris</p> <p>13 County, when I first got out of law school.</p> <p>14 Q. Where did you matriculate?</p> <p>15 A. Texas Southern University, Thurgood Marshall</p> <p>16 School of Law.</p> <p>17 Q. And what year did you graduate?</p> <p>18 A. 1983.</p> <p>19 Q. And where did you attend for undergrad?</p> <p>20 A. University of North Texas in Denton, Texas.</p> <p>21 Q. You spend a lot of time on Fry Street?</p> <p>22 A. I did. Kind of like Sixth Street.</p> <p>23 Q. Aside from working as an attorney for about</p> <p>24 the last 30-some odd years, have you held any other</p> <p>25 positions?</p>	<p style="text-align: right;">Page 12</p> <p>1 Attached hereto.)</p> <p>2 MR. HUDSON: Got a copy for you too</p> <p>3 Kassi, if you want it.</p> <p>4 MS. YUKEVICH: Thank you, very much.</p> <p>5 Q. (BY MR. HUDSON) Go ahead and take a look at</p> <p>6 that. Let me know when you're finished, we'll talk</p> <p>7 about it.</p> <p>8 A. Okay.</p> <p>9 Q. You ever seen this document before?</p> <p>10 A. Yes.</p> <p>11 Q. What is it?</p> <p>12 A. It's the notice of deposition and attached</p> <p>13 topics for examination.</p> <p>14 Q. Okay. So you understand that this is a</p> <p>15 deposition sent and notice under Rule 30(b)(6) of the</p> <p>16 Federal Rules of Civil Procedure. Right?</p> <p>17 A. I do.</p> <p>18 Q. Are you familiar with that rule?</p> <p>19 A. I don't really practice federal law, but</p> <p>20 I'm -- I'm familiar with the -- the topic and how it</p> <p>21 works.</p> <p>22 Q. All right. Well, just so we're all on the</p> <p>23 same page, so the idea is that you're here to speak on</p> <p>24 behalf of LULAC. Do you understand that?</p> <p>25 A. Yes, sir.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. I'm going to go through the topics on</p> <p>2 page 7. You got those in front of you?</p> <p>3 A. I do.</p> <p>4 Q. The first is LULAC's mission, formation, and</p> <p>5 current organizational structure. Did I read that</p> <p>6 correctly?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Did you prepare today to speak about that</p> <p>9 topic?</p> <p>10 A. I did.</p> <p>11 Q. What did you do to prepare?</p> <p>12 A. I just been a member since 1984, so I'm very</p> <p>13 familiar with the mission, formation, and current</p> <p>14 organizational structure. And as past LULAC president</p> <p>15 in Dallas and then now as national president, I'm</p> <p>16 familiar with structure.</p> <p>17 Q. When you say you were a member, what do you</p> <p>18 mean by that?</p> <p>19 A. I was a member of the Dallas LULAC Council</p> <p>20 102, which has been in -- been in existence since 1988.</p> <p>21 Q. How do you become a member of LULAC?</p> <p>22 A. You just join any of the local councils around</p> <p>23 the country?</p> <p>24 Q. How does that process work?</p> <p>25 A. Normally, you can just Google or -- or ask a</p>	<p style="text-align: right;">Page 15</p> <p>1 of that President Lyndon Baines Johnson adopted the</p> <p>2 School of 400 and started Headstart, which is a program</p> <p>3 that's now national in scope.</p> <p>4 We've been involved in multiple</p> <p>5 desegregation of the schools. Back in the 1950s, Texas</p> <p>6 had a segregated school system. Mexican-American could</p> <p>7 not go to school with whites, so LULAC filed a lawsuit</p> <p>8 Mendez v. Westminster that ended school segregation in</p> <p>9 the United States. And that happened about three years</p> <p>10 before Brown v. Topeka.</p> <p>11 Q. Now, let's talk a little bit about the current</p> <p>12 organizational structure of LULAC. You've mentioned</p> <p>13 that there are local chapters. So can you take me from</p> <p>14 top down? How -- how LULAC is organized?</p> <p>15 A. We have a national president that's elected by</p> <p>16 the General Assembly. We have a board of directors.</p> <p>17 Each state elects a state director. So for example,</p> <p>18 Texas, has a state director. Currently, we're in 41</p> <p>19 states and Puerto Rico, and each state elects a state</p> <p>20 director.</p> <p>21 And then there are district directors</p> <p>22 that represent regions. So, for example, there's a</p> <p>23 district director that represents the Austin area, one</p> <p>24 that represents Dallas, one that represents Houston.</p> <p>25 And then you have local councils. Those are the local</p>
<p style="text-align: right;">Page 14</p> <p>1 current member if you would like to join LULAC in -- in</p> <p>2 Austin, Texas or Dallas or whatever town you're in, in</p> <p>3 the country or Puerto Rico.</p> <p>4 Q. So what are my benefits if I'm a member of</p> <p>5 LULAC?</p> <p>6 A. You get to pay \$20 in fees -- dues and you</p> <p>7 become part of a national civil rights organization,</p> <p>8 very much -- probably the best known and -- and largest</p> <p>9 organization representing Latinos and Latinas in the</p> <p>10 United States, especially in regards to civil rights,</p> <p>11 and economic, and political opportunities.</p> <p>12 Q. Okay. Could you describe for the Judge what</p> <p>13 LULAC's mission is?</p> <p>14 A. Our mission is to ensure that the civil rights</p> <p>15 of Latinos in the United States are protected. And --</p> <p>16 and to a -- to a lesser extent, creating programs that</p> <p>17 help young men and women in economic and political</p> <p>18 empowerment in the United States.</p> <p>19 Q. What does that mean?</p> <p>20 A. Means helping them get scholarships, so they</p> <p>21 go to college so they get their degrees to become</p> <p>22 whatever they want to do, whether they want to be</p> <p>23 astronauts or accountants, lawyers, whatever. We</p> <p>24 started the School of the 400, in the 1940s. And we</p> <p>25 taught bilingual education to our kids. So as a result</p>	<p style="text-align: right;">Page 16</p> <p>1 councils. You have to have at least 13 members to</p> <p>2 create a council. And those are at the local level at</p> <p>3 either city or county, depending on the size of the</p> <p>4 area. And we -- have we have a paid staff in</p> <p>5 Washington, D.C., consisting of our CEO who is now Sindy</p> <p>6 Benavides.</p> <p>7 And I think we have like eight -- but</p> <p>8 currently we have about 18 employees that work over</p> <p>9 Washington office. And then we have an El Paso office</p> <p>10 that has about six employees.</p> <p>11 Q. Are you aware of how many local councils are</p> <p>12 in Texas?</p> <p>13 A. Currently, there are something like 283.</p> <p>14 About 8000 active members and about a 144,000 where we</p> <p>15 call E-members. Members that are just -- they e-mail on</p> <p>16 computer. They're virtual members, but they're not</p> <p>17 organic members in a sense they don't show up to a</p> <p>18 meeting. They're just monitoring everything online.</p> <p>19 Q. What was the number of E-members? I'm sorry.</p> <p>20 A. 140,000 in Texas.</p> <p>21 Q. You see there on the topics for examination.</p> <p>22 We've got LULAC's affiliations or partnerships with</p> <p>23 other entities, past or present, including the nature</p> <p>24 and extent of interactions between LULAC and all such</p> <p>25 affiliate partner, member organizations, or groups. Did</p>

<p style="text-align: right;">Page 17</p> <p>1 I read that correctly?</p> <p>2 A. Yes, sir.</p> <p>3 MS. YUKEVICH: Eric, just before we go</p> <p>4 into topic No. 2, I just want to again reiterate the</p> <p>5 objections that we have sent in writing to your office</p> <p>6 about the breadth of this topic and the First Amendment</p> <p>7 implications that depending on where your questions go</p> <p>8 for those topic.</p> <p>9 Q. (BY MR. HUDSON) Did you prepare for that topic</p> <p>10 today?</p> <p>11 A. Yes, sir.</p> <p>12 Q. What did you do to prepare?</p> <p>13 A. I just try to recur some of the agreements we</p> <p>14 have with multiple entities that LULAC has partnerships</p> <p>15 with.</p> <p>16 Q. Okay. Here's what I'm interested in. So I'll</p> <p>17 just give you a little bit of background. I understand</p> <p>18 your lawsuit is challenging, what is commonly referred</p> <p>19 to as Senate Bill 1111. Are you familiar with that?</p> <p>20 A. I am.</p> <p>21 Q. Now, I will tell you, I've done a lot of work</p> <p>22 for the ledge. Every -- and I know you remember the</p> <p>23 Legislature, so you know this as well as I do, there's</p> <p>24 probably like 400,000 SB 1111's because there's a new</p> <p>25 1111 --</p>	<p style="text-align: right;">Page 19</p> <p>1 do you contend that LULAC has affiliations or</p> <p>2 partnerships with groups that are going to be impacted</p> <p>3 by the residency statute?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. What are those affiliations or</p> <p>6 partnerships?</p> <p>7 A. LUPE. They have large -- a large section of</p> <p>8 farm workers that are members of that organization and</p> <p>9 those of seasonal workers that migrate, depending on the</p> <p>10 harvest and the seasons the residency requirements can</p> <p>11 ask adversely affect a large number of Latinos that are</p> <p>12 in that organization and that are farmworkers. Voto --</p> <p>13 Latino Voto, which does work with -- for like getting</p> <p>14 the Latino vote out. That's going to make it difficult</p> <p>15 to them to get the vote out for farmworkers and college</p> <p>16 students. And there's other organizations, but we don't</p> <p>17 have like specific ties, except, I guess are part of the</p> <p>18 same litigation.</p> <p>19 Q. Okay. So aside from those two organizations,</p> <p>20 LUPE, Latino Voto in terms of -- or is it Voto Latino</p> <p>21 like in the lawsuit?</p> <p>22 A. Yes. Voto Latino.</p> <p>23 Q. So you've got a partnership or an affiliation</p> <p>24 with them. Those -- those two groups are dealing with</p> <p>25 farmworkers and college students. Your contention is</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yeah.</p> <p>2 Q. -- every time there's a ledge session. The SB</p> <p>3 1111 I'm referring to is the Senate Bill that was passed</p> <p>4 and signed by the governor from the 87th regular</p> <p>5 session.</p> <p>6 A. Okay.</p> <p>7 Q. Do you understand that?</p> <p>8 A. I do.</p> <p>9 Q. Okay. So what I'm interested in is for that</p> <p>10 particular bill, you guys have sued us or sued the state</p> <p>11 of -- not, the state of Texas, but you've sued county</p> <p>12 defendants alleging constitutional violations on that</p> <p>13 statute because of the residency restrictions. So what</p> <p>14 I'm interested in are any affiliations or partnerships</p> <p>15 that you have with organizations that you think are</p> <p>16 going to be impacted by the residency statute.</p> <p>17 I'm just giving you a little bit of</p> <p>18 background, I haven't asked the question. So before I</p> <p>19 get started, if I refer to SB 1111 or the residency</p> <p>20 statute, can we agree that I'm referring to the statute</p> <p>21 that was passed in the 87th regular session that's</p> <p>22 commonly referred to as SB 1111 or the residency bill</p> <p>23 that you've sued us for?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So with that in mind, let me ask you,</p>	<p style="text-align: right;">Page 20</p> <p>1 those two groups are going to be impacted by the</p> <p>2 legislation --</p> <p>3 A. Yes, sir.</p> <p>4 Q. -- is that fair?</p> <p>5 A. Yes. Fair.</p> <p>6 Q. Okay.</p> <p>7 A. And also military.</p> <p>8 Q. Military.</p> <p>9 A. I just met with a two-star General Monday, and</p> <p>10 we were discussing how LULAC can help our army, our</p> <p>11 armed forces on recruitment.</p> <p>12 Q. Mm-hmm.</p> <p>13 A. The issue there is that many of Latinos 18 to</p> <p>14 21 see the military as honorable service, so they serve</p> <p>15 their country.</p> <p>16 Q. Mm-hmm.</p> <p>17 A. But I believe the way the statute written that</p> <p>18 it -- they could be also concerned about where</p> <p>19 they're -- are they going to stay registered at home, or</p> <p>20 they're going to be at Fort Bragg and able to register</p> <p>21 to vote in North Carolina, or they be criminalized. And</p> <p>22 even though there's an exemption for the military, I</p> <p>23 think they could have a chilling effect on them</p> <p>24 registering to vote or allowing themselves to vote</p> <p>25 somewhere.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. Well, just so I'm clear, and I think it</p> <p>2 cleared up out there, but you do understand that there's</p> <p>3 an exemption for military members. Right?</p> <p>4 A. I do. But again, most people -- most 18, 19</p> <p>5 year olds don't know this part of the election code.</p> <p>6 MR. HUDSON: Okay. Objection.</p> <p>7 Non-responsive to everything after I do.</p> <p>8 Q. (BY MR. HUDSON) All right. So tell me about</p> <p>9 the affiliation with LUPE that you believe is impacted</p> <p>10 by the residency statute?</p> <p>11 A. Yeah.</p> <p>12 MS. YUKEVICH: At just to the extent that</p> <p>13 it calls for a private First Amendment, protected speech</p> <p>14 or information.</p> <p>15 A. Generally speaking, just I've known LUPE and</p> <p>16 Juanita Cox and many members of that organization.</p> <p>17 They've been organizing farmworkers to get out and vote</p> <p>18 and get out the vote down in -- in South Texas, where a</p> <p>19 lot of the farmworkers are based.</p> <p>20 And they're concerned, as -- as -- as I</p> <p>21 am, as a former farmworker myself that, you -- you go</p> <p>22 with the harvest or sometimes you might be picking</p> <p>23 apples in Washington state and have to leave South</p> <p>24 Texas. Sometimes you might be in Ohio in the harvest</p> <p>25 season or Nebraska, and therefore you're -- you're might</p>	<p style="text-align: right;">Page 23</p> <p>1 election code.</p> <p>2 MR. HUDSON: Objection. Non-responsive.</p> <p>3 Q. (BY MR. HUDSON) My question is a little bit</p> <p>4 simpler than the one you're answering. I'm just asking</p> <p>5 if somebody goes and lives for a year in Washington to</p> <p>6 pick apples. Is it LULAC's contention that they should</p> <p>7 also be able to register and vote in Starr CountyNo</p> <p>8 during the time that they live and work in Washington</p> <p>9 state?</p> <p>10 MS. YUKEVICH: Objection. Form.</p> <p>11 A. I believe they should be able to register to</p> <p>12 vote in one location, whether it's Starr County or</p> <p>13 wherever they move without the fear of criminal</p> <p>14 penalization.</p> <p>15 Q. (BY MR. HUDSON) So the answer is yes?</p> <p>16 A. Yes. Just one place, yeah.</p> <p>17 Q. Let me ask you about the Latino Voto. What</p> <p>18 are your affiliations or partners -- partnerships with</p> <p>19 them that you believe are going to be affected by the</p> <p>20 residency statute?</p> <p>21 A. They target young Latino voters for voter --</p> <p>22 for voter registration to get out the vote. Majority of</p> <p>23 the population now in Texas, the ethnic group -- the</p> <p>24 largest ethnic group are Latinos, Mexican-Americans in</p> <p>25 Texas. So they're turning 18, 19 and they're going to</p>
<p style="text-align: right;">Page 22</p> <p>1 be not willing to risk register to vote either at home</p> <p>2 or where you're at for six months or a year.</p> <p>3 Q. (BY MR. HUDSON) Let me ask you, and -- and</p> <p>4 we'll take this up in just a little bit. Let me ask you</p> <p>5 anyway. Is it your contention in this lawsuit and by</p> <p>6 you, I mean, LULAC, is your contention that you</p> <p>7 shouldn't have to be a resident of the place where</p> <p>8 you're voting?</p> <p>9 A. No.</p> <p>10 Q. So it's not your contention that if a</p> <p>11 farmworker moves out of state and goes to Washington to</p> <p>12 pick apples, for instance, for a year that they should</p> <p>13 also be able to vote in, for instance, Starr County?</p> <p>14 MS. YUKEVICH: Objection. Form.</p> <p>15 A. We can register to vote. But when you</p> <p>16 criminalize and weaponize the election laws like what's</p> <p>17 happened in SB 1111 and SB 1, the effect has a chilling</p> <p>18 effect on those farmworkers even considering register to</p> <p>19 vote, let's say, in Starr County or deciding to vote in</p> <p>20 Spokane, Washington, because they're over there for a</p> <p>21 year.</p> <p>22 I mean, the reality is it has a chilling</p> <p>23 effect on them. They're as confused as the majority of</p> <p>24 the public, and they have -- normally, many of them</p> <p>25 don't have the educational levels to even understand the</p>	<p style="text-align: right;">Page 24</p> <p>1 college. And many of them, I think, could be impacted</p> <p>2 by this provision because they would be reluctant to</p> <p>3 vote if they -- whether -- should they wish to vote in</p> <p>4 Houston or now they're at UT Austin or should they</p> <p>5 register to vote in Austin, and will they be going to</p> <p>6 jail because they forgot to unregistor in Houston now</p> <p>7 that they're in Austin.</p> <p>8 Those are the type of things that Voto</p> <p>9 Latino deals with. They cut out registering younger</p> <p>10 members of the voting age population, many of them</p> <p>11 voting for the first time.</p> <p>12 Q. Are you aware of any specific example of</p> <p>13 farmworker who has decided not to register to vote on</p> <p>14 account of the residency statute?</p> <p>15 A. Not yet, but we've put out a request to all</p> <p>16 our members in the -- in the -- in the farmworker</p> <p>17 communities to give us that information.</p> <p>18 Q. Okay. So as you sit here right now, you don't</p> <p>19 have a single example?</p> <p>20 A. Not today.</p> <p>21 Q. How long ago did you put out the -- the call</p> <p>22 for specific examples?</p> <p>23 A. Just about a week ago, and then that's just</p> <p>24 asking our local presidents to let us know if anybody</p> <p>25 got -- the whole -- the whole gauntlet of SB 1 and SB</p>

<p style="text-align: right;">Page 25</p> <p>1 1111. And from -- did your mail ballot get rejected</p> <p>2 because you didn't put your driver's license or Social</p> <p>3 Security number or you didn't reach to vote because you</p> <p>4 had a P.O. box instead of a regular home address.</p> <p>5 Q. Same question, but as to young voters that</p> <p>6 you've been describing. Do you have any specific</p> <p>7 examples of any young voters who have declined to</p> <p>8 register to vote on account of the residency statute?</p> <p>9 A. Not right now.</p> <p>10 Q. So as you sit here today, you don't have a</p> <p>11 single example?</p> <p>12 A. We'll supplement, we're getting that</p> <p>13 information from our collegiate councils to find out</p> <p>14 if -- which members might have been impacted by this</p> <p>15 law.</p> <p>16 Q. Okay. When did you put the call out for that?</p> <p>17 A. Last night. So we have several collegiate</p> <p>18 councils like, for example, we're -- we're here in</p> <p>19 Austin. We have the UT Austin LULAC Longhorn Council</p> <p>20 and then we have one at A&M and so on.</p> <p>21 Q. So you've identified LUPE, Latino Voto, any</p> <p>22 other affiliations or partnerships with any other groups</p> <p>23 that you think are going to be impacted by the residency</p> <p>24 statute?</p> <p>25 A. Not that I can think of right now.</p>	<p style="text-align: right;">Page 27</p> <p>1 your -- in preparation for your deposition today?</p> <p>2 A. No.</p> <p>3 Q. Number 3 on the topics for examination. Got</p> <p>4 LULAC's current membership, including the members on</p> <p>5 whose behalf you have asserted claim or who you</p> <p>6 otherwise purport to represent in this Lawsuit. Did I</p> <p>7 read that correctly?</p> <p>8 A. Yes, sir.</p> <p>9 Q. I believe we went through that earlier.</p> <p>10 You've got local councils. Each has at least 13</p> <p>11 members, perhaps more 144,000 or 140,000 e-members who</p> <p>12 are paying their \$20 dues. Right?</p> <p>13 A. Correct.</p> <p>14 Q. All right. So these are the members that</p> <p>15 you're -- you're representing?</p> <p>16 A. Yes, sir. In Texas.</p> <p>17 Q. All right. I'm going to hand you the marking</p> <p>18 as D2, take a look at that and let me know --</p> <p>19 MS. YUKEVICH: Thank you.</p> <p>20 Q. (BY MR. HUDSON) -- when you're done.</p> <p>21 (WHEREUPON, the document was marked for</p> <p>22 Identification as Exhibit D2 and is</p> <p>23 Attached hereto.)</p> <p>24 A. Okay. It's the petition?</p> <p>25 Q. I believe this is the original complaint that</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Where did you review the fine affiliations or</p> <p>2 partnerships that you believe would be impacted by the</p> <p>3 residency statute?</p> <p>4 A. I didn't review any documents. Those are just</p> <p>5 my knowledge from dealing with those organizations or</p> <p>6 their leaders over the course of the last two or three</p> <p>7 years.</p> <p>8 Q. Did you speak to anybody about affiliations or</p> <p>9 partnerships that might be impacted by the residency</p> <p>10 statute?</p> <p>11 A. No.</p> <p>12 Q. So as you sit here right now, you haven't</p> <p>13 looked at documents, you haven't spoken anybody, and the</p> <p>14 basis of your knowledge for topic No. 2 is solely your</p> <p>15 knowledge gleaned over the last two to three years with</p> <p>16 LULAC?</p> <p>17 A. And with conversations with the leadership of</p> <p>18 LUPE and one of the members of Mi Familia Vota and Voto</p> <p>19 Latino, which are the organizations that do</p> <p>20 registration. And that were involved in -- I think</p> <p>21 they're involved in the litigation also.</p> <p>22 Q. Did you talk to LUPE in preparation for your</p> <p>23 deposition today?</p> <p>24 A. No.</p> <p>25 Q. Did you talk to anybody from Voto Latino about</p>	<p style="text-align: right;">Page 28</p> <p>1 was filed on my birthday last year.</p> <p>2 A. Okay.</p> <p>3 MS. YUKEVICH: Happy Birthday.</p> <p>4 A. Mm-hmm. Yes, I'm familiar with it.</p> <p>5 Q. (BY MR. HUDSON) All right. Take a look at the</p> <p>6 topic sheet there on D1, No. 4, page 7.</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Factual basis for any contention that LULAC as</p> <p>9 an organization has suffered an injury because of the</p> <p>10 passage of SB 1111, including the nature and extent to</p> <p>11 which SB 1111 is impaired or is expected to impair</p> <p>12 LULAC's financial expenditures or ability to perform its</p> <p>13 organizational activities. So first off, how long has</p> <p>14 LULAC been mobilizing voters in Texas?</p> <p>15 A. Since 1929.</p> <p>16 Q. So that's something that LULAC has done in</p> <p>17 every cycle going back nearly 100 years?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What are you doing differently today on</p> <p>20 account of the residency statute that -- that you</p> <p>21 haven't done over the course of the last 100 years?</p> <p>22 A. The difference has been the impact of the</p> <p>23 voter suppression bills of SB 1111 and SB 1 together</p> <p>24 because they're really combined. With having to do</p> <p>25 everything from, for example, the SB 1111 legislation</p>

<p style="text-align: right;">Page 29</p> <p>1 makes it a crime for you to move residency for the 2 purpose of influencing an election. 3 Well, right now we've -- we've just had 4 redistricting in Texas, which goes from the state level 5 down to the county to the city to the school board. So 6 many times when we have an open seat, candidates will 7 move to run in that open seat as opposed to run against 8 an incumbent. We are not going to -- we have candidate 9 schools. And so we are now having to incorporate the 10 residency requirements into our candidate schools. 11 To make sure that candidates realize they 12 can't move or they could be subject to a criminal 13 offense. Same thing with voters and campaign workers, 14 who sometimes follow the candidates to the open seat 15 that might be available, whether it's for Congress or 16 local office. We're having to spend more money on our 17 voter registration and get out the vote efforts. 18 We're looking at the first time we're 19 going to be spending over maybe \$1 to \$2 million in 20 Texas to deal with the issues and the residency 21 requirements and advising students, especially students, 22 who are majority Latino in the state of Texas, that when 23 they turn 18 and they start to go to college, there are 24 some ramifications are going to be aware of, and we 25 got -- educate our voter registrars on this also that,</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yes. 2 Q. All right. Can you tell me specifically what 3 SB 1111 has done to injure you? Separate apart from 4 anything that you're talking about SB 1. 5 A. So we have a large youth population, high 6 school, lets say, a TAMU high school, which is the 7 number one high school in America. We have over 500 8 LULAC members. They're all 17 and 18 year olds that are 9 going to be registering to vote and leaving for college 10 or the military. They are disproportionately being 11 impacted by these residency requirements and the impact 12 it could have, the chilling impact it may have on them 13 registering to vote in the first place. 14 Second, we have the colleges. Collegiate 15 LULAC councils like -- like I mentioned the UT Longhorn 16 council here in Austin, but also at A&M and in Houston 17 and in North Texas and all over the country, and the 18 impact on those colleges -- college councils when they 19 go out and register voters and the impact that could 20 have on them registering voters because they might be 21 committing a crime if they get a college student from 22 Laredo to register to vote at UT in Austin and he never 23 gave up his Laredo residency in -- in terms of that's 24 where he gets his mail, that's where they get their -- 25 their information. But they now live in a dorm here at</p>
<p style="text-align: right;">Page 30</p> <p>1 you know, sometimes they go and -- to a house knock on 2 the door, mom and dad are there is anybody else over 18 3 here that can be registered to vote? 4 Well, yes, my son, but he is in A&M, he's 5 in College Station. So now we got -- educate our voter 6 registrars about -- you -- before you tell them they can 7 register here at the house, they need to be aware that 8 there could be criminal penalties if they register to 9 vote in College Station as opposed to down to home in 10 Dallas, Texas. So those are all things that are being 11 spent that we would have usually sent somewhere else 12 like I spent money on scholarships or educational 13 programs or other areas. 14 Q. Okay, well, let's see if we can unpack that a 15 little bit. So the first thing you said was that the 16 impact on LULAC is SB 1111 and SB 1 combined; is that 17 right? 18 A. Yes, sir. 19 Q. All right. So -- so the Judge is aware. When 20 you're talking about SB 1 are you talking about Senate 21 Bill 1, that was passed in the second special session of 22 the 87th regular session in 2021? 23 A. Yes, sir. 24 Q. All right. So that bill's separate part from 25 SB 1111, you would agree with that. Right?</p>	<p style="text-align: right;">Page 32</p> <p>1 UT Austin, and they decide they want to vote here, and 2 then -- now they're -- are they going to be subject to a 3 crime? I think it's going to have a chilling effect on 4 them. 5 So I'm concerned about the impact on our 6 young people. And like I said, Latinos are the largest 7 ethnic group in the 18 and under and below. They're 8 coming into that -- that area where the residency 9 requirements could negatively impact them. 10 Q. All right. I want to make sure I'm -- I'm 11 clear on this. So we've talked about the members that 12 you represent, and I believe you testified earlier 13 today. You can't identify a single member of -- of 14 college age or young voter, who was actually declined 15 register to vote on account of the residency statute. 16 Right? 17 A. As of today, we're looking for that. 18 Q. All right. You're -- you're looking for 19 that -- 20 A. That's right. 21 Q. -- you -- you sent out the call last night. 22 Right? 23 A. We had a -- a call yesterday with all our 24 council presidents in Texas, and we'll supplement that. 25 Q. So -- but you believe it's going to have an</p>

<p style="text-align: right;">Page 33</p> <p>1 impact on young members. Is that your contention?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. What's the basis for your belief?</p> <p>4 A. That you criminalize having the residency at</p> <p>5 your home. I got to use Laredo, Texas again. And then</p> <p>6 if they register to vote at their college location,</p> <p>7 wherever they may be in Texas, and that's going to</p> <p>8 create a chilling effect on many voters because they're</p> <p>9 not going to be sure. Do we keep it in Laredo or is it</p> <p>10 okay to transfer and register to vote in Austin? Am I</p> <p>11 committing a crime by doing that? The residency</p> <p>12 requirements, in my opinion, are vague and</p> <p>13 unconstitutional.</p> <p>14 Q. So what I'm hearing from you, and correct me</p> <p>15 if I'm misunderstanding, because there is a criminal</p> <p>16 penalty associated with registration violations, that is</p> <p>17 the sole basis for your belief that the registration</p> <p>18 statute is going to impact LULAC's members?</p> <p>19 MS. YUKEVICH: I object to</p> <p>20 mischaracterize his testimony here.</p> <p>21 A. Yeah. It's one of the factors, among many.</p> <p>22 Q. (BY MR. HUDSON) What other factors, aside from</p> <p>23 the criminal penalties?</p> <p>24 A. The lack of information that has -- has been</p> <p>25 sent out by the Secretary of State or the local</p>	<p style="text-align: right;">Page 35</p> <p>1 A. I spoke to several members about mentioning</p> <p>2 names throughout the State of Texas, and.</p> <p>3 MR. HUDSON: Well, I guess, let me see if</p> <p>4 I can make the record clear, are you instructing him not</p> <p>5 to answer with members names?</p> <p>6 MS. YUKEVICH: I think that for -- for</p> <p>7 purposes of this, to the extent that that identifying</p> <p>8 those individual members would show their participation</p> <p>9 and ability to communicate with LULAC in general, but</p> <p>10 yes, I am instructing him not to answer to the extent</p> <p>11 that he thinks identifying those members would not</p> <p>12 implicate the very First Amendment associational rights</p> <p>13 and can't answer.</p> <p>14 Q. (BY MR. HUDSON) Well, let me ask. I mean, the</p> <p>15 people that you talked to, do you think it's going to</p> <p>16 chill them or frighten them from participating in the</p> <p>17 voting process, if you identify them, for the record, so</p> <p>18 we can understand who you talked to in preparation for</p> <p>19 your deposition testimony today?</p> <p>20 A. You know, your boss, Ken Paxton has really,</p> <p>21 you know, weaponized and intimidated voters and -- with</p> <p>22 voter suppression campaigns and arresting people for</p> <p>23 innocent mistakes and giving them eight years in prison.</p> <p>24 And people, yeah, are kind of scared because all you</p> <p>25 trying do is vote, but nothing new since 1929. We've</p>
<p style="text-align: right;">Page 34</p> <p>1 elections officers to notify young people of the</p> <p>2 consequences. The -- the -- the -- the lack of a</p> <p>3 media campaign by the Secretary of State to inform young</p> <p>4 high school graduates and college students about the</p> <p>5 ramifications about the registration and how they vote</p> <p>6 and what residency requirements there are. Just off the</p> <p>7 top of my head, those are the ones that I can think of</p> <p>8 that would be -- are -- are various factors that</p> <p>9 would -- that would play there.</p> <p>10 Q. So are there any other factors?</p> <p>11 A. Not right now that I can think but that's.</p> <p>12 Q. Well, what did you do to prepare for your</p> <p>13 deposition testimony today on topic No. 4?</p> <p>14 A. I read the complaint, read the -- the law, the</p> <p>15 statutes, and then spoke to several of our members</p> <p>16 around the state.</p> <p>17 Q. Okay. What members did you speak to about the</p> <p>18 factors that you believe are going to impact your</p> <p>19 members --</p> <p>20 MS. YUKEVICH: I object --</p> <p>21 Q. (BY MR. HUDSON) -- with regard to the impact</p> <p>22 of SB 1111 or it's members?</p> <p>23 MS. YUKEVICH: I would object to the</p> <p>24 extent of that question calls for identifying individual</p> <p>25 members. I know the First Amendment.</p>	<p style="text-align: right;">Page 36</p> <p>1 kind of been used to voter suppression tactics in Texas.</p> <p>2 Q. Well, so we're -- so we're clear your</p> <p>3 counsel's objected, your declining to identify any</p> <p>4 members that you spoke to in preparation for your</p> <p>5 deposition today about the factors that you believe are</p> <p>6 going to impact members of LULAC on account of</p> <p>7 residency?</p> <p>8 A. As I mentioned earlier, I did -- without</p> <p>9 mentioning names. I did talk to our LULAC council</p> <p>10 presidents via large Zoom meeting that had maybe 50</p> <p>11 people there and then also to our state directors and</p> <p>12 district directors.</p> <p>13 Q. Anybody you can identify by name?</p> <p>14 A. I'll -- I'll refrain from mentioning names for</p> <p>15 fear that there might be retaliation from the Attorney</p> <p>16 General's Office or local district attorneys or</p> <p>17 politicians in their counties.</p> <p>18 Q. Do you have any examples in the hundred year</p> <p>19 history of -- of LULAC? Let's go back the last 20</p> <p>20 years. Does LULAC contend that anybody in the last 20</p> <p>21 years has been retaliated against for being identified</p> <p>22 as part of a lawsuit against the state?</p> <p>23 A. You know, I can't speak for all the members.</p> <p>24 I do know that there has been -- I personally have been</p> <p>25 attacked by -- by members of the Attorney General's</p>

<p style="text-align: right;">Page 37</p> <p>1 Office, both verbally and in the courtroom during 2 voter -- voter integrity, allegedly investigations. So, 3 yeah, like personally. 4 Q. Who attacked you? 5 A. Whoever the head of your integrity -- fraud 6 unit is. This happened in Fort Worth, Texas. 7 Q. I guess, I'm not familiar with that. 8 A. There was a bogus investigation that there was 9 illegal voting in Fort Worth, about two years ago, and 10 they got some poor election lady and banged on her door 11 in the morning, asked to take her saliva sample. She 12 refused. She called my -- my office. I don't do the 13 criminal law or any of that, but we helped her and then 14 somebody -- one of the attorney generals -- I'm going to 15 say I think the term was investigators, talked to me on 16 the phone, said they were going to go and get the -- 17 they -- they were going to tie her down. 18 Which they did, by the way, they 19 handcuffed her, put her in a chair, put a saliva stick 20 in her mouth, took her saliva, got a Republican Judge in 21 Tarrant County to approve all that. And it's been two 22 years now, and she's never gone to trial. But -- while, 23 that was going on, we had contact with the assistant 24 attorney generals at that point who were very hostile. 25 Q. So your contention is that somebody from the</p>	<p style="text-align: right;">Page 39</p> <p>1 A. About two years ago. 2 Q. Did that involve a [inaudible] down there in 3 Hidalgo County? 4 A. Involved the mayor of -- I believe it was 5 Edinburg. 6 Q. All right. So you've talked to state 7 directors, district directors, LULAC council presidents, 8 and so the record's clear. The three things that you 9 think are impacting LULAC and its members are the 10 additional criminal penalties, a lack of additional 11 information from the Texas Secretary of State's Office, 12 and the lack of a media campaign by the Texas Secretary 13 of State's Office; is that right? 14 A. Those are three of the factors, among others, 15 but those are the ones that come top of mind. 16 Q. Okay. Any other factors you can think of as 17 you sit here? 18 A. The main thing is the criminalization of 19 residency, which everybody knows you register one place 20 that -- I -- I don't know of anybody that's -- that 21 would -- that -- that -- the reason for that law to 22 begin with. 23 Q. Is LULAC asking as part of their lawsuit here 24 that the Court direct the Secretary of State's Office, 25 the Texas Secretary of State's Office to produce</p>
<p style="text-align: right;">Page 38</p> <p>1 Attorney General's Office personally went and held down 2 somebody in Fort Worth and took a saliva sample from 3 them? 4 MS. YUKEVICH: I object to the extent of 5 that mischaracterizes his testimony. 6 Q. (BY MR. HUDSON) I'm -- I just want make sure 7 I'm clear about what the allegation is, that -- 8 A. That's what the -- that's what the witness 9 told me. 10 Q. Okay. 11 A. But you should talk to her counsel. That case 12 never got a trial in three years now. 13 Q. What's her counsel's name? 14 A. Terri Moore. 15 Q. Aside from that example, are there any other 16 examples in the last 20 years? 17 A. Not that I personally know of, but we do know 18 that LULAC has been subject to investigations by the 19 Texas Department of Public Safety, and we've had members 20 that feel that they have been intimidated during 21 elections down at Hidalgo County and in West Texas. And 22 they've asked our office -- our national office for 23 help. 24 Q. Do you know what year of the attack at Hidalgo 25 County issues arose?</p>	<p style="text-align: right;">Page 40</p> <p>1 additional information about the SB 1111 statute? 2 A. I'll leave that up to my counsel. 3 Q. Well, I'm asking for your contention. You're 4 here speaking on behalf of LULAC. I'm asking for, what 5 your intention is in this lawsuit, what it is that you 6 guys want. Do you know what you want in this lawsuit? 7 A. We want SB 1111 to be held unconstitutional 8 and all those provisions be removed. 9 Q. So you're not asking for the Court to order 10 additional guidance from Texas Secretary of State's 11 office? 12 A. That could be one of the factors. But again, 13 I'll leave that to counsel to decide. As procedurally 14 wise, how to proceed on that. 15 Q. What about a media campaign? Is it your 16 contention that the Court should direct the Texas 17 Secretary of State's Office to conduct a media campaign 18 about the changes accompanying SB 1111? 19 A. I think it's important that the American 20 public knows the changes, I mean, Texas public, knows 21 the changes that have occurred and the implications of 22 those changes on their voter registration and residency 23 requirements. 24 Q. So is that a yes? 25 A. Yes.</p>

<p style="text-align: right;">Page 41</p> <p>1 Q. You're asking for the Court --</p> <p>2 A. Yes.</p> <p>3 Q. -- to direct that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Is your contention that you're only bringing</p> <p>6 your lawsuit on behalf of your membership?</p> <p>7 A. Yes, sir. But we have in the past, the</p> <p>8 Supreme Court has said LULAC represents a class of all</p> <p>9 Latinos in the United States and previous litigation,</p> <p>10 and once Mr. -- Mendez v. Mr. -- Hernandez v. Texas.</p> <p>11 But I don't know if that applies here, I'll leave that</p> <p>12 up to counsel.</p> <p>13 Q. Yeah. I mean, you're aware this isn't a class</p> <p>14 action. Right?</p> <p>15 A. I understand. That's what I'm saying.</p> <p>16 Q. Okay.</p> <p>17 A. But, normally, we've had -- we've represented</p> <p>18 Latinos as a class in multiple lawsuits.</p> <p>19 Q. Understood. All right. Let's -- so let's go</p> <p>20 back and talk about the money just a little bit more.</p> <p>21 You've mentioned that you're spending more money on</p> <p>22 voter registration; is that right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Now, let me ask you this. If SB 1111 hadn't</p> <p>25 passed, would you spend less money than you're currently</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. Prior to you becoming president of LULAC, did</p> <p>2 LULAC provide voter education?</p> <p>3 A. Since 1929, when we were paying for poll</p> <p>4 taxes. Yeah.</p> <p>5 Q. All right. So you don't disagree that the</p> <p>6 residency statute, not SB 1111, but the residency</p> <p>7 requirements existed before SB 1111 amended the</p> <p>8 statutes. Right?</p> <p>9 MS. YUKEVICH: Objection. Form.</p> <p>10 A. I don't know the exact -- I do -- I do know</p> <p>11 there was a resident requirement. If you were running</p> <p>12 for office, you have to live like six months or a year</p> <p>13 in the location that you were running in. I don't think</p> <p>14 there was any requirement except 30 days prior to the</p> <p>15 register to vote. But I don't know there's -- there's</p> <p>16 been a lot of changes recently. I don't of anything</p> <p>17 like that.</p> <p>18 MS. YUKEVICH: Eric, while you're looking</p> <p>19 for it, does it make sense we take a quick five-minute</p> <p>20 break or?</p> <p>21 MR. HUDSON: Sure.</p> <p>22 THE WITNESS: Yeah, yeah. I'm going to</p> <p>23 get a --</p> <p>24 THE VIDEOGRAPHER: We're off the record</p> <p>25 at 11:10 a.m.</p>
<p style="text-align: right;">Page 42</p> <p>1 spending on voter registration?</p> <p>2 A. We had no plans to spend a million or \$2</p> <p>3 million in Texas on voter registration and get out to</p> <p>4 vote until SB 1111 and SB 1 passed.</p> <p>5 Q. Okay. So --</p> <p>6 A. But were game changers in how we saw what we</p> <p>7 needed to do to -- to deal with that -- a chilling</p> <p>8 impact on our community.</p> <p>9 Q. Okay. So this lawsuit only relates to SB</p> <p>10 1111. So all I'm really interested in is the impact of</p> <p>11 SB 1111. Are you able to tease out how much you're</p> <p>12 spending on account of SB 1111 versus how much you're</p> <p>13 spending in addition on account of SB 1?</p> <p>14 A. I don't think I could be able to do that. I</p> <p>15 think it's both. And for example, we had, I think,</p> <p>16 27,000 absentee ballots that were rejected by elections</p> <p>17 officers across the State of Texas. The majority of</p> <p>18 them are Latino. Majority of them are -- are seniors in</p> <p>19 the Democratic primary. So we're trying to find the</p> <p>20 ramifications of that now. Which we never had to do</p> <p>21 before, worry about seniors voting in Texas.</p> <p>22 Q. For how many years, at -- at -- at least to</p> <p>23 the extent that you've been president of LULAC, has</p> <p>24 LULAC provided voter education?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 (Break Taken)</p> <p>2 THE VIDEOGRAPHER: We are back on the</p> <p>3 record at 11:21 a.m.</p> <p>4 Q. (BY MR. HUDSON) Can you flip to page 9 of D2</p> <p>5 for me?</p> <p>6 A. Okay.</p> <p>7 Q. See Paragraph 37 there?</p> <p>8 A. I see it.</p> <p>9 Q. Now, I asked you right before we took that</p> <p>10 break a few moments ago, whether it was your contention</p> <p>11 that SB 1111 created a new statute or whether it amended</p> <p>12 an old statute. Do you recall that?</p> <p>13 A. I don't recall that specific language, but I</p> <p>14 do recall that we're talking about this SB 11 [sic] from</p> <p>15 this last legislative session.</p> <p>16 Q. That's correct. Do you see there on Paragraph</p> <p>17 37 in your lawsuit?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Okay. Well, it reads, first SB 1111 strikes</p> <p>20 the common law definition of residence that previously</p> <p>21 governed the election code and rather than articulate</p> <p>22 another affirmative definition of residence, forbids</p> <p>23 anyone from establishing a residence quote "for the</p> <p>24 purpose of influencing the outcome of a certain</p> <p>25 election" end quote. Do you see that?</p>

<p style="text-align: right;">Page 45</p> <p>1 A. Yes, sir.</p> <p>2 Q. All right. And after that, it says "SB 1111,</p> <p>3 Section 1, (amending Texas Election Code Section</p> <p>4 1.015B)." You see that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. So you would agree with me that Section 1.015</p> <p>7 predated SB 1111?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And the same is true of the other</p> <p>10 provisions that SB 1111 amended. Right?</p> <p>11 A. That's correct.</p> <p>12 Q. When did LULAC first decide that it was going</p> <p>13 to have to change its approach on account of SB 1111?</p> <p>14 A. After its passage. We had several members, I</p> <p>15 believe, that were monitoring the legislations. It went</p> <p>16 through the House and then the Senate, and then it was</p> <p>17 brought to our attention by our state director and our</p> <p>18 general counsel for Texas, that there were --</p> <p>19 MS. YUKEVICH: May I just -- sorry, just</p> <p>20 caution at this point, to -- in your answering the</p> <p>21 question not to go into any communications -- privileged</p> <p>22 communications that you had with your general counsel at</p> <p>23 that time.</p> <p>24 A. Mm-hmm.</p> <p>25 MS. YUKEVICH: I apologize for</p>	<p style="text-align: right;">Page 47</p> <p>1 its signature by the governor we decided to file suit.</p> <p>2 I was actually watching the governor's statement and</p> <p>3 then we filed suit 30 minutes later. And then after we</p> <p>4 filed suit, I advised our CEO that we need to start</p> <p>5 taking actions because I believe that this particular</p> <p>6 law would probably be in effect for the 2022 elections</p> <p>7 and that we need to start educating our voters and our</p> <p>8 candidates regarding the ramifications of residency.</p> <p>9 And its impact, especially in our young</p> <p>10 voters 18 to 21 that are going to be going to college or</p> <p>11 military. Our farmworker members that would be in</p> <p>12 transit to different work locations, and as well as our</p> <p>13 candidates in terms of the -- if they decide to run for</p> <p>14 office and they were moving to run for office, the</p> <p>15 implications of that, as well as sometimes they take</p> <p>16 family and workers to go campaign wherever they're</p> <p>17 running.</p> <p>18 Q. With regard to the conversation that you had</p> <p>19 with your CEO, did you talk about having to shift money</p> <p>20 around?</p> <p>21 A. Yes, sir.</p> <p>22 Q. How much?</p> <p>23 A. One to two million dollars, depending on how</p> <p>24 much we could raise.</p> <p>25 Q. Okay. So your estimation immediately after SB</p>
<p style="text-align: right;">Page 46</p> <p>1 interrupting, I just want to make sure that we didn't</p> <p>2 get into that Eric.</p> <p>3 A. So, at that point we reviewed the -- the law</p> <p>4 and the changes that were being made to the law</p> <p>5 regarding residency and the impact of residency on</p> <p>6 our -- on our members and our community, and we decided</p> <p>7 to take actions regarding both legal actions as well as</p> <p>8 educational political programs to deal with the</p> <p>9 consequences of Senate Bill 1111.</p> <p>10 Q. (BY MR. HUDSON) Okay. So SB 1111 passes.</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. What decisions did you make immediately after</p> <p>14 its passage? And let me see if I could frame it this</p> <p>15 way, so I'm not drawing an objection. I don't want to</p> <p>16 know about any conversations you have with your general</p> <p>17 counsel or any legal strategy --</p> <p>18 A. Hmm.</p> <p>19 Q. -- that's not what I'm asking. What I'm</p> <p>20 looking for is what decisions did you make in the way</p> <p>21 that you went about your educational political processes</p> <p>22 with regard to things that you allege in this lawsuit</p> <p>23 that you have changed on account of SB 1111? When did</p> <p>24 you first make those decisions?</p> <p>25 A. After the passage of the bill and its -- and</p>	<p style="text-align: right;">Page 48</p> <p>1 1111 was passed is that you need to raise \$1 to \$2</p> <p>2 million in addition to whatever you were planning to</p> <p>3 spend?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Did you in fact raise \$1 to \$2 million</p> <p>6 dollars?</p> <p>7 A. We're at a million, 900 and something</p> <p>8 thousand.</p> <p>9 Q. So you made the changes without having first</p> <p>10 acquired the \$1 to \$2 million dollars?</p> <p>11 A. We're in the process of fundraising. We just</p> <p>12 had a gala in Washington last Thursday and we raised</p> <p>13 about 400,000. Most of that's going to be going for</p> <p>14 voter education and get out the vote efforts.</p> <p>15 Q. As part of your pitch to raise funds, the fact</p> <p>16 that you have to address SB 1111?</p> <p>17 A. Yes, sir.</p> <p>18 Q. So you raised \$400,000 last night?</p> <p>19 MS. YUKEVICH: I object.</p> <p>20 Mischaracterizes his testimony.</p> <p>21 A. Today -- Thursday of last week. Whatever day</p> <p>22 that was.</p> <p>23 Q. (BY MR. HUDSON) And you told me, you're at</p> <p>24 roughly 900,000 now?</p> <p>25 A. Yes, sir. That's for our 501C4, which is our</p>

<p style="text-align: right;">Page 49</p> <p>1 advocacy organization.</p> <p>2 Q. So sometime between June 16, when the governor</p> <p>3 signed it and Thursday of last week, you raised</p> <p>4 approximately \$500,000?</p> <p>5 A. Nine hundred and something thousand. Five</p> <p>6 hundred thousand for the gala, which is our largest</p> <p>7 fundraiser to date and then about 440,000 prior to, from</p> <p>8 various donors.</p> <p>9 Q. Okay. Yeah, I want to make sure it's clear in</p> <p>10 my head because I -- I feel like the numbers just</p> <p>11 reversed. So the gala was a half million dollars.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And so between last Thursday and the</p> <p>14 signature in June, you've raised roughly 400,000?</p> <p>15 A. Four hundred thousand from multiple donors --</p> <p>16 Q. Okay.</p> <p>17 A. -- from June, then our gala last week, we</p> <p>18 raised about 500,000. So we now have a combined about</p> <p>19 960,000 combined.</p> <p>20 Q. Understood.</p> <p>21 A. That will be for voter -- our voter</p> <p>22 education -- voter registration, voter education,</p> <p>23 candidate education program in Texas in 2022.</p> <p>24 Q. So the money that you raised, you haven't</p> <p>25 spent any of it yet on these educational changes that</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. -- I thought you said 2018.</p> <p>2 A. Yeah. You know, there was a -- we -- LULAC</p> <p>3 has filed suit on overturning the poll tax where which</p> <p>4 was meant to exclude Mexican-American workers from</p> <p>5 voting, charging them \$2 a piece. We would have</p> <p>6 fundraisers to pay for poll taxes so people could vote.</p> <p>7 Then we had whites-only primaries and</p> <p>8 Mexican-Americans were not allowed to vote in the</p> <p>9 Democratic primary, which at that time was the dominant</p> <p>10 primary, and neither were African-Americans. And then</p> <p>11 going back to 2018 the Secretary of State purged 98,000</p> <p>12 Latino voters, all naturalized U.S. Citizens and LULAC</p> <p>13 filed suit against State of Texas and the Secretary of</p> <p>14 State and got those voters back on the rolls.</p> <p>15 Q. Okay.</p> <p>16 A. That was -- that was the 2018. I'm just</p> <p>17 saying from 1929, till to recently, we've been always</p> <p>18 having to challenge all these voter restriction laws</p> <p>19 that have been applied to Mexican-Americans --</p> <p>20 Q. Well --</p> <p>21 A. -- it was a literacy test where people had to</p> <p>22 read the Texas Constitution in order to vote. And this</p> <p>23 goes on and on and on. I was just giving you a</p> <p>24 historical perspective.</p> <p>25 Q. Okay. Yeah, I just I want to make sure that</p>
<p style="text-align: right;">Page 50</p> <p>1 you -- you've made on account of SB 1111?</p> <p>2 A. No. We're in the process of developing a -- a</p> <p>3 campaign, a program, and I believe we might even have</p> <p>4 given you a copy of that between now and November.</p> <p>5 Q. When do you intend to start spending the</p> <p>6 money?</p> <p>7 A. April 1.</p> <p>8 Q. Is the only thing that you've raised the</p> <p>9 \$900,000 roughly on a pitch about SB 1111 or does it</p> <p>10 also include SB 1?</p> <p>11 A. Includes SB 1.</p> <p>12 Q. Do you make any efforts to distinguish between</p> <p>13 SB 1111 and SB 1 in your fundraising?</p> <p>14 A. No, we just -- basically we talk in broad</p> <p>15 terms of the voter suppression campaigns that -- from</p> <p>16 the poll tax, white-only primary, Voter ID, the purging</p> <p>17 of the voters in 2018 till today that, you know, we --</p> <p>18 our rights to vote in the state have been under attack,</p> <p>19 continue to be under attack.</p> <p>20 Q. Did you say we had whites-only primaries in</p> <p>21 2018?</p> <p>22 A. In Texas we had whites-only primaries back in</p> <p>23 the 1950s and '60s.</p> <p>24 Q. Oh, I'm sorry. I thought you --</p> <p>25 A. So you have to be white --</p>	<p style="text-align: right;">Page 52</p> <p>1 when the judge reads this, that we're not saying that,</p> <p>2 okay, so, just so I'm making the record clear, in your</p> <p>3 time as president, you're not contending that there have</p> <p>4 been poll taxes in Texas are you?</p> <p>5 A. No.</p> <p>6 Q. Okay. Since your time as president of LULAC</p> <p>7 you're not contending that there have been whites-only</p> <p>8 primaries. Right?</p> <p>9 A. No.</p> <p>10 Q. You're not contending that there are literacy</p> <p>11 tests in Texas since your time as LULAC president?</p> <p>12 A. No. I said LULAC has overturned all those --</p> <p>13 Q. Okay.</p> <p>14 A. -- historically.</p> <p>15 Q. And that happened back in the 1950s and 1960s.</p> <p>16 Right?</p> <p>17 A. Those are the ones you just mentioned, yeah,</p> <p>18 but the voter -- the voter purge happened in 2018.</p> <p>19 Q. Okay. And you're talking about the Whitley V?</p> <p>20 A. Mm-hmm. Yes.</p> <p>21 Q. You remember her case. Right?</p> <p>22 A. Whitley versus LULAC.</p> <p>23 Q. Okay. All right.</p> <p>24 A. So that was just two years ago, and now we</p> <p>25 have litigation on redistricting and gerrymandering, as</p>

<p style="text-align: right;">Page 53</p> <p>1 well as SB 1 and SB 1111.</p> <p>2 Q. Did any LULAC members vote in the March</p> <p>3 primaries?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Any idea how many?</p> <p>6 A. We have a monthly Chorizo and menudo breakfast</p> <p>7 in Dallas first of every month, and we usually have</p> <p>8 about two, 300 people.</p> <p>9 Q. That sounds delicious.</p> <p>10 A. It is on a Saturday morning. And it's a</p> <p>11 community forum and we have candidates and people speak</p> <p>12 about everything and we asked how many people voted in</p> <p>13 the march and almost every hand went up, so it was about</p> <p>14 200 people, almost all of LULAC members at that meeting</p> <p>15 just in March. But we have members throughout the state</p> <p>16 that vote -- that voted.</p> <p>17 Q. Okay. I believe you said you had roughly</p> <p>18 140,000 new members?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Any idea how many of those roughly voted in</p> <p>21 March primaries?</p> <p>22 A. Almost -- we make citizen participation in our</p> <p>23 democracy, a key part of LULAC's founding. We believe</p> <p>24 in the Constitution and the pledge. We start every</p> <p>25 meeting with the Pledge of Allegiance. Okay. So that's</p>	<p style="text-align: right;">Page 55</p> <p>1 candidate school include telling people that they need</p> <p>2 to live in the district where they were going to run?</p> <p>3 A. No.</p> <p>4 Q. So you never had to tell candidates before, SB</p> <p>5 1111 that, hey man, if you're going to run for Congress</p> <p>6 in Dallas, probably need to live in Dallas?</p> <p>7 A. Well, actually, congressional lines don't</p> <p>8 require you to live in a congressional district you're</p> <p>9 in.</p> <p>10 Q. Okay.</p> <p>11 A. Some of the few ones, you don't have to</p> <p>12 residency to run for congress. You can live in Georgia</p> <p>13 and run in -- in a Congressional District of Texas,</p> <p>14 which did happen already. But yes, but -- but -- but to</p> <p>15 run for local offices, normally the residency</p> <p>16 requirement would be part of when you fill out the</p> <p>17 application as a candidate, because if you're a judge,</p> <p>18 you might have to have different requirements than for</p> <p>19 your school board members, city counsel member in your</p> <p>20 county.</p> <p>21 Q. Okay.</p> <p>22 A. It -- it varies.</p> <p>23 Q. So you guys are educated on that. Right?</p> <p>24 A. We -- we tell our candidates to check.</p> <p>25 Q. So with regard to the residency requirements,</p>
<p style="text-align: right;">Page 54</p> <p>1 how Americanized we are into the process, almost every</p> <p>2 one of our members is almost obligated to vote. I would</p> <p>3 imagine almost everybody voted both Democrat and</p> <p>4 Republican.</p> <p>5 Q. Are -- you guys are bipartisan. Right?</p> <p>6 A. We're not -- we're non-partisan.</p> <p>7 Q. Non-partisan. Excuse me.</p> <p>8 A. So we don't --</p> <p>9 Q. Yeah.</p> <p>10 A. -- we don't support either party.</p> <p>11 Q. Sorry.</p> <p>12 A. We work with who's ever in office.</p> <p>13 Q. Fair enough. All right. So I think the last</p> <p>14 group that you told me about that you're having to</p> <p>15 educate our candidates. Tell me, so first off, are the</p> <p>16 candidates that you're referring to, are they members</p> <p>17 of -- of LULAC?</p> <p>18 A. Some are, some are not.</p> <p>19 Q. Okay. So --</p> <p>20 A. We have candidate schools in cities throughout</p> <p>21 the -- the state, recruiting candidates and grooming</p> <p>22 them and training them to -- how to run for office,</p> <p>23 whether it might be at the local school board level up</p> <p>24 to congressional candidates.</p> <p>25 Q. Let me ask you this. Prior to 2020, did your</p>	<p style="text-align: right;">Page 56</p> <p>1 in addition to telling them that they need to check,</p> <p>2 what do you tell them in addition on the account of SB</p> <p>3 1111?</p> <p>4 A. That's in the process of being done right now,</p> <p>5 that we are advising them on the residency requirements</p> <p>6 of SB 11 and the criminal -- the potential criminal</p> <p>7 charges that could be done if they move to a different</p> <p>8 location to run for office and the consequences of that.</p> <p>9 Q. So as of right now, y'all have not changed the</p> <p>10 education that you're giving candidates on account of SB</p> <p>11 1111?</p> <p>12 A. Not before the primary, we just didn't have it</p> <p>13 because just got a COVID, so everything was via Zoom.</p> <p>14 Q. When do y'all anticipate they're going to have</p> <p>15 that done?</p> <p>16 A. We probably will start our next round of</p> <p>17 candidate schools like in May, and we'll have it done by</p> <p>18 then.</p> <p>19 Q. Okay. And I should clarify that, for the</p> <p>20 record so it's not so sloppy. By y'all, I mean, LULAC.</p> <p>21 A. It's LULAC and then we also have a --</p> <p>22 candidate schools are done with the Southwest Voter</p> <p>23 Registration Project.</p> <p>24 Q. What is the Southwest Voter Registration</p> <p>25 Project?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. It is a -- a nonprofit organization based in 2 Los Angeles that does voter registration efforts and 3 also helps with candidate schools. 4 Q. So when I asked you back on to about 5 affiliations and partnerships, is this another 6 organization that you guys have an affiliation or 7 partnership with? 8 A. Yes, sir. 9 Q. Okay. What's the -- 10 A. On the candidate school's only. 11 Q. On the candidate schools only. 12 A. Mm-hmm. 13 Q. So what is -- what exactly is it that the 14 Southwest -- I'm sorry. Could you repeat the acronym 15 for me? 16 A. Southwest Voter Registration Project. And 17 they are based in Los Angeles and they work with us on 18 candidate schools that we jointly co-sponsor in multiple 19 cities around Texas. 20 Q. Has there been any impact on the Southwest 21 Voter Registration Project on account of SB 1111? 22 A. I don't know. You'd have to ask their 23 director. 24 Q. Can you flip over to page 3 for me of the 25 complaint? That's D2 for the record.</p>	<p style="text-align: right;">Page 59</p> <p>1 A. Those are the major ones. Yes, sir. 2 Q. Are there any minor ones? 3 A. I'll leave that to counsel I just read the 4 pleadings, the complaint. 5 Q. Okay. Well, I mean, I'm -- I'm here asking 6 you, are you prepared to come in and talk about the 7 contentions for LULAC. Right? 8 A. Those are the three major ones. Yes, sir. 9 Q. Okay. As you stated right now, you don't know 10 of any others. Right? 11 A. Not right now. 12 Q. All right. So if I go through this 13 complaint -- you read the complaint. Right? 14 A. I did. 15 Q. You didn't see any other contentions aside 16 from those three? 17 A. See those are the major ones. Yes, sir. 18 Q. Are there any others other than those three 19 somewhere in this complaint? 20 MS. YUKEVICH: Yeah, let me just object, 21 I mean, at this point, clarify contentions. 22 Q. (BY MR. HUDSON) Yeah, contentions are the 23 things that you're alleging in your lawsuit. 24 A. I'll let the pleadings speak for themselves. 25 The complaint speak for itself.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Yes, sir. 2 Q. See there, Paragraph 7? 3 A. Yes, sir. 4 Q. So it says, "Among other things, SB 1111," and 5 I'm going to take you through those three things here in 6 just a moment. Actually, you know what? Let's just do 7 that now. So A reads, "interferes with the basic 8 freedom of political expression by prohibiting Texas 9 voters from establishing residence for the purpose of 10 influencing elections." Did I read that correctly? 11 A. Yes, sir. 12 Q. B, (as read) "Restrict registration 13 opportunities for Texans who have temporarily relocated 14 by prohibiting voters from designating previous 15 residences as to their fixed places of habitation even 16 if they consider those residences to be their homes." 17 Did I read that correctly? 18 A. Yes, sir. 19 Q. And C, "Burdens voters who rely on post office 20 boxes for their residences by conditioning their 21 registration on the production of additional 22 documentation." Did I read that correctly? 23 A. Yes, sir. 24 Q. Are -- are those the three contentions that 25 LULAC is making in this lawsuit?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. Well, I -- I'm here to figure out all 2 the reasons why you're suing me. So part of the 3 deposition is I'm asking you when I say contentious, I'm 4 asking, why you suing me? And I -- I see well -- 5 A. I would say 7 -- 7 a, b, and c of page 3 of 6 the complaint are the main reasons we're suing you. I 7 don't know, and I'm not privy to the other allegations 8 that may or may not be used by counsel. 9 Q. Okay. But you would agree with me that as far 10 as the complaint is concerned, these are the three 11 things that are alleged? 12 A. And those are three things that I can talk to 13 you about today. 14 Q. Got you. So tell me how SB 1111 interferes 15 with LULAC's basic freedom of political expression by 16 prohibiting Texas voters from establishing residence for 17 the purpose of influencing elections? 18 A. We believe it's a violation of the freedom of 19 speech provisions of the United States of Texas 20 constitutions, because, as I mentioned to you earlier, 21 many times, especially after redistricting, people will 22 move to run for political office because maybe there's 23 an incumbent that's 30 years, but now there's an open 24 seat right next door and now they can run for city 25 counsel or school board.</p>

<p style="text-align: right;">Page 61</p> <p>1 And this could -- it does criminalize</p> <p>2 establishing residency and moving to order and use those</p> <p>3 rights, whether you're a candidate or a voter. Maybe</p> <p>4 you want to vote for your cousin who is running for</p> <p>5 local office and you know, you have two houses and you</p> <p>6 want to just say that one house is your registration as</p> <p>7 opposed to the other. Basically, that interferes with</p> <p>8 their right to just vote and run for office.</p> <p>9 Q. You would agree with me that LULAC doesn't</p> <p>10 vote. Right?</p> <p>11 A. Our members do.</p> <p>12 Q. Okay. LULAC doesn't though. Right?</p> <p>13 A. Not as a corporation even though they're</p> <p>14 considered a person.</p> <p>15 Q. So any injury to you flows from members, who</p> <p>16 you contend would want to move to run for office.</p> <p>17 Right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. As you sit here today, can you identify any</p> <p>20 member for -- for me who has wanted to move to run for</p> <p>21 office, who has not done so on account of the residency</p> <p>22 statute?</p> <p>23 MS. YUKEVICH: Yeah, I object to the</p> <p>24 extent that identifying that person of any First</p> <p>25 Amendment.</p>	<p style="text-align: right;">Page 63</p> <p>1 Hilda and I can't remember her last name. H-I-L-D-A, I</p> <p>2 can't remember it. I -- I have to look it up on my</p> <p>3 phone.</p> <p>4 Q. You have your phone with you?</p> <p>5 A. Yeah.</p> <p>6 Q. Why don't you look it up for me?</p> <p>7 A. Duarte. D-U-A-R-T-E.</p> <p>8 Q. Any other people that you contend haven't</p> <p>9 moved on account of the residency statute?</p> <p>10 A. Just -- just discussions and meetings</p> <p>11 regarding people who may or may not be able to run for</p> <p>12 office because of the residency requirements, but off</p> <p>13 the top of my head, that's the only specific one I can</p> <p>14 give you in terms of a name.</p> <p>15 Q. I asked just a moment ago, LULAC doesn't vote.</p> <p>16 Think I understood you to say obviously they don't vote,</p> <p>17 they're a corporation even though they're a person --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- so they don't cast votes. Right?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. So it also be true that LULAC doesn't</p> <p>22 register to vote itself. Right?</p> <p>23 A. Our members, register members -- citizens to</p> <p>24 vote and become deputy voter registrars, and we do voter</p> <p>25 registration drives.</p>
<p style="text-align: right;">Page 62</p> <p>1 A. We've had multiple members that have been</p> <p>2 moving in the past to run for office. It's common among</p> <p>3 all -- both political parties and all groups. This</p> <p>4 impact, I think, has affected some people not running</p> <p>5 for office because they could not change their</p> <p>6 residency. I know one person specifically was thinking</p> <p>7 about running for the Texas house and was not able to</p> <p>8 because she would not be able to change her residency.</p> <p>9 Q. (BY MR. HUDSON) Okay. Well, without giving me</p> <p>10 her name, can you tell me what district that is?</p> <p>11 A. It was in Dallas County and I don't know the</p> <p>12 State House District, but I know it's, I believe it was</p> <p>13 105, state houses 105.</p> <p>14 Q. And so your contention is if that person who</p> <p>15 you will not name on the account of First Amendment</p> <p>16 privilege. Right?</p> <p>17 A. Just a privilege. I don't think it's First</p> <p>18 Amendment, it's something else. But she didn't --</p> <p>19 was -- she's not able to use her -- her Fifth Amendment,</p> <p>20 freedom of speech to run in that district because she</p> <p>21 was concerned about the residency requirement.</p> <p>22 Q. Okay. Can you identify her?</p> <p>23 A. I can if I have to.</p> <p>24 Q. Well, I'm asking, who is she?</p> <p>25 A. I don't think it matter if she didn't run.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. All right. And I believe the example that you</p> <p>2 gave a moment ago was somebody might have a cousin in</p> <p>3 district A, but they live in district B, but they also</p> <p>4 have a house in cousin's district A, and they might want</p> <p>5 to change their voter registration just so they can vote</p> <p>6 for their cousins; is that right?</p> <p>7 A. Correct. They just roll over to one place.</p> <p>8 Q. Okay. And LULAC's contention is people ought</p> <p>9 to be able to do that?</p> <p>10 A. You know, I remember when George Bush, the</p> <p>11 first, you know, said his residency was an empty hotel</p> <p>12 apartment in Houston and Supreme Court said that was</p> <p>13 okay that was intended to be his residency. This</p> <p>14 changes that. Now you actually have to establish some</p> <p>15 type of residency. So George Bush would have committed</p> <p>16 a crime under this current law.</p> <p>17 Q. Okay.</p> <p>18 A. Not George W, it was George H, I think.</p> <p>19 Q. Does LULAC see any distinction between the act</p> <p>20 of registering and declaring the residency?</p> <p>21 MS. YUKEVICH: Objection. Form.</p> <p>22 A. Rephrase the question. I don't think I</p> <p>23 understand it.</p> <p>24 Q. (BY MR. HUDSON) Sure. Do you see a difference</p> <p>25 between somebody moving and somebody registering to</p>

<p style="text-align: right;">Page 65</p> <p>1 vote?</p> <p>2 A. Our contention is you should be able to</p> <p>3 register to vote wherever you decide is your residence.</p> <p>4 Q. And --</p> <p>5 A. That's the way it's always been.</p> <p>6 Q. All right. And -- and you understand SB 1111</p> <p>7 prohibits you from doing that?</p> <p>8 A. The way it's -- it's worded is, if you -- if</p> <p>9 you keep, I'm just using the college student. If the</p> <p>10 college student keeps their home in Laredo as their</p> <p>11 voting location, but they moved to Austin to go to UT,</p> <p>12 than they consider -- could possibly be considered</p> <p>13 committing a crime because they're not living at that</p> <p>14 residence in Laredo, they're over here for four years.</p> <p>15 Or if they register to vote in Austin and</p> <p>16 they had registered to vote in Laredo, they might be</p> <p>17 committing a crime because now they're changing their</p> <p>18 residency. It would have a chilling effect on their</p> <p>19 ability to vote or register to vote.</p> <p>20 Q. Seven C -- again, LULAC doesn't vote, it</p> <p>21 doesn't register. Right?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay. But C, talks about the burdens imposed</p> <p>24 on people who want to use post office boxes to vote; is</p> <p>25 that right?</p>	<p style="text-align: right;">Page 67</p> <p>1 you can use a P.O. box, but the voter registrar now is</p> <p>2 going to verify that the P.O. box is also located in the</p> <p>3 place where you actually live. Right?</p> <p>4 A. Again, that leads itself to having another</p> <p>5 step that you got to take to register to vote. You got</p> <p>6 to have a P.O. box, now you're going to get a letter</p> <p>7 from your local elections officer asking you, hey, prove</p> <p>8 that you actually reside in this location where your</p> <p>9 P.O. box is.</p> <p>10 And many of these workers that are</p> <p>11 migrant -- farm workers or truck drivers or military or</p> <p>12 college students, they're not going to take an extra</p> <p>13 step, that's going to have a chilling effect and they</p> <p>14 just won't register to vote. And that's something that</p> <p>15 was not required before SB 11 passed -- 1111.</p> <p>16 Q. All right. Aside from the burden that you</p> <p>17 just described, are there any other burdens on -- on the</p> <p>18 voting members aside from having to take the extra step</p> <p>19 of verifying that they live where they have a P.O. box?</p> <p>20 A. Well, again, when -- when I saw it during the</p> <p>21 purge the Whitley versus LULAC, they would send those</p> <p>22 98,000 voters the letter, hey we believe you're not</p> <p>23 eligible, blah blah blah. Majority of them did not</p> <p>24 respond, they were just removed by the local elections</p> <p>25 officers. I believe that that will have the same impact</p>
<p style="text-align: right;">Page 66</p> <p>1 A. Yes, sir.</p> <p>2 Q. So that's not a direct injury to LULAC, but</p> <p>3 I'm assuming if you got members that you're going to</p> <p>4 tell me who want to register to vote at P.O. boxes and</p> <p>5 now can't; is that right?</p> <p>6 A. They don't want to register to vote at P.O.</p> <p>7 boxes, they have P.O. boxes because they don't have a --</p> <p>8 a permanent location. Like I said, especially</p> <p>9 farmworkers who are transitory in nature and are</p> <p>10 following the harvest, they a lot of times have P.O.</p> <p>11 boxes where they get their social security or their</p> <p>12 checks or whatever documents because they're on the</p> <p>13 road.</p> <p>14 Same thing applies to military personnel,</p> <p>15 same thing applies to a lot of workers down in -- that</p> <p>16 are truck drivers, that are in the essential workers</p> <p>17 area, many of them are Latino. So they use P.O. boxes</p> <p>18 as sort of a payment location because they're moving</p> <p>19 from time-to-time for either work, school, or military.</p> <p>20 Q. Now, is LULAC aware that the issue of post</p> <p>21 office boxes is that they just have to verify that the</p> <p>22 post office box is in a location where they actually</p> <p>23 live?</p> <p>24 A. I read the statute that way.</p> <p>25 Q. Okay. So LULAC's understanding then is that</p>	<p style="text-align: right;">Page 68</p> <p>1 on this case when people have P.O. boxes will get a</p> <p>2 letter challenging or asking for proof of their</p> <p>3 residency in that county, they don't respond and then</p> <p>4 they'll get -- they'll be removed from the ballot from</p> <p>5 their voter registry.</p> <p>6 Q. Have you seen any examples of that happening?</p> <p>7 A. The bills just passed this last session so</p> <p>8 it's too early.</p> <p>9 Q. When do you anticipate that you would see</p> <p>10 that -- that kind of impact?</p> <p>11 MS. YUKEVICH: Objection, calls for</p> <p>12 speculation.</p> <p>13 A. I don't know, but we did ask our members if</p> <p>14 they knew anybody to please respond to us and give that</p> <p>15 information to give the counsel.</p> <p>16 Q. (BY MR. HUDSON) Have -- have you asked your</p> <p>17 members for that?</p> <p>18 A. Yesterday.</p> <p>19 Q. Yesterday. So as you sit here today, you</p> <p>20 can't give me an example of someone who has received a</p> <p>21 letter about using a post office box, and they've failed</p> <p>22 to respond and therefore been unable to vote?</p> <p>23 A. No, absentee ballots, yes, but not on the P.O.</p> <p>24 box.</p> <p>25 Q. All right. So that we're clear, so you don't</p>

<p style="text-align: right;">Page 69</p> <p>1 have any examples regarding SB 1111. Right?</p> <p>2 A. No, sir.</p> <p>3 Q. Okay. And when you're -- when you're</p> <p>4 referring to absentee ballots, that refers to Senate</p> <p>5 Bill 1.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Take a look at D1 page 7 for me.</p> <p>8 A. Okay.</p> <p>9 Q. Topic No. 5 reads, the specific projects,</p> <p>10 activities, voter persuasion efforts, and resources that</p> <p>11 LULAC will allegedly have to expend or divert to Texas</p> <p>12 because of SB 1111. Did I Read that correctly?</p> <p>13 A. Okay. You -- you're on -- you're on D2,</p> <p>14 Exhibit D2?</p> <p>15 Q. No, D1.</p> <p>16 A. Okay.</p> <p>17 Q. I'm sorry if I said D2. My apologies.</p> <p>18 A. Okay. That's right. Go ahead. Number seven</p> <p>19 you said?</p> <p>20 Q. Number five.</p> <p>21 A. Number five.</p> <p>22 Q. Page seven.</p> <p>23 A. Okay.</p> <p>24 Q. You live there?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. So aside from those three things, are</p> <p>2 there any other actions or changes that LULAC has made</p> <p>3 on account of SB 1111, either financial or educational?</p> <p>4 A. As of right now, those are the major</p> <p>5 elements -- areas that we've done, but we're still in</p> <p>6 the process of analyzing, reviewing our options, and</p> <p>7 proposals.</p> <p>8 Q. And so the judge is aware got a primary in</p> <p>9 March of this year. Right?</p> <p>10 A. We did one have one. Mm-hmm.</p> <p>11 Q. Okay. Did LULAC participate in voter</p> <p>12 registration for the primary?</p> <p>13 A. Get out the vote efforts, yes, not voter</p> <p>14 registration because it was just a short period after</p> <p>15 COVID.</p> <p>16 Q. What about candidate schools?</p> <p>17 A. We had one candidate school, I believe, in</p> <p>18 January.</p> <p>19 Q. And as I understood your testimony, none of</p> <p>20 the changes that we just discussed are incorporated into</p> <p>21 any of the activities that pre-dated the March primary.</p> <p>22 Right?</p> <p>23 A. That's correct.</p> <p>24 Q. Page 7, Paragraph 6, on D1, the one in front</p> <p>25 of you.</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Okay. So it reads the specific projects,</p> <p>2 activities, voter persuasion efforts, and resources that</p> <p>3 LULAC will allegedly have to expend or divert to Texas</p> <p>4 because of SB 1111. Did I read that correctly?</p> <p>5 A. You have.</p> <p>6 Q. Okay. Now, we've already gone over that quite</p> <p>7 a bit, so I'm not going to drag you back through</p> <p>8 everything that we've already discussed. But let me see</p> <p>9 if I can recapitulate this in a way that -- that makes</p> <p>10 sense. You've told me about the roughly \$900,000. All</p> <p>11 right. That's one thing.</p> <p>12 A. Yes, sir.</p> <p>13 Q. You've told me about the Southwest Voter</p> <p>14 Project, voter registration project having to come in</p> <p>15 and assist you with educating voters on SB 1111; is that</p> <p>16 right?</p> <p>17 A. And candidates.</p> <p>18 Q. And -- in the candidate school.</p> <p>19 A. Correct.</p> <p>20 Q. I understood you to also claim that you're</p> <p>21 going to have to add additional language on voter</p> <p>22 registration drives to inform people of the new SB 1111</p> <p>23 registration requirements; is that right?</p> <p>24 A. And our deputy voter registration train them</p> <p>25 so they don't make any mistakes.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Paragraph 6, okay.</p> <p>2 Q. The specific projects, activities, voter</p> <p>3 persuasion efforts, and resources that LULAC allegedly</p> <p>4 had or will have to put on hold or otherwise curtail in</p> <p>5 other states because of SB 1111. Did I read that</p> <p>6 correctly?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Difference between this and five is, have you</p> <p>9 had to put anything else unrelated to SB 1111 on hold on</p> <p>10 or have to make changes because of SB 1111?</p> <p>11 A. Some of the programs -- some of the funds that</p> <p>12 we were looking to direct at are immigration reform and</p> <p>13 civil -- and criminal justice reform projects are going</p> <p>14 to be put on hold so we could deal with the voter</p> <p>15 suppression efforts in Texas first as a part -- as a</p> <p>16 primary focus of our efforts --</p> <p>17 Q. Have you deferred -- oh, sorry. Go ahead and</p> <p>18 finish.</p> <p>19 A. No. Just as a -- our efforts and resources.</p> <p>20 Q. Have you -- have you -- can you tell me</p> <p>21 whether you have diverted any money to either the</p> <p>22 immigration efforts or the criminal justice efforts on</p> <p>23 account of SB 1111 specifically?</p> <p>24 A. Well, we're not going to fund those this year</p> <p>25 because we're going to be doing this.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. So because of SB 1111 and only because of SB</p> <p>2 1111, you are not going to be engaging in efforts</p> <p>3 related to immigration or criminal justice?</p> <p>4 A. We're going to reduce those efforts, and it's</p> <p>5 also not only SB 1111, but SB 1, both.</p> <p>6 Q. And that's what I'm trying to get at. How</p> <p>7 much money are you diverting on account of SB 1 versus</p> <p>8 SB 1111?</p> <p>9 A. It's hard to say, but like I told you, it --</p> <p>10 it's going to be a combined effort because both bills</p> <p>11 impact the ability of people to register to vote and</p> <p>12 turn out to vote.</p> <p>13 Q. I don't want to nickel and dime you. I get</p> <p>14 it's hard to say, is it possible to say?</p> <p>15 A. Not at this point. I'd have to talk to my CEO</p> <p>16 who drafted that proposal and see how much she decided</p> <p>17 would -- would go from one to the other, but they --</p> <p>18 they're both pretty, pretty important.</p> <p>19 Q. Okay. So there's a proposal out there</p> <p>20 somewhere about diverting funds?</p> <p>21 A. There's a proposal for a voter registration</p> <p>22 and get out the vote effort in Texas in 2022 that we've</p> <p>23 put together and that we're trying to fund.</p> <p>24 Q. Well, who keeps that proposal?</p> <p>25 A. Our CEO and our board was review -- was going</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Yeah, let's --</p> <p>2 A. -- very fine print.</p> <p>3 Q. -- let's see if we can bring this in for</p> <p>4 landing if you go to page 3 of 6. It's in the bottom</p> <p>5 right-hand corner.</p> <p>6 A. Mm-hmm.</p> <p>7 Q. About three paragraphs up, you see where it</p> <p>8 says Senate Bill 1111 Bettencourt?</p> <p>9 A. Yes, sir.</p> <p>10 Q. That's the piece I'm going to ask you</p> <p>11 questions about. So --</p> <p>12 A. Okay.</p> <p>13 Q. -- if you want to read the whole thing, be my</p> <p>14 guest, but I'm only going to be asking you questions</p> <p>15 about that.</p> <p>16 A. Okay. Okay.</p> <p>17 Q. Turn to the first page for me of D -- we're on</p> <p>18 D3. Right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. D3. So the first page see the top left corner</p> <p>21 says, Texas Secretary of State, John B. Scott?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And underneath that, it says Election Advisory</p> <p>24 No. 2021-09. Right?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 74</p> <p>1 to be reviewing into final approval for the expenditures</p> <p>2 by April 1st.</p> <p>3 Q. Do you mind if we go off the record for a</p> <p>4 minute? Just take a five-minute break.</p> <p>5 A. Okay.</p> <p>6 THE VIDEOGRAPHER: We are off the record</p> <p>7 at 11:55 a.m.</p> <p>8 (Break Taken)</p> <p>9 THE VIDEOGRAPHER: We're back on the</p> <p>10 record at for 12:09 p.m.</p> <p>11 Q. (BY MR. HUDSON) I'll hand you what I marked as</p> <p>12 Defendant's 3.</p> <p>13 (WHEREUPON, the document was marked for</p> <p>14 identification as Exhibit D3 and is</p> <p>15 attached hereto.)</p> <p>16 MR. HUDSON: Get a copy for you too.</p> <p>17 MS. YUKEVICH: Thank you.</p> <p>18 Q. (BY MR. HUDSON) Go and take a look at that,</p> <p>19 let me know when you're finished. Bear in mind, I'm not</p> <p>20 going to ask you about the whole thing, there's only one</p> <p>21 piece on there that's been relevant to what we're doing.</p> <p>22 A. Tell me which one it is, so I don't have to</p> <p>23 read all three pages --</p> <p>24 Q. Sure.</p> <p>25 A. -- because it's -- it's --</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Have you ever seen this document before?</p> <p>2 A. No.</p> <p>3 Q. Do you know what it is?</p> <p>4 A. It says election advisory that's sent out the</p> <p>5 Secretary of State.</p> <p>6 Q. Are you aware of the election advisory process</p> <p>7 of Secretary -- Texas Secretary of State's Office?</p> <p>8 A. No.</p> <p>9 Q. Have you ever seen an election advisory</p> <p>10 before?</p> <p>11 A. I have.</p> <p>12 Q. Okay.</p> <p>13 A. I don't know the process or the procedures</p> <p>14 that they use.</p> <p>15 Q. Sure. So really what I'm asking, I know</p> <p>16 earlier in testimony today, you said the Secretary of</p> <p>17 State's Office needed to send out additional information</p> <p>18 about Senate Bill 1111. Right?</p> <p>19 A. Correct.</p> <p>20 Q. Prior to today, your testimony is you've never</p> <p>21 seen an election advisory number 2021-09?</p> <p>22 A. I have not.</p> <p>23 Q. Does that alter in any way your position about</p> <p>24 the Secretary of State's Office needed to send out</p> <p>25 additional information that you gave earlier this</p>

<p style="text-align: right;">Page 77</p> <p>1 morning?</p> <p>2 A. No. I don't know who this went out to.</p> <p>3 Q. Okay.</p> <p>4 A. It looks like it just went to county chairs</p> <p>5 and county elected officials and county judges, who</p> <p>6 didn't get to the -- to the people.</p> <p>7 Q. Okay.</p> <p>8 A. It just got to elected -- it looks like</p> <p>9 elected officials running the elections.</p> <p>10 Q. Well, let me ask you this. You understand the</p> <p>11 only people that were actually sued in this lawsuit</p> <p>12 originally were county election officials?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. The State of Texas intervened to defend</p> <p>15 the constitutionality statute. You understand that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So when you said earlier that the</p> <p>18 Secretary of State should send out more stuff, is it</p> <p>19 LULAC's position that the Secretary of State was somehow</p> <p>20 responsible for the people not getting information from</p> <p>21 county elections administrators?</p> <p>22 A. They were responsible for making sure that the</p> <p>23 general public knew of the changes that were adopted by</p> <p>24 the Texas Legislature, involving residency of SB 1111,</p> <p>25 as well as the local election officials of each county.</p>	<p style="text-align: right;">Page 79</p> <p>1 A. They do. I'm taking about finding the -- the</p> <p>2 information.</p> <p>3 Q. Get you to go ahead and flip over to page 3.</p> <p>4 A. Okay.</p> <p>5 Q. Down at the bottom, I pointed out to you</p> <p>6 the -- the portion that says Senate Bill 1111</p> <p>7 (Betancourt). Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Next to that, it says, modifies provisions</p> <p>10 related to the definition of residency, address</p> <p>11 confirmation notices, and voters who registered at</p> <p>12 certain locations that do not correspond to a residence.</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And it goes on to provide three things that</p> <p>16 were altered as -- on account of SB 1111. Do you see</p> <p>17 that?</p> <p>18 A. I do.</p> <p>19 Q. Do you have any reason to dispute what is</p> <p>20 included in this election advisory as the changes to SB</p> <p>21 1111?</p> <p>22 MS. YUKEVICH: Objection, calls for</p> <p>23 speculation.</p> <p>24 A. I don't know the process. It looks like an</p> <p>25 abbreviation or a summary of the bill that was drafted</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. You see down at the bottom of a page 1</p> <p>2 where it says, Fire all users one drive, and then it</p> <p>3 goes on to provide a website link. Do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Does LULAC dispute that this election advisory</p> <p>6 was placed on the public facing website for the Texas</p> <p>7 Secretary of State?</p> <p>8 MS. YUKEVICH: Objection, calls for</p> <p>9 speculation.</p> <p>10 A. I don't know.</p> <p>11 Q. (BY MR. HUDSON) Okay. Would it surprise you</p> <p>12 to learn that this election advisory is publicly</p> <p>13 available on a public facing website run by the</p> <p>14 Secretary of State's Office?</p> <p>15 A. I don't know. I don't know where -- where</p> <p>16 it's listed.</p> <p>17 Q. No. My question is a little bit different.</p> <p>18 Would it surprise you to learn that this is in fact</p> <p>19 publicly available on the Secretary of State's website?</p> <p>20 A. It would not surprise me, but again, I</p> <p>21 don't -- I know very few people that would have access</p> <p>22 to this, besides those involved in the election process</p> <p>23 itself.</p> <p>24 Q. Well, do you know whether the general public</p> <p>25 has access to the internet?</p>	<p style="text-align: right;">Page 80</p> <p>1 by the Secretary of State or somebody working for them.</p> <p>2 But that's -- don't know how that process worked either.</p> <p>3 Q. (BY MR. HUDSON) Okay. Is there anything in</p> <p>4 here that from LULAC's perspective is incorrect?</p> <p>5 MS. YUKEVICH: Objection calls for legal</p> <p>6 perspective.</p> <p>7 A. No, I don't know.</p> <p>8 Q. (BY MR. HUDSON) I'll hand you what I'm going</p> <p>9 to mark as Defendant's 4. Go ahead and take a look at</p> <p>10 that. Let me know when you're finished.</p> <p>11 (WHEREUPON, the document was marked for</p> <p>12 Identification as Exhibit D4 and is</p> <p>13 Attached hereto.)</p> <p>14 A. Okay.</p> <p>15 Q. Ever seen that document before?</p> <p>16 A. I have not.</p> <p>17 Q. Again, at the top left hand corner, it says,</p> <p>18 Texas Secretary of State John B. Scott, do you see</p> <p>19 that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Underneath it says Election Advisory No.</p> <p>22 2021-10. Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. And can you confirm for the Court what the</p> <p>25 election advisory number is for Defendant's 3?</p>

<p style="text-align: right;">Page 81</p> <p>1 A. For three it is 2021-09.</p> <p>2 Q. Okay. And what date do you see written on the</p> <p>3 Election Advisory in Defendant's 3?</p> <p>4 A. July 30, 2021.</p> <p>5 Q. Do you have any reason to dispute that this</p> <p>6 election advisory 2021-9 was issued on or about that</p> <p>7 date?</p> <p>8 A. No idea.</p> <p>9 Q. Okay. On this Election Advisory 2021-10, do</p> <p>10 you see the two line?</p> <p>11 A. I do.</p> <p>12 Q. Again, went to county chairs, county election</p> <p>13 officials, and county judges. Do you see that?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do you have any reason to dispute that?</p> <p>16 A. No.</p> <p>17 Q. And the date on this is August 31, 2021. Do</p> <p>18 you see that?</p> <p>19 A. I do.</p> <p>20 Q. Do you have any reason to dispute that this --</p> <p>21 this election advisory was issued on or about August 31</p> <p>22 of 2021?</p> <p>23 A. I don't have any personal knowledge as to when</p> <p>24 it was issued, but that's the date on the Exhibit D4.</p> <p>25 Q. Does LULAC have any knowledge about when or --</p>	<p style="text-align: right;">Page 83</p> <p>1 advisories existed prior to you being handed them today?</p> <p>2 A. Not -- I think, 99.9 percent of Texans don't</p> <p>3 know it exists, including myself, but I do know there's</p> <p>4 a -- there's a site. Normally, I just look up election</p> <p>5 results.</p> <p>6 Q. If you look on from D4, do you see where it</p> <p>7 says definition of residence.</p> <p>8 A. Yes, sir.</p> <p>9 Q. It says SB 1111 modifies the definition of</p> <p>10 residence under Section 1.015 with the Texas election</p> <p>11 code. First, subsection B is modified to eliminate</p> <p>12 references to common law and to specify that, "A person</p> <p>13 may not establish residence for the purpose of</p> <p>14 influencing the outcome of a certain election."</p> <p>15 Section -- second subsection F has been</p> <p>16 added, providing that, "A person may not establish a</p> <p>17 residence at a place -- at any place that person is not</p> <p>18 inhabited. A person may not designate a previous</p> <p>19 residence as a home and fixed place of habitation unless</p> <p>20 the person inhabits the place at the time of designation</p> <p>21 intends to remain." Did I read that correctly?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you have any reason to dispute that those</p> <p>24 were the changes to the definition of residence?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 82</p> <p>1 that -- that would dispute the date on this election</p> <p>2 advisory?</p> <p>3 MS. YUKEVICH: Objection, calls for</p> <p>4 speculation.</p> <p>5 A. I don't know.</p> <p>6 Q. (BY MR. HUDSON) Okay.</p> <p>7 A. I just don't know. And it was only sent to</p> <p>8 county chairs, county election officials, and county</p> <p>9 judges so, you know, we -- it never went to any</p> <p>10 community organizations or community groups that I can</p> <p>11 see.</p> <p>12 Q. Do you see the bottom left-hand corner?</p> <p>13 A. Yes.</p> <p>14 Q. What is that?</p> <p>15 A. Bottom left-hand corner, it says, the site of</p> <p>16 the Texas Secretary of State.</p> <p>17 Q. Okay. Do you have any reason to dispute this</p> <p>18 election advisory is a public facing document on the</p> <p>19 Texas Secretary of State's website?</p> <p>20 A. No.</p> <p>21 Q. In your preparations to speak today on behalf</p> <p>22 of LULAC, did you look at any elections advisories at</p> <p>23 all?</p> <p>24 A. No.</p> <p>25 Q. Did anybody make you aware that their election</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Now, if you go down it says modifications to</p> <p>2 standard address confirmation forms. Do you see that?</p> <p>3 A. Yes, sir.</p> <p>4 Q. It says, SB 1111 made modifications to the</p> <p>5 "Notice of address confirmation," and response document.</p> <p>6 The official confirmation notice and response document</p> <p>7 must include the full definition of "residents" under</p> <p>8 Section 1.015 of the Texas election code and a sworn</p> <p>9 affirmation of the voter's residence. Other than the</p> <p>10 revisions to the forms, there are no procedural changes</p> <p>11 to the standard address confirmation process. Did I</p> <p>12 read that correctly?</p> <p>13 A. That's what it says.</p> <p>14 Q. Do you have any reason to dispute that there</p> <p>15 were no changes other than procedural changes to the</p> <p>16 standard confirmation process that predated SB 1111 that</p> <p>17 occurred as a result of changes to the residency</p> <p>18 statute?</p> <p>19 MS. YUKEVICH: Object to form.</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. (BY MR. HUDSON) Are you aware of any of the</p> <p>22 exceptions to SB 1111 that were contained within the</p> <p>23 law?</p> <p>24 A. Yes.</p> <p>25 Q. What exceptions are you aware of?</p>

<p style="text-align: right;">Page 85</p> <p>1 A. One was for military personnel and the other 2 one was for, I believe, college students living in a 3 dorm. 4 Q. I'm going to hand you what I marked as D5. Go 5 ahead and take a look at that. Let me know when you're 6 finished. I'll just go ahead and represent to you 7 for -- for your benefit, I've included the first page of 8 the House Journal from Tuesday, May 25, 2021 -- 9 (WHEREUPON, the document was marked for 10 Identification as Exhibit D5 and is 11 Attached hereto.) 12 A. Mm-hmm. 13 Q. -- and I've included the relevant portion from 14 May 25, 2021, that I'll ask you questions about. This 15 is not a complete copy of the House Journal from 16 Tuesday, May 25, 2021. 17 A. Okay. I'm sorry. It looks like the debate 18 was pretty long. 19 MS. YUKEVICH: Take much time as you 20 need. 21 A. Mm-hmm. Okay. 22 Q. (BY MR. HUDSON) Have you seen that document 23 before? 24 A. No. 25 Q. Could you -- your were a former member of the</p>	<p style="text-align: right;">Page 87</p> <p>1 the top where it says house journal? 2 A. Yes. 3 Q. Do you see where it says 87th Legislature -- 4 Regular Session? 5 A. I do. 6 Q. Below that it says 55th day Tuesday, May 25, 7 2021. Did I read that correctly? 8 A. Yes, sir. 9 Q. So you would agree with me that this is a 10 portion -- an excerpt of the House Journal from the 87th 11 regular session from 2021. Right? 12 A. That's what it purports to be. 13 Q. Did you read the entire debate of Amendment 14 No. 2 here? 15 A. I did. 16 Q. Before I start asking questions about that, 17 was LULAC aware that SB 1111 was a piece of legislation 18 that had been put on the floor and put into committee? 19 A. Some of our members were following it did know 20 that, but I personally did not know about it. 21 Q. Did anybody from LULAC raise any concerns with 22 any legislators about SB 1111? 23 A. Yes. 24 Q. What process did you use to do that? 25 A. Our local counsel here in Austin was in</p>
<p style="text-align: right;">Page 86</p> <p>1 House. Right? The Texas House? 2 A. Yes, sir. 3 Q. How many terms, again? 4 A. Three. 5 Q. Are you familiar with the House Journal? 6 A. Yes. 7 Q. Can you explain to the Court what the House 8 Journal is? 9 A. It's a record of the proceedings that happened 10 at the Texas House during -- when we're in session. 11 Q. During your three sessions as a member of the 12 House of Representatives, did you ever ask to include 13 portions of debate in the House Journal? 14 A. I did. 15 Q. What is the process for that? 16 A. You ask the speaker or whosever presiding to 17 enter the debate or discussions into the record? 18 Q. Have you ever seen anyone be denied of the 19 opportunity to have a debate entered in the record? 20 A. Not while I was there. 21 Q. Have you ever witnessed that in your time or 22 experience of the legislator -- legislature at any 23 point? 24 A. No. 25 Q. Have you taken a look at the document, see at</p>	<p style="text-align: right;">Page 88</p> <p>1 contact with members of the House and Senate regarding 2 our reservations regarding House Bill -- Senate Bill 3 1111, I think it was the House version originally that 4 didn't pass the first session, and then the members left 5 and walked out over the discriminatory purposes. 6 And I forgot how long that walkout lasted 7 and then there was a special concession called in and 8 then this was passed. So I'm not sure about the timing 9 because I'm looking at May 25th. So there was a House 10 bill filed. It died in regular session and there was 11 another bill filed which I think is SB 1111 in the 12 special session after the protest by the minority 13 members of the caucus. 14 Q. All right. So -- 15 A. -- the House caucus. 16 Q. -- your understanding is that SB 1111 didn't 17 pass in the regular session? 18 A. That's what I thought. I thought it passed 19 the second session, but I might be thinking about SB 1, 20 I'm not sure. 21 Q. Let me ask you this. Did anybody on behalf of 22 LULAC make any public statements to the Legislature 23 about reservations concerning SB 1111? 24 A. I believe Gloria Leal, did but I'm not sure. 25 I know that --</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. Who?</p> <p>2 A. -- she was the one that monitoring it. Gloria</p> <p>3 Leal. L-E-A-L.</p> <p>4 Q. So LULAC doesn't dispute that if they had</p> <p>5 reservations about SB 1111, they had an opportunity to</p> <p>6 go raise those with the legislator?</p> <p>7 A. I believe we did, but I don't have the records</p> <p>8 right now, so I don't know. I don't know the answer to</p> <p>9 that, but normally during a regular session you just</p> <p>10 have to be able to communicate with your House or Senate</p> <p>11 members.</p> <p>12 Q. Do you know Representative Collier?</p> <p>13 A. I do.</p> <p>14 Q. Do you know Representative Paul?</p> <p>15 A. No.</p> <p>16 Q. Do you know if Representative Collier is a</p> <p>17 Democrat or a Republican?</p> <p>18 A. She's a Democrat.</p> <p>19 Q. Okay. Having -- having read this portion of</p> <p>20 the House Journal, did you see anything raised about</p> <p>21 concern over anyone not being allowed to move -- to</p> <p>22 reside in a district where they want to run?</p> <p>23 A. Yes.</p> <p>24 Q. What portions of the testimony --</p> <p>25 A. Representative --</p>	<p style="text-align: right;">Page 91</p> <p>1 or not.</p> <p>2 Q. I mark it as copy of D7. Go and take a look</p> <p>3 at that. Let me know when you're finished and then I</p> <p>4 have some questions about it. Excuse me, that should've</p> <p>5 been D6. Okay. Oh, D7.</p> <p>6 A. I got D7. I was mark --</p> <p>7 Q. It is -- it is D7. My mistake.</p> <p>8 MS. YUKEVICH: I think it's D6. Sorry.</p> <p>9 MR. HUDSON: I feel like it is. Three,</p> <p>10 four, five, six.</p> <p>11 MS. YUKEVICH: I'd say D. So D1 is --</p> <p>12 MR. HUDSON: Yeah, it is D6.</p> <p>13 MS. YUKEVICH: It's D6.</p> <p>14 THE COURT REPORTER: So this is D6?</p> <p>15 MR. HUDSON: Yes, so I need to replace</p> <p>16 this.</p> <p>17 MS. YUKEVICH: Yeah, yeah.</p> <p>18 THE WITNESS: It is -- should be D6.</p> <p>19 MR. HUDSON: It should be, sorry.</p> <p>20 MS. YUKEVICH: Yes.</p> <p>21 THE WITNESS: Okay. Ready.</p> <p>22 Q. (BY MR. HUDSON) You ever seen this document</p> <p>23 before?</p> <p>24 (WHEREUPON, the document was marked for</p> <p>25 Identification as Exhibit D6 and is</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. -- did you see?</p> <p>2 A. -- Collier brought up the issue about the</p> <p>3 homeless and what impact it would have on people that</p> <p>4 were homeless, on college students, and what type of</p> <p>5 documentation they would have to prove in order to prove</p> <p>6 residency if they were in our mailbox.</p> <p>7 Q. And so you understood that exchange to be</p> <p>8 about documentation?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. And is LULAC challenging SB 1111 at all</p> <p>11 because of documentation issues?</p> <p>12 A. In the context of it, making it onerous for</p> <p>13 somebody to go and have to re-verify that their</p> <p>14 residence is whatever county they ran by providing</p> <p>15 either a driver's license, concealed weapons permit, or</p> <p>16 some other documentation, such as a utility bill, I</p> <p>17 believe, on top of what they've already done when they</p> <p>18 swear out the application on a voter application.</p> <p>19 Q. So you're challenging the burden of having to</p> <p>20 demonstrate your -- your physical residence?</p> <p>21 A. The added burden that didn't exist before.</p> <p>22 Q. Do you know if Representative Collier is a</p> <p>23 member of LULAC?</p> <p>24 A. I do not. She's from Fort Worth. I'm not</p> <p>25 sure if she's a member of one of the Fort Worth counsels</p>	<p style="text-align: right;">Page 92</p> <p>1 Attached hereto.)</p> <p>2 A. No.</p> <p>3 Q. And again, I'll represent to you, this is a</p> <p>4 portion of the proceedings but the first pages is a copy</p> <p>5 of the Senate Journal. Do you see where it says Senate</p> <p>6 Journal at the top?</p> <p>7 A. I do.</p> <p>8 Q. It says "87th Legislature -- Regular session."</p> <p>9 Do you see that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And then underneath that it says "30th day</p> <p>12 (Tuesday, April 27, 2021)" Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Having read this, do you have any thoughts on</p> <p>15 it?</p> <p>16 A. It looks like it's just exchange between two</p> <p>17 senators regarding what documents could be used to prove</p> <p>18 residency if they were using a P.O. box.</p> <p>19 Q. From LULAC's perspective, are there any</p> <p>20 documents that -- that could be required to prove</p> <p>21 residency that are different than what are currently</p> <p>22 required to prove a voter ID?</p> <p>23 MS. YUKEVICH: Objection. Calls for</p> <p>24 legal conclusion.</p> <p>25 A. The fact that you even have to have additional</p>

<p style="text-align: right;">Page 93</p> <p>1 information just to register to vote makes it again</p> <p>2 onerous, difficult, that -- and these requirements that</p> <p>3 weren't there just before this bill passed. Now, not</p> <p>4 only are they there, they're -- they're criminalized.</p> <p>5 It has a chilling effect on voters so, yeah.</p> <p>6 Q. (BY MR. HUDSON) Do you know if Senator</p> <p>7 Gutierrez is a member of LULAC?</p> <p>8 A. I don't know, but I do know Senator Gutierrez.</p> <p>9 Q. Okay. And Senator Gutierrez had asked that</p> <p>10 this exchange be placed in the Senate journals; is that</p> <p>11 right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Do you know if there's any difference between</p> <p>14 the House rules and Senate rules that regard placing</p> <p>15 things in his --</p> <p>16 A. I was never in the Senate, so I can't tell you</p> <p>17 and I haven't been there in 20 years so.</p> <p>18 Q. Okay. Topic No. 8 on D1. Will you picked</p> <p>19 that up for me?</p> <p>20 A. Okay. Okay. Topic No. 8?</p> <p>21 Q. Yes. Which is on page 7.</p> <p>22 A. Yes, sir.</p> <p>23 Q. (as read) "LULAC's statements, public or</p> <p>24 otherwise, relating to SB 1111, from the press releases,</p> <p>25 newsletters, campaign letters, or signs, news articles,</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. What about campaign letters or signs?</p> <p>2 A. Not per say. Not on SB 1111.</p> <p>3 Q. I thought you testified earlier today that you</p> <p>4 just had a fundraiser in Washington, DC, where you</p> <p>5 raised roughly half a million dollars part of that in</p> <p>6 relation to SB 1111?</p> <p>7 A. And SB 1.</p> <p>8 Q. Okay. So were there any letters or documents</p> <p>9 that outlined SB 1111 --</p> <p>10 A. We -- we did a broad form that these were</p> <p>11 efforts to stop voter suppression in Texas. We didn't</p> <p>12 mention them specifically. We just use the term voter</p> <p>13 suppression, which covers both bills.</p> <p>14 Q. Any op-ed's that -- well, first off, I guess</p> <p>15 more of the foundation you're familiar with the phrase</p> <p>16 op-ed?</p> <p>17 A. Yes, sir.</p> <p>18 Q. What is your understanding of that phrase?</p> <p>19 A. It's an opinion piece that's put in -- usually</p> <p>20 in the newspaper.</p> <p>21 Q. Has LULAC issued any opinion pieces concerning</p> <p>22 SB 1111?</p> <p>23 A. Some of the local counsels may have and they</p> <p>24 would be in the media reports, but I did not.</p> <p>25 Q. Let's see. And I think you said earlier when</p>
<p style="text-align: right;">Page 94</p> <p>1 op-ed pieces, testimony, postings, and messages</p> <p>2 published on blogs and/or social media websites,</p> <p>3 communications with voters, supporters, and donors</p> <p>4 pertaining to such legislation." Did I read that</p> <p>5 correctly?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Has LULAC made any public statements about SB</p> <p>8 1111?</p> <p>9 A. Yes, they have.</p> <p>10 Q. Where?</p> <p>11 A. In several media reports that we provide to my</p> <p>12 counsel. I don't know if they've supplement or not, but</p> <p>13 there were several media reports that came out when we</p> <p>14 attacked that SB 1111 and its requirements on residency.</p> <p>15 Q. Okay. Did you issue any press releases?</p> <p>16 A. We did.</p> <p>17 Q. What were the press releases concerning?</p> <p>18 A. The issue of residency, the criminalization of</p> <p>19 residency, and our belief that it was unconstitutional,</p> <p>20 illegal, and a violation of freedom of speech and the</p> <p>21 ability of people would be hampered in trying to register</p> <p>22 to vote and run for office.</p> <p>23 Q. Have you issue any newsletters concerning SB</p> <p>24 1111?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 96</p> <p>1 we're talking about the House and Senate Journal, are</p> <p>2 you familiar with any testimony offered by LULAC either?</p> <p>3 A. I believe Gloria Leal testified but I'm not</p> <p>4 sure if it was SB 1 or -- or both regarding LULAC's</p> <p>5 position.</p> <p>6 Q. Do you have any blogs or social media websites</p> <p>7 for LULAC where you've discussed SB 1111?</p> <p>8 A. I don't know off the top my head, if it was</p> <p>9 put on our national page or our state page, but I know</p> <p>10 the newspaper articles were but not like a blog by a</p> <p>11 member.</p> <p>12 Q. Any communications with voters or supporters</p> <p>13 about SB 1111?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. What have you sent out to voters?</p> <p>16 Well, let's start there. What -- what have you sent out</p> <p>17 to voters?</p> <p>18 A. To members we notified them about the impact</p> <p>19 of SB 1111 and then prior to the primary elections we</p> <p>20 did in Dallas County. I know, for example, we did text</p> <p>21 messages to all voters regarding reminding them to vote</p> <p>22 and to check for voter locations and changes in the law.</p> <p>23 Q. What about the supporters?</p> <p>24 A. Just general we just use it in the context of</p> <p>25 voter suppression, including SB 1 and SB 1111.</p>

<p style="text-align: right;">Page 97</p> <p>1 Q. So the court is there what do you mean by</p> <p>2 voter suppression?</p> <p>3 A. The continuing efforts by Texas to make it</p> <p>4 difficult to register to vote. For example, I live in</p> <p>5 Dallas. If I come to Austin and register somebody to</p> <p>6 vote, I committed a crime. That -- didn't used to be</p> <p>7 the law. And that's not the law in most states in the</p> <p>8 United States. The difficulty to register by vote by</p> <p>9 mail. So our senior citizen, my mom is 81 years old,</p> <p>10 she wanted to vote by mail.</p> <p>11 Now, we have to help her fill it out and</p> <p>12 make sure she put a driver's license or social security</p> <p>13 number in the application to vote by mail. Otherwise,</p> <p>14 her ballot could be rejected. And we now replicate that</p> <p>15 through, you know, hundreds of thousands of people that</p> <p>16 we have to educate on that. And then on the residency</p> <p>17 for same thing people moving or changing addresses and</p> <p>18 candidates running for office. All of that takes -- is</p> <p>19 taking time and effort that we didn't use to have to do</p> <p>20 before.</p> <p>21 Q. Well, so the judge is clear you're saying</p> <p>22 the -- the added education to voters is voter</p> <p>23 suppression?</p> <p>24 MS. YUKEVICH: Objection.</p> <p>25 Mischaracterizes his testimony.</p>	<p style="text-align: right;">Page 99</p> <p>1 suppression?</p> <p>2 A. LULAC believes that everybody should have</p> <p>3 liberty and justice for all. All being inclusive of any</p> <p>4 ethnic and racial group. That means it should be as</p> <p>5 easy to vote as possible and instead of having all these</p> <p>6 restrictions making it -- we already have the -- well,</p> <p>7 lowest turnout rates in the country.</p> <p>8 We have less people voting in Texas</p> <p>9 than -- than, I think, 48 other states. And so we're a</p> <p>10 low turnout state and part of it is because of all the</p> <p>11 restrictions on registering and turning out. And that's</p> <p>12 what causes the voter suppression and that's</p> <p>13 historically happened here since the 1900s until today.</p> <p>14 Q. My question is just a little bit different.</p> <p>15 Is there any requirement that could be placed on now, on</p> <p>16 any piece of the election code that LULAC would view as</p> <p>17 anything other than voter suppression?</p> <p>18 A. We'd have to take it on a case by case basis.</p> <p>19 Q. Has LULAC had any correspondence with any</p> <p>20 county or county election official regarding SB 1111?</p> <p>21 A. Not -- I personally have not. I don't know if</p> <p>22 any of our members have. I can't answer that question.</p> <p>23 Q. Did you prepare to address Topic 10 today?</p> <p>24 A. Yes. But I don't know again of -- well, let</p> <p>25 me rephrase it, let me rephrase my answer. There have</p>
<p style="text-align: right;">Page 98</p> <p>1 A. Yeah, making it difficult for seniors to vote</p> <p>2 by mail is voter suppression. Requiring additional</p> <p>3 information that was not required before, especially</p> <p>4 with seniors who have eyesight problems some of them</p> <p>5 maybe didn't graduate from high school is, in my</p> <p>6 opinion, voter suppression. The efforts being made to</p> <p>7 criminalize all of these items is definitely voter</p> <p>8 suppression.</p> <p>9 The -- the fact that somebody can go to</p> <p>10 prison because they didn't take the voter registration</p> <p>11 away from when they were in college to some other</p> <p>12 location, that's -- has a chilling, terrifying effect on</p> <p>13 people, especially 18, 19, 20, 21 year olds. That</p> <p>14 doesn't occur in almost anywhere else in the United</p> <p>15 States except the South.</p> <p>16 Q. (BY MR. HUDSON) From LULAC's perspective, is</p> <p>17 there any requirement that could be put on voting that</p> <p>18 doesn't exist now that LULAC would not view as voter</p> <p>19 suppression?</p> <p>20 MS. YUKEVICH: Objection. Calls for</p> <p>21 speculation and legal conclusion.</p> <p>22 A. Repeat the question.</p> <p>23 Q. (BY MR. HUDSON) Is there any requirement that</p> <p>24 could be placed on voting now that didn't exist prior to</p> <p>25 today that LULAC would not perceive as voter</p>	<p style="text-align: right;">Page 100</p> <p>1 been multiple LULAC members contacting the local county</p> <p>2 elections officers in Bexar County, Dallas County,</p> <p>3 Harris County that I know of, El Paso County, but I</p> <p>4 don't know the content of those communications except</p> <p>5 complaining about the impact of SB 11 and SB 1 -- SB</p> <p>6 1111 and SB 1 in terms of voters but I don't have</p> <p>7 specifics for you.</p> <p>8 Q. Okay. In preparation for your testimony</p> <p>9 today, did you talk to any particular member who's</p> <p>10 communicated with a county or county election official</p> <p>11 about SB 1111?</p> <p>12 A. Yes.</p> <p>13 Q. Who?</p> <p>14 A. A county official in Dallas County, I won't</p> <p>15 name.</p> <p>16 Q. You're saying you won't name the election</p> <p>17 official?</p> <p>18 A. They contacted their complaints about SB 11</p> <p>19 and the residency with -- and its impact with the Dallas</p> <p>20 County Elections Department officer. And then I knew</p> <p>21 that there were some issues of Bexar County, San</p> <p>22 Antonio, where some of our elect members contacted the</p> <p>23 local elections official to file complaints about the</p> <p>24 March elections but I don't know the details how much of</p> <p>25 it was 1111, how much was SB 1.</p>

<p style="text-align: right;">Page 101</p> <p>1 Q. In Dallas are you familiar -- who is the 2 election official in Dallas that was contacted? 3 A. The elections officer, I don't know their 4 name, he's new, he's only been there less than a year. 5 Q. What about in Bexar County? 6 A. The -- I remember it's a female elections 7 officer, and our LULAC members contacted me about the 8 concerns they were having with rejected ballots and 9 people having difficulty voting during the March 10 primaries. 11 Q. Does -- 12 A. And they -- 13 Q. Jacquelyn Callanen -- 14 A. Huh. 15 Q. -- Jacquelyn Callanen ring a bell? 16 A. No. I just remember it's the Bexar County 17 Elections Officer. There was a lot of complaints. And 18 I think there was an issue they didn't know who had won 19 some of the elections, because some of the votes are not 20 being counted or there was issues there. Same thing 21 happened in Bexar County. I mean, Harris County. 22 Q. Ten thousand votes from person in Harris. 23 Right? 24 A. Harris County. We had complaints from some of 25 our members over there about how the elections were.</p>	<p style="text-align: right;">Page 103</p> <p>1 before? 2 A. I have. 3 Q. What is that document? 4 A. It's LULAC's responses and objections to 5 Intervenor Attorney General Ken Paxton's first set of 6 requests for production and interrogatories. 7 Q. Got you. 8 A. Bless you. 9 MS. YUKEVICH: Thank you. 10 MR. HUDSON: Can you two flip over to 11 page 4 for me? 12 A. Okay. 13 Q. (BY MR. HUDSON) I went and marked it as 14 Defendant's 8, and take a look at that one and let me 15 know when you're done. 16 (WHEREUPON, the document was marked for 17 Identification as Exhibit D8 and is 18 Attached hereto.) 19 A. Okay. 20 Q. You ever seen that document before? 21 A. No. I mean, I saw the speech but not the 22 document. 23 Q. Go on page 4 response Interrogatory number 24 2C3. 25 A. Are -- are we on D8?</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. As you sit here today and I'll -- I'll just 2 ask you like this because I, you know, I think we can 3 cut this short. Are you aware of any specific 4 communications with county elections officials about 5 Senate Bill 1111 with members of LULAC? 6 A. Specific, no. 7 MR. HUDSON: D7. Right? 8 MS. YUKEVICH: Yeah. 9 MR. HUDSON: Okay. 10 MS. YUKEVICH: D7. 11 Q. (BY MR. HUDSON) Mr. Garcia, it's been a long 12 day. 13 A. Yeah. 14 Q. Do you need to take a break so you can answer 15 your text? 16 A. No, go ahead. I'm just waiting for you to go 17 through your exhibits. 18 Q. Got you. I'm going to hand you a copy of what 19 I'm marking as D7. 20 (WHEREUPON, the document was marked for 21 Identification as Exhibit D7 and is 22 Attached hereto.) 23 MS. YUKEVICH: Thank you very much. 24 A. Okay. 25 Q. (BY MR. HUDSON) You ever seen that document</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. I'm -- I'm going to give you a little bit of 2 direction here. So the interrogatories were D7. 3 A. Mm-hmm. 4 Q. And right down page 4, Romanette 3. I'll just 5 represent to you that link is a hyperlink to D8. 6 A. Okay. 7 Q. Okay. Now, I asked interrogatory No. 2 with 8 respect to each provision alleged or alleged in the 9 answer to interrogatory No. 1 state the following. Okay? 10 So interrogatory No. 1 refers to the provisions that 11 LULAC is challenging. 12 A. Okay. 13 Q. Interrogatory No. 2 ask for the facts which 14 form the basis of your claims and the identity of each 15 document, which contains information which tends to 16 substantiate the facts alleged in the answer to support 17 A. 18 A. Okay. 19 Q. Romanette 3 is the D8. Can you explain to me 20 what D8 has to do with this lawsuit? 21 A. I would -- I defer to counsel on that. 22 Q. So as you sit here today, you don't know. 23 A. I've read the reports I -- I don't understand 24 its impact on SB 1111, but that was part of the 25 responses to your bill or your request but I defer to</p>

<p style="text-align: right;">Page 105</p> <p>1 counsel on that.</p> <p>2 Q. And that one will mark as Defendant's 9, and</p> <p>3 take a look at that, let me know when you're done.</p> <p>4 (WHEREUPON, the document was marked for</p> <p>5 Identification as Exhibit D9 and is</p> <p>6 Attached hereto.)</p> <p>7 A. Okay. I'm familiar with it.</p> <p>8 Q. Have you seen that document before today?</p> <p>9 A. No. But I've read -- I've seen the story.</p> <p>10 Q. All right. On D7 page 4 Romanette 4. I'll</p> <p>11 represent to you, Romanette 4 is a link that goes to D9.</p> <p>12 A. Okay.</p> <p>13 Q. Same question, can you explain to me what D9</p> <p>14 has to do with the claims that LULAC is making in this</p> <p>15 lawsuit?</p> <p>16 A. That we have, I think, over 700,000</p> <p>17 Californians that have moved in Texas in the last -- I</p> <p>18 forgot the time frame, but I want to say 2018 to 2022</p> <p>19 and the impact that the movement of these out-of-state</p> <p>20 residents are going to be having in Texas, if they're</p> <p>21 allowed to register to vote and they turn out to vote,</p> <p>22 and whether the current bills may suppress the ability</p> <p>23 of these individuals to vote in Texas since they may</p> <p>24 have a home in California still, but now they bought a</p> <p>25 house here on the west side of Austin, and they're</p>	<p style="text-align: right;">Page 107</p> <p>1 getting about people having difficulty to understand the</p> <p>2 Texas election code compared to, in California you have</p> <p>3 same day voting. They have automatic registered voting</p> <p>4 and when you go get your driver's license or ID so it's</p> <p>5 a much different in terms of Texas than what you see in</p> <p>6 California. And if I said same day vote, same day</p> <p>7 registration to vote.</p> <p>8 Q. I'm handing you what I'm marking as</p> <p>9 Defendant's 10.</p> <p>10 (WHEREUPON, the document was marked for</p> <p>11 Identification as Exhibit D10 and is</p> <p>12 Attached hereto.)</p> <p>13 A. Okay.</p> <p>14 Q. Have you ever seen that document before today?</p> <p>15 A. I've read -- yeah, I read the article not the</p> <p>16 document.</p> <p>17 Q. When did you read the article?</p> <p>18 A. I don't recall when it came out, but I read it</p> <p>19 on my online feed, you know, early part of the year.</p> <p>20 The -- I'm looking at this, it says January 13, if it's</p> <p>21 when the article came out.</p> <p>22 Q. D7 Romanette 5. Same question, can you</p> <p>23 explain to me what this article has to do with your</p> <p>24 lawsuit?</p> <p>25 A. That we have people coming in and moving into</p>
<p style="text-align: right;">Page 106</p> <p>1 living here even though they still have a home in</p> <p>2 California.</p> <p>3 Q. You see page 2 of D9.</p> <p>4 A. Okay.</p> <p>5 Q. Right in the middle of the page, it says "When</p> <p>6 Dr. Myiesha Taylor," do you see that?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Do you know if Myiesha Taylor is a member of</p> <p>9 LULAC?</p> <p>10 A. I do not, no.</p> <p>11 Q. Do you know or can you tell me of any</p> <p>12 Californian who has moved to Texas that is also a member</p> <p>13 of LULAC?</p> <p>14 A. David Cruz, Elena Cruz, and I'm sure there's a</p> <p>15 lot more. I just don't know off the top of my head but</p> <p>16 those are two that just moved here, like two months ago.</p> <p>17 They moved from Los Angeles to San Antonio.</p> <p>18 Q. Do you know if either of the Cruz's have had</p> <p>19 any issues registering to vote?</p> <p>20 A. I have not asked them yet no, they've only</p> <p>21 been here two months.</p> <p>22 Q. Okay. Anybody from California that you've</p> <p>23 asked whether they've had trouble voting and they've</p> <p>24 told you because of SB 1111, I can't register to vote.</p> <p>25 A. No. Just a little information that we're</p>	<p style="text-align: right;">Page 108</p> <p>1 Texas. Texas was the only state that got two</p> <p>2 congressional districts that resulted growth</p> <p>3 predominantly Hispanic and minority 90 percent and that</p> <p>4 we're seeing the change of Texas -- change in these</p> <p>5 new -- and many of the people moving to Texas are</p> <p>6 African-American and Latino. And the -- the impact that</p> <p>7 will have on Texas politics and the ability to register</p> <p>8 to vote and turnout, that's the reason for this.</p> <p>9 Q. When I asked you in response to Defendant's 9</p> <p>10 about specific examples. And I don't want to go back</p> <p>11 through them but having looked at this article, does</p> <p>12 this refresh your recollection of any other specific</p> <p>13 examples of LULAC members having moved to Texas and been</p> <p>14 unable to vote on account of SB 1111?</p> <p>15 A. Not a specific member, no.</p> <p>16 Q. Hand you what I'm marking as Defendant's 11.</p> <p>17 Have you ever seen that document before today?</p> <p>18 (WHEREUPON, the document was marked for</p> <p>19 Identification as Exhibit D11 and is</p> <p>20 Attached hereto.)</p> <p>21 A. Not the document but I read the article, the</p> <p>22 Texas Tribune.</p> <p>23 Q. Same question, can you explain to me what</p> <p>24 document No. 11 has to do with your lawsuit?</p> <p>25 A. That Senate Bill 1111 appeared to be targeting</p>



<p style="text-align: right;">Page 109</p> <p>1 college students for disenfranchisement and voter 2 suppression. And the reason that we believe in 2018, we 3 had the largest turnout of young people in the history 4 of Texas, primarily because of what we call Bernie and 5 Beto the B -- B and B. They were able to get a lot of 6 young people to go vote and that we believe that 20 -- 7 Senate Bill 1111 was made to suppress the vote of young 8 people, specifically college students. 9 Q. Why don't you go to D5 for me? 10 A. Okay. Oh, D5. 11 MS. YUKEVICH: D5 is what? Senate 12 Journal? 13 MR. HUDSON: House Journal. 14 MS. YUKEVICH: Thank you. 15 A. Okay. I'm on D5. 16 Q. (BY MR. HUDSON) You see the front page where 17 it says present? 18 A. Yes, sir. 19 Q. Can you identify any particular member of the 20 Texas Legislature that you can provide evidence had the 21 intent to suppress college voters by voting in favor of 22 SB 1 or -- excuse me SB 1111? 23 MS. YUKEVICH: Objection. Calls for 24 speculation. 25 A. You're asking me to speculate the state of</p>	<p style="text-align: right;">Page 111</p> <p>1 A. Not right now, no. 2 Q. You have D6 for me? 3 A. Okay. 4 Q. D6 is a copy of the Senate Journal. Same 5 question, can you point to any senator who voted in 6 favor of SB 1111 who had the specific intent to 7 discriminate against college age voters? 8 A. I can't again speculate on that. 9 Q. Okay. As to the House and the Senate, can you 10 point to any member of the House or Senate who you have 11 evidence voted for SB 1111 with the intent to 12 discriminate against Latinos? 13 A. In specifically, SB 1111, no, SB 1, yes. 14 Q. Okay. We're not talking SB 1 today. SB 1111, 15 the answer's no. Right? 16 A. That's -- right now it would be, no. 17 Q. On D7 page 4. 18 A. Let me get this -- these in order, because 19 your -- you said D4. Right? 20 Q. D7. 21 A. Okay. Go ahead. 22 Q. Romanette 7, I'll -- I'll just represent to 23 you, I try to click on the link and it was dead. Have 24 you ever seen that article before? 25 A. I recall seeing that number I don't know if</p>
<p style="text-align: right;">Page 110</p> <p>1 mind of the representatives in the room at that time. 2 Can't do that. 3 Q. (BY MR. HUDSON) So as you sit here today, 4 you're not here to testify that any member of the House 5 who voted in favor of SB 1111 intended to suppress or 6 discriminate against college students? 7 A. I think the outcome is that's exactly what's 8 happening, that college students are being 9 disenfranchized and their ability to register to vote 10 has become much more difficult. 11 Q. Okay. My question is a little bit different 12 than what you're answering. As you sit here today, you 13 have no evidence that any member of the Texas House who 14 voted in favor of SB 1111 did so with the intent to 15 discriminate against college students. Right? 16 A. I have no evidence. That's just the impact. 17 Q. Okay. What is your evidence of impact? 18 A. The reduction in the number of -- of students 19 that have registered to vote and are turning out to 20 vote. And we're getting that, hopefully I think that 21 has been done by -- data research has been done by 22 multiple organizations right now over what happened in 23 the March primaries to seniors and young people voting. 24 Q. As you sit here today, you have no specific 25 evidence to demonstrate the impact either. Right?</p>	<p style="text-align: right;">Page 112</p> <p>1 was this article. 2 Q. Okay. Can you explain to me based on the 3 description in Romanette 7 what that article would have 4 to do with your lawsuit? 5 A. That the youth vote was going up in Texas and 6 that was impacting the statewide election results. 7 Q. Okay. Do you recall anything specific about 8 the -- the article that supported that aside from the 9 title that's listed here? 10 A. Just the turn out during the 2018 and 2020 11 elections. 12 Q. Hand you what we're marking as Defendant's 11. 13 THE COURT REPORTER: Did you say 11? 14 MR. HUDSON: Yes. Am I wrong on my 15 numbers again? 16 THE COURT REPORTER: I think we already 17 did 11. 18 A. Yes, we did. 19 Q. (BY MR. HUDSON) We did? 20 A. Yeah, it's 12. 21 Q. Yeah. Let me -- sorry. 22 A. Okay. Okay. 23 Q. I should go back, I think I was right on 11. 24 I talked about Romanette 7. I want to make sure I got 25 the numbering right here because I don't know what the</p>

<p style="text-align: right;">Page 113</p> <p>1 11 would be. Is that the turnout amount? Oh, okay.</p> <p>2 A. That's 11.</p> <p>3 Q. Got it.</p> <p>4 A. So young voters preferred Biden would be 12.</p> <p>5 (WHEREUPON, the document was marked for</p> <p>6 Identification as Exhibit D12 and is</p> <p>7 Attached hereto.)</p> <p>8 Q. All right. So page 5 of the D7, that's</p> <p>9 Romanette 8. Can you explain to me what this article</p> <p>10 has to do with your lawsuit?</p> <p>11 A. The -- that young voters were voting in -- in</p> <p>12 large numbers in the 2018 and 2020 elections and many of</p> <p>13 them were voting primarily Democrat and that that might</p> <p>14 be the motivation that we're seeing SB 1111 filed by the</p> <p>15 Republican majority in the House and the Senate to try</p> <p>16 to depress young voter turnout.</p> <p>17 Q. So you think political preferences might have</p> <p>18 something to do with SB 1111?</p> <p>19 A. Yes. All politics is based on what's in their</p> <p>20 self-interest. In -- in this case, I think the -- the</p> <p>21 numbers that were coming out, were giving Republican</p> <p>22 legislators reason to try to suppress the turnout among</p> <p>23 young voters, especially young voters of color.</p> <p>24 Q. And just remind the judge you are</p> <p>25 non-partisan. Right?</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. Oh, I --</p> <p>2 A. Just FYI.</p> <p>3 MS. YUKEVICH: No, I don't have a sticker</p> <p>4 either. I thought you had run out of stickers.</p> <p>5 A. Yeah. So I just wanted to make sure that if</p> <p>6 that was your original.</p> <p>7 MS. YUKEVICH: That is good.</p> <p>8 Q. (BY MR. HUDSON) Exhibit D8 through D13 cover</p> <p>9 Romanette 3 through 9 of your interrogatories, which is</p> <p>10 D7. You would agree with that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. With the -- with the exception of Romanette 7,</p> <p>13 which was a broken link.</p> <p>14 A. Okay.</p> <p>15 Q. Would you agree with that?</p> <p>16 A. Yes, sir.</p> <p>17 Q. As you sit here today, do you know whether any</p> <p>18 member of the Texas Legislature had D8 through D13 in</p> <p>19 their possession when they were evaluating whether to</p> <p>20 vote in favor of SB 1111?</p> <p>21 A. I do not.</p> <p>22 Q. Do you know what information, if any, any</p> <p>23 member of the Legislature had when they were evaluating</p> <p>24 whether to vote for or against or some other way with</p> <p>25 regard to SB 1111?</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Yes, sir.</p> <p>2 Q. So as you sit here today, LULAC doesn't really</p> <p>3 care whether Joe Biden or Donald Trump wins. Right?</p> <p>4 A. That's correct. As long as everybody's</p> <p>5 allowed to vote.</p> <p>6 Q. I'm going to hand you what I'm marking as</p> <p>7 Defendant's 13.</p> <p>8 (WHEREUPON, the document was marked for</p> <p>9 Identification as Exhibit D13 and is</p> <p>10 Attached hereto.)</p> <p>11 A. Okay.</p> <p>12 Q. Have you ever seen that document before today?</p> <p>13 A. Yes, I have.</p> <p>14 Q. Can you explain to me what D13, which is the</p> <p>15 Enrollment Forecast at Romanette 9 in your</p> <p>16 interrogatories has to do with your lawsuit?</p> <p>17 A. That the change in demographics, especially</p> <p>18 among voters 18 to 21 -- 25, is largely now Latino and</p> <p>19 will continue to increase between now and 2030 as a</p> <p>20 larger share of that demographic. And that SB 1111 was</p> <p>21 targeting this demographic for exclusion and</p> <p>22 disenfranchisement.</p> <p>23 Q. Exhibits --</p> <p>24 A. Just so I, you know, it -- it just says D13</p> <p>25 there's no sticker.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. I have no personal knowledge, but usually</p> <p>2 there's a house. I forget the term. There's</p> <p>3 analysis -- independent analysis done by the House, by</p> <p>4 the Senate also that gives them information to each</p> <p>5 member before they vote.</p> <p>6 Q. Okay. Are you aware of an independent</p> <p>7 analysis that was done with regard to SB 1111?</p> <p>8 A. I'm sure there would have been one done by the</p> <p>9 Senate staff.</p> <p>10 Q. So the answer is no?</p> <p>11 A. Personal knowledge, no.</p> <p>12 Q. Is LULAC aware of such analysis?</p> <p>13 A. I don't recall right now.</p> <p>14 Q. Have you spoken to anybody about that</p> <p>15 preparation for your testimony today?</p> <p>16 A. No, not in -- not in that point.</p> <p>17 Q. If such an analysis exists do you know whether</p> <p>18 D8 through 13 were part of the analysis?</p> <p>19 A. I do not know that.</p> <p>20 Q. Can we off the record for about 10 minutes,</p> <p>21 I'll check my notes and we should be close to wrapping</p> <p>22 up.</p> <p>23 A. Okay.</p> <p>24 MS. YUKEVICH: Okay.</p> <p>25 THE VIDEOGRAPHER: We are off the record</p>

<p style="text-align: right;">Page 117</p> <p>1 at 1:13 p.m.</p> <p>2 (Break Taken)</p> <p>3 MS. YUKEVICH: We are back on the record</p> <p>4 at 1:23 p.m.</p> <p>5 Q. (BY MR. HUDSON) I trust you agree I have been</p> <p>6 courteous today?</p> <p>7 A. You have.</p> <p>8 Q. Any questions I haven't asked that you think I</p> <p>9 should have?</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. Okay. We'll reserve.</p> <p>12 MS. YUKEVICH: Okay.</p> <p>13 MR. HUDSON: That's it.</p> <p>14 THE WITNESS: Adios.</p> <p>15 MS. YUKEVICH: I don't have any -- I</p> <p>16 don't have any questions for my own witness, I do want</p> <p>17 to make sure for whomever is sitting on the line. I</p> <p>18 know I don't get any other notices. Mr. Garcia is here</p> <p>19 and I want to make sure I provided folks the</p> <p>20 opportunity.</p> <p>21 MR. HUDSON: And I'll -- I'll just say in</p> <p>22 follow-up to that, I didn't see any cross notices or</p> <p>23 cross designations.</p> <p>24 MS. YUKEVICH: I didn't see --</p> <p>25 MR. HUDSON: -- and so --</p>	<p style="text-align: right;">Page 119</p> <p>1 record, I just wanted to ask, do you need the transcript</p> <p>2 sooner than 10 days?</p> <p>3 MS. YUKEVICH: Yeah. I'd like a rough if</p> <p>4 you have it.</p> <p>5 THE COURT REPORTER: Well, actually, I</p> <p>6 need to -- I'm sorry. I need to ask you. You need the</p> <p>7 transcript sooner than 10 days?</p> <p>8 MR. HUDSON: If they're going to get a</p> <p>9 rough, I mean, we don't need it, since you're going to</p> <p>10 have it we'll get it too.</p> <p>11 THE COURT REPORTER: Well, are you</p> <p>12 ordering a rush?</p> <p>13 MS. YUKEVICH: Yeah. Sorry, can you do a</p> <p>14 rough copy by?</p> <p>15 THE COURT REPORTER: A rough copy?</p> <p>16 MS. YUKEVICH: Yeah. Can you do a rough</p> <p>17 or no? A rush also would be fine.</p> <p>18 THE COURT REPORTER: Yeah, I --</p> <p>19 MS. YUKEVICH: -- let me hold on.</p> <p>20 THE COURT REPORTER: I have a rough that</p> <p>21 I can --</p> <p>22 MS. YUKEVICH: -- that's okay.</p> <p>23 THE COURT REPORTER: We can.</p> <p>24 MS. YUKEVICH: It's not a big deal.</p> <p>25 MR. HUDSON: Yeah, here's the other issue</p>
<p style="text-align: right;">Page 118</p> <p>1 MS. YUKEVICH: Yeah.</p> <p>2 MR. HUDSON: -- nobody reached out to me</p> <p>3 about that either.</p> <p>4 MS. YUKEVICH: Okay.</p> <p>5 MR. HUDSON: So I was under the</p> <p>6 impression that this was --</p> <p>7 MS. YUKEVICH: -- that's my impression as</p> <p>8 well. I have sometimes received. So I just want to</p> <p>9 make sure we're seeing people hopping on, I think to</p> <p>10 confirm.</p> <p>11 MS. VEIDT: Travis County confirms we</p> <p>12 have no questions.</p> <p>13 MS. YUKEVICH: Great.</p> <p>14 MS. CUBRRIEL: And Bexar County can</p> <p>15 confirm we have no questions.</p> <p>16 MS. TOGNETTI: Leigh Tognetti can confirm</p> <p>17 that we don't have any questions at this time.</p> <p>18 MS. NICHOLAS: The same for Dallas</p> <p>19 County, Michael Scarpello we have no questions at this</p> <p>20 time.</p> <p>21 MS. LEO: No questions from El Paso</p> <p>22 County or defendant Lisa Wise at this time. Thank you.</p> <p>23 THE COURT REPORTER: And before --</p> <p>24 MS. YUKEVICH: Okay.</p> <p>25 THE COURT REPORTER: -- we go off the</p>	<p style="text-align: right;">Page 120</p> <p>1 to put on I want to make sure it get on the record we're</p> <p>2 asking for a read and sign.</p> <p>3 THE COURT REPORTER: Okay. You're</p> <p>4 asking --</p> <p>5 MR. HUDSON: -- for a read and sign.</p> <p>6 MS. YUKEVICH: Yeah.</p> <p>7 MR. HUDSON: Under the federals.</p> <p>8 MS. YUKEVICH: Yeah, we reserve to read</p> <p>9 and sign.</p> <p>10 THE COURT REPORTER: You ordered though.</p> <p>11 Right?</p> <p>12 MS. YUKEVICH: But you ordered.</p> <p>13 MR. HUDSON: Federals rules required you</p> <p>14 put it on the record.</p> <p>15 MS. YUKEVICH: Got it.</p> <p>16 MR. HUDSON: That -- that's all.</p> <p>17 MS. YUKEVICH: Yes.</p> <p>18 MR. HUDSON: You're getting the read and</p> <p>19 sign?</p> <p>20 MS. YUKEVICH: Yeah, he'll get the read</p> <p>21 and sign.</p> <p>22 MR. HUDSON: Yes. Yeah, not us.</p> <p>23 MS. YUKEVICH: Great. I was very deeply</p> <p>24 confused by what you were asking for us now. Yes.</p> <p>25 MR. HUDSON: Maybe I'm mistaken, but I</p>

Page 121		Page 123	
1	thought the federal rules required any party to request	1	THE VIDEOGRAPHER: We are off the record
2	a copy on the record.	2	at 1:26 p.m.
3	MS. YUKEVICH: Yes.	3	(Proceedings concluded at 1:26 p.m.)
4	MR. HUDSON: That's all I'm saying.	4	
5	MS. YUKEVICH: We had already, yes.	5	
6	THE COURT REPORTER: So -- but you want a	6	
7	rough draft?	7	
8	MS. YUKEVICH: No, so we'll take -- we	8	
9	can take a rush by the -- can you get it to me by the	9	
10	29th.	10	
11	THE COURT REPORTER: 29th.	11	
12	MS. YUKEVICH: By next Tuesday?	12	
13	THE COURT REPORTER: Okay.	13	
14	MS. YUKEVICH: Cool.	14	
15	THE COURT REPORTER: By the 29th, and	15	
16	that's for Kassi.	16	
17	MS. YUKEVICH: Yes. And then it will be	17	
18	available, I assume for others.	18	
19	THE COURT REPORTER: Yes. Okay. But you	19	
20	don't need the rush you just want --	20	
21	MR. HUDSON: Yeah. I don't need a rush.	21	
22	THE COURT REPORTER: Okay. And then did	22	
23	you need it to synced to the video?	23	
24	MS. YUKEVICH: I honestly couldn't tell	24	
25	you, what does that mean?	25	

Page 122		Page 124	
1	THE COURT REPORTER: They kind of just	1	CHANGES AND SIGNATURE
2	put closed captions on it. Right?	2	WITNESS NAME: Domingo Garcia
3	MS. YUKEVICH: I do not need a closed	3	DATE OF DEPOSITION: MARCH 23, 2022
4	caption video of this deposition, but I appreciate the	4	PAGE LINE CHANGE REASON
5	offer. I did not even --	5	
6	MR. HUDSON: I've already --	6	
7	MS. YUKEVICH: -- I don't think I've --	7	
8	THE WITNESS: I talked pretty fast	8	
9	sometimes.	9	
10	MR. HUDSON: I've already signed for it.	10	
11	THE COURT REPORTER: Oh, you want a sync	11	
12	copy? Okay. I just --	12	
13	MS. YUKEVICH: You do want to close --	13	
14	you are getting a closed captioned copy. Then we will	14	
15	all, I suppose, get a closed captioned copy.	15	
16	MR. HUDSON: See, if you don't have to.	16	
17	MS. YUKEVICH: Well, I mean, like I -- if	17	
18	you're getting it, Eric, I want it too. I don't want,	18	
19	you know --	19	
20	MR. HUDSON: You don't want to do what I	20	
21	do.	21	
22	MS. YUKEVICH: I don't want to feel left	22	
23	out. You're getting it I want it as well.	23	
24	THE COURT REPORTER: Okay. I think	24	
25	that's all I needed on record. Okay.	25	

<p style="text-align: right;">Page 125</p> <p>1 I, DOMINGO GARCIA, have read the foregoing</p> <p>2 deposition and hereby affix my signature that same is</p> <p>3 true and correct, except as noted above.</p> <p>4</p> <p>5 _____</p> <p>6 DOMINGO GARCIA</p> <p>7</p> <p>8 THE STATE OF _____)</p> <p>9 COUNTY OF _____)</p> <p>10 Before me, _____, on this day</p> <p>11 personally appeared DOMINGO GARCIA, known to me or</p> <p>12 proved to me under oath of _____ or</p> <p>13 through _____ (description of identity card</p> <p>14 or other document) to be the person whose name is</p> <p>15 subscribed to the foregoing instrument and acknowledged</p> <p>16 to me that he/she executed the same for the purpose and</p> <p>17 consideration therein expressed.</p> <p>18 Given under my hand and seal of office this</p> <p>19 _____ day of _____, ____.</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC IN AND FOR</p> <p>23 THE STATE OF _____</p> <p>24</p> <p>25 My Commission Expires: _____</p>	<p style="text-align: right;">Page 127</p> <p>1 the deposition is as follows:</p> <p>2 KATHRYN YUKEVICH - 0 HOURS - 0 MINUTES</p> <p>3 ERIC HUDSON - 2 HOURS - 24 MINUTES</p> <p>4 That pursuant to information given to the</p> <p>5 deposition officer at the time said testimony was taken,</p> <p>6 the following includes all parties of record:</p> <p>7 KATHRYN YUKEVICH, Attorney for Plaintiff</p> <p>8 ERIC HUDSON, Attorney for Defendant</p> <p>9 I further certify that I am neither counsel for,</p> <p>10 related to, nor employed by any of the parties or</p> <p>11 attorneys in this action in which this proceeding was</p> <p>12 taken, and further that I am not financially or</p> <p>13 otherwise interested in the outcome of the action.</p> <p>14 Further certification requirements pursuant to Rule</p> <p>15 203 of TRCP will be certified to after they have</p> <p>16 occurred.</p> <p>17 Certified to by me this _____ day of</p> <p>18 _____, _____.</p> <p>19</p> <p>20</p> <p>21 </p> <p>22 Elizabeth Parker, CSR 12040, Exp. 12/31/23</p> <p>23 Judicial Services, Firm Registration #774</p> <p>24 12790 FM 1560 North</p> <p>25 Helotes, TX 78023</p>
<p style="text-align: right;">Page 126</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>3 AUSTIN DIVISION</p> <p>4 TEXAS STATE LULAC; VOTO)</p> <p>5 LATINO,)</p> <p>6)</p> <p>7 PLAINTIFFS)</p> <p>8)</p> <p>9 V.) Case No. 1:21-cv-00546-LY</p> <p>10)</p> <p>11)</p> <p>12 BRUCE ELFANT, ET AL)</p> <p>13 AND KEN PAXTON, ET AL,)</p> <p>14)</p> <p>15 DEFENDANTS)</p> <p>16</p> <p>17 _____</p> <p>18 REPORTER'S CERTIFICATION</p> <p>19 ORAL AND VIDEO CONFERENCED DEPOSITION OF</p> <p>20 DOMINGO GARCIA</p> <p>21 MARCH 23, 2022</p> <p>22</p> <p>23 I, Elizabeth N. Parker, Certified Shorthand</p> <p>24 Reporter in and for the State of Texas, hereby certify</p> <p>25 to the following:</p> <p>That the witness, DOMINGO GARCIA, was duly</p> <p>sworn by the officer and that the transcript of the oral</p> <p>deposition is a true record of the testimony given by</p> <p>the witness;</p> <p>That the deposition transcript was submitted</p> <p>on _____ to the witness or to the</p> <p>attorney for the witness for examination, signature, and</p> <p>return to me by _____.</p> <p>That the amount of time used by each party at</p>	<p style="text-align: right;">Page 128</p> <p>1 FURTHER CERTIFICATION UNDER RULE 203 TRCP</p> <p>2 The original deposition was/was not returned to the</p> <p>3 deposition office on _____;</p> <p>4 If returned, the attached changes and signature</p> <p>5 page contains any changes and the reasons therefore;</p> <p>6 If returned, the original deposition was delivered</p> <p>7 to _____, Custodial Attorney;</p> <p>8 That \$ _____ is the deposition officer's charges</p> <p>9 to the _____ for preparing the original deposition</p> <p>10 transcript and any copies of exhibits;</p> <p>11 That the deposition was delivered in accordance</p> <p>12 with Rule 203.3, and that a copy of this certificate was</p> <p>13 served on all parties shown herein and filed with the</p> <p>14 Clerk.</p> <p>15 Certified to by me this _____ day of</p> <p>16 _____, _____.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 </p> <p>21 ELIZABETH N. PARKER, CSR 12040, CVR 7957</p> <p>22 Exp. 12/31/2023</p> <p>23 Judicial Services Court Reporting Co.</p> <p>24 Firm Registration No. 774</p> <p>25 12790 FM 1560 North</p> <p>Helotes, TX 78023</p> <p>210-681-4885</p>

A	action 41:14 127:11,13	affiliations 16:22 18:14 19:1,5 23:18 25:22 26:1,8 57:5	alleging 18:12 59:23	36:13,20 39:20 68:14 82:25
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISIONTEXAS STATE LULAC; VOTO
LATINO,

Plaintiffs,

v.

BRUCE ELFANT, in his official capacity
as the Travis County Tax Assessor-
Collector; JACQUELYN CALLANEN, in
her official capacity as the Hexar County
Elections Administrator; ISABEL
LONGORIA, in her official capacity as
the Harris County Elections
Administrator; YVONNE RAMÓN, in her
official capacity as the Hidalgo County
Elections Administrator; MICHAEL
SCARPELLO, in his official capacity as
the Dallas County Elections
Administrator; LISA WISE, in her official
capacity as the El Paso County Elections
Administrator.

Defendants,

and

KEN PAXTON, in his official capacity as
Attorney General of Texas, LUPE C.
TORRES, in her official capacity as
Medina County Elections Administrator,
and TERRIE PENDLEY, in her official
capacity as Real County Tax Assessor-
collector

Intervenor-Defendants.

Case No. 1:21-cv-00546-LY

INTERVENOR-DEFENDANT TEXAS ATTORNEY GENERAL KEN PAXTON'S
AMENDED NOTICE OF INTENT TO TAKE ORAL AND VIDEOTAPED DEPOSITION
OF PLAINTIFF TEXAS STATE LULAC PURSUANT TO RULE 30(b)(6)TO: Plaintiff Texas State LULAC by and through its attorneys of record, John Hardin,
PERKINS COIE LLP, 500 North Akard St., Suite 3300, Dallas, Texas 75201, Uzoma N.
Nkwonta, Kathryn E. Yukevich, PERKINS COIE LLP, 1201 Third Avenue, Suite 4900,
Seattle, Washington, 98101-3099, Jonathan P. Hawley, PERKINS COIE LLP, 1201
Third Avenue, Suite 4900, Seattle, Washington, 98101-3099, Domingo Garcia, LAW
OFFICE OF DOMINGO GARCIA P.C., 1111 West Mockingbird Lane, Suite 1200, Dallas,
Texas, 75247-5012, Luis Roberto Vera, Jr., 407 West Ware Boulevard, San Antonio,
Texas 78221, and to All Counsel of Record.Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Intervenor-
Defendant Ken Paxton, in his official capacity as Texas Attorney General, will take the oral and
videotaped deposition of Plaintiff Texas State LULAC ("LULAC" or "Plaintiff") on Wednesday,
March 23, 2022, beginning at 10:00 a.m. CDT, and will continue from time to time and place
to place until concluded. At the scheduled time, a representative for LULAC is directed to appear
at the Office of Perkins Coie LLP, 405 Colorado St., Suite 1700, Austin, Texas 78701. Remote
participants may access a live feed at <https://out2web.zoom.us/j/83411388431>.In accordance with Federal Rule of Civil Procedure 30(b)(6), Plaintiff is directed to
designate one or more officers, directors, managing agents, or other persons who consent to testify
on Plaintiff's behalf concerning the matters for examination listed on Exhibit A to this Notice.
Plaintiff shall identify the specific subject matters listed on Exhibit A on which each designated
person will testify. The person(s) designated as deponent(s) shall be prepared to testify as to such
matters known or reasonably available to Plaintiff. This Notice serves to inform Plaintiff that it
has a duty to make such designation.The deposition will be recorded stenographically and by video. The deposition, answers,
and documents referenced during the deposition may be read and used in evidence at the trial of
this cause in accordance with the Federal Rules of Civil Procedure.

Date: March 22, 2022

KEN PAXTON
Attorney General of TexasBRUNT WEBSTER
First Assistant Attorney General

Respectfully submitted,

PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Tex. State Bar No. 00798537WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tex. State Bar No. 24088531/s/ Eric A. Hudson
ERIC A. HUDSON
Senior Special Counsel
Tex. Bar No. 24059977KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415Office of the Attorney General
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
eric.hudson@oag.texas.gov
kathleen.hunker@oag.texas.govCounsel for Intervenor-Defendant, Texas
Attorney General Ken Paxton

CERTIFICATE OF SERVICE

I hereby certify that on this 22th day of March, 2022 the foregoing Intervenor-
Defendant's Amended Notice of Intent to Take Oral and Videotaped Deposition of Plaintiff
Texas State LULAC Pursuant to Rule 30(b)(6) was served on the following via electronic mailJohn R. Hardin
PERKINS COIE LLP
500 North Akard Street, Suite 3300
Dallas, Texas 75201-3347
johuhardin@perkinscoie.comUzoma N. Nkwonta
Kathryn E. Yukevich
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 800
Washington, D.C. 20005-3960
unkwonta@perkinscoie.com
kyukevich@perkinscoie.comJonathan P. Hawley
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
jhawley@perkinscoie.comDomingo Garcia
Texas State Bar No. 07631950
LAW OFFICE OF DOMINGO GARCIA PC
1111 West Mockingbird Lane, Suite 1200
Dallas, Texas 75247-5012
dgarcia@lulac.orgLuis Roberto Vera, Jr.
ATTORNEY AND COUNSELOR AT LAW
407 West Ware Boulevard
San Antonio, Texas 78221
lrvlaw@shegloab.net

**EXHIBIT A TO
NOTICE OF RULE 30(b)(6) DEPOSITION OF
PLAINTIFF LULAC**

DEFINITIONS

The following terms are defined and used in this Notice as follows:

1. "Plaintiff," "you," and "your" refer to Texas State LULAC, and any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative.
2. "Defendant-Intervenor" and "OAG" refer to the Texas Office of the Attorney General and its employees, representatives, and agents.
3. "Lawsuit" means *Texas State LULAC, et al. v. Bruce Elfant, et al.*, Case No. 1:21-cv-546 (W.D. Tex.).
4. The term "Complaint" means the document entitled "Complaint," filed in this Lawsuit on June 22, 2021 (ECF No. 1) and any amendment or analogue.
5. "Communication" means any manner or means of disclosure, transfer, or exchange of information, whether oral, written, in-person, telephonic, electronic, digital, mailed, or otherwise.
6. "Statement" includes any written or graphic communication signed or otherwise adopted or proved by the person making it, and any stenographic, mechanical, electrical, or other record or transcription thereof that is a substantially verbatim recital of an oral communication by the person making it and contemporaneously recorded.
7. "Senate Bill 1111" or "SB 1111" means the legislation numbered Senate Bill 1111 that amended certain provision of the Texas Election Code and that was passed by the 87th Texas Legislature and signed into law.

8. "Regarding," "Relating to," or "Pertaining to" shall mean in any way concerning, constituting, analyzing, discussing, describing, considering, modifying, amending, confirming, endorsing, evidencing, representing, supporting, substantiating, qualifying, negating or refuting, unless qualified by word of limitation.
9. The singular includes the plural and vice versa.
10. The masculine gender includes the feminine and vice versa.
11. All terms are to be interpreted in accordance with their normal usage in the English language.

TOPICS FOR EXAMINATION

1. LULAC's mission, formation, and current organizational structure.
2. LULAC's affiliations or partnerships with other entities, past or present, including the nature and extent of interactions between LULAC and all such affiliate, partner, or member organizations or groups.
3. LULAC's current membership, including the members on whose behalf you have asserted a claim, or who you otherwise purport to represent, in this Lawsuit.
4. The factual basis for any contention that LULAC, as an organization, has suffered an injury because of the passage of SB 1111, including the nature and extent to which SB 1111 has impaired or is expected to impair LULAC's financial expenditures or ability to perform its organizational activities.
5. The specific projects, activities, voter persuasion efforts, and resources that LULAC will allegedly have to expend or divert to Texas because of SB 1111.
6. The specific projects, activities, voter persuasion efforts, and resources that LULAC allegedly had or will have to put on hold or otherwise curtail in other states because of SB 1111.
7. The financial structure and financial records of LULAC, including any agreements entered by LULAC pertaining to litigation expenses or attorneys' fees incurred in connection with this Lawsuit.
8. LULAC's statements, public or otherwise, relating to SB 1111, including press releases, newsletters, campaign letters or signs, news articles, op-ed pieces, testimony, postings or messages published on blogs and/or social media websites, and communications with voters, supporters, or donors pertaining to such legislation.
9. LULAC's activities relating to voter registration, get-out-the-vote efforts, or election administration in Texas, including any policies, protocols, practices, memoranda, or training or guidance materials created and/or implemented in connection with these activities.
10. LULAC's communications with any county or county election official regarding SB 1111.
11. LULAC's responses to OAG's discovery requests in this Lawsuit.
12. LULAC's knowledge and factual basis for its contention that SB 1111 burdens the right to vote.

13. LULAC's knowledge and factual basis for each allegation in its Complaint.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO LATINO,

Plaintiffs,

v.

BRUCE ELFANT, in his official capacity as the Travis County Tax Assessor-Collector; JACQUELYN CALLANEN, in her official capacity as the Bexar County Elections Administrator; ISABEL LONGORIA, in her official capacity as the Harris County Elections Administrator; YVONNE RAMÓN, in her official capacity as the Hidalgo County Elections Administrator; MICHAEL SCARPELLO, in his official capacity as the Dallas County Elections Administrator; LISA WISE, in her official capacity as the El Paso County Elections Administrator.

Defendants.

Civil Action

Case No. 1:21-cv-546

COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

First, Fourteenth, and Twenty-Sixth
Amendments to the U.S. Constitution

Plaintiffs TEXAS STATE LULAC and VOTO LATINO, by and through their undersigned counsel, file this COMPLAINT for DECLARATORY and INJUNCTIVE RELIEF against Defendants BRUCE ELFANT, in his official capacity as the Travis County Tax Assessor-Collector, JACQUELYN CALLANEN, in her official capacity as the Bexar County Elections Administrator, ISABEL LONGORIA, in her official capacity as the Harris County Elections Administrator, YVONNE RAMÓN, in her official capacity as the Hidalgo County Elections Administrator, MICHAEL SCARPELLO, in his official capacity as the Dallas County Elections Administrator, and LISA WISE, in her official capacity as the El Paso County Elections Administrator, and allege as follows:



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participation and further burdening the abilities of lawful voters to cast their ballots and make their voices heard.

7. Among other things, SB 1111:

- a. Interferes with the basic freedom of political expression by prohibiting Texas voters from establishing residence for the purpose of influencing elections;
- b. Restricts registration opportunities for Texans who have temporarily relocated by prohibiting voters from designating previous residences as their fixed places of habitation even if they consider those residences to be their homes; and
- c. Burdens voters who rely on post offices boxes for their residences by conditioning their registration on the production of additional documentation.

8. By prohibiting the establishment of residence to influence elections, SB 1111 intrudes upon the freedoms of speech and expression guaranteed to voters, volunteers, and political candidates by the First Amendment to the U.S. Constitution—and even creates the risk of *criminal prosecution* based on a vague, overbroad restriction.

9. The new law will also have a particularly burdensome impact on college students and other young voters—a demographic group whose political participation is permanently changing the Lone Star State's electoral landscape—by preventing them, for instance, from registering at their prior home addresses when they relocate temporarily to attend school.

10. And by injecting confusion and uncertainty into the registration process, SB 1111 injures organizations like Plaintiffs that devote time and resources to registering voters—including and especially young voters.

11. SB 1111 is not justified by any compelling or even legitimate state interests. Instead, the bill is a solution in search of a problem; one that does not *solve* any issues—there is no evidence of fraud or other malfeasance that the bill could even conceivably remedy—but

NATURE OF CASE

1. Texas has long struggled with voter turnout, often seeing some of the nation's lowest rates of electoral participation. The cause of this consistently low voter turnout is clear: the State's voting laws, which are the most restrictive in the United States.

2. Despite the difficulties imposed on them by both the Election Code and the actions of Republican officials and lawmakers, Texas voters, including the State's growing populations of young voters and voters of color, have turned out in record numbers during recent elections.

3. In spite of—and likely because of—the high turnout among young and minority voters, one of the top priorities of the 87th Texas Legislature was passing new laws to further restrict access to the franchise.

4. During the 2021 legislative session—mere months after Texas officials sought to overturn the presidential election results and disenfranchise millions of voters in *other states* following the defeat of former president Donald Trump, and on the heels of what the State's elections administrators described as a safe and secure election—the Texas Legislature introduced no fewer than 50 bills to restrict access to voting in all forms.

5. Among the bills passed by one or both chambers of the Legislature during this past session were measures to restrict access to early and absentee voting, empower partisan poll watchers to harass and intimidate voters, and make it easier to overturn election results (Senate Bill 7); restrict the ability of local election officials to exercise their discretion and expand access to the franchise (Senate Bill 1675); impose additional requirements on Texans who vote absentee due to disabilities (House Bill 3920); and permit election judges to carry firearms inside polling places (House Bill 530).

6. This lawsuit challenges one of those bills, Senate Bill 1111 ("SB 1111"), which imposes vague, onerous restrictions on the voter registration process, chilling political

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instead only *creates* them, by violating the constitutional rights of lawful Texas voters and further restricting access to the franchise.

12. Plaintiffs now bring this lawsuit to protect both their rights and the rights of their members and constituents secured by the First, Fourteenth, and Twenty-Sixth Amendments to the U.S. Constitution, and to ensure equal access to the ballot box for all Texans.

JURISDICTION AND VENUE

13. Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1988 to redress the deprivation, under color of state law, of rights secured by the U.S. Constitution.

14. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States and involve the assertion of deprivations, under color of state law, of rights under the U.S. Constitution.

15. This Court has personal jurisdiction over Defendants, who are sued in their official capacities.

16. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events that give rise to Plaintiffs' claims occurred and will occur in this judicial district.

17. This Court has the authority to enter declaratory judgment and provide injunctive relief under Federal Rules of Civil Procedure 57 and 65 and 28 U.S.C. §§ 2201 and 2202.

PARTIES

18. Plaintiff Texas State LULAC is the Texas chapter of the League of United Latin American Citizens ("LULAC"), the oldest and largest Latino civil rights organization in the United States. LULAC is a nonprofit membership organization with a presence in most of the 50 states, including Texas. It was founded with the mission of protecting the civil rights of Latinos, including

voting rights, LULAC participates in civic engagement activities such as voter registration, voter education, and voter turnout efforts.

19. Texas State LULAC was founded in 1929 and has more than 8,000 members across the State, including registered voters. Texas State LULAC regularly engages in voter registration, voter education, and other activities and programs designed to increase voter turnout among its members and their communities. These efforts are key to LULAC's mission of increasing civic participation among its members. Texas State LULAC commits time, personnel, and resources to these efforts throughout Texas. Texas State LULAC must divert substantial resources and attention from other critical missions to address the adverse impacts SB 1111 will have on its members and constituents and assist them in surmounting these new barriers to registration and voting. Because of SB 1111, Texas State LULAC and its members have suffered and will continue to suffer irreparable harm.

20. Plaintiff Voto Latino brings this action on behalf of itself and its constituents and supporters. Voto Latino is a 501(c)(4) nonprofit, social welfare organization under the Internal Revenue Code that engages, educates, and empowers Latinx communities across the United States, working to ensure that Latinx voters are enfranchised and included in the democratic process. In furtherance of its mission, Voto Latino expends significant resources to register and mobilize thousands of Latinx voters each election cycle, including the nearly 5.6 million eligible Latinx voters in Texas. Voto Latino considers eligible Latinx voters in Texas to be the core of its constituency. Voto Latino mobilizes Latinx voters in Texas through statewide voter registration initiatives, as well as peer-to-peer and digital voter education and get-out-the-vote campaigns. In 2020 alone, Voto Latino registered 184,465 voters in Texas. In future elections, Voto Latino

26. Defendant Michael Searpello is sued in his official capacity as the Dallas County Elections Administrator. In this capacity, he serves as the voter registrar for Dallas County. *See id.* § 12.001. The Dallas County Elections Administrator is sued for the manner in which he implements the provisions of SB 1111 challenged in this action.

27. Defendant Lisa Wise is sued in her official capacity as the El Paso County Elections Administrator. In this capacity, she serves as the voter registrar for El Paso County. *See id.* § 12.001. The El Paso County Elections Administrator is sued for the manner in which she implements the provisions of SB 1111 challenged in this action.

STATEMENT OF FACTS AND LAW

I. Changing Demographics of Texas Voters

28. Despite the obstacles that Texas voters must regularly navigate simply to exercise their most fundamental democratic rights—obstacles made even more arduous by the unique and unprecedented challenges of the COVID-19 pandemic during the 2020 election—the most recent midterm and presidential elections resulted in the State's highest voter turnout in decades.

29. As Republican lawmakers in the State are well aware, this increase in voter participation coincides with significant demographic shifts in Texas's eligible voting age population. According to U.S. Census estimates, the combined number of eligible Hispanic and Black voters in the State has been steadily rising, while the number of eligible non-Hispanic white voters has declined.

30. In addition, as Republican governor Greg Abbott has repeatedly emphasized in public comments, people are moving to Texas from other states. In his 2019 State of the State Address, Governor Abbott pointed out that, every day, "about 1,000 new residents will call Texas home." And those new residents are disproportionately arriving from traditionally Democratic states.

anticipates making expenditures in the millions of dollars to educate, register, mobilize, and turn out Latinx voters across the United States, including in Texas.

21. Voto Latino will have to expend and divert additional funds and resources that it would otherwise spend on its efforts to accomplish its mission in other states—and its other registration efforts in Texas—to combat SB 1111's effects on its core constituency, and to assist its constituents in navigating the various additional hurdles that impede access to the franchise and threaten to silence the voices of Latinx voters.

22. Defendant Bruce Elfant is sued in his official capacity as the Travis County Tax Assessor-Collector. In this capacity, he serves as the voter registrar for Travis County. *See Tex. Elec. Code* § 12.001. The Travis County Tax Assessor-Collector is sued for the manner in which he implements the provisions of SB 1111 challenged in this action.

23. Defendant Jacquelyn Callanen is sued in her official capacity as the Bexar County Elections Administrator. In this capacity, she serves as the voter registrar for Bexar County. *See id.* § 12.001. The Bexar County Elections Administrator is sued for the manner in which she implements the provisions of SB 1111 challenged in this action.

24. Defendant Isabel Longoria is sued in her official capacity as the Harris County Elections Administrator. In this capacity, she serves as the voter registrar for Harris County. *See id.* § 12.001. The Harris County Elections Administrator is sued for the manner in which she implements the provisions of SB 1111 challenged in this action.

25. Defendant Yvonne Ramón is sued in her official capacity as the Hidalgo County Elections Administrator. In this capacity, she serves as the voter registrar for Hidalgo County. *See id.* § 12.001. The Hidalgo County Elections Administrator is sued for the manner in which she implements the provisions of SB 1111 challenged in this action.

31. The largest number of new Texas residents comes from the Golden State, with over 700,000 Californians relocating to Texas since 2008. Hundreds of thousands more have moved from blue-hued states like New York and Illinois. And while Republicans like Governor Abbott have repeatedly tried to characterize these new Texans as conservative Americans "fed up with big government policies," the facts on the ground tell a different story.

32. These new Texans are settling in and around the State's major urban centers like the Houston area and the Dallas-Fort Worth metropolises, making these areas politically competitive in a way that would have been impossible to imagine even a decade ago and transforming the State's electoral landscape.

33. In 2018, Texas saw its highest voter turnout for a midterm election in over two decades. Democratic candidates defeated several high-profile Republican incumbents, flipped several competitive local offices, and picked up two seats in the U.S. House of Representatives, 12 seats in the Texas House of Representatives, and two seats in the Texas Senate. In addition to these significant electoral victories, Democrats in Texas fielded their first competitive U.S. Senate candidate in 30 years.

34. Voter turnout increased again during the 2020 general election. Sixty-six percent of the State's 17 million registered voters cast ballots, an increase in turnout of almost 7 percent over 2016. This increase was driven by the rise in minority and urban voter participation.

35. In response to the increase in voter turnout (and increased competitiveness of Democratic candidates across the State), Texas Republicans attempted to pass a host of sweeping voter suppression legislation during the recently concluded legislative session. While a burdensome omnibus bill ultimately failed at the eleventh hour, Texas Republicans were nevertheless successful in passing a number of other suppressive laws, including SB 1111.

II. Senate Bill 1111

36. SB 1111 imposes a series of vague, overbroad, and discriminatory residence requirements intended to restrict voter registration and participation.

A. The Residence Restriction

37. First, SB 1111 strikes the common-law definition of residence that previously governed the Election Code and, rather than articulate another affirmative definition of residence, forbids anyone from establishing a residence “for the purpose of influencing the outcome of a certain election” (the “Residence Restriction”). SB 1111 § 1 (amending Tex. Elec. Code § 1.015(b)).

38. The Residence Restriction’s vague prohibition discourages registration among new, politically active registrants—including young and minority voters and voters who have recently moved to Texas from other states.

39. Under SB 1111, new registrants—or any voters who change their residences—who give consideration to where they might vote or who might represent them before moving to or within the State risk violating Texas law in order to exercise their most fundamental constitutional rights.

40. Moreover, the Residence Restriction plainly applies not only to voters who establish residency for electoral purposes, but candidates as well.

41. There is nothing sinister or unusual about candidates establishing residences in order to qualify for the ballot and thus influence the outcome of an election. Members of the Texas Legislature are required to be “resident[s] of the district[s] for which [they] shall be chosen” for at least one year prior to their elections. Tex. Const. art. III, §§ 6–7. And although the U.S. Constitution does not impose a residency requirement for members of the U.S. House of Representatives, many members nevertheless choose for political and other reasons to reside in

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the districts they represent, thus requiring some members to establish new residences to run in different districts.

42. To give but one example, incumbent Republican congressman Pete Sessions—who represented Texas’s Fifth Congressional District from 1997 to 2003 and its Thirty-Second Congressional District from 2003 to 2019—moved from the Dallas area to Waco in order to mount his successful bid for the State’s Seventeenth Congressional District in 2020.

43. Such commonplace internal relocation, which can be expected following the upcoming redrawing of congressional and legislative boundaries as a result of Texas’s constitutionally mandated reapportionment process, would be impermissible under the Residence Restriction.

44. Campaign volunteers and other advocates who establish residence in the State to exercise their First Amendment rights in the electoral arena will similarly be placed at risk of liability due to the Residence Restriction.

B. Temporary Relocation

45. Next, SB 1111 provides that “[a] person may not establish a residence at any place the person has not inhabited” and further commands that “[a] person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.” SB 1111 § 1 (adding Tex. Elec. Code § 1.015(f)).

46. Consequently, college students and other Texans who have temporarily relocated—whether for educational, employment, or other reasons—cannot register using a home address that they do not actively “inhabit” when they register to vote, even if they consider that previous address to be their home. And because the Election Code already provides that “[a] person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person’s home,” Tex. Elec. Code § 1.015(d)

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(emphasis added), voters who do not intend to remain in their temporary locations are seemingly precluded from registering to vote altogether.

47. Moreover, neither SB 1111 nor the Election Code defines the phrases “home,” “designate,” or “intends to remain.” And because SB 1111 has eliminated the common-law definition of residence, potential voters can no longer rely on previous interpretations of “residence” or what it meant to “intend to remain.”

C. Post Office Boxes

48. Finally, SB 1111 imposes onerous voter-identification requirements on registered voters who use post office boxes or similar locations to register to vote.

49. If a registrar has reason to believe that a “voter’s residence address is a commercial post office box or similar location that does not correspond to a residence,” then the registrar *must* deliver a “written confirmation notice requesting confirmation of the voter’s current residence.” SB 1111 § 2 (amending Tex. Elec. Code § 15.051(a)).

50. Upon receipt of such a notice, a registered voter must provide a photocopy of one of six documents containing the voter’s residence address: a driver’s license, a personal identification card, a license to carry a concealed handgun, an appraisal district document showing the voter’s residence address, a utility bill showing the voter’s residence address, or a tax document showing the registration address of a vehicle the voter owns. *Id.* §§ 4–5 (amending Tex. Elec. Code § 15.053(a) and adding Tex. Elec. Code § 15.054).

51. SB 1111 does allow for a voter “whose residence in this state has no address” to document residence “by executing an affidavit stating that the voter’s residence in this state has no address, providing a concise description of the location of the voter’s residence, and delivering the affidavit to the registrar with the voter’s response to the confirmation notice.” *Id.* § 5 (adding Tex. Elec. Code § 15.054(b)). But this applies only to voters (like homeless voters) whose

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residences have no addresses—not generally to voters with addresses who simply lack the required documentation to confirm their residences.

CLAIMS FOR RELIEF

COUNT 1

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983 Undue Burden on the Rights to Free Speech and Expression Against All Defendants

52. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

53. “[T]he freedom of speech”—including “core political speech”—is “secured by the First Amendment against abridgment by the United States” and is “among the fundamental personal rights and liberties which are secured to all persons by the Fourteenth Amendment against abridgment by a State.” *Meyer v. Grant*, 486 U.S. 414, 420 (1988) (quoting *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940)). This protection “serves to ensure that the individual citizen can effectively participate in and contribute to our republican system of self-government.” *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 604 (1982), and it prohibits the State “from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger v. Rector & Visitors*, 515 U.S. 819, 829 (1995).

54. The U.S. Supreme Court has noted that “[t]here is no right more basic in our democracy than the right to participate in electing our political leaders,” which “[c]itizens can exercise” by not only voting, but also “run[ning] for office themselves.” *McCutcheon v. FEC*, 572 U.S. 185, 191 (2014) (controlling *op.*).

55. The Residence Restriction violates the free speech guarantees of the U.S. Constitution because it directly restricts voters’, volunteers’, and candidates’ freedom of political expression. Voters cannot relocate to or within the State to effect political change; volunteers and

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advocates cannot establish residence if they do so to promote a given candidate or issue; and candidates themselves cannot move or otherwise base their residence on their desire or ability to appear on the ballot.

56. As an election law that “directly regulates core political speech,” the Residence Restriction must satisfy strict scrutiny and “be narrowly tailored to serve a compelling governmental interest.” *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 207 (1999) (Thomas, J., concurring) (collecting cases).

57. At the very least, the Residence Restriction constitutes a “limitation on political expression subject to exacting scrutiny.” *Meyer*, 486 U.S. at 420, thus requiring “a ‘substantial relation’ between the [l] requirement and a ‘sufficiently important’ governmental interest.” *Citizens United v. FEC*, 558 U.S. 310, 366–67 (2010) (quoting *Buckley v. Valeo*, 424 U.S. 1, 64, 66 (1976) (per curiam)).

58. The Residence Restriction cannot survive strict or exacting scrutiny—or any level of scrutiny—because it is not fairly calculated to address even a legitimate governmental interest, let alone a compelling one.

59. Furthermore, the Residence Restriction will chill constitutionally protected speech and expression because it is impermissibly vague and overbroad. See *Tex. State Tchrs. Ass’n v. Garland Indep. Sch. Dist.*, 777 F.2d 1046, 1055 (5th Cir. 1985) (noting that “[i]njury to First Amendment rights may result” from laws that “chill . . . ardor and desire to engage in protected expression” (second alteration in original) (quoting *Spartacus Youth League v. Bd. of Trs.*, 502 F. Supp. 789, 796–97 (N.D. Ill. 1980))).

60. The Residence Restriction provides that “[a] person may not establish residence for the purpose of influencing the outcome of a certain election.” SB 1111 § 1. But it fails to provide

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parties who encourage participation in the political process through increasing voter registration rolls.” (citing *Williams v. Rhodes*, 393 U.S. 23, 30 (1968))).

64. Because the Residence Restriction constitutes a direct limitation on core political speech that is unjustified by a sufficient governmental interest, and because it will have the effect of chilling constitutionally protected activity due to its vagueness and overbreadth, it violates the First Amendment’s guarantees of free speech and expression.

COUNT II

U.S. Const. Amendments I, XIV; 42 U.S.C. § 1983 Undue Burden on the Right to Vote Against All Defendants

65. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

66. Under the First and Fourteenth Amendments to the U.S. Constitution, a state cannot utilize election practices that unduly burden the right to vote.

67. When addressing a challenge to a state election practice, a court balances the character and magnitude of the burden the practice causes on any First and Fourteenth Amendment rights the plaintiff seeks to vindicate against the justifications offered by the state in support of the challenged law. See *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

68. “However slight th[e] burden may appear . . . it must be justified by relevant and legitimate state interests ‘sufficiently weighty to justify the limitation.’” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008) (controlling op.) (quoting *Norman v. Reed*, 502 U.S. 279, 288–89 (1992)).

69. SB 1111 burdens voters, especially students and other transient voters, by unduly—and, in some cases, prohibitively—restricting the residences that they can claim when they register

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any guidance as to what “influencing the outcome” of an election means. The possibilities cover a range of constitutionally protected activity, from running for office and casting a ballot to commonplace election-related undertakings like door-knocking and one-on-one advocacy.

61. Moreover, neither the Residence Restriction nor any other section of the Election Code clarifies what it means to “establish residence.” And because SB 1111 removes the previous affirmative definition of “residence” that incorporated the common law, neither Plaintiffs nor their members or constituents can rely on precedent to inform their interpretation of this phrase.

62. The risk of unconstitutional chilling is particularly pronounced because casting a ballot after registering to vote using an impermissible residence address might expose a voter to criminal liability. See, e.g., Tex. Elec. Code § 64.012(a) (“A person commits an offense if the person . . . votes or attempts to vote in an election in which the person knows the person is not eligible to vote.”); *Huith v. State*, No. 14-14-00532-CR, 2016 WL 2743192, at *1–2 (Tex. Ct. App. May 10, 2016) (affirming conviction where voter cast ballot after registering at address that did not qualify as proper residence under Election Code).

63. In addition to chilling voter registration and political expression among Plaintiffs’ members and constituents, the Residence Restriction will also chill Plaintiffs’ own speech and advocacy. By adding confusion and the risk of criminal liability to the registration process, the Residence Restriction interferes with Plaintiffs’ abilities to encourage and support voter registration—activity protected by the First Amendment. See, e.g., *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 700 (N.D. Ohio 2006) (“[P]articipation in voter registration implicates a number of both expressive and associational rights which are protected by the First Amendment. These rights belong to—and may be invoked by—not just the voters seeking to register, but by third

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to vote. A voter who has temporarily relocated cannot use either their current location or their previous address to register, even if they intend to return to their previous address in the future. Such voters are thus precluded from registering to vote. See Tex. Elec. Code § 15.001(a) (“Each voter registration certificate must contain . . . the voter’s residence address . . .”).

70. Moreover, SB 1111 burdens voters who rely on post office boxes for their voter registrations. These voters are required to produce corroborating documentation, thus imposing additional barriers on the franchise. And the right to vote for these voters, who are unable to produce this documentation is abridged entirely.

71. The ultimate goal of SB 1111 is to warp the electorate for partisan ends; the bill targets young and minority voters to silence their voices and ensure that their collective voting strength does not translate to political power or accountability.

72. This is nothing new, particularly in Texas. Consistent with recent findings by courts that Texas lawmakers have repeatedly restricted access to the franchise as a shield against demographic and partisan changes in the state, see, e.g., *Feasey v. Abbott*, 830 F.3d 216, 225, 234–43 (5th Cir. 2016) (en banc), SB 1111 constitutes yet another reprehensible continuation of these efforts.

73. SB 1111 serves no legitimate, let alone any compelling, governmental interest. Consequently, the burdens it imposes on voters—including Plaintiffs’ members and constituents—violate the First and Fourteenth Amendments to the U.S. Constitution.

COUNT III

U.S. Const. Amend. XXVI; 42 U.S.C. § 1983 Denial or Abridgement of the Right to Vote on Account of Age Against All Defendants

74. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

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75. The Twenty-Sixth Amendment to the U.S. Constitution provides that “[t]he right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” U.S. Const. amend. XXVI, § 1. It guarantees young, qualified voters a substantive right to participate equally with other qualified voters in the electoral process. Election laws, practices, and procedures designed to deny or abridge the right to vote because of age are thus unconstitutional. See *Tex. Democratic Party v. Abbott*, 978 F.3d 168, 183–84 (5th Cir. 2020).

76. “The legislative history preceding the adoption of the amendment clearly evidences the purpose not only of extending the voting right to younger voters but also of encouraging their participation by the elimination of all unnecessary burdens and barriers.” *Warden v. Mercer Cnty. Bd. of Elections*, 294 A.2d 233, 237 (N.J. 1972). The Twenty-Sixth Amendment thus “nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise . . . although the abstract right to vote may remain unrestricted.” *Jolicoeur v. Mihaly*, 488 P.2d 1, 4 (Cal. 1971) (alteration in original) (quoting *Lane v. Wilson*, 307 U.S. 268, 275 (1939)); see also *Tex. Democratic Party*, 978 F.3d at 191 (“We agree with *Jolicoeur* to the extent it means that a voting scheme that adds barriers primarily for younger voters constitutes an abridgement due to age.”).

77. While the Twenty-Sixth Amendment “speaks only to age discrimination, it has . . . particular relevance for the college youth who comprise approximately 50 per cent of all who were enfranchised by this amendment.” *Wulgren v. Howes*, 482 F.2d 95, 101 (1st Cir. 1973).

78. By restricting registration opportunities for college students—including Plaintiffs’ members and constituents—SB 1111 prevents newly enfranchised young Texans from effectively exercising their right to vote in violation of the Twenty-Sixth Amendment.

Dated: June 22, 2021.

Respectfully submitted,

/s/ John R. Hardin
John R. Hardin
Texas State Bar No. 24012784
PERKINS COIE LLP
500 North Akard Street, Suite 3300
Dallas, Texas 75201-3347
Telephone: (214) 965-7700
Facsimile: (214) 965-7799
johnhardin@perkinscoie.com

Uzoma N. Nkwonta*
Kathryn E. Yukevich*
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 800
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9996
unkwonta@perkinscoie.com
kyukevich@perkinscoie.com

Jonathan P. Hawley*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
jhawley@perkinscoie.com

Counsel for Plaintiff Texas State LULAC and
Voto Latino

*Pro Hac Vice Application Forthcoming

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

- a. Declaring that SB 1111 violates the First, Fourteenth, and Twenty-Sixth Amendments to the U.S. Constitution;
- b. Preliminarily and permanently enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing, enforcing, or giving any effect to SB 1111;
- c. Awarding Plaintiffs their costs, disbursements, and reasonable attorneys’ fees incurred in bringing this action pursuant to 42 U.S.C. § 1988 and other applicable laws; and
- d. Granting such other and further relief as the Court deems just and proper.

Domingo Garcia
Texas State Bar No. 07631950
LAW OFFICE OF DOMINGO GARCIA PC
1111 West Mockingbird Lane, Suite 1200
Dallas, Texas 75247-5012
Telephone: (214) 941-8300
dgarcia@lulac.org

Luis Roberto Vera, Jr.
Texas State Bar No. 29546740
ATTORNEY AND COUNSELOR AT LAW
407 West Ware Boulevard
San Antonio, Texas 78221
Telephone: (210) 225-3300
lvrlaw@sbcglobal.net

Counsel for Plaintiff Texas State LULAC

142.6M Election Advisory No. 2021-10 - NEWLAW SB 1111 (2021, Regular Session) Address Confirmation Process and Forms

A4: No. SB 1111 did not change the process for coming off of suspension when voting. All voters on suspension are required to complete a Statement of Residence prior to being accepted for voting. Once the Statement of Residence is complete and the election worker has accepted the voter for voting, the voter may vote a regular ballot, if otherwise eligible.

Q3: Would a ballot by mail voter who received the Notice to Confirm Voter Registration Address by Providing Documentation be required to submit a copy of their documentation with their returned mail ballot in order for their ballot to be counted?

A5: No. The process is the same for all voters. If a voter submits a complete Statement of Residence, the voter's ballot will be accepted, if otherwise eligible.

Q6: What if a voter who was previously sent a Notice to Confirm Voter Registration Address by Providing Documentation and did not provide a response, votes in person and completes a Statement of Residence with the same commercial address?

A6: The voter registrar has the authority to send out another Notice to Confirm Voter Registration Address by Providing Documentation. If the voter fails to respond to the new notice, the voter would be placed on suspension.

Q7: Are voter registrars required to review their list of registered voters to determine if voters are registered at a commercial address for the purpose of sending a Notice to Confirm Voter Registration Address by Providing Documentation?

A7: No. There is no requirement to proactively search for these addresses. However, if a voter's registration is challenged on such grounds or the voter registrar becomes aware of registration at a possible commercial post office box, they must send the Notice to Confirm Voter Registration Address by Providing Documentation to these voters.

KICA

HOUSE JOURNAL

FIFTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — TUESDAY, MAY 25, 2021

The house met at 10:41 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1421)

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernat; Biedermann; Bonnen; Bowers; Buckley; Buey; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddock; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fiero; Frank; Frullo; Gates; Geren; Gerwin-Hawkins; Goldman; Gonzalez, J.; Gonzalez, M.; Goodwin; Guerra; Guillen; Harless; Harris; Heffner; Hernandez; Herrewé; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jentz; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Kluck; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lujan; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Manjarrez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliversen; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shino; Slaton; Slawson; Smith; Smithae; Spiller; Stephenson; Stucky; Swanson; Talamo; Thierry; Thompson, E.; Thompson, S.; Tindholm; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Wall; White; Wilson; Wu; Zwiener.

Absent, Excused — Coleman.

Absent — Pacheco.

(Pacheco now present)

The invocation was offered by Representative Canales as follows:

Heavenly Father, we are gathered here in the spirit of progress and in desperate need of your love and abundant grace. We pray for our children—for their health and their education and that that education not fall victim to testing profiteers—and that our teachers be held on high and that their pensions be held even higher and out of the reach of greedy hands. We ask that you light a fire within our hearts—fire to support those men and women who first respond and who also fight the fires that burn our lands and our homes—and that you fill our hearts with the spirit of giving, so much so that our food banks overflow.

EXHIBIT

D-5

<https://www.sos.state.tx.us/elections/news/advisory2021-10.shtml>

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Absent, Excused — Coleman.

Absent — Ellzey, Herrem; Johnson, J.D.; Ramos.

STATEMENT OF VOTE

What Record No. 1450 was taken. I was in the house but away from my desk. I would have voted no.

Ellzey

Amendment No. 2

Representative Israel offered the following amendment to SB 1111:

Amend SB 1111 (house committee printing) by striking page 5, lines 6-10.

REPRESENTATIVE ISRAEL: This is an amendment designed to eliminate some duplicating language. On page 5, lines 6 through 10, are a duplicate of what's on the prior page.

Amendment No. 2 failed of adoption.

REPRESENTATIVE COLLIER: Representative Paul, I just wanted to go over these documents on page 3. It says: "Documentation of Residence for Purposes of Confirmation Notice Responses." So what I've gathered based on reading the bill is that what you're trying to prevent is a potential voter from moving into a particular precinct or district just because of the election. So is there a way that a voter can decide—how would you know that they're not doing that? Would that be the documentation that you're asking for?

PAUL: Yes. This is a bill to make sure that you don't move into—just register using one of those boxes for purposes of voting only.

COLLIER: Okay, and so I heard Representative Gonzalez talking about people who are homeless. My understanding is that a homeless individual can set their address at any location that they deem appropriate.

PAUL: Yes, that's not a box.

COLLIER: Okay. So if—

PAUL: It's like I said. They could register at 4th and Elm. If they're living off of 1-35 at 7th Street, they can put that and register at that address.

COLLIER: And so if they do that, how would you know that they were doing that to influence the outcome of an election? How would you be able to show that?

PAUL: Well, that wouldn't have anything to do with them and this bill because they are registered at an address. They used an address to register.

COLLIER: Okay, so if they are already registered. So what you're trying to get at is those individuals in between who already have an address and then they are moving to a new address for the sole purpose of—

PAUL: Then they would register at the new address. They wouldn't go register at some box somewhere.

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COLLIER: Okay. So if a person is in an in-between time—like say, for instance, I believe that DPS says that we have 30 days to change our driver's license. So if I'm in the between time—

PAUL: It doesn't apply to that.

COLLIER: It would not apply to that. All right. So then is any of the documentation on page 3, are any of these free to purchase or to obtain?

PAUL: Say again?

COLLIER: Are any of the documentation—so on page 3, you have listed what is acceptable to verify a voter's residence: a driver's license, a personal identification card, a license to carry, an appraisal district document showing the address that the person claims as a homestead, a utility bill—

PAUL: Yes, those are items that are declared by the DPS as lawful for showing of residence.

COLLIER: Sure. Are any of these free?

PAUL: Yes.

COLLIER: Okay, which one is free?

PAUL: I'm not advised right now.

COLLIER: You're not advised which one is free?

PAUL: There's free things on there. So this is—again, these are people that have already registered to vote. It's got nothing to do with registering. All it is confirming their residence. These are people that, if you had it to register to vote, if you had the free piece of documentation to register vote, you used it and voted. You registered. So it's the same.

COLLIER: Well, I understand you think it's simple, but I have constituents who are concerned that this may be an onerous requirement placed on them. So I just want to make sure there is something that is free.

PAUL: Whatever they had to register to vote, they have it. That means they had it, so it's not onerous.

COLLIER: But you're trying to crack down on those who you say are moving to influence the outcome of an election, right?

PAUL: They may.

COLLIER: Well, that's what the purpose of this bill is.

PAUL: Well, we know that's what people have done.

COLLIER: Well, I'm just saying so you're trying to crack down on that. So if I already have a voter registration card for my address, what you're trying to cut out is from me from moving to a different location—

PAUL: No, it's not.

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COLLIER: Well, you're saying that I need to prove that I didn't move to influence the outcome of an election. And in order to do that, I need to provide these following—

PAUL: It's got nothing to do with you moving.

COLLIER: Okay. Well, if I designate an address?

PAUL: If you're voting at the address that you reside in, this would never affect.

COLLIER: Okay, but I'm just trying to figure out how you can prove that someone didn't move to influence the outcome? How are you going to prove that it was that?

PAUL: They would have to register at this box. Because once you register at the box and you don't live there, then you would have a problem. Nobody moving is not a problem.

COLLIER: Isn't that what we do now?

PAUL: Say again?

COLLIER: I thought that that's what you do now. I thought that right now in order for me to register to vote I declare an address. So I don't understand the issue you're trying to address. What is the problem?

PAUL: It's up to law enforcement.

COLLIER: I'm sorry. What's up to law enforcement?

PAUL: To make a determination.

COLLIER: As to someone's address?

PAUL: If you did it illegally.

COLLIER: So who would bring those charges? Who would bring the complaint?

PAUL: If you registered in one of these boxes that you do not live at, then it would be breaking the law.

COLLIER: Okay, so who would file the complaint in this case to address your bill? If there's a violation of the provisions?

PAUL: The voter registrar or a citizen.

COLLIER: Any citizen can file a complaint?

PAUL: Yes.

COLLIER: And who would they file it with?

PAUL: With the voter registrar.

COLLIER: So they would file a complaint with the voter registrar who would then do what?

PAUL: Then they would investigate and make sure that's the case.

COLLIER: The voter registrar would investigate to make sure that the person did not move to influence an outcome of an election?

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PAUL: If they tried to say that they lived in a box.

COLLIER: That they lived in a box? You mean like a tent?

PAUL: No, if they lived in a box that you're calling a PO box.

COLLIER: Oh, okay. So if somebody—

PAUL: You have to say your address, so it can't be a box.

COLLIER: Well, the college students who get their mail at a PO box, is that address in the—

PAUL: It's got nothing to do with college students, and they're exempt from any of this.

COLLIER: I'm just trying to figure out—so if I find out that somebody has moved, they've checked a PO box, this is only addressing PO boxes?

PAUL: Again, it's got nothing to do with moving.

COLLIER: Okay. So this is me declaring a particular PO box? Is that what this is trying to address? Saying that you cannot use a PO box?

PAUL: You already can't register in a PO box. This is taking care of somebody that's in a commercial box.

COLLIER: I'm sorry? A what?

PAUL: A commercial box.

COLLIER: A commercial box?

PAUL: Have you been to a UPS store and seen those commercial mailboxes?

COLLIER: Okay. So can you give me an example of a commercial box so that we were clear?

PAUL: I just did.

COLLIER: I'm sorry, I don't know what that is. What is it?

PAUL: UPS.

COLLIER: UPS. Okay, thank you. So if somebody utilizes UPS as their address, you're saying that that's not going to be acceptable, because you believe that that's a loophole in the current law. I'm just trying to understand what your bill—

PAUL: That's correct. Yes, that can't be your residence.

COLLIER: Okay, all right. Well, thank you for clarifying that. So this bill doesn't have anything to do with someone who's homeless, because they're not going to use a UPS box, right?

PAUL: That's right. They're going to have to use whatever address they live at.

COLLIER: They're going to use 4th and whatever you said.

PAUL: That's right.

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COLLIER: 4th and Elm, right? Okay. So what we have gathered is that a person who declares a particular address, they will not be able to use anything that is offered for free, because the items that you have listed here all cost money.

PAUL: Well, they obviously have that because they registered to vote.

COLLIER: Well, I don't think every registered voter has money.

PAUL: Well, they must have had it because they registered to vote. You can't register to vote without that. It's got nothing with registration because people already registered.

COLLIER: There is a document that is free that is available through DPS, but I don't see that on your list. I don't see that on this list. That's all I'm saying. I don't see that document on this list. Would you be willing to accept an amendment that would provide for that document to be available as proof of residence?

PAUL: No, because we've already vetted this with the DPS. Anything else doesn't have that residency on it.

(Speaker in the chair)

SB 1111 was passed by (Record 1451): 81 Yeas, 65 Nays, 1 Present; not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Caprigione; Cason; Chardy; Cook; Craddock; Cyrier; Darby; Deant; Ellzey; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jenton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lennan; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Padden; Parker; Patterson; Paul; Price; Ramey; Rogers; Sanford; Schaefer; Schofield; Shaldeen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinscholtz; Todd; VanDeusen; Vauht; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campoo; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; Gonzalez, J.; Gonzalez, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Lonjoria; Lopez; Lucio; Martinez; Martinez Fischer; Mera; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Roenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Wall; Wu; Zwierger.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Gates; Johnson, J.D.

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTIETH DAY

(Tuesday, April 27, 2021)

The Senate met at 11:29 a.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

The roll was called and the following Senators were present: Alvarado, Bertencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menendez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Spangier, Taylor, West, Whitmire, Zaffrin.

The President Pro Tempore announced that a quorum of the Senate was present.

Senator Seliger offered the invocation as follows:

God of history, may our words today be not for us, but for those who do not live in democratic societies, for those who know privation, not plenty, for those whose opportunities are limited. May the world know that our guiding principles are reason, compassion, and peace and most of all, that our actions prove our words.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 27, 2021 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:



Tuesday, April 27, 2021 SENATE JOURNAL 1031

SENATE RULES SUSPENDED

On motion of Senator Bettencourt and by unanimous consent, all necessary rules were suspended to take up further consideration of SB 1111 on its second reading.

SENATE BILL 1111 ON SECOND READING

The President laid before the Senate SB 1111 by Senator Bettencourt on its second reading. The bill had been read second time, amended, and further consideration postponed to a time certain of 1:00 p.m. today.

SB 1111, Relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

Question: Shall SB 1111 as amended be passed to engrossment?

SB 1111 as amended was passed to engrossment by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwerner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

REMARKS ORDERED PRINTED

On motion of Senator Gutierrez and by unanimous consent, the remarks by Senators Bettencourt and Gutierrez regarding SB 1111 were ordered reduced to writing and printed in the Senate Journal as follows:

President: Senator Gutierrez, what purpose?

Senator Gutierrez: A few questions if I may, Mr. President.

President: Senator Bettencourt you yield?

Senator Bettencourt: Certainly.

Senator Gutierrez: Thank you, Senator. You know, certainly I'm always amazed about the difference between the House and Senate because we really do work things out here. We discussed a notion of putting it on a passport amendment. You and I talked about it, said why was it probably a good idea because passports don't have--

Senator Bettencourt: An address anymore, right. That's just penciled in.

Senator Gutierrez: That's right. And so, we talked about the things that prove up residency at DPS, Department of Public Safety, what others would know as the DMV, and I'm going to go through the list so that we can get some intent--

Senator Bettencourt: Sure.

Senator Gutierrez: --on, if we could. You're okay with current deed, mortgage, monthly mortgage statement, mortgage payment--

Senator Bettencourt: Sure.

Senator Gutierrez: --booklet, already in your bill, correct?

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Senator Gutierrez: Okay. Current automobile payment booklet or statement.

Senator Bettencourt: No, because those could be sent to P.O. boxes which we're trying to stop.

Senator Gutierrez: Okay. And current documents issued by the U.S. military or Veterans Administration indicating residential address.

Senator Bettencourt: Yes.

Senator Gutierrez: Okay. And these are all things, again, from the, from the DPS list. And so, you're suggesting to us that these are included in your bill, correct?

Senator Bettencourt: Right.

Senator Gutierrez: And lastly, on the second page, letter of Texas residency issued by the Texas Juvenile Justice Department.

Senator Bettencourt: Certainly.

Senator Gutierrez: Okay, at this time, Mr. President, could we please have these last remarks placed in the Journal for legislative intent?

(Senator Hughes in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1646 ON SECOND READING

Senator Perry moved to suspend the regular order of business to take up for consideration CSSB 1646 at this time on its second reading.

CSSB 1646, Relating to the definition of abuse of a child.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwerner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 1

Amend CSSB 1646 (senate committee report) in SECTION 2 of the bill, adding transition language (page 2, lines 52-54), by striking the following:

- (1) was born on or before August 31, 2010; and
(2)

MENÉDEZ
BLANCO
ECKHARDT

The amendment to CSSB 1646 was read and failed of adoption by the following vote: Yeas 12, Nays 19.

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Senator Bettencourt: Sure.

Senator Gutierrez: Valid unexpired Texas voter registration card is actually the problem that you're trying to address.

Senator Bettencourt: Right, because we're trying to not register private P.O. boxes that could have a mistake.

Senator Gutierrez: Okay. Unexpired Texas motor vehicle registration or title.

Senator Bettencourt: Sure.

Senator Gutierrez: A valid unexpired Texas boat registration or title is in your bill.

Senator Bettencourt: Sure.

Senator Gutierrez: Okay. Valid unexpired Texas concealed handgun license or license to carry.

Senator Bettencourt: Sure.

Senator Gutierrez: Utility or residence service bill dated within 90 days of date of application.

Senator Bettencourt: Sure, the utility bills are already in it.

Senator Gutierrez: Okay. And selective service card--

Senator Bettencourt: Is a no because we don't think there's an address on it.

Senator Gutierrez: Right. Current homeowners or renters insurance policy statement.

Senator Bettencourt: Should be, yes.

Senator Gutierrez: Okay. Current automobile insurance policy statement.

Senator Bettencourt: Sure.

Senator Gutierrez: Let's talk about Texas high school, college, or university report card or transfer.

Senator Bettencourt: We don't think there's an address on it, so no.

Senator Gutierrez: Okay, fair enough. A preprinted W-2, 1099, or 1098 tax form from an employer or governmental or financial--

Senator Bettencourt: With--

Senator Gutierrez: --institution.

Senator Bettencourt: --without an address, no.

Senator Gutierrez: Okay. And mail or printed electronic statements from financial institutions that have an address. Would that be, suffice?

Senator Bettencourt: Within 90 days, sure.

Senator Gutierrez: Within 90 days. Electronic statements from a federal, state, county, or city governing agency or third party representing government agency dated within 90 days of date of application.

Senator Bettencourt: Right, without an address, no.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC:
VOTO LATINO,

Plaintiff,

v.

BRUCE ELFANT, in his official capacity as the Travis County Tax Assessor-Collector; JACQUELYN CALANEN, in her official capacity as the Tarrant County Elections Administrator; ISABEL LONGORIA, in her official capacity as the Harris County Elections Administrator; YVONNE RAMÓN, in her official capacity as the Hidalgo County Elections Administrator; MICHAEL SCARPELLO, in his official capacity as the Dallas County Elections Administrator; LISA WISE, in her official capacity as the El Paso County Elections Administrator.

Defendants,

and

KEN PAXTON, in his official capacity as Attorney General of Texas; LUPE TORRES, in their official capacity as Medina County Election Administrator; TERRIE PENDLEY, in her official capacity as the Real County Tax-Assessor Collector.

Intervenor-Defendants.

Case No. 1:21-cv-00546-LY

**PLAINTIFF TEXAS STATE LULAC'S RESPONSES AND OBJECTIONS
TO INTERVENOR ATTORNEY GENERAL KEN PAXTON'S FIRST SET OF
REQUESTS FOR PRODUCTION AND INTERROGATORIES**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Procedure, Plaintiff Texas State LULAC ("LULAC"), through undersigned counsel, hereby submits the following Objections and Responses to Intervenor-Defendant Ken Paxton in His Official Capacity as Texas Attorney



General's (hereinafter the "State") First Set of Requests for Production and First Set of Interrogatories as follows:

PRELIMINARY STATEMENT

Discovery is ongoing and LULAC has not yet completed its investigation. These responses are based on the information and documents currently available to LULAC, and LULAC reserves its right to alter, supplement, amend, or otherwise modify these responses and objections herein, and to assert additional objections or privileges, in any subsequent supplemental response(s).

By making the accompanying responses and objections to the State's document requests and interrogatories, LULAC does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such responses and documents into evidence in this action, or in any other proceedings, on any and all grounds including, but not limited to, competency, relevancy, materiality, and any applicable privilege. Further, LULAC makes the responses and objections herein without in any way implying that it considers the requests or interrogatories, or its responses to same, to be relevant or material to the subject matter of this action.

A response to a document request stating objections and/or indicating that documents will be produced shall not be deemed or construed to mean that there are, in fact, responsive documents or that LULAC acquiesces to the characterization of the conduct or activities contained in the document request or in the definitions and/or instructions applicable to the document request.

GENERAL OBJECTIONS

1. LULAC objects to the State's Requests to the extent that they extend beyond the scope of the State's limited intervention under Section 2403(b). LULAC incorporates by reference the objections set forth in Plaintiff's Motion for Protective Order, ECF No. 87, filed on December

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(b) The identity of each person having person or expert knowledge of the facts contained in the answer to subpart (a) of this interrogatory;

(c) The identity of each document (including, but not limited to any books, periodicals, reports, studies, or technical manuals) which contains information which tends to substantiate the facts alleged in the answer to subpart (a) of this interrogatory; and

(d) How the alleged provision(s) contributed to each plaintiff's injuries in this case.

Response to Interrogatory No. 2: Subject to and without waiving any its General or Specific Objections to Interrogatory No. 2, LULAC responds as follows:

(a) Plaintiff LULAC incorporates the Statement of Facts and Law in its Complaint, ECF No. 1.

(b) Plaintiff LULAC incorporates its initial disclosures, served on September 13, 2021, as well as the Expert Report of John Holbein, served on November 19, 2021.

(c) Plaintiff LULAC identifies the following documents:

- i. Senate Bill 1111, available at <https://capitol.texas.gov/tlodocs/87R/bills/01111/01111.pdf#page=0>
- ii. Senate Bill 1111, Legislative History, available at <https://capitol.texas.gov/Bills/History.aspx?legSession=87R&Bill=SB1111>
- iii. Governor Greg Abbott's 2019 State of the State Address, <https://gov.texas.gov/news/post/governor-greg-abbott-delivers-state-of-the-state-address>
- iv. Matt Levin, *How California ex-pats are helping turn Texas into a battleground state*, Cal Matters (Oct. 8, 2020), <https://calmatters.org/politics/2020/10/california-ex-pats-texas-battleground-state>
- v. Tim Henderson, *Texas, South Face Political Changes as Movers Arrive*, Pew Charitable Trusts (Jan. 13, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/13/texas-south-face-political-changes-as-movers-arrive>
- vi. Ashley Lopez, *Turnout among young Texas voters exploded in 2018. Groups want to make it even bigger in 2020*, Texas Tribune (Sept. 14, 2019), <https://www.texastribune.org/2019/09/24/young-texas-voter-turnout-exploded-2018-some-want-it-even-bigger-2020/>
- vii. Paul Venema, *The youth vote in Texas is up by more than 600% from last presidential election*, KSAT (Oct. 27, 2020), [https://www.ksat.com/story/2020/10/27/the-youth-vote-in-texas-is-up-by-more-than-600-from-last-](https://www.ksat.com/story/2020/10/27/the-youth-vote-in-texas-is-up-by-more-than-600-from-last/)

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1, 2021.

2. LULAC objects to the State's Requests to the extent that they seek documents and materials protected by the attorney-client privilege, the work-product doctrine, or any other privilege recognized by law.

3. LULAC objects to the State's Requests to the extent that they seek information protected by associational rights guaranteed under the First Amendment to the United States Constitution.

4. LULAC objects to the State's Requests to the extent that they purport to impose obligations on LULAC greater than what the Federal Rules of Civil Procedure and other applicable laws require.

5. LULAC objects to the State's Requests to the extent that they seek discovery of information from sources that are not reasonably accessible in light of the burdens or costs required to identify, locate, restore, review, and produce whatever responsive information may be found.

6. LULAC objects to the State's Requests to the extent that they seek documents that are not relevant to the claims and defenses asserted in the underlying action.

7. Each of these General Objections is hereby specifically incorporated into each set of the Specific Objections and Responses set forth below.

SPECIFIC RESPONSES AND OBJECTIONS

Interrogatory No. 1: Identify by code and section number the provisions of the Texas Election Code that you are challenging in the Lawsuit.

Response to Interrogatory No. 1: LULAC is challenging the following provisions of the Texas Election Code: Texas Election Code §§ 1.015(b), 1.015(f), 15.051(a), 15.053(a), and 15.054.

Interrogatory No. 2: With respect to each provision alleged in the answer to Interrogatory No. 1, state the following:

(a) The facts which form the basis for the challenge to each provision identified;

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- vi. Elizabeth Redden, *Young Voters Preferred Biden – With 1 Exception*, Inside HigherEd (Nov. 5, 2020), <https://www.insidehighered.com/news/2020/11/05/analysis-skeels-first-light-youth-voting-trends>
- vii. Enrollment Forecast, Texas Higher Education Coordinating Board (Jan. 2017), <http://www.thecb.state.tx.us/DocID/PID/9111.PDF>
- viii. Expert Report of John Holbein, served on November 19, 2021.

LULAC objects to this Interrogatory to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

LULAC further objects to subpart (d) of this Interrogatory as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiff's Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Request for Production No. 1: Produce all documents identified in response to subpart (c) of Interrogatory No. 2.

Response to Request for Production No. 1: Subject to, and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 1, which lists publicly available documents accessible through the links included above, and the Expert Report of John Holbein, which has been served on all parties in this matter.

LULAC also objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 3: Identify all documents which contain information which tends to substantiate the allegation that the provisions identified in Interrogatory No. 1 "interfere with the basic freedom of political expression by prohibiting Texas voters from establishing residence for the purpose of influencing elections" as described in ¶ 7 of your Complaint.

Response to Interrogatory No. 3: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case in seeking "all documents which contain information which tends to substantiate" the proposition that prohibiting individuals from establishing residence for the purpose of influencing elections impermissibly violates the First Amendment. The category of documents sought is vast and would require LULAC to guess at its scope.

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Request for Production No. 2: Produce all documents identified in Interrogatory No. 4.

Response to Request for Production No. 2: LULAC presumes that the State intended for Request for Production No. 2 to read "Produce all documents identified in Interrogatory No. 3."

Proceeding under that presumption, subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate" the proposition that prohibiting individuals from establishing residence for the purpose of influencing elections impermissibly violates the First Amendment. The category of documents sought is vast and would require LULAC to guess at its scope.

LULAC further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 4: Identify all documents which contain information which tends to substantiate the allegation that the provisions of the Texas Election Code identified in response to Interrogatory No. 1 "restrict registration opportunities for Texans who have temporarily relocated by prohibiting voters from designating previous residences as their fixed places of habitation even if they consider those residences to be their homes" as described in ¶ 7(b) of your Complaint.

Response to Interrogatory No. 4: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate" the allegation that SB 1111's provisions "restrict registration opportunities for Texans who have temporarily relocated." The category of documents sought is vast and would require LULAC to guess at its scope.

Request for Production No. 3: Produce all documents identified in response to Interrogatory No. 4.

Response to Request for Production No. 3: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate" the allegation that SB 1111's provisions "restrict registration opportunities for Texans who have temporarily relocated." The category of documents sought is vast and would require LULAC to guess at its scope.

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LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate the allegation" that SB 1111 will particularly burden "college students and other young voters." The category of documents sought is vast and would require LULAC to guess at its scope.

LULAC further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Request for Production No. 6: Produce all documents which contain information which tends to substantiate the allegation that "Texas State LULAC must divert substantial resources and attention from other critical missions to address the adverse impacts SB 1111 will have on its members and constituents and assist them in surmounting these new barriers to registration and voting" as described in ¶ 19 of your Complaint.

Response to Request for Production No. 6: LULAC objects to this Request as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking every single document that "contain[s] information which tends to substantiate" that LULAC will be required to expend and divert additional funds and resources to combat SB 1111's effects. The category of documents sought is vast and would require LULAC to guess at its scope.

LULAC further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege.

Request for Production No. 7: Produce all statements, public or otherwise, relating to SB 1111, including press releases, newsletters, campaign letters or signs, news articles, op-ed pieces, testimony, postings or messages published on blogs and/or social media websites, and communications with voters, supporters, or donors pertaining to SB 1111.

Response to Request for Production No. 7: LULAC objects to this Request as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking every single public or private statement relating to SB 1111—even those not made by LULAC—and all "communications with voters, supporters, or donors pertaining to SB 1111."

LULAC further objects to this request on the grounds that it seeks documents and communications

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require LULAC to guess at its scope.

LULAC further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 5: Identify all documents which contain information which tends to substantiate the allegation that the provisions of the Texas Election Code identified in response to Interrogatory No. 1 "burdens voters who rely on post office boxes for their residences by conditioning their registration on the production of additional documentation" as described in ¶ 7(c) of your Complaint.

Response to Interrogatory No. 5: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate the allegation" that SB 1111's provisions "burden[] voters who rely on post office boxes." The category of documents sought is vast and would require LULAC to guess at its scope.

Request for Production No. 4: Produce all documents identified in response to Interrogatory No. 5.

Response to Request for Production No. 4: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate the allegation" that SB 1111's provisions "burden[] voters who rely on post office boxes." The category of documents sought is vast and would require LULAC to guess at its scope.

LULAC further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Request for Production No. 5: Produce all documents which contain information which tends to substantiate the allegation that "[SB 1111] will have a particularly burdensome impact on college students and other young voters" as described in ¶ 9 of your Complaint.

Response to Request for Production No. 5: Subject to and without waiving its General or Specific Objections, LULAC incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

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that are protected by the First Amendment privilege. For example, disclosure of LULAC's communications with "voters, supporters, or donors" would chill the exercise of LULAC's and its constituents' rights to associate for expressive purposes.

Interrogatory No. 6: Identify each county or county election official you have communicated with regarding SB 1111 prior to June 22, 2011.

Response to Interrogatory No. 6: Subject to, and without waiving its General and Specific Objections to this Interrogatory, LULAC responds that it did not communicate with any county or county election official regarding SB 1111 prior to June 22, 2011.

LULAC also objects to this request as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

LULAC further objects on the grounds that this request seeks information that is not relevant to any claim or defense in this case.

Request for Production No. 8: Produce all documents regarding communications with the county or county election officials identified in Interrogatory No. 6.

Response to Request for Production No. 8: Subject to and without waiving its General or Specific Objections, LULAC states that it did not communicate with any county or county election official regarding SB 1111 prior to June 22, 2011 and therefore has no documents responsive to this request.

LULAC also objects to this request as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking all communications with any county or county election official identified in Interrogatory No. 6.

LULAC further objects on the grounds that this request seeks documents that are not relevant to any claim or defense in this case.

Request for Production No. 9: Produce all documents regarding communications with the county or county election officials identified in Interrogatory No. 6 after June 22, 2011.

Response to Request for Production No. 9: LULAC objects to this Request as outside the scope of the State's limited intervention under Section 2403(b), and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

LULAC also objects to this request as overly broad, unduly burdensome, and disproportionate to

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the needs of this case in seeking all communications with the county or county election officials identified in Interrogatory No. 6.

LULAC further objects on the grounds that this request seeks documents that are not relevant to any claim or defense in this case.

Dated: December 8, 2021

Respectfully submitted,

/s/ Uzoma Nkwonta

Uzoma N. Nkwonta*
Kathryn E. Yukevich*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
unkwonta@elias.law
kyukevich@elias.law

Counsel for Plaintiffs Texas
State LULAC and Voto Latino

*Admitted Pro Hac Vice

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On this very day, about 1,000 new residents will call Texas home. That happens almost every day.

Whether you like that or not, we can never lose sight of the reason so many people make life altering decisions to uproot their families and businesses and chart new paths – paths that guided them to Texas.

They were fed up with big government policies increasingly running their lives and imposing burdensome regulations.

They were taxed out of their states that some of their families had lived in for generations.

The cost of doing business imposed by heavy-handed special interest groups simply became too oppressive.

They needed an escape. They longed for freedom. They wanted hope.

They found it in Texas.

We may not be perfect, but to all the newcomers I talk to, they think Texas is a governmental Holy Grail.

The newcomers have joined with long-time Texans, and together we have forged what has become the most powerful state in America.

Texas leads the nation in new job creation. And we have the fastest growing economy in America.

A by-product of this success is a prosperity that touches all corners of our state. Texas recorded its lowest unemployment rate ever. And wages are rising.

Digging deeper, you'll see that we lead the nation in jobs created by African-American business owners and Hispanic women business owners. And get this – Texas is now number one for Women Entrepreneurs.

Women like Tamala Austin, a Houston entrepreneur who founded J.I.V.E Juice out of her home nearly 7 years ago. She worked tirelessly to grow her business across the Houston area, all while working another job full-time and raising a teenage daughter.

Office of the Texas Governor | Greg Abbott

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Governor Abbott Delivers State Of The State Address

February 5, 2019 | Austin, Texas | [Press Release](#)

**Governor Abbott often deviates from prepared remarks

Thank you Lt. Governor Patrick.

I am honored to work with you and Speaker Bonnen as we embark on this new session.

A session, by the way, that will etch landmark achievements into this already historic chamber.

I also want to thank the Deans of the two chambers for their leadership — Representative Craddick and Senator Whitmire.

And thanks to the members of the House and Senate, the Judiciary, statewide officials, and our fellow Texans.

I'm especially proud to have by my side, my wife Cecilia — the fabulous First Lady of the greatest state in America.



spiration, hard work, and drive – they pay off in Texas. They paid off for Tamala.

J.I.V.E Juice recently became the first African-American-owned juice company to be carried by Whole Foods. I've seen for myself – when women succeed, Texas succeeds.

And we all know about another number one ranking – Texas is number one in oil and gas production.

In fact, America will be energy independent by next year.

And as Brooks Landgraf knows, one word makes our energy independence possible – Texas.

And Todd Hunter, with our new LNG export facilities, Texas is helping emerging economies across the globe wean themselves off of coal and instead use clean burning natural gas produced right here in Texas.

And even with increased oil and gas production, we have lowered nitrogen oxide levels by 45%.

This reduction in pollutants is equal to removing more than 85 million passenger cars off of Texas roads.

As meaningful as the oil and gas industry is to our economy, the fact is the Texas economy is more diversified today than ever before.

From aerospace to cybersecurity, financial services to manufacturing, from Fortune 500 companies to small businesses and startups.

Texas is the premier economic destination in the United States. And Texas has led the nation in exports for 16 years straight.

And for the past 5 years we've led the nation in tech exports.

Now more than ever, the most powerful label is: "Made in Texas."

--

Importantly, our economic might is not limited to our cities.

It touches smaller communities across the state.

Job creating projects have broken ground in places ranging from Amarillo to Brownsville, Lufkin and Mt. Pleasant, Temple and Paris, Texas.

These business expansions are a result of the Texas Enterprise Fund, which promotes economic diversification.

Our collective work has led to record acclaim — and some impressive hardware.

The Governor's Cup is given to the state that leads the nation for the most new and expanded business facilities. For the past 4 years, Texas has been ranked number one.

We are joined today by representatives of the Metro 8 Chambers of Commerce.

These chambers and their peers across the state work with us to keep Texas #1 for business.

They are holding the four Governor's Cups that you helped Texas earn the past four years.

These trophies are a tangible reminder of the excellence that we achieve when we work together.

Texas remains America's prime destination for businesses and job-seekers — in part because of actions of Senators and Representatives in this Capitol that helped foster opportunities for Texas' economic prowess.

You spurred more investment and business start-ups by slashing regulations and by cutting the business margins tax.

You funded a road building strategy that provides more than \$7.5 billion for road construction each year.

You passed laws that crack down on dangerous gangs and human traffickers who threaten our citizens.

When you combine our legislative achievements with our ground-breaking prosperity, we have elevated Texas to rarefied status.

And I'm proud to tell you the state of Texas has never been better.

We have accomplished so much. But you know as well as I do, more must be done to fulfill the promise of Texas.

This session, for just the next few months, we have a unique window of opportunity to tackle some challenges that have plagued Texas for more than a generation.

Our mission begins with our students.

We are graduating more students from high school than ever before.

But we have more students graduating who are not ready for college or a career.

Here's the problem — only about 40% of 3rd graders are reading at grade level by the time they finish the 3rd grade.

Not surprisingly, less than 40% of students who took the SAT or ACT were prepared for college.

To improve this, we must target education funding to help our students achieve in school. That starts with teachers in the classroom.

Other than parents, no one is more vital to our students' education than teachers.

Texas must recruit and retain the best and brightest teachers to educate our students. This session, we must pay our teachers more.

And you helped make our schools better. More students are graduating from high school and college than ever before.

We have more public high schools ranked in the Top 100 and more Blue Ribbon public schools than any state in America.

Higher education is also better. In the past four years we exceeded our goal of doubling the number of tier one universities.

Today, Texas is home to nine tier one universities. We are on the path to becoming America's epicenter for research and innovation.

Take just one example. Dr. Jim Allison of The University of Texas MD Anderson Cancer Center.

J. M. Lozano, get this. Last year, Dr. Allison, a native of Alice, Texas won the Nobel Prize in medicine for developing a revolutionary way to treat cancer.

Proving once again that the minds of Texas are changing the world.

Not only is Texas smarter than ever, we're also safer.

Last session, you acted in bipartisan fashion to protect the most vulnerable children by reforming a broken foster care and child protective system.

And thanks to the leadership of Senator Royce West and Representative Phil King, we are keeping our law enforcement officers safer by providing them rifle-resistant vests.

We must provide incentives to put effective teachers in the schools and classrooms where they are needed the most.

And we must create a pathway for the best teachers to earn a six-figure salary.

The teacher pay system used by Dallas ISD shows this strategy works.

When I visited Blanton Elementary in Dallas, I met an outstanding teacher who was only in his third year and already making more than \$90,000.

Teachers across Texas should have that opportunity.

With Senator Taylor and Representative Huberty leading the reform effort, I know we can get this done.

Working together, we will create a Texas where every student is reading at grade level by the time they finish the third grade.

Where every child, regardless of their zip code, receives a quality education.

And where every student graduates with more than just a diploma.

They will graduate with the tools they need to excel in college or a career.

That's precisely what is being done in districts like Dallas, San Antonio, Longview, Pharr-San Juan, and Premont.

I want to thank the superintendents with us here today, including Superintendents Hinojosa, Martinez, Wilcox, King, and VanMatre, for implementing these transformative strategies.

Rarely has Texas witnessed such bi-partisan, bi-cameral support for an issue this substantial this early in a session.

I credit the leadership of the Speaker and Lt. Governor. I also credit all members of the House and Senate for listening to your constituents.

And I especially appreciate those who worked this past year on the School Finance Reform Commission.

3/23/22 2:11 AM

California expats are helping turn Texas into a battleground state - CalMatters

to its politics over the last decade. While Barack Obama lost Texas by 16 points in his 2012 re-election bid, in 2016 Hillary Clinton closed that gap to single-digits. Two years later, Democrat Beto O'Rourke lost to incumbent Republican Senator Ted Cruz by less than three points.

The improving performance of Texas Democrats tracks well with the exodus of Californians into Sun Belt states over the past two decades. Since 2008, more than 700,000 Californians have moved to Texas, at first propelled by the Great Recession and later by their home state's increasingly untenable cost of living.

The parts of Texas where Californians are most likely to move – the sprawling suburbs of Houston, Dallas and Fort Worth – are now politically competitive in a way that was unfathomable 20 years ago.

Henson warns it's seductively reductionist to attribute Texas' rapid statewide purpling simply to California expats. When you factor in the number of Texans that have moved to California over the last decade, the net political effect on a state with 29 million people is less progressive tidal wave and more trickling blue-ish tributary. With a rising Latino population and growing metropolitan areas, Texas' internal demographic shifts have combined with out-of-state immigration (not just from California) to alter its politics.

It's also a mistake to think everyone from California moving to Texas drove there in a Prius adorned with a "Billionaires can't buy Bernie" bumper sticker. While precise polling on ex-Californians' political persuasions is hard to find, loads of anecdotal evidence suggest a decent chunk of Golden State emigres are fleeing the state precisely because of its progressive culture.

<https://calmatters.org/pollbook/2020/10/california-expats-texas-battleground-state/>

2:11 AM

California expats are helping turn Texas into a battleground state - CalMatters

But the parts of Texas where Californians are most likely to move – the sprawling suburbs of Houston, Dallas and Fort Worth – are now politically competitive in a way that was unfathomable 20 years ago. Even if progressive Californians aren't numerous enough to push Texas away from Trump, they can still tilt congressional and state legislative races. In many places, they already have.

"Those areas, particularly the suburban and exurban areas outside of Texas metros, have become ground zero for a much more competitive Texas in which the Republican hegemony that has been so uniform here for the last twenty years has come under siege," said Henson.

Texas Democrats enlisting California expats

You won't find a bigger fan of Californians than Deborah Peoples, chair of the Tarrant County Democratic Party. She says she's gotten so used to running into Californians in her native state, she can spot one just by looking at them.

"There's something about the way they walk or something," said Peoples. "I usually say 'Are you from California?' and 99% of the time I'm right."

Historically, Republicans have dominated the vast majority of 902 square mile county, situated about 30 miles west of Dallas. In the past, Tarrant County's bluish-tinged cities of Fort Worth and Arlington were flanked by an overwhelmingly conservative block of rural voters. Lyndon Johnson was the last Democratic presidential candidate to win it.

"I think we're seeing this level of activism among Californians. When they get here they look at the political landscape, they say this doesn't look like where I came from, and what do I do to change it."

— DEBORAH PEOPLES, TARRANT COUNTY DEMOCRATIC PARTY

<https://calmatters.org/pollbook/2020/10/california-expats-texas-battleground-state/>

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California expats are helping turn Texas into a battleground state - CalMatters

But an influx of new arrivals, including thousands from out of state, has made Tarrant County the fifth fastest growing county in the country, swelling its population to over 2 million last year according to Census estimates. That has meant more volunteers for Peoples – especially recent transplants from Southern California and the Bay Area. At \$230,000 a pop, you can buy nearly three Tarrant County homes for the price of your average home in L.A. County.

"I think we're seeing this level of activism among Californians," said Peoples. "When they get here they look at the political landscape, they say this doesn't look like where I came from, and what do I do to change it."

The cracks in the Texas GOP's grip on Tarrant County began to show after 2016. O'Rourke carried the county by a little more than 3,000 votes – a shocker to local Republicans. Democrats also flipped a state Senate seat held by a long-term incumbent Republican.

Those gains have not gone unnoticed by national Democratic strategists. The Democratic National Committee is targeting an open congressional seat in Tarrant County, with money pouring in for the first time in decades.

"Don't California My Texas"

While Peoples may be elated with her new Californian neighbors, the Texas GOP is not rolling out the welcome mat. Like President Trump, Republicans statewide are using California's problems to mobilize their own voters. Homelessness and California's exorbitant cost of living are rhetorical go-to's.

"Don't California my Texas" was a popular campaign slogan for Texas Gov. Greg Abbott in his successful 2018 re-election. You can buy t-shirts and mugs with the slogan.

"California came to symbolize the kind of political change that Republicans were sure their voters did not want, in the sense that it symbolized a more liberal worldview," said Henson.

<https://calmatters.org/pollbook/2020/10/california-expats-texas-battleground-state/>

2:11 AM

California expats are helping turn Texas into a battleground state - CalMatters

In her neighborhood in Keller, an affluent suburb in Tarrant County, Dr. Myiesha Taylor says she doesn't hear anti-California rhetoric all that much. That's partly because she says most of her neighbors are from out-of-state anyway. She's more likely to meet someone from New York or New Jersey or Illinois than someone born and raised in Tarrant County.

Taylor's quick to note that she loves some parts of living in Texas. Cheap real estate meant she could buy a big home with enough space for her growing family. The first Texas home they bought in 2009 was 2,500 square feet – and only \$250,000.

Taylor also feels more respected as a physician in Texas than she did in California. Texans seem more inclined to respect authority and titles, and the "kumbaya" ethos of some of the California hospitals she worked in frequently made her job more difficult.

3/23/22, 2:11 AM

California ex-pats are helping turn Texas into a battleground state - CalMatters

But as a Black woman in a mixed race household, Taylor does say she misses the sense of security she felt when living in California. While she and her family laugh at the lawn sign incident, Taylor says it triggered a part of her that's never been quite so comfortable in her adopted home.

"You start to think 'how far will people go, how crazy are people really?'" said Taylor. "And then on those occasions, I think maybe if I were in California, I wouldn't have to worry so much about our safety."

IMAGE BY THE PEW CHARITABLE TRUSTS

California Exodus: An online industry seizes COVID-19 to sell the Red State Dream

Beyond the conservative Facebook memes and viral YouTube videos, has California reached a breaking point?



by Matt Levin | SEPTEMBER 8, 2020



Matt Levin

matt@calmatters.org

Matt Levin is the data and nousing dude for CalMatters. His work entails distilling complex policy topics into easily digestible charts and graphs, finding and writing original stories from data, yelling... More by Matt Levin

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Texas, South Face Political Changes as Movers Arrive | The Pew Charitable Trusts

Stateline

Texas, South Face Political Changes as Movers Arrive

STATELINE ARTICLE

January 13, 2020

By: Tim Henderson

Read time: 5 min



Trump supporters at an October rally in Dallas. An influx of voters from blue states is making politics more unpredictable in Texas and other red states.

Andrew Hamik/The Associated Press

Texas, Arizona and parts of the South are seeing the nation's largest population bumps — and the people moving there from more liberal states may be feeding political change in those red-state conservative bastions.

As people from California and New York discover the South and Southwest, they're finding friendly people and lower costs but aren't sure how they'll fit in politically.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/13/texas-south-face-political-changes-as-movers-arrive>

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Texas, South Face Political Changes as Movers Arrive | The Pew Charitable Trusts

"Politics is something I've learned not to discuss with the locals," said Mimi O'Brien Reese, who moved from the New York City suburbs to Oak Island, North Carolina, in 2017. "It's not my job to change the world so I just let it be. Where I live has a lot of transplants from New York, New Jersey and Connecticut, so I don't feel out of place."

There's dispute over whether the newcomers will change state politics in the South, as they may have in North Carolina, which elected a Democratic governor in 2016, or are "leftugees" fleeing liberal policies who will embrace conservatism.

Republican Texas Gov. Greg Abbott made a point, in his State of the State address last year, of saying movers from other states were "fed up with big government policies increasingly running their lives and imposing burdensome regulations."

Just five states accounted for most of the nation's sluggish population increase of about 1.5 million between July 1, 2018 and July 1, 2019: Texas, Florida, Arizona, North Carolina and Georgia, according to U.S. Census Bureau estimates released in December. (The increase includes population growth through births, domestic migration and immigration.) All five states voted for Donald Trump in 2016, and they all have GOP-dominated state legislatures. North Carolina is the only one with a Democratic governor.

At the same time, population loss worsened in New York, which lost nearly 77,000 people.

California gained only about 51,000 residents, a fraction of the 336,000 it gained as recently as 2014. A new analysis by Kimball Brace, a Virginia political consultant, concluded that if census population estimates are correct, California will lose a seat in Congress to Texas, though a lot depends on how thoroughly residents are counted in this year's census.

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Texas, South Face Political Changes as Movers Arrive | The Pew Charitable Trusts

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Texas, Southwest Dominate 2019 Population Growth

Change in population

More than 60% of the nation's population growth between 2018 and 2019 came in just five states: Texas, Florida, Arizona, North Carolina and Georgia.



1,552,022 U.S. change in population since 2018

-77K

368K

Show Data Table

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/13/texas-south-face-political-changes-as-movers-arrive>

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<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/13/texas-south-face-political-changes-as-movers-arrive>

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Texas, South Face Political Changes as Movers Arrive | The Pew Charitable Trusts

Source: U.S. Census Bureau estimates and Stateline analysis

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Texas friendliness was a big draw to Ping and John Bauer, who are planning a move this year from Orange County, California, once a Republican stronghold that has recently turned Democratic, to the Dallas suburb of Frisco. The couple, in their mid-50s — she considers herself Republican and he is independent — said they're looking forward to more socializing with neighbors.

"I literally do not know the names of my neighbors after 10 years here [in California]," said John Bauer, who is originally from Ohio. "When we were out there getting the new house set up, we had two people in one day introduce themselves and say, 'Hey, welcome to Texas!'"

The Bauers are moving to be near their daughter, who will attend college in Texas. John's work as a business consultant allows him to live anywhere. Property taxes might be higher in the Lone Star State, but its lack of state income tax helps. And they'll be able to trade a \$925,000 house in California for a custom-built home, more than twice as big at 4,600 square feet, for about two-thirds of the cost.

Net movers to Texas from other states increased 50% to more than 125,000, according to the census estimates.

It was the only state to see such a large increase. Net movers to Georgia grew 24% to about 50,000, and movers to Idaho were up 14% to about 27,000.

Texas has been a magnet for movers recently as rising oil prices have boosted its economy, said Pia Orrenius, a labor economist for the Federal Reserve Bank of Dallas. But the state's growing appeal also has made housing more expensive.

"We're still more affordable than the large metros in New York and California, which is where we've been pulling the bulk of migration," said Orrenius. "But we're not as affordable compared to the rest of the nation as we were 10 years ago. It's much harder to compete with the heartland."

During the oil price bust of 2014-2016, Texas population growth slowed but never stopped, noted state demographer Lloyd Potter, as the state's economy diversified to include more tech and knowledge industries.

<https://www.pewtrusts.org/en/research-and-analysis/topics/stateline/2020/11/13/texas-south-face-political-changes-as-movers-arrive>

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Texas, South Face Political Changes as Movers Arrive | The Pew Charitable Trusts

The politics change when young people moving to urban areas within the red states where they grew up meet newcomers from other states and new immigrant cultures.

"If you look at some of the swing districts that have historically been solidly Republican, they're becoming more competitive," Potter said. Six Texas Republicans have retired from Congress ahead of this year's election, and some of those seats may go to Democrats.

Young progressive movers tend to leave rural areas for Democratic cities, Potter said, and that also changes the politics. More than 90 Texas counties are losing population despite the overall boom, and they're mostly in small towns or rural areas, Potter added.

Arrivals from other states are part of an equation that is challenging Republicans in Texas and other states in the South and Southwest, said Cal Jillson, a political science professor at Southern Methodist University in Dallas.

Democrats are slowly taking over, especially in suburbs where new residents include immigrants from Asia and Latin America moving out of urban areas, where residents tend to be more educated and affluent, Jillson said.

The 2018 election showed that those suburban voters were making Texas politics more unpredictable, he said. Democrats gained two seats in the state Senate and 12 seats in the House in key suburban districts, though Republicans kept a majority in both chambers.

"I thought it would take a couple of decades before Texas became competitive on a regular basis, but the process has sped up," Jillson said. "Trump's election and his personality have rolled the traditional Republican voters in the suburbs here."

Even so, Trump is likely to carry Texas by a diminished margin after winning the state by 9 points in 2016, Jillson said, barring any further problems.

But some see Trump doing even better in Texas this year.

Chuck Devore, who was a Republican state legislator in California's Orange County before moving to Texas in 2011, said Texans are even more likely to vote for Trump now because of the economy and the conservative judges he has appointed.

"People may have been suspicious before," Devore said. "Now he has a track record that sits very well with the majority of Texans."

The conservative Texas Public Policy Foundation is planning to poll residents to see whether newcomers are more likely to be Democrats. Some studies suggest many could be

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Republicans and independents, like the Bauers, coming from Republican suburban strongholds in other states, said Devore, vice president of the foundation.

In Georgia, a fast-growing African American population in the Atlanta suburbs, including many moving from other states, led to similar gains for Democrats in 2018.

Jillson said it's common for New Yorkers and Californians new to the South to be reticent about talking politics until they get a sense of their neighbors, like O'Brien Reese.

"You're a newcomer in an area, and you're going to shut up and listen and learn, and then decide, 'Am I going to put up a Biden sign in my front yard, based on what I hear?' But the Democrats are going to find each other and talk," Jillson said.

Joe Akin, who moved to the Houston suburb of Richmond with his wife in August from Warwick, New York, said he hasn't broached the subject of politics with his neighbors, but he is happy with the affordability and nearby relatives from the Northeast.

"The taxes were lower, which is a big plus," said Akin, who is in his mid-50s. "The traffic is still a big issue. It's still really slow, just like in New York. But the difference is people don't get mad — it's just like, oh well, we're in traffic, and they just stay in their lane and stay calm."

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Turnout among young Texas voters exploded in 2018. Groups want to make it even bigger in 2020.

Texas has one of the worst voter participation rates — and youth voter turnout is particularly dire. But some see “a lot of potential” as one in three Texas voters are expected to be younger than 30 by 2022.

BY ASHLEY LOPEZ, KUT NEWS SEPT. 24, 2019 12 AM CENTRAL



Voters lined up to cast their ballots at Texas State University last November. © Mikala Compton for The Texas Tribune

The next presidential election is more than a year away, but groups working to get young people in the state civically engaged have been beefing up their operations for a while.

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One of those groups, MOVE Texas, has experienced a massive growth in staff, organizers and investments.

“Our budget has increased something near 900% in the past two years,” said Charlie Bonner, MOVE’s communications manager. “We are really seeing people start to invest in Texas in a way they never have before.”

Texas has one of the youngest populations in the country. In fact, only Utah, Alaska and the District of Columbia have younger populations — and not by much. It’s projected that by 2022, one in three voters in Texas will be under 30.

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“There is a lot of potential there,” said Victoria DeFrancesco Soto, a lecturer at the University of Texas at Austin’s LBJ School of Public Affairs. “Young folks don’t tend to register, don’t tend to vote at the same rates that older folks do.”

A historically bad investment

Low turnout in years past has hampered big investments into young voters until somewhat recently.

Texas has one of the worst voter participation rates overall — and youth voter turnout is particularly dire. In 2014, for example, just 8% of Texas youth turned out to vote.

Rae Martinez, who works for a youth voter engagement effort called Texas Rising, said investing in young voters. In Texas has largely fallen to nonprofits because campaigns see it as a bad investment.

“Sometimes when campaigns come along, the investment in young people isn’t as strong as maybe in organizations who primarily serve young people,” Martinez said. “Because campaigns have felt that young people wouldn’t turn out for them.”

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But things have started to change.

Triple the turnout

During the last election, turnout among Texas voters under 30 tripled compared with the previous midterm election.

“2018 reversed the trend that we’d been seeing in terms of decline in voter turnout among youth and among Latinos,” DeFrancesco Soto said.

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That change is also part of the reason the state experienced one of the closest statewide elections in decades, when Democratic Congressman Beto O’Rourke lost to incumbent Sen. Ted Cruz by less than 3 percentage points.

Martinez said that close election made it easier to raise money for efforts aimed at getting even more young people and people of color to vote.

Massive investments

“The increase in youth voter participation in 2018 — donors are excited about that,” Martinez said. “They want to see that continue to grow.”

And Texas Rising plans to register thousands of new young voters ahead of 2020.

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Bonner said between now and that presidential election, MOVE Texas alone plans to register 100,000 young voters.

“It’s a lot,” he said. “So we are massively scaling to be able to meet that and expanding into new cities, hiring new organizers and training as many young people as possible to be volunteer deputy registrars.”

It’s not just big investments in organizing that are slowly making Texas’ electorate younger. Martinez said young voters are also responding to policies and decisions being made that many of them don’t agree with.

“There’s a lot of bad stuff that’s happening right now,” Martinez said. “I think that people on campus that we are encountering want to do something. They want to have a say in the political process.”

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Looking to 2020

The combination of all this is why DeFrancesco Soto said she thinks youth voter turnout could be even bigger next year.

“I think we are going to see that trend continue — and then be popped up a little bit more by the sheer fact that you always have higher turnout, higher engagement in presidential year elections,” she said.

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And for organizers who have been doing this work for a while, this is about more than 2020. Bonner said this is also about investing in the state's future and making sure its electorate more accurately reflects its population.

"If we get [young] folks to vote in two to three elections, they become lifelong voters," he said. "And so this election, after that massive growth in 2018, it is going to be critical to creating that habit for young voters."

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Analysis sheds first light on youth voting trends

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Analysis sheds first light on youth voting trends

Young Voters Preferred Biden -- With 1 Exception

Analysis finds voters under age 30 preferred Biden over all, with young people of color voting for him by the largest margins. Young white men preferred Trump.

By [Elizabeth Redden](#) / [@elizabethredden](#) // November 5, 2020

Voters under age 30 leaned heavily Democratic, favoring Joe Biden over President Donald Trump by a wide margin (61 versus 36 percent) in the still-to-be-decided presidential election, but there were key differences among young voters across gender, racial and state lines, according to an analysis (<https://circle.tufts.edu/sites/default/files/2020-11/youth-share-and-the-impact-of-youth-of-color-in-key-states>) of exit polling data from the Center for Information and Research on Civic Learning and Engagement (CIRCLE) at Tufts University in Massachusetts.

In estimates that were revised Wednesday, CIRCLE's analysis found that young white men supported Trump by a six-point margin (51 versus 45 percent), while young white women favored former vice president Biden by 13 percentage points (55 to 42 percent).

Young voters of color favored Biden by larger margins than did young white voters. Young Black, Asian and Latino voters supported Biden by margins of 76, 69 and 51 points, respectively.

In Georgia and North Carolina, 90 percent or more of young Black voters chose Biden, while more than half of young white voters (54 percent in North Carolina and 63 percent in Georgia) favored Trump.

In Texas, Latinx voters supported Biden over Trump by a nearly 50-percentage-point margin (73 versus 25 percent), while a majority of young white voters preferred Trump (51 versus 45 percent for Biden).

CIRCLE does not have data on the estimated percentage of 18- to 29-year-old voters who are enrolled in college or have college degrees. In 2016, education levels were [prevalent](#) (<https://fivethirtyeight.com/features/education-not-income-predicted-who-would-vote-for-trump/>) in predicting who would vote for Trump, with the president racking up strong support among Americans without college degrees.

"In some ways, it shows how fractured young people have become in terms of polarization," Kei Kawashima-Ginsberg, CIRCLE's director, said of the findings about different youth voter preferences by gender and race. She noted for example that racism and climate change are among the top issues cited.

"You would think if they care deeply about climate change and racism, their presidential choice might be driven by the issue," she said. "But it's not panning out for the young white men. A majority seems to have chosen President Trump."

Over all, young voters chose Biden at higher rates than did individuals of any other age group. Young people voted for Biden over Trump at higher rates in 33 of the 39 states for which CIRCLE had data on Tuesday. A map of what the presidential map would look like if only young people had voted can be seen above. In such a scenario, all the major battleground states, plus Texas, would be blue, while only the heavily Republican states of Alabama, Indiana, Kansas, Kentucky, Mississippi and Tennessee would be red.

CIRCLE estimates that voters under 30 supported Biden by significant margins in some battleground states. Young voters appear to be on track for casting more votes than the total margin of victory in some key battleground states.

	Youth Share of Total Vote	Biden's Advantage in Youth Vote
Arizona	17%	+28%
Georgia	21%	+15%
Michigan	15%	+29%
North Carolina	16%	+16%
Pennsylvania	14%	+23%
Wisconsin	14%	+27%

In Wisconsin, where Biden is projected to have won by about 20,000 votes, young people cast an estimated 281,000 votes for Biden and 157,000 for Trump. In North Carolina, where Trump is leading by almost 77,000 votes but a victor has not yet been declared, Biden's 16-point advantage among young voters translates into a 140,000-vote advantage in youth votes.

CIRCLE estimates that nearly half of eligible young people — 47 to 49 percent — turned out to vote in the U.S. presidential election in 11 mostly battleground states: Arizona, Colorado, Florida, Georgia, Iowa, Montana, North Carolina, Ohio, South Carolina, Texas and Wisconsin.

If votes continue coming in at the same rate in each state, youth voter turnout across these states could rise to 51 percent to 53 percent," CIRCLE says in a press release. "For comparison, using the same sources and methodology, we estimate that youth turnout nationally was 42-44 percent in 2016 at this same moment."

<https://www.insidehighered.com/news/2020/11/05/analysis-sheds-first-light-youth-voting-trends>



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Analysis sheds first light on youth voting trends

turnout tends to be higher in the battleground states, and Kawashima-Ginsberg said it is too early to say whether youth voter turnout will be higher nationally this year compared to 2016.

"On the one hand, young people were really civically engaged, but there were so many barriers to voting," she said. She noted voter registration levels for 18- and 19-year-olds were below what she'd expect to see in a high-turnout year, which she attributed in part to the fact that many colleges and high schools are teaching remotely because of the coronavirus pandemic.

In the months leading to the election, advocates for youth voting

<https://www.kshd.com/news/2020/11/05/analysis-sheds-first-light-youth-voting-trends/>

about the confusion over changes to voter laws and efforts aimed at suppressing the Democratic-leaning youth vote.

CIRCLE estimates that voters under age 30 made up an estimated 17 percent of all voters in the U.S. presidential election, slightly more than their 16 percent share in the presidential election of 2016. Of the states for which data are available, Georgia had the highest share of youth vote (21 percent) and Kentucky the lowest (10 percent).

Read more by [Lisa Roth Redden](#) ([@lisarothredden](#))

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Agency Mission

The mission of the Texas Higher Education Coordinating Board is to provide leadership and coordination for the Texas higher education system and to promote access, affordability, quality, success, and cost efficiency through **60x30TX**, resulting in a globally competitive workforce that positions Texas as an international leader.

Agency Vision

The THECB will be recognized as an international leader in developing and implementing innovative higher education policy to accomplish our mission.

Agency Philosophy

The THECB will promote access to and success in quality higher education across the state with the conviction that access and success without quality is mediocrity and that quality without access and success is unacceptable.

The Coordinating Board's core values are:

Accountability: We hold ourselves responsible for our actions and welcome every opportunity to educate stakeholders about our policies, decisions, and aspirations.

Efficiency: We accomplish our work using resources in the most effective manner.

Collaboration: We develop partnerships that result in student success and a highly qualified, globally competent workforce.

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Please cite this report as follows: Texas Higher Education Coordinating Board (2016) Enrollment Forecast 2017-2030 Austin, TX

Enrollment Forecast 2017-2030 for Texas Colleges and Universities

Biennially since 1979, the Texas Higher Education Coordinating Board (THECB) has calculated enrollment trends and expectations, which are fundamental to higher education planning. In times of changing demographics, such as those Texas is experiencing, these forecasts become even more critical as they inform the higher education community about anticipated enrollment if current enrollment patterns continue. The Enrollment Forecast 2017-2030 is the 20th installment in the THECB's series on this important topic.

Enrollment Forecast Process

The methodology used to produce the enrollment forecast has remained relatively unchanged since 1979. For public colleges and universities, it uses five years of past enrollment from Texas counties, differentiated by age and race/ethnicity, and applies these enrollment rates to population projections prepared by the Texas Demographic Center (formerly the Texas State Data Center). Forecasts for independent colleges and universities are derived using simple linear regression, also based on five years of past data. The methodology for both public and independent institutions does not consider possible future changes that could affect enrollments, such as improvements in high school graduation rates, increases in higher education enrollment by racial/ethnic groups, or changes in local policies. For that reason, the forecast is conservative; it projects future enrollments if current trends continue.

The five years used to determine this forecast are fall 2011 through fall 2015. The growth rate at public and independent colleges and universities from fall 2011 through fall 2013 was -1.2 percent; this came after a period of very strong growth (7.5% from fall 2009 to fall 2011). From 2013 through 2015, modest growth was observed at 2.4 percent. The effect of this modest increase in enrollment is moderated by the negative growth rate from 2011 to 2013 and is complicated by demographic changes.

The enrollment forecast concludes that, if current patterns persist, Texas public and independent two-year and four-year institutions will grow from the 1.495 million enrollees in fall 2016 to 1.513 million in 2017 (or 90,000 more students more than in 2010 and 297,000 more since 2005). To begin the process of planning and preparing for the years beyond 2017, this report also estimates enrollments through 2030, which are predicted to be 1.7 million (see Tables 1 and 2).

The projections in this report are fairly similar to comparable years from the January 2015 Enrollment Forecast. The 1.57 million enrollments projected for 2020 are about 3,000 higher than projected in 2015 for that year, and the 1.641 million students for 2025 are about 3,000 fewer than the earlier 1.644 million estimate.

For public universities, preliminary fall 2016 enrollments totaled 637,000 students, or about 80,000 more students than in fall 2010. Enrollments at universities are projected to grow to 670,000 in 2020 (an 8.3% increase from 2015), to 705,000 in 2025 (a 5.2% increase from 2020), and to 732,000 by 2030 (a 3.7% increase from 2025).

Texas public two-year colleges generally have grown more rapidly than universities since the mid-1960s and are expected to continue to have more students than universities, despite the declines experienced from 2011 to 2014. Public colleges' enrollment for fall 2016 totaled 732,000 students, a decrease of about 11,000 since 2010, but an increase of about 152,000 students (27%) over fall 2005 enrollment. This enrollment forecast estimates a 7.2 percent

enrollment increase at public colleges from 2015 to 2020, a fairly modest increase moderated by the declines in 2011 to 2014. Texas public two-year colleges are expected to enroll about 770,000 students in 2020; 808,000 in 2025; and 837,000 in 2030, or about 105,000 more than projected for public universities in that year.

About 125,000 students enrolled in Texas' independent colleges and universities in fall 2016. Independent college enrollments are forecast to grow very modestly to 126,000 in 2020, 127,000 in 2025, and 128,000 in 2030.

No enrollment projections are made for health-related institutions because their enrollments are more closely tied to state policies than to state population changes, nor are projections made for career colleges because many lack a regional presence due to online offerings. Although not included in the forecast, Texas enrollments at these two institution types are available in the higher education accountability system.

Important Considerations

The following points should be remembered when reviewing this forecast: The Texas Demographic Center (TDC) periodically updates its population projections and reconsiders the migration scenarios that should be used for long-term projections. This enrollment forecast uses the TDC's 2015 population projections and, on the recommendation of the data center, the 0.5 migration scenario, which assumes rates of net migration that are one-half of those from 2000 to 2010.

The total population projected for 2017 used in the current enrollment forecast is 27,686,234, which is very close to the projection used for the 2015 forecast (0.3 percent lower). For the college-going 15-34 age group, the projected population is also very close at just 0.1 percent larger than prior projections. Because the population forecast is an integral part of the projection methodology, projected population has a direct effect on anticipated enrollments. The variations in the population projections used for the 2017 forecast versus the 2015 forecast were much slighter than the differences in projections observed between the 2013 and 2015 forecasts, resulting in predictions that were fairly similar to the 2015 forecast, particularly for the near future.

The other primary factor influencing projected enrollment is recent enrollment trends. As mentioned previously, fall enrollment at public and independent colleges and universities grew by 7.5 percent from 2009 to 2011, followed by a decline of 1.2 percent from 2011 to 2013, and an increase of 2.4 percent from 2013 to 2015. The decline from 2011 to 2014 at public two-year colleges has been tempered by the increases seen since 2014 and the conservative nature of the forecast methodology. Enrollment trends by region also influence the projection. Between 2015 and 2030, public university and two-year college enrollments in the four fastest growing higher education regions of the state – the Metroplex, Central Texas, Gulf Coast, and South Texas – are projected to account for almost 90 percent of the growth statewide, or about 176,000 enrollments out of a projected overall increase of about 199,000.

The forecast model is influenced strongly by historical in-state enrollment patterns at each institution and projected population changes by county. This forecast should not accurately reflect future enrollment if institutions recruit students from different geographic areas or ethnic groups. Institutional decisions to change or impose enrollment limitations would also reduce the forecast's accuracy.

Economics affect enrollment. Two-year college enrollment has usually expanded in times of increasing unemployment, in part because students want to update their skills to prepare for

better jobs or jobs in different fields. During the great recession, enrollments surged at two-year colleges, as seen from 2008 to 2010. The pattern of decreased enrollments at two-year schools from 2011 to 2014 were similar to what has happened many times before; when the economy comes back, many students, especially at the two-year level, bypass higher education for the workforce. Current projections predict modest, steady increases in enrollment, but unexpected economic changes may alter these predictions, as might a range of other variables

Table 1. Fall headcount enrollment forecasts, Texas institutions of higher education.

	Actual 2010	Actual 2015	Act. Prelim. 2016	Total Projections					
				2017	2018	2019	2020	2025	2030
Public Universities	557,550	619,175	637,275	644,456	653,265	661,435	670,481	705,448	731,798
Public Two-Year Colleges	743,252	718,547	732,472	742,743	751,890	761,332	770,128	807,954	836,524
Independent Universities	122,894	125,440	125,457	125,654	125,895	126,119	126,366	127,323	128,044
Total	1,423,696	1,463,162	1,495,204	1,512,853	1,531,051	1,548,876	1,567,025	1,640,724	1,696,366

Table 2. Forecasted changes in fall headcount enrollment.

	2010-2015		2015-2020		2020-2025		2025-2030	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Public Universities	61,625	11.1%	51,306	8.3%	34,867	5.2%	26,351	3.7%
Public Two-Year Colleges	-24,705	-3.3%	51,631	7.2%	37,776	4.9%	26,570	3.5%
Independent Senior Colleges and Universities	2,546	2.1%	926	0.7%	957	0.8%	721	0.6%
Total	39,466	2.8%	103,663	7.1%	73,699	4.7%	55,642	3.4%

Figure 1. Texas Higher Education Coordinating Board's 10 regions.



Table 3. Participation projections by region, Texas public institutions of higher education.

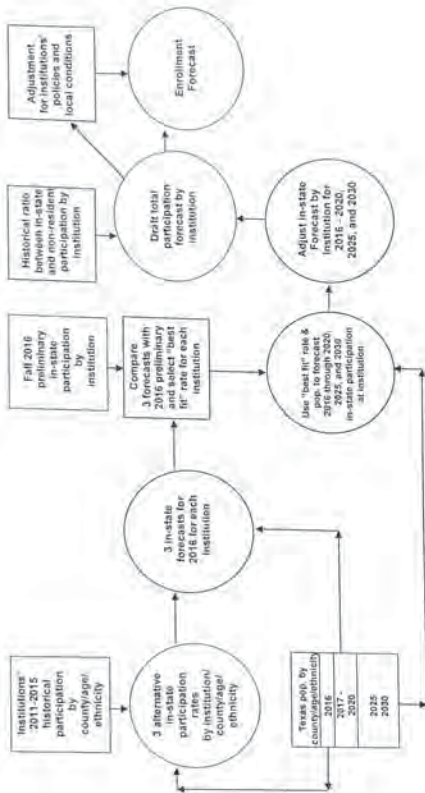
Institution Name	Actual 2010	Actual 2015	Prelim. 2016	2017	2018	2019	2020	2025	2030
Central Texas Region									
Central Texas Community College District	49,129	58,515	60,507	61,112	61,416	61,725	62,033	63,584	65,174
Texas A&M University	2,317	2,466	2,616	2,652	2,691	2,724	2,774	2,973	3,174
Texas A&M University-Central Texas	37,372	37,979	38,608	39,000	39,200	39,400	40,000	40,500	41,000
Texas State University	31,755	31,755	31,755	32,253	32,652	33,051	33,450	34,250	35,050
The University of Texas at Austin	135,213	149,910	153,059	156,061	158,966	161,766	164,566	167,466	170,366
University Subtotal	135,213	149,910	153,059	156,061	158,966	161,766	164,566	167,466	170,366
Austin Community College	41,382	38,000	39,189	40,212	40,966	41,660	42,423	45,572	48,401
Blinn College	17,236	19,152	19,814	19,929	19,972	19,972	19,972	19,972	20,734
Central Texas College	12,732	9,539	9,731	10,068	10,195	10,318	10,450	11,332	11,949
Hill College	4,429	3,977	4,073	4,105	4,130	4,167	4,200	4,264	4,329
McCombs Community College	9,912	8,300	8,764	8,799	8,811	8,838	8,851	9,077	9,373
Texas State Technical College-Victoria	5,566	5,048	4,932	4,992	5,063	5,152	5,232	5,778	6,131
Two-Year Colleges Subtotal	97,357	88,720	89,600	91,224	92,439	93,574	94,660	99,943	105,352
Central Texas Regional Totals	232,570	238,630	242,659	247,285	251,405	255,340	259,226	267,409	275,718
Gulf Coast Region									
Plains View Community College	8,781	8,268	8,009	8,041	8,055	8,093	8,139	8,357	8,472
Sam Houston State University	17,236	20,021	20,477	20,663	20,747	20,869	21,073	21,715	22,192
Texas A&M University at Galveston	1,867	2,324	2,204	2,232	2,236	2,246	2,246	2,305	2,362
Texas Southern University	9,557	9,965	8,862	9,005	9,049	9,103	9,161	9,442	9,657
University of Houston	38,752	42,704	43,774	44,327	44,879	45,504	46,279	50,088	52,341
University of Houston-Clear Lake	8,099	8,008	8,674	8,862	8,938	9,008	9,129	9,650	10,201
University of Houston-Downtown	12,990	14,253	14,242	14,585	14,773	14,972	15,193	16,273	17,173
University Subtotal	97,192	102,453	107,242	108,699	109,866	110,808	112,182	118,635	123,598
Alvin Community College	5,721	5,116	5,668	5,775	5,827	5,870	5,849	6,522	6,758
Brooks College	4,174	4,221	4,320	4,368	4,443	4,545	4,695	5,000	5,254
College of the Mainland Community Coll. District	4,352	4,013	4,000	4,049	4,067	4,091	4,095	4,160	4,268
Galveston College	2,418	2,071	2,201	2,206	2,228	2,252	2,271	2,363	2,438
Houston Community College System	49,717	46,342	47,263	47,473	48,100	48,794	49,487	52,974	55,169
Two-Year Colleges Subtotal	77,782	72,727	75,213	75,866	76,628	77,416	78,266	84,162	87,923
Gulf Coast Regional Totals	174,974	175,180	182,455	184,565	186,494	188,226	190,452	198,801	211,521
High Plains Region									
Lee College	6,719	6,202	7,072	7,257	7,308	7,371	7,416	7,702	7,866
Lone Star College System-Cy-Fair	16,661	18,857	20,096	20,219	20,292	20,365	20,438	20,813	21,200
Lone Star College System-Kingswood	9,807	11,477	11,385	11,386	11,486	11,586	11,686	12,000	12,367
Lone Star College System-North Harris	11,154	12,721	12,721	12,721	12,721	12,721	12,721	13,060	13,507
Lone Star College System-Tomball	15,213	14,985	14,651	14,978	15,157	15,338	15,527	16,521	17,108
Lone Star College System-Tomball	10,791	7,221	7,248	7,248	7,341	7,396	7,445	7,721	7,956
Lone Star College System-University Park	N/A	N/A	10,832	10,885	10,956	11,047	11,139	11,700	12,345
San Jacinto College-Central Campus	15,035	13,591	13,762	13,929	14,048	14,194	14,351	15,104	15,869
San Jacinto College-North Campus	6,573	7,985	8,181	8,219	8,315	8,426	8,540	9,117	9,477
San Jacinto College-South Campus	10,497	10,770	11,228	11,264	11,377	11,517	11,668	12,469	12,996
Texas State Technical College-Fort Bend	6,922	7,416	7,072	7,072	7,228	7,364	7,502	8,073	8,502
Wharton County Junior College	175,894	181,867	186,279	189,638	192,041	194,579	196,657	208,950	216,522
Two-Year Colleges Subtotal	272,064	287,340	295,521	298,537	301,707	305,335	309,069	327,704	339,920
High Plains Regional Totals	278,783	293,647	302,593	306,394	310,335	314,751	319,335	341,866	355,442
Metropolitan Region									
Texas Tech University	31,587	35,546	36,225	36,354	36,543	36,820	37,154	38,472	39,838
West Texas A&M University	7,839	9,402	9,601	9,601	9,601	9,601	9,601	10,538	10,780
University Subtotal	39,426	44,948	45,826	45,955	46,144	46,421	46,755	48,010	50,618
Amari College	11,540	9,576	9,529	9,727	9,831	9,962	10,094	10,700	11,010
Carroll College	1,583	1,243	1,483	1,490	1,495	1,465	1,494	1,534	1,599
Frank Phillips College	1,208	1,427	1,525	1,495	1,565	1,576	1,590	1,617	1,544
South Plains College	10,153	9,365	9,459	9,473	9,528	9,594	9,659	10,015	10,397
Two-Year Colleges Subtotal	24,484	21,711	21,996	22,235	22,400	22,617	22,838	23,866	24,450
High Plains Regional Totals	63,910	66,739	68,123	68,548	68,946	69,532	70,159	72,876	75,079
Metropolitan Region									
Tarrant County Community College District	9,340	12,333	13,063	13,217	13,294	13,367	13,466	13,767	14,335
Texas A&M University-Commerce	10,280	12,302	12,385	12,726	12,901	13,077	13,462	14,335	14,875
Texas Woman's University	14,008	15,146	15,518	15,615	15,861	16,126	16,406	17,662	18,575
The University of Texas at Arlington	32,975	37,008	39,714	40,276	40,840	41,446	42,084	45,268	47,421
The University of Texas at Dallas	17,128	24,554	26,791	26,997	27,626	28,328	29,077	32,561	34,110
University of North Texas	36,067	37,175	38,152	38,685	39,278	39,947	40,680	43,887	46,040
University of Texas at San Antonio	2,084	2,488	3,076	3,076	3,179	3,228	3,278	3,473	3,684
University Subtotal	121,882	141,006	148,431	149,909	152,155	154,626	157,284	169,255	175,962
Metropolitan Regional Totals	133,264	162,745	166,554	168,825	171,149	174,163	177,642	197,131	205,041

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Institution Name	Actual 2010	Actual 2015	Prelim. 2016	2017	2018	2019	2020	2025	2030
South Texas Region									
Collin County Community College District	26,591	27,658	29,158	29,765	30,689	31,617	32,532	35,507	36,198
Dallas County Community College District	10,447	10,367	10,012	10,100	10,211	10,345	10,492	11,333	11,998
DCCCD-Brookhaven College	5,924	5,955	6,069	6,089	6,122	6,165	6,205	6,466	6,729
DCCCD-Cedar Valley College	10,852	12,319	12,662	12,794	12,909	13,055	13,206	14,083	14,761
DCCCD-El Centro College	9,823	9,452	9,528	9,754	9,827	9,939	10,054	10,845	11,154
DCCCD-Mountain View College	10,904	8,948	8,322	8,785	8,857	8,951	9,053	9,716	10,685
DCCCD-Northland College	16,858	16,226	15,674	16,186	16,290	16,442	16,606	17,141	17,703
Grayson County College	5,034	4,453	4,549	4,662	4,674	4,697	4,729	4,844	4,798
Navarro College	9,482	9,400	9,209	9,316	9,400	9,484	9,568	9,614	9,619
North Central Texas Community College District	9,482	9,553	9,438	9,713	9,713	9,713	9,713	9,713	9,713
Tarrant County College District (TCCD) District	12,839	12,440	11,950	12,052	12,117	12,139	12,139	12,139	12,139
TCCD-Northeast Campus	12,839	12,440	11,950	12,052	12,117	12,139	12,139	12,139	12,139
TCCD-Northeast Campus	11,690	7,350	7,221	7,425	7,425	7,425	7,425	7,425	7,425
TCCD-South Campus	13,911	10,469	10,231	12,463	12,652	12,853	13,048	13,857	14,139
TCCD-Texas Tech College	4,519	6,698	6,926	7,141	7,266	7,403	7,533	8,056	8,208
Texas State Technical College-North Texas	5,651	0	275	597	746	858	901	946	965
Waller County College	187,804	185,654	185,892	189,923	192,779	195,793	198,607	211,221	217,883
Two-Year Colleges Subtotal	309,686	326,660	334,323	339,832	344,934	350,419	355,973	380,476	392,645
Metropolitan Regional Totals	6,133	5,734	5,682	5,243	5,779	5,816	5,855	6,003	6,089
Northwest Region									
Midwestern State University	6,133	5,734	5,682	5,243	5,779	5,816	5,855	6,003	6,089
University Subtotal	6,133	5,734	5,682	5,243	5,779	5,816	5,855	6,003	6,089
Cisco College	4,245	3,393	3,251	3,255	3,280	3,334	3,410	3,936	3,455
Ranger College	1,588	2,052	2,257	2,326	2,380	2,467	2,541	2,645	2,752
Texas State Technical College-West Texas	1,320	1,211	1,202	1,202	1,202	1,202	1,202	1,202	1,202
Western College	3,167	2,891	2,972	2,974	2,974	2,974	2,974	2,974	2,974
Western College	2,307	2,327	2,327	2,187	2,187	2,187	2,187	2,254	2,254
Two-Year Colleges Subtotal	13,127	11,574	12,182	12,303	12,403	12,546	12,706	13,463	13,120
Northwest Regional Totals	19,260	17,308	17,864	18,046	18,482	18,862	19,161	19,466	19,209
South Texas Region									
San Antonio Community College District (SACCD)	1,312	3,332	3,364	3,390	3,429	3,458	3,485	3,579	3,705
San Antonio Community College	15,921	16,656	16,705	16,910	17,119	17,291	17,441	17,920	18,678
San Antonio Community College	8,965	8,671	9,108	9,117	9,231	9,236	9,236	9,732	9,938
San Antonio Community College	25,269	20,638	18,674	18,851	19,085	19,296	19,486	20,205	20,974
San Antonio Community College	10,828	11,198	11,616	11,740	11,876	12,093	12,107	12,477	12,877
San Antonio Community College	4,348	4,436	5,044	5,074	5,075	5,111	5,108	5,201	5,385
San Antonio Community College	12,336	10,852	11,623	11,906	12,145	12,387	12,635	12,888	13,145
San Antonio Community College	9,994	8,990	9,108	9,326	9,492	9,647	9,788	10,073	10,657
San Antonio Community College	27,971	33,994	33,053	33,331	33,974	34,471	34,883	35,414	37,254
San Antonio Community College	6,235	5,608	6,439	6,474	6,491	6,516	6,552	6,575	6,932
San Antonio Community College	11,043	4,029	5,047	5,174	5,251	5,324	5,390	5,526	5,906
San Antonio Community College	5,779	4,789	5,765	5,958	6,044	6,132	6,209	6,399	6,772
San Antonio Community College	4,290	4,017	4,019	4,048	4,070	4,100	4,131	4,224	4,321
Two-Year Colleges Subtotal	144,191	136,910	139,617	141,310	143,282	145,073	146,645	150,224	156

Figure 2. Enrollment forecast development process



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This document is available on the Texas Higher Education Coordinating Board website: <http://www.thehc.state.tx.us>

For more information contact:

Julie Eklund
Strategic Planning and Funding
Texas Higher Education Coordinating Board
P.O. Box 12788
Austin, TX 78711
(512) 427-6533
Julie.Eklund@thehc.state.tx.us

23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION
TEXAS STATE LULAC; VOTO §
LATINO, §
§
PLAINTIFFS, §
§
v. §
§
BRUCE ELFANT, IN HIS §
OFFICIAL AS THE TRAVIS §
COUNTY TAX §
ASSESSOR-COLLECTOR; §
JACQUELYN CALLANEN, IN §
HER OFFICIAL CAPACITY AS §
THE BEXAR COUNTY §
ELECTIONS ADMINISTRATOR; §
ISABEL LONGORIA, IN HER §
OFFICIAL CAPACITY AS THE §
HARRIS COUNTY ELECTIONS §
ADMINISTRATOR; YVONNE §
RAMON IN HER OFFICIAL §
CAPACITY AS THE HIDALGO §
COUNTY ELECTIONS § CASE NO. 1:21-CV-00546-LY
ADMINISTRATOR; MICHAEL §
SCARPELLO, IN HIS §
OFFICIAL CAPACITY AS THE §
DALLAS COUNTY ELECTIONS §
ADMINISTRATOR; LISA WISE, §
IN HER OFFICIAL CAPACITY §
AS THE EL PASO COUNTY §
ELECTIONS ADMINISTRATOR §
§
DEFENDANTS, §
§
AND KEN PAXTON, IN HIS §
OFFICIAL CAPACITY AS §
ATTORNEY GENERAL OF TEXAS, §
LUPE C. TORRES, IN HER §
OFFICIAL CAPACITY AS §
MEDINA COUNTY ELECTIONS §
ADMINISTRATOR, AND TERRIE §
PENDLEY, IN HER OFFICIAL §
CAPACITY AS REAL COUNTY §
TAX ASSESSOR-COLLECTOR §
§
INTERVENOR-DEFENDANTS. §

1 APPEARANCES
2
3 ON BEHALF OF THE PLAINTIFFS:
4 MINDY JOHNSON, ESQUIRE
ELIAS LAW GROUP
5 1201 THIRD AVENUE, SUITE 4900
SEATTLE, WASHINGTON 98101-3099
6 (202) 968-4674
MJOHNSON@ELIAS.LAW
7
8 ON BEHALF OF THE INTERVENOR-DEFENDANT KEN PAXTON:
9 KATHLEEN HUNKER, ESQUIRE
ARI HERBERT, ESQUIRE
10 OFFICE OF THE TEXAS ATTORNEY GENERAL
P.O. BOX 12548 (MC-009)
11 AUSTIN, TEXAS 78711-2548
(512) 463-2100
12 KATHLEEN.HUNKER@OAG.TEXAS.GOV
ARL.HERBERT@OAG.TEXAS.GOV
13
14 ON BEHALF OF THE DEFENDANT BRUCE ELFANT:
15 CYNTHIA VEIDT, ESQUIRE
TRAVIS COUNTY ATTORNEY GENERALS OFFICE
16 416 WEST 11TH ST.
AUSTIN, TX 78701
17 (512) 854-9400
CYNTHIA.VEIDT@TRAVISCOUNTYTX.GOV
18
19 ON BEHALF OF DEFENDANT JACQUELYN CALLANEN:
20 LISA CUBRIEL, ESQUIRE
BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE
21 101 W NUEVA ST.
SAN ANTONIO, TX 78205
22 (210) 335-2311
LISA.CUBRIEL@BEXAR.ORG
23
24
25

1
2 ORAL AND VIDEOCONFERENCE DEPOSITION OF
3 MS. MARIA TERESA KUMAR
4 APRIL 5, 2022
5
6 ORAL AND VIDEOCONFERENCE DEPOSITION OF
7 MS. MARIA TERESA KUMAR, produced as a witness at the
8 instance of the INTERVENOR-DEFENDANT, and duly sworn,
9 was taken in the above-styled and numbered cause on
10 APRIL 5, 2022, from 11:02 a.m. to 3:10 p.m., before
11 Michelle Hartman, Certified Shorthand Reporter and
12 Registered Professional Reporter in and for the State of
13 Texas, reported by machine shorthand via Zoom
14 videoconference, pursuant to the Federal Rules of Civil
15 Procedure, the Emergency Orders regarding the COVID-19
16 State of Disaster, and the provisions stated on the
17 record or attached hereto.
18
19
20
21
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1 ON BEHALF OF INTERVENOR-DEFENDANT TERRIE PENDLEY AND
LUPE TORRES:
2
3 MUNERA AL-FUHAID, ESQUIRE
TEXAS PUBLIC POLICY FOUNDATION
4 901 CONGRESS AVE
AUSTIN, TX 78701
5 (512) 472-2700
INFO@TEXASPOLICY.COM
6
7 ON BEHALF OF DEFENDANT YVONNE RAMON:
8
9 LEIGH TOGNETTI, ESQUIRE
HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE
213 S CLOSNER BLVD
EDINBURG, TX 78539
10 (956) 318-2570
LEIGH.TOGNETTI@DA.CO.HIDALGO.TX.US
11
12 ALSO PRESENT: ABIGAIL ANZEK, VIDEOGRAPHER
13
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<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 APPEARANCES..... 3</p> <p>3 STIPULATIONS..... 6</p> <p>4 MARIA TERESA KUMAR</p> <p>5 Examination by KATHLEEN HUNKER..... 8</p> <p>6 Changes and Signature..... 175</p> <p>7</p> <p>8 EXHIBITS (IN ORDER OF APPEARANCE)</p> <p>9 NO. DESCRIPTION PAGE MARKED</p> <p>10 Exhibit 1 Depo Notice..... 12</p> <p>11 Exhibit 2 Complaint for Declaratory and Injunctive</p> <p>12 Relief..... 16</p> <p>13 Exhibit 3 C3 Voto Latino's 2019 Tax Form..... 31</p> <p>14 Exhibit 10 Voto Latino Action Fund..... 32</p> <p>15 Exhibit 6 Senate Bill 1111..... 99</p> <p>16 Exhibit 4 Election Advisory No. 2021-09..... 127</p> <p>17 Exhibit 5 Election Advisory No. 2021-10..... 130</p> <p>18 Exhibit 11 Voto Latino's Responses..... 156</p> <p>19 Exhibit 7 House Journal..... 163</p> <p>20 Exhibit 9 Senate Journal..... 166</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 videographer and Notary. I am located in my place of</p> <p>2 business in Helotes, Texas.</p> <p>3 Counsel, will you please state your</p> <p>4 agreement for this remote deposition and the remote</p> <p>5 swearing of the witness by stating your name, who you're</p> <p>6 representing, and the city you are currently in.</p> <p>7 MS. HUNKER: Kathleen Hunker with the</p> <p>8 intervenor-defendant Ken Paxton. I'm currently in</p> <p>9 Austin, Texas, and agree.</p> <p>10 MS. JOHNSON: Mindy Johnson on behalf of</p> <p>11 plaintiffs, currently in Seattle, Washington with the</p> <p>12 witness, and I agree.</p> <p>13 MS. VEIDT: Cynthia Veidt on behalf of</p> <p>14 Defendant Elfant. I'm currently in Austin, Texas, and I</p> <p>15 agree.</p> <p>16 MS. CUBRIEL: Lisa Cubriel on behalf of</p> <p>17 defendant Jacquelyn Callanen. I'm currently in San</p> <p>18 Antonio, Texas, and I agree.</p> <p>19 MS. AL-FUHAID: Munera Al-Fuhaid on</p> <p>20 behalf of intervenor-defendants Terrie Pendley and Lupe</p> <p>21 Torres. I am in Austin, Texas, and I agree.</p> <p>22 MS. TOGNETTI: Leigh Tognetti on behalf</p> <p>23 of Defendant Yvonne Ramon. I'm in Edinburg, Texas, and</p> <p>24 I agree.</p> <p>25 THE VIDEOGRAPHER: Wonderful. Court</p>
<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are on the record</p> <p>3 at 11:02 a.m., today, April 5, 2022 to depose designated</p> <p>4 representative of Voto Latino, Maria Teresa Kumar, in</p> <p>5 the case styled Texas State Lulac; Voto Latino v. Bruce</p> <p>6 Elfant, in his official capacity as the Travis County</p> <p>7 Tax Assessor Collector; Jacquelyn Callanen, in her</p> <p>8 official capacity as the Bexar County Elections</p> <p>9 Administrator; Isabel Longoria, in her official capacity</p> <p>10 as the Harris County Elections Administrator; Yvonne</p> <p>11 Ramon, in her official capacity as the Hidalgo County</p> <p>12 Elections Administrator; Michael Scarpello, in his</p> <p>13 official capacity as the Dallas County Elections</p> <p>14 Administrator; Lisa Wise, in her official capacity as</p> <p>15 the El Paso County Elections Administrator, and Ken</p> <p>16 Paxton, in his official capacity as Attorney General of</p> <p>17 Texas, Lupe C. Torres, in her official capacity as</p> <p>18 Medina County Elections Administrator, and Terrie</p> <p>19 Pendley, in her official capacity as Real County Tax</p> <p>20 Assessor Collector, in the cause numbered</p> <p>21 1:21-CV-00546-LY.</p> <p>22 This deposition is taking place remotely</p> <p>23 via Zoom in accordance with the Emergency Order of</p> <p>24 COVID-19 State of Disaster and in accordance with the</p> <p>25 Texas Rules of Civil Procedure. I am Abigail Anzek,</p>	<p style="text-align: right;">Page 8</p> <p>1 reporter, will you please swear in the witness.</p> <p>2 MARIA TERESA KUMAR,</p> <p>3 having been first duly sworn, testified as follows:</p> <p>4 EXAMINATION</p> <p>5 Q. (BY MS. HUNKER) Thank you. Good</p> <p>6 Afternoon Ms.Kumar -- oh, good morning Ms. Kumar. How</p> <p>7 are you?</p> <p>8 A. I'm well. How are you?</p> <p>9 Q. Doing very well. As you might have heard,</p> <p>10 my name is Kathleen Hunker. I am representing the</p> <p>11 Intervenor-Defendant Ken Paxton, who is the Attorney</p> <p>12 General in his official capacity. Can you please state</p> <p>13 and then spell your name for the record?</p> <p>14 A. My name is Maria Teresa Kumar. M-A-R-I-A</p> <p>15 T-E-R-E-S-A K-U-M-A-R.</p> <p>16 Q. Thank you. Ms. Kumar, I'm going to start</p> <p>17 with some instructions and introductory questions.</p> <p>18 After that's done I'll move on to the main section of</p> <p>19 the deposition. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. Have you ever been deposed before?</p> <p>22 A. Yes.</p> <p>23 Q. How many times?</p> <p>24 A. Once.</p> <p>25 Q. And do you remember what case that was</p>

<p style="text-align: right;">Page 9</p> <p>1 for?</p> <p>2 A. It was for a Texas case in 2020 -- in the</p> <p>3 summer 2020.</p> <p>4 Q. And was this a case where Voto Latino</p> <p>5 was -- let me rephrase that.</p> <p>6 Were you speaking on behalf of yourself</p> <p>7 or on behalf of Voto Latino?</p> <p>8 A. Voto Latino.</p> <p>9 Q. And was this a case where Voto Latino sued</p> <p>10 the State of Texas?</p> <p>11 A. Correct.</p> <p>12 Q. And was this regarding election laws?</p> <p>13 A. Correct.</p> <p>14 Q. And do you happen to remember what the</p> <p>15 case name was?</p> <p>16 A. I do not.</p> <p>17 Q. Do you remember what the subject matter of</p> <p>18 the case was?</p> <p>19 A. It was voter restrictions.</p> <p>20 Q. And you understand that you are under</p> <p>21 oath, correct?</p> <p>22 A. Correct.</p> <p>23 Q. The court reporter -- you'll need to</p> <p>24 provide verbal answers like "yes" or "no" rather than</p> <p>25 nodding or shaking your head. Does that make sense?</p>	<p style="text-align: right;">Page 11</p> <p>1 normally done. I'll instruct you not to answer. My</p> <p>2 objection is one that should prevent you from answering.</p> <p>3 Q. (BY MS. HUNKER) So is that okay?</p> <p>4 A. I'm not clear on what the answer (sic)</p> <p>5 was, quite frankly.</p> <p>6 MS. JOHNSON: Yeah, that -- that is the</p> <p>7 way that it's typically done. If I say "objection,"</p> <p>8 it's usually for the record. I'll instruct you not to</p> <p>9 answer if it's something you should not answer.</p> <p>10 THE WITNESS: Okay.</p> <p>11 Q. (BY MS. HUNKER) Are you aware of anything</p> <p>12 that will affect your ability to testify truthfully</p> <p>13 today?</p> <p>14 A. No.</p> <p>15 Q. Have you consumed any alcohol or drugs</p> <p>16 today?</p> <p>17 A. No.</p> <p>18 Q. As you can tell, we are conducting this</p> <p>19 deposition remotely by means of a video conferencing</p> <p>20 service. For the most part, these depositions run</p> <p>21 smoothly, but on occasion the technology acts up. In</p> <p>22 the event one of us is frozen or in the event you do not</p> <p>23 hear my question, can you please let me know?</p> <p>24 A. Yes.</p> <p>25 Q. I will attempt to do the same. If you</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Yes.</p> <p>2 Q. It also helps the court reporter if we</p> <p>3 don't talk over each other. I'll do my best to wait for</p> <p>4 you to finish your answers. Will you do your best wait</p> <p>5 for me to finish my questions?</p> <p>6 A. Yes.</p> <p>7 Q. If you don't understand the question, will</p> <p>8 you please let me know. I am happy to repeat or</p> <p>9 rephrase the question as needed.</p> <p>10 A. Thank you.</p> <p>11 Q. And if you do answer the question, I'm</p> <p>12 going to assume that you understood the question; is</p> <p>13 that fair?</p> <p>14 A. Sounds good.</p> <p>15 Q. If you need a break at any time, that's</p> <p>16 fine, just let me know. My only request is that you</p> <p>17 answer any pending question before we take the break.</p> <p>18 Is that okay?</p> <p>19 A. Okay.</p> <p>20 Q. Also, if you hear an objection from your</p> <p>21 counsel, I ask that you go ahead and answer the</p> <p>22 question, unless you're instructed not to answer. Okay?</p> <p>23 A. I defer to my -- to my counsel on how to</p> <p>24 respond to that.</p> <p>25 MS. JOHNSON: Yes, that's the way it's</p>	<p style="text-align: right;">Page 12</p> <p>1 haven't voiced your concern, I am going to assume that</p> <p>2 the technology is working on your end. Is that okay?</p> <p>3 A. Yes.</p> <p>4 Q. All right. I'm going to bring up our</p> <p>5 first exhibit for today. I'm first going to share it in</p> <p>6 the chat function and then I will do it by shared</p> <p>7 screen. So just give me a quick moment. It should now</p> <p>8 be in the chat function in the event you want to look at</p> <p>9 your own copy or in the event that the counsels who are</p> <p>10 participating wish to look as well.</p> <p>11 Okay. Do you see the document on screen?</p> <p>12 (WHEREUPON, the document was marked for</p> <p>13 identification as Exhibit No. 1 and is</p> <p>14 attached hereto.)</p> <p>15 A. I do.</p> <p>16 Q. Can you read it clearly?</p> <p>17 A. I can, yes.</p> <p>18 Q. The title of the document reads,</p> <p>19 "Intervenor-Defendant Texas Attorney General Ken Paxton</p> <p>20 amended Notice of Intent to take the oral and videotaped</p> <p>21 deposition of Plaintiff Voto Latino pursuant to Rule</p> <p>22 30(b)(6)." Did I read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. Have you seen this document before?</p> <p>25 A. I have.</p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Do you understand that this is the</p> <p>2 deposition notice served under Rule 30(b)(6) of the</p> <p>3 Federal Rules of Civil Procedure?</p> <p>4 A. Yes.</p> <p>5 Q. Do you understand that you are here today</p> <p>6 pursuant to this notice?</p> <p>7 A. Yes.</p> <p>8 Q. Do you understand that Voto Latino has</p> <p>9 designated you to provide testimony on Voto Latino's</p> <p>10 behalf?</p> <p>11 A. Correct.</p> <p>12 Q. Do you understand that your answers here</p> <p>13 today are binding on the organization?</p> <p>14 A. Yes.</p> <p>15 Q. Are you prepared to testify on the topics</p> <p>16 listed in this notice?</p> <p>17 A. Yes.</p> <p>18 MS. JOHNSON: I'll just note right here</p> <p>19 for the record that we did submit written objections to</p> <p>20 a few of the topics contained within this notice. I</p> <p>21 think we can proceed on a question-by-question basis,</p> <p>22 but I just wanted to note that for the record. I</p> <p>23 believe it was two, three, and seven.</p> <p>24 MS. HUNKER: Thank you. And, Counsel, if</p> <p>25 any specific question you think crosses a line into your</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Numerous times.</p> <p>2 Q. About this deposition, you got a rough</p> <p>3 approximation?</p> <p>4 A. No, numerous times.</p> <p>5 Q. Do you know how long those meetings were?</p> <p>6 A. About 2 1/2 hours, give or take.</p> <p>7 Q. And if you had to total the amount of</p> <p>8 hours you spent prepping with your counsel on this,</p> <p>9 would you give me an approximate amount?</p> <p>10 A. I'd say roughly probably around five</p> <p>11 hours, six hours.</p> <p>12 Q. And you also mentioned you spoke with</p> <p>13 staff, correct?</p> <p>14 A. Mm-hmm.</p> <p>15 Q. Who of your staff did you speak to?</p> <p>16 A. Principally, Amir Patel. He's charged</p> <p>17 with our programs.</p> <p>18 Q. And what was the substance of these</p> <p>19 communications?</p> <p>20 A. Requesting supporting documents that -- to</p> <p>21 prepare for this case.</p> <p>22 Q. And so your conversations with him were</p> <p>23 about the documents that were submitted in this case; is</p> <p>24 that correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 14</p> <p>1 objection, just please raise it then and we can discuss.</p> <p>2 MS. JOHNSON: Absolutely.</p> <p>3 Q. (BY MS. HUNKER) So, Ms. Kumar, I'm not</p> <p>4 sure if I heard your answer to the question. Are you</p> <p>5 prepared to testify on the topics listed in this notice?</p> <p>6 A. I -- I defer to my counsel on the ones</p> <p>7 that she -- that we raised objections to, but yes.</p> <p>8 Q. Okay. Have you -- have you brought any</p> <p>9 documents with you today?</p> <p>10 A. No.</p> <p>11 Q. How did you prepare for today's</p> <p>12 deposition?</p> <p>13 A. I reviewed the documents that we submitted</p> <p>14 to you; the actual complaint, this paper in front of us,</p> <p>15 and then also any articles that we submitted, any</p> <p>16 supporting documents. I also spoke to my counsel and to</p> <p>17 my staff who have helped to prepare for this.</p> <p>18 Q. So you mentioned you spoke to your</p> <p>19 counsel. I'm going to ask a couple of questions about</p> <p>20 that. As a caveat, I don't want to know the substance</p> <p>21 of the communications you have with your counsel.</p> <p>22 Do you understand that caveat?</p> <p>23 A. I do.</p> <p>24 Q. How many times did you speak with your</p> <p>25 counsel?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And how many times did you speak to Amir?</p> <p>2 A. Numerous times.</p> <p>3 Q. You know roughly how many hours you spoken</p> <p>4 to him in the course of preparing for this deposition?</p> <p>5 A. That I can't say. I'm not quite sure.</p> <p>6 Q. So if I recall correctly, you mentioned</p> <p>7 you reviewed the complaint, you reviewed the documents</p> <p>8 that Voto Latino produced in this case, and you reviewed</p> <p>9 the deposition notice; am I right in that assessment and</p> <p>10 summary?</p> <p>11 A. Yes.</p> <p>12 Q. Were there any other documents that I did</p> <p>13 not list that you reviewed leading up to this</p> <p>14 deposition?</p> <p>15 A. No.</p> <p>16 Q. I am going to pull this document down for</p> <p>17 the moment but we will be returning to it and instead,</p> <p>18 moving on to -- Exhibit Number 2, which I've just placed</p> <p>19 into the share drive.</p> <p>20 Ms. Kumar, do you see the document on</p> <p>21 your screen?</p> <p>22 (WHEREUPON, the document was marked for</p> <p>23 identification as Exhibit No. 2 and is</p> <p>24 attached hereto.)</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 17</p> <p>1 Q. Can you read it clearly?</p> <p>2 A. I can.</p> <p>3 Q. The document reads, "Complaint for</p> <p>4 Declaratory and Injunctive Relief".</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. Now, you mentioned you had read the</p> <p>8 document before today. Did you read this complaint</p> <p>9 before you filed --</p> <p>10 A. I did.</p> <p>11 Q. -- before you filed with the court?</p> <p>12 A. Yes.</p> <p>13 Q. And you're aware that by filing this</p> <p>14 document, Voto Latino initiated the lawsuit you and I</p> <p>15 are here to discuss, correct?</p> <p>16 A. Correct.</p> <p>17 Q. Do you think you are adequately familiar</p> <p>18 with Voto Latino and the facts of this case to testify</p> <p>19 on behalf of Voto Latino?</p> <p>20 A. I am.</p> <p>21 Q. If at any point you think you cannot</p> <p>22 answer a question on behalf of Voto Latino, will you</p> <p>23 please let me know?</p> <p>24 A. I will.</p> <p>25 Q. Thank you. I'm going to pull that down</p>	<p style="text-align: right;">Page 19</p> <p>1 vote in Texas?</p> <p>2 A. Through digital -- through digital</p> <p>3 advertising, yes, through Voto Latino.</p> <p>4 Q. So outside of digital advertising, have</p> <p>5 you helped someone register to vote in Texas?</p> <p>6 A. No.</p> <p>7 Q. Is it safe to say then you have only</p> <p>8 limited experience with Texas registration process?</p> <p>9 A. No. We've been doing voter -- conducting</p> <p>10 voter registration in Texas in particular since 2010. I</p> <p>11 have a -- a family in Texas in El Paso. I'm quite</p> <p>12 familiar with the laws.</p> <p>13 Q. And what role do you occupy with Voto</p> <p>14 Latino?</p> <p>15 A. I am the president of Voto Latino.</p> <p>16 Q. And how long have you occupied this</p> <p>17 position?</p> <p>18 A. For 18 years.</p> <p>19 Q. And is that since the organization's</p> <p>20 founding?</p> <p>21 A. Correct.</p> <p>22 Q. What are your duties?</p> <p>23 A. I am charged with strategy for the</p> <p>24 organization. I'm charged with overseeing the</p> <p>25 organization, raising money for the organization, and</p>
<p style="text-align: right;">Page 18</p> <p>1 for a moment. Ms. Kumar, where do you currently live?</p> <p>2 A. Washington, D.C.</p> <p>3 Q. And how long have you lived in</p> <p>4 Washington, D.C?</p> <p>5 A. For a very long time. Fifteen years or</p> <p>6 so.</p> <p>7 Q. Where did you live before Washington, D.C?</p> <p>8 A. I was a student in Cambridge that was a</p> <p>9 temporary residence and then prior to that</p> <p>10 Washington, D.C. And then prior to that my hometown of</p> <p>11 Sonoma, California. Right now we're talking decades.</p> <p>12 Q. And when you say Cambridge, you mean</p> <p>13 Cambridge, Massachusetts or Cambridge, United Kingdom?</p> <p>14 A. I mentioned Cambridge, Massachusetts.</p> <p>15 Q. Have you ever been a Texas resident?</p> <p>16 A. No.</p> <p>17 Q. Have you ever voted in Texas before?</p> <p>18 A. No [inaudible].</p> <p>19 Q. Have you ever been registered to vote in</p> <p>20 Texas before?</p> <p>21 A. No.</p> <p>22 Q. Are you a Certified Deputy Voter Registrar</p> <p>23 in any of the Texas counties?</p> <p>24 A. I am not.</p> <p>25 Q. Have you ever helped someone register to</p>	<p style="text-align: right;">Page 20</p> <p>1 being the spokesperson, the outward face of the</p> <p>2 organization.</p> <p>3 Q. Is this a full-time position?</p> <p>4 A. It is.</p> <p>5 Q. And I assume if it's a full-time position,</p> <p>6 it's also a paid position?</p> <p>7 A. It is.</p> <p>8 Q. Do you report to anybody as president or</p> <p>9 you the head of the organization?</p> <p>10 A. I report to my board.</p> <p>11 Q. And who reports directly to you?</p> <p>12 A. I have my executive director, who reports</p> <p>13 directly to me and my assistant.</p> <p>14 Q. Were you elected or appointed into the</p> <p>15 position of president?</p> <p>16 A. I co-founded the organization.</p> <p>17 Q. So you have the position that you've had</p> <p>18 since the beginning of the organization's founding,</p> <p>19 correct?</p> <p>20 Is that a "yes"?</p> <p>21 A. Yes, correct.</p> <p>22 Q. Thank you.</p> <p>23 A. Am I not speaking loud enough because I</p> <p>24 think you're -- you're missing me, so I'll probably --</p> <p>25 Q. Let me turn up the volume for my computer</p>

<p style="text-align: right;">Page 21</p> <p>1 just in case.</p> <p>2 What is the highest degree of education</p> <p>3 you attained?</p> <p>4 A. My master's.</p> <p>5 Q. And where did you obtain that master's</p> <p>6 degree?</p> <p>7 A. Harvard.</p> <p>8 Q. And what was the subject?</p> <p>9 A. Public policy and governance.</p> <p>10 Q. Was there any specialty or concentration,</p> <p>11 or --</p> <p>12 A. Concentration was the intersection of</p> <p>13 technology and -- business and technology and governing.</p> <p>14 Q. Do you have any other graduate degrees?</p> <p>15 A. No. My mother would hope so, but no.</p> <p>16 Q. Where did you attend for undergrad?</p> <p>17 A. UC Davis.</p> <p>18 Q. And when did you graduate from Harvard --</p> <p>19 Harvard?</p> <p>20 A. 2001.</p> <p>21 Q. And when did you graduate from UC Davis?</p> <p>22 A. '97.</p> <p>23 Q. Prior to your work with Voto Latino, what</p> <p>24 did you do for a living?</p> <p>25 A. I worked in the private sector.</p>	<p style="text-align: right;">Page 23</p> <p>1 A. He was a Democrat.</p> <p>2 Q. And how long did you work for the</p> <p>3 congressman?</p> <p>4 A. Not long enough, 2 1/2 years. He retired</p> <p>5 on me.</p> <p>6 Q. Ms. Kumar, do you see the deposition</p> <p>7 notice back on your screen?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Let's scroll down to the</p> <p>10 topics. The first one reads, "Voto Latino's mission,</p> <p>11 formation, and current organizational structure."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. Did you prepare to speak about this topic?</p> <p>15 A. Yes.</p> <p>16 Q. What did you do to prepare to speak about</p> <p>17 this topic?</p> <p>18 A. I wrote the mission statement and I've</p> <p>19 created the structure, so.</p> <p>20 Q. So you're basing this off personal</p> <p>21 experience?</p> <p>22 A. Yes.</p> <p>23 Q. And what is Voto Latino?</p> <p>24 A. We are an organization that targets young</p> <p>25 Latinos to encourage them to participate in our</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. In what capacity?</p> <p>2 A. I did business development for health care</p> <p>3 companies.</p> <p>4 Q. Any specific health care companies?</p> <p>5 A. No. It was -- the organization I worked</p> <p>6 for was a research firm called the Advisory Board, and</p> <p>7 we advised health care companies on how to improve their</p> <p>8 practices and their day-to-day operations.</p> <p>9 Q. Understood. And have you had any other</p> <p>10 paid employment since you graduated college?</p> <p>11 A. Several.</p> <p>12 Q. Can you go into them a little bit?</p> <p>13 A. It could go way back. I did everything</p> <p>14 from temporary work to working for a -- for Congress.</p> <p>15 For several years to working for an organization called</p> <p>16 La Media, a public relations firm where we provided</p> <p>17 counsel for AT&T.</p> <p>18 Q. You mentioned you work for Congress, do</p> <p>19 you work for a specific Congressman?</p> <p>20 A. Vic Fazio, he sadly passed last week.</p> <p>21 Q. I'm sorry to hear that. Where did he</p> <p>22 represent?</p> <p>23 A. Yellow County, UC Davis. He was my</p> <p>24 representative from college.</p> <p>25 Q. Now, was he a Democrat or Republican?</p>	<p style="text-align: right;">Page 24</p> <p>1 democracy.</p> <p>2 Q. And when was it formed?</p> <p>3 A. 2004.</p> <p>4 Q. And you mentioned you started it?</p> <p>5 A. I was one of the co-founders, yes.</p> <p>6 Q. And who was the other co-founder?</p> <p>7 A. Rosario Dawson.</p> <p>8 Q. And what was the motivation of starting</p> <p>9 Voto Latino?</p> <p>10 A. 2003 the census came out -- the polling</p> <p>11 census came out saying that Latinos were the second</p> <p>12 largest group of Americans, and we decided that it was</p> <p>13 an opportunity for us to start enfranchising Latino</p> <p>14 voters. I deeply believe in our democracy and a</p> <p>15 functioning democracy ensures that every single person</p> <p>16 has an access -- has the right to vote.</p> <p>17 Q. Is Voto Latino a non-partisan</p> <p>18 organization?</p> <p>19 A. Yes.</p> <p>20 Q. So you don't endorse any candidates,</p> <p>21 correct?</p> <p>22 A. We've endorsed one candidate in the</p> <p>23 history of Voto Latino, and that was Joe Biden.</p> <p>24 Q. So outside of Joe Biden, you have not</p> <p>25 endorsed any candidate; is that correct?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. Correct.</p> <p>2 Q. And similarly, you don't endorse</p> <p>3 propositions that are on the ballot; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Does your organization take up positions</p> <p>6 regarding policy debates?</p> <p>7 A. We do.</p> <p>8 Q. What are some of the examples of positions</p> <p>9 taken by Voto Latino?</p> <p>10 A. Access to voting booths through trying</p> <p>11 to -- we pass the John Lewis Act, Voter Rights Act, the</p> <p>12 Freedom to Vote Act. We also take positions on a</p> <p>13 woman's free agency over her body, right to choose,</p> <p>14 climate, and a -- a fair immigration policy that</p> <p>15 includes pathway to citizenship. That's the only time</p> <p>16 we get into a debate.</p> <p>17 Q. So it sounds like the positions that you</p> <p>18 focus on are somewhat concentrated on election and</p> <p>19 voting related policies, but also extend to other areas</p> <p>20 such as reproductive health, immigration, climate</p> <p>21 change, and education. Is that a fair assessment?</p> <p>22 A. Yes.</p> <p>23 Q. Does Voto Latino endorse legislation at</p> <p>24 all?</p> <p>25 A. We -- we educate folks on the -- on</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. How large roughly would you say you are?</p> <p>2 A. Roughly 14.</p> <p>3 Q. Is that including the board members? Are</p> <p>4 they considered separate?</p> <p>5 A. Separate.</p> <p>6 Q. Are there chapters of Voto Latino or is it</p> <p>7 just one national organization?</p> <p>8 A. We don't have chapters. We have a city</p> <p>9 ambassador, so to speak, and volunteers.</p> <p>10 Q. Do you have any city ambassadors in Texas?</p> <p>11 A. Several volunteers, we call them super</p> <p>12 volunteers. We have several.</p> <p>13 Q. And where are they located?</p> <p>14 A. All over, frankly.</p> <p>15 Q. So they're not concentrating one or two</p> <p>16 specific cities, they're just floating about in Texas?</p> <p>17 A. I -- I don't think they consider</p> <p>18 themselves floating about, but, yes, they're -- they're</p> <p>19 all over Texas.</p> <p>20 Q. And are you in communication with these</p> <p>21 city volunteers regarding SB 1111?</p> <p>22 A. We've had to train them on SB 1111.</p> <p>23 Q. Who manages the day-to-day operations of</p> <p>24 Voto Latino, you?</p> <p>25 A. No, our executive director.</p>
<p style="text-align: right;">Page 26</p> <p>1 legislation, but we don't endorse legislation, if that</p> <p>2 makes sense.</p> <p>3 Q. I think it does. So when you say that you</p> <p>4 take policy positions, you're providing education about</p> <p>5 those positions as opposed to endorsing a specific piece</p> <p>6 of legislation; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. Can you please describe for the record</p> <p>9 what Voto Latino's mission is?</p> <p>10 A. To expand the electoral process, Voto</p> <p>11 Latino's mission is to shake up the political process by</p> <p>12 encouraging new voters into that process.</p> <p>13 Q. What do you mean by "shake up"?</p> <p>14 A. When you have more people at the table</p> <p>15 voicing issues, you have a tendency of having better</p> <p>16 outcomes because those policies will reflect a larger</p> <p>17 pool of a population. Kids like the word "shake up."</p> <p>18 Q. Yeah, drew my attention.</p> <p>19 From top to bottom, how is Voto Latino</p> <p>20 organized?</p> <p>21 A. You have a board and there's myself. Then</p> <p>22 there is my executive director, and then we have a</p> <p>23 section of -- we have three VPs, and then under the</p> <p>24 VP's, we have a personnel that lead up to them. We're</p> <p>25 not that large of an organization.</p>	<p style="text-align: right;">Page 28</p> <p>1 MS. JOHNSON: Kathleen, I don't know if</p> <p>2 it's just me, but your sound is going in and out a</p> <p>3 little bit. We can keep going, but it just started for</p> <p>4 me.</p> <p>5 THE WITNESS: Mm-hmm.</p> <p>6 MS. HUNKER: All right. Let me know if</p> <p>7 it -- it -- if it continues. I'll try to fix it then.</p> <p>8 THE WITNESS: You're in and out.</p> <p>9 MS. JOHNSON: It's still doing it. It --</p> <p>10 it's interesting you'll start out fine and then it'll</p> <p>11 dip down kind of at the end of the sentence.</p> <p>12 MS. HUNKER: All right. Do you mind if</p> <p>13 we off the record for one moment. We'll see if I can</p> <p>14 get some --</p> <p>15 MS. JOHNSON: No problem.</p> <p>16 THE VIDEOGRAPHER: And we are off the</p> <p>17 record.</p> <p>18 (Break taken)</p> <p>19 THE VIDEOGRAPHER: Okay. We are back on</p> <p>20 the record at 11:32 a.m.</p> <p>21 Q. (BY MS. HUNKER) Ms. Kumar, I believe just</p> <p>22 before we went off the record, we were discussing who</p> <p>23 manages --</p> <p>24 THE WITNESS: You're having microphone</p> <p>25 issues again.</p>

<p style="text-align: right;">Page 29</p> <p>1 MS. JOHNSON: Yeah. Let's -- you can go 2 ahead and try just a little bit more, but it still 3 sounded funny on our end. 4 Q. (BY MS. HUNKER) Strange. This is a 5 hookup that should go directly to the computer. 6 Okay. Before we took a break, we were 7 discussing who managed the day-to-day operations of Voto 8 Latino. 9 A. Mm-hmm. 10 Q. I believe you mentioned it was your 11 executive. 12 A. Executive director, correct. 13 Q. And you mentioned earlier that Voto Latino 14 has a board, correct? 15 A. Correct. 16 Q. How large is that board? 17 A. We're seven. 18 Q. If you were on the -- who are the board 19 members? 20 A. Brandon Hernandez is our chair. We have 21 Brian Stansbury, Alfredo Vidal, Eve Montelogo -- 22 O'Toole, Ingrid Duran, myself, Rosario Dawson. 23 Q. And are any of them residents of Texas? 24 A. No. Oh, Brian, maybe, I'm not quite sure. 25 He's an attorney and so he may be.</p>	<p style="text-align: right;">Page 31</p> <p>1 organizing and conducting Voto Latino's election related 2 activities? 3 A. No. 4 Q. I'm going to share the third exhibit, and 5 I'm going to display it on my screen. Just give me one 6 quick moment. 7 Ms. Kumar, do you see the document on 8 your screen? 9 (WHEREUPON, the document was marked for 10 identification as Exhibit No. 3 and is 11 attached hereto.) 12 A. Can you hold on for one second, please? 13 Q. Of course. 14 A. Thank you. Yes, I see it. 15 Q. This is Voto Latino's 990 tax form from 16 2019; is that correct? 17 A. So we have since - since 19 -- 2019, we've 18 had a name change, so this is actually the (c)(3) Voto 19 Latino -- actually the (c)(3). The -- the file -- the 20 entity file was Voto Latino. I know it's confusing, 21 but -- 22 Q. So is this your organization or not? 23 A. It's our (c)(3) -- our sister 24 organization. 25 Q. Okay. Let me take this down. And you</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. How were the Latinos board members 2 selected? 3 A. Through a committee. 4 Q. Is that committee made up of officers or 5 how is the committee formed? 6 A. You're -- you're -- you broke up. I can't 7 hear you the last part. 8 Q. How is the committee formed? Is it made 9 of board members, other board members, or officers? 10 A. It's -- it's made up of board members who 11 come up with a slate of prospects and then they're 12 interviewed. 13 Q. And how are the Latinos officers selected? 14 Is it similar? 15 A. Correct. Board officers you're -- you're 16 inquiring, correct? 17 Q. Yes. 18 A. Yes. 19 Q. And what about the officers of the 20 organization as a whole, so your executive director or 21 VPs? 22 A. The elections that came through a board 23 select -- there was a board selection -- selection 24 committee we had and a -- a recruiter. 25 Q. Did these board members play a role in</p>	<p style="text-align: right;">Page 32</p> <p>1 might have just answered a question that I had. Because 2 I found two different types of 990s. So I am putting in 3 Exhibit 10 into share drive. 4 Okay. So this was another 990 form that 5 I found online. It says Voto Latino Action Fund. 6 (WHEREUPON, the document was marked for 7 identification as Exhibit No. 10 and is 8 attached hereto.) 9 A. Correct. 10 Q. And this says it's from a 501(c)(4). Is 11 this the correct -- 12 A. That is correct. Yeah, that is correct. 13 Q. Perfect. And this is from the year 2018. 14 A. Mm-hmm. 15 Q. Is that correct? 16 A. Yeah, I can't tell honestly. Yup. 17 Q. All right. Let me scroll down page to 18 page -- page three, question five. Do you see the 19 highlighted text? 20 A. Yes. 21 Q. It reads (as read), "Is the organization a 22 Section 501(c)(4) or 501(c)(5) or 501(c)(6) organization 23 that receives membership dues, assessments, or similar 24 amounts as defined in Revenue Procedure 98.19?" 25 Have I read that sentence correctly?</p>

<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And if you notice, there's "X" where it</p> <p>3 says, "no."</p> <p>4 A. Correct.</p> <p>5 Q. Is that correct?</p> <p>6 A. Mm-hmm.</p> <p>7 Q. Then if we move to further down page six.</p> <p>8 Looking at line six it says, "Did the organization have</p> <p>9 members or stockholders?"</p> <p>10 Did I read line six correctly?</p> <p>11 A. Correct.</p> <p>12 Q. And that is also marked, no, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then if we look at 7A it says (as</p> <p>15 read), "Did the organization have members, stockholders,</p> <p>16 or other persons who had power to elect or appoint one</p> <p>17 or more members of the governing body?"</p> <p>18 Did I read that correctly?</p> <p>19 A. Correct.</p> <p>20 Q. And that also says, no, correct?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. But if we look at 7B it says, "Are any</p> <p>23 governance decisions of the organization reserved to (or</p> <p>24 subject to approval by) members, stockholders, or</p> <p>25 persons other than the governing body."</p>	<p style="text-align: right;">Page 35</p> <p>1 our constituents to the future voters.</p> <p>2 By 2024, Texas is -- is expected to have</p> <p>3 an additional 800,000 Latino youth eligible to vote, and</p> <p>4 so those are individuals that we are actively talking</p> <p>5 to. Voto Latino enjoys a 70 percent brand recognition</p> <p>6 within the state of Texas.</p> <p>7 Q. So when you say half a million or 500,000</p> <p>8 million voters, do you mean nationwide or in Texas?</p> <p>9 A. In Texas.</p> <p>10 Q. So you mentioned for the people you've</p> <p>11 helped register to vote, is there an ongoing</p> <p>12 relationship between you and them?</p> <p>13 A. There is. And they -- we have what we</p> <p>14 call a ladder of engagement. They're the ones that</p> <p>15 become our volunteers, and then our super volunteers</p> <p>16 eventually, the really engaged ones. And, ideally, some</p> <p>17 of them actually end up running for office.</p> <p>18 Q. So are these the individuals that Voto</p> <p>19 Latino serves?</p> <p>20 A. Yes. Well, as I shared, we believe that</p> <p>21 we're serving current voters and we're starting to</p> <p>22 franchise and educate future voters.</p> <p>23 Q. So one of the category of voters that you</p> <p>24 would be serving?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 34</p> <p>1 Did I read that line correctly?</p> <p>2 A. Yes.</p> <p>3 Q. And it is also marked "no," correct?</p> <p>4 A. Correct.</p> <p>5 Q. Voto Latino is not a membership</p> <p>6 organization, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So you do not have due paying members,</p> <p>9 correct?</p> <p>10 A. No.</p> <p>11 Q. And you do not have members that elect or</p> <p>12 appoint members of Voto Latino's governing body; is that</p> <p>13 right?</p> <p>14 A. Correct.</p> <p>15 Q. I am going to take that down. What does</p> <p>16 Voto Latino mean by its constituency?</p> <p>17 A. It is the folks that we register to vote</p> <p>18 and the future voters. So, for example, in Texas, our</p> <p>19 age demographic, our target demographic, is 17 to 29</p> <p>20 year olds. We have registered close to half a million</p> <p>21 voters since 2012 because we're a civic education</p> <p>22 organization. We continue to talk to those voters after</p> <p>23 we've registered them to inform them about issues that</p> <p>24 may impact them that they've shared that they -- they</p> <p>25 would like to keep abreast with. And then we consider</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Now, in both categories, do you know how</p> <p>2 many constituents Voto Latino has in Texas?</p> <p>3 A. Roughly, I would say probably around at</p> <p>4 least a half a million.</p> <p>5 Q. And that's including those who register to</p> <p>6 vote and also those who will at some point register to</p> <p>7 vote?</p> <p>8 A. Correct. Yeah.</p> <p>9 Q. Now, for those who are -- have not yet</p> <p>10 registered to vote, how do you connect with them?</p> <p>11 A. We meet them where they are. So we will</p> <p>12 do everything from go to concerts to go to high schools</p> <p>13 to find them on TikTok and Facebook and Instagram and</p> <p>14 digital platforms.</p> <p>15 Q. And these constituents don't pay dues,</p> <p>16 right?</p> <p>17 A. No.</p> <p>18 Q. And they don't select the president or</p> <p>19 executive director of Voto Latino?</p> <p>20 A. That is correct.</p> <p>21 Q. And they don't elect members of the</p> <p>22 governing board?</p> <p>23 A. Correct.</p> <p>24 Q. So if someone wanted to become a</p> <p>25 constituent of Voto Latino but had already registered to</p>

<p style="text-align: right;">Page 37</p> <p>1 vote, how would they do so?</p> <p>2 A. They become volunteers.</p> <p>3 Q. And is there a process for ending the</p> <p>4 constituency relationship?</p> <p>5 A. They could unsubscribe or stop being a</p> <p>6 volunteer.</p> <p>7 Q. When you say "unsubscribe," do you mean</p> <p>8 like through an email list?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. So would you consider anybody who is part</p> <p>11 of your email list to be a -- a constituent?</p> <p>12 A. Yes. And that half a million that I</p> <p>13 shared with you doesn't include them. I'd have to -- I</p> <p>14 don't know what that number is in Texas.</p> <p>15 Q. Okay. So if I understand this correctly,</p> <p>16 constituents so far include those who register to vote</p> <p>17 through Voto Latino, future voters, as well as</p> <p>18 individuals who have followed or subscribed to Voto</p> <p>19 Latino's mailing list?</p> <p>20 A. And who are volunteers.</p> <p>21 Q. Or volunteer. Those four categories.</p> <p>22 Are there any other categories of</p> <p>23 constituents like let's say somebody follows you on</p> <p>24 Facebook or Twitter, would they also count?</p> <p>25 A. In -- if they were in Texas, yes. So we</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. -- register?</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Does Voto Latino keep records of where its</p> <p>4 constituents live?</p> <p>5 A. Where they -- statewide, yes, but not so</p> <p>6 granular as well. If you're registered through us, we</p> <p>7 have your address and you will receive information from</p> <p>8 us, if that makes sense but --</p> <p>9 Q. It does.</p> <p>10 A. Okay.</p> <p>11 Q. So let me see if I understand this</p> <p>12 correctly. If you registered through Voto Latino,</p> <p>13 you're going to have some record of their address and</p> <p>14 you will use that address to keep them informed of</p> <p>15 activities of Voto Latino?</p> <p>16 A. Correct.</p> <p>17 Q. For other constituents, I assume if</p> <p>18 they're volunteering, you may have a rough approximation</p> <p>19 of where they live, like a state; is that right?</p> <p>20 A. Correct. We'll -- we'll have state and</p> <p>21 phone numbers.</p> <p>22 Q. But for constituents who are part of your</p> <p>23 mailing list or who interact with you on social media,</p> <p>24 they wouldn't necessarily have a sense of where they're</p> <p>25 located?</p>
<p style="text-align: right;">Page 38</p> <p>1 talked to individuals all the time about their --</p> <p>2 about -- make it fun so they can talk about anything</p> <p>3 from canceling student debt to what is the latest --</p> <p>4 who's the latest concert that's going to Texas, main</p> <p>5 idea.</p> <p>6 Q. So -- so someone who posts on your</p> <p>7 Facebook page or who sends a message to you would also</p> <p>8 be considered a constituent, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Would you --</p> <p>11 A. It's interaction. Normally, when it's</p> <p>12 interactions. Usually because they're asking for</p> <p>13 questions of clarification around their ability to vote</p> <p>14 for an issue, so yes.</p> <p>15 Q. You may have somewhat answered this</p> <p>16 already, but does Voto Latino keep records of whether</p> <p>17 its constituents are registered to vote?</p> <p>18 A. No. The only reason we -- the ones that</p> <p>19 we register, yes, but there are volunteers, for example,</p> <p>20 that may not -- may be too young to register, so we</p> <p>21 don't keep track of them.</p> <p>22 Q. So the only ones you keep track of in</p> <p>23 terms of voter registration would be the individuals you</p> <p>24 yourself helped --</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No. All we can do for that is we could</p> <p>2 provide you cluster -- we could provide clusters of</p> <p>3 where people live.</p> <p>4 Q. And you have a rough sense of some of your</p> <p>5 constituency nationwide, what proportion of that is in</p> <p>6 Texas?</p> <p>7 A. The largest proportion is in Texas. A</p> <p>8 third of the people that we registered in 2020 came from</p> <p>9 Texas.</p> <p>10 Q. And how many was that?</p> <p>11 A. Close to 190,000 came from Texas.</p> <p>12 Q. And we'll talk a little bit more later on</p> <p>13 how you recruit for voter registration. I'm just going</p> <p>14 to put a pin on that because I -- I'd just be curious to</p> <p>15 learn how Voto Latino conducts its activities.</p> <p>16 All right. Do you see the document</p> <p>17 that's been shared on the screen?</p> <p>18 A. Yes.</p> <p>19 Q. This again is Exhibit 1, Rule 30(b)(6),</p> <p>20 notice of Voto Latino. And then if you look at</p> <p>21 subject two -- topic two, it reads (as read), "Voto</p> <p>22 Latino's affiliations, partnerships with other entities,</p> <p>23 past or present, including the nature and extent of</p> <p>24 interactions between Voto Latino and all such affiliate,</p> <p>25 partner, or member organizations or groups."</p>

<p style="text-align: right;">Page 41</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. How did you prepare to speak about this</p> <p>4 topic? Actually, let me ask the first question. Did</p> <p>5 you prepare to speak about this topic?</p> <p>6 A. Yes.</p> <p>7 Q. And how did you do so?</p> <p>8 A. Just getting clarification of what that --</p> <p>9 what it meant from my attorney. I wasn't quite sure</p> <p>10 what -- what it meant.</p> <p>11 Q. And outside of your conversation with your</p> <p>12 attorney, you didn't speak with anybody else in the</p> <p>13 organization?</p> <p>14 A. No.</p> <p>15 Q. And you didn't consult any documents,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. So before I go into this topic, I</p> <p>19 just want to clarify a couple of points to help</p> <p>20 facilitate our conversation.</p> <p>21 First, I understand that your</p> <p>22 organization is challenging what is commonly referred to</p> <p>23 as SB 1111; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. So there's an SB 1111 each regular session</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. Can you please identify those affiliations</p> <p>2 and partnerships?</p> <p>3 A. We work closely with MoveOn Texas,</p> <p>4 Battleground Texas, and MALDEF.</p> <p>5 Q. So I heard MoveOn Texas, Battleground</p> <p>6 Texas, but I did not hear the last one.</p> <p>7 A. MALDEF.</p> <p>8 Q. MALDEF. Any other organizations with</p> <p>9 affiliations or partnerships that you can think of that</p> <p>10 would be affected by SB 1111?</p> <p>11 A. A lot of them. LULAC. I mean, not that</p> <p>12 we coordinate with anybody -- with all of them, but</p> <p>13 several -- several organizations.</p> <p>14 Q. Okay. Can you please tell me about Voto</p> <p>15 Latino's affiliation with MoveOn -- MoveOn Texas?</p> <p>16 A. Oftentimes, we will do programmatic</p> <p>17 education things together on -- on the ground and that's</p> <p>18 pretty much the extent of it.</p> <p>19 Q. Okay. And how will your partnership be</p> <p>20 affected by the residency statute?</p> <p>21 A. I think the biggest challenge is that none</p> <p>22 of the groups really understands what the law really</p> <p>23 means and interpreting that, so it's difficult for us to</p> <p>24 coordinate it -- to coordinate according.</p> <p>25 Q. And outside of not understanding the</p>
<p style="text-align: right;">Page 42</p> <p>1 of the Texas Legislature. You understand that when I</p> <p>2 say "SB 1111" in the context of this deposition, I'm</p> <p>3 referring to the election law passed and signed by the</p> <p>4 governor during the 87th regular session, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Do you understand that I may refer to</p> <p>7 SB 1111 as the "residency statute"?</p> <p>8 A. Correct.</p> <p>9 Q. And that when I do so, I mean the election</p> <p>10 law passed and signed by the governor during the 87th</p> <p>11 regular session?</p> <p>12 A. Correct.</p> <p>13 Q. With this in mind, do you contend that</p> <p>14 Voto Latino has affiliations or partnerships with groups</p> <p>15 that are going to be impacted by SB 1111?</p> <p>16 A. Yes.</p> <p>17 MS. JOHNSON: And I would just instruct</p> <p>18 the witness that she can answer that question, but to</p> <p>19 the extent that she feels it impairs the First Amendment</p> <p>20 associational privilege, she does not need to do</p> <p>21 anything that she feels would infringe upon that</p> <p>22 privilege.</p> <p>23 Q. (BY MS. HUNKER) So you said "yes," I</p> <p>24 believe?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 statutory provisions, is there any other way that you</p> <p>2 think that your partnership with MoveOn will be</p> <p>3 affected?</p> <p>4 A. Our ability to do outreach to our</p> <p>5 constituency and to do the core of our work.</p> <p>6 Q. And do you -- do you having same</p> <p>7 constituencies as MoveOn?</p> <p>8 A. Similar. We focus on young Latino youth,</p> <p>9 specifically eligible voters, and they focus on the</p> <p>10 totality of all of Texas voters.</p> <p>11 Q. And can you please tell me about Voto</p> <p>12 Latino affiliation with Battleground Texas?</p> <p>13 A. Same as MoveOn.</p> <p>14 Q. And so there's a voter education</p> <p>15 component; is that right?</p> <p>16 A. Yes, correct.</p> <p>17 Q. And how will this partnership be affected</p> <p>18 by the residency statute?</p> <p>19 A. Same as -- as in MoveOn.</p> <p>20 Q. And can you please tell me about your</p> <p>21 affiliation with MALDEF?</p> <p>22 A. We have -- it's very similar talking about</p> <p>23 the chilling effects that this law has on -- on Texas</p> <p>24 voters as a whole.</p> <p>25 Q. And what about your affiliation with</p>

<p style="text-align: right;">Page 45</p> <p>1 LULAC?</p> <p>2 A. Very similarly.</p> <p>3 Q. So all of your relationships seem to be</p> <p>4 centered on voter education; is that right?</p> <p>5 A. Correct.</p> <p>6 Q. And do you consider yourselves to have the</p> <p>7 same or similar constituencies as these four</p> <p>8 organizations?</p> <p>9 A. I think ours is a little more specific on</p> <p>10 who we're trying to engage with. Meaning that our --</p> <p>11 majority of the folks that we talked to all the time are</p> <p>12 young Latinos specifically, but they bleed into that</p> <p>13 constituency, if that makes sense.</p> <p>14 Q. Okay. Let's move on to topic number 3.</p> <p>15 It says (as read), "Voto Latino's current membership,</p> <p>16 including the members on whose behalf you have asserted</p> <p>17 a claim or who you otherwise purport to represent in</p> <p>18 this lawsuit."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. So we already discussed some of this topic</p> <p>22 before. Voto Latino does not have due paying members,</p> <p>23 correct?</p> <p>24 A. Correct.</p> <p>25 Q. Instead, Voto Latino has a constituency,</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Can you identify a specific member of your</p> <p>2 constituency that has been harmed?</p> <p>3 MS. JOHNSON: I would object on First</p> <p>4 Amendment grounds to the extent that this would not</p> <p>5 infringe any associational privilege under the First</p> <p>6 Amendment.</p> <p>7 You can answer.</p> <p>8 A. We haven't registered them yet.</p> <p>9 Q. (BY MS. HUNKER) And, actually, based off</p> <p>10 a point when you're talking about future members --</p> <p>11 future voters of your constituency, do you have an</p> <p>12 ongoing relationship with them or is this a relationship</p> <p>13 you seek to create?</p> <p>14 A. Both. So we help -- we identify young</p> <p>15 voters that -- pre -- pre-voter age of 16, 17 year olds</p> <p>16 and encourage them to get involved and ask them to</p> <p>17 pledge to register to vote, and then when they become</p> <p>18 voter -- when they're eligible, then we serve them</p> <p>19 information. And 50 -- roughly 56 percent of the people</p> <p>20 we registered in Texas last year to give you an idea</p> <p>21 were first-time voters.</p> <p>22 Q. So for some of the constituents, it sounds</p> <p>23 like you have a relationship, for others you do not, but</p> <p>24 you're seeking to form one?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 46</p> <p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. So you're bringing this lawsuit on behalf</p> <p>4 of Voto Latino specifically, correct?</p> <p>5 A. Correct.</p> <p>6 Q. You're not bringing this lawsuit on behalf</p> <p>7 of any member, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And you're not bringing this lawsuit on</p> <p>10 behalf of your constituency, correct?</p> <p>11 MS. JOHNSON: Object to form.</p> <p>12 Q. (BY MS. HUNKER) You can answer the</p> <p>13 question.</p> <p>14 A. I would say that we are also representing</p> <p>15 our constituents.</p> <p>16 Q. Are you bringing your lawsuit on behalf of</p> <p>17 them, though?</p> <p>18 MS. JOHNSON: Same objection.</p> <p>19 Q. (BY MS. HUNKER) Do you have another</p> <p>20 answer?</p> <p>21 A. Same.</p> <p>22 Q. Is there a specific constituent, then,</p> <p>23 that you were bringing this lawsuit on behalf of?</p> <p>24 A. I would say in this case it's the future</p> <p>25 voters.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. All right. Let's move on to topic four</p> <p>2 (as read), "The factual basis for any contention that</p> <p>3 Voto Latino, as an organization, has suffered injury</p> <p>4 because of the passage of SB 1111, including the nature</p> <p>5 and extent to which SB 1111 has impaired or is expected</p> <p>6 to impair Voto Latino's financial expenditures or</p> <p>7 ability to perform its organizational activities."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Did you prepare today to speak about this</p> <p>11 topic?</p> <p>12 A. I did.</p> <p>13 Q. How did you prepare?</p> <p>14 A. Through the -- through -- reading through</p> <p>15 the bill, reading through the documents that were</p> <p>16 submitted, and, basically, the -- the documents that we</p> <p>17 submitted to you, the supporting documents.</p> <p>18 Q. You'd agree with me that Voto Latino does</p> <p>19 not vote in the election, correct?</p> <p>20 A. Correct.</p> <p>21 Q. You'd agree with me that Voto Latino was</p> <p>22 not registered to vote, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And would you agree with me that SB 1111</p> <p>25 does not directly regulate Voto Latino?</p>

<p style="text-align: right;">Page 49</p> <p>1 MS. JOHNSON: Object to form.</p> <p>2 A. Can you ask the question again?</p> <p>3 Q. (BY MS. HUNKER) Yeah.</p> <p>4 Would you agree that SB 1111 does not</p> <p>5 directly regulate Voto Latino?</p> <p>6 MS. JOHNSON: Same objection. You can</p> <p>7 answer --</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. JOHNSON: -- unless -- unless I say</p> <p>10 not to answer but --</p> <p>11 THE WITNESS: Thank you. I will -- I</p> <p>12 will not answer.</p> <p>13 MS. JOHNSON: It's -- it's a hard -- no,</p> <p>14 it's a hard default. I won't explain every time. Yeah.</p> <p>15 MS. HUNKER: I just thought you was being</p> <p>16 very pensive.</p> <p>17 MS. JOHNSON: Also possible, so I didn't</p> <p>18 want to interrupt thinking.</p> <p>19 But yeah, I'll -- I'll specifically say</p> <p>20 I'm instructing you not to answer, so we'll proceed that</p> <p>21 way.</p> <p>22 THE WITNESS: Thank you. So I'm so</p> <p>23 sorry. Can you repeat the question, Kathleen?</p> <p>24 Q. (BY MS. HUNKER) That's no problem.</p> <p>25 You'd agree that SB 1111 does not</p>	<p style="text-align: right;">Page 51</p> <p>1 quarter because of -- we had to concentrate resources as</p> <p>2 a result.</p> <p>3 Q. (BY MS. HUNKER) What activity does</p> <p>4 SB 1111 prohibit you from engaging in?</p> <p>5 A. It has a chilling effect on our ability to</p> <p>6 communicate freely and declaratively to potential</p> <p>7 voters, and as a result we cannot do the same type of</p> <p>8 activities of speaking freely and encouraging them to</p> <p>9 register.</p> <p>10 Q. So what is the chilling effect exactly?</p> <p>11 A. Well, according to SB 11 -- 1111, as I</p> <p>12 understand it, you cannot register to vote if you are on</p> <p>13 a college campus because you're going to be living there</p> <p>14 temporarily, but then you also cannot register to vote</p> <p>15 in your home address. So that is a complete</p> <p>16 disenfranchisement of the individual.</p> <p>17 I think part of our challenge is that</p> <p>18 even the individuals that are filed in this lawsuit,</p> <p>19 they can't share with us what the right side of the law</p> <p>20 is. So it makes it difficult for us to be able to have</p> <p>21 conversations of enfranchisement for our community. We</p> <p>22 have to figure out how to share this information with</p> <p>23 our volunteers who are constantly in communication with</p> <p>24 potential voters and all that sort of stuff.</p> <p>25 Q. But SB 1111 doesn't prohibit you from</p>
<p style="text-align: right;">Page 50</p> <p>1 directly regulate Voto Latino, correct?</p> <p>2 MS. JOHNSON: Objection.</p> <p>3 A. It -- it does regulate it because it</p> <p>4 basically changes in the format on how we planned on</p> <p>5 doing the work, and it actually has to expand our</p> <p>6 resources for the voter registration education that we</p> <p>7 didn't have to do in 2020.</p> <p>8 Q. (BY MS. HUNKER) Is that a direct</p> <p>9 restriction on Voto Latino's activities or is it simply</p> <p>10 an order to do the best that you can -- you need to</p> <p>11 change?</p> <p>12 A. No --</p> <p>13 MS. JOHNSON: Object to -- sorry. I just</p> <p>14 paused just one -- object to form.</p> <p>15 Okay. You can go ahead.</p> <p>16 A. It's direct. So prior to -- so we do our</p> <p>17 budget in two-year cycles. So in January of 2021, we</p> <p>18 had -- we were expecting to register roughly 175,000</p> <p>19 voters in Texas and identify 1.3 million people that</p> <p>20 we're going to target on educational campaigns.</p> <p>21 SB 1111, along with other voter</p> <p>22 restriction laws that were imposed since January of</p> <p>23 2021, actually had to -- we had to knock down our voter</p> <p>24 registration numbers by 25 percent and the people that</p> <p>25 we were going to inform and educate by close to a</p>	<p style="text-align: right;">Page 52</p> <p>1 speaking with voters, about voter registration, correct?</p> <p>2 A. So the majority of our voters are</p> <p>3 disproportionately young people and if they live on</p> <p>4 college campuses, it prohibits us from affirmatively</p> <p>5 stating that they're not going to be on the wrong side</p> <p>6 of the law if they register to vote on campus. We don't</p> <p>7 know that because it is not clear.</p> <p>8 Q. So it prevents you from actually speaking</p> <p>9 with them?</p> <p>10 I'm not talking about the content.</p> <p>11 I'm just asking does SB 1111 prohibit you</p> <p>12 from speaking to voters or prospective voters in regards</p> <p>13 to voter registration?</p> <p>14 MS. JOHNSON: Asked and answered.</p> <p>15 Q. (BY MS. HUNKER) You can answer.</p> <p>16 A. It's the same thing. It does because I</p> <p>17 cannot affirmatively tell someone that he lives on a</p> <p>18 college campus that they cannot -- they will not be on</p> <p>19 the wrong side of the law for registering to vote on</p> <p>20 that said campus.</p> <p>21 I can't also clarify with them that</p> <p>22 because it's a temporary address. They cannot -- they</p> <p>23 cannot register to vote in their home. I'm not quite</p> <p>24 sure how you register to vote, but when I was in</p> <p>25 college, I registered to vote on my college campus but</p>

<p style="text-align: right;">Page 53</p> <p>1 with my parents' address, recognizing that I was going</p> <p>2 to be living -- I wasn't going to be a student at</p> <p>3 that -- at that address forever.</p> <p>4 Q. SB 1111 doesn't impose a penalty on you,</p> <p>5 though, from -- for speaking with students, correct? I</p> <p>6 can rephrase.</p> <p>7 You're not subject to criminal liability</p> <p>8 if you speak with college students, correct, about voter</p> <p>9 registration?</p> <p>10 A. That is correct. But this college student</p> <p>11 might be on the wrong side of the law if it's not done</p> <p>12 properly.</p> <p>13 MS. HUNKER: Well, I'm going to object to</p> <p>14 that last half as nonresponsive.</p> <p>15 I'm talking about Voto Latino's</p> <p>16 specifically.</p> <p>17 Q. (BY MS. HUNKER) Voto Latino is not</p> <p>18 subject to any criminal penalties for speaking with</p> <p>19 students regarding voter registration?</p> <p>20 A. Our job is to provide them with accurate</p> <p>21 information. So we don't have accurate information</p> <p>22 where they will not be on the wrong side of the law that</p> <p>23 impacts our ability to speak to them freely.</p> <p>24 MS. HUNKER: I'm again going to object as</p> <p>25 nonresponsive.</p>	<p style="text-align: right;">Page 55</p> <p>1 THE WITNESS: That would be great.</p> <p>2 MS. HUNKER: How does 10 minutes sound?</p> <p>3 THE WITNESS: That sounds great. Thank</p> <p>4 you.</p> <p>5 THE VIDEOGRAPHER: Okay. Wonderful. We</p> <p>6 are off the record at 12:04 p.m.</p> <p>7 (Break taken)</p> <p>8 THE VIDEOGRAPHER: We are back on the</p> <p>9 record at 12:18 p.m.</p> <p>10 MS. HUNKER: Did you have a good break,</p> <p>11 Ms. Kumar?</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. HUNKER: That's good.</p> <p>14 Q. (BY MS. HUNKER) So my first question for</p> <p>15 you is a bit in general. How is Voto Latino injured by</p> <p>16 SB 1111?</p> <p>17 A. As I mentioned to you before, we do our --</p> <p>18 our budget in -- in -- in cycles. And so January 2021,</p> <p>19 we had provided that we were going to register roughly</p> <p>20 about 175,000 voters and we were going to reach out to</p> <p>21 1.3 million voters in Texas. As a result of SB 1111 and</p> <p>22 all the other laws that came into effect post-January,</p> <p>23 we had to reallocate our funding and lower our goals to</p> <p>24 concentrate on voter education.</p> <p>25 And so we lowered our goals in voter</p>
<p style="text-align: right;">Page 54</p> <p>1 My question is a little different.</p> <p>2 Q. (BY MS. HUNKER) I'm asking: Are you</p> <p>3 subject, you, Voto Latino, to criminal penalties or</p> <p>4 criminal liability if you speak with college students</p> <p>5 about voter registration?</p> <p>6 MS. JOHNSON: Objection: Asked and</p> <p>7 answered.</p> <p>8 A. My answer is the same. It's that we can't</p> <p>9 in good heart give someone erroneous information if</p> <p>10 they, in fact, may be penalized and on the wrong side of</p> <p>11 the law.</p> <p>12 Q. (BY MS. HUNKER) Do you at least --</p> <p>13 A. So we have an affect in our ability to</p> <p>14 actually communicate with our audience because we just</p> <p>15 the -- the law seems to be not clear and it hurts our</p> <p>16 ability to communicate directly.</p> <p>17 Q. So you're concerned about the impact on</p> <p>18 the students?</p> <p>19 A. Of course.</p> <p>20 Q. Is that correct?</p> <p>21 A. Of course.</p> <p>22 MS. HUNKER: So I'll just ask a general</p> <p>23 question how -- we're about an hour in or did you want</p> <p>24 to take a quick break and then I can move on to the meat</p> <p>25 of the next subject?</p>	<p style="text-align: right;">Page 56</p> <p>1 registration roughly about 25 percent and for voter</p> <p>2 outreach roughly at one point for 1.3 million to 500,000</p> <p>3 so that's roughly about 62 percent -- 60 percent. And</p> <p>4 then we also had because there -- the laws that were</p> <p>5 passed in the state of Texas and others, we actually had</p> <p>6 to shut down our Colorado program.</p> <p>7 It'll be the very first time that we are</p> <p>8 not doing voter registration and education in Colorado</p> <p>9 since 2010. And because one of the things that I think</p> <p>10 we can all appreciate is that there is not infinite</p> <p>11 amount of money or time. And so I've also -- we've also</p> <p>12 had to retool and teach our volunteers, educate them,</p> <p>13 provide information around primaries specifically to SB</p> <p>14 1111 and the other -- the other laws as well, and spent</p> <p>15 time on my counsel filing this lawsuit and the list goes</p> <p>16 on.</p> <p>17 Q. Okay. So first and foremost, it sounds</p> <p>18 like you're saying that they're required to divert</p> <p>19 resources; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. I want to -- so how does SB 1111 cause</p> <p>22 Voto Latino to expand and divert resources? So you</p> <p>23 mentioned that you diverted them. I'm just trying to</p> <p>24 understand the mechanism by which they are diverted.</p> <p>25 A. We have a fundraising goal and through</p>

<p style="text-align: right;">Page 57</p> <p>1 that original fundraising goal, we were going to do X</p> <p>2 amount of voter registrations. We had to drop that</p> <p>3 number down by 25 percent and we had to drop down the</p> <p>4 number of low propensity voters that we were going to</p> <p>5 reach so that we can make sure that, again, it --</p> <p>6 SB 1111 along with SB 1 how -- how that was going to</p> <p>7 impact our folks.</p> <p>8 I also -- we also had to take time with</p> <p>9 our attorneys so that they can brief our staff to learn</p> <p>10 what they can communicate. We had to retool our</p> <p>11 strategy and our communications and get up to speed.</p> <p>12 And then we also had to teach our volunteers how to</p> <p>13 speak with -- speak to it as well.</p> <p>14 Q. And what are you doing differently today</p> <p>15 on account of the residency statute that you were not</p> <p>16 doing since the organization was founded?</p> <p>17 A. When Voto Latino was founded -- Voto</p> <p>18 Latino, the Action Fund was not founded until 2014.</p> <p>19 Roughly 10 years after the organization was founded, the</p> <p>20 sister organization was founded and it was in a direct</p> <p>21 result of the gutting of the Voting Rights Act of Shelby</p> <p>22 County and one of the states that we had to expand our</p> <p>23 voter education program into was Texas.</p> <p>24 So since our founding, we've actually had</p> <p>25 to create a whole new body of work, so to speak, to</p>	<p style="text-align: right;">Page 59</p> <p>1 saw an increase in participation that the state</p> <p>2 legislators' decision was to make it even harder. And</p> <p>3 so we had to retool based on our experience working in</p> <p>4 Texas for the last 10 years.</p> <p>5 Q. So you talked about Texas experience in</p> <p>6 2020, how familiar are you with the election in 2020 in</p> <p>7 Texas specifically?</p> <p>8 A. We register -- the most -- the most voters</p> <p>9 that we registered as an organization came from Texas</p> <p>10 roughly 190,000 registered voters that we did. We</p> <p>11 did --</p> <p>12 Q. -- are you -- sorry, I didn't mean to</p> <p>13 interrupt. Keep going.</p> <p>14 A. No, go ahead.</p> <p>15 Q. I was just curious if you were familiar</p> <p>16 with how the election itself was conducted, not the</p> <p>17 voter registration side, but the actual election.</p> <p>18 A. We do a lot of information on how to get</p> <p>19 out the vote, and I don't quite understand your</p> <p>20 question, I guess.</p> <p>21 Q. Okay. So I'll give you an example.</p> <p>22 Were you familiar with the different</p> <p>23 lawsuits that were filed in Texas challenging various</p> <p>24 provisions of the Texas election code in 2020?</p> <p>25 A. Yes, we -- we were one of those.</p>
<p style="text-align: right;">Page 58</p> <p>1 enfranchise as many voters as possible. We thought</p> <p>2 that, you know, Texas did a fine job in 2020. They</p> <p>3 certified a fair, free election. Young voters turned</p> <p>4 out in record number, and it was something to be</p> <p>5 applauded. Instead, we found that 2021 because of two</p> <p>6 years of consistent increase of voter participation</p> <p>7 among youth, particularly, along -- among Latinos,</p> <p>8 additional barriers were put in place that we had not</p> <p>9 calculated in 2020.</p> <p>10 I don't think anybody saw that again</p> <p>11 after a fair, free certified election in the hardest to</p> <p>12 vote state that the state was going to create more</p> <p>13 barriers to voting. And so that caught our organization</p> <p>14 by surprise.</p> <p>15 Q. So is it the fact that you have to create</p> <p>16 new materials, the fact that you had to train people in</p> <p>17 the new law, is that where the diversion is coming from?</p> <p>18 A. Several things. I think we could agree</p> <p>19 that we -- what we don't have is endless resources</p> <p>20 and -- and we have finite time. And so as a result, we</p> <p>21 have to live in with those -- with -- with those</p> <p>22 confinements when it comes to the work that we do. And</p> <p>23 we've had to retool our work because, again, we</p> <p>24 didn't -- we didn't think that after the hardest to vote</p> <p>25 state in 2020, certified a fair, free election, and you</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Yes. Were you aware of lawsuits that were</p> <p>2 filed by the different parties in regards to how the</p> <p>3 election was conducted, both against the counties and</p> <p>4 against the state?</p> <p>5 A. Less so.</p> <p>6 Q. Okay. Were you aware that the Texas</p> <p>7 Governor by Executive Order amended several provisions</p> <p>8 of the election code for the purposes of the pandemic</p> <p>9 and crises?</p> <p>10 A. Yes.</p> <p>11 Q. Were you aware that there was a lot of</p> <p>12 resistance in regards to the vote of -- the Governor</p> <p>13 using his emergency powers?</p> <p>14 A. Less familiar.</p> <p>15 Q. Are you familiar with the controversy in</p> <p>16 Harris County in regards to drive-through voting and the</p> <p>17 litigation that resulted as if it is --</p> <p>18 MS. JOHNSON: Kathleen -- Kathleen, what</p> <p>19 topic does this relate to you in the notice?</p> <p>20 MS. HUNKER: Well, she brought up -- she</p> <p>21 brought up Harris County specifically -- she brought up</p> <p>22 election in 2020 as an example and using that to compare</p> <p>23 what she's doing now. And I'm trying to understand her</p> <p>24 knowledge of how 2020 works so we can kind of get to</p> <p>25 those distinctions.</p>

<p style="text-align: right;">Page 61</p> <p>1 MS. JOHNSON: Yeah, I understand that.</p> <p>2 MS. HUNKER: It's a reaction to her</p> <p>3 comments. Like I wouldn't be bringing this up if it</p> <p>4 weren't for the comments.</p> <p>5 MS. JOHNSON: I understand, and I think</p> <p>6 we gave some leeway with those initial comments. But at</p> <p>7 this point, I'm going to object to outside the scope of</p> <p>8 the knowledge -- outside of the scope of the notice.</p> <p>9 Excuse me. But you can answer if you can.</p> <p>10 Q. (BY MS. HUNKER) You can answer.</p> <p>11 A. Can you repeat the question, Kathleen?</p> <p>12 Q. Oh, yes. Are you familiar with the</p> <p>13 controversy in Harris County regarding drive-through</p> <p>14 voting and the ensuing litigation [inaudible]?</p> <p>15 MS. JOHNSON: Same objection.</p> <p>16 A. I know that right -- I'm actually not --</p> <p>17 I'm not as familiar. I know that there was -- that</p> <p>18 drive-through voting was allowed and --</p> <p>19 Q. (BY MS. HUNKER) You were --</p> <p>20 A. -- we were suggesting to -- to use it.</p> <p>21 Q. Were you aware of the controversy</p> <p>22 surrounding the number of ballot delivery locations in</p> <p>23 the 2020 election?</p> <p>24 MS. JOHNSON: Objection to outside the</p> <p>25 scope of the notice.</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. (BY MS. HUNKER) Yes, but I'm simply</p> <p>2 asking like you are alleging that Texas had a smooth</p> <p>3 election?</p> <p>4 A. I am not alleging that. I said that there</p> <p>5 was a fair, free election that was certified.</p> <p>6 Q. Okay. Would it surprise you though that</p> <p>7 the Texas Legislature would respond to the controversies</p> <p>8 with legislation?</p> <p>9 MS. JOHNSON: Object to form: Calls for</p> <p>10 speculation; outside of the scope of the notice.</p> <p>11 Q. (BY MS. HUNKER) You can answer.</p> <p>12 A. So if it -- if the state legislature had</p> <p>13 passed SB 1111 on bipartisan lines, I think it would</p> <p>14 be -- I'd be much more comfortable saying that it was in</p> <p>15 direct response to these concerns that you arise. But</p> <p>16 in fact, it was very much on partisan lines. And so as</p> <p>17 a result, it -- it makes one question the reason why</p> <p>18 we're having these conversations in the first place when</p> <p>19 it comes to passing this legislation.</p> <p>20 Q. So would you consider suspect any use of</p> <p>21 legislation that's voted on party lines?</p> <p>22 A. When it comes to the enfranchisement of --</p> <p>23 of a people, absolutely.</p> <p>24 Q. Voto Latino has initiated a lawsuit</p> <p>25 challenging "SB 1," correct?</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. (BY MS. HUNKER) So you mentioned that</p> <p>2 Texas certified a free, fair election in 2020, correct?</p> <p>3 A. Correct.</p> <p>4 Q. But you're not actually aware of the</p> <p>5 details and the controversies that occurred within the</p> <p>6 Texas election in 2020, correct?</p> <p>7 MS. JOHNSON: Object to form:</p> <p>8 Mischaracterizes her testimony and outside of the scope</p> <p>9 of the notice.</p> <p>10 Q. (BY MS. HUNKER) You can answer.</p> <p>11 A. I defer to my counsel.</p> <p>12 Q. She didn't instruct you not to answer. So</p> <p>13 if you can answer, please.</p> <p>14 MS. JOHNSON: Yeah, you can answer.</p> <p>15 A. Is it okay if you could repeat the</p> <p>16 question, Kathleen?</p> <p>17 Q. (BY MS. HUNKER) So you mentioned that</p> <p>18 Texas had a free and fair election in 2020, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. But you are not aware of the</p> <p>21 controversies that occurred in conducting that election;</p> <p>22 is that correct?</p> <p>23 MS. JOHNSON: Same objections.</p> <p>24 A. There were several controversies, can you</p> <p>25 point to one.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Correct.</p> <p>2 Q. And so we're clear, you understand that by</p> <p>3 SB 1, I'm referring to the Omnibus Elections Bill</p> <p>4 enacted by the 87th Texas Legislature during the second</p> <p>5 special session? Are you -- you understand that?</p> <p>6 A. Correct. But we're not --</p> <p>7 Q. In that case, Voto Latino contends that it</p> <p>8 was injured by SB 1, correct?</p> <p>9 MS. JOHNSON: What topic does this relate</p> <p>10 to, Kathleen?</p> <p>11 MS. HUNKER: It's going to be tying in</p> <p>12 directly to the harm that's alleged here. The same</p> <p>13 topics got brought up with your corporate representative</p> <p>14 LULAC.</p> <p>15 MS. JOHNSON: Okay. I would object</p> <p>16 outside the scope of the notice.</p> <p>17 But you can answer if you can.</p> <p>18 A. So what's the question?</p> <p>19 Q. (BY MS. HUNKER) My question is: In that</p> <p>20 case where you're challenging SB 1, Voto Latino contends</p> <p>21 that it was injured by SB 1. I believe you mentioned it</p> <p>22 a little bit earlier during our conversation; is that</p> <p>23 correct?</p> <p>24 A. Correct. So SB 1 -- SB 1111 have</p> <p>25 collectively impact the organization, our ability to do</p>

<p style="text-align: right;">Page 65</p> <p>1 work and conduct forth to outreach voters.</p> <p>2 Q. Okay. And so you're also contending that</p> <p>3 SB 1 has forced Voto Latino to expand and divert funds</p> <p>4 and resources and time in order to accomplish its</p> <p>5 mission, correct?</p> <p>6 A. SB 1111 and SB 1 have together, yes.</p> <p>7 Q. Okay. So my question for you is whether</p> <p>8 Voto Latino has teased out how much of its injury is</p> <p>9 attributable to SB 1 and how much is attributable to</p> <p>10 SB 1111?</p> <p>11 A. I think that it's again the -- just the</p> <p>12 collective of the legislation and we -- when legislation</p> <p>13 is passed, we just augment the work, sadly, and we have</p> <p>14 to divert resources. So I can't tease out specifically</p> <p>15 how much, but I know -- that we are now almost -- from</p> <p>16 when we did voter education outreach, for example, in</p> <p>17 the last midterm of 20 -- of 2018, we're almost tripling</p> <p>18 the amount of -- of the funding that we are raising to</p> <p>19 educate folks based on the post-2020 environment.</p> <p>20 Q. Okay. So, do you know, I know you</p> <p>21 probably can't give me specific numbers, but do you know</p> <p>22 approximately how much of the expenditure diversions</p> <p>23 have been a result of SB 1111 versus SB 1?</p> <p>24 A. When you're educating a voter, you can't</p> <p>25 really tease out one or the other, you have to educate</p>	<p style="text-align: right;">Page 67</p> <p>1 statements you give to college students, have they only</p> <p>2 been changed as a result of SB 1111? SB 1 has not had</p> <p>3 any impact on that?</p> <p>4 MS. JOHNSON: Object to form.</p> <p>5 A. I would say that we -- that I would have</p> <p>6 to tease out on figuring out. I haven't looked at what</p> <p>7 we are doing right now on SB 1, but I can tell you that</p> <p>8 we have had to change our form and our conversations and</p> <p>9 the expenditures on 1111. I can't tell you right now if</p> <p>10 that is 50/50 or 25/75, I -- I can't give you that</p> <p>11 number.</p> <p>12 Q. (BY MS. HUNKER) All right. I think I --</p> <p>13 I probably wasn't very clear with the -- the question.</p> <p>14 So let me see if I could rephrase it.</p> <p>15 Has SB 1 caused you to change any of the</p> <p>16 materials you give to college students about voter</p> <p>17 registration or voting?</p> <p>18 A. I have to get -- that I don't know right</p> <p>19 now --</p> <p>20 Q. Okay.</p> <p>21 A. -- for SB 1111.</p> <p>22 Q. No, and that's perfectly understandable.</p> <p>23 I'm just again trying to do that tease out, just so --</p> <p>24 A. Gotta do one lawsuit at a time, Kathleen.</p> <p>25 Q. I wish I had that luxury.</p>
<p style="text-align: right;">Page 66</p> <p>1 them on the suite of the changes of the law.</p> <p>2 Q. Okay. And the reason I'm asking this is</p> <p>3 because this lawsuit, of course, is SB 1111, and I'm</p> <p>4 trying to understand sort of the scope of injury that</p> <p>5 you're claiming SB 1111 imposes on Voto Latino. And so</p> <p>6 that's why I'm trying to tease out the distinctions</p> <p>7 between the two bills.</p> <p>8 Like is there anything specific about SB</p> <p>9 1111 that you had to change or had to divert that you</p> <p>10 wouldn't have had to change or divert in SB 1?</p> <p>11 A. Specifically, how we -- the counsel that</p> <p>12 we have to give voters in college campuses and</p> <p>13 explaining that, and the chilling effect of that has and</p> <p>14 explaining to our volunteers that piece.</p> <p>15 I think that if we were to look at it,</p> <p>16 I -- I don't feel comfortable giving you a dollar amount</p> <p>17 because, again, it's the totality of the work that we</p> <p>18 do, but it has had a difficulty in our ability to give</p> <p>19 them straight answers or are they allowed to even</p> <p>20 register on college campuses. And we are concerned</p> <p>21 that -- that basically disenfranchises them because they</p> <p>22 can register either on college campus or in their home</p> <p>23 and so we have to navigate that very carefully.</p> <p>24 Q. Okay. So for the materials that you've</p> <p>25 delivered to college campuses or the trains or the</p>	<p style="text-align: right;">Page 68</p> <p>1 So you also mentioned earlier in our</p> <p>2 conversation about other election laws that were passed</p> <p>3 in various states, and you cited that is a -- one of the</p> <p>4 reasons, for instance, you shut down your work in</p> <p>5 Colorado.</p> <p>6 A. Correct.</p> <p>7 Q. And so I was wondering if you could just</p> <p>8 briefly describe what those laws are. Like, what laws</p> <p>9 are you talking about?</p> <p>10 A. Very similar, in Georgia, we've had to</p> <p>11 retool. We don't -- we have not filed a lawsuit in</p> <p>12 Georgia, but we've had to retool on how we do our work.</p> <p>13 So, basically, Colorado is a -- is a state where we've</p> <p>14 worked for a very long time, but because they basically</p> <p>15 backed off on voter restrictions, they are now in places</p> <p>16 like Arizona, Texas, and Georgia principally.</p> <p>17 We've also had to divert resources</p> <p>18 because we are now doing voter education and engagement</p> <p>19 at the national level working in Congress so that</p> <p>20 everybody, regardless of zip code, can play by the exact</p> <p>21 same rules. So that's another diversion of resources</p> <p>22 that we've had to -- had -- had to do because of these</p> <p>23 state level efforts, specifically in Texas, Arizona, and</p> <p>24 Georgia.</p> <p>25 Q. Now you are able to tease out how much of</p>

<p style="text-align: right;">Page 69</p> <p>1 the expenditures that were diverted are from SB 1111</p> <p>2 versus the other laws in various states?</p> <p>3 A. Not here, but I can assure you that the</p> <p>4 majority of our expenditure at Voto Latino is in Texas,</p> <p>5 and that is where the majority of the expenditure will</p> <p>6 be reallocated to.</p> <p>7 Q. So you can't give me specifics, but you</p> <p>8 can say most of the Texas portion -- most of your budget</p> <p>9 is Texas, and that was what is affected by the Texas</p> <p>10 laws?</p> <p>11 A. That is correct, yes.</p> <p>12 Q. All right. So you've mentioned to me --</p> <p>13 we might talk about this little bit more later, the</p> <p>14 different ways that you had to divert and you cited</p> <p>15 retooling your trainings for volunteers. You mentioned</p> <p>16 litigation expenses, you mentioned, I think, briefing</p> <p>17 staff, and then you also just mentioned the lobbying.</p> <p>18 Are there any other expenses that you --</p> <p>19 A. Not lobby -- it's not lobbying, it's</p> <p>20 advocacy.</p> <p>21 Q. Advocacy. So outside of the four --</p> <p>22 A. And then educating the resources that we</p> <p>23 have on our social media, which is -- they're publicly</p> <p>24 available on that. So, basically, when we do -- it's</p> <p>25 not just a staff being informed, but the actual product</p>	<p style="text-align: right;">Page 71</p> <p>1 Latino voters as possible by -- from 2020 to 2024.</p> <p>2 We're expecting an additional 800,000 Latinos to come of</p> <p>3 age in the state of Texas. By this midterm of 2022,</p> <p>4 we're expecting roughly half of that to come of age. If</p> <p>5 we can't speak freely to our audience on their rights</p> <p>6 and where they can register, where they do not fall</p> <p>7 afoul of the law, it -- in -- it -- it -- it makes it</p> <p>8 difficult for us to be able to engage in our primary</p> <p>9 purpose of activity, which is enfranchising all the</p> <p>10 voters.</p> <p>11 Q. Okay. So what is the basis for this</p> <p>12 belief on the impact?</p> <p>13 A. The secretary -- the -- the local county</p> <p>14 registrars can't tell us what the law means. So if the</p> <p>15 experts can't, then we -- we are -- it -- it poses a</p> <p>16 difficulty in our ability to -- to engage with our</p> <p>17 voter.</p> <p>18 Q. So I was going to bring this up later, but</p> <p>19 I guess I could bring it up now.</p> <p>20 You mentioned that you had spoken to</p> <p>21 county registrars; is that right?</p> <p>22 A. Not directly, my staff has.</p> <p>23 Q. Your staff has?</p> <p>24 A. Yeah.</p> <p>25 Q. Voto Latino has. And which counties?</p>
<p style="text-align: right;">Page 70</p> <p>1 that is taken away from doing other primary purpose</p> <p>2 activity to have them now inform the public on this.</p> <p>3 Q. Okay. Is Voto Latino claiming any other</p> <p>4 injury by SB 1111 outside diversion of resources?</p> <p>5 A. The chilling effect it has on my ability</p> <p>6 and my organization's ability to speak to voters. We</p> <p>7 can't speak freely to them.</p> <p>8 Q. Okay. And you said that's based on the</p> <p>9 confusion of the law? If I'm remembering correctly.</p> <p>10 A. Correct.</p> <p>11 Q. And that's because you're concerned in</p> <p>12 regards to the impact it would have on the voter</p> <p>13 itself -- sorry, voter, if you gave wrong information?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. So diversion of resources and the</p> <p>16 chilling effect. Are there any other categories of</p> <p>17 injury that you can think of while you're sitting here</p> <p>18 before me?</p> <p>19 A. Not at this time.</p> <p>20 Q. Okay. But do you believe that SB 1111</p> <p>21 will have an impact on Votino's [sic] constituency?</p> <p>22 A. It does.</p> <p>23 Q. Now, can you please explain and describe</p> <p>24 this impact?</p> <p>25 A. So our charge is to register as many young</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I don't -- I would not be able to tell you</p> <p>2 they have.</p> <p>3 Q. Do you know when they contacted the</p> <p>4 counties?</p> <p>5 A. It was -- I -- I want to say it was around</p> <p>6 September when we do a lot of our voter registration</p> <p>7 stuff and I want to say around the primaries, but I</p> <p>8 would have to -- I'm not quite sure.</p> <p>9 Q. So you believe it was September?</p> <p>10 A. I believe so, I'm not quite sure, only</p> <p>11 because we do our works in chunks, so --</p> <p>12 Q. And you don't think you've -- they've</p> <p>13 spoken to the county registrar since then?</p> <p>14 A. I don't know. I'd have to double check</p> <p>15 with them. But it is practice that we -- that we engage</p> <p>16 with local just to make sure that we have all our facts</p> <p>17 straight. We do our work.</p> <p>18 Q. Have you contacted -- when I say "you," I</p> <p>19 mean Voto Latino, the Secretary of State's office.</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. So outside of confusion, are there any</p> <p>22 other factors that you think -- that form a basis of</p> <p>23 your belief, this is going to harm your constituents?</p> <p>24 A. Well, our young people are -- so according</p> <p>25 to way the law reads, is that if you -- you cannot</p>

<p style="text-align: right;">Page 73</p> <p>1 register to vote in a temporary address by default, all 2 the students that we registered are at a temporary 3 address. The law accordingly also says that you can't 4 register at that moment unless you're physically 5 inhabiting an address and that you plan on being on and 6 that's normally your home. 7 So if most of -- again, I don't -- I'm 8 not quite sure how you -- how you register to vote, but 9 the first time I registered to vote was on my college 10 campus, giving my parents address, recognizing that I 11 wasn't going to live there, right? That's one. 12 The other is, is that the law says that 13 you can't move freely and decide where you want to vote 14 if one of the things your proclivities is to register to 15 vote because you want to influence an election. 16 Pete Sessions, former Congressman, moved 17 multiple times so that he could actually relocate so 18 that he could be eligible and be on the ballot, so it's 19 just incongruous. I think the other piece that is of 20 concern is that it is on the onus of the registrar and 21 the proclivity of the registrar to figure out the intent 22 of the person who registered to vote, whether it was to 23 influence an election. And I think that it also is 24 quite confusing because a registrar cannot determine 25 what was in my heart the time I -- and the moment that I</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Okay. So that's something you're going to 2 be doing in the future, but you haven't done that? 3 A. Correct. Yes, correct. 4 Q. Do you have an expectation of when you're 5 going to be initiating that? 6 A. So we normally do surveys and all of that 7 around May and June so that we can prepare for the -- 8 for the midterm elections. But don't hold me to it 9 because that's my VP and -- and my -- 10 Q. I certainly would not. But you're 11 expecting in the next, let's say, two or three months 12 that you'd be initiating that process where you'd 13 receive input from voters? 14 A. Correct. Yes. 15 Q. Or your constituents? I should specify. 16 A. Correct. 17 Q. And can you tease out how much of the harm 18 to your constituents stems from SB 1111 versus SB 1? 19 A. I think the biggest harm is that, again, 20 if we have volunteers that want to, you know, create 21 residency for the point of influencing an election. SB 22 1111 says that they cannot. Greg Abbott, in his address 23 to the Texas Legislature in his state of Texas, said 24 that many people are moving to Texas because they are 25 tired of their own government in the states and that</p>
<p style="text-align: right;">Page 74</p> <p>1 registered. 2 Q. So is it your understanding that the 3 registrar has to do an inquiry into the intent of the 4 voter? 5 A. That's how the law reads right now. At 6 least that's how -- that's how I interpret it. 7 Q. Okay. So the two bases it seems that 8 you're relying on is, first, the confusion you think of 9 that -- that's circulating regarding the bill. And 10 then, second, the text of the statute. Is that a fair 11 assessment? 12 A. Correct. 13 Q. Did you speak to any of your constituents 14 about these factors and their predicted impact? 15 A. We inform them of the changes, if that's 16 what you're asking. 17 Q. Somewhat, but I'm kind of more looking for 18 the other direction in the sense of, like, have you 19 gotten any input from your constituents where they've 20 expressed concern as opposed to you informing them about 21 the new rules? 22 A. Great question. So we will be asking them 23 in the future. That's future work. Because we like to 24 figure out what are the -- where they are to -- so we 25 haven't started that -- that work quite yet.</p>	<p style="text-align: right;">Page 76</p> <p>1 they want to come to Texas because -- for the purpose of 2 participating and one could tease out that they are 3 being able to move because they can influence an 4 election. 5 And so there are a lot of, I think, 6 challenges to the bill because unless, I mean, the 7 one -- the beautiful thing about America is that you can 8 choose to live and move anywhere for whatever purpose it 9 is. And that includes the -- the ability to influence 10 an election if you so want to. 11 Q. How long has Voto Latino provided voter 12 education? 13 A. Since our inception. 14 Q. And how long have you provided it to 15 Texans? Is that also from your inception? 16 A. 20 -- in 2010 is when we started doing 17 voter registration and providing people with simple 18 polling information. As I mentioned earlier, after the 19 gutting of the Voting Rights Act, when Texas followed in 20 direct suite of one of the jurisdictions that started 21 pulling voter access, we started providing more in-depth 22 voter information and education on people's rights in 23 Texas. 24 Q. Okay. And as part of your voter education 25 program, you advise individuals on how to register to</p>

<p style="text-align: right;">Page 77</p> <p>1 vote, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And I assume then you have materials that</p> <p>4 summarize the voter registration process for each</p> <p>5 respective state?</p> <p>6 A. Correct.</p> <p>7 Q. And you have materials that summarize the</p> <p>8 eligibility requirements for each respective state?</p> <p>9 A. Correct.</p> <p>10 Q. And I assume Voto Latino does not want to</p> <p>11 give interested applicants -- its constituents wrong</p> <p>12 information; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. So you will therefore update your</p> <p>15 materials whenever there's a change in the law regarding</p> <p>16 either the voter registration process or the eligibility</p> <p>17 requirements, correct?</p> <p>18 A. Sort of, so we basically based our -- our</p> <p>19 financials usually into your cycles and we -- we adapt</p> <p>20 accordingly. But in the case of Texas, what was so</p> <p>21 unique about this one is that if you look at our</p> <p>22 history, we have always increased our voter registration</p> <p>23 numbers from presidential to midterms.</p> <p>24 In this case, one of the challenges is</p> <p>25 that we -- this is the first time we've actually had to</p>	<p style="text-align: right;">Page 79</p> <p>1 would be able to reroute the person of how they</p> <p>2 register, if that makes sense.</p> <p>3 Q. Okay. But what about -- what about voter</p> <p>4 registration requirements? So let's say Texas</p> <p>5 reduced -- right now, it's a 30-day residency wait for</p> <p>6 you to register and you vote. Let's say they had</p> <p>7 reduced it to 20 days. Would that be something that you</p> <p>8 would be updating your materials?</p> <p>9 A. We can. And in those cases, it's so much</p> <p>10 more straightforward. The challenge with SB 1111 is</p> <p>11 that I can't even tell the person if they can register</p> <p>12 on a college campus or not.</p> <p>13 And now if we need volunteers that we</p> <p>14 need to send out, for example, that want to influence an</p> <p>15 election, they would be on the outside, you know. They</p> <p>16 would be restricted because the government of Texas is</p> <p>17 basically telling someone where they can or cannot live.</p> <p>18 And so those are very different because they are much</p> <p>19 more nuanced. They are not straightforward.</p> <p>20 Q. Okay. So let me see if I have understood</p> <p>21 this correctly, and let me know if I'm wrong.</p> <p>22 You do update your voter materials</p> <p>23 regarding changes to voter registration requirements for</p> <p>24 changes to voter process?</p> <p>25 A. For deadlines and for -- yes, for</p>
<p style="text-align: right;">Page 78</p> <p>1 lower the numbers that we had -- that we had forecasted</p> <p>2 other people when we were going to register and</p> <p>3 concentrate the people of the -- of -- the people that</p> <p>4 we were going to focus on because this kind of</p> <p>5 sideswiped us. We didn't -- we didn't expect it. So in</p> <p>6 the length of time that we've done it, this is the very</p> <p>7 first time that we've actually had to go downward in</p> <p>8 our -- in the people that we were going to target, if</p> <p>9 that makes sense.</p> <p>10 Q. It does. I think I'm trying to get out</p> <p>11 something different. So it seems like you're saying the</p> <p>12 scale of the changes in Texas was more this year than</p> <p>13 you would expect normally?</p> <p>14 A. It was more abrupt, yes.</p> <p>15 Q. But in a general sense, if there was a</p> <p>16 change in the voter registration process, let's say</p> <p>17 Texas allowed online voting -- sorry, online voter</p> <p>18 registration --</p> <p>19 A. That would be amazing --</p> <p>20 Q. -- but -- but you would change --</p> <p>21 A. We would welcome that.</p> <p>22 Q. You would change your materials right to</p> <p>23 reflect that information?</p> <p>24 A. Would we change our materials? No, no, we</p> <p>25 wouldn't change our materials. We would just -- we</p>	<p style="text-align: right;">Page 80</p> <p>1 deadlines.</p> <p>2 Q. But in the case of Texas, the scale of the</p> <p>3 change was very large, and you also find it confusing</p> <p>4 and therefore more difficult to make the updates --</p> <p>5 A. Correct.</p> <p>6 Q. -- is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now, you had talked about your goals</p> <p>9 decreasing. I think you said 25 percent?</p> <p>10 A. Correct, for voter registration.</p> <p>11 Q. For voter registration.</p> <p>12 A. Mm-hmm. Yeah.</p> <p>13 Q. I'm guessing -- this is a similar question</p> <p>14 I asked before, but into a different context. How much</p> <p>15 of that 25 percent is a result of SB 1111?</p> <p>16 A. I'd say a large part of it because we have</p> <p>17 to be able to retool and focus on college students in a</p> <p>18 different way.</p> <p>19 Q. Sorry, I was taking notes.</p> <p>20 And so would you say that you were</p> <p>21 conducting the same voter education work in 2022 as you</p> <p>22 did in 2021, but the content was different?</p> <p>23 A. I would say it's -- it's very different.</p> <p>24 Q. It's very different?</p> <p>25 A. Very different.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. So outside of the content material, what</p> <p>2 else is different? Like how you would approach voters?</p> <p>3 A. Well, before in Texas we would be able to</p> <p>4 say register to vote and we would be able to give them</p> <p>5 the information. Now, there's so many disclaimers that</p> <p>6 is required by 2021 that there's a chilling effect in</p> <p>7 our ability to communicate freely because, again, we do</p> <p>8 not want our voter to be on the wrong side of the law.</p> <p>9 So before if we were -- we were</p> <p>10 encouraging you to register to vote, it was very</p> <p>11 straightforward. Register to vote, use this -- this</p> <p>12 tool XYZ. Now it's all this fine print that we -- that</p> <p>13 makes us less confident in our ability to engage in the</p> <p>14 active -- our -- in our activities when it comes to</p> <p>15 enfranchising voters.</p> <p>16 Q. Would you agree that Texas had a residency</p> <p>17 requirement before the passage of SB 1111?</p> <p>18 A. It did, and it was very clear.</p> <p>19 Q. All right. I'm going to share with you</p> <p>20 Exhibit Number 2 again. And this is the Complaint for</p> <p>21 Declaratory Injunctive Relief.</p> <p>22 Do you see it on your screen?</p> <p>23 A. I do.</p> <p>24 Q. Scroll down to paragraph 37. It reads (as</p> <p>25 read), "SB 1111 strikes the common-law definition of</p>	<p style="text-align: right;">Page 83</p> <p>1 A. Yes.</p> <p>2 Q. I'll take this down.</p> <p>3 When did Voto Latino first decide it was</p> <p>4 going to have to change its approach to voter</p> <p>5 registration on account of SB 1111?</p> <p>6 A. The moment it passed.</p> <p>7 Q. And what was the process that led up to</p> <p>8 this decision?</p> <p>9 A. Voto -- Texas is our largest registry --</p> <p>10 our largest registration effort in the country. It is</p> <p>11 our -- I would say we expend roughly about 30 percent of</p> <p>12 our organizational budget in Texas. So for us to make</p> <p>13 sure that we were in the right side of the law, it was</p> <p>14 something that was a priority for us.</p> <p>15 Q. And did Voto Latino have a meeting with</p> <p>16 its board members about this?</p> <p>17 A. We discussed it, yes.</p> <p>18 Q. Did meet with its staff in Texas or</p> <p>19 volunteers in Texas?</p> <p>20 A. Yes.</p> <p>21 Q. And did it conduct an assessment or was it</p> <p>22 just something that was readily understood at the time</p> <p>23 the bill was passed?</p> <p>24 A. It wasn't understood. We had to</p> <p>25 understand it and we still don't quite understand it.</p>
<p style="text-align: right;">Page 82</p> <p>1 residency that previously governed the Election Code and</p> <p>2 rather than articulate another affirmative definition of</p> <p>3 residence, forbids anyone from establishing a residence</p> <p>4 for the purpose of influencing the outcome of a certain</p> <p>5 election." And then it says (the Residence</p> <p>6 Restriction).</p> <p>7 Did I read that correctly?</p> <p>8 A. You did.</p> <p>9 Q. All right. And then you see right</p> <p>10 afterwards, there's a citation. It says (as read), "SB</p> <p>11 1111 Section 1, (amending Texas Election Code Section</p> <p>12 1.015(b)); is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you'd agree with me that Section</p> <p>15 1.015(b) of the election code predates SB 1111?</p> <p>16 A. I think so. I'm not quite -- I'm not --</p> <p>17 Q. I simply mean that it's an amendment to a</p> <p>18 previously existing statute as opposed to --</p> <p>19 A. Yeah.</p> <p>20 Q. -- creating any new statute on its own.</p> <p>21 A. Mm-hmm.</p> <p>22 Q. Would you agree with that?</p> <p>23 A. Yes, as far as I understand, I mean.</p> <p>24 Q. And would you say the same is true of the</p> <p>25 other SB 1111 provisions challenged by Voto Latino?</p>	<p style="text-align: right;">Page 84</p> <p>1 That's the challenge.</p> <p>2 Q. And you discussed the need to shift money</p> <p>3 around in response to SB 1111. Can you just clarify how</p> <p>4 much you thought you had to shift in regards to budgets?</p> <p>5 A. So our total budget for Texas this year is</p> <p>6 roughly four point -- 5.4 million, in that five, four --</p> <p>7 5.4 million. We were originally going to register</p> <p>8 roughly 175,000 voters and identify and mobilize and</p> <p>9 speak to 1.3 million low propensity voters that are</p> <p>10 disproportionately young and Latino.</p> <p>11 We still have that finite pot of money</p> <p>12 that we are -- we intend to spend, but now, instead of</p> <p>13 those big numbers we are now focusing on 25 -- we had to</p> <p>14 reduce our voter registration by 25 percent and our</p> <p>15 ability to communicate to folks from 3.5 million to half</p> <p>16 a million as a result. And that would say in the</p> <p>17 totality, not just SB 1111, but also SB 1.</p> <p>18 I want to be clear. I can't</p> <p>19 differentiate how much, but I can tell you that</p> <p>20 55 percent roughly of the people that we register are</p> <p>21 first time voters. So the residency requirement as it</p> <p>22 relates to SB 1111 has a direct impact of how we're able</p> <p>23 to communicate freely to our -- to those voters and to</p> <p>24 our constituency.</p> <p>25 Q. And did you discuss the need to raise</p>

<p style="text-align: right;">Page 85</p> <p>1 additional funds in response to SB 1111?</p> <p>2 A. We could always raise additional funds</p> <p>3 because we're a nonprofit, but what is realistic of what</p> <p>4 we're going to be able to raise is that's how we create</p> <p>5 our budgets.</p> <p>6 Q. So I guess I was curious if you decided to</p> <p>7 do additional fundraising or fundraising targeted at</p> <p>8 SB 1111?</p> <p>9 A. We did do fundraising target through our</p> <p>10 online, and I believe you have those -- those e-mails.</p> <p>11 They were entered into the record.</p> <p>12 Q. You in fact raised the money?</p> <p>13 A. Small dollars, yes.</p> <p>14 Q. And how much all together?</p> <p>15 A. I don't know. I have to go back to --</p> <p>16 Q. Did you make an effort in your fundraising</p> <p>17 to distinguish between SB 1111 and SB 1?</p> <p>18 A. I believe so, but I have to go back and</p> <p>19 look at our fundraising e-mails. I'm not quite sure.</p> <p>20 Q. And the money that you raised, did you</p> <p>21 spend the money yet?</p> <p>22 A. I don't know when they were -- when they</p> <p>23 were submitted. So it may have been for the primary, we</p> <p>24 did a lot of work around the primary, but the bulk of</p> <p>25 the work is yet to come. Again, because we focus on</p>	<p style="text-align: right;">Page 87</p> <p>1 like a buzz like, sorry.</p> <p>2 Q. (BY MS. HUNKER) So I think I understood</p> <p>3 you. You're saying there's no clear distinction between</p> <p>4 when you spend the money and when you raise the money,</p> <p>5 that it's sort of done around the same time?</p> <p>6 A. No. Thank you for clarifying that.</p> <p>7 So the bulk of the expenditure will be</p> <p>8 post until we raise the money, but in the -- in the time</p> <p>9 and effort to retrain and retool the internal</p> <p>10 organization, it will be at the same time as we are --</p> <p>11 so there's basically, I would say, there's two ways to</p> <p>12 think about it right.</p> <p>13 So we'll raise the money and in the same</p> <p>14 time, we're preparing our staff and teaching our team of</p> <p>15 what needs to happen. And then the bulk of it, which</p> <p>16 is -- and our volunteers at the same time. But the bulk</p> <p>17 of the funding that we will raise, some of it happened</p> <p>18 in the primary, but the majority of it will be to inform</p> <p>19 the bulk of the new voters and our targets, not until</p> <p>20 the fall.</p> <p>21 So if you're asking when did our, you</p> <p>22 know, when did we start diverting expenditures for it?</p> <p>23 It was upon its passage, but the majority of the bulk of</p> <p>24 the work will not be -- will not happen until the fall,</p> <p>25 if that's helpful.</p>
<p style="text-align: right;">Page 86</p> <p>1 college campuses, the big bulk of it is going to happen</p> <p>2 around September, October.</p> <p>3 Q. The money you raised, was it earmarked for</p> <p>4 SB 1111 or was it slated for Voto Latino's efforts</p> <p>5 generally?</p> <p>6 A. It's slated specifically for SB 1111 and</p> <p>7 SB 1.</p> <p>8 Q. So let me see if I understand correctly.</p> <p>9 You made changes to the programs and activities before</p> <p>10 you raised the money; is that correct?</p> <p>11 A. No. We started raising the money around</p> <p>12 the same time.</p> <p>13 Q. So you raised the money and then you</p> <p>14 spend?</p> <p>15 A. No. It's -- it's -- I mean, it's an</p> <p>16 organic -- it -- we'll start raising money at the same</p> <p>17 time we will be retooling our efforts. It's not that</p> <p>18 black and white, if that makes sense.</p> <p>19 Q. I think it does. It's just not -- it's</p> <p>20 not a definitive distinction between when you raise and</p> <p>21 when you spend, you're saying it's --</p> <p>22 A. In and out, I'm so sorry.</p> <p>23 MS. JOHNSON: Sounds a little funky</p> <p>24 again.</p> <p>25 THE WITNESS: And now you -- you have</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. No, it is.</p> <p>2 MS. HUNKER: So I am about to move to --</p> <p>3 do you mind if we do one more section before we take a</p> <p>4 break? And -- actually, let me get -- if you don't</p> <p>5 mind, give me five minutes. I --</p> <p>6 THE WITNESS: Yeah, that's no problem.</p> <p>7 MS. HUNKER: Too much water.</p> <p>8 THE VIDEOGRAPHER: Wonderful. We are off</p> <p>9 the record at 12:57 p.m.</p> <p>10 (Break taken)</p> <p>11 THE VIDEOGRAPHER: We are back on the</p> <p>12 record at 1:07 p.m.</p> <p>13 MS. HUNKER: You have a good break,</p> <p>14 Ms. Kumar?</p> <p>15 THE WITNESS: I did, yes.</p> <p>16 Q. (BY MS. HUNKER) And just to clarify for</p> <p>17 the record. For the most part, you've been able to hear</p> <p>18 me fine. There's been -- the only problems you've --</p> <p>19 you've addressed; is that --</p> <p>20 A. Correct.</p> <p>21 Q. -- correct?</p> <p>22 A. Yes, correct.</p> <p>23 Q. So we are going to go back to Exhibit 1.</p> <p>24 Do you see the document on your screen?</p> <p>25 A. I do, yes.</p>

<p style="text-align: right;">Page 89</p> <p>1 Q. All right. We're going to take a look</p> <p>2 specifically at topics five and six. Topic five reads</p> <p>3 (as read), "The specific project, activities, voter</p> <p>4 persuasion efforts, and resources that Voto Latino will</p> <p>5 allegedly have to expend or divert to Texas because of</p> <p>6 SB 1111."</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. And topic six reads (as read), "The</p> <p>10 specific projects, activities, voter persuasion efforts,</p> <p>11 and resources that Voto Latino allegedly had or will</p> <p>12 have to put on hold or otherwise curtail in other states</p> <p>13 because of SB 1111."</p> <p>14 Did I read that correctly?</p> <p>15 A. Correct.</p> <p>16 Q. Did you prepare to take -- to speak about</p> <p>17 topic five?</p> <p>18 A. Yes.</p> <p>19 Q. How did you prepare?</p> <p>20 A. Through reading through this, and this --</p> <p>21 speaking to our -- to my attorney and then speaking to</p> <p>22 my team -- to my staff. Specifically, I'm here</p> <p>23 [inaudible] my staff.</p> <p>24 Q. And did you prepare to speak about topic</p> <p>25 six?</p>	<p style="text-align: right;">Page 91</p> <p>1 voter -- the voting right -- the John Lewis Voting</p> <p>2 Rights Act and the Freedom to Vote Act, which we've</p> <p>3 never had to do before, so --</p> <p>4 Q. So I have reducing the amount of voter</p> <p>5 contact, shutting down the Colorado programs that you</p> <p>6 did, as well as the advocacy at the national level for</p> <p>7 elections bills.</p> <p>8 Is that an accurate summation?</p> <p>9 A. Correct, yes.</p> <p>10 Q. And can you think of anything else?</p> <p>11 A. Those are the -- those are the primary.</p> <p>12 Q. Okay. And so the reducing the amount of</p> <p>13 voter contacts, we discussed that. That was your</p> <p>14 reducing it from 25 percent.</p> <p>15 I believe your expected registration of</p> <p>16 175,000, that's been reduced?</p> <p>17 A. Correct. Our target now is roughly</p> <p>18 130,000.</p> <p>19 Q. And is that for the whole year of 2022?</p> <p>20 A. Correct. Yes.</p> <p>21 Q. Out of curiosity, how many people did you</p> <p>22 register to vote in 2021 in Texas?</p> <p>23 A. I have to go back. It was what we call an</p> <p>24 off-year cycle, so we don't really focus on it then</p> <p>25 because voters themselves are not really paying</p>
<p style="text-align: right;">Page 90</p> <p>1 A. Yes.</p> <p>2 Q. And how did you prepare?</p> <p>3 A. Same.</p> <p>4 Q. Now, we've discussed some of this before,</p> <p>5 so I don't want to belabor the point, and feel free to</p> <p>6 keep it concise if you think it's meant to repeat what</p> <p>7 you've already stated.</p> <p>8 A. Okay.</p> <p>9 Q. But what specific projects or activities</p> <p>10 has Voto Latino needed to divert resources from because</p> <p>11 of SB 1 -- 1111?</p> <p>12 A. Mm-hmm. Specifically -- well, two. One</p> <p>13 is reducing the amount of voter contact and outreach and</p> <p>14 registration that we do within the state of Texas. So</p> <p>15 that's one way we had to change our efforts. And the</p> <p>16 other has been shutting down the Colorado program for --</p> <p>17 for 2022 as a result to divert resources to -- to Texas.</p> <p>18 Q. Any other projects or activities that you</p> <p>19 can think of?</p> <p>20 A. We've also had to -- and this -- this</p> <p>21 pertains to Texas and the other voter registration</p> <p>22 efforts that are -- suppression efforts that are</p> <p>23 happening at state levels, we are now in -- we are now</p> <p>24 doing advocacy at the national level around voter</p> <p>25 suppression laws and had to actually pass comprehensive</p>	<p style="text-align: right;">Page 92</p> <p>1 attention, so --</p> <p>2 Q. What about 2020?</p> <p>3 A. Roughly 185,000.</p> <p>4 Q. And how many have you registered to vote</p> <p>5 in Texas this year so far?</p> <p>6 A. Roughly 6,000 for the primary, and the</p> <p>7 primary numbers are always low.</p> <p>8 Q. So that's a -- a -- a normal amount,</p> <p>9 having 6,000?</p> <p>10 MS. JOHNSON: Object to form.</p> <p>11 Q. (BY MS. HUNKER) Well, let me rephrase</p> <p>12 that.</p> <p>13 Is it typical that you would have a low</p> <p>14 amount of registered voters this early in the year?</p> <p>15 A. So yes, but we had to drop down our number</p> <p>16 of what we were supposed to register in the -- during</p> <p>17 the primary, and that was because we weren't able to do</p> <p>18 the breadth of it. So part of that 25 percent that we</p> <p>19 reduced was our target also in the primary, if that</p> <p>20 makes sense.</p> <p>21 Q. It does. Do you know how many people you</p> <p>22 had registered in time for the 2020 primary?</p> <p>23 A. I -- I want to say roughly 40,000.</p> <p>24 Q. And that was for a presidential year,</p> <p>25 right?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. Mm-hmm.</p> <p>2 Q. And do you know how many people you would</p> <p>3 have registered for the primary in 2018, since that's</p> <p>4 probably the most comparable?</p> <p>5 A. I don't know.</p> <p>6 Q. And you mentioned that voter -- Voto</p> <p>7 Latino participated in voter registration efforts for</p> <p>8 the March 2022 primary.</p> <p>9 When did you start those voter</p> <p>10 registration efforts?</p> <p>11 A. January 1, I believe, but I have to double</p> <p>12 check. Usually we start in January. But I'm not quite</p> <p>13 sure when we started those.</p> <p>14 Q. So did you start the voter registration</p> <p>15 efforts at the same time this year as you did?</p> <p>16 A. So -- so the January deadline -- so the</p> <p>17 Texas deadline was January 31st, so we started around</p> <p>18 the beginning of January in time for the -- my</p> <p>19 apologies.</p> <p>20 Q. The 6,000 registered voters would have</p> <p>21 been over the 30-day period between January 1st and</p> <p>22 January 31st?</p> <p>23 A. Roughly, yes.</p> <p>24 Q. And do you typically start your voter</p> <p>25 registration efforts at the beginning of the year,</p>	<p style="text-align: right;">Page 95</p> <p>1 is the -- bless you.</p> <p>2 A. Thank you. Excuse me.</p> <p>3 Q. You can see this is a complaint for</p> <p>4 declaratory injunctive relief. You would agree with</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. Now, we're going to scroll to paragraph</p> <p>8 seven. Paragraph seven reads (as read), "Among other</p> <p>9 things, SB 1111, (a) interferes with the basic freedom</p> <p>10 of political expression by prohibiting Texas voters from</p> <p>11 establishing residence for the purpose of influencing</p> <p>12 elections."</p> <p>13 Did I read Subsection 8 correctly?</p> <p>14 A. Yes.</p> <p>15 Q. And then it says (as read), "(b) restricts</p> <p>16 registration opportunities for Texans who have</p> <p>17 temporarily relocated by prohibiting voters from</p> <p>18 designating previous residences as their fixed places of</p> <p>19 habitation, even if they consider those residences to be</p> <p>20 their homes."</p> <p>21 Did I read that correctly?</p> <p>22 A. Correct.</p> <p>23 Q. And then (as read), "(c) burdens voters</p> <p>24 who would rely on post office boxes for their residences</p> <p>25 by conditioning their registration on the production of</p>
<p style="text-align: right;">Page 94</p> <p>1 January 1st?</p> <p>2 A. We had to shift starting in 2020 because</p> <p>3 we had to start informing people of -- of changes.</p> <p>4 Q. So for the 2020 primary, when did you</p> <p>5 start registering people to vote?</p> <p>6 A. I don't know. I want to say it was the</p> <p>7 beginning of January, but I -- I would have to double</p> <p>8 check. I'm not quite sure. I don't want to speak out</p> <p>9 of turn.</p> <p>10 Q. And I'm going to say a similar question</p> <p>11 about 2018. Do you remember when you would have started</p> <p>12 registering people to vote for the 2018 primary?</p> <p>13 A. We didn't start that until I want to say</p> <p>14 the mid-year of 2018.</p> <p>15 Q. So the last question I asked about which</p> <p>16 projects you need to divert resources from. In this</p> <p>17 question I'm asking, what specific projects or</p> <p>18 activities did Voto Latino need to curtail or put on</p> <p>19 hold because of SB 1. You had mentioned Colorado.</p> <p>20 Was there anything else that you</p> <p>21 specifically had to curtail or put on hold?</p> <p>22 A. No. I think scaling the program itself,</p> <p>23 we had to curtail.</p> <p>24 Q. I'm going to take this document down and</p> <p>25 put up Exhibit 2. Let's go back up. You can see this</p>	<p style="text-align: right;">Page 96</p> <p>1 additional documentation."</p> <p>2 Did I read that correctly?</p> <p>3 A. Correct.</p> <p>4 Q. In your opinion, how does SB 1111</p> <p>5 interfere with the basic freedom of political</p> <p>6 expression?</p> <p>7 A. It's restricting someone to make a</p> <p>8 decision if they want to either move to a jurisdiction</p> <p>9 to influence an election or Pete Sessions, the</p> <p>10 Congressman, he moved from one district to the next</p> <p>11 because he thought that he had a better shot at moving</p> <p>12 next door to win an election. So in this -- both cases,</p> <p>13 they impede someone's political expression.</p> <p>14 Q. So if I understand you correctly, you</p> <p>15 believe it interferes two ways, the first being that</p> <p>16 someone who would want to move to a new location to</p> <p>17 register to vote, and then second, an individual who</p> <p>18 would want to move in order to become a candidate in</p> <p>19 that district; is that right?</p> <p>20 A. In both cases, I think that we're -- the</p> <p>21 United States is a democracy and gives people certain</p> <p>22 rights that they can choose to live where they want,</p> <p>23 when they want, for whatever reason they want. It is</p> <p>24 autocratic governments that you see basically creating</p> <p>25 stringent laws of where someone -- their mobility of</p>

<p style="text-align: right;">Page 97</p> <p>1 where they want to move to.</p> <p>2 Q. So do you think that the move itself is</p> <p>3 the political expression?</p> <p>4 A. The move for -- to exercise an intense</p> <p>5 perhaps, yes.</p> <p>6 Q. Do you know of anyone who chose not to</p> <p>7 move because of SB 1111?</p> <p>8 A. Not that I'm aware of.</p> <p>9 Q. Do you know of any prospective candidate</p> <p>10 who chose not to run for office because of SB 1111?</p> <p>11 A. We won't know really until the</p> <p>12 redistricting map happens.</p> <p>13 Q. Now, you're aware that there's a</p> <p>14 redistricting map already in fact, correct?</p> <p>15 A. But I think it's being contested right now</p> <p>16 by the court of law.</p> <p>17 Q. Is there any other way that SB 1111 in</p> <p>18 your mind interferes with the freedom of political</p> <p>19 expression?</p> <p>20 A. I believe that it also makes an undue</p> <p>21 burden on voters who are indigent. For example, if you</p> <p>22 are homeless, you have to produce an affidavit for your</p> <p>23 ability to vote that prevents a whole class of</p> <p>24 individuals from exercising their vote freely.</p> <p>25 Q. Okay. We'll go back to indigent voters in</p>	<p style="text-align: right;">Page 99</p> <p>1 any other way that the alleged restriction on political</p> <p>2 expression injures Voto Latino directly?</p> <p>3 A. Well, we have to better understand the law</p> <p>4 and we have to retool, so there's both. You know, it</p> <p>5 impacts our ability to manage time and finite resources</p> <p>6 when it comes to capital and then our ability to</p> <p>7 actually conduct that effort with how we train our</p> <p>8 volunteers, how we communicate to our audience, how we</p> <p>9 communicate internally, and how we are able to, again,</p> <p>10 speak freely without concern that we are not informing</p> <p>11 the person.</p> <p>12 Q. I'm going to pull this down for a moment</p> <p>13 and we're going to go to Exhibit 6. I don't believe</p> <p>14 I've shared that one yet, so let me quickly put that</p> <p>15 in -- in the chat box. All right.</p> <p>16 Do you see the document on your screen?</p> <p>17 (WHEREUPON, the document was marked for</p> <p>18 identification as Exhibit No. 6 and is</p> <p>19 attached hereto.)</p> <p>20 A. Mm-hmm.</p> <p>21 Q. This reads Senate Bill 1111, correct?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. And I'm presenting to you that this is the</p> <p>24 enrolled version of the bill, which is the one that was</p> <p>25 enacted by both chambers and signed by the Governor.</p>
<p style="text-align: right;">Page 98</p> <p>1 a moment. But in terms of basic freedom of political</p> <p>2 expression, is there anything else?</p> <p>3 A. Well, it restricts, as an organization,</p> <p>4 our ability to speak freely. It has a chilling effect</p> <p>5 on how we communicate to our voters because we're not</p> <p>6 able to provide them with clear rules so that they</p> <p>7 don't -- aren't impacted. So I'd say personal, you</p> <p>8 know --</p> <p>9 Q. Mm-hmm.</p> <p>10 A. -- personal infringement on the</p> <p>11 organization.</p> <p>12 Q. And your constituents, are they candidates</p> <p>13 for office?</p> <p>14 A. They may be. We've had people that we've</p> <p>15 registered that have later on run for office, if that's</p> <p>16 the question.</p> <p>17 Q. But you don't know who they are, do you?</p> <p>18 A. That have later run? Yes, we're --</p> <p>19 we're -- we applaud them to be part of the democracy.</p> <p>20 Q. Have any of those constituents who later</p> <p>21 run for office expressed their concern about moving in</p> <p>22 because of SB 1111?</p> <p>23 A. We haven't asked them.</p> <p>24 Q. Outside of the chilling effect, which you</p> <p>25 talked about as being specific to Voto Latino, is there</p>	<p style="text-align: right;">Page 100</p> <p>1 Do you have any reason to dispute that?</p> <p>2 A. No.</p> <p>3 Q. Let's take a look at Section 1.</p> <p>4 Specifically, let's first look at subsection B that is</p> <p>5 the one that reads (as read), "A person may not</p> <p>6 establish residence for the purpose of influencing the</p> <p>7 outcome of a certain election." Correct?</p> <p>8 A. Correct.</p> <p>9 Q. And that's what we were just discussing,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. So let's move on to the next provision</p> <p>13 down, which is --</p> <p>14 A. Can I just -- I just underscore, though, I</p> <p>15 mean in his State of Address to the Union,</p> <p>16 Governor Abbott said that people were moving into the</p> <p>17 state of Texas for the influence of influencing</p> <p>18 elections and outcomes, so that -- I think that is why</p> <p>19 it's -- it's incongruous.</p> <p>20 Q. Well, I guess I'll ask the question for</p> <p>21 you.</p> <p>22 What is the basis for your belief that</p> <p>23 this statute would encompass those individuals?</p> <p>24 A. I'm sorry, can you repeat that?</p> <p>25 Q. What is the basis for your belief that</p>

<p style="text-align: right;">Page 101</p> <p>1 this statute -- that that provision specifically would</p> <p>2 encompass these individuals who moved to Texas because</p> <p>3 they want to have a state of a different political</p> <p>4 ideology?</p> <p>5 A. I'm sorry, I didn't catch the last part.</p> <p>6 You cut out.</p> <p>7 Q. Yeah. So my question is: What is the</p> <p>8 basis for your belief that this provision of SB 1111</p> <p>9 would encompass those individuals who move to Texas</p> <p>10 because let's say they wanted to move to a state with a</p> <p>11 different political ideology?</p> <p>12 A. Well, this says that they can't vote in</p> <p>13 the -- those elections because of a political ideology</p> <p>14 they may espouse.</p> <p>15 Q. So do you read it as if there is any</p> <p>16 intent of influencing outcome of an election -- let me</p> <p>17 rephrase that question.</p> <p>18 A. My answer, yes.</p> <p>19 Q. Well, my question was: Do you believe</p> <p>20 that people would move for many different reasons?</p> <p>21 A. Correct. And one could be to influence an</p> <p>22 election, and the Governor stated that -- this in the</p> <p>23 Union address saying that that is a reason why people</p> <p>24 are moving to Texas.</p> <p>25 MS. HUNKER: So I'm going to object to</p>	<p style="text-align: right;">Page 103</p> <p>1 MS. JOHNSON: Same objection.</p> <p>2 A. SB 1111 isn't clear on anybody's</p> <p>3 intention, except that they can't move for that one</p> <p>4 reason, and that is to cast a ballot to influence an</p> <p>5 election. So it seems to be incongruous with, again,</p> <p>6 free speech and the ability for one to freely in --</p> <p>7 in -- in this country and in the state of Texas.</p> <p>8 MS. HUNKER: Yeah, I'm going to again</p> <p>9 object as nonresponsive.</p> <p>10 Q (BY MS. HUNKER) But we'll move on. Let's</p> <p>11 look at subsection F (as read), "A person may not</p> <p>12 establish a residence at any place the person has not</p> <p>13 inhabited."</p> <p>14 Did I read that correctly?</p> <p>15 A. Correct.</p> <p>16 Q. Is it Voto Latino's position that a voter</p> <p>17 does not need to inhabit the place in order to establish</p> <p>18 it as a residence with purpose of voting?</p> <p>19 A. I'm not quite -- I don't quite understand</p> <p>20 your question.</p> <p>21 MS. JOHNSON: I would just object to that</p> <p>22 question to the extent it calls for a legal conclusion.</p> <p>23 A. Great.</p> <p>24 Q (BY MS. HUNKER) So I'll -- I'll</p> <p>25 reiterate. So subsection F says (as read), "A person</p>
<p style="text-align: right;">Page 102</p> <p>1 the last portion of that as unresponsive.</p> <p>2 Q (BY MS. HUNKER) My question was simply:</p> <p>3 Do you believe that people vote -- people move for many</p> <p>4 reasons?</p> <p>5 MS. JOHNSON: Asked and answered.</p> <p>6 Q. (BY MS. HUNKER) You can answer.</p> <p>7 A. And the nice thing about being American is</p> <p>8 that we're -- one is allowed to move wherever they want,</p> <p>9 including to influence an election. The government</p> <p>10 should not dictate where my jurisdiction is or my intent</p> <p>11 or the purpose of why I move somewhere.</p> <p>12 MS. HUNKER: And I'm not asking about</p> <p>13 that right now. So I'm going to object as</p> <p>14 nonresponsive.</p> <p>15 Q (BY MS. HUNKER) My question is</p> <p>16 specifically: Do people have many reasons when they</p> <p>17 decide to vote -- I'm sorry, when they decide to move?</p> <p>18 MS. JOHNSON: Objection: Asked and</p> <p>19 answered.</p> <p>20 A. The government right here in this case,</p> <p>21 Texas is telling me that I can't, and I deeply believe</p> <p>22 that as free Americans, we're allowed to move for any</p> <p>23 purpose, and including to influence an election.</p> <p>24 Q. (BY MS. HUNKER) But a person can have</p> <p>25 multiple reasons for wanting to move, correct?</p>	<p style="text-align: right;">Page 104</p> <p>1 may not establish a residence at any place the person</p> <p>2 has not inhabited."</p> <p>3 My question to you is: Is it Voto</p> <p>4 Latino's position that a voter does not need to inhabit</p> <p>5 the place in order to establish it as a residence for</p> <p>6 the purpose of voting?</p> <p>7 MS. JOHNSON: Same objection.</p> <p>8 A. I think the highlight doesn't support the</p> <p>9 following paragraph (as read), "A person may not</p> <p>10 designate a previous residence as a home in a fixed</p> <p>11 place of habitation unless the person inhabits the place</p> <p>12 at the time of designation and intends to remain."</p> <p>13 Collectively, that section of F basically</p> <p>14 says that I cannot register -- if I am a college student</p> <p>15 where if you continue reading it says, that I cannot</p> <p>16 register if I believe that my college residency is going</p> <p>17 to be temporary but at the same time I cannot register</p> <p>18 at my parent's address where I consider my home and I</p> <p>19 think that, I mean, together that is where the confusion</p> <p>20 lies.</p> <p>21 MS. HUNKER: I'm also going to object as</p> <p>22 nonresponsive the entirety of that answer because it did</p> <p>23 not answer the question that I asked.</p> <p>24 Q (BY MS. HUNKER) Mine was different. I'm</p> <p>25 not looking at the next sentence down. We're going to</p>

<p style="text-align: right;">Page 105</p> <p>1 be talking about that in a moment. I am looking at the</p> <p>2 first sentence, the highlighted text.</p> <p>3 (As read) "A person may not establish a</p> <p>4 residence at any time the person" -- sorry, "A person</p> <p>5 may not establish a residence at any place the person</p> <p>6 has not inhabited."</p> <p>7 Is it Voto Latino's position that a voter</p> <p>8 does not need to inhabit -- inhabit the place in order</p> <p>9 to establish it as a residence for the purpose of</p> <p>10 voting?</p> <p>11 MS. JOHNSON: Objection to the extent it</p> <p>12 calls for a legal conclusion and asked and answered.</p> <p>13 Q. (BY MS. HUNKER) You can answer.</p> <p>14 A. It's poorly written.</p> <p>15 Q. Well, that wasn't the question.</p> <p>16 My question is: What is your position,</p> <p>17 do you think somebody has to live at any time at a -- at</p> <p>18 a location where they're at a residence?</p> <p>19 A. I --</p> <p>20 MS. JOHNSON: Same objections.</p> <p>21 A. You weren't clear on your question. Could</p> <p>22 you repeat that?</p> <p>23 Q. (BY MS. HUNKER) Do you believe that</p> <p>24 somebody has to actually inhabit a place, as in live in</p> <p>25 the place, before they can establish it as their place</p>	<p style="text-align: right;">Page 107</p> <p>1 potential registered voter on where they can establish</p> <p>2 residency.</p> <p>3 Again, the people that we</p> <p>4 disproportionately register are young people and if</p> <p>5 they -- they don't technically inhabit their temporary</p> <p>6 residence on a college campus, so they would be afoul of</p> <p>7 the law there, but then they can't technically also</p> <p>8 register in their home address because they're not</p> <p>9 technically there when they register. Majority of voter</p> <p>10 registration efforts that target young people happened</p> <p>11 to be on college campus.</p> <p>12 So this legislation, SB 1111, creates</p> <p>13 actually a group of Americans who are in limbo and</p> <p>14 disenfranchized and that is the -- that is why we are --</p> <p>15 we're having this conversation today because it is very</p> <p>16 difficult to advising counsel as an organization what a</p> <p>17 person can do, but at the same time create a chilling</p> <p>18 effect because we know that Texas also prosecutes people</p> <p>19 who accidentally may not understand the law.</p> <p>20 Q. So is it your belief that, looking at the</p> <p>21 second sentence of subsection F, that it prevents a</p> <p>22 college student from registering to vote at both their,</p> <p>23 let's say parents home address as well as the university</p> <p>24 at which they attend?</p> <p>25 A. I don't want to register --</p>
<p style="text-align: right;">Page 106</p> <p>1 of residence for the purpose of voting?</p> <p>2 A. So the previous residency requirements</p> <p>3 that were on the books of state of Texas actually</p> <p>4 created those parameters and it was clear. This is</p> <p>5 unclear.</p> <p>6 Q. So I wasn't asking about the clarity. I</p> <p>7 was asking about your position.</p> <p>8 If you thought that someone had to live</p> <p>9 in a place before you establish it as a residence for</p> <p>10 the purpose of voting?</p> <p>11 MS. JOHNSON: Same object --</p> <p>12 Q. (BY MS. HUNKER) I'm not asking about the</p> <p>13 clarity. I'm not asking about later provisions.</p> <p>14 I'm asking about Voto Latino's position</p> <p>15 in regards to that one specific question.</p> <p>16 MS. JOHNSON: Same objections and asked</p> <p>17 and answered.</p> <p>18 A. And that's why we filed the lawsuit this</p> <p>19 is unclear so.</p> <p>20 Q. (BY MS. HUNKER) How does this provision,</p> <p>21 particular the first sentence injure Voto Latino?</p> <p>22 A. I mean, again, I think the -- the sentence</p> <p>23 makes it difficult. The totality of what that says</p> <p>24 makes it very difficult for us to be able to communicate</p> <p>25 easily with our -- with our constituents and our</p>	<p style="text-align: right;">Page 108</p> <p>1 MS. JOHNSON: Sorry, one second.</p> <p>2 Objection to the extent it calls for a legal conclusion.</p> <p>3 Go ahead.</p> <p>4 A. So the -- the purpose is for the person to</p> <p>5 designate with their -- what they consider home. And so</p> <p>6 the purpose not to register in two places that would be</p> <p>7 against the law. This is basically allowing the person</p> <p>8 to decide where they call home and Texas is trying to</p> <p>9 declare where that person calls home.</p> <p>10 Q. (BY MS. HUNKER) So let me ask that</p> <p>11 question clearly. I'm trying to understand how you</p> <p>12 interpret this provision as it applies to college</p> <p>13 students. I think you had said you believe that this</p> <p>14 provision prevents college students from being able to</p> <p>15 register at their home address, the address they had</p> <p>16 before they went to college --</p> <p>17 A. Mm-hmm.</p> <p>18 Q. -- and that it also prohibits them from</p> <p>19 being able to register at their school or university; is</p> <p>20 that correct?</p> <p>21 A. Correct.</p> <p>22 MS. JOHNSON: Same -- yeah, sorry. Same</p> <p>23 objection: Calls for a legal conclusion.</p> <p>24 Go ahead.</p> <p>25 A. Correct. So if you continue reading</p>

<p style="text-align: right;">Page 109</p> <p>1 through the bill it basically says that someone cannot 2 register in a place that they consider temporary. My 3 parents were excited when I -- when I stopped -- 4 finished and I was -- my school was only four years. So 5 the idea that -- anyway.</p> <p>6 Q. (BY MS. HUNKER) Is there any other group 7 of individuals besides college students that you think 8 that this provision would impact?</p> <p>9 A. Seasonal farm workers. They would be 10 impacted, potentially, military veterans might be 11 impacted, indigent people -- homeless would be impacted.</p> <p>12 Q. And have you had conversations with 13 seasonal farm workers, who have expressed concerns in 14 regard to this bill?</p> <p>15 A. Not directly, but we know that there are 16 seasonal farm workers that leave the state of Texas to 17 go work and they may own homes in Texas, but because 18 they are somewhere else when they were, you know, they 19 may not be able to be counted, but I have not had direct 20 conversations. You asked me to relate so I did.</p> <p>21 Q. Yeah, no, I was just curious if you had 22 conversations. And so what's your -- the basis for your 23 belief that it would impact farm workers?</p> <p>24 A. Because if the person registered to vote 25 outside -- and they were not physically in that</p>	<p style="text-align: right;">Page 111</p> <p>1 preface saying that -- that is --</p> <p>2 Q. I'm trying to get a sense of what you 3 think should be required for somebody before they can 4 establish a place of residence.</p> <p>5 So would it be that they have to have -- 6 they have to live in the state? Do they have to have a 7 fixed address in the state? Do they have to have an intent 8 to remain in the state?</p> <p>9 MS. JOHNSON: Objection: Calls for legal 10 conclusion.</p> <p>11 A. I think that the -- the prior law to 12 SB 1111 that required -- I mean, it says it right there 13 the part that was strike -- that was struck, residents 14 shall be determined in accordance with the common-law 15 rules as enunciated by the courts of the state exempt -- 16 as otherwise provided by code. That was fairly clear 17 and people understood that and we were able to educate 18 around that.</p> <p>19 Now, this is just -- it -- it's difficult 20 for me to assess what you're asking because I cannot 21 speak to the full experience of the person that 22 considers Texas home and has to go to work and then is 23 coming back. Military personnel, for example, they 24 could be overseas and they could technically consider 25 Texas home and should be able to vote freely.</p>
<p style="text-align: right;">Page 110</p> <p>1 residence because they were three months out of the 2 year. Goodness no, because when they registered, that 3 could impact their ability to vote.</p> <p>4 Q. So let's say I'm a seasonal worker and I 5 go to Washington State in -- near Seattle to do -- I 6 don't know, pick apples and I stay there for a year, 7 should I still be able to register to vote with the 8 residence in Texas?</p> <p>9 MS. JOHNSON: Objection: Calls for 10 speculation.</p> <p>11 You can go ahead.</p> <p>12 A. I mean if that person is registering to 13 vote in one place and they decide that Texas is the 14 place that they live and that that is their home, I 15 mean, that is where they vote. If they have, I don't 16 know if that's their permanent home if they actually 17 have a house and all that and their belongings in Texas 18 and they are seasonal -- temporary but --</p> <p>19 Q. (BY MS. HUNKER) But you would --</p> <p>20 A. -- I --</p> <p>21 Q. -- because --</p> <p>22 A. I mean, and now I'm actually -- you're 23 asking me to actually speculate on someone's intent and 24 things. I cannot speak to that you had asked me to 25 speculate who else can be impacted in this, again, I</p>	<p style="text-align: right;">Page 112</p> <p>1 There is the same thing with the person, 2 who has to go to work and pick apples to put food on our 3 table. It's not -- It's not different. Where do they 4 call home that's essential and we have to talk to them, 5 but where do they pay, you know, their taxes and where 6 do their belongings have. I mean that -- that is 7 some -- some description, but I'm not in authority to 8 say the person's intention long term, I suppose.</p> <p>9 Q. (BY MS. HUNKER) Do you think the average 10 person, if they were to look at the statute before it was 11 amended by SB 1111 and saw the statement comes in 12 accordance with the common law rules?</p> <p>13 A. Sorry, Kathleen, you're really cutting 14 out.</p> <p>15 Q. Okay. Let me reiterate then.</p> <p>16 Do you believe or do you think that a 17 person who consulted the statute before SB 1111 passed 18 and amended the provisions looked at it and saw in 19 accordance with the common-law rules and understood that 20 clearly?</p> <p>21 MS. JOHNSON: Objection: Calls for 22 speculation.</p> <p>23 Q. (BY MS. HUNKER) You can answer.</p> <p>24 A. We -- I mean we were able as an 25 organization to communicate that effectively prior to</p>

<p style="text-align: right;">Page 113</p> <p>1 the passage of 20 -- 1111.</p> <p>2 Q. So what do you think is necessary, then,</p> <p>3 for somebody to establish residency? What should be</p> <p>4 necessary?</p> <p>5 A. There didn't seem to be a difficulty under</p> <p>6 the previous common law rules, so --</p> <p>7 Q. So you would just say the common-law rules</p> <p>8 and that's it?</p> <p>9 A. As far as I understand the law, yes. I</p> <p>10 mean, I -- I -- again, you're asking -- I'm -- this is</p> <p>11 definitely not -- I don't like the laws and I don't</p> <p>12 break the law.</p> <p>13 Q. No, I'm just -- and I understand that.</p> <p>14 I'm just trying to get a sense of what</p> <p>15 Voto Latino thinks should be required in order for</p> <p>16 somebody to establish a residency.</p> <p>17 MS. JOHNSON: Object to --</p> <p>18 Q. (BY MS. HUNKER) So --</p> <p>19 MS. JOHNSON: Sorry, go ahead.</p> <p>20 MS. HUNKER: That wasn't actually a</p> <p>21 question. That was just me explaining to the witness.</p> <p>22 MS. JOHNSON: Sorry, I thought it was.</p> <p>23 MS. HUNKER: No.</p> <p>24 Q. (BY MS. HUNKER) So how did you, Voto</p> <p>25 Latino, understand the common law rules?</p>	<p style="text-align: right;">Page 115</p> <p>1 to a residence, the registrar shall deliver to the voter</p> <p>2 a written confirmation notice requesting confirmation of</p> <p>3 the voter's current residence."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. How does the Post Office Box</p> <p>7 provision burden voters?</p> <p>8 MS. JOHNSON: Objection to the extent it</p> <p>9 calls for a legal conclusion.</p> <p>10 A. In this case, if someone has a -- in this</p> <p>11 case it -- it challenges someone that if they have a</p> <p>12 home address versus a PO Box address, you're -- you're</p> <p>13 putting an extra burden -- an extra tax, so to speak, an</p> <p>14 extra provision that prevents that person who has</p> <p>15 that -- that PO Box to jump a hurdle that is very</p> <p>16 different from someone, for example, who is a homeowner.</p> <p>17 That alone should cause distress among</p> <p>18 any Texas voter because you're discriminating against</p> <p>19 someone's place of residency based on a voter</p> <p>20 registration that will go directly to a homeowner versus</p> <p>21 someone that maybe is more transient but does have a PO</p> <p>22 Box. It's a bit of a poll tax.</p> <p>23 Q. (BY MS. HUNKER) So it's your position</p> <p>24 that the confirmation itself is too much of a burden on</p> <p>25 voters?</p>
<p style="text-align: right;">Page 114</p> <p>1 A. I believe you had to be a resident for X</p> <p>2 amount of months, I believe, and then you can</p> <p>3 register -- you can register to vote, but I don't know</p> <p>4 the -- the time -- there's this particular timeframe.</p> <p>5 And, again, like Pete Session, Pete</p> <p>6 Session decided that it was going to be easier for him</p> <p>7 to go to a different county, a district to run for</p> <p>8 Congress, and so he picked up his bags and moved</p> <p>9 somewhere else to do so. So there was absolutely</p> <p>10 fluidity in Texas decisions and to move about freely in</p> <p>11 the state of Texas without fear that where they resided</p> <p>12 or chose to reside was going to impede them from</p> <p>13 enfranchisement.</p> <p>14 Q. And that goes back to subsection B.</p> <p>15 Correct?</p> <p>16 A. Yes. B of Section 1, correct. That's</p> <p>17 what we're discussing?</p> <p>18 Q. Yeah, Section 1, subsection B.</p> <p>19 A. Great, yeah.</p> <p>20 Q. All right. Let's look at Section 2,</p> <p>21 subsection A. It reads (as read), "If the registrar has</p> <p>22 reason to believe that the voter's current residence is</p> <p>23 different from the -- that indicated on the registration</p> <p>24 records or the voter's residence is a commercial Post</p> <p>25 Office Box or similar location that does not correspond</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Yes. It's not -- it's not uniform. We're</p> <p>2 asking someone to do something -- you're asking Voter A</p> <p>3 to do something to voter -- different that's -- from</p> <p>4 Voter B.</p> <p>5 Q. But you can't live at a Post Office Box,</p> <p>6 correct?</p> <p>7 A. No.</p> <p>8 Q. Was -- was that you who just said no?</p> <p>9 A. I said no, I --</p> <p>10 Q. Sorry, my screen froze for a slight</p> <p>11 second.</p> <p>12 A. Oh, got it.</p> <p>13 Q. Whereas a voter who lives at a home</p> <p>14 address or an apartment can live at that Post -- can</p> <p>15 live at that location, correct?</p> <p>16 A. Perhaps. It could also be a -- a student</p> <p>17 who is renting a -- an apartment close to college, but</p> <p>18 he doesn't consider that home. So, I mean, it gets</p> <p>19 confusing.</p> <p>20 Q. Yeah, so whereas the person who has a Post</p> <p>21 Office Box as marked down versus somebody who has a home</p> <p>22 or an apartment or a college dorm, the former cannot</p> <p>23 live there whereas the latter may live there; is that</p> <p>24 correct?</p> <p>25 MS. JOHNSON: Objection to form.</p>

<p style="text-align: right;">Page 117</p> <p>1 A. I mean, you can't physically live in a</p> <p>2 PO Box, no.</p> <p>3 Q. (BY MS. HUNKER) And since you can't live</p> <p>4 at a PO Box, doesn't the state have an interest in</p> <p>5 ensuring that the person is in fact a resident of Texas?</p> <p>6 MS. JOHNSON: Object to form.</p> <p>7 A. I think that there's multiple ways to</p> <p>8 create that indication discussed that I suppose -- but,</p> <p>9 again, you're not doing -- you're -- you're creating</p> <p>10 different restrictions based on how people receive their</p> <p>11 mail.</p> <p>12 Q. (BY MS. HUNKER) How else do you think</p> <p>13 Texas could confirm residency that will be less</p> <p>14 burdensome?</p> <p>15 A. I think that when someone goes and</p> <p>16 actually casts a ballot and votes, they have --</p> <p>17 sometimes they have to produce ID or they -- they have</p> <p>18 to match their signatures and there's different --</p> <p>19 various ways.</p> <p>20 Q. And so you think the -- the voters should</p> <p>21 be able to present the ID to establish residency and</p> <p>22 that will be a less burdensome way?</p> <p>23 A. Well, I think it depends, right? Because</p> <p>24 one of the challenges that we find in Texas in</p> <p>25 particular is that you can have a -- a student ID will</p>	<p style="text-align: right;">Page 119</p> <p>1 Can you think of a less burdensome way</p> <p>2 that a voter would be able to confirm their residence if</p> <p>3 they don't vote in person and instead voted by mail?</p> <p>4 A. One of the ways have been voter match</p> <p>5 files that they've done in the past so matching your --</p> <p>6 that, and I'd have to think a little bit more, but</p> <p>7 nothing else that comes to mind, but, again, this was</p> <p>8 not -- in 2020, Texans that had PO Boxes were able to</p> <p>9 vote freely.</p> <p>10 The state itself certified a fair, free</p> <p>11 election that did not go afoul of the law, and so there</p> <p>12 is a history of Texas and Secretary of State</p> <p>13 understanding how to account for people who have PO</p> <p>14 Boxes where it was not an issue. And so this is a new</p> <p>15 restriction that did not exist prior because it's not</p> <p>16 trying to fix something or addressing anything that was</p> <p>17 broken.</p> <p>18 If anything, it was certified again that</p> <p>19 their -- that's -- that Texas held a fair and free</p> <p>20 election. So this just seems to be more of a hurdle</p> <p>21 disproportion impacting poor people and high mobility</p> <p>22 people that happen to be students and maybe farm workers</p> <p>23 and maybe military personnel.</p> <p>24 Q. What is the basis for your belief in that</p> <p>25 the confirmation is too restrictive?</p>
<p style="text-align: right;">Page 118</p> <p>1 not be valid, but yet a -- a carry -- a license to carry</p> <p>2 a gun is -- is -- is allowed. So it needs to create</p> <p>3 more uniformity and transparency. And I don't want to</p> <p>4 go into that because I'm not as familiar with the</p> <p>5 nuances of it. I have to get refreshed on that.</p> <p>6 Q. Mm-hmm. And you're aware that the</p> <p>7 residence of a voter determines which races he or she</p> <p>8 votes in, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Is the same without an interest to ensure</p> <p>11 that the voter is voting in the correct races and for</p> <p>12 the correct propositions; isn't that right?</p> <p>13 A. Correct.</p> <p>14 MS. JOHNSON: Object to form.</p> <p>15 Sorry, go ahead.</p> <p>16 A. And -- and it's also in the voter's</p> <p>17 interest to do that so that they're not afoul and</p> <p>18 violation of the law.</p> <p>19 Q. (BY MS. HUNKER) And some voters qualify</p> <p>20 to vote by mail, correct?</p> <p>21 A. In the state of Texas, yes.</p> <p>22 Q. Can you think of a way a voter, less</p> <p>23 burdensome to confirm their residency without appearing</p> <p>24 by personal appearance? Let me rephrase that because</p> <p>25 that was horribly phrased. My apologies.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Our job is to encourage low propensity</p> <p>2 voters that the system works. We try to create as less</p> <p>3 friction as possible so those individuals get</p> <p>4 enfranchised. This creates friction in the process that</p> <p>5 is not uniform across all populations, so therefore it</p> <p>6 is used as a tactic to potentially dissuade someone for</p> <p>7 their enfranchisement to help elect their elected</p> <p>8 officials to represent them in Congress and in</p> <p>9 government in general.</p> <p>10 Q. So is it your position that any election</p> <p>11 that's not -- sorry, any election law that's not uniform</p> <p>12 is suspect and burdensome?</p> <p>13 A. No. Because I can think of different ways</p> <p>14 where you make it uniform, but the people that have more</p> <p>15 resources and more access and more informed can easily</p> <p>16 do it. I'm thinking of the Jim Crow Laws where there</p> <p>17 was that reading requirement, recognizing that people</p> <p>18 had different levels of education, ability to learn how</p> <p>19 to read. That created seemingly uniform laws, but</p> <p>20 clearly it was to disenfranchise people of color.</p> <p>21 Q. So what about laws that are not uniform?</p> <p>22 Are they automatically suspect? In Voto Latino's</p> <p>23 opinion?</p> <p>24 A. That are not uniform?</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">Page 121</p> <p>1 A. In this case, again, this is if -- this --</p> <p>2 if there was something that was found in Texas, did not</p> <p>3 have a fair and certified election, this would be a</p> <p>4 curious thing to address. But it was certified and the</p> <p>5 people who had PO Boxes in 2020, their vote was counted</p> <p>6 and they were able to certify them as counting votes.</p> <p>7 So this is something -- this is -- this</p> <p>8 piece is now creating a tactic to create friction in the</p> <p>9 process that the states -- like the Secretary of State</p> <p>10 of Texas verified, was not an issue. I think the</p> <p>11 challenge, again, is that if -- it's not addressing a</p> <p>12 fault in the text -- according to the Texas -- Texas law</p> <p>13 of certifying a fair -- free election.</p> <p>14 Q. You're aware that you can't vote under</p> <p>15 Texas law with a resident -- residential post office</p> <p>16 box, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And so that this only addresses commercial</p> <p>19 post office boxes, correct?</p> <p>20 A. I think the challenges is up to the</p> <p>21 registrar to decide if that is a commercial box office</p> <p>22 or not. The subjugated to an individual.</p> <p>23 Q. But that -- but this provision is only</p> <p>24 focused on commercial post boxes, correct?</p> <p>25 A. That's what it says though in the law,</p>	<p style="text-align: right;">Page 123</p> <p>1 A. And again -- my response remains the same,</p> <p>2 that this seems to be in search of a problem that a</p> <p>3 certified safe and free election by Texas Secretary of</p> <p>4 State said did not exist.</p> <p>5 Q. (BY MS. HUNKER) Do you not intend to</p> <p>6 answer my question?</p> <p>7 MS. JOHNSON: Argumentative. And asked</p> <p>8 and answered.</p> <p>9 Q. (BY MS. HUNKER) Texas election law allows</p> <p>10 voters over the age of 65 to vote by mail.</p> <p>11 Are you aware of that?</p> <p>12 A. Yes.</p> <p>13 Q. It does not allow somebody under the age</p> <p>14 of 65 to vote by mail unless they fall into one of three</p> <p>15 categories, which is: They're going to be out of the</p> <p>16 state or county for election, they are disabled, or they</p> <p>17 are confined in prison. Are you aware of that?</p> <p>18 A. Yes.</p> <p>19 Q. Does that not treat voters differently?</p> <p>20 That it gives a right to voters who are over 65, the</p> <p>21 right to vote by mail, but not voters under 65?</p> <p>22 A. Well, it all -- sorry --</p> <p>23 MS. JOHNSON: Object to form. Go ahead.</p> <p>24 A. -- it also carves out for people with</p> <p>25 disabilities, correct? And so it is part -- it is in</p>
<p style="text-align: right;">Page 122</p> <p>1 yeah.</p> <p>2 Q. And so wouldn't this be increasing</p> <p>3 uniformity by treating residential and commercial post</p> <p>4 boxes the same?</p> <p>5 MS. JOHNSON: Object to form.</p> <p>6 Q. (BY MS. HUNKER) You can answer.</p> <p>7 A. I'm not -- I'm -- I'm not -- I -- I don't</p> <p>8 quite understand your question.</p> <p>9 Q. My question is: Is -- would it not</p> <p>10 increase uniformity, SB 1111, by treating residential</p> <p>11 post boxes and commercial post boxes the same.</p> <p>12 MS. JOHNSON: Same objection.</p> <p>13 A. Again, I'm -- I'm basing this upon the</p> <p>14 2020 elections that was fair and certified. So this --</p> <p>15 Q. (BY MS. HUNKER) Okay.</p> <p>16 A. -- is again, seems to be in search of a</p> <p>17 problem that doesn't exist. As far as I'm aware.</p> <p>18 MS. HUNKER: That wasn't my question,</p> <p>19 which is why I'm going to have to object as</p> <p>20 nonresponsive.</p> <p>21 Q. (BY MS. HUNKER) My question is simply:</p> <p>22 Do you think it advances uniformity by treating</p> <p>23 commercial post boxes and residential post boxes the</p> <p>24 same?</p> <p>25 MS. JOHNSON: Same objection.</p>	<p style="text-align: right;">Page 124</p> <p>1 adherence to the National Voting Rights Act that's on</p> <p>2 record. So it gets common sense in this case to</p> <p>3 recognize the -- that there are impediments when you get</p> <p>4 older, to being able to participate, and if you are</p> <p>5 quadraplegic and not able to get a -- get someone to</p> <p>6 take you to the polls that we make those -- those</p> <p>7 exceptions.</p> <p>8 Q. (BY MS. HUNKER) So do you agree that the</p> <p>9 legislature can make distinctions between voters based</p> <p>10 on objective facts of whom?</p> <p>11 MS. JOHNSON: Object to form.</p> <p>12 A. Again, my -- my answer remains the same.</p> <p>13 This is -- this legislation is in search of a problem</p> <p>14 when it comes to this provision because it was not</p> <p>15 flagged during the 2020.</p> <p>16 MS. HUNKER: Which I'm going -- again</p> <p>17 going to object as nonresponsive. That was not my</p> <p>18 question.</p> <p>19 Q. (BY MS. HUNKER) My question was: The</p> <p>20 state then can enact valid legislation that has an</p> <p>21 interest in making distinctions between voters when</p> <p>22 there's objective reason to do so?</p> <p>23 MS. JOHNSON: Kathleen, I've been letting</p> <p>24 you make your record on nonresponsive. But I ask if you</p> <p>25 do ask a question that you allow the witness to finish</p>

<p style="text-align: right;">Page 125</p> <p>1 her answer.</p> <p>2 MS. HUNKER: Of course. My apologies if</p> <p>3 I interrupted. I did not mean to.</p> <p>4 Q (BY MS. HUNKER) You can continue.</p> <p>5 A. Can you rephrase the question?</p> <p>6 Q. Certainly. The state can make</p> <p>7 distinctions between voters based on objective facts and</p> <p>8 that be perfectly valid, correct?</p> <p>9 MS. JOHNSON: Object to form.</p> <p>10 A. Correct. I think that the -- part of the</p> <p>11 challenge with this legislation though is that the</p> <p>12 people who passed this particular bill was very much on</p> <p>13 partisan lines, so it doesn't seem that it is looking at</p> <p>14 to target voters uniformly, but rather to weigh and</p> <p>15 create a chilling effect among people that perhaps can</p> <p>16 be impacted adversely.</p> <p>17 Q. (BY MS. HUNKER) Are you aware that the</p> <p>18 Secretary of State issues --</p> <p>19 A. If you have a disability, for example,</p> <p>20 they -- they carve out so that you can vote freely in</p> <p>21 this case through vote by mail without -- and that</p> <p>22 person can vote without -- without imparity. But the</p> <p>23 way this reads, it -- it creates a chilling effect</p> <p>24 because it -- it seems to be partisan.</p> <p>25 Q. Are you aware that the Office of Secretary</p>	<p style="text-align: right;">Page 127</p> <p>1 procedures and/or changes to county officials?</p> <p>2 A. No.</p> <p>3 Q. Going to put up the new document on the</p> <p>4 screen. Do you see the document?</p> <p>5 (WHEREUPON, the document was marked for</p> <p>6 identification as Exhibit No. 4 and is</p> <p>7 attached hereto.)</p> <p>8 A. I do.</p> <p>9 Q. The title reads, "Election Advisory,</p> <p>10 No. 2121-09"; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And if you look down, it says it's, "To:</p> <p>13 County Chairs, Election Officials, and County Judges";</p> <p>14 is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And then it says "From: Keith Ingram,</p> <p>17 Director of Elections"; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then it has a date which is July 30,</p> <p>20 2021; is that correct?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. All right. If you see on the top it also</p> <p>23 says "Texas Secretary of State John B. Scott"; is that</p> <p>24 correct?</p> <p>25 A. Mm-hmm.</p>
<p style="text-align: right;">Page 126</p> <p>1 of State issued what are called election advisories?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever seen an election advisory?</p> <p>4 A. Not recently, but I have in the past.</p> <p>5 Q. So you have in the past, but not in what,</p> <p>6 the last few years? Last few months?</p> <p>7 A. Last few months. Yeah.</p> <p>8 Q. Do you know what an election advisory</p> <p>9 does?</p> <p>10 A. It tries to inform people of different</p> <p>11 changes in the law, correct? If I --</p> <p>12 Q. Yes.</p> <p>13 A. -- recall.</p> <p>14 Q. Do you know who the election advisories</p> <p>15 are directed towards?</p> <p>16 A. I want to say voters, but --</p> <p>17 Q. Do you know whether they are posted on the</p> <p>18 Secretary of State's website?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you know of any other means Secretary</p> <p>21 of State's office communicates election procedures</p> <p>22 and/or changes to voters?</p> <p>23 A. No.</p> <p>24 Q. Do you know of any other means the</p> <p>25 Secretary of State's Office communicates election</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Did you hear my question, Ms. Kumar?</p> <p>2 A. Yes.</p> <p>3 Q. And so that does say "Texas Secretary of</p> <p>4 State John B. Scott"?</p> <p>5 A. Yes.</p> <p>6 Q. So if I were to present to you that this</p> <p>7 is election advisory that was issued by the Secretary of</p> <p>8 State's Office on July 30, 2021, you would not disagree</p> <p>9 with me on that?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And if you look at the title it</p> <p>12 says, "2021 Legislative Summary - 87 Regular Session."</p> <p>13 Did I read that correctly?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And then it has here, it says,</p> <p>16 "Bills Passed During the 21st Regular Session;" is that</p> <p>17 right?</p> <p>18 A. There's a lot of them.</p> <p>19 Q. Yes, legislature was busy. And so if we</p> <p>20 scroll down onto to page five. We see an area that</p> <p>21 reads, "Senate Bill 1111 (Bettencourt)."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. You take a quick moment to read it, if you</p> <p>25 want. I can blow it up or let me know how you want to</p>

<p style="text-align: right;">Page 129</p> <p>1 handle that to yourself.</p> <p>2 A. You want me to read the --</p> <p>3 MS. JOHNSON: It would be helpful --</p> <p>4 Q. (BY MS. HUNKER) Read it to yourself.</p> <p>5 MS. JOHNSON: -- yeah, it would be</p> <p>6 helpful for me if you made it a little bigger, Kathleen,</p> <p>7 if that's possible. Otherwise, I can open it on the</p> <p>8 PDF. Thank you.</p> <p>9 Q. (BY MS. HUNKER) All right. Let me know</p> <p>10 when you've done reading.</p> <p>11 A. Okay.</p> <p>12 Q. The highlighted text describes the content</p> <p>13 of the bill, correct? Very briefly?</p> <p>14 A. As I understand it, yes.</p> <p>15 Q. And then the three provisions that go --</p> <p>16 three bullet points that go below. They explain the</p> <p>17 three main sections of the bill; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Is there anything written here that Voto</p> <p>20 Latino would deem accurate?</p> <p>21 MS. JOHNSON: Object to form.</p> <p>22 A. As far as?</p> <p>23 Q. (BY MS. HUNKER) That stands out or you</p> <p>24 would find in contrast of what you understand SB 1111 to</p> <p>25 do or be?</p>	<p style="text-align: right;">Page 131</p> <p>1 A. Correct.</p> <p>2 Q. And then you see in the highlighted text</p> <p>3 the title which is, "New Law: SB 1111 (2021, Regular</p> <p>4 Session) Address Confirmation Process and Forms."</p> <p>5 Did I read that correctly?</p> <p>6 A. Correct.</p> <p>7 Q. Prior to today, have you ever read</p> <p>8 Election Advisory Number 2021-10?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 A. I think someone on my staff may have. I</p> <p>12 mean, I -- I -- so -- I would just --</p> <p>13 Q. So your staff may have, but you do not --</p> <p>14 you did not?</p> <p>15 A. Yes, correct.</p> <p>16 Q. And you do not know if your staff did or</p> <p>17 did not know?</p> <p>18 A. No.</p> <p>19 Q. Well, I guess, I should have asked that</p> <p>20 question before, prior to today, had you read Election</p> <p>21 Advisory 2021-09, which was the document on screen</p> <p>22 prior?</p> <p>23 A. I had not. But again, I'm sure my staff</p> <p>24 has, but I can't, you know, confirm that. I'd have to</p> <p>25 talk to them.</p>
<p style="text-align: right;">Page 130</p> <p>1 MS. JOHNSON: Same objection.</p> <p>2 A. I believe -- no -- I -- not that I'm aware</p> <p>3 of. No.</p> <p>4 Q. (BY MS. HUNKER) Okay. I'm going to share</p> <p>5 one more. And this is Exhibit 5.</p> <p>6 You see the document on your screen?</p> <p>7 (WHEREUPON, the document was marked for</p> <p>8 identification as Exhibit No. 5 and is</p> <p>9 attached hereto.)</p> <p>10 A. I do.</p> <p>11 Q. All right. On the top, it says, "Texas</p> <p>12 Secretary of State John B. Scott"; is that correct?</p> <p>13 A. Yes, it does.</p> <p>14 Q. And then it says, "Election Advisory</p> <p>15 Number 2021-10"; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And then it says, "To: County Chairs,</p> <p>18 County Election Officials, and County Judges."</p> <p>19 Did I read that correctly?</p> <p>20 A. Mm-hmm.</p> <p>21 Q. Did you see the spot where it says, "From:</p> <p>22 Keith Ingram, Director of Elections"?</p> <p>23 A. Yes.</p> <p>24 Q. Then you see how the date is August 31,</p> <p>25 2021?</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Okay. So you had not and your staff may</p> <p>2 or may not have, but you can't attest to one way or the</p> <p>3 other; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. So you are not familiar with its contents;</p> <p>6 is that correct?</p> <p>7 A. Of the newsletter? No.</p> <p>8 Q. Were you aware that the Election Advisory</p> <p>9 2021-09 existed before today?</p> <p>10 A. No. But I do know that there are</p> <p>11 advisories that are sent.</p> <p>12 Q. On the same question with the Election</p> <p>13 Advisory Number 2021-10, were you aware that the</p> <p>14 document on your screen existed before today?</p> <p>15 A. No. But again, we're -- we received</p> <p>16 newsletters from the Secretary of State, I just -- I</p> <p>17 don't open them, but I'm sure someone on my team is</p> <p>18 aware of them.</p> <p>19 Q. So both of these election advisories</p> <p>20 address SB 1111, correct?</p> <p>21 A. It looks like it. Yes.</p> <p>22 Q. The first one gave a very small summary</p> <p>23 and then the second one is much larger expansion on the</p> <p>24 bill; is that correct?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 133</p> <p>1 Q. And this was issued in the summer of 2021,</p> <p>2 so not too long after the legislation was enacted; is</p> <p>3 that correct?</p> <p>4 A. Seems to be the case.</p> <p>5 Q. All right. And do you see where it says,</p> <p>6 "the Definition of Residence"?</p> <p>7 Can you please read that to yourself?</p> <p>8 A. Mm-hmm. Yes.</p> <p>9 Q. All right. Is there anything about the</p> <p>10 Definition of Residence, as explained here that stands</p> <p>11 out in your mind as being incorrect or incongruent with</p> <p>12 Voto Latino's position?</p> <p>13 MS. JOHNSON: Object to form.</p> <p>14 A. It seems to be verbatim from the bill, but</p> <p>15 I would have to look at them side by side.</p> <p>16 Q. (BY MS. HUNKER) Okay. But if we look</p> <p>17 down -- there is a breakdown of Section 1.015 of the</p> <p>18 election code; is that correct?</p> <p>19 A. That's what it seems to be. Yes.</p> <p>20 Q. And then it talks about (as read),</p> <p>21 "Modifications to Standard Address Confirmation Form --</p> <p>22 Forms;" is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then it says, "Procedures for New</p> <p>25 Address Confirmation Requiring Documentation," correct?</p>	<p style="text-align: right;">Page 135</p> <p>1 intends to remain. I mean, clearly, the briefings that</p> <p>2 we were receiving are straight from the same of our</p> <p>3 understanding of his status.</p> <p>4 Q. Were you aware that the Texas Secretary of</p> <p>5 State conducts seminars for county election officials?</p> <p>6 A. I'm sure there are forms of keeping people</p> <p>7 up to date. I don't track that.</p> <p>8 Q. Are you aware that as part of the</p> <p>9 seminars, there are discussions in regards to new</p> <p>10 legislation of which SB 1111 was one?</p> <p>11 A. Perhaps, I'm not a secretary -- I'm not a</p> <p>12 county official, so I'm not privy to that.</p> <p>13 Q. So you do not know what information the</p> <p>14 Secretary of State's Office communicated to county</p> <p>15 officials in regards to SB 1111; is that right?</p> <p>16 A. Yeah -- yeah, correct. I wouldn't be</p> <p>17 invited to those seminars and summits, so.</p> <p>18 Q. Alas, I think my invitation got lost in</p> <p>19 the mail as well.</p> <p>20 A. Pardon?</p> <p>21 Q. I said, Alas, I think my invitation got</p> <p>22 lost in the mail as well.</p> <p>23 A. I see.</p> <p>24 Q. And you're not aware of any other</p> <p>25 communications that may have been between the Secretary</p>
<p style="text-align: right;">Page 134</p> <p>1 A. Yes.</p> <p>2 Q. And then it talks about, "Frequently Asked</p> <p>3 Questions"; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. So earlier in our conversation, you had</p> <p>6 mentioned that you thought there was not enough guidance</p> <p>7 about these election laws.</p> <p>8 Does identifying these two election</p> <p>9 advisories change your opinion in regards to that?</p> <p>10 A. No.</p> <p>11 Q. When you were trying to understand the</p> <p>12 application of SB 1111, what steps did you take?</p> <p>13 A. We were informed by what we were reading</p> <p>14 in the paper. We were informed and briefed by our</p> <p>15 attorneys and we are part of a coalition and we were</p> <p>16 briefed by that coalition of the impacts of the law.</p> <p>17 Q. And you didn't seek any advice for</p> <p>18 guidance from the Secretary of State's office when</p> <p>19 trying to make this assessment, did you?</p> <p>20 A. I mean, it's -- it verbatim says why we're</p> <p>21 here, right? A person that may not establish a</p> <p>22 residence at any place that a person does not inhabit.</p> <p>23 A person may not designate a previous residency, has a</p> <p>24 home, fixed place of habitation, unless the person</p> <p>25 inhabits that place at the same time, designation</p>	<p style="text-align: right;">Page 136</p> <p>1 of State's Office and county election officials</p> <p>2 regarding interpretation, application, or operation of</p> <p>3 SB 1111, correct?</p> <p>4 A. Correct.</p> <p>5 Q. This is probably a good spot for a break,</p> <p>6 so if we can go off the record.</p> <p>7 A. Okay.</p> <p>8 Q. So --</p> <p>9 MS. JOHNSON: Yeah, sorry. I think we're</p> <p>10 probably going to say the same thing, so you can go</p> <p>11 ahead.</p> <p>12 THE VIDEOGRAPHER: Okay --</p> <p>13 MS. HUNKER: Yeah.</p> <p>14 THE VIDEOGRAPHER: -- we are off the</p> <p>15 record at 2:04 p.m.</p> <p>16 (Break taken)</p> <p>17 THE VIDEOGRAPHER: We are back on the</p> <p>18 record at 2:22 p.m.</p> <p>19 Q. (BY MS. HUNKER) All right. Ms. Kumar,</p> <p>20 hopefully this will be our last -- our last pull through</p> <p>21 and we can get this over with.</p> <p>22 A. Thank you.</p> <p>23 Q. So let's look back at Exhibit 1,</p> <p>24 specifically, topic number eight (as read), "Voto Latino</p> <p>25 statements, public or otherwise, relating to SB 1111,</p>

<p style="text-align: right;">Page 137</p> <p>1 including press releases, newsletters, campaign letters</p> <p>2 or signs, news articles, op-ed pieces, testimony,</p> <p>3 postings or messages published on blogs and/or social</p> <p>4 media websites, and communications with voters,</p> <p>5 supporters, or donors pertaining to such election."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Did you prepare today to speak on this</p> <p>9 topic?</p> <p>10 A. Yes.</p> <p>11 Q. How did you prepare?</p> <p>12 A. I reviewed the documents we submitted in</p> <p>13 support of this, and then I spoke to my staff and to</p> <p>14 counsel.</p> <p>15 Q. Was Voto Latino aware of SB 1111 when it</p> <p>16 was being considered by committee?</p> <p>17 A. Yes.</p> <p>18 Q. And was Voto Latino aware of SB 1111 when</p> <p>19 it was considered on the floor by either the Texas House</p> <p>20 or Texas Senate?</p> <p>21 A. Yes.</p> <p>22 Q. Did anyone from Voto Latino raise concerns</p> <p>23 with legislators about SB 1111?</p> <p>24 A. Not directly with legislators, I think we</p> <p>25 were -- we did inform our audience that another voter</p>	<p style="text-align: right;">Page 139</p> <p>1 statements discussing their reservations about SB 1111</p> <p>2 when the bill was being considered?</p> <p>3 A. Not that I'm aware of. Possibly, I did</p> <p>4 because I often speak on news channels and things of</p> <p>5 what is happening down the pike in various states. So I</p> <p>6 may have, but I'm not quite sure.</p> <p>7 Q. Were you aware of the contents of the</p> <p>8 testimony before the -- the different committees for SB</p> <p>9 1111?</p> <p>10 A. The content, no, I was not.</p> <p>11 Q. Did you follow the floor debate at all?</p> <p>12 A. No.</p> <p>13 Q. Do you know if any of the concerns we</p> <p>14 spoke about today were raised either -- well, say first</p> <p>15 during the committees?</p> <p>16 A. I don't know.</p> <p>17 Q. And are you aware if the concerns we</p> <p>18 discussed here today were raised to the legislature on</p> <p>19 the floor?</p> <p>20 A. I don't know.</p> <p>21 Q. All right. So topic number nine reads (as</p> <p>22 read), "Voto Latino's activities relating to voter</p> <p>23 registration, get-out-the-vote or election</p> <p>24 administration in Texas, including any policies,</p> <p>25 protocols, practices, memoranda, or training or guidance</p>
<p style="text-align: right;">Page 138</p> <p>1 suppression law was being considered in the State House.</p> <p>2 Q. So you did not contact the specific</p> <p>3 Legislature about SB 1111; is that correct?</p> <p>4 A. Not to my knowledge, no.</p> <p>5 Q. And Voto Latino did not testify before any</p> <p>6 of the committees in regards to SB 1111?</p> <p>7 A. We weren't invited to.</p> <p>8 Q. And you were part of the public testimony?</p> <p>9 A. That I don't know, I have to double check.</p> <p>10 Sometimes we field volunteers to testify, people who are</p> <p>11 impacted, but I have to see if we did that in this case</p> <p>12 or not.</p> <p>13 Q. Okay. So to your -- to your knowledge</p> <p>14 right now, you don't know, but you could find out; is</p> <p>15 that correct?</p> <p>16 A. Correct. Yes.</p> <p>17 Q. So how did you go about raising your</p> <p>18 concerns regarding SB 1111, prior to its passage, if at</p> <p>19 all?</p> <p>20 A. Normal practices that we advise our</p> <p>21 member, our -- well, our constituency, that this is</p> <p>22 happening and we encourage them to call their state</p> <p>23 legislatures so that they can directly hear from the</p> <p>24 voter.</p> <p>25 Q. Did anyone from Voto Latino make public</p>	<p style="text-align: right;">Page 140</p> <p>1 materials created and/or implemented in connection with</p> <p>2 these activities."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. Is there anything that we haven't</p> <p>6 discussed that is in relation to this topic -- wait, let</p> <p>7 me take that back. Let me rephrase it.</p> <p>8 A. Mm-hmm.</p> <p>9 Q. Are there any activities that Voto Latino</p> <p>10 engages in, in Texas that we haven't already discussed</p> <p>11 in regards to elections or voter registration?</p> <p>12 A. No.</p> <p>13 Q. Let's move on to topic number ten (as</p> <p>14 read), "Voto Latino's communications with any county or</p> <p>15 county election official regarding SB 1111."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. How did you prepare -- or to say, did you</p> <p>19 prepare for this topic?</p> <p>20 A. I did, yes.</p> <p>21 Q. And how did you prepare?</p> <p>22 A. By speaking to my counsel on this -- in</p> <p>23 this -- this case. I didn't ask my staff. I should</p> <p>24 have, but I did not.</p> <p>25 Q. You -- you do not ask your staff?</p>

<p style="text-align: right;">Page 141</p> <p>1 A. Not on this one particular. I'm not quite 2 sure why I didn't, but I did not. 3 Q. I believe you mentioned to your knowledge, 4 you're not aware of any of communications with county or 5 county election officials regarding SB 11 [sic]; is that 6 correct? 7 A. That is correct. That's why I'm kind of, 8 like, I didn't -- I went throughout, but this one I did 9 not, so I'd have to go back to see if there was any -- 10 any communications. 11 Q. Does Voto Latino have any intention of 12 talking with county or county election officials going 13 forward regarding SB 1111? 14 A. We will begin normally again. Right 15 before elections we actually let registrar offices know 16 that we will be participating and conducting. This is a 17 good business practice for folks to know that we're 18 there, so we will be engaging with them. 19 Q. And you mentioned that that's when your 20 full push for voter registration occurs, correct? 21 A. That is correct, yes. 22 Q. Did you -- Voto Latino communicate with 23 any other either state or local official in regards to 24 the application, interpretation, or operation of 25 SB 1111?</p>	<p style="text-align: right;">Page 143</p> <p>1 Latino, who decided not to register or vote on account 2 of SB 1111? 3 A. I think that's part of the challenges that 4 we don't know who we turned away as a result of SB 1111. 5 Q. So you don't know of any? 6 A. Not that I'm aware of. But again, voter 7 registration in hard-to-reach communities is 8 particularly difficult because we're trying to encourage 9 them to participate. And so SB 1111 creates chilling 10 effect that they may have received our communication, 11 but they may not have trusted that their capacity to 12 register freely or to even ask questions freely so they 13 may not have registered. 14 Q. Have you sought to find any specific 15 examples of constituents, who were unable to vote or 16 chose not to vote -- register to vote on account of 17 SB1111? 18 A. That will be more of our future work. As 19 I think we -- I mentioned we will start doing surveys 20 later on in May-June to figure out where the voter is 21 and what they -- what their understanding of the law is 22 and then we'll be able to better understand the full 23 impact of the law. 24 Q. Are you aware of any specific college 25 student, who decided not to register to vote or was</p>
<p style="text-align: right;">Page 142</p> <p>1 A. No. Not that I'm aware of, I should 2 clarify that. 3 Q. And did you meet with any -- do you have 4 any communications with any other organization, 5 non-profit, or advocacy group in relation to SB 1111 in 6 terms of its applications, operation, and application? 7 A. We have. And I think I've -- I've talked 8 about it through our partnerships before. 9 Q. So outside of four partnerships you 10 identified, any other organizations? 11 A. Not that I'm aware of, no. 12 Q. And I believe you may have mentioned 13 earlier you had yet to communicate to your constituents 14 and that was something you were planning on doing in the 15 next two or three months. 16 A. At scale -- 17 Q. -- my -- 18 A. -- at scale, I -- I believe we did -- we 19 mentioned something during our voter registration during 20 the primary, but I -- I would have to go back to see 21 what that look like. But at scale, when the bulk of it 22 is, it won't happen until the fall for the most part. 23 That's future work. 24 Q. All right. Sitting here today, are you 25 aware of any specific examples of a constituent of Voto</p>	<p style="text-align: right;">Page 144</p> <p>1 unable to register to vote on account of SB 1111? 2 A. Again, we haven't had that communication 3 yet, so I can't -- I can't speak to that. 4 Q. And this is another one of those you're 5 going to look in the future to try to identify 6 individuals? 7 A. Yeah, it's the same survey that I 8 mentioned at the -- at the top that will go into the 9 field around May-June to figure out where people are and 10 that helps inform our program. 11 Q. All right. 12 Similar question, are you aware of any 13 specific examples of a farm worker, who decided not to 14 register or was unable to register to vote on account of 15 SB 1111? 16 A. It's not our direct constituency, so I 17 cannot speak to that. 18 Q. Are you aware of any specific examples of 19 a military member, who decided not to register to vote 20 on account of SB 1111? 21 A. Again, I -- I cannot speak to that. 22 Q. That's not your constituency? 23 A. No. We -- we -- we do target and register 24 military personnel, but again, they're not -- we have 25 not targeted them yet, so I -- I don't know.</p>

<p style="text-align: right;">Page 145</p> <p>1 Q. Mm-hmm. Are they going to be part of the</p> <p>2 survey? Military members and farm workers, when you're</p> <p>3 seeking to identify individuals, who could not register</p> <p>4 to vote.</p> <p>5 A. Farmworkers are harder. Military,</p> <p>6 oftentimes, they end up being part of it because</p> <p>7 there's, no -- they are our core constituency, meaning</p> <p>8 that they are young. Sometimes, they are enrolled in</p> <p>9 school.</p> <p>10 Q. Are you aware of any individual, who</p> <p>11 decided not to register to vote or could not register to</p> <p>12 vote on account of SB 1111?</p> <p>13 A. Again, we don't know the people that we</p> <p>14 missed. As a result, we couldn't do the breadth of the</p> <p>15 work that we wanted to in the primary because we had to</p> <p>16 divert resources to just a concentrated few to make sure</p> <p>17 that those individuals really did know. Our intent was</p> <p>18 to register far more for the primary, but we weren't</p> <p>19 able to do so with finite resources in limited time to</p> <p>20 get to be able to overcommunicate to the audience.</p> <p>21 Q. Are you communicating to -- you mentioned</p> <p>22 you were communicating with your constituents? Are you</p> <p>23 communicating with anybody else about finding specific</p> <p>24 examples of individuals, who decided not to register to</p> <p>25 vote because of SB 1111?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. No. But there is a pattern of people in</p> <p>2 violation of the law being prosecuted. And so that's</p> <p>3 why we're filing this because it is not clear and the</p> <p>4 onus of deciding whether someone has been registered</p> <p>5 afoul seems to lie squarely on the properties of the</p> <p>6 registrar's office, which also seems very arbitrary.</p> <p>7 Q. Is Voto Latino as part of the relief</p> <p>8 sought in this case asking the court to direct the</p> <p>9 Secretary of State's Office to issue additional</p> <p>10 information about SB 1111?</p> <p>11 A. I mean, I think it's more of going back to</p> <p>12 the status quo because, again, Texas certified a fair,</p> <p>13 free election in 2020, and there's no really need to</p> <p>14 change something that isn't broken.</p> <p>15 Q. So do you think the fact that Texas</p> <p>16 certified a free and fair election means it could never</p> <p>17 reform or improve upon its election law?</p> <p>18 A. Yeah, and lowering the -- the access to</p> <p>19 the voting booth and actually following their statutes</p> <p>20 prior to the gutting of the Voting Rights Act and</p> <p>21 creating spaces for enfranchisement, eliminating, and</p> <p>22 modernizing their election systems, so there are not --</p> <p>23 no voter registration officials that have to be</p> <p>24 deputized and there's a lot of places that if we're</p> <p>25 talking about improvement, maximized participation,</p>
<p style="text-align: right;">Page 146</p> <p>1 A. Can you rephrase the question. I'm not</p> <p>2 quite -- I don't understand.</p> <p>3 Q. Yeah, you already mentioned that you were</p> <p>4 going to seek input from your constituents.</p> <p>5 A. Mm-hmm.</p> <p>6 Q. My question is: Are you communicating with</p> <p>7 anybody else about finding specific examples of</p> <p>8 individuals, who decided not to register because of</p> <p>9 SB 1111? That could include individuals, it will</p> <p>10 include organizations.</p> <p>11 A. Not at this time. No, we have not.</p> <p>12 Q. Are you aware of anyone, who was</p> <p>13 prosecuted under SB 1111?</p> <p>14 A. No. But we know plenty of examples that</p> <p>15 have been widely in the press of people, who've been</p> <p>16 prosecuted for erroneously casting a ballot and not</p> <p>17 knowing that they were at foul of the law. And that is</p> <p>18 why we're here because we want to ensure that that</p> <p>19 doesn't happen to -- to any voter, frankly.</p> <p>20 Q. And so those were in regards to different</p> <p>21 statutes, correct?</p> <p>22 A. Correct.</p> <p>23 Q. But are you aware of any specific county</p> <p>24 that threatened to prosecute individual if they</p> <p>25 accidentally violated SB 1111?</p>	<p style="text-align: right;">Page 148</p> <p>1 there's several states that have really modernized and</p> <p>2 are encouraging people, you know.</p> <p>3 California pre-registers to vote when</p> <p>4 you're 16 years old, get us out of the state of Texas,</p> <p>5 and we don't have to. I think those are -- there's a</p> <p>6 lot of things that I would love to engage with the</p> <p>7 Secretary of State's on how to modernize it so that</p> <p>8 every single Texan, regardless of zip code or color or</p> <p>9 creed gets the chance to participate freely.</p> <p>10 Q. Have you met with the legislature or the</p> <p>11 Secretary of State's office about these proposals?</p> <p>12 A. No, they -- no, we have not.</p> <p>13 Q. Were you aware that Texas has a higher</p> <p>14 registration rate than California?</p> <p>15 A. Not recently. For -- for 16 and 17 year</p> <p>16 olds because they actually are automatically</p> <p>17 pre-registered.</p> <p>18 Q. I was talking automatically, I mean,</p> <p>19 overall.</p> <p>20 A. But I'm focusing on my constituency.</p> <p>21 Q. Got you.</p> <p>22 A. And so --</p> <p>23 Q. So I'm going to preface the next set of</p> <p>24 questions with the caveat again, but I'm not interested</p> <p>25 in, nor do I wish to hear about substance of</p>

<p style="text-align: right;">Page 149</p> <p>1 communications that you had with your attorneys.</p> <p>2 Does my caveat makes sense?</p> <p>3 A. Yes.</p> <p>4 Q. When did you retain your current counsel?</p> <p>5 A. They've been our attorneys for 15 years.</p> <p>6 Q. So it's an ongoing relationship?</p> <p>7 A. Correct.</p> <p>8 Q. When did you first meet with your counsel</p> <p>9 about SB 1111?</p> <p>10 A. I can't recall. I think shortly after it</p> <p>11 was probably filed. I asked if there's ways that we</p> <p>12 could actually engage in contesting it.</p> <p>13 Q. So you said shortly after it was filed?</p> <p>14 A. After it was signed, yeah. If not before,</p> <p>15 I -- I can't remember timeline, but I know that this was</p> <p>16 definitely on our radar. And I'm confusing now the</p> <p>17 timeline with SB 1 -- SB 1111 to be frank.</p> <p>18 Q. So when you say "filed," do you mean filed</p> <p>19 with the legislature or do you mean actually enacted?</p> <p>20 A. Once it was signed by the Governor.</p> <p>21 Excuse me, my stomach is growling now. Hope not to</p> <p>22 interrupt.</p> <p>23 Q. When did you just --</p> <p>24 A. -- diet, by the way. I'm not</p> <p>25 [inaudible] -- versus officially think it.</p>	<p style="text-align: right;">Page 151</p> <p>1 documented instances of absentee -- have you been -- let</p> <p>2 me rephrase that question.</p> <p>3 Are you aware that there have been</p> <p>4 documented instances of election fraud in state of</p> <p>5 Texas?</p> <p>6 MS. JOHNSON: Kathleen, what topic does</p> <p>7 this go to?</p> <p>8 MS. HUNKER: You can object if you want.</p> <p>9 MS. JOHNSON: Objection to outside the</p> <p>10 scope of the notice.</p> <p>11 Q. (BY MS. HUNKER) You can answer the</p> <p>12 question.</p> <p>13 A. The one that I -- there's two that I'm</p> <p>14 aware of. One is that someone accidentally cast a</p> <p>15 ballot when they were on parole and got five years.</p> <p>16 In -- and the other one, I believe, was also during the</p> <p>17 election where a man stood in line, I want to say 12</p> <p>18 hours, and was the last vote. And he was excited to be</p> <p>19 enfranchised only to find out that he had three days for</p> <p>20 his parole, and as a result they counted it as voter</p> <p>21 fraud and he got -- now he has time.</p> <p>22 In both instances, people were -- under</p> <p>23 the understanding that they were on the right side of</p> <p>24 the law, and so that's why we are so careful with how we</p> <p>25 communicate and better understand SB 1111 because we</p>
<p style="text-align: right;">Page 150</p> <p>1 Q. One of the benefits of intermittent</p> <p>2 fasting is like, it's just --</p> <p>3 When did you decide it was -- when did</p> <p>4 you decide Voto Latino wanted to file a lawsuit</p> <p>5 pertaining to SB 1111?</p> <p>6 A. When we understood that it was going to</p> <p>7 have an impact on young voters in particular.</p> <p>8 Q. Did the idea of filing a lawsuit originate</p> <p>9 with Voto Latino or did it come from some other</p> <p>10 individual or organization?</p> <p>11 A. It -- it originated with -- with myself</p> <p>12 and Voto Latino.</p> <p>13 Q. Did any organization contact you to</p> <p>14 encourage you to file a lawsuit challenging SB 1111?</p> <p>15 A. No.</p> <p>16 Q. Did any individual contact you to</p> <p>17 encourage you to file a lawsuit challenging SB 1111?</p> <p>18 A. Is that different from the first question?</p> <p>19 Q. Yeah, the first question I asked about the</p> <p>20 organization. Now, I'm asking about individuals.</p> <p>21 A. Oh, no.</p> <p>22 Q. Did you contact any other individual</p> <p>23 organization to encourage them to join the lawsuit?</p> <p>24 A. No.</p> <p>25 Q. Are you aware that there have been</p>	<p style="text-align: right;">Page 152</p> <p>1 wouldn't want that chilling effect to impact someone's</p> <p>2 participation, but they're very well documented.</p> <p>3 Q. Are you aware of any other documented</p> <p>4 instance of election fraud in state of Texas?</p> <p>5 A. No. From my understanding, according to a</p> <p>6 lot of academic research the -- the voter fraud is</p> <p>7 actually very minimal and, oftentimes, it's erroneous.</p> <p>8 It's done by mistake, not on -- not at scale definitely</p> <p>9 if it was at scale then Texas would never have certified</p> <p>10 a fair and free election in the 2020 election.</p> <p>11 Q. Do you believe the state has an interest</p> <p>12 in preventing voter fraud when it occurs?</p> <p>13 MS. JOHNSON: Objection. Outside the</p> <p>14 scope of the notice.</p> <p>15 MS. HUNKER: You can answer.</p> <p>16 A. I -- I believe that the state has to -- if</p> <p>17 there was massive voter fraud in 2020, I think it would</p> <p>18 be understood why they're trying to make all these</p> <p>19 restrictions. But the fact that Texas certified a fair</p> <p>20 free election in 2020, and then decided that in 2021</p> <p>21 they were going to do -- present over 50 types of</p> <p>22 legislation for a problem that did not exist seems to be</p> <p>23 not modernizing their election system, just, you know,</p> <p>24 could be possible, but instead of trying to create a</p> <p>25 chilling effect because of the increased participation</p>

<p style="text-align: right;">Page 153</p> <p>1 particularly of young Latino voters in the state of 2 Texas, since 2018. 3 Q. (BY MS. HUNKER) So is it your impression 4 that Texas would not certify a free and fair election if 5 there were any instances of voter fraud? 6 MS. JOHNSON: Objection. Outside the 7 scope of the notice. 8 A. I don't really -- 9 Q. (BY MS. HUNKER) Okay. 10 A. -- I don't -- from again, I'm very limited 11 on that, but I do know that these laws seem to be 12 coinciding with the rising electorate that happen to be 13 Latino. 14 MS. HUNKER: So I'm going to object that 15 as nonresponsive. 16 Q. (BY MS. HUNKER) My question is a little 17 bit different. 18 My question was: Do you believe that 19 Texas would not certify as a free and fair election any 20 election that had any instances of voter fraud? 21 MS. JOHNSON: Same objection. 22 A. Again, because SB 1111 is definitely 23 drafted and written and passed by partisan minds. It 24 seems that it is in search of a problem and it seems to 25 be an affront to all Texans regardless of age, creed,</p>	<p style="text-align: right;">Page 155</p> <p>1 state has an interest in ensuring that the voter when 2 registered resides in Texas? 3 MS. JOHNSON: Objection. Outside the 4 scope of the notice. 5 A. I'm not quite -- 6 Q. (BY MS. HUNKER) You can answer. 7 A. So I -- I -- again, SB 1111 is in search 8 of a problem with previous statute of common law made 9 clear of what those parameters were. And I think that 10 if someone says that Texas is their home and you weren't 11 there they -- they should be able to vote there. 12 MS. HUNKER: So I'm going to again object 13 as nonresponsive. 14 Q. (BY MS. HUNKER) My question is a little 15 different. 16 I was just wondering if you thought that 17 Texas has an interest in ensuring that the individual 18 registering to vote lives and resides in Texas? 19 MS. JOHNSON: Same objection. 20 A. Again, seven -- SB 1111 doesn't really 21 talk to that. It just says that someone is -- can't 22 register to vote in a temporary place of residence, as I 23 understand, and they can't use a previous address that 24 they consider home. So it creates a technicality where 25 that person, disproportionately, young people,</p>
<p style="text-align: right;">Page 154</p> <p>1 color, and zip code from voting. In 2020 the certified 2 and fair, free election saying that it was free and then 3 in the last year and a half -- well, last year it passed 4 over 50 legislations and it seem to -- it seems to 5 correlate with the fact that you have an increased 6 Latino population turning it -- of age quickly. 7 Roughly 23 percent of Latinos are the 8 electoral base, but in Texas, we're expecting young -- 9 young Latinos represent 52 percent of the classrooms. So 10 it's almost as if they're trying to prevent the future 11 from being enfranchised. 12 MS. HUNKER: I'm going to object to that 13 as nonresponsive. 14 Q. (BY MS. HUNKER) Do you believe the state 15 has an interest in ensuring that the person who signed 16 the -- the person who registered to vote is in fact the 17 voter? 18 A. There are strict violations of federal 19 crime if you -- are met -- misrepresenting your 20 citizenship status. That alone is reason why people are 21 hesitant to participate in why one has to explain to 22 them their rights. 23 MS. HUNKER: So -- to, again, object as 24 nonresponsive, but I'll move on. 25 Q. (BY MS. HUNKER) Do you believe that the</p>	<p style="text-align: right;">Page 156</p> <p>1 disproportionately, and Latinos are now living in limbo, 2 and they are not being enfranchised as the Constitution 3 expresses their ability to do so. 4 MS. HUNKER: I'm going to pull up a new 5 exhibit, and I object to that as nonresponsive. 6 Q. (BY MS. HUNKER) This is Exhibit 11. 7 Do you see it on your screen? 8 (WHEREUPON, the document was marked for 9 identification as Exhibit No. 11 and is 10 attached hereto.) 11 A. I do. 12 Q. Actually, now that I think about it. Hold 13 on a quick second, I have to share it first. 14 A. Exhibit 11. Is that the one I'm looking 15 at? 16 Q. That's correct. And I just put in the 17 chat function. 18 A. Great, thank you. Its -- yeah, I have it. 19 Q. Okay. The document reads (as read), 20 "Plaintiff Voto Latino's responses and objections to 21 Intervenor Attorney General Ken Paxton's first set of 22 request for interrogatories and production." 23 Is that -- did I read that correctly? 24 A. Yes. 25 Q. So we scroll down, do you see here that we</p>

<p style="text-align: right;">Page 157</p> <p>1 have a Interrogatory Number 1. It says (as read), 2 "Identified by code and section the number of provisions 3 in the Texas Election Code that you are challenging in 4 this lawsuit." 5 Did I read that correctly? 6 A. Yes. 7 Q. And then there's the response, Voto Latino 8 is challenging following provisions and it lists five 9 provisions of the code. 10 Is Voto Latino challenging any other 11 provisions besides these five? 12 A. Not that I'm aware of. 13 Q. If we look at Interrogatory Number 2 with 14 respect to each provision alleged in the answer to 15 Interrogatory Number 1, state the following, and then C 16 says (as read), "The identity of each document 17 (including, but not limited to any books, periodicals, 18 reports, studies, or technical manuals) which contains 19 information which tends to substantiate the facts 20 alleged in the answer to subpart A of this 21 interrogatory." 22 Did I read that correctly? 23 A. Yes. 24 Q. Okay. So we have a bunch of documents 25 here and so I kind of wanted you to kind of give me a</p>	<p style="text-align: right;">Page 159</p> <p>1 and we are able to demonstrate that when you enfranchise 2 voters, they change minds, right? 3 And I was -- over 600 percent increase 4 during the midterms in Texas and we were a large part of 5 that. "Youth vote in Texas is up by more than 6 600 percent," exciting. "Young voters preferred Biden." 7 I think this is one of the reasons why a completely 8 partisan, state legislator passed this provision SB 1111 9 along with SB 1. 75 percent of Latino youth voted for 10 Biden compared to Trump according to this article and it 11 speaks to that this is not universal. 12 This is very I would say, you know, it 13 very much is in the intent of killing a young voter on a 14 low propensity voter because people don't like the 15 results of how they voted. "Enrollment Forecast, Texas 16 Higher Education," speaks to what I shared before that 17 we're expecting 800,000 Latino youth to turn 18 by the 18 2024 election. 19 SB 1111 is in search of a problem it 20 didn't have until it seemed that Latino youth were 21 actually coming of age and interested in the political 22 process and interested in democracy and interested in 23 their enfranchisement and their ability to speak and 24 choose legislators and policies that reflect and better 25 their families.</p>
<p style="text-align: right;">Page 158</p> <p>1 sense of how each specific one substantiates your 2 claims? 3 A. Sure. The first one is the bill that we 4 are in -- that states that someone could be potentially 5 in limbo if they can't register at a temporary address 6 and at the same time they don't -- cant register at home 7 and that explains it. The next one is just the 8 different iterations of the bill. 9 Governor Greg Abbott in the state of 10 Texas in the "State of Address," what I just referred to 11 earlier is that people are moving to Texas for the -- 12 the sake of influencing elections. "California expats 13 are helping turn Texas into a battleground." Again, 14 people from California are moving to Texas to help 15 influence elections again, which substantiates and goes 16 against SB 1111 that says that someone cannot move for 17 the intent of influencing elections. 18 So both the Governor and the demographics 19 speak otherwise of what's happening there. "Ted [sic] 20 Henderson, Texas South Face Political Changes as..." -- 21 same as previous one -- three, four, and five -- three 22 and four, excuse me. Ashley Lopez, "Turnout among young 23 Texas voters exploded." This is, I mean, I couldn't be 24 more proud of our work at Voto Latino because we have 25 been working in the state of Texas for over a decade,</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. Are there any other documents that are not 2 listed that you can identify here with me today that 3 would substantiate your position? 4 A. Not that I'm aware of. 5 Q. So during -- let me put this down -- 6 during your description of these documents, as well as 7 earlier in our conversation, you insinuated that the 8 SB 1111 was enacted in order to inhibit young voters; is 9 that correct? 10 A. Yes, yes. 11 Q. And what is the basis for this belief? 12 A. The largest population, as far as I 13 understand, that have both temporary addresses and 14 temporary and home addresses that they cannot use is 15 college students. And as a result, we know if you look 16 at the forecast of how many people are going to turn 18 17 in Texas in the next -- just this in the last two years, 18 it's not small. We're talking about close to nearly 19 three-quarter million. It's a big deal. Those are big 20 shifts. 21 And so, if you are creating legislation 22 that seems to be so surgical in trying to prevent equal 23 participation, it is very much at the heart of why we're 24 contesting SB 1111. We know that over a quarter 25 million, close to 300,000, Latino youth alone are going</p>

<p style="text-align: right;">Page 161</p> <p>1 to turn 18 by the midterm.</p> <p>2 We're doing our darndest trying to</p> <p>3 explain things to them, but SB 1111 makes it harder</p> <p>4 because we can't tell them with a 100 percent guarantee</p> <p>5 and certitude that if they register to vote on campus:</p> <p>6 One, that they are not in violation of the law if they</p> <p>7 register at because it is a temporary address. And if</p> <p>8 they are to register to vote using their parents'</p> <p>9 address that they are not afoul of the law because they</p> <p>10 technically did not reside there when they actually</p> <p>11 filled out that application.</p> <p>12 Q. So if I understood you correctly, it's the</p> <p>13 impact that it -- that this law has on college students</p> <p>14 to form the basis of your belief?</p> <p>15 A. The potential impact, yes, the chilling</p> <p>16 effect and that we can't communicate freely with</p> <p>17 certitude that they will not be in violation.</p> <p>18 Q. Okay. So the potential impact on college</p> <p>19 students and young voters, that's the basis of your --</p> <p>20 A. In our -- in our material ability to do</p> <p>21 our work as well, right, so.</p> <p>22 Q. And so you also made the insinuation that</p> <p>23 the Texas Legislature enacted Senate Bill 1111 in order</p> <p>24 to inhibit Latino vote; is that correct?</p> <p>25 A. Latino youth vote in particular and young</p>	<p style="text-align: right;">Page 163</p> <p>1 also the potential impact that this would have on</p> <p>2 college students as well as the effect on your ability</p> <p>3 to communicate, correct?</p> <p>4 A. Correct.</p> <p>5 Q. I am going to pull up my next exhibit I've</p> <p>6 already shared it in chat function.</p> <p>7 Do you see the document on your screen?</p> <p>8 A. Yeah, yes.</p> <p>9 Q. All right. This is the House Journal</p> <p>10 specifically for Tuesday, May 25, 2021. Would you agree</p> <p>11 with that description?</p> <p>12 (WHEREUPON, the document was marked for</p> <p>13 identification as Exhibit No. 7 and is</p> <p>14 attached hereto.)</p> <p>15 A. Mm-hmm. Yes.</p> <p>16 Q. So please scroll down.</p> <p>17 You can see it says SB 1111 on third</p> <p>18 reading, correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Okay. I will present to you</p> <p>21 that I cut out the extraneous pages so that this was</p> <p>22 manageable. So this is not the entirety of the House</p> <p>23 Journal for that day, but rather the portion that</p> <p>24 specifically deals with SB 1111. So that's just to</p> <p>25 clarify.</p>
<p style="text-align: right;">Page 162</p> <p>1 people in general just --</p> <p>2 Q. So is it -- let me see if I understand</p> <p>3 this correctly --</p> <p>4 A. Reason I say that is that 75 percent of</p> <p>5 Latinos voted for Biden in the last election that were</p> <p>6 young voters versus, I believe, 51 percent of young</p> <p>7 white voters voted. So it is --</p> <p>8 Q. So is it your contention that the bill was</p> <p>9 targeted at Latino voters or your contention is that the</p> <p>10 bill was targeted at young voters, some of which just</p> <p>11 happened to be Latino?</p> <p>12 A. I would say that it was targeted at young</p> <p>13 voters as whole, but in particular young Latino voters,</p> <p>14 because they're by definition of their demographics, low</p> <p>15 propensity voters. Many of them do not have a history</p> <p>16 of voting in the household.</p> <p>17 So our program where civic education we</p> <p>18 oftentimes have to speak to get them involved because</p> <p>19 they don't have those conversations neither at school</p> <p>20 nor in the household unlike white voters, who often do.</p> <p>21 So we try to create a culture of voting and awareness</p> <p>22 for a constituency that does not have that, you know,</p> <p>23 that knowledge and that built in understanding of how</p> <p>24 things work with our democracy.</p> <p>25 Q. And so the basis of this belief that is</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Okay. Thank you.</p> <p>2 Q. All right. So it says here (as read),</p> <p>3 "SB 1111 was passed. 81 yeas, 65 nays, one present not</p> <p>4 voting"; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Can you identify any particular</p> <p>7 member of the Texas Legislature that you could -- you</p> <p>8 provide evidence that have the intent to suppress</p> <p>9 college voting?</p> <p>10 MS. JOHNSON: Objection outside the scope</p> <p>11 of the -- the notice.</p> <p>12 A. Again, I think the fact that it's all on</p> <p>13 party lines is in search of a problem that did not exist</p> <p>14 in 2020 after a fair and certified election is reason to</p> <p>15 believe that it was slanted to [inaudible] impacts.</p> <p>16 Q. (BY MS. HUNKER) Okay.</p> <p>17 A. Almost with surgical precision of a</p> <p>18 population in who they're trying to disenfranchise.</p> <p>19 It's not homeowners.</p> <p>20 Q. You're aware that most young adults do not</p> <p>21 attend college, correct, in the United States?</p> <p>22 A. I'm sharing with you where we conduct a</p> <p>23 lot of our work that happens to be on college campuses.</p> <p>24 Q. So of the voter -- of the legislators, who</p> <p>25 voted yea, can you point to any specific legislature</p>

<p style="text-align: right;">Page 165</p> <p>1 that you think had legislative intent -- had the intent</p> <p>2 to discriminate against college students?</p> <p>3 MS. JOHNSON: Objection outside of the</p> <p>4 scope of the notice and cause for speculation.</p> <p>5 A. Again, if it was not on partisan lines,</p> <p>6 but I don't -- I mean, I can't speak to their intention,</p> <p>7 but I can tell you that that is a chilling effect on the</p> <p>8 direct constituency that we try to enfranchise every</p> <p>9 single day.</p> <p>10 Q. (BY MS. HUNKER) Okay. So you can't</p> <p>11 identify a specific number that you think has a</p> <p>12 discriminatory intent; is that correct?</p> <p>13 MS. JOHNSON: Same objection and asked</p> <p>14 and answered.</p> <p>15 A. And again, when you look at SB 1111, and,</p> <p>16 you know, combine it with SB 1, it is a chilling effect</p> <p>17 that disproportionately impacts young voters and people</p> <p>18 of color and in some cases creates an undue burden to</p> <p>19 try to certify with other documentation that is not</p> <p>20 required by -- again, let's say, a homeowner.</p> <p>21 Q. (BY MS. HUNKER) Is it your position that</p> <p>22 every legislator, who voted yea had discriminatory</p> <p>23 intent?</p> <p>24 MS. JOHNSON: Objection outside the scope</p> <p>25 of the notice.</p>	<p style="text-align: right;">Page 167</p> <p>1 I'm going to ask the same question, can</p> <p>2 you identify a senator on this list, who voted yea that</p> <p>3 acted with discriminatory intent when they made that</p> <p>4 vote?</p> <p>5 MS. JOHNSON: Objection: Outside of the</p> <p>6 scope of the notice and calls for speculation.</p> <p>7 A. I would say the only one that -- that</p> <p>8 comes to mind is Bettencourt when he is on record saying</p> <p>9 that the purpose of this bill is to restrict people from</p> <p>10 moving and having their freedom to express themselves by</p> <p>11 moving -- physically moving to a different location. I</p> <p>12 guess, contradict exactly what our rights are as</p> <p>13 Americans, let alone Texans, that we can move anywhere</p> <p>14 we want, regardless of our intent.</p> <p>15 And also it goes -- it seems to go</p> <p>16 against the Governor, where the Governor has chipped in</p> <p>17 saying that people are moving in order to influence any</p> <p>18 part of Texas elections.</p> <p>19 Q. (BY MS. HUNKER) So you believe that</p> <p>20 Senator Bettencourt had discriminatory intent in regards</p> <p>21 to college students?</p> <p>22 MS. JOHNSON: Same objections.</p> <p>23 A. I'm speaking specifically to what he said</p> <p>24 about not being able to -- not allowing of Texans to</p> <p>25 freely move based on -- that he did not like.</p>
<p style="text-align: right;">Page 166</p> <p>1 A. The result is discriminatory. I don't</p> <p>2 know if their intent was that, but, again, because it's</p> <p>3 partisan, it's really hard to say that otherwise, and</p> <p>4 it's not because they were trying to find a solution to</p> <p>5 a problem.</p> <p>6 Q. (BY MS. HUNKER) All right. Going to</p> <p>7 share this document. This is -- can you see it on the</p> <p>8 screen?</p> <p>9 A. Yes, I can.</p> <p>10 Q. This is the Senate Journal for Wednesday,</p> <p>11 April 28, 2021. Do you agree with my description?</p> <p>12 (WHEREUPON, the document was marked for</p> <p>13 identification as Exhibit No. 9 and is</p> <p>14 attached hereto.)</p> <p>15 MS. JOHNSON: Yeah, I think your sound</p> <p>16 cut out a little. If you can repeat.</p> <p>17 Q. (BY MS. HUNKER) So this is the Senate</p> <p>18 Journal for Wednesday, April 28, 2021.</p> <p>19 Do you agree with my description?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And, again, I've cut out the</p> <p>22 extraneous pages that do not deal with SB 1111. This is</p> <p>23 not the full journal on that day. And if we look it</p> <p>24 says (as read), SB 1111 on third reading, we have a vote</p> <p>25 of 18 yeas, 13 nays.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. (BY MS. HUNKER) Okay. So you were not</p> <p>2 in -- you were not asserting that you believe Senator</p> <p>3 Bettencourt has a discriminatory intent when he proposed</p> <p>4 and then voted in favor of this bill; is that correct?</p> <p>5 A. I -- I don't know what's in his heart. I</p> <p>6 can just say is read what he said and that is creating</p> <p>7 spaces where -- he's trying to determine what is in</p> <p>8 someone's heart and their intention for moving and that</p> <p>9 seems to be afoul of being American, frankly.</p> <p>10 Q. And the statements that you are talking</p> <p>11 about were these on the House Floor or Senate Floor I</p> <p>12 should say?</p> <p>13 A. I've read them in the article, one of the</p> <p>14 articles that I shared that we submitted for the record.</p> <p>15 Q. So you would have read excerpts or quotes</p> <p>16 in a news article; is that it?</p> <p>17 A. Correct.</p> <p>18 Q. Do you have any other evidence that any</p> <p>19 member of the Texas House or member of the Texas Senate,</p> <p>20 who voted in favor SB 1111 have discriminatory intent</p> <p>21 when they enacted the bill?</p> <p>22 MS. JOHNSON: Objection outside the scope</p> <p>23 of the notice.</p> <p>24 A. Again, is -- it because of having --</p> <p>25 having certified a fair, free election in 2020, the fact</p>

<p style="text-align: right;">Page 169</p> <p>1 that they have brought in an onslaught of 50 bills</p> <p>2 trying to chill the voter participation of an increase</p> <p>3 in an interest in -- in the process along party lines</p> <p>4 makes one wonder why? Texas, according to university</p> <p>5 studies, is already the hardest to-vote state with the</p> <p>6 most restrictions. I mean, dead last.</p> <p>7 And then see an increase in participation</p> <p>8 despite all of those hurdles and to come up with a slew</p> <p>9 of legislation to try to prevent that, you know, that</p> <p>10 enfranchisement just seems to be at odds with the</p> <p>11 purpose of participation. And again, it falls on party</p> <p>12 lines. So there is definitely a chilling effect in this</p> <p>13 case among young people and particularly young Latinos.</p> <p>14 Again, we're expecting 800,000 Latinos to -- to come of</p> <p>15 age between the last election in 20 -- in 2024.</p> <p>16 Q. (BY MS. HUNKER) And so what evidence do</p> <p>17 you have a disparate impact on college students or on</p> <p>18 Latino voters?</p> <p>19 A. I think it's been my whole testimony.</p> <p>20 We've had to divert resources and retool them and we</p> <p>21 have to explain what is happening. I am not clear and I</p> <p>22 don't think it -- you know, my counsel couldn't firmly</p> <p>23 state either what is actually -- how someone can safely</p> <p>24 vote as a college student in the state of Texas now</p> <p>25 after this passage.</p>	<p style="text-align: right;">Page 171</p> <p>1 as nonresponsive.</p> <p>2 Q. (BY MS. HUNKER) Maybe I didn't ask my</p> <p>3 question directly. So I'm more interested in your</p> <p>4 understanding or Voto Latino's understanding of voter</p> <p>5 suppression.</p> <p>6 And so my question for you is: Does Voto</p> <p>7 Latino believe that any burden on the right to vote is</p> <p>8 voter's suppression?</p> <p>9 A. I would say that creating burdens and</p> <p>10 hurdles for people to vote is against our Constitution</p> <p>11 and our job if we deeply all believe in the same</p> <p>12 founding documents, that every vote is equal and</p> <p>13 everybody should have equal access, regardless of ZIP</p> <p>14 code or creed or religion. In the moment, they -- they</p> <p>15 should not have those hurdles.</p> <p>16 And again, I would propose modernizing</p> <p>17 our election system so that everybody can participate</p> <p>18 equally. And that means everything from having to, you</p> <p>19 know, once -- one area of town having to wait five hours</p> <p>20 to vote for someone that can easily come in and cast a</p> <p>21 ballot. This should not be an illness. If we're to be</p> <p>22 frank, our political system is much better when</p> <p>23 everybody participates.</p> <p>24 And when politicians then have to fight</p> <p>25 for our vote versus creating expediences and hurdles</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. And how would you define voter's</p> <p>2 suppression?</p> <p>3 A. This.</p> <p>4 Q. Any more specific definition?</p> <p>5 A. Anything that creates opaqueness in the</p> <p>6 ability to be enfranchised, any ability that actually</p> <p>7 creates a chilling effect for -- for organizations such</p> <p>8 as mine cannot communicate effectively and with</p> <p>9 certitude that the person that is getting registered is</p> <p>10 going to be not on the outside of the law. Anything</p> <p>11 that allows and creates impediments where I have to</p> <p>12 raise money or divert resources or train my staff</p> <p>13 differently. There's plenty of examples of</p> <p>14 modernization in the election system. This is not it.</p> <p>15 Q. Is it Voto Latino's position that any</p> <p>16 burden on the right to vote is voter suppression?</p> <p>17 A. Pardon?</p> <p>18 Q. Is it Voto Latino's position that any</p> <p>19 burden on the right to vote is voter suppression?</p> <p>20 A. I would welcome universal voting where</p> <p>21 everybody's automatically registered and then it's up to</p> <p>22 political parties to fight for their ideologies and the</p> <p>23 policy positions of every voter. That would be a</p> <p>24 modernized system.</p> <p>25 MS. HUNKER: I'm going to object to that</p>	<p style="text-align: right;">Page 172</p> <p>1 for people to prevent them and to chill them from their</p> <p>2 participation, it goes against our democracy and -- and</p> <p>3 our founding fathers' belief that we should all</p> <p>4 participate for a thriving modern democracy, so --</p> <p>5 Q. Have you proposed any reforms to the Texas</p> <p>6 Legislature?</p> <p>7 A. No, we are -- no.</p> <p>8 Q. Okay. Well, the --</p> <p>9 A. I welcome my reforms, though, to be -- to</p> <p>10 would speak straight.</p> <p>11 Q. We spoke a little bit before about the</p> <p>12 interrogatories and RFPs. My question for you is in</p> <p>13 regards to the documents.</p> <p>14 Are there any -- how did you go about</p> <p>15 finding documents that were produced in this case?</p> <p>16 A. Basically looking through -- well, we</p> <p>17 didn't -- we actually gave our attorneys access to</p> <p>18 our -- the documents from this case.</p> <p>19 Q. And are there any -- are there any</p> <p>20 documents that you have in your care of custody or</p> <p>21 control that you have yet to produce to the state</p> <p>22 intervenor?</p> <p>23 A. Not that I'm aware of, no.</p> <p>24 MS. HUNKER: If we can just take two or</p> <p>25 three minutes for me to check my notes, but I think</p>

<p style="text-align: right;">Page 173</p> <p>1 we're about done.</p> <p>2 MS. JOHNSON: Okay. Perfect.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 THE VIDEOGRAPHER: We are off the record</p> <p>5 at 3:07.</p> <p>6 (Break taken)</p> <p>7 THE VIDEOGRAPHER: We are back on the</p> <p>8 record at 3:09 p.m.</p> <p>9 Q. (BY MS. HUNKER) Ms. Kumar, I only have</p> <p>10 one last question for you, that is: Are you aware of</p> <p>11 any independent analysis that was done on SB 1111?</p> <p>12 A. I'm so sorry, your sound.</p> <p>13 Q. Are you aware of any independent analysis</p> <p>14 that was done in regards to SB 1111?</p> <p>15 MS. JOHNSON: Object to form.</p> <p>16 A. Outside of briefings that we received, I'm</p> <p>17 not aware.</p> <p>18 Q. (BY MS. HUNKER) And did you conduct any</p> <p>19 independent assessments of SB 1111?</p> <p>20 A. We depend on counsel and depend on</p> <p>21 coalition.</p> <p>22 MS. HUNKER: Okay. And that's all the</p> <p>23 questions I have. I pass the witness.</p> <p>24 THE WITNESS: Thank you very much,</p> <p>25 Kathleen. Hope you have a good lunch.</p>	<p style="text-align: right;">Page 175</p> <p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME:MS. MARIA TERESA KUMAR</p> <p>3 DATE OF DEPOSITION: APRIL 5, 2022</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>
<p style="text-align: right;">Page 174</p> <p>1 MS. HUNKER: Thank you. It's not done</p> <p>2 yet. I have to get confirmation that --</p> <p>3 THE WITNESS: Oh, apologies. I'm about</p> <p>4 to get food. I'm like -- I'm sure anyone else on the</p> <p>5 phone, too --</p> <p>6 MS. VEIDT: Travis County defendant</p> <p>7 Elfant has no questions for this witness.</p> <p>8 MS. AL-FUHAID: Intervenor-defendants</p> <p>9 Pendley and Torres have no questions.</p> <p>10 MS. JOHNSON: Great. Was there anyone</p> <p>11 else on? Okay. We don't have any, and so I think we</p> <p>12 can close out the deposition.</p> <p>13 THE VIDEOGRAPHER: Okay. Wonderful. We</p> <p>14 are off the record at 3:10 p.m.</p> <p>15 (Proceedings concluded at 3:10 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 176</p> <p>1 I,MS. MARIA TERESA KUMAR, have read the</p> <p>2 foregoing deposition and hereby affix my signature that</p> <p>3 same is true and correct, except as noted above.</p> <p>4</p> <p>5 _____</p> <p>6 MS. MARIA TERESA KUMAR</p> <p>7</p> <p>8 THE STATE OF _____)</p> <p>9 COUNTY OF _____)</p> <p>10 Before me, _____, on this day</p> <p>11 personally appeared MS. MARIA TERESA KUMAR, known to me</p> <p>12 or proved to me under oath of _____ or</p> <p>13 through _____ (description of identity card</p> <p>14 or other document) to be the person whose name is</p> <p>15 subscribed to the foregoing instrument and acknowledged</p> <p>16 to me that he/she executed the same for the purpose and</p> <p>17 consideration therein expressed.</p> <p>18 Given under my hand and seal of office this</p> <p>19 ____ day of _____, ____.</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC IN AND FOR</p> <p>23 THE STATE OF _____</p> <p>24 My Commission Expires: _____</p> <p>25</p>

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1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF TEXAS
 3 AUSTIN DIVISION
 4 TEXAS STATE LULAC; VOTO §
 5 LATINO, §
 6 PLAINTIFFS, §
 7 v. §
 8 BRUCE ELFANT, IN HIS §
 9 OFFICIAL AS THE TRAVIS §
 10 COUNTY TAX §
 11 ASSESSOR-COLLECTOR; §
 12 JACQUELYN CALLANEN, IN §
 13 HER OFFICIAL CAPACITY AS §
 14 THE BEXAR COUNTY §
 15 ELECTIONS ADMINISTRATOR; §
 16 ISABEL LONGORIA, IN HER §
 17 OFFICIAL CAPACITY AS THE §
 18 HARRIS COUNTY ELECTIONS §
 19 ADMINISTRATOR; YVONNE §
 20 RAMON IN HER OFFICIAL §
 21 CAPACITY AS THE HIDALGO §
 22 COUNTY ELECTIONS § CASE NO. 1:21-CV-00546-LY
 23 ADMINISTRATOR; MICHAEL §
 24 SCARPELLO, IN HIS §
 25 OFFICIAL CAPACITY AS THE §
 DALLAS COUNTY ELECTIONS §
 ADMINISTRATOR; LISA WISE, §
 IN HER OFFICIAL CAPACITY §
 AS THE EL PASO COUNTY §
 ELECTIONS ADMINISTRATOR §
 DEFENDANTS, §
 AND KEN PAXTON, IN HIS §
 OFFICIAL CAPACITY AS §
 ATTORNEY GENERAL OF TEXAS, §
 LUPE C. TORRES, IN HER §
 OFFICIAL CAPACITY AS §
 MEDINA COUNTY ELECTIONS §
 ADMINISTRATOR, AND TERRIE §
 PENDLEY, IN HER OFFICIAL §
 CAPACITY AS REAL COUNTY §
 TAX ASSESSOR-COLLECTOR §
 INTERVENOR-DEFENDANTS. §

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1 attorneys in this action in which this proceeding was
 2 taken, and further that I am not financially or
 3 otherwise interested in the outcome of the action.

4 Certified to by me this ____ day of
 5 _____, _____.

6
 7 /s/ Michelle Hartman

8
 9 Michelle Hartman, CSR 7093, RPR
 10 Exp 1/31/24
 11 Judicial Services, Firm Registration #774
 12 12790 FM 1560 North
 13 Helotes, TX 78023
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1
 2 REPORTER'S CERTIFICATION
 3 ORAL AND VIDEO CONFERENCED DEPOSITION OF
 4 MS. MARIA TERESA KUMAR
 5 APRIL 5, 2022
 6
 7 I, Michelle Hartman, Certified Shorthand
 8 Reporter and Registered Professional Reporter in and for
 9 the State of Texas, hereby certify to the following:
 10 That the witness, MS. MARIA TERESA KUMAR, was
 11 duly sworn by the officer and that the transcript of the
 12 oral deposition is a true record of the testimony given
 13 by the witness;
 14 I further certify that pursuant to FRCP Rule
 15 30(f)(1) that the signature of the deponent:
 16 ___X___ was requested by the deponent or a
 17 party before the completion of the deposition and
 18 returned within 30 days from date of receipt of the
 19 transcript. If returned, the attached Changes and
 20 Signature Page contains any changes and the reasons
 21 therefor;
 22 ___ was not requested by the deponent or a
 23 party before the completion of the deposition.
 24 I further certify that I am neither counsel
 25 for, related to, nor employed by any of the parties or

45 (Pages 177 to 179)

A				
a.m 2:10 6:3	accidentally	108:15,15	91:6 142:5	99:1 157:14,20
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residences have no addresses—not generally to voters with addresses who simply lack the required documentation to confirm their residences.

CLAIMS FOR RELIEF

COUNT I

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983 Undue Burden on the Rights to Free Speech and Expression Against All Defendants

52. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

53. “[T]he freedom of speech”—including “core political speech”—is “secured by the First Amendment against abridgment by the United States” and is “among the fundamental personal rights and liberties which are secured to all persons by the Fourteenth Amendment against abridgment by a State.” *Meyer v. Grant*, 486 U.S. 414, 420 (1988) (quoting *Thornhill v. Alabama*, 310 U.S. 88, 95 (1940)). This protection “serves to ensure that the individual citizen can effectively participate in and contribute to our republican system of self-government,” *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 604 (1982), and it prohibits the State “from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Rosenberger v. Rector & Visitors*, 515 U.S. 819, 829 (1995).

54. The U.S. Supreme Court has noted that “[t]here is no right more basic in our democracy than the right to participate in electing our political leaders,” which “[c]itizens can exercise” by not only voting, but also “run[n]ing for office themselves.” *McCutcheon v. FEC*, 572 U.S. 185, 191 (2014) (controlling op.).

55. The Residence Restriction violates the free speech guarantees of the U.S. Constitution because it directly restricts voters’, volunteers’, and candidates’ freedom of political expression. Voters cannot relocate to or within the State to effect political change; volunteers and

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any guidance as to what “influencing the outcome” of an election means. The possibilities cover a range of constitutionally protected activity, from running for office and casting a ballot to commonplace election-related undertakings like door-knocking and one-on-one advocacy.

61. Moreover, neither the Resident Restriction nor any other section of the Election Code clarifies what it means to “establish residence.” And because SB 1111 removes the previous affirmative definition of “residence” that incorporated the common law, neither Plaintiffs nor their members or constituents can rely on precedent to inform their interpretation of this phrase.

62. The risk of unconstitutional chilling is particularly pronounced because casting a ballot after registering to vote using an impermissible residence address might expose a voter to criminal liability. *See, e.g.*, Tex. Elec. Code § 64.012(a) (“A person commits an offense if the person . . . votes or attempts to vote in an election in which the person knows the person is not eligible to vote.”); *Heath v. State*, No. 14-14-00532-CR, 2016 WL 2743192, at *1–2 (Tex. Ct. App. May 10, 2016) (affirming conviction where voter cast ballot after registering at address that did not qualify as proper residence under Election Code).

63. In addition to chilling voter registration and political expression among Plaintiffs’ members and constituents, the Residence Restriction will also chill Plaintiffs’ own speech and advocacy. By adding confusion and the risk of criminal liability to the registration process, the Residence Restriction interferes with Plaintiffs’ abilities to encourage and support voter registration—activity protected by the First Amendment. *See, e.g., Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 700 (N.D. Ohio 2006) (“[P]articipation in voter registration implicates a number of both expressive and associational rights which are protected by the First Amendment. These rights belong to—and may be invoked by—not just the voters seeking to register, but by third

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advocates cannot establish residence if they do so to promote a given candidate or issue; and candidates themselves cannot move or otherwise base their residence on their desire or ability to appear on the ballot.

56. As an election law that “directly regulates core political speech,” the Residence Restriction must satisfy strict scrutiny and “be narrowly tailored to serve a compelling governmental interest.” *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 207 (1999) (Thomas, J., concurring) (collecting cases).

57. At the very least, the Residence Restriction constitutes a “limitation on political expression subject to exacting scrutiny,” *Meyer*, 486 U.S. at 420, thus requiring “a ‘substantial relation’ between the [] requirement and a ‘sufficiently important’ governmental interest.” *Citizens United v. FEC*, 558 U.S. 310, 366–67 (2010) (quoting *Buckley v. Valeo*, 424 U.S. 1, 64, 66 (1976) (per curiam)).

58. The Residence Restriction cannot survive strict or exacting scrutiny—or any level of scrutiny—because it is not fairly calculated to address even a legitimate governmental interest, let alone a compelling one.

59. Furthermore, the Residence Restriction will chill constitutionally protected speech and expression because it is impermissibly vague and overbroad. *See Tex. State Tchrs. Ass’n v. Garland Indep. Sch. Dist.*, 777 F.2d 1046, 1055 (5th Cir. 1985) (noting that “[i]njury to First Amendment rights may result” from laws that “chill . . . ardor and desire to engage in protected expression” (second alteration in original) (quoting *Spartacus Youth League v. Bd. of Trs.*, 502 F. Supp. 789, 796–97 (N.D. Ill. 1980))).

60. The Residence Restriction provides that “[a] person may not establish residence for the purpose of influencing the outcome of a certain election.” SB 1111 § 1. But it fails to provide

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parties who encourage participation in the political process through increasing voter registration rolls.” (citing *Williams v. Rhodes*, 393 U.S. 23, 30 (1968))).

64. Because the Residence Restriction constitutes a direct limitation on core political speech that is unjustified by a sufficient governmental interest, and because it will have the effect of chilling constitutionally protected activity due to its vagueness and overbreadth, it violates the First Amendment’s guarantees of free speech and expression.

COUNT II

U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983 Undue Burden on the Right to Vote Against All Defendants

65. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

66. Under the First and Fourteenth Amendments to the U.S. Constitution, a state cannot utilize election practices that unduly burden the right to vote.

67. When addressing a challenge to a state election practice, a court balances the character and magnitude of the burden the practice causes on any First and Fourteenth Amendment rights the plaintiff seeks to vindicate against the justifications offered by the state in support of the challenged law. *See Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

68. “However slight th[e] burden may appear . . . it must be justified by relevant and legitimate state interests ‘sufficiently weighty to justify the limitation.’” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008) (controlling op.) (quoting *Norman v. Reed*, 502 U.S. 279, 288–89 (1992)).

69. SB 1111 burdens voters, especially students and other transient voters, by unduly—and, in some cases, prohibitively—restricting the residences that they can claim when they register

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to vote. A voter who has temporarily relocated cannot use either their current location *or* their previous address to register, even if they intend to return to their previous address in the future. Such voters are thus precluded from registering to vote. *See* Tex. Elec. Code § 15.001(a) (“Each voter registration certificate must contain . . . the voter’s residence address . . .”).

70. Moreover, SB 1111 burdens voters who rely on post office boxes for their voter registrations. These voters are required to produce corroborating documentation, thus imposing additional barriers on the franchise. And the right to vote for these voters who are unable to produce this documentation is abridged entirely.

71. The ultimate goal of SB 1111 is to warp the electorate for partisan ends; the bill targets young and minority voters to silence their voices and ensure that their collective voting strength does not translate to political power or accountability.

72. This is nothing new, particularly in Texas. Consistent with recent findings by courts that Texas lawmakers have repeatedly restricted access to the franchise as a shield against demographic and partisan changes in the state, *see, e.g., Veasey v. Abbott*, 830 F.3d 216, 225, 234–43 (5th Cir. 2016) (en banc), SB 1111 constitutes yet another reprehensible continuation of these efforts.

73. SB 1111 serves no legitimate, let alone any compelling, governmental interest. Consequently, the burdens it imposes on voters—including Plaintiffs’ members and constituents—violate the First and Fourteenth Amendments to the U.S. Constitution.

COUNT III

U.S. Const. Amend. XXVI; 42 U.S.C. § 1983 Denial or Abridgement of the Right to Vote on Account of Age Against All Defendants

74. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

- a. Declaring that SB 1111 violates the First, Fourteenth, and Twenty-Sixth Amendments to the U.S. Constitution;
- b. Preliminarily and permanently enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing, enforcing, or giving any effect to SB 1111;
- c. Awarding Plaintiffs their costs, disbursements, and reasonable attorneys’ fees incurred in bringing this action pursuant to 42 U.S.C. § 1988 and other applicable laws; and
- d. Granting such other and further relief as the Court deems just and proper.

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75. The Twenty-Sixth Amendment to the U.S. Constitution provides that “[t]he right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” U.S. Const. amend. XXVI, § 1. It guarantees young, qualified voters a substantive right to participate equally with other qualified voters in the electoral process. Election laws, practices, and procedures designed to deny or abridge the right to vote because of age are thus unconstitutional. *See Tex. Democratic Party v. Abbott*, 978 F.3d 168, 183–84 (5th Cir. 2020).

76. “The legislative history preceding the adoption of the amendment clearly evidences the purpose not only of extending the voting right to younger voters but also of encouraging their participation by the elimination of all unnecessary burdens and barriers.” *Worden v. Mercer Cnty. Bd. of Elections*, 294 A.2d 233, 237 (N.J. 1972). The Twenty-Sixth Amendment thus “nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise . . . although the abstract right to vote may remain unrestricted.” *Jolicoeur v. Mihaly*, 488 P.2d 1, 4 (Cal. 1971) (alteration in original) (quoting *Lane v. Wilson*, 307 U.S. 268, 275 (1939)); *see also Tex. Democratic Party*, 978 F.3d at 191 (“We agree with *Jolicoeur* to the extent it means that a voting scheme that adds barriers primarily for younger voters constitutes an abridgement due to age.”).

77. While the Twenty-Sixth Amendment “speaks only to age discrimination, it has . . . particular relevance for the college youth who comprise approximately 50 per cent of all who were enfranchised by this amendment.” *Walgren v. Howes*, 482 F.2d 95, 101 (1st Cir. 1973).

78. By restricting registration opportunities for college students—including Plaintiffs’ members and constituents—SB 1111 prevents newly enfranchised young Texans from effectively exercising their right to vote in violation of the Twenty-Sixth Amendment.

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Dated: June 22, 2021.

Respectfully submitted,

/s/ John R. Hardin
John R. Hardin
Texas State Bar No. 24012784
PERKINS COIE LLP
500 North Akard Street, Suite 3300
Dallas, Texas 75201-3347
Telephone: (214) 965-7700
Facsimile: (214) 965-7799
johnhardin@perkinscoie.com

Uzoma N. Nkwonta*
Kathryn E. Yukevich*
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 800
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-9996
unkwonta@perkinscoie.com
kyukevich@perkinscoie.com

Jonathan P. Hawley*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
jhawley@perkinscoie.com

*Counsel for Plaintiffs Texas State LULAC and
Voto Latino*

**Pro Hac Vice Application Forthcoming*

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Domingo Garcia
Texas State Bar No. 07631950
LAW OFFICE OF DOMINGO GARCIA PC
1111 West Mockingbird Lane, Suite 1200
Dallas, Texas 75247-5012
Telephone: (214) 941-8300
dgarcia@lulac.org

Luis Roberto Vera, Jr.
Texas State Bar No. 29546740
ATTORNEY AND COUNSELOR AT LAW
407 West Ware Boulevard
San Antonio, Texas 78221
Telephone: (210) 225-3300
lrvlaw@sbcglobal.net

Counsel for Plaintiff Texas State LULAC

TO: Plaintiff Voto Latino, by and through its attorneys of record, John Hardin, PERKINS COIE LLP, 500 North Akard St., Suite 3300, Dallas, Texas 75201, Uzoma N. Nkwonta, Kathryn E. Yukevich, PERKINS COIE LLP, 1201 Third Avenue, Suite 4900, Seattle, Washington, 98101-3099, Jonathan P. Hawley, PERKINS COIE LLP, 1201 Third Avenue, Suite 4900, Seattle, Washington, 98101-3099, Domingo Garcia, LAW OFFICE OF DOMINGO GARCIA P.C., 1111 West Mockingbird Lane, Suite 1200, Dallas, Texas, 75247-5012, Luis Roberto Vera, Jr., 407 West Ware Boulevard, San Antonio, Texas 78221, and to All Counsel of Record.

Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Intervenor-Defendant Texas Attorney General Ken Paxton, in his official capacity, will take the oral and videotaped deposition of Plaintiff Voto Latino ("Voto Latino" or "Plaintiff") on Tuesday, April 5, 2022, beginning at 11:00 a.m. CDT and continuing from time to time and place to place until concluded. At the scheduled time, a representative for VOTO LATINO is directed to appear via videoconference at <https://us02web.zoom.us/j/88604747479?pwd=SkZodCtRzFMlYw9RMzNlCjVJCjB044QT09>.

In accordance with Federal Rule of Civil Procedure 30(b)(6), Plaintiff is directed to designate one or more officers, directors, managing agents, or other persons who consent to testify on Plaintiff's behalf concerning the matters for examination listed on Exhibit A to this Notice. Plaintiff shall identify the specific subject matters listed on Exhibit A on which each designated person will testify. The person(s) designated as deponent(s) shall be prepared to testify as to such matters known or reasonably available to Plaintiff. This Notice serves to inform Plaintiff that it has a duty to make such designation.

The deposition will be recorded stenographically and by video. The deposition, answers, and documents referenced during the deposition may be read and used in evidence at the trial of this cause in accordance with the Federal Rules of Civil Procedure.

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Date: April 4, 2022

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

PATRICK K. SWEETEN
Deputy Attorney General for Special Litigation
Tex. State Bar No. 00798537

WILLIAM T. THOMPSON
Deputy Chief, Special Litigation Unit
Tex. State Bar No. 24088531

/s/ Eric A. Hudson
ERIC A. HUDSON
Senior Special Counsel
Tex. Bar No. 24059977

KATHLEEN T. HUNKER
Special Counsel
Tex. State Bar No. 24118415

Office of the Attorney General
P.O. Box 12548 (MC-009)
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Fax: (512) 457-4410
patrick.sweeten@oag.texas.gov
will.thompson@oag.texas.gov
eric.hudson@oag.texas.gov
kathleen.hunker@oag.texas.gov

**Counsel for Intervenor-Defendant, Texas
Attorney General Ken Paxton**

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2022 the foregoing *Intervenor-Defendant's Amended Notice of Intent to Take Oral and Videotaped Deposition of Plaintiff Voto Latino Pursuant to Rule 30(b)(6)* was served on the following via electronic mail:

John R. Hardin
PERKINS COIE LLP
500 North Akard Street, Suite 3300
Dallas, Texas 75201-3347
johnhardin@perkinscoie.com

Uzoma N. Nkwonta
Kathryn E. Yukevich
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 800
Washington, D.C. 20005-3960
unkwonta@perkinscoie.com
kyukevich@perkinscoie.com

Jonathan P. Hawley
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
jhawley@perkinscoie.com

Domingo Garcia
Texas State Bar No. 07631950
LAW OFFICE OF DOMINGO GARCIA PC
1111 West Mockingbird Lane, Suite 1200
Dallas, Texas 75247-5012
dgarcia@lulac.org

Luis Roberto Vera, Jr.
ATTORNEY AND COUNSELOR AT LAW
407 West Ware Boulevard
San Antonio, Texas 78221
lrvlaw@sbcglobal.net

/s/ Eric A. Hudson
ERIC A. HUDSON

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**EXHIBIT A TO
NOTICE OF RULE 30(b)(6) DEPOSITION OF
PLAINTIFF VOTO LATINO**

DEFINITIONS

The following terms are defined and used in this Notice as follows:

1. "Plaintiff," "you," and "your" refer to Voto Latino, and any representative acting or purporting to act on its behalf, including but not limited to employees, attorneys, consultants, agents, and any other representative.
2. "Defendant-Intervenor" and "OAG" refer to the Texas Office of the Attorney General and its employees, representatives, and agents.
3. "Lawsuit" means *Texas State LULAC, et al. v. Bruce Elfant, et al.*, Case No. 1:21-cv-546 (W.D. Tex.).
4. The term "Complaint" means the document entitled "Complaint," filed in this Lawsuit on June 22, 2021 (ECF No. 1) and any amendment or analogue.
5. "Communication" means any manner or means of disclosure, transfer, or exchange of information, whether oral, written, in-person, telephonic, electronic, digital, mailed, or otherwise.
6. "Statement" includes any written or graphic communication signed or otherwise adopted or proved by the person making it, and any stenographic, mechanical, electrical, or other record or transcription thereof that is a substantially verbatim recital of an oral communication by the person making it and contemporaneously recorded.
7. "Senate Bill 1111" or "SB 1111" means the legislation numbered Senate Bill 1111 that amended certain provision of the Texas Election Code and that was passed by the 87th Texas Legislature and signed into law.

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TOPICS FOR EXAMINATION

1. Voto Latino's mission, formation, and current organizational structure.
2. Voto Latino's affiliations or partnerships with other entities, past or present, including the nature and extent of interactions between Voto Latino and all such affiliate, partner, or member organizations or groups.
3. Voto Latino's current membership, including the members on whose behalf you have asserted a claim, or who you otherwise purport to represent, in this Lawsuit.
4. The factual basis for any contention that Voto Latino, as an organization, has suffered an injury because of the passage of SB 1111, including the nature and extent to which SB 1111 has impaired or is expected to impair Voto Latino's financial expenditures or ability to perform its organizational activities.
5. The specific projects, activities, voter persuasion efforts, and resources that Voto Latino will allegedly have to expend or divert to Texas because of SB 1111.
6. The specific projects, activities, voter persuasion efforts, and resources that Voto Latino allegedly had or will have to put on hold or otherwise curtail in other states because of SB 1111.
7. The financial structure and financial records of Voto Latino, including any agreements entered by Voto Latino pertaining to litigation expenses or attorneys' fees incurred in connection with this Lawsuit.
8. Voto Latino's statements, public or otherwise, relating to SB 1111, including press releases, newsletters, campaign letters or signs, news articles, op-ed pieces, testimony, postings or messages published on blogs and/or social media websites, and communications with voters, supporters, or donors pertaining to such legislation.
9. Voto Latino's activities relating to voter registration, get-out-the-vote efforts, or election administration in Texas, including any policies, protocols, practices, memoranda, or training or guidance materials created and/or implemented in connection with these activities.
10. Voto Latino's communications with any county or county election official regarding SB 1111.
11. Voto Latino's responses to OAG's discovery requests in this Lawsuit.

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8. "Regarding," "Relating to," or "Pertaining to" shall mean in any way concerning, constituting, analyzing, discussing, describing, considering, modifying, amending, confirming, endorsing, evidencing, representing, supporting, substantiating, qualifying, negating or refuting, unless qualified by word of limitation.

9. The singular includes the plural and vice versa.

10. The masculine gender includes the feminine and vice versa.

11. All terms are to be interpreted in accordance with their normal usage in the English language.

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eFile GRAPHIC print - DO NOT PROCESS As Filed Data -		DLN: 93493321033170
Form 990 Return of Organization Exempt From Income Tax Under section 501(c)(3), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations) Do not enter social security numbers on this form as it may be made public. Go to www.irs.gov/Form990 for instructions and the latest information.		OMB No. 1545-0047 2019 Open to Public Inspection
A. For the 2019 calendar year, or tax year beginning 01-01-2019, and ending 12-31-2019		
1. Organization name VOTO LATINO INC. 2. DBO (check one) <input type="checkbox"/> Sole proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company (LLC) <input type="checkbox"/> Corporation <input type="checkbox"/> Trust <input type="checkbox"/> Other (specify): _____ 3. Principal office address 1300 L STREET NW NO 975 WASHINGTON, DC 20005		4. Employer identification number 22-1390252 5. Telephone number (202) 386-6374
6. Name and address of principal officer DANIEL REEDMAN 1300 L STREET NW NO 975 WASHINGTON, DC 20005		7. Is this a group return for subsidiaries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 8. Are all subsidiaries included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 9. Group exemption number 00000000
10. Website WWW.VOTOLATINO.ORG		11. Federal tax year 2019
Part I Summary		
1. Briefly describe the organization's mission or most significant activities: VOTO LATINO EMPOWERS LATINO AMERICANS BY ENGAGING YOUTH, MEDIA, AND TECHNOLOGY TO PROMOTE CIVIC PARTICIPATION AND POSITIVE CHANGE.		
2. Check the box that best describes the organization's primary activity: <input type="checkbox"/> 21 Charitable (Part VII, line 21) <input type="checkbox"/> 22 Educational (Part VII, line 22) <input type="checkbox"/> 23 Religious (Part VII, line 23) <input type="checkbox"/> 24 Scientific or technological (Part VII, line 24) <input type="checkbox"/> 25 Other (Part VII, line 25)		
3. Total revenue 4,579,222		
4. Total expenses 4,303,071		
5. Total assets 1,879,039		
6. Total liabilities 470,318		
7. Net assets or fund balances 1,408,721		
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17. Net assets or fund balances 1,408,721		
18. Total revenue 4,579,222		
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82. Net assets or fund balances 1,408,721		
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95. Total assets 1,879,039		
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106. Total liabilities 470,318		
107. Net assets or fund balances 1,408,721		
108. Total revenue 4,579,222		
109. Total expenses 4,303,071		
110. Total assets 1,879,039		
111. Total liabilities 470,318		
112. Net assets or fund balances 1,408,721		
113. Total revenue 4,579,222		
114. Total expenses 4,303,071		
115. Total assets 1,879,039		
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130. Total assets 1,879,039		
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143. Total revenue 4,579,222		
144. Total expenses 4,303,071		
145. Total assets 1,879,039		
146. Total liabilities 470,318		
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157. Net assets or fund balances 1,408,721		
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159. Total expenses 4,303,071		
160. Total assets 1,879,039		
161. Total liabilities 470,318		
162. Net assets or fund balances 1,408,721		
163. Total revenue 4,579,222		
164. Total expenses 4,303,071		
165. Total assets 1,879,039		
166. Total liabilities 470,318		
167. Net assets or fund balances 1,408,721		
168. Total revenue 4,579,222		
169. Total expenses 4,303,071		
170. Total assets 1,879,039		
171. Total liabilities 470,318		
172. Net assets or fund balances 1,408,721		
173. Total revenue 4,579,222		
174. Total expenses 4,303,071		
175. Total assets 1,879,039		
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177. Net assets or fund balances 1,408,721		
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182. Net assets or fund balances 1,408,721		
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185. Total assets 1,879,039		
186. Total liabilities 470,318		
187. Net assets or fund balances 1,408,721		
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189. Total expenses 4,303,071		
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191. Total liabilities 470,318		
192. Net assets or fund balances 1,408,721		
193. Total revenue 4,579,222		
194. Total expenses 4,303,071		
195. Total assets 1,879,039		
196. Total liabilities 470,318		
197. Net assets or fund balances 1,408,721		
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205. Total assets 1,879,039		
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208. Total revenue 4,579,222		
209. Total expenses 4,303,071		
210. Total assets 1,879,039		
211. Total liabilities 470,318		
212. Net assets or fund balances 1,408,721		
213. Total revenue 4,579,222		
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215. Total assets 1,879,039		
216. Total liabilities 470,318		
217. Net assets or fund balances 1,408,721		
218. Total revenue 4,579,222		
219. Total expenses 4,303,071		
220. Total assets 1,879,039		
221. Total liabilities 470,318		
222. Net assets or fund balances 1,408,721		
223. Total revenue 4,579,222		
224. Total expenses 4,303,071		
		

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Part III Statement of Program Service AccomplishmentsCheck if Schedule O contains a response or note to any line in this Part III ☒

1. Briefly describe the organization's mission:

VOTO LATINO IS A NONPARTISAN ORGANIZATION THAT EMPOWERS LATINO MILLENNIALS TO CLAIM A BETTER FUTURE FOR THEMSELVES AND THEIR COMMUNITY. UNITED BY THE BELIEF THAT LATINO ISSUES ARE AMERICAN ISSUES AND AMERICAN ISSUES ARE LATINO ISSUES, VOTO LATINO IS DEDICATED TO BRINGING NEW AND DIVERSE VOICES TO DEVELOP LEADERS BY ENGAGING YOUTH, MEDIA, TECHNOLOGY AND CELEBRITIES TO PROMOTE POSITIVE CHANGE.

2. Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? ☐ Yes ☒ No
If "Yes," describe these new services on Schedule O.

3. Did the organization cease conducting, or make significant changes in how it conducts, any program services? ☐ Yes ☒ No
If "Yes," describe these changes on Schedule O.

4. Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a. (Code:) (Expense \$ 1,391,586 including grants of \$) (Revenue \$) See Additional Data	4b. (Code:) (Expense \$ 296,130 including grants of \$) (Revenue \$) See Additional Data	4c. (Code:) (Expense \$ 240,035 including grants of \$) (Revenue \$) See Additional Data
See Additional Data Table		
4d. Other program services (Describe in Schedule O.) (Expense \$ 530,604 including grants of \$) (Revenue \$)		
4e. Total program service expenses 2,456,355		

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Part IV Checklist of Required Schedules (continued)

	Yes	No
22. Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 27? If "Yes," complete Schedule L, Parts I and III.	22	No
23. Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule L, Part II.	23	Yes
24a. Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a.	24a	No
b. Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b	
c. Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c	
d. Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d	
25a. Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I.	25a	No
b. Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I.	25b	No
26. Did the organization report any amount on Part X, line 5 or 22 for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part II.	26	No
27. Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? If "Yes," complete Schedule L, Part II.	27	No
28. Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions): a. A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? If "Yes," complete Schedule L, Part IV. b. A family member of any individual described in line 28a? If "Yes," complete Schedule L, Part IV.	28a	No
c. A 35% controlled entity of one or more individuals and/or organizations described in lines 28a or 28b? If "Yes," complete Schedule L, Part IV.	28b	No
29. Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M.	29	No
30. Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M.	30	No
31. Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I.	31	No
32. Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II.	32	No
33. Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I.	33	No
34. Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1.	34	Yes
35a. Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a	Yes
b. If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2.	35b	No
36. Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2.	36	No
37. Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI.	37	No
38. Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19? Note. All Form 990 filers are required to complete Schedule O.	38	Yes

Part V Statements Regarding Other IRS Filings and Tax ComplianceCheck if Schedule O contains a response or note to any line in this Part V ☐

	Yes	No
1a. Enter the number reported in Box 1 of Form 1099. Enter -0- if not applicable.	1a	-0-
b. Enter the number of Forms W-2 included in line 1a. Enter -0- if not applicable.	1b	0
c. Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c	Yes

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Part IV Checklist of Required Schedules

	Yes	No
1. Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? If "Yes," complete Schedule A.	1	Yes
2. Is the organization required to complete Schedule B, Schedule of Contributors (see instructions)?	2	Yes
3. Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I.	3	No
4. Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II.	4	No
5. Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III.	5	No
6. Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I.	6	No
7. Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II.	7	No
8. Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III.	8	No
9. Did the organization report an amount in Part X, line 21 for escrow or custodial account liability; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV.	9	No
10. Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi endowments? If "Yes," complete Schedule D, Part V.	10	No
11. If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable. a. Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI. b. Did the organization report an amount for investments—other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII. c. Did the organization report an amount for investments—program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII. d. Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX. e. Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X.	11a	Yes
f. Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X.	11b	No
12a. Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII.	11c	No
b. Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then complete Schedule D, Parts XI and XII. If optional.	11d	Yes
13. Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E.	11e	Yes
14a. Did the organization maintain an office, employees, or agents outside of the United States?	12a	No
b. Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV.	12b	No
15. Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV.	12c	No
16. Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV.	14a	No
17. Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I (see instructions).	14b	No
18. Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II.	15	No
19. Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III.	16	No
20a. Did the organization operate one or more hospital facilities? If "Yes," complete Schedule H.	17	No
b. If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	18	No
21. Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule J, Parts I and II.	19	No
	20a	No
	20b	No
	21	No

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Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

2a. Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return.	2a	7
b. If at least one is reported on line 2a, did the organization file all required federal employment tax returns? Note. If the sum of lines 1a and 2a is greater than 250, you may be required to e-file (see instructions).	2b	Yes
3a. Did the organization have unrelated business gross income of \$1,000 or more during the year?	3a	No
b. If "Yes," has it filed a Form 990-T for this year? If "No" to line 3b, provide an explanation in Schedule O.	3b	
4a. At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a	No
b. If "Yes," enter the name of the foreign country: _____	4b	
5a. Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a	No
b. Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b	No
c. If "Yes," to line 5a or 5b, did the organization file Form 8868-7?	5c	
6a. Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a	No
b. If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b	
7. Organizations that may receive deductible contributions under section 170(c). a. Did the organization receive a payment in excess of \$75 made partly as a contribution and partly for goods and services provided to the payor?	7a	No
b. If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b	
c. Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8262?	7c	No
d. If "Yes," indicate the number of Forms 8262 filed during the year.	7d	
e. Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e	
f. Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f	
g. If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g	
h. If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1099-C?	7h	
8. Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8	
9. Sponsoring organizations maintaining donor advised funds. a. Did the sponsoring organization make any taxable distributions under section 4967?	9a	
b. Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b	
10. Section 501(c)(7) organizations. Enter: a. Initiation fees and capital contributions included on Part VIII, line 12.	10a	
b. Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities.	10b	
11. Section 501(c)(12) organizations. Enter: a. Gross income from members or shareholders.	11a	
b. Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b	
12a. Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?	12a	
b. If "Yes," enter the amount of tax-exempt interest received or accrued during the year.	12b	
13. Section 501(c)(29) qualified nonprofit health insurance issuers. a. Is the organization licensed to issue qualified health plans in more than one state? Note. See the instructions for additional information the organization must report on Schedule O. b. Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans. c. Enter the amount of reserves on hand.	13a	
14a. Did the organization receive any payments for indoor tanning services during the tax year?	14a	No
b. If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O.	14b	
15. Is the organization subject to the section 4960 tax on payment(s) of more than \$10,000 in remuneration or excess parachute payment(s) during the year? See instructions and Form 4720, Schedule N. a. Is the organization an educational institution subject to the section 4960 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	15	No
	16	No

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Appx.--000329

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to lines 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions. Check if Schedule O contains a response or note to any line in this Part VI ☒

Section A. Governing Body and Management

1a Enter the number of voting members of the governing body at the end of the tax year: **1a** 10 **Yes** **No**

If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O.

b Enter the number of voting members included in line 1a, above, who are independent: **1b** 9 **Yes** **No**

2 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee? **2** **No**

3 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors or trustees, or key employees to a management company or other person? **3** **No**

4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed? **4** **No**

5 Did the organization become aware during the year of a significant diversion of the organization's assets? **5** **No**

6 Did the organization have members or stockholders? **6** **No**

7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body? **7a** **No**

b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body? **7b** **No**

8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:

a The governing body? **8a** **Yes**

b Each committee with authority to act on behalf of the governing body? **8b** **Yes**

9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O **9** **No**

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.) **Yes** **No**

10a Did the organization have local chapters, branches, or affiliates? **10a** **No**

b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes? **10b**

11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form? **11a** **Yes**

b Describe in Schedule O the process, if any, used by the organization to review this Form 990. **11b**

12a Did the organization have a written conflict of interest policy? If "Yes," go to line 13. **12a** **Yes**

b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts? **12b** **Yes**

c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done. **12c** **Yes**

13 Did the organization have a written whistleblower policy? **13** **Yes**

14 Did the organization have a written document retention and destruction policy? **14** **Yes**

15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?

a The organization's CEO, Executive Director, or top management official **15a** **Yes**

b Other officers or key employees of the organization **15b** **Yes**

If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions).

16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year? **16a** **No**

b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements? **16b**

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed: **AL, AK, AR, CA, CT, CO, FL, KY, ME, MA, MI, MD, NH, MS, MN, NJ, ND, SD, IA, IL, IN, KS, LA, MO, NY, OH, OK, PA, RI, TN, VT, WA, WI, WY, DC, and Puerto Rico.**

18 Section 5104 requires an organization to make its Form 1023 (or 1024-A if applicable), 990, and 990-T (501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

☐ Own website ☒ Another's website ☒ Upon request ☐ Other (explain in Schedule O)

19 Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records: **ORGANIZATION 1300 L STREET NW SUITE 975 WASHINGTON, DC 20005 (202) 396-6374**

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Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee) Officer Highest compensated officer Independent trustee Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
1121 8TH STREET NW WASHINGTON, DC 20003 BORNHOF GROUP INC					
455 MASSACHUSETTS AVE NW WASHINGTON, DC 20003 UPLAND D LLC					
P O BOX 203921 DALLAS, TX 75220 BLAN STRATEGIES					
1939 BENNETT PL NE WASHINGTON, DC 20003					
1b Sub-Total			447,376	0	16,071
c Total from continuation sheets to Part VII, Section A					
d Total (add lines 1b and 1c)			447,376	0	16,071
2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 of reportable compensation from the organization: 3					
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual: 3 No					
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If "Yes," complete Schedule J for such individual: 4 Yes					
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? If "Yes," complete Schedule J for such person: 5 No					
Section B. Independent Contractors					
1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.					
(A) Name and business address	(B) Description of services	(C) Compensation			
AUTHENTIC CAMPAIGNS 1121 8TH STREET NW WASHINGTON, DC 20003	DIGITAL STRATEGY	382,509			
BORNHOF GROUP INC 455 MASSACHUSETTS AVE NW WASHINGTON, DC 20003	FUNDRAISING	284,442			
UPLAND D LLC P O BOX 203921 DALLAS, TX 75220	MOBILE MESSAGING	143,906			
BLAN STRATEGIES 1939 BENNETT PL NE WASHINGTON, DC 20003	BUSINESS DEVELOPMENT	103,500			
2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 of compensation from the organization: 4					

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Appx.--000330

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response or note to any line in this Part VII ☐

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

■ List all of the organization's current officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.

■ List all of the organization's current key employees, if any. See instructions for definition of "key employee."

■ List the organization's five current highest compensated employees (other than an officer, director, trustee or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.

■ List all of the organization's former officers, directors, trustees, key employees, or highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.

■ List all of the organization's former directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

See instructions for the order in which to list the persons above.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee) Officer Independent trustee Former	(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
(1) MARIA TERESA KUHMA PRESIDENT AND CEO	38.00	X	12,000	162,044	0
(2) RICHARD DAWSON CHAIR	1.00	X	0	0	0
(3) BRANDON HERNANDEZ VICE CHAIR	3.00	X	0	0	0
(4) ALJUNIO VIDAL TREASURER/SECRETARY	3.00	X	0	0	0
(5) EVEL RALDONADO DIRECTOR	1.00	X	0	0	0
(6) AMERICA VERGARA DIRECTOR	1.00	X	0	0	0
(7) WILFRED VALDEKRAMA DIRECTOR	1.00	X	0	0	0
(8) BRIAN STANBURY DIRECTOR	1.00	X	0	0	0
(9) THOMAS DURAN DIRECTOR	1.00	X	0	0	0
(10) STEVE CHARLAIN COO	32.00	X	117,847	0	10,883
(11) ANA VICTORIA RIVAS-VAZQUEZ MANAGING DIRECTOR	40.00	X	167,365	0	1,278

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Part VII Section B. Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VII ☐

	(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from the unrelated business
1a Federal grants 1a				
b Membership dues 1b				
c Fundraising events 1c				
d Related organizations 1d				
e Government grants (excluding 1a) 1e				
f All other contributions, gifts, grants, and similar amounts not excluded above 1f 0.000000				
g All other contributions (excluding 1a-1f) 1g				
h Total. Add lines 1a-1f 1h 0.000000				
2a Business revenue 2a				
b Program service revenue 2b				
c Other program service revenue 2c				
d All other program service revenue 2d				
e Total. Add lines 2a-2d 2e				
3 Investment income (including dividends, interest, and other similar amounts) 3				
4 Income from investment of tax-exempt bond proceeds 4				
5 Royalties 5				
6a Gross rents 6a				
b Less: rental expenses 6b				
c Rental income net of expenses 6c				
d Net rental income or (loss) 6d				
7a Gross income from fundraising events 7a				
b Less: direct expenses 7b				
c Net income or (loss) from fundraising events 7c				
8a Gross income from gaming activities 8a				
b Less: direct expenses 8b				
c Net income or (loss) from gaming activities 8c				
9a Gross income from other activities 9a				
b Less: direct expenses 9b				
c Net income or (loss) from other activities 9c				
10a Gross income from other activities 10a				
b Less: direct expenses 10b				
c Net income or (loss) from other activities 10c				
11a Total revenue. See instructions 11a 0.000000				
12 Total revenue. See instructions 12 0.000000				

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Part IX Statement of Functional Expenses
Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).
Check if Schedule O contains a response or note to any line in this Part IX ☐

	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 25.				
2 Grants and other assistance to domestic individuals. See Part IV, line 22.				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16.				
4 Benefits paid to or for members.				
5 Compensation of current officers, directors, trustees, and key employees.	207,774	74,029	86,778	46,957
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B).				
7 Other salaries and wages.	801,296	588,926	146,738	146,640
8 Pension plan accruals and contributions (include section 401 (k) and 403(b) employer contributions).				
9 Other employee benefits.	58,048	75,890	11,433	6,719
10 Payroll taxes.	88,867	154,960	20,570	12,335
11 Fees for services (non-employees):				
a. Management.				
b. Legal.	60,266	59,673	299	
c. Accounting.	83,098	46,921	36,147	
d. Lobbying.				
e. Professional fundraising services. See Part IV, line 17.				
f. Investment management fees.				
g. Other (if line 11g amount exceeds 10% of line 25, column (A) amount, list line 11g expenses on Schedule O).	1,713,945	1,137,955	43,094	532,892
12 Advertising and promotion.				
13 Office expenses.	61,399	44,469	23,018	13,932
14 Information technology.	71,590	45,140	26,028	431
15 Royalties.				
16 Occupancy.	107,874	63,920	25,437	18,517
17 Travel.	112,709	49,765	31,325	61,619
18 Payments of travel or entertainment expenses for any federal, state, or local public officials.				
19 Conferences, conventions, and meetings.	272,301	225,023	12,828	34,450
20 Interest.				
21 Payments to affiliates.				
22 Depreciation, depletion, and amortization.	3,843		2,845	
23 Insurance.	5,094		6,074	
24 Other expenses. Itemize expenses not covered above (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a. BOOKS & PUBLICATIONS.	57,762	30,044	26,460	1,258
b. FELLOWS.	42,045	38,622	4,423	
c. BAD DEBT.	14,521		14,521	
d. BANK FEES.	6,389		5,625	764
e. All other expenses.				
25 Total functional expenses. Add lines 1 through 24e.	3,790,069	2,458,335	516,997	814,737
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here <input type="checkbox"/> if following SOP 98-2 (ASC 958-720).				

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Part X Balance Sheet
Check if Schedule O contains a response or note to any line in this Part X ☐

	(A) Beginning of year	(B) End of year
1 Cash—non-interest-bearing.	1,344,027	981,542
2 Savings and temporary cash investments.		
3 Pledges and grants receivable, net.	68,081	811,000
4 Accounts receivable, net.	9,023	115,769
5 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons.		
6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B).		
7 Notes and loans receivable, net.		
8 Inventories for sale (or use).		
9 Prepaid expenses and deferred charges.		22,752
10a Land, buildings, and equipment: cost or other basis. Complete Part V of Schedule D.	10a 40,932	
10b Less: accumulated depreciation.	10b 25,802	
11 Investments—publicly traded securities.	10,518	15,130
12 Investments—other securities. See Part IV, line 11.		
13 Investments—program-related. See Part IV, line 11.		
14 Intangible assets.		63,646
15 Other assets. See Part IV, line 11.	48,190	244,373
16 Total assets. Add lines 1 through 15 (must equal line 34).	1,479,839	1,957,212
17 Accounts payable and accrued expenses.	391,731	375,460
18 Grants payable.		
19 Deferred revenue.	18,561	0
20 Tax-exempt bond liabilities.		
21 Escrow or custodial account liability. Complete Part V of Schedule D.		
22 Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons.		
23 Secured mortgages and notes payable to unrelated third parties.		
24 Unsecured notes and loans payable to unrelated third parties.		
25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17–24). Complete Part X of Schedule D.	60,224	80,481
26 Total liabilities. Add lines 17 through 25.	470,516	435,941
27 Organizations that follow FASB ASC 958, check here <input checked="" type="checkbox"/> and complete lines 27, 28, 32, and 33.	646,623	795,271
28 Net assets without donor restrictions.	362,500	726,000
29 Organizations that do not follow FASB ASC 958, check here <input type="checkbox"/> and complete lines 29 through 33.		
30 Capital stock, or trust principal, or current funds.		
31 Paid-in or capital surplus, or land, building or equipment fund.		
32 Retained earnings, endowment, accumulated income, or other funds.	1,009,323	1,521,271
33 Total net assets or fund balances.	1,479,839	1,957,212

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Part XI Reconciliation of Net Assets
Check if Schedule O contains a response or note to any line in this Part XI ☐

1 Total revenue (must equal Part VIII, column (A), line 12).	1	4,302,017
2 Total expenses (must equal Part IX, column (A), line 25).	2	3,790,069
3 Revenue less expenses. Subtract line 2 from line 1.	3	511,948
4 Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A)).	4	1,009,323
5 Net unrealized gains (losses) on investments.	5	
6 Donated services and use of facilities.	6	
7 Investment expenses.	7	
8 Prior period adjustments.	8	
9 Other changes in net assets or fund balances (explain in Schedule O).	9	0
10 Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B)).	10	1,521,271

Part XII Financial Statements and Reporting
Check if Schedule O contains a response or note to any line in this Part XII ☐

	Yes	No
1 Accounting method used to prepare the Form 990: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other. If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.		
2a Were the organization's financial statements compiled or reviewed by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	2a	No
2b Were the organization's financial statements audited by an independent accountant? If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: <input type="checkbox"/> Separate basis <input type="checkbox"/> Consolidated basis <input type="checkbox"/> Both consolidated and separate basis	2b	No
2c If "Yes," to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.	2c	
3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a	No
3b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.	3b	

Form 990 (2019)

Additional Data

Software ID:
Software Version:
EIN: 20-1350252
Name: VOTO LATINO INC

Form 990 (2019)

Form 990, Part III, Line 4a:

CIVIC ENGAGEMENT THROUGH VOTER EDUCATION, REGISTRATION, AND GET OUT THE VOTE EFFORTS. WE ENCOURAGE OUR AUDIENCE OF MILLIONAL LATINOS TO MAKE THEIR VOICES HEARD IN LOCAL AND NATIONAL ELECTIONS. IN 2019, VOTO LATINO WORKED TO INFORM AND SUGGEST TO VOTE LATINO MILLENNIALS, THEIR FAMILIES, AND THEIR FRIENDS. VOTO LATINO CONTINUED AN AGGRESSIVE ONLINE VOTER REGISTRATION CAMPAIGN, AND CARRIED OUT A NATIONAL HISPANIC HERITAGE MONTH VOTER REGISTRATION CAMPAIGN CALLED RISE, AND A LOCAL ORGANIZING CAMPAIGN. WHEN THE GO LOW, WE GO LOCAL.

Form 990, Part III, Line 4b:

EVENTS: VOTO LATINO HELD A SERIES OF EVENTS THROUGHOUT THE YEAR, SCHEDULED STRATEGICALLY TO BUILD MOMENTUM AND START A NATIONAL DIALOGUE ABOUT IMPORTANT ISSUES. IN APRIL, VOTO LATINO HELD THE 9TH ANNUAL OUR VOICES RECEPTION, AN EVENT DURING WHITE HOUSE CORRESPONDENTS WEEKEND THAT BRINGS TOGETHER A DIVERSE CROSS-SECTION OF MEDIA INFLUENTIAL TO CELEBRATE DIVERSITY IN THE MEDIA. ADDITIONALLY, VOTO LATINO PARTNERED WITH VARIOUS PARTNERS TO HOLD ROSE EVENTS AROUND THE COUNTRY DURING HISPANIC HERITAGE MONTH.

Form 990, Part III, Line 4c:

ISSUE ADVOCACY: VOTO LATINO CONTINUES ENGAGEMENT BEYOND VOTING BY ENCOURAGING YOUTH TO ADVOCATE ON BEHALF OF ISSUES THAT ARE IMPORTANT TO THEM. IN 2017, VOTO LATINO WORKED TO CONTINUOUSLY INFORM OUR AUDIENCE ABOUT ISSUES SUCH AS IMMIGRATION REFORM, VOTING RIGHTS, SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS, RACE RELATIONS AND POLICE BRUTALITY, AND THE ENVIRONMENT. WE ALSO WERE ON THE GROUND IN STATES LIKE TX ADVOCATING FOR IMMIGRANT RIGHTS AND AGAINST LEGISLATION LIKE SB6.

Form 990, Part III - 4 Program Service Accomplishments (See the Instructions)

Describe the exempt purpose achievements for each of the organization's three largest program services by expenses. Section 501(c)(3) and (4) organizations and 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

(Code:)	(Expenses \$ 106,915 including grants of \$)	(Revenue \$)
LEADERSHIP DEVELOPMENT: THROUGH LEADERSHIP PROGRAMS SUCH AS THE POWER SUMMIT CONFERENCE, WE CONNECT YOUNG LATINOS WITH THOUGHT LEADERS, ELECTED OFFICIALS, AND INDUSTRY EXPERTS TO NETWORK AND PROVIDE THE TOOLS THEY NEED TO BECOME CHANGE MAKERS IN THEIR COMMUNITIES. IN 2017, VOTO LATINO TOOK THE POWER SUMMIT LEADERSHIP DEVELOPMENT TRAININGS ON TOUR TO DIFFERENT CITIES, INCLUDING VIRGINIA AND AUSTIN, TEXAS. IN THESE POWER SUMMITS, FIVE HUNDRED LEADERS WERE TRAINED IN TEXAS, AND ABOUT 75 IN VIRGINIA.		
(Code:)	(Expenses \$ 282,079 including grants of \$)	(Revenue \$)
SOMOS MAS: AIMS AT YOUNG PEOPLE TO REGISTER AND VOTE		

efile GRAPHIC print - DO NOT PROCESS		As Filed Data -		DLN: 93493321023170	
SCHEDULE A (Form 990 or 990EZ)		Public Charity Status and Public Support Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust. ▶ Attach to Form 990 or Form 990-EZ. ▶ Go to www.irs.gov/Form990 for instructions and the latest information.			
Department of the Treasury Internal Revenue Service		OMB No. 1545-0047			
Name of the organization VOTO LATINO INC		Employer identification number 30-1350252			
Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions. The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)					
1 <input type="checkbox"/> A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).					
2 <input type="checkbox"/> A school described in section 170(b)(1)(A)(ii). (Attach Schedule E (Form 990 or 990-EZ).)					
3 <input type="checkbox"/> A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).					
4 <input type="checkbox"/> A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state:					
5 <input type="checkbox"/> An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv). (Complete Part II.)					
6 <input type="checkbox"/> A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).					
7 <input checked="" type="checkbox"/> An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi). (Complete Part II.)					
8 <input type="checkbox"/> A community trust described in section 170(b)(1)(A)(vii). (Complete Part II.)					
9 <input type="checkbox"/> An agricultural research organization described in section 170(b)(1)(A)(ix) operated in conjunction with a land-grant college or university or a non-land grant college of agriculture. See instructions. Enter the name, city, and state of the college or university:					
10 <input type="checkbox"/> An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions; and (2) no more than 23 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Complete Part III.)					
11 <input type="checkbox"/> An organization organized and operated exclusively to test for public safety. See section 509(a)(4).					
12 <input type="checkbox"/> An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See section 509(a)(3). Check the box in lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.					
a <input type="checkbox"/> Type I. A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. You must complete Part IV, Sections A and B.					
b <input type="checkbox"/> Type II. A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). You must complete Part IV, Sections A and C.					
c <input type="checkbox"/> Type III functionally integrated. A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). You must complete Part IV, Sections A, D, and E.					
d <input type="checkbox"/> Type III non-functionally integrated. A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). You must complete Part IV, Sections A and D, and Part V.					
e <input type="checkbox"/> Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.					
f Enter the number of supported organizations: _____					
9 Provide the following information about the supported organization(s):					
(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-10 above (see instructions))	(iv) Is the organization listed in your governing document?	(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
			Yes No		
Total					
For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.			Cat. No. 11285F		Schedule A (Form 990 or 990-EZ) 2019

Schedule A (Form 990 or 990-EZ) 2019

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Part III Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part II. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support						
(or fiscal year beginning in) ▶						
	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.")	4,750,541	3,477,770	2,820,010	4,579,223	4,302,017	16,729,561
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						
3 The value of services or facilities furnished by a governmental unit to the organization without charge.						
4 Total. Add lines 1 through 3	4,750,541	3,477,770	2,820,010	4,579,223	4,302,017	16,729,561
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 13, column (f)						2,673,202
6 Public support. Subtract line 5 from line 4.						14,056,359

Section B. Total Support						
(or fiscal year beginning in) ▶						
	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
7 Amounts from line 4	4,750,541	3,477,770	2,820,010	4,579,223	4,302,017	16,729,561
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.						
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
11 Total support. Add lines 7 through 10						16,729,561
12 Gross receipts from related activities, etc. (See instructions)						63,930

13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ☐

Section C. Computation of Public Support Percentage

14 Public support percentage for 2019 (line 6, column (f) divided by line 11, column (f)) **14** 84.020 %

15 Public support percentage for 2018 Schedule A, Part III, line 14 **15** 76.450 %

16a **33 1/3% support test—2019.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box ☒ **stop here.** The organization qualifies as a publicly supported organization.

b **33 1/3% support test—2018.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box ☐ **stop here.** The organization qualifies as a publicly supported organization.

17a **10%-facts-and-circumstances test—2019.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ☐

b **10%-facts-and-circumstances test—2018.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part VI how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ☐

18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ☐

Schedule A (Form 990 or 990-EZ) 2019

Schedule A (Form 990 or 990-EZ) 2019

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Part IV Supporting Organizations
(Complete only if you checked a box on line 12 of Part I. If you checked 12a of Part I, complete Sections A and B. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A, D, and E. If you checked 12d of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

1 Are all of the organization's supported organizations listed by name in the organization's governing documents? If "No," describe in Part VI how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.

2 Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? If "Yes," explain in Part VI how the organization determined that the supported organization was described in section 509(a)(1) or (2).

3a Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? If "Yes," answer (b) and (c) below.

b Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? If "Yes," describe in Part VI when and how the organization made the determination.

c Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? If "Yes," explain in Part VI what controls the organization put in place to ensure such use.

4a Was any supported organization not organized in the United States ("foreign supported organization")? If "Yes" and if you checked 12a or 12b in Part I, answer (b) and (c) below.

b Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? If "Yes," describe in Part VI how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.

c Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? If "Yes," explain in Part VI what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.

5a Did the organization add, substitute, or remove any supported organizations during the tax year? If "Yes," answer (b) and (c) below (if applicable). Also, provide detail in Part VI, including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's governing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).

b **Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's governing documents?

c **Substitutions only.** Was the substitution the result of an event beyond the organization's control?

6 Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? If "Yes," provide detail in Part VI.

7 Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (defined in section 4958(c)(3)(C)) of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).

8 Did the organization make a loan to a disqualified person (as defined in section 4958) not described in line 7? If "Yes," complete Part I of Schedule L (Form 990 or 990-EZ).

9a Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? If "Yes," provide detail in Part VI.

b Did one or more disqualified persons (as defined in line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? If "Yes," provide detail in Part VI.

c Did a disqualified person (as defined in line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? If "Yes," provide detail in Part VI.

10a Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? If "Yes," answer line 10b below.

b Did the organization have any excess business holdings in the tax year? (Use Schedule C, Form 4720, to determine whether the organization had excess business holdings).

Schedule A (Form 990 or 990-EZ) 2019

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Schedule A (Form 990 or 990-EZ) 2019

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Part III Support Schedule for Organizations Described in Section 509(a)(2)
(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support						
(or fiscal year beginning in) ▶						
	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grant.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						
5 The value of services or facilities furnished by a governmental unit to the organization without charge.						
6 Total. Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.						
c Add lines 7a and 7b.						
8 Public support. (Subtract line 7c from line 6.)						

Section B. Total Support						
(or fiscal year beginning in) ▶						
	(a) 2015	(b) 2016	(c) 2017	(d) 2018	(e) 2019	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.						
c Add lines 10a and 10b.						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on.						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
13 Total support. (Add lines 9, 10c, 11, and 12.)						
14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

15 Public support percentage for 2019 (line 8, column (f) divided by line 13, column (f)) **15**

16 Public support percentage for 2018 Schedule A, Part III, line 15 **16**

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2019 (line 10c, column (f) divided by line 13, column (f)) **17**

18 Investment income percentage from 2018 Schedule A, Part III, line 17 **18**

19a **33 1/3% support tests—2019.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization ☐

b **33 1/3% support tests—2018.** If the organization did not check a box on line 14 or 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization ☐

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ☐

Schedule A (Form 990 or 990-EZ) 2019

Schedule A (Form 990 or 990-EZ) 2019

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Part IV Supporting Organizations (continued)

	Yes	No
11 Has the organization accepted a gift or contribution from any of the following persons?		
a A person who directly or indirectly controls, either alone or together with persons described in (b) and (c) below, the governing body of a supported organization?		11a
b A family member of a person described in (a) above?		11b
c A 35% controlled entity of a person described in (a) or (b) above? If "Yes" to a, b, or c, provide detail in Part VI.		11c

Section B. Type I Supporting Organizations

	Yes	No
1 Did the directors, trustees, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's directors or trustees at all times during the tax year? If "No," describe in Part VI how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove directors or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.		1
2 Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? If "Yes," explain in Part VI how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised or controlled the supporting organization.		2

Section C. Type II Supporting Organizations

	Yes	No
1 Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? If "No," describe in Part VI how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).		1

Section D. All Type III Supporting Organizations

	Yes	No
1 Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year: (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?		1
2 Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization (s) or (ii) serving on the governing body of a supported organization? If "No," explain in Part VI how the organization maintained a close and continuous working relationship with the supported organization(s).		2
3 By reason of the relationship described in (2), did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? If "Yes," describe in Part VI the role the organization's supported organizations played in this regard.		3

Section E. Type III Functionally-Integrated Supporting Organizations

1 Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (see instructions):	
a <input type="checkbox"/> The organization satisfied the Activities Test. Complete line 2 below.	
b <input type="checkbox"/> The organization is the parent of each of its supported organizations. Complete line 3 below.	
c <input type="checkbox"/> The organization supported a governmental entity. Describe in Part VI how you supported a government entity (see instructions).	

2 Activities Test. Answer (a) and (b) below.

	Yes	No
a Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? If "Yes," then in Part VI identify those supported organizations and explain how these activities directly furthered their exempt purposes. How the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.		2a
b Did the activities described in (a) constitute activities that, but for the organization's involvement, are or more of the organization's supported organization(s) would have engaged in? If "Yes," explain in Part VI the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.		2b
3 Parent of Supported Organizations. Answer (a) and (b) below.		
a Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? Provide details in Part VI.		3a
b Did the organization exercise a substantial degree of direction over the policies, programs and activities of each of its supported organizations? If "Yes," describe in Part VI the role played by the organization in this regard.		3b

Schedule A (Form 990 or 990-EZ) 2019

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Schedule R (Form 990) 2019

Schadung E. (Fortr. BVG) 2019

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Return Reference	Explanation

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Part IV Checklist of Required Schedules

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)?		X
2 Is the organization required to complete Schedule B, Schedule of Contributors?	X	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I		X
4 Section 501(c)(3) organizations. Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II		X
5 Is the organization a section 501(c)(4), 501(c)(6), or 501(c)(29) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? If "Yes," complete Schedule C, Part III	X	
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? If "Yes," complete Schedule D, Part I	X	
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? If "Yes," complete Schedule D, Part II	X	
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? If "Yes," complete Schedule D, Part III	X	
9 Did the organization report an amount in Part X, line 21, for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X, or provide credit counseling, debt management, credit repair, or debt negotiation services? If "Yes," complete Schedule D, Part IV	X	
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? If "Yes," complete Schedule D, Part V	X	
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? If "Yes," complete Schedule D, Part VI	X	
b Did the organization report an amount for investments - other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VII	X	
c Did the organization report an amount for investments - program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part VIII	X	
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? If "Yes," complete Schedule D, Part IX	X	
e Did the organization report an amount for other liabilities in Part X, line 25? If "Yes," complete Schedule D, Part X	X	
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? If "Yes," complete Schedule D, Part X	X	
12a Did the organization obtain separate, independent audited financial statements for the tax year? If "Yes," complete Schedule D, Parts XI and XII	X	
b Was the organization included in consolidated, independent audited financial statements for the tax year? If "Yes," and if the organization answered "No" to line 12a, then complete Schedule D, Parts XI and XII as optional	X	
13 Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	X	
14a Did the organization maintain an office, employees, or agents outside of the United States?	X	
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? If "Yes," complete Schedule F, Parts I and IV	X	
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or other assistance to or for any foreign organization? If "Yes," complete Schedule F, Parts II and IV	X	
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or other assistance to or for foreign individuals? If "Yes," complete Schedule F, Parts III and IV	X	
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? If "Yes," complete Schedule G, Part I	X	
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? If "Yes," complete Schedule G, Part II	X	
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? If "Yes," complete Schedule G, Part III	X	
20a Did the organization operate one or more hospital facilities? If "Yes," complete Schedule H	X	
b If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	X	
21 Did the organization report more than \$5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	X	

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Part IV Checklist of Required Schedules (continued)

	Yes	No
22 Did the organization report more than \$5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and III	X	
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J	X	
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a	X	
b Did the organization invest in proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I	X	
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	X	
26 Did the organization report any amount on Part X, line 5, 6, or 22 for receivables from or payables to any current or former officers, directors, trustees, key employees, highest compensated employees, or disqualified persons? If "Yes," complete Schedule L, Part II	X	
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part III	X	
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions)		
a A current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV	X	
b A family member of a current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV	X	
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? If "Yes," complete Schedule L, Part IV	X	
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M	X	
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M	X	
31 Did the organization liquidate, terminate, or dissolve and cease operations?		
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part I	X	
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule N, Part I	X	
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Part I, II, III, or IV, and Part V, line 1	X	
35a Did the organization have a controlled entity within the meaning of section 513(b)(1)? If "Yes," complete Schedule R, Part V, line 3	X	
b If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 513(b)(1)? If "Yes," complete Schedule R, Part V, line 2	X	
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2	X	
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI	X	
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11b and 19?	X	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V

	Yes	No
1a Enter the number reported in Box 3 of Form 1096. Enter 0 if not applicable		
1b Enter the number of Forms W-2G included in line 1a. Enter 0 if not applicable		
c Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?		

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Part V Statements Regarding Other IRS Filings and Tax Compliance (continued)

	Yes	No
2a Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	0	
b If at least one is reported on line 2a, did the organization file all required federal employment tax returns?		
Note. If the sum of lines 1a and 2a is greater than 250, you may be required to file (see instructions)		
3a Did the organization have unrelated business gross income of \$1,000 or more during the year?	X	
b If "Yes," has it filed a Form 990-T for this year? If "No," to line 3b, provide an explanation in Schedule O		
4a At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	X	
b If "Yes," enter the name of the foreign country		
See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR)		
5a Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	X	
b Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	X	
c If "Yes" to line 5a or 5b, did the organization file Form 8867?	X	
6a Does the organization have annual gross receipts that are normally greater than \$100,000, and did the organization select any contributions that were not tax deductible as charitable contributions?	X	
b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?		
7 Organizations that may receive deductible contributions under section 170(c)		
a Did the organization receive a payment in excess of \$75 made jointly as a contribution and partly for goods and services provided to the payee?	X	
b If "Yes," did the organization notify the donor of the value of the goods or services provided?	X	
c Did the organization sell, exchange, or otherwise dispose of tangible personal property for which a return was required to file Form 6252?	X	
d If "Yes," indicate the number of Forms 6252 filed during the year	7	
e Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	X	
f Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	X	
g If the organization received a contribution of qualified intellectual property, did the organization file Form 8879 as required?	X	
h If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1096-C?	X	
8 Sponsoring organizations maintaining donor advised funds. Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	X	
9 Sponsoring organizations maintaining donor advised funds		
a Did the sponsoring organization make any taxable distributions under section 4967?	X	
b Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	X	
10 Section 501(c)(3) organizations. Enter		
a Initiation fees and capital contributions included on Part VII, line 12	10a	
b Gross receipts, included on Form 990, Part VII, line 12, for public use of club facilities	10b	
11 Section 501(c)(19) organizations. Enter		
a Gross income from members or shareholders	11a	
b Gross income from other sources (Do not net amounts due to paid to other sources against amounts due or received from them)	11b	
12a Section 4947(a)(1) non-exempt charitable trusts. Is the organization filing Form 990 in lieu of Form 1041?	12a	
b If "Yes," enter the amount of tax-exempt interest received or accrued during the year	12b	
13 Section 501(c)(29) qualified nonprofit health insurance issuers		
a Is the organization licensed to issue qualified health plans in more than one state?	13a	
Note. See the instructions for additional information the organization must report on Schedule O		
b Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b	
c Enter the amount of reserves on hand	13c	
14a Did the organization receive any payments for indoor tanning services during the tax year?	14a	
b If "Yes," has it filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	14b	
15 Is the organization subject to the section 4960 tax on payments? If "No," provide an explanation in Schedule O or attach a statement explaining why it is not subject to the tax	15	
If "Yes," see instructions and file Form 4720, Schedule H		
16 Is the organization an educational institution subject to the section 4958 excise tax on net investment income?	16	
If "Yes," complete Form 4720, Schedule O		

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Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions

Check if Schedule O contains a response or note to any line in this Part VI

Section A. Governing Body and Management

	Yes	No
1a Enter the number of voting members of the governing body at the end of the tax year	3	
b If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain in Schedule O		
2 Enter the number of voting members included in line 1a, above, who are independent	2	
3 Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	X	
4 Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, or trustees, or key employees to a management company or other person?	X	
5 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	X	
6 Did the organization become aware during the year of a significant diversion of the organization's assets?	X	
7a Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	X	
b Are any governance decisions of the organization reserved to or subject to approval by members, stockholders, or persons other than the governing body?	X	
8 Did the organization contemporaneously document the meetings held at written actions undertaken during the year by the following		
a The governing body?	X	
b Each committee with authority to act on behalf of the governing body?	X	
9 Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? If "Yes," provide the names and addresses in Schedule O	X	

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

	Yes	No
10a Did the organization have local chapters, branches, or affiliates?	X	
b If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	X	
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	X	
b Describe in Schedule O the process, if any, used by the organization to review the Form 990		
12a Did the organization have a written conflict of interest policy? If "Yes," go to line 13	X	
b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	X	
c Did the organization regularly and consistently monitor and enforce compliance with the policy? If "Yes," describe in Schedule O how this was done		
13 Did the organization have a written whistleblower policy?	X	
14 Did the organization have a written document retention and destruction policy?	X	
15 Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?		
a The organization's CEO, Executive Director, or top management official	X	
b Other officers or key employees of the organization	X	
If "Yes" to line 15a or 15b, describe the process in Schedule O (see instructions)		
16a Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	X	
b If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed: **NONE**

18 Section 6104 requires an organization to make its Forms 1023 (1024 or 1024-A if applicable), 990, and 990-T (Section 501(c)(3) only) available to public inspection. Indicate how you made these available. Check all that apply.

☒ Own website ☒ Another's website ☐ Upon request ☐ Other (explain in Schedule O)

19 Describe in Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year

20 State the name, address, and telephone number of the person who possesses the organization's books and records

THE ORGANIZATION - 202-386-6374
1300 L STREET, NW, WASHINGTON, DC 20005

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Part X Balance Sheet
Check if Schedule O contains a response or note to any line in this Part X ☐

	(A) Beginning of year	(B) End of year
1 Cash, noninterest-bearing	15,175.	377,036.
2 Savings and temporary cash investments		
3 Pledges and grants receivable, net		
4 Accounts receivable, net		
5 Loans and other receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		
6 Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions). Complete Part I of Sch. L		
7 Notes and loans receivable, net		
8 Inventories for sale or use		
9 Prepaid expenses and deferred charges		
10a Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule O		
10b Less accumulated depreciation		
11 Investments: publicly traded securities		
12 Investments: other securities. See Part IV, line 11		
13 Investments: program-related. See Part IV, line 11		
14 Intangible assets		
15 Other assets. See Part IV, line 11	0.	50,000.
16 Total assets. Add lines 1 through 15 (must equal line 34)	15,175.	427,036.
17 Accounts payable and accrued expenses	4,318.	3,200.
18 Grants payable		
19 Deferred revenue		
20 Tax-exempt bond liabilities		
21 Escrow or custodial account liability. Complete Part IV of Schedule O		
22 Loans and other payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		
23 Secured mortgages and notes payable to unrelated third parties		
24 Unsecured notes and loans payable to unrelated third parties		
25 Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part II of Schedule O	0.	15,900.
26 Total liabilities. Add lines 17 through 25	4,318.	19,100.
27 Organizations that follow SFAS 117 (ASC 958), check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.		
28 Unrestricted net assets	10,857.	407,936.
29 Temporarily restricted net assets		
30 Permanently restricted net assets		
31 Organizations that do not follow SFAS 117 (ASC 958), check here <input type="checkbox"/> and complete lines 30 through 34.		
32 Capital stock or trust principal, or current funds		
33 Paid-in or capital surplus, or land, building, or equipment fund		
34 Total net assets or fund balances	10,857.	407,936.
35 Total net assets or fund balances	15,175.	427,036.

Form 990 (2018)

Form 990 (2018) **VOTO LATINO ACTION FUND** 45-5477218 Page 12

Part XI Reconciliation of Net Assets
Check if Schedule O contains a response or note to any line in this Part XI ☐

1 Total revenue (must equal Part VIII, column (A), line 12)	1	1,113,269.
2 Total expenses (must equal Part IX, column (A), line 26)	2	717,577.
3 Revenue less expenses. Subtract line 2 from line 1	3	395,712.
4 Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	10,857.
5 Net unrealized gains (losses) on investments	5	
6 Donated services and use of facilities	6	
7 Investment expenses	7	
8 Prior period adjustments	8	1,367.
9 Other changes in net assets or fund balances (explain in Schedule O)	9	0.
10 Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 33, column (B))	10	407,936.

Part XII Financial Statements and Reporting
Check if Schedule O contains a response or note to any line in this Part XII ☐

1 Accounting method used to prepare the Form 990: ☐ Cash ☒ Accrual ☐ Other

2a If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O: ☐

2b Were the organization's financial statements compiled or reviewed by an independent accountant? ☐ Yes ☒ No

3a If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis

3b Were the organization's financial statements audited by an independent accountant? ☐ Yes ☒ No

3c If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both: ☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis

3d If "Yes" to line 3a or 3b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant? ☐ Yes ☒ No

3e If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O: ☐

3f As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133? ☐ Yes ☒ No

3g If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits: ☐

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Supplemental Financial Statements
Form 990 (2018)
2018
Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Name of the organization: **VOTO LATINO ACTION FUND**
Employer identification number: **45-5477218**

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year		
2 Aggregate value of contributions to (during year)		
3 Aggregate value of grants from (during year)		
4 Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☒ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private inurement? ☐ Yes ☒ No

Part II Conservation Easements. Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply):
☐ Preservation of land for public use (e.g., recreation or education) ☐ Preservation of a historically important land area
☐ Protection of natural habitat ☐ Preservation of a certified historic structure

2 Complete lines 2a through 2d if the organization held a qualified conservation easement on the last day of the tax year.

	Held at the End of the Tax Year
a Total number of conservation easements	2a
b Total acreage restricted by conservation easements	2b
c Number of conservation easements on a certified historic structure included in (a)	2c
d Number of conservation easements included in (c) acquired after 7/25/06, and not on a historic structure listed in the National Register	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year: ☐

4 Number of states where property subject to conservation easement is located: ☐

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☒ No

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year: ☐

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year: ☐

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(b)(4)(B) and section 170(b)(4)(C)? ☐ Yes ☒ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements: ☐

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets. Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIII, the text of the footnote to its financial statements that describes these items: ☐

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

	(i) Revenue included on Form 990, Part VIII, line 1	(ii) Assets included on Form 990, Part X
2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:		
a Revenue included on Form 990, Part VII, line 1		
b Assets included on Form 990, Part X		

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990. Schedule D (Form 990) 2018

Schedule D (Form 990) 2018 **VOTO LATINO ACTION FUND** 45-5477218 Page 2

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets (continued)

3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
☐ Public exhibition ☐ Loan or exchange programs
☐ Scholarly research ☐ Other

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII: ☐

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? ☐ Yes ☒ No

Part IV Escrow and Custodial Arrangements. Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? ☐ Yes ☒ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

	Amount
1c Beginning balance	1c
1d Additions during the year	1d
1e Distributions during the year	1e
1f Ending balance	1f

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☒ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided on Part XIII: ☐

Part V Endowment Funds. Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
1b Contributions					
1c Net investment earnings, gains, and losses					
1d Grants or scholarships					
1e Other expenditures for facilities and programs					
1f Administrative expenses					
2 End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:
 a Board designated or quasi-endowment ☐ %
 b Permanent endowment ☐ %
 c Temporary restricted endowment ☐ %
 The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:
 (i) unrelated organizations ☐ Yes ☒ No
 (ii) related organizations ☐ Yes ☒ No

b If "Yes" on line 3a(i), are the related organizations listed as required on Schedule R? ☐

4 Describe in Part XIII the intended use of the organization's endowment funds: ☐

Part VI Land, Buildings, and Equipment.
 Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
1b Buildings				
1c Leasehold improvements				
1d Equipment				
1e Other				
Total. Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10c.)				0.

Schedule D (Form 990) 2018

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THE ORGANIZATION DOES NOT MAKE ITS GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY OR FINANCIAL STATEMENTS AVAILABLE TO THE PUBLIC.

[illegible][illegible]

Part I Transactions With Related Organizations. Complete if the organization answered "Yes" on Form 990, Part III, sec. 34, (b)(1), (c) 3E.		Yes	No
Section 501(c)(3) Organizations. Complete if any entry is listed in Parts I, II, or IV of this schedule.			
Part I During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Part II, (a)(7)?			
a Receipt of (i) revenue, (ii) assets, (iii) royalties, or (iv) rent from a controlled entity	1a	X	
b Gift, grant, or capital contribution to related organization(s)	1b	X	
c Gift, grant, or capital contribution from related organization(s)	1c	X	
d Loans or loan guarantees to be for related organization(s)	1d	X	
e Loans or loan guarantees by related organization(s)	1e	X	
f Dividends from related organization(s)	1f	X	
g Sale of assets to related organization(s)	1g	X	
h Purchase of assets from related organization(s)	1h	X	
i Exchange of assets with related organization(s)	1i	X	
j Lease of facilities, equipment, or other assets to related organization(s)	1j	X	
k Lease of facilities, equipment, or other assets from related organization(s)	1k	X	
l Performance of services (or membership or fundraising solicitations for related organization(s))	1l	X	
m Performance of services (or membership or fundraising solicitations by related organization(s))	1m	X	
n Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)	1n	X	
o Sharing of paid employees with related organization(s)	1o	X	
p Reimbursement paid to related organization(s) for expenses	1p	X	
q Reimbursement paid by related organization(s) for expenses	1q	X	
r Other transfer of cash or property to related organization(s)	1r	X	
s Other transfer of cash or property from related organization(s)	1s	X	
2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this use, including covered relationships and transaction thresholds.			
(a) Name of related organization	(b) Transaction type (a-e)	(c) Amount involved	(d) Method of determining amount involved
19 VOTO LATINO INC.	B	100,000.	
19 VOTO LATINO INC.	P	15,901.	
20			
21			
22			

NAME, ADDRESS, AND EIN OF RELATED ORGANIZATION:

VOTO LATINO, INC.

EIN: 20-1350252

1300 L STREET, NW

WASHINGTON, DC 20005

PRIMARY ACTIVITY: VOTER REGISTRATION AND CIVIC ENGAGEMENT

DIRECT CONTROLLING ENTITY:

[illegible]

832164 10-020-06

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Schedule R (Form 990) 2016

832 165 ©-02-19

Schedule R (Form 990) 2018

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2018.05000 VOTO LATINO ACTION FUND

VLAF1

S.B. No. 1111

S.B. No. 1111

1 AN ACT

2 relating to the residence address of a voter for purposes of a
3 response to a confirmation notice sent by the voter registrar.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1.015, Election Code, is amended by
6 amending Subsection (b) and adding Subsection (f) to read as
7 follows:

(b) A person may not establish residence for the purpose of influencing the outcome of a certain election [Residence shall be determined in accordance with the common law rules, as enunciated by the courts of this state, except as otherwise provided by this code].

13 (f) A person may not establish a residence at any place the
14 person has not inhabited. A person may not designate a previous
15 residence as a home and fixed place of habitation unless the person
16 inhabits the place at the time of designation and intends to remain.

17 SECTION 2. Section 15.051(a), Election Code, is amended to
18 read as follows:

(a) If the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, or that the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the

1 voter's current residence.

2 SECTION 3. Section 15.052(b), Election Code, is amended to
3 read as follows:

4 (b) The official confirmation notice response form must:

5 (1) provide spaces for the voter to include all of the
6 information that a person must include in an application to
7 register to vote under Section 13.002; ~~and~~

8 (2) describe the requirements of Section 15.054,
9 provide a space for the voter to indicate if the voter is exempt
10 from those requirements, and provide a space to indicate the reason
11 for an exemption, if any:

12 (3) provide the definition of residence under Section
13 1.015; and

14 (4) be postage prepaid and preaddressed for delivery
15 to the registrar.

16 SECTION 4. Section 15.053(a), Election Code, is amended to
17 read as follows:

18 (a) Not later than the 30th day after the date a
19 confirmation notice is mailed, the voter shall submit to the
20 registrar a written, signed response to the notice that confirms
21 the voter's current residence. The response must contain:

22 (1) all of the information that a person must include
23 in an application to register to vote under Section 13.002;

24 (2) a sworn affirmation of the voter's current
25 residence as defined by Section 1.015; and

26 (3) if the voter's residence address is a commercial
27 post office box or similar location that does not correspond to a

S.B. No. 1111

1 residence, evidence of the voter's residence address as required by
 2 Section 15.054 or an indication that the voter is exempt from those
 3 requirements.

4 SECTION 5. Subchapter C, Chapter 15, Election Code, is
 5 amended by adding Section 15.054 to read as follows:

6 Sec. 15.054. DOCUMENTATION OF RESIDENCE FOR PURPOSES OF
 7 CONFIRMATION NOTICE RESPONSE. (a) For purposes of Section 15.053,
 8 a voter's residence may be documented by providing a photocopy of
 9 the first document, beginning with Subdivision (1) and continuing
 10 through Subdivision (6), in the following list that corresponds to
 11 the voter's residence under Section 15.015:

12 (1) a driver's license issued to the voter by the
 13 Department of Public Safety that has not expired or, if the voter
 14 has notified the department of a change of address under Section
 15 521.054, Transportation Code, an affidavit from the voter stating
 16 the new address contained in the notification;

17 (2) a personal identification card issued to the voter
 18 by the Department of Public Safety that has not expired or, if the
 19 voter has notified the department of a change of address under
 20 Section 521.054, Transportation Code, an affidavit from the voter
 21 stating the new address contained in the notification;

22 (3) a license to carry a concealed handgun issued to
 23 the voter by the Department of Public Safety that has not expired
 24 or, if the voter has notified the department of a change of address
 25 under Section 411.191, Government Code, an affidavit from the voter
 26 stating the new address contained in the notification;

27 (4) an appraisal district document showing the address

3

S.B. No. 1111

1 officer's actual residence address under Section 521.1211,
 2 Transportation Code.

3 (e) Subsection (a)(1) does not apply to a voter who holds a
 4 commercial driver's license under Subchapter C, Chapter 522,
 5 Transportation Code.

6 (f) Notwithstanding the other provisions of this section, a
 7 voter enrolled as a full-time student who lives on campus at an
 8 institution of higher education may use the address of a post office
 9 box located on the campus of the institution or in a dormitory owned
 10 or operated by the institution to confirm the voter's residence.

11 (g) The secretary of state shall adopt rules as necessary to
 12 implement this section.

13 SECTION 6. This Act takes effect September 1, 2021.

5

S.B. No. 1111

1 the voter claims as a homestead in this state;

2 (5) a utility bill addressed to the voter's residence
 3 address; or

4 (6) an official tax document or Texas Department of
 5 Motor Vehicles document showing the registration address of a
 6 vehicle the voter owns.

7 (b) A voter whose residence in this state has no address may
 8 document residence under this section by executing an affidavit
 9 stating that the voter's residence in this state has no address,
 10 providing a concise description of the location of the voter's
 11 residence, and delivering the affidavit to the registrar with the
 12 voter's response to the confirmation notice.

13 (c) The address described by Subsection (a)(4) may not be a
 14 commercial post office box or similar location that does not
 15 correspond to a residence.

16 (d) This section does not apply to:

17 (1) a voter who is a member of the armed forces of the
 18 United States or the spouse or a dependent of a member;

19 (2) a voter enrolled as a full-time student who lives
 20 on campus at an institution of higher education;

21 (3) a voter whose address is confidential under
 22 Subchapter C, Chapter 56, Code of Criminal Procedure;

23 (4) a federal judge, state judge, or spouse of a
 24 federal or state judge whose driver's license includes the street
 25 address of a courthouse under Section 521.121, Transportation Code;
 26 or

27 (5) a peace officer whose driver's license omits the

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S.B. No. 1111

 President of the Senate Speaker of the House
 I hereby certify that S.B. No. 1111 passed the Senate on
 April 28, 2021, by the following vote: Yeas 18, Nays 13.

 Secretary of the Senate
 I hereby certify that S.B. No. 1111 passed the House on
 May 25, 2021, by the following vote: Yeas 81, Nays 65, one
 present not voting.

 Chief Clerk of the House

Approved:

 Date

 Governor

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reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

2. Voto Latino objects to the State's Requests to the extent that they seek documents and materials protected by the attorney-client privilege, the work-product doctrine, or any other privilege recognized by law.

3. Voto Latino objects to the State's Requests to the extent that they seek information protected by associational rights guaranteed under the First Amendment to the United States Constitution.

4. Voto Latino objects to the State's Requests to the extent that they purport to impose obligations on Voto Latino greater than what the Federal Rules of Civil Procedure and other applicable laws require.

5. Voto Latino objects to the State's Requests to the extent that they seek discovery of information from sources that are not reasonably accessible in light of the burdens or costs required to identify, locate, restore, review, and produce whatever responsive information may be found.

6. Voto Latino objects to the State's Requests to the extent that they seek documents that are not relevant to the claims and defenses asserted in the underlying action.

7. Each of these General Objections is hereby specifically incorporated into each set of the Specific Objections and Responses set forth below.

SPECIFIC RESPONSES AND OBJECTIONS

Interrogatory No. 1: Identify by code and section number the provisions of the Texas Election Code that you are challenging in the Lawsuit.

Response to Interrogatory No. 1: Voto Latino is challenging the following provisions of the Texas Election Code: Texas Election Code §§ 1.015(b), 1.015(f), 15.051(a), 15.053(a), and 15.054.

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- vii. <https://www.texastribune.org/2019/09/24/young-texas-voter-turnout-exploded-2018-some-want-it-even-bigger-2020/>.
- viii. Paul Venema, *The youth vote in Texas is up by more than 600% from last presidential election*, KSAT (Oct. 27, 2020), <https://www.ksat.com/vote-2020/2020/10/27/the-youth-vote-in-texas-is-up-by-more-than-600-from-last-presidential-election/>.
- ix. Elizabeth Redden, *Young Voters Preferred Biden -- With 1 Exception*, Inside HigherEd (Nov. 5, 2020), <https://www.insidehighered.com/news/2020/11/05/analysis-sheds-first-light-youth-voting-trends>.
- x. Enrollment Forecast, Texas Higher Education Coordinating Board (Jan. 2017), <http://www.theeb.state.tx.us/DocID/PDF/9111.PDF>.
- xi. Expert Report of John Holbein, served on November 19, 2021.

Voto Latino objects to this Interrogatory to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Voto Latino further objects to subpart (d) of this Interrogatory as outside the scope of the State's limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs' Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Request for Production No. 1: Produce all documents identified in response to subpart (c) of Interrogatory No. 2.

Response to Request for Production No. 1: Subject to, and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which lists publicly available documents accessible through the links included above, and the Expert Report of John Holbein, which has been served on all parties in this matter.

Voto Latino also objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 3: Identify all documents which contain information which tends to substantiate the allegation that the provisions identified in Interrogatory No. 1 "interfere with the basic freedom of political expression by prohibiting Texas voters from establishing residence for the purpose of influencing elections" as described in ¶ 7 of your Complaint.

Response to Interrogatory No. 3: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

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Interrogatory No. 2: With respect to each provision alleged in the answer to Interrogatory No. 1, state the following:

- (a) The facts which form the basis for the challenge to each provision identified;
- (b) The identity of each person having person or expert knowledge of the facts contained in the answer to subpart (a) of this interrogatory;
- (c) The identity of each document (including, but not limited to any books, periodicals, reports, studies, or technical manuals) which contains information which tends to substantiate the facts alleged in the answer to subpart (a) of this interrogatory; and
- (d) How the alleged provision(s) contributed to each plaintiffs' injuries in this case.

Response to Interrogatory No. 2: Subject to and without waiving any its General or Specific Objections to Interrogatory No. 2, Voto Latino responds as follows:

- (a) Plaintiff Voto Latino incorporates the Statement of Facts and Law in its Complaint, ECF No. 1.
- (b) Plaintiff Voto Latino incorporates its initial disclosures, served on September 13, 2021, as well as the Expert Report of John Holbein, served on November 19, 2021.
- (c) Plaintiff Voto Latino identifies the following documents:
 - i. Senate Bill 1111, available at <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB0111F.pdf#navpanes=0>
 - ii. Senate Bill 1111, Legislative History, available at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=SB1111>.
 - iii. Governor Greg Abbott's 2019 State of the State Address, <https://gov.texas.gov/news/post/governor-greg-abbott-delivers-state-of-the-state-address>.
 - iv. Matt Levin, *How California expats are helping turn Texas into a battleground state*, Cal Matters (Oct. 8, 2020), <https://calmatters.org/politics/2020/10/california-expats-texas-battleground-state/>.
 - v. Tim Henderson, *Texas, South Face Political Changes as Movers Arrive*, Pew Charitable Trusts (Jan. 13, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/13/texas-south-face-political-changes-as-movers-arrive>.
 - vi. Ashley Lopez, *Turnout among young Texas voters exploded in 2018. Groups want to make it even bigger in 2020*, Texas Tribune (Sept. 14, 2019),

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Voto Latino also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case in seeking "all documents which contain information which tends to substantiate" the proposition that prohibiting individuals from establishing residence for the purpose of influencing elections impermissibly violates the First Amendment. The category of documents sought is vast and would require Voto Latino to guess at its scope.

Request for Production No. 2: Produce all documents identified in Interrogatory No. 4.

Response to Request for Production No. 2: Voto Latino presumes that the State intended for Request for Production No. 2 to read "Produce all documents identified in Interrogatory No. 3."

Proceeding under that presumption, subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate" the proposition that prohibiting individuals from establishing residence for the purpose of influencing elections impermissibly violates the First Amendment. The category of documents sought is vast and would require Voto Latino to guess at its scope.

Voto Latino further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 4: Identify all documents which contain information which tends to substantiate the allegation that the provisions of the Texas Election Code identified in response to Interrogatory No. 1 "restrict registration opportunities for Texans who have temporarily relocated by prohibiting voters from designating previous residences as their fixed places of habitation even if they consider those residences to be their homes" as described in ¶ 7(b) of your Complaint.

Response to Interrogatory No. 4: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

Voto Latino also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking "all documents which contain information which tends to substantiate" the allegation that SB 1111's provisions "restrict registration opportunities for Texans who have temporarily relocated." The category of documents sought is vast and would require Voto Latino to guess at its scope.

Request for Production No. 3: Produce all documents identified in response to Interrogatory No. 4.

Response to Request for Production No. 3: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies

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documents responsive to this request.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking “all documents which contain information which tends to substantiate” the allegation that SB 1111’s provisions “restrict registration opportunities for Texans who have temporarily relocated.” The category of documents sought is vast and would require Voto Latino to guess at its scope.

Voto Latino further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Interrogatory No. 5: Identify all documents which contain information which tends to substantiate the allegation that the provisions of the Texas Election Code identified in response to Interrogatory No. 1 “burdens voters who rely on post office boxes for their residences by conditioning their registration on the production of additional documentation” as described in ¶ 7(c) of your Complaint.

Response to Interrogatory No. 5: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

Voto Latino also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking “all documents which contain information which tends to substantiate the allegation” that SB 1111’s provisions “burden[] voters who rely on post office boxes.” The category of documents sought is vast and would require Voto Latino to guess at its scope.

Request for Production No. 4: Produce all documents identified in response to Interrogatory No. 5.

Response to Request for Production No. 4: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking “all documents which contain information which tends to substantiate the allegation” that SB 1111’s provisions “burden[] voters who rely on post office boxes.” The category of documents sought is vast and would require Voto Latino to guess at its scope.

Voto Latino further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Request for Production No. 5: Produce all documents which contain information which tends to

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objections set forth in Plaintiffs’ Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking every single public or private statement relating to SB 1111—even those not made by Voto Latino—and all “communications with voters, supporters, or donors pertaining to SB 1111.”

Voto Latino further objects to this request on the grounds that it seeks documents and communications that are protected by the First Amendment privilege. For example, disclosure of Voto Latino’s communications with “voters, supporters, or donors” would chill the exercise of Voto Latino’s and its constituents’ rights to associate for expressive purposes.

Interrogatory No. 6: Identify each county or county election official you have communicated with regarding SB 1111 prior to June 22, 2011.

Response to Interrogatory No. 6: Subject to, and without waiving its General and Specific Objections to this Interrogatory, Voto Latino responds that it did not communicate with any county or county election official regarding SB 1111 prior to June 22, 2011.

Voto Latino also objects to this request as outside the scope of the State’s limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs’ Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Voto Latino further objects on the grounds that this request seeks information that is not relevant to any claim or defense in this case.

Request for Production No. 8: Produce all documents regarding communications with the county or county election officials identified in Interrogatory No. 6.

Response to Request for Production No. 8: Subject to and without waiving its General or Specific Objections, Voto Latino states that it did not communicate with any county or county election official regarding SB 1111 prior to June 22, 2011 and therefore has no documents responsive to this request.

Voto Latino also objects to this request as outside the scope of the State’s limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs’ Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking all communications with any county or county election official identified in Interrogatory No. 6.

Voto Latino further objects on the grounds that this request seeks documents that are not relevant to any claim or defense in this case.

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substantiate the allegation that “[SB 1111] will have a particularly burdensome impact on college students and other young voters” as described in ¶ 9 of your Complaint.

Response to Request for Production No. 5: Subject to and without waiving its General or Specific Objections, Voto Latino incorporates its response to Interrogatory No. 2, which identifies documents responsive to this request.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking “all documents which contain information which tends to substantiate the allegation” that SB 1111 will particularly burden “college students and other young voters.” The category of documents sought is vast and would require Voto Latino to guess at its scope.

Voto Latino further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege, the attorney-client privilege, or the work-product doctrine.

Request for Production No. 6: Produce all documents which contain information which tends to substantiate the allegation that “Voto Latino will have to expend and divert additional funds and resources that it would otherwise spend on its efforts to accomplish its mission in other states—and its other registration efforts in Texas—to combat SB 1111’s effects on its core constituency, and to assist its constituents in navigating the various additional hurdles that impede access to the franchise and threaten to silence the voices of Latinx voters” as described in ¶ 21 of your Complaint.

Response to Request for Production No. 6: Voto Latino objects to this Request as outside the scope of the State’s limited intervention under Section 2403(b) and incorporates by reference the objections set forth in Plaintiffs’ Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking every single document that “contain[s] information which tends to substantiate” that Voto Latino will be required to expend and divert additional funds and resources to combat SB 1111’s effects. The category of documents sought is vast and would require Voto Latino to guess at its scope.

Voto Latino further objects to this request to the extent that it seeks documents and communications that are protected by the First Amendment privilege.

Request for Production No. 7: Produce all statements, public or otherwise, relating to SB 1111, including press releases, newsletters, campaign letters or signs, news articles, op-ed pieces, testimony, postings or messages published on blogs and/or social media websites, and communications with voters, supporters, or donors pertaining to SB 1111.

Response to Request for Production No. 7: Voto Latino objects to this Request as outside the scope of the State’s limited intervention under Section 2403(b) and incorporates by reference the

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Request for Production No. 9: Produce all documents regarding communications with the county or county election officials identified in Interrogatory No. 6 after June 22, 2011.

Response to Request for Production No. 9: Voto Latino objects to this Request as outside the scope of the State’s limited intervention under Section 2403(b), and incorporates by reference the objections set forth in Plaintiffs’ Motion for Protective Order, ECF No. 87, filed on December 3, 2021.

Voto Latino also objects to this request as overly broad, unduly burdensome, and disproportionate to the needs of this case in seeking all communications with the county or county election officials identified in Interrogatory No. 6.

Voto Latino further objects on the grounds that this request seeks documents that are not relevant to any claim or defense in this case.

Dated: December 8, 2021

Respectfully submitted,

/s/ Uzoma Nkwonta
Uzoma N. Nkwonta*
Kathryn E. Yukevich*
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Telephone: (202) 968-4490
unkwonta@elias.law
kyukevich@elias.law

*Counsel for Plaintiffs Texas
State LULAC and Voto Latino*

*Admitted Pro Hac Vice

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VERIFICATION OF RESPONSES

I, Ameer Patel, have read the foregoing responses and believe, based on reasonable inquiry, that the statements contained therein are true and correct to the best of my knowledge, information, and belief.

I verify under penalty of perjury and pursuant to the laws of the state of Texas that the preceding is true and correct.

Dated this 8th day of December, 2021

Ameer Patel

Ameer Patel
Vice President of Programs
Voto Latino

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — TUESDAY, MAY 25, 2021

The house met at 10:41 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1421).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Elzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tindereholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Coleman.

Absent — Pacheco.

(Pacheco now present)

The invocation was offered by Representative Canales as follows:

Heavenly Father, we are gathered here in the spirit of progress and in desperate need of your love and abundant grace. We pray for our children—for their health and their education and that that education not fall victim to testing profiteers—and that our teachers be held on high and that their pensions be held even higher and out of the reach of greedy hands. We ask that you light a fire within our hearts—fire to support those men and women who first respond and who also fight the fires that burn our lands and our homes—and that you fill our hearts with the spirit of giving, so much so that our food banks overflow.

3940 87th LEGISLATURE — REGULAR SESSION

Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tindereholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson.

Nays — Allen; Anchia; Beckley; Bowers; Bucy; Cole; Collier; Dominguez; Dutton; Fierro; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Longoria; Lopez; Lucio; Martinez; Meza; Moody; Morales, E.; Ordaz Perez; Ramos; Rodriguez; Rose; Sherman; Talarico; Turner, C.; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Coleman.

Absent — Johnson, J.D.; Morales Shaw; Ortega; Pacheco.

STATEMENTS OF VOTE

When Record No. 1449 was taken, I was shown voting yes. I intended to vote no.

Guerra

When Record No. 1449 was taken, I was shown voting yes. I intended to vote no.

Martinez Fischer

When Record No. 1449 was taken, my vote failed to register. I would have voted no.

Morales Shaw

SB 1111 ON THIRD READING

(Paul, Anderson, Tindereholt, E. Thompson, and Schofield - House Sponsors)

SB 1111. A bill to be entitled An Act relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

SB 1111 - REMARKS

REPRESENTATIVE PAUL: This is a bill that takes care of improper voting boxes.

REPRESENTATIVE J. GONZÁLEZ: Could you—and I know you and I've had several discussions on this bill—but can you walk me through what an individual without an address, what do they need to do in order for them to be able to vote or register to vote?

PAUL: This bill has got nothing to do with registration.

J. GONZÁLEZ: It has to do with their address. I'm just asking you because we talked about this affecting the homeless community, and so I just want to clarify that because you said that it doesn't. So I just want to make sure that it doesn't.

Tuesday, May 25, 2021 HOUSE JOURNAL — 55th Day 3941

PAUL: Well, you asked about registration. It doesn't have to do with registration. It has to do with residence.

J. GONZÁLEZ: Okay, so on page 1 of your bill, lines 19-23, it says simply having a PO box, that that would trigger the registrar to send confirmation notice to the voter, right? So a person can use a PO box as of now to register to vote?

PAUL: No, they can't use a PO box already. That's already current law.

J. GONZÁLEZ: But in your bill it says the words "similar location." What does that include, "similar location"?

PAUL: Like I said, this takes care of a commercial box.

J. GONZÁLEZ: Would that include a nonprofit that does mail service for the homeless?

PAUL: That's irrelevant.

J. GONZÁLEZ: It's not irrelevant because there's concern from these nonprofits and from ministries, and so I'm addressing those concerns.

PAUL: If they registered using a commercial box, they can't do that.

J. GONZÁLEZ: So it would not include a nonprofit that has mail service for homeless people, right?

PAUL: Homeless people would register using whatever address that they're located at saying that they're homeless. So if they live at 4th and Elm, they would put 4th and Elm. That's got nothing to do with this box where they wouldn't register at. That would be their address where they live.

J. GONZÁLEZ: It does have to do with bill.

PAUL: They can still get mail anywhere they want. It's got nothing to do with mail. It's just where they live.

J. GONZÁLEZ: I'm looking at the language of your bill, so this is relevant to your bill. On page 2, line 24, which is the official confirmation notice response, does that sworn affirmation require access to having to have a notary?

PAUL: No, the affidavit doesn't require a notary.

J. GONZÁLEZ: I'm sorry?

PAUL: It does not require a notary.

J. GONZÁLEZ: Okay, so they don't have to get a notarized document?

PAUL: No.

J. GONZÁLEZ: And then what about on page 3, line 8, where it says "a photocopy." Would that not require a person to have access to a photocopier, a copy machine?

PAUL: If they registered in a wrong location that it's illegal to register at, they would have to get a photocopy to show that.

J. GONZÁLEZ: Okay, so it would require for someone to have to have access to a copy machine.

PAUL: No. Everybody does.

J. GONZÁLEZ: On page 4, lines 7-12, Subsection (b) requires the execution of an affidavit. Did you know that executing an affidavit requires for somebody to have access to a notary?

PAUL: It can, but it doesn't say they have to.

J. GONZÁLEZ: It says "executing an affidavit." Typically, an affidavit requires for the document to be notarized.

PAUL: I don't think so but we're unadvised.

J. GONZÁLEZ: Okay. Are you aware that a number of churches and other nonprofits provide mail services for those without an address to be able to receive mail?

PAUL: The only address they have to have is what's required by DPS to show residence.

J. GONZÁLEZ: Are you aware that the National Voter Registration Act encourages those nonprofits to register their clients to vote? Or those folks who are taking advantage of those services?

PAUL: This bill is in compliance with the National Voter Registration Act.

J. GONZÁLEZ: Well, I mean, I offered an amendment yesterday that I was hoping that you would accept that would address the concern that some of these nonprofits and churches have so that folks who are homeless are able to stay registered to vote once they receive that notice. Because they may not have a consistent—

PAUL: It's not necessary.

J. GONZÁLEZ: So are you aware that many of these nonprofits routinely register their clients to vote as part of their intake process?

PAUL: I'll take your word for it.

Amendment No. 1

Representative Bucy offered the following amendment to **SB 1111**:

Amend **SB 1111** (house committee printing) on third reading as follows:

(1) Strike page 1, lines 17 through 18, and substitute the following:

SECTION 2. Section 15.051, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(2) On page 2, between lines 1 and 2, insert the following:

(a-1) A registrar does not have reason to believe that a voter's current residence requires confirmation under Subsection (a) solely because the residence address corresponds to a location that is not a traditional residence or is not zoned as a residential property. Before requiring confirmation for a residence address under this subsection, a registrar must make a good faith effort to determine whether the residence address corresponds to a church, shelter, residential office, or other property that might serve as a residence.

(3) On page 3, line 1, between "residence" and ", evidence", insert "or is subject to Section 15.051(a-1)".

REPRESENTATIVE BUCY: This amendment seeks to clarify some problematically vague language in the current bill. Currently, the bill uses the phrase "commercial post office box or similar location that does not correspond to a residence." But the language provides no context as to what types of locations a registrar should consider to be similar to a commercial post office. Does it mean just other mailing facilities? Does it mean any other residentially zoned address? This amendment is just trying to clarify this. We're trying to avoid unnecessary lawsuits. We're trying to save taxpayer money. We're trying to avoid witch hunts. We just want to clarify what we mean.

The intent of this bill, as we've been told, is about using commercial box offices. So this amendment would simply clarify that the proof of residence requirements of the bill do not apply to nontraditional residences such as a church, shelter, or business serving as a residence. It would make sure that registrars know that the language or similar location means the location is similar to a commercial post office box and that a person definitely would not be living there. We're saying do a little due diligence before you question people's residency. That's all we're asking. Let's avoid lawsuits. It's going to cost all of us money.

A record vote was requested by Representative Bucy.

Amendment No. 1 failed of adoption by (Record 1450): 63 Yeas, 80 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Wiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Harless; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker; Harris(C).

Absent, Excused — Coleman.

Absent — Ellzey; Herrero; Johnson, J.D.; Ramos.

STATEMENT OF VOTE

When Record No. 1450 was taken, I was in the house but away from my desk. I would have voted no.

Ellzey

Amendment No. 2

Representative Israel offered the following amendment to **SB 1111**:

Amend **SB 1111** (house committee printing) by striking page 5, lines 6-10.

REPRESENTATIVE ISRAEL: This is an amendment designed to eliminate some duplicating language. On page 5, lines 6 through 10, are a duplicate of what's on the prior page.

Amendment No. 2 failed of adoption.

REPRESENTATIVE COLLIER: Representative Paul, I just wanted to go over these documents on page 3. It says: "Documentation of Residence for Purposes of Confirmation Notice Responses." So what I've gathered based on reading the bill is that what you're trying to prevent is a potential voter from moving into a particular precinct or district just because of the election. So is there a way that a voter can decide—how would you know that they're not doing that? Would that be the documentation that you're asking for?

PAUL: Yes. This is a bill to make sure that you don't move into—just register using one of these boxes for purposes of voting only.

COLLIER: Okay, and so I heard Representative González talking about people who are homeless. My understanding is that a homeless individual can set their address at any location that they deem appropriate.

PAUL: Yes, that's not a box.

COLLIER: Okay. So if—

PAUL: It's like I said. They could register at 4th and Elm. If they're living off of I-35 at 7th Street, they can put that and register at that address.

COLLIER: And so if they do that, how would you know that they were doing that to influence the outcome of an election? How would you be able to show that?

PAUL: Well, that wouldn't have anything to do with them and this bill because they are registered at an address. They used an address to register.

COLLIER: Okay, so if they are already registered. So what you're trying to get at is those individuals in between who already have an address and then they are moving to a new address for the sole purpose of—

PAUL: Then they would register at the new address. They wouldn't go register at some box somewhere.

COLLIER: Okay. So if a person is in an in-between time—like say, for instance, I believe that DPS says that we have 30 days to change our driver's license. So if I'm in the between time—

PAUL: It doesn't apply to that.

COLLIER: It would not apply to that. All right. So then is any of the documentation on page 3, are any of these free to purchase or to obtain?

PAUL: Say again?

COLLIER: Are any of the documentation—so on page 3, you have listed what is acceptable to verify a voter's residence: a driver's license, a personal identification card, a license to carry, an appraisal district document showing the address that the person claims as a homestead, a utility bill—

PAUL: Yes, those are items that are declared by the DPS as lawful for showing of residence.

COLLIER: Sure. Are any of these free?

PAUL: Yes.

COLLIER: Okay, which one is free?

PAUL: I'm not advised right now.

COLLIER: You're not advised which one is free?

PAUL: There's free things on there. So this is—again, these are people that have already registered to vote. It's got nothing to do with registering. All it is is confirming their residence. These are people that, if you had it to register to vote, if you had the free piece of documentation to register vote, you used it and voted. You registered. So it's the same.

COLLIER: Well, I understand you think it's simple, but I have constituents who are concerned that this may be an onerous requirement placed on them. So I just want to make sure there is something that is free.

PAUL: Whatever they had to register to vote, they have it. That means they had it, so it's not onerous.

COLLIER: But you're trying to crack down on those who you say are moving to influence the outcome of an election, right?

PAUL: They may.

COLLIER: Well, that's what the purpose of this bill is.

PAUL: Well, we know that's what people have done.

COLLIER: Well, I'm just saying so you're trying to crack down on that. So if I already have a voter registration card for my address, what you're trying to cut out is from me from moving to a different location—

PAUL: No, it's not.

COLLIER: Well, you're saying that I need to prove that I didn't move to influence the outcome of an election. And in order to do that, I need to provide these following—

PAUL: It's got nothing to do with you moving.

COLLIER: Okay. Well, if I designate an address?

PAUL: If you're voting at the address that you reside in, this would never affect.

COLLIER: Okay, but I'm just trying to figure out how you can prove that someone didn't move to influence the outcome? How are you going to prove that it was that?

PAUL: They would have to register at this box. Because once you register at the box and you don't live there, then you would have a problem. Nobody moving is not a problem.

COLLIER: Isn't that what we do now?

PAUL: Say again?

COLLIER: I thought that that's what you do now. I thought that right now in order for me to register to vote I declare an address. So I don't understand the issue you're trying to address. What is the problem?

PAUL: It's up to law enforcement.

COLLIER: I'm sorry. What's up to law enforcement?

PAUL: To make a determination.

COLLIER: As to someone's address?

PAUL: If you did it illegally.

COLLIER: So who would bring those charges? Who would bring the complaint?

PAUL: If your registered in one of these boxes that you do not live at, then it would be breaking the law.

COLLIER: Okay, so who would file the complaint in this case to address your bill? If there's a violation of the provisions?

PAUL: The voter registrar or a citizen.

COLLIER: Any citizen can file a complaint?

PAUL: Yes.

COLLIER: And who would they file it with?

PAUL: With the voter registrar.

COLLIER: So they would file a complaint with the voter registrar who would then do what?

PAUL: Then they would investigate and make sure that's the case.

COLLIER: The voter registrar would investigate to make sure that the person did not move to influence an outcome of an election?

PAUL: If they tried to say that they lived in a box.

COLLIER: That they lived in a box? You mean like a tent?

PAUL: No, if they lived in a box that you're calling a PO box.

COLLIER: Oh, okay. So if somebody—

PAUL: You have to say your address, so it can't be a box.

COLLIER: Well, the college students who get their mail at a PO box, is that address in the—

PAUL: It's got nothing to do with college students, and they're exempt from any of this.

COLLIER: I'm just trying to figure out—so if I find out that somebody has moved, they've checked a PO box, this is only addressing PO boxes?

PAUL: Again, it's got nothing to do with moving.

COLLIER: Okay. So this is me declaring a particular PO box? Is that what this is trying to address? Saying that you cannot use a PO box?

PAUL: You already can't register in a PO box. This is taking care of somebody that's in a commercial box.

COLLIER: I'm sorry? A what?

PAUL: A commercial box.

COLLIER: A commercial box?

PAUL: Have you been to a UPS store and seen those commercial mailboxes?

COLLIER: Okay. So can you give me an example of a commercial box so that we were clear?

PAUL: I just did.

COLLIER: I'm sorry. I don't know what that is. What is it?

PAUL: UPS.

COLLIER: UPS. Okay, thank you. So if somebody utilizes UPS as their address, you're saying that that's not going to be acceptable, because you believe that that's a loophole in the current law. I'm just trying to understand what your bill—

PAUL: That's correct. Yes, that can't be your residence.

COLLIER: Okay, all right. Well, thank you for clarifying that. So this bill doesn't have anything to do with someone who's homeless, because they're not going to use a UPS box, right?

PAUL: That's right. They're going to have to use whatever address they live at.

COLLIER: They're going to use 4th and whatever you said.

PAUL: That's right.

COLLIER: 4th and Elm, right? Okay. So what we have gathered is that a person who declares a particular address, they will not be able to use anything that is offered for free, because the items that you have listed here all cost money.

PAUL: Well, they obviously have that because they registered to vote.

COLLIER: Well, I don't think every registered voter has money.

PAUL: Well, they must have had it because they registered to vote. You can't register to vote without that. It's got nothing with registration because people already registered.

COLLIER: There is a document that is free that is available through DPS, but I don't see that on your list. I don't see that on this list. That's all I'm saying. I don't see that document on this list. Would you be willing to accept an amendment that would provide for that document to be available as proof of residence?

PAUL: No, because we've already vetted this with the DPS. Anything else doesn't have that residency on it.

(Speaker in the chair)

SB 1111 was passed by (Record 1451): 81 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Gates; Johnson, J.D.

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIRST DAY

(Wednesday, April 28, 2021)

The Senate met at 11:32 a.m. pursuant to adjournment and was called to order by President Pro Tempore Birdwell.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

Senator Creighton offered the invocation as follows:

Our Father and our God, we thank You today for the privilege of coming into Your presence. We thank You for Your gracious hand which has preserved us as a nation. We praise You for the peaceful continuity of government. We recall that the Bible says, Unless the Lord build the house, those that built it labor in vain. You also said that to whom much has been given, much shall be required. We look gratefully to the past and thank You that from the very foundations of America, You granted our forefathers courage and wisdom, as they trusted in You. So, we ask today that You would inspire us by their example: where there has been failure, forgive us; where there has been progress, confirm; where there has been success, give us humility; and teach us to follow Your instructions more closely as we enter the next century. Give to all those to whom You have entrusted leadership today a desire to seek Your will and to do it. In Jesus' name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 28, 2021

Austin, Texas

SENATE BILL 1111 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1111** at this time on its third reading and final passage:

SB 1111, Relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

SENATE BILL 1428 ON THIRD READING

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **SB 1428** at this time on its third reading and final passage:

SB 1428, Relating to the applicability of the exemptions in the event of a disaster from certain limitations on the ad valorem tax rate of a taxing unit.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 1589 ON THIRD READING**

Senator Bettencourt moved to suspend the regular order of business to take up for consideration **CSSB 1589** at this time on its third reading and final passage:

CSSB 1589, Relating to the enforcement of laws relating to elections.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)