

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 Env’tl 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 *Crawford 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.

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*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

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

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THE TEXAS SENATE

Senator Paul Bettencourt: District 7

[printer friendly](#)

Press Release

FOR IMMEDIATE RELEASE

April 28, 2021

Contact Cristie Strake

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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

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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!

###

RETRIEVED FROM DEMOCRACYDOCKET.COM



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 suspension. 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

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
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

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
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, 11452	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	María 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 ^e	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 probation 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	Gallaher, 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

Appx.--000010

OAG-000864

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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	1	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

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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	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 Goeddertz	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 Berntsen	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)		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 15-08762-B 08763-B 08764-B CR-15- CR-15-	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

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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	María 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	CX1897927503	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 María 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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Kenedy	Juan Vela	Vote Harvesting/Mail Ballot Fraud - Fraudulent Use of Application for Ballot by Mail; <u>Illegal Voting</u>	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; <u>Illegal Voting</u>	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; <u>Illegal Voting</u>	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; <u>Illegal Voting</u>	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; <u>Illegal Voting</u>	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 Prosecuted		691		
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
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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.

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4/29/2022

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

<p>Page 1</p> <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>Page 3</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 mjohanson@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 15 Assessor-Collector 16 17 BEXAR COUNTY DISTRICT ATTORNEY BY: LARRY ROBERSON, ESQUIRE 18 101 W. Nueva - 7Th Floor San Antonio, Texas 78205 19 210.335.2146 lroberson@bexar.org 20 Attorneys for Defendant Jacquelyn Callanen, 21 in her official capacity as the Bexar 22 County Elections Administrator</p>
<p>Page 2</p> <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>Page 4</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>

4/29/2022

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

Page 5	<p>1 APPEARANCES CONTINUED: 2 OFFICE OF THE ATTORNEY GENERAL OF TEXAS BY: ERIC A. HUDSON, ESQUIRE 3 P.O. Box 12548 (MC-009) Austin, Texas 78711-2548 4 512.936.6417 Eric.Hudson@oag.texas.gov 5 AND BY: ADAM BITTER, ESQUIRE 6 General Counsel 1100 San Jacinto Boulevard - Suite 151B 7 Austin, Texas, 78701 AND 8 BY: ZACHARY LOUIS RHINES, ESQUIRE Associate General Counsel 9 300 West 15th Street Austin, Texas 78701-1649 10 Attorneys for Texas Secretary of State's Office and The Witness 11 12 TEXAS PUBLIC POLICY FOUNDATION BY: MUNERA AL-FUHAID, ESQUIRE 13 901 Congress Avenue Austin, Texas 78701 14 512.472.2700 mal-fuhaid@texaspolicy.com 15 Attorneys for Intervenor-Defendants Lupe Torres, in their official capacity as 16 Median County Elections Administrator and Terrie Pendley, in her official capacity as 17 Real County Tax Assessor-Collector 18 19 ALSO PRESENT: 20 DESHAWN WHITE, VIDEOGRAPHER/DOCUMENT TECH 21 DIGITAL EVIDENCE GROUP 22</p>	Page 7
Page 6	<p>1 I N D E X 2 WITNESS PAGE 3 Brian Keith Ingram 13 4 By Mr. Dodge 5 6 7 E X H I B I T S 8 NUMBER DESCRIPTION PAGE 9 Exhibit A, Subpoena To testify At a 24 Deposition In A Civil Action 10 11 Exhibit B, Election Code, Title 3. 36 Election Officers And Observers, 12 Chapter 31. Officers To Administer Elections, Subchapter A. Secretary Of 13 State, 14 15 Exhibit C, S.B. No. 1111, 79 16 17 Exhibit D, Voter Registration 112 Application 18 19 Exhibit M, e-mail correspondence 147 20 21 22</p>	Page 8
Page 7	<p>1 E X H I B I T S, CONT 2 NUMBER DESCRIPTION PAGE 3 Exhibit N, letter dated August 30, 148 2021 on Fair Elections Center 4 letterhead addressed to Elections Division, Office of the Texas 5 Secretary of State 6 7 Exhibit P, e-mail correspondence 157 8 9 Exhibit R, e-mail correspondence 161 10 11 Exhibit U, e-mail correspondence 166 12 13 Exhibit E, multipage document titled 169 SB 1111 and the Address Confirmation 14 Process bearing Bates Numbers LONGORIA-00099 through LONGORIA-00115 15 16 Exhibit O, e-mail correspondence 180 17 18 Exhibit S, e-mail correspondence 180 19 20 Exhibit X, e-mail correspondence 187 21 22</p>	Page 8
Page 8	<p>1 E X H I B I T S, CONT 2 NUMBER DESCRIPTION PAGE 3 Exhibit F, multipage document titled 199 Texas Secretary of State John B. 4 Scott, Election Advisory No. 2021-10, bearing Bates Numbers OAG-000853 5 through OAG-000856 6 7 Exhibit G, document titled Notice To 209 Confirm Voter Registration Address 8 9 Exhibit H, document titled Voter 213 Registration Address Confirmation 10 11 Exhibit I, document titled County 215 Return Address, Voter Registration 12 Address Confirmation 13 14 Exhibit J, document titled Notice to 216 Confirm Voter Registration Address by 15 Providing Documentation 16 17 Exhibit T, e-mail correspondence 225 18 19 Exhibit L, e-mail correspondence 246 20 21 Exhibit V, e-mail correspondence 252 22 23 Exhibit Q, e-mail correspondence 258</p>	Page 8

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

Page 9	<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>	Page 11	<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	<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>	Page 12	<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)

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1 - - -

2 BRIAN KEITH INGRAM, having been

3 first duly sworn, was examined and

4 testified as follows:

5 - - -

6 THE REPORTER: Thank you.

7 You may proceed.

8 MR. DODGE: Great. Thank you.

9 EXAMINATION

10 BY MR. DODGE:

11 Q. Good morning, Mr. Ingram. How are

12 you?

13 A. I'm fine. How are you?

14 Q. I'm not bad. I don't believe we've

15 met before. My name is Chris Dodge. I

16 represent Plaintiffs in this case, Texas LULAC

17 and Voto Latino.

18 I know you've been deposed before,

19 but I'd just sort of like to get through some

20 basics.

21 Could you state and spell your name

22 for the record, please?

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1 A. Sure. My name is Brian Keith

2 Ingram, B-R-I-A-N K-E-I-T-H I-N-G-R-A-M.

3 Q. And can you tell me your business

4 address, sir?

5 A. 1019 Brazos Street, Austin, Texas

6 78701.

7 Q. Great. And am I correct in

8 believing that you've been deposed before?

9 A. I have.

10 Q. Can you tell me how many times?

11 A. I was just trying to think about

12 that. Maybe as many as 50.

13 THE REPORTER: I didn't hear you.

14 THE WITNESS: Maybe as many as 50.

15 BY MR. DODGE:

16 Q. Is that 5-0?

17 A. Yes.

18 Q. So I suspect you cannot tell me all

19 the cases you've been deposed in?

20 A. That is true.

21 Q. In any of the cases you were

22 deposed in, did those cases concern the Texas

Page 15

1 Election Code?

2 A. Yes.

3 Q. Is it fair to say that all of the

4 cases you've been deposed in concerned the Texas

5 Election Code?

6 A. I believe so, yes.

7 Q. Okay. Have you ever been a party

8 to a lawsuit before?

9 A. Yes.

10 Q. In what case?

11 A. There was a case a few years ago

12 where the League of Women Voters sued our office

13 and me in my individual capacity.

14 Q. Do you mean that you were sued in

15 your individual capacity but also in your

16 official capacity as a member of the Secretary

17 of State's Office?

18 A. That's right.

19 Q. Okay. So you were not sued in your

20 individual capacity as a private citizen?

21 A. I don't know any other way to read

22 individual capacity.

Page 16

1 Q. Okay. Were you deposed in that

2 case?

3 A. I don't think we had depositions.

4 Q. Got it. Okay. I'm going to take

5 just a few moments to sort of go over some

6 logistics, particularly given that we're

7 appearing over video conferencing today.

8 As you're aware, I'm not in the

9 room with you. Your deposition will be recorded

10 as we are all participating in this deposition

11 through video conferencing technology.

12 Because this deposition is taking

13 remotely over video conferencing technology, I

14 ask that you do your best to turn off your

15 e-mail and cell phone notifications while the

16 deposition is taking place.

17 Can you tell me what address you're

18 physically located at for this deposition?

19 A. 1019 Brazos, Austin 78701.

20 Q. And can you tell me what device

21 you're using to participate in this deposition

22 today?

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1 A. It's a Dell laptop.
 2 Q. Do you have any other screens open
 3 in front of you besides your Dell laptop?
 4 A. I do not.
 5 Q. Do you have any hard copy documents
 6 with you?
 7 A. I did bring a copy of SB 1111.
 8 Q. And did you collect that copy of
 9 SB 1111 yourself or was it provided to you?
 10 A. I did it.
 11 Q. Okay. I'll ask that you not refer
 12 to any documents today except those that I
 13 instruct you to review. And that would include
 14 a copy of SB 1111 which we'll look at in a bit.
 15 Is that okay?
 16 A. Sure.
 17 Q. Is anyone else physically present
 18 in the room with you?
 19 A. They are.
 20 Q. Would you let me know who?
 21 A. Eric Hudson and Adam Bitter.
 22 Q. Do you understand that because I'm

Page 18

1 not in the room with you today it would not be
 2 appropriate for your attorney or anyone else to
 3 tell you how to answer a particular question
 4 that I ask you?
 5 A. I agree with that.
 6 Q. Great. Do you agree that while
 7 you're testifying today you will not exchange
 8 communications, whether by text, e-mail, other
 9 messaging or any other means, about how to
 10 answer the questions I ask you?
 11 A. I agree.
 12 Q. I would also ask that your
 13 microphone remain on whenever we're on the
 14 record.
 15 And in addition to your microphone,
 16 my microphone and your attorney's microphones, I
 17 ask that everyone else's microphones be muted,
 18 unless they are speaking.
 19 During the deposition today I will
 20 be asking you questions. You will answer them
 21 and then the court reporter will be taking down
 22 my questions and your answers.

Page 19

1 Because of that, I ask that your
 2 answers be audible to ensure that an accurate
 3 record of the deposition exists. So please
 4 avoid nodding or shaking your head. And please
 5 try to avoid using phrases like "uh-huh" or
 6 "uh-uh," and I will try to do the same.
 7 Does that all sound good?
 8 A. Sure.
 9 Q. I ask that you wait for me to
 10 finish my questions before you answer for the
 11 sake of the court reporter.
 12 Your answers today will be under
 13 oath, meaning that you're swearing to the
 14 truthfulness and accuracy of your answers.
 15 The oath you took just a moment ago
 16 has the same effect as if you were testifying in
 17 a Court of Law before a judge.
 18 Do you understand that?
 19 A. I do.
 20 Q. If any of my questions aren't clear
 21 to you, please let me know, and I will attempt
 22 to clarify them as best I'm able. But if you do

Page 20

1 answer a question, I will assume you understood
 2 the question.
 3 Does that make sense?
 4 A. Yes.
 5 Q. Please try to give complete answers
 6 to my questions. Unless you indicate otherwise,
 7 I will assume that any answers you give are
 8 complete when you finish speaking.
 9 Does that also make sense?
 10 A. It does.
 11 Q. Your attorney is likely going to
 12 object to some of my questions. Those
 13 objections are for the judge to consider at a
 14 later time.
 15 You should still proceed to answer
 16 my questions unless you are specifically told
 17 not to do so by your attorney.
 18 Does that make sense?
 19 A. It does.
 20 Q. Finally, I will aim to take a break
 21 about every hour. If you need to take break for
 22 any reason before that, please just let me know,

5 (Pages 17 to 20)

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1 and we will -- we will do that for you.

2 My only request is that if a

3 question is pending, you answer my question

4 before we go on break.

5 Does that make sense?

6 A. Sure.

7 Q. Any questions about any of the

8 logistics we've discussed so far?

9 A. No, sir.

10 Q. Okay. You understand that you're

11 here today providing testimony on behalf of the

12 Texas Secretary of State's Office and no other

13 state or county office; correct?

14 A. That's right.

15 Q. Do you know who the Plaintiffs are

16 in this case?

17 A. I do not.

18 Q. Okay. So there are two Plaintiffs

19 in this case, Texas State LULAC and Voto Latino,

20 and I'm going to refer to them as the

21 "Plaintiffs."

22 Does that make sense?

Page 22

1 A. Sure.

2 Q. Are you aware who the Defendants

3 are in this case?

4 A. I am not.

5 Q. Okay. There are a number of Texas

6 counties who are Defendants in this case, and

7 I'm likely to refer to them as the "counties" or

8 the "County Defendants."

9 Does that make sense?

10 A. Sure.

11 Q. The Texas Attorney General's office

12 is also a party to this case, and I may

13 sometimes refer to them as the "Attorney

14 General" or the "Attorney General's office."

15 Does that make sense?

16 A. Okay.

17 Q. You understand that the Secretary

18 of State's Office is not a party to this

19 lawsuit; correct?

20 A. I understand that.

21 Q. But you also understand that that

22 does not impact your obligation to give complete

Page 23

1 and truthful answers to my questions; right?

2 A. I agree with that.

3 Q. During the deposition I may use the

4 term "you" or the "Secretary of State."

5 Can we agree that whenever I use

6 those terms I'm referring to the Texas Secretary

7 of State's Office?

8 A. Sure.

9 Q. Finally, if I use the term

10 "SB 1111," can we agree that refers to

11 legislation designated as Senate Bill 1111 that

12 was enacted during the 2021 session of the Texas

13 Legislature, signed by the Governor of Texas on

14 June 15th, 2021, and that became effective on

15 September 1, 2021?

16 A. Yes.

17 Q. Great. You have been designated to

18 take this deposition pursuant to Rule 30(b)(6)

19 of the Federal Rules of Civil Procedure. That

20 means that your testimony today is on behalf of

21 the Texas Secretary of State's Office and that

22 your office is bound by your testimony today.

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1 Do you understand that?

2 A. I do.

3 Q. Great.

4 MR. DODGE: In that case, if we

5 could please pull up Exhibit A.

6 (Exhibit A, Subpoena To testify At

7 a Deposition In A Civil Action, is marked

8 for identification.)

9 BY MR. DODGE:

10 Q. Have you seen this document before?

11 A. I have.

12 Q. Okay. Do you recall when you first

13 saw it?

14 A. Sometime in the last week.

15 Q. Great. Can you please turn to Page

16 9 of this document.

17 MR. HUDSON: Just for the benefit

18 of the record, I want to make it clear

19 that Mr. Ingram doesn't have a physical

20 copy of the document that you're showing

21 him. He wasn't shown the complete

22 document when you asked the last question

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1 and he doesn't currently have control over
 2 the ability to move between the pages.
 3 MR. DODGE: Got it.
 4 BY MR. DODGE:
 5 Q. And if at any time you need --
 6 Mr. Ingram, if at any time you need a few
 7 moments to review a document, please just let me
 8 know and I'll make sure you have it.
 9 A. Sure.
 10 MR. DODGE: Could we scroll down to
 11 Page 9.
 12 Thank you.
 13 BY MR. DODGE:
 14 Q. Do you see at the top of the page
 15 it says "Deposition Topics"?
 16 A. Yes.
 17 Q. And have you reviewed these topics?
 18 A. I have.
 19 Q. Do you understand that you've been
 20 designated to testify as to each of these topics
 21 today?
 22 A. Yes.

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1 Q. Did you speak with anyone in the
 2 Texas Secretary of State's Office about your
 3 deposition today?
 4 A. I did not.
 5 Q. About how long did you speak with
 6 Mr. Hudson about today's deposition?
 7 A. Hour and a half or two hours.
 8 Q. Besides Mr. Hudson, did you speak
 9 with anyone else in the Texas Attorney General's
 10 office?
 11 A. I did not.
 12 Q. Did you speak with any county
 13 official --
 14 A. Well, I take it back. Kathleen, I
 15 think, was here.
 16 Q. And that's Kathleen Hunker?
 17 A. That's right.
 18 Q. Anyone else from the Texas --
 19 A. That's it.
 20 Q. -- Attorney General's office?
 21 A. Those are them.
 22 Q. Did you speak with any county

Page 26

1 Q. And are you prepared to testify on
 2 behalf of the Secretary of State's Office
 3 regarding each of these topics?
 4 A. I am.
 5 Q. Great. Did you do anything to
 6 prepare for today's deposition?
 7 A. I did.
 8 Q. Could you tell me what you did?
 9 A. I reviewed a few e-mails between
 10 our office and the county election official. I
 11 reviewed our election advisory regarding Senate
 12 Bill 1111. And I reviewed our presentations
 13 that we made to the county election official --
 14 officials and to the party chairs. And I read
 15 the Complaint in this case.
 16 Q. Did you speak to anyone about
 17 today's deposition?
 18 A. I did.
 19 Q. Could you tell me who you spoke
 20 with?
 21 A. I met with Eric Hudson earlier this
 22 week.

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1 officials about today's deposition?
 2 A. I did not.
 3 Q. Prior to preparing for your
 4 deposition, did you collect any documents ahead
 5 of today's deposition for production in this
 6 case?
 7 A. No.
 8 Q. Okay. I'd like to ask you some
 9 questions about your background.
 10 Can you tell me what the highest
 11 level you studied in school was?
 12 A. I have a Doctor of Jurisprudence
 13 from the University of Texas School of Law.
 14 Q. And in what year did you graduate
 15 from UT Law?
 16 A. 1993.
 17 Q. And did you obtain a Bachelor's
 18 degree before going to UT Law?
 19 A. I did.
 20 Q. Would you tell me where and when
 21 you obtained that degree?
 22 A. Sure. It was Texas A&M University

7 (Pages 25 to 28)

Page 29

1 in 1989.

2 Q. And what was that degree in?

3 A. Political science.

4 Q. Could you tell me who your current

5 employer is?

6 A. The Texas Secretary of State.

7 Q. How long have you worked for the

8 Texas Secretary of State?

9 A. Ten years and almost five months.

10 Q. What's your current job title at

11 the Texas Secretary of State?

12 A. Director of the Elections Division.

13 Q. And when did you become Director of

14 the Election Division?

15 A. January the 5th, 2012.

16 Q. So you've been a Director of the

17 Election Division since joining the Texas

18 Secretary of State's Office?

19 A. That's correct.

20 Q. Do you recall how you obtained that

21 position?

22 A. I applied for it.

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1 Q. That makes sense.

2 Can you tell me about your duties

3 and responsibilities as Director of the

4 Elections Division?

5 A. The Secretary of State is the chief

6 election official here in Texas and the

7 legislature has provided for him to have a

8 division to take care of that responsibility.

9 And I manage that division.

10 Q. Okay. You mentioned that the

11 Secretary of State has a responsibility with

12 respect to his role as Chief Elections Officer;

13 is that right?

14 A. That's right.

15 Q. Could you tell me what those

16 responsibilities are?

17 A. To obtain and maintain uniformity

18 in the interpretation, operation, application of

19 the Texas Election Code and election law outside

20 the election. We do that by assisting and

21 advising election-holding authority across

22 Texas.

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1 Q. Do your duties as Director require

2 you to be familiar with the Texas Election Code?

3 A. Yes.

4 Q. Is it fair to say that you

5 routinely review the Texas Election Code in the

6 course of your duties?

7 A. I do.

8 Q. Besides you, are there any other

9 directors of the Election Division?

10 A. No.

11 Q. Can you tell me about how the

12 Election Division is structured?

13 A. Sure. We've got a voter

14 registration team, we've got an admin team, and

15 both of them are joined as the Team team.

16 (Interruption.)

17 THE REPORTER: I'm sorry. There's

18 a blip in the audio. Please repeat.

19 "And both of them are joined"?

20 THE WITNESS: Both of those

21 sections are joined as the Team team. And

22 then we have a legal division, and we have

Page 32

1 an election management division.

2 BY MR. DODGE:

3 Q. You mentioned a voter registration

4 team; is that right?

5 A. That's right.

6 Q. So it's fair to say that the

7 responsibilities of your office include

8 assisting in voter registration efforts;

9 correct?

10 A. That's true, we help the counties

11 use the Team system.

12 Q. Can you tell me what Teams is?

13 A. It is our HAVA compliant electronic

14 voter registration database.

15 Q. And what is it used for?

16 A. It is used to keep track of Texas

17 voter, and it also has several election

18 management components.

19 Q. Can you tell me what those

20 components are?

21 A. Yes, with candidate filings --

22 THE REPORTER: I'm sorry. I'm

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1 sorry. If anyone makes other noises, it's
 2 going to override the audio.
 3 Could I please -- could you please
 4 start your answer again.
 5 THE WITNESS: Sure.
 6 We have candidate filing and the
 7 election night reporting and canvassing,
 8 so that you can follow a candidate's
 9 progress from filing their application for
 10 office all the way through to the end of
 11 the general election.
 12 BY MR. DODGE:
 13 Q. Tell me how many employees are in
 14 the Elections Division.
 15 A. About 36.
 16 Q. And they all report to you in your
 17 capacity as a Director?
 18 A. Yes, they have managers.
 19 Q. They have managers?
 20 A. They do. And so my direct reports
 21 are the three managers.
 22 Q. Could you tell me who they are and

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1 what their titles are?
 2 A. Sure. We've got Kristi Hart who is
 3 the manager over the Team team. We have Dan
 4 Glotzer who is the manager over the election
 5 funds management group. And then we have
 6 Christina Adkins who is the legal director.
 7 Q. Does it ever get confusing in your
 8 office having a team called the Team team?
 9 A. It does not.
 10 Q. That's impressive.
 11 Do you ever hire temporary
 12 employees?
 13 A. Yes.
 14 Q. When? In what situations?
 15 A. We will hire temporary employees in
 16 August and September of even numbered years in
 17 order to assist with -- with the volume of phone
 18 calls as well as the sorting out and sending to
 19 the counties of the --
 20 THE REPORTER: I'm sorry. I missed
 21 a word with the door.
 22 "As well the sorting out" --

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1 THE WITNESS: Sure.
 2 And sending to the counties of
 3 voter registration applications that our
 4 office receives.
 5 BY MR. DODGE:
 6 Q. You mentioned phone calls during
 7 the months of August and September in even
 8 number years; is that right?
 9 A. That's right. And October as well.
 10 Q. And October. And why do you hire
 11 temporary employees in those months in
 12 particular?
 13 A. Because that's when the volume of
 14 voter registration applications and phone calls
 15 is quite high.
 16 Q. Who's making those phone calls?
 17 A. Members of the public and election
 18 officials.
 19 Q. So it's fair to say your office is
 20 contacted both by county officials and members
 21 of the public?
 22 A. That is true.

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1 Q. And those members of the public,
 2 are they individuals seeking to register to
 3 vote?
 4 A. Some, and some are wanting to know
 5 where their polling place is.
 6 MR. DODGE: If we could pull up
 7 Exhibit B.
 8 THE WITNESS: By the way, Zac
 9 Rhines has rejoined us here in the room.
 10 THE REPORTER: Counsel, are we
 11 marking these for identification, the
 12 exhibits?
 13 MR. DODGE: Yes, this is Exhibit B.
 14 (Exhibit B, Election Code, Title 3.
 15 Election Officers And Observers, Chapter
 16 31. Officers To Administer Elections,
 17 Subchapter A. Secretary Of State, is
 18 marked for identification.)
 19 BY MR. DODGE:
 20 Q. Do you recognize this document?
 21 A. I do.
 22 Q. Can you tell me what it is?

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1 A. It's the first two sections of
 2 Chapter 31 in the Election Code.
 3 Q. And are you familiar with this
 4 chapter of the Election Code?
 5 A. I am.
 6 Q. Have you already quoted some of
 7 this chapter of the Election Code to me today?
 8 A. I have.
 9 Q. It's impressive.
 10 Do you see where it says,
 11 "Section 31.001. Chief Election Officer,"
 12 towards the top of the page?
 13 A. I got it.
 14 Q. Do you see that?
 15 A. Yes.
 16 Q. Okay. And Subsection (a) says,
 17 "The Secretary of State is the chief election
 18 officer of the state"; Correct?
 19 A. That's right.
 20 Q. And Subsection (b) says, "The
 21 secretary shall establish in the secretary's
 22 office an elections division with an adequate

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1 staff to enable the secretary to perform the
 2 secretary's duties as chief election officer."
 3 Did I read that correctly?
 4 A. You did.
 5 Q. And can you tell me again what the
 6 Secretary's duties are as chief election
 7 officer?
 8 A. To obtain and maintain uniformity
 9 in the interpretation, application, and
 10 operation of the Election Code and election laws
 11 outside of the code.
 12 Q. And can you tell me in practice
 13 what that requires of the Secretary?
 14 A. It means that we assist and advise
 15 election officials in their duties, and we issue
 16 advisories, mass e-mails, as well as rules.
 17 Q. Anything else?
 18 A. Well, we answer questions and do
 19 one-off e-mails.
 20 Q. Would the Secretary's duties
 21 include enforcing election laws in any way?
 22 A. No.

Page 39

1 Q. They would include issuing guidance
 2 to county election officials about the Texas
 3 Election Code though; correct?
 4 A. We do issue guidance and advisories
 5 and mass e-mails.
 6 There is one small bit of
 7 enforcement that we have with regard to
 8 Chapter 19 money. If counties don't follow the
 9 law with regard to voter registration
 10 responsibilities, we can withhold Chapter 19
 11 money.
 12 Q. When you say voter registration
 13 responses, what are you referring to?
 14 A. Their responsibility with regard to
 15 list maintenance.
 16 Q. How would a county run afoul of
 17 those responsibilities?
 18 A. By failing to perform them.
 19 MR. HUDSON: Object.
 20 THE REPORTER: I didn't get the
 21 full answer.
 22 THE WITNESS: By failing to perform

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1 them.
 2 BY MR. DODGE:
 3 Q. If a county failed to comply with
 4 Texas Election Code regarding voter registration
 5 rules, would that potentially lead to an
 6 enforcement action by your office?
 7 A. I'm not sure what you mean.
 8 MR. HUDSON: Objection.
 9 Yeah, objection, form, incomplete
 10 hypothetical.
 11 BY MR. DODGE:
 12 Q. If it came to your awareness that
 13 a --
 14 A. I'm sorry. I'm taking my phone out
 15 for a minute, so that I can turn this headset
 16 off on it.
 17 Q. Let me know when you're ready to
 18 resume.
 19 A. I'm ready.
 20 THE REPORTER: Mr. Ingram, I'm
 21 wondering if you can get closer to the
 22 mic? Because there's an echo.

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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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1 public and from election officials. We have a
 2 1-800 number for election officials and we have
 3 a 1-800 number for the public. And so we answer
 4 questions by phone and by e-mail.
 5 Q. The next two sentences in
 6 Section 31.003 read, [as read]: "In performing
 7 this duty, the secretary shall prepare detailed
 8 and comprehensive written directives and
 9 instructions relating to and based on this code
 10 and the election laws outside of this code. The
 11 secretary shall distribute these materials to
 12 the appropriate state and local authorities
 13 having duties in the administration of these
 14 laws."
 15 Did I read that correctly?
 16 A. You did.
 17 Q. Who within your office is
 18 responsible for preparing written directives and
 19 instructions relating to the Election Code?
 20 A. We all do.
 21 Q. So every single person in your
 22 office works on advisories?

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1 A. Not -- not exactly. All of the
 2 lawyers work on their advisories. The election
 3 funds management team occasionally will issue an
 4 advisory or mass e-mail, and they work on those.
 5 And then, of course, the Team team.
 6 Usually, those advisories or Team materials are,
 7 you know, written by one or more of the line
 8 workers as well as their section leader and, of
 9 course, the division -- the manager for the
 10 whole Team team.
 11 Q. Turning down the page slightly to
 12 Section 31.004, "Assistance and Advice."
 13 Do you see that section?
 14 A. Sure.
 15 Q. And that reads, [as read]: "The
 16 secretary of state shall assist and advise all
 17 election authorities with regard to the
 18 application, operation, and interpretation of
 19 this code and of the election laws outside this
 20 code."
 21 Did I read that correctly?
 22 A. You did.

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1 Q. You mentioned earlier that your
 2 office responds to questions from county
 3 election officials; right?
 4 A. That's right.
 5 Q. Is there a particular person or
 6 group of persons who are responsible for
 7 answering those questions?
 8 A. Well, it depends upon the question.
 9 You know, if it's a legal question, it goes to
 10 the legal division. If it's a money question,
 11 it goes to the funds management section. And if
 12 it's a question regarding candidate filing or
 13 candidate management or voter registration
 14 system, it goes to the Team team.
 15 Q. And about how often do you get
 16 questions from county election officials?
 17 A. All day every day.
 18 Q. And what kind of guidance do they
 19 typically seek?
 20 A. Well, it depends upon what the
 21 issue is.
 22 Q. And you mentioned a few discrete

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1 categories of issues just a moment ago,
 2 including legal advice, money issues, and the
 3 Team system; is that right?
 4 A. That's right.
 5 Q. Any others?
 6 A. Well, everything in the world can
 7 be in those categories.
 8 Q. But any additional categories?
 9 A. I don't think so.
 10 Q. Well, has your office ever received
 11 questions from county officials about SB 1111?
 12 A. We have.
 13 Q. Do you recall which counties?
 14 A. I remember that Jefferson County
 15 had a question. I know that we've talked
 16 verbally with several counties on our county
 17 advisory call; and that would include Harrison,
 18 Dallas and Tarrant and Brazos and Midland, Lee
 19 and Houston and Bastrop.
 20 Q. Do you recall if those counties had
 21 questions about any specific provisions of
 22 SB 1111?

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1 A. Not really. I mean, the law itself
 2 is pretty straightforward.
 3 The specific question that came
 4 from Jefferson County was whether or not this
 5 affected college students.
 6 Q. Do any of the questions you receive
 7 from county officials ever concern voter
 8 confusion about Texas's voting laws?
 9 A. I'm not sure what you mean.
 10 Q. Have any of the questions you've
 11 ever received from a county official concerned a
 12 voter who was unsure about whether or not they
 13 were eligible to register to vote?
 14 A. We get questions from counties
 15 about particular situations sometimes if that's
 16 what you mean. It's not usually the voter
 17 having a question. It's the county that has the
 18 question.
 19 Q. Do the county's questions ever
 20 concern the eligibility of a voter to register?
 21 A. Sure.
 22 Q. Why is it important for your office

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1 to obtain uniformity in the application and
 2 interpretation of Texas's voting laws?
 3 A. Well, to make sure that the voters
 4 across the state have an equal playing field,
 5 that their vote -- a vote in Orange County will
 6 count the same as a vote in Terrell County.
 7 Q. Do you think it's important in
 8 obtaining uniformity in the application and
 9 interpretation of Texas's voting laws to have
 10 clear guidance from the Secretary of State about
 11 the meaning of the Texas Election Code?
 12 A. Well, the parts of the Election
 13 Code that have to do with the election
 14 administration. There are a number of
 15 provisions that counties don't enforce and we
 16 don't enforce that relate to criminal activity
 17 or fraud, that our role, either the counties or
 18 the state, is to recognize such activity as
 19 occurring and report it to the authorities.
 20 Q. But you would agree that clear
 21 guidance about election administration
 22 provisions is important --

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1 A. I agree with that.
 2 Q. -- in obtaining uniformity in the
 3 application and interpretation of the voting
 4 laws?
 5 A. Sure.
 6 Q. Do you agree that a vague or
 7 confusing provision in the Texas Election Code
 8 could result in non-uniform application and
 9 interpretation of the Election Code?
 10 A. Well, I would need to know what you
 11 were talking about.
 12 Q. Well, let me ask you this.
 13 Have you ever encountered a
 14 situation where a provision in the Texas
 15 Election Code resulted in the non-uniform
 16 application and interpretation of the Texas
 17 Election Code?
 18 A. I don't know what you mean. You'd
 19 have to give me an example of what you mean.
 20 Q. Well, I'm -- well, I'm asking you
 21 for an example.
 22 I'm asking, in your experience as

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1 director of the Elections Division, have you
 2 ever been aware of a provision in the Texas
 3 Election Code that was interpreted differently
 4 by different counties?
 5 A. We -- hew. That happens sometimes,
 6 but I don't believe it's because the code
 7 provision at issue is ambiguous or unclear.
 8 Q. Well, then why does it occur?
 9 A. Because people have different ideas
 10 about what the goal is.
 11 Q. The goal -- the goal of the Texas
 12 Election Code?
 13 A. Of the -- of the particular
 14 provision, and whether or not the language was
 15 unclear or ambiguous, I'm thinking of the 13.002
 16 in particular.
 17 Q. But it's fair to say that sometimes
 18 counties do interpret provisions of the Texas
 19 Election Code differently?
 20 A. They do.
 21 Q. Does that happen often?
 22 A. No.

14 (Pages 53 to 56)

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1 Q. Has it happened in multiple
 2 instances regarding multiple provisions of the
 3 Texas Election Code?
 4 A. Again, I can think of 13.002
 5 provision, as well as 16.0921 as the -- as the
 6 two that it's occurred on.
 7 Q. In those instances, do you think
 8 the counties that disagreed with each other both
 9 had good faith interpretations of the code?
 10 A. Were they acting in good faith? I
 11 don't know.
 12 Q. In those circumstances, do you
 13 think the counties involved had reasonable
 14 interpretations of the Texas Election Code?
 15 A. No.
 16 Q. So in these circumstances, you
 17 think one county had a reasonable interpretation
 18 and the other had an unreasonable
 19 interpretation?
 20 A. No, that's not what I said.
 21 Q. Well, you said just a moment ago
 22 that in these instances, at least one county did

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1 not have a reasonable interpretation of the
 2 Texas Election Code; right?
 3 A. I think in both instances the
 4 counties had an unreasonable interpretation.
 5 Q. Understood.
 6 Based on the questions you get from
 7 county election officials, do you agree that
 8 voters are sometimes confused about their
 9 eligibility to register to vote in Texas?
 10 MR. HUDSON: Objection, form, calls
 11 for speculation.
 12 THE WITNESS: I wouldn't base it on
 13 calls from the counties. I would base it
 14 on calls from the public.
 15 BY MR. DODGE:
 16 Q. But based on those calls from the
 17 public and in your experience receiving those
 18 calls, you're aware that voters can sometimes be
 19 confused about whether or not they're eligible
 20 to register to vote?
 21 A. In my experience, voters can be
 22 confused about anything.

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1 Q. Including about whether they're --
 2 about their eligibility to register to vote?
 3 A. That, as well as their ability to
 4 find a voting location and what a primary
 5 election is and everything else in the world.
 6 Q. Does your office have any kind of a
 7 mission statement?
 8 A. Not other than provided in the
 9 statute.
 10 Q. In complying with that statute --
 11 strike that.
 12 When you refer to the mission
 13 provided in the statute, you're referring to
 14 your office's responsibility to ensure
 15 uniformity in the application, enforcement, and
 16 interpretation of the Texas Election Code;
 17 right?
 18 A. And to provide assistance and
 19 advice.
 20 And then if you go to the next
 21 page, to answer a 1-800 number and to refer
 22 criminal complaints to the Attorney General. I

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1 mean, there's several more sections that we
 2 haven't talked about here.
 3 Q. Understood. But in fulfilling that
 4 duty, would you say your office has an interest
 5 in ensuring that people are able to register to
 6 vote in Texas?
 7 A. Again, our role is to make sure the
 8 people have the information and the tools to
 9 successfully register and vote. Our -- our --
 10 it's not our job to encourage registration or
 11 maximize registration or, you know, directly
 12 assist voters with registration other than
 13 answering their questions.
 14 We are here to assist and advise
 15 and provide information. We want to make sure
 16 that anybody that wants to register to vote
 17 knows what they need to do and successfully does
 18 it using the tools that we provide.
 19 Q. And the purpose of those tools is
 20 to permit any person in Texas lawfully eligible
 21 to vote to successfully register; correct?
 22 A. If they want to, you bet.

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1 Q. So to that extent, you make these
 2 tools in order to help people register if they
 3 desire to do so?
 4 MR. HUDSON: Objection, asked and
 5 answered.
 6 THE WITNESS: I agree with that.
 7 BY MR. DODGE:
 8 Q. You mentioned earlier that voters
 9 sometimes directly contact your office with
 10 questions; right?
 11 A. Thousands and thousands and
 12 thousands of times.
 13 Q. When you --
 14 A. We have a 1-800 number. It's on
 15 every single voter registration certificate that
 16 goes out. It's on the wall of every polling
 17 place. It's ubiquitous, our 1-800 number.
 18 Q. When you say "thousands," do you
 19 mean thousands of calls per day, per year, per
 20 month?
 21 A. Per month.
 22 Q. Roughly how many per day?

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1 Hundreds?
 2 A. Well, it depends on where we are in
 3 the election cycle. If it's, you know, August,
 4 September, and October of an even numbered year,
 5 we can have as many as 65, 70,000 calls in
 6 October of an even numbered year especially if
 7 it's a presidential year.
 8 You know, building up to the
 9 primary, this -- this time we had, I think,
 10 34,000 calls in February. The election was the
 11 1st of March. So thousands of phone calls.
 12 Q. And do voters primarily contact
 13 your office by phone?
 14 A. They do send e-mails to the
 15 Elections Internet mailbox as well.
 16 Q. Can you tell me what the Elections
 17 Internet is?
 18 A. Elections Internet is our general
 19 delivery mailbox. E-mail address, it's
 20 elections, with an S, @sos.texas.gov.
 21 Q. Who in your office receives those
 22 e-mails or has access to that e-mail account?

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1 A. I have access to it. They're --
 2 the lawyers rotate who answers, you know, and
 3 assigns out the e-mails in that box.
 4 Q. So the lawyers are primarily
 5 responsible for responding to questions sent to
 6 that e-mail address?
 7 A. They are if it's a legal question.
 8 If it's a Team question, they'll send it to a
 9 member of the Team team.
 10 Q. And folks rotate responsibility for
 11 answering questions from that e-mail address?
 12 A. They -- what we rotate is the
 13 responsibility for monitoring the e-mail and
 14 assigning out the e-mails. We all answer them.
 15 Q. Is monitoring that e-mail account a
 16 responsibility that people in your office enjoy?
 17 A. I don't know. It's just part of
 18 the job. I think everybody that works here
 19 enjoys this work. It's -- it's satisfying.
 20 It's important.
 21 Q. I absolutely agree with that.
 22 If a voter calls with a question

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1 about registration, do you answer that question
 2 directly or do you refer them to county
 3 officials?
 4 A. It depends on the question. If
 5 it's a nuts and bolts, "Where is my
 6 registration," "What's happening," we refer them
 7 to the county.
 8 If it's something more generic,
 9 "Can my 17 year old register to vote" or "When
 10 will they be able to register to vote," we
 11 answer it.
 12 Q. Have you ever received questions
 13 from voters about which address they should use
 14 for a Voter Registration Application?
 15 A. Sure.
 16 Q. And do you respond to those
 17 questions or do you refer them to the county?
 18 A. We -- we respond to those
 19 questions.
 20 Q. Do you ever get questions from
 21 voters about where to vote if they moved close
 22 in time to an election?

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1 A. Sure.

2 Q. And you guys respond to those

3 questions?

4 A. We do.

5 Q. When you answer these questions,

6 what do you rely on to answer the questions?

7 A. The Election Code as applied to the

8 facts that the person presents.

9 Q. Anything else?

10 A. No.

11 Q. Guidance that your office issues?

12 A. Well, I don't know. I mean, we

13 issue guidance to counties not usually to

14 voters. Voters, we'll answer their questions.

15 Q. Does your office have any role in

16 verifying the address on voter registration

17 applications?

18 A. No.

19 Q. What role does your office play in

20 determining whether a person is eligible to

21 register in a particular county?

22 A. We don't.

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1 Q. Would you play a role in that if a

2 voter contacted your office directly with a

3 question about which county to register in?

4 A. Sure, if they asked us. And then

5 we would want some factual information about why

6 they're asking the question.

7 Q. Can you tell me about the role your

8 office plays in maintaining voter registration

9 rolls in Texas?

10 A. We host the electronic voter

11 registration database that the counties use to

12 maintain voter registrations on.

13 Q. What goes into hosting the

14 electronic voter registration database?

15 A. Well, making sure that the database

16 is available for use by the counties and that

17 the counties know how to use the application

18 that sits on top of the data.

19 Q. Does your office have any

20 responsibilities with respect to the database

21 besides just hosting the registration system

22 itself?

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1 A. Well, that's the basic

2 responsibility. We also receive information

3 from other agencies about voter eligibility that

4 we send to the counties for action.

5 Q. Does your office have any

6 additional responsibilities with respect to

7 maintaining the voter registration database

8 itself?

9 A. That's what I'm saying. It's our

10 responsibility to -- to make sure that it's up

11 and running and available for use by the

12 counties and that it's functioning properly

13 whenever the counties enter information into it.

14 We -- we pass through information

15 from other state agencies regarding the

16 eligibility of voters and then we also pass

17 through information from the electronic

18 registration and information center about voter

19 eligibility and whether or not they have moved.

20 So, I mean, we provide information

21 to the counties and we give them tasks to work;

22 but the counties have to do the actual

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1 interaction with that material and the voters.

2 Q. So would your office ever have

3 cause to input data or update data in the

4 registration database or is that the

5 responsibility of the counties?

6 A. It's mostly the responsibility of

7 the counties. We -- we do have the ability

8 under HB 2512 from the 83rd Session to use DPS

9 data to supplement our data so that we can have

10 better list maintenance processes.

11 Q. Have any of your office's

12 obligations with respect to the voter

13 registration database changed since the

14 enactment of SB 1111?

15 A. No.

16 Q. Okay.

17 A. I mean, it's changed since then,

18 but not because of SB 1111.

19 Q. In what way has it changed?

20 A. We have an obligation under House

21 Bill 1382 from last session, 87th Session, to

22 provide a ballot tracker. So that required

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1 modification to the Team system for the counties
 2 to input the information with regard to
 3 application dates received, application dates
 4 accepted, application dates rejected as well as
 5 the mail ballot processes.
 6 So it required quite a bit of
 7 modification of the mail ballot module to make
 8 sure that all of the activity that's required by
 9 the ballot tracker is successfully tracked and
 10 available for voters to use.
 11 Q. Is that ballot tracker for the
 12 voter's benefit?
 13 A. Yes.
 14 Q. Who do you understand to be
 15 responsible for bringing prosecutions against
 16 individuals who violate the Texas Election Code?
 17 MR. HUDSON: Objection, outside the
 18 scope of the deposition topics for the
 19 Secretary of State.
 20 THE WITNESS: The DAs locally
 21 can -- can do it. They have concurrent
 22 jurisdiction with the Attorney General's

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1 office.
 2 BY MR. DODGE:
 3 Q. Does your office --
 4 A. -- so local district attorneys --
 5 THE REPORTER: I didn't hear the
 6 beginning of that.
 7 THE WITNESS: The county attorneys.
 8 And then local district attorneys, if the
 9 county has a district attorney in addition
 10 to the county attorney as well as the
 11 Attorney General's office.
 12 BY MR. DODGE:
 13 Q. Does your office assist law
 14 enforcement officials in investigating
 15 violations of the Texas Election Code?
 16 A. No.
 17 Q. If your office became aware of
 18 someone -- strike that.
 19 If your office became aware of a
 20 violation of the Texas Election Code, what would
 21 you do?
 22 A. Well, 31.006 says if we have

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1 reasonable cause to suspect that a crime has
 2 occurred, we have to refer that over to the
 3 Attorney General's office for further
 4 investigation, possible prosecution.
 5 Q. If your office became aware that a
 6 voter was seeking to register in a particular
 7 county with an address located outside of that
 8 county, what action would your office take?
 9 MR. HUDSON: Objection form,
 10 incomplete hypothetical.
 11 Objection form, calls for
 12 speculation.
 13 THE WITNESS: Yeah, I have no idea
 14 what you even mean by that.
 15 BY MR. DODGE:
 16 Q. If information was made available
 17 to someone in your office that there is an
 18 individual in Harris County trying to register
 19 in Dallas County, what would your office do with
 20 that information?
 21 MR. HUDSON: Same objections.
 22 THE WITNESS: Yeah, again, I don't

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1 know what that means. I don't have any
 2 idea what you're talking about.
 3 BY MR. DODGE:
 4 Q. All right. Well, let me put it
 5 this way.
 6 If an election official in Harris
 7 County contacted your office and said they were
 8 aware of an individual in Harris County trying
 9 to register there with an address outside of
 10 that county, how would you respond to that
 11 official?
 12 MR. HUDSON: Same -- same
 13 objections.
 14 THE WITNESS: Well, we would tell
 15 them to transfer the Voter Registration
 16 Application to the proper county.
 17 I don't -- I don't know what you're
 18 getting at. If -- if the application has
 19 been sent to the wrong county, it needs to
 20 get forwarded to the correct county.
 21 BY MR. DODGE:
 22 Q. But in that circumstance your

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1 office wouldn't contact law enforcement?
 2 A. No. Why would we contact law
 3 enforcement?
 4 Q. Are you aware of any instances in
 5 which someone who did not live in a Texas county
 6 sought to vote in that county?
 7 A. I don't know. We've got some
 8 information from ERIC about potential double
 9 voters in the 2020 general election that we are
 10 currently investigating and deciding whether or
 11 not there's sufficient evidence to refer to the
 12 Attorney General.
 13 Q. So your office does investigate
 14 potential violations of the Texas Election Code
 15 before making referrals to the Attorney
 16 General's office?
 17 A. No, sir, that is not -- that's not
 18 what I mean. We just -- we're trying to confirm
 19 whether or not this is a bureaucratic paperwork
 20 mistake or whether or not it appears from the
 21 paperwork that the voter actually did vote
 22 twice. So all we're doing is asking the

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1 your office who are responsible for acting upon
 2 information related to a potential violation of
 3 the Texas Election Code before making a referral
 4 to the Attorney General?
 5 A. I don't know what that means.
 6 Q. Well, you said a moment ago that
 7 you received some information from Mr. Hudson
 8 about potential double voters; correct?
 9 A. No, I did not say that at all.
 10 I think your confusion is I said I
 11 received it from "ERIC." That is not
 12 Mr. Hudson. It's the Electronic Registration
 13 Information Center.
 14 Q. That is my confusion. My
 15 apologies.
 16 Well, you said a moment ago you
 17 received some information from ERIC about
 18 potential double voters; correct?
 19 A. That's right.
 20 Q. And your office had to take certain
 21 actions following up on that information to see
 22 if it was appropriate to make a referral;

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1 counties for their information regarding the
 2 check-in sheets.
 3 Q. Well, then your office does play a
 4 role in investigating a potential violation of
 5 the Texas Election Code before making a
 6 referral; right?
 7 MR. HUDSON: Objection, form,
 8 argumentative. Objection, form, asked and
 9 answered.
 10 THE WITNESS: Right. 31.006 says
 11 that if we get information that gives us
 12 reasonable cause to believe or suspect
 13 that a crime has occurred, we refer that
 14 to the Attorney General.
 15 The information that we've received
 16 from ERIC by itself is not sufficient
 17 cause to suspect that a crime has occurred
 18 without getting the records from each of
 19 the counties involved and making sure that
 20 it appears that this voter voted twice.
 21 BY MR. DODGE:
 22 Q. Are there particular individuals in

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1 correct?
 2 A. That's correct.
 3 Q. In similar instances where your
 4 office receives information about a potential
 5 violation of the Texas Election Code, are there
 6 specific individuals in your office responsible
 7 for following up on that information?
 8 A. So I think that's also another
 9 source of confusion. You -- your under the
 10 impression that there's another situation like
 11 that and there's not.
 12 We get -- this information from
 13 ERIC is --is a one-source thing. It's not --
 14 there's not a bunch of other sources of
 15 information like that that we have to confirm.
 16 It's only ERIC.
 17 Everything else that we get is in
 18 the form of an election law complaint, where
 19 someone lays out a set of facts that either
 20 gives us reasonable cause to suspect or doesn't
 21 by itself. You know what I mean? There's not
 22 any -- there's not any activity involved in

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1 chasing down the allegations. All there is is a
 2 set of facts provided by a complainant.
 3 I review that -- those set of facts
 4 to see whether or not they, if proven, would --
 5 would constitute a crime. And if the -- if the
 6 facts set out the elements of a crime, if the --
 7 if those facts were, in fact, true, I send it
 8 over to the Attorney General's office. It's --
 9 it's that simple.
 10 Q. So if an election law complaint was
 11 not sufficient on its face to show that a crime
 12 occurred, you would not act upon it?
 13 A. It would not go to the Attorney
 14 General's office. We would send a letter back
 15 to the complainant asking them if they have any
 16 additional information.
 17 Q. Got it. Understood. Thank you.
 18 Are you aware of any instances in
 19 which someone who did not live in the State of
 20 Texas attempted to register to vote in Texas?
 21 A. No, not exactly. And that's --
 22 that's -- but, again, ERIC provides information

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1 that could be a same person voting in two
 2 different states. But we have to, again, get
 3 the check-in sheets and all of that information
 4 to verify whether or not this person actually
 5 did vote in two states.
 6 Q. Got it. And I should have asked
 7 this earlier, but can you tell me precisely what
 8 ERIC is?
 9 A. ERIC is a group of states, there's
 10 30 states plus Washington DC right now, who
 11 agree to share information with regard to the
 12 voter registration list and their driver's
 13 license list, so that we can keep track of
 14 various categories.
 15 And specifically if you look at
 16 ericstates.org, you can -- you can see for
 17 yourself, but ERIC states -- ERIC provides
 18 information to the member states about in-state
 19 movers, cross-state movers, in-state duplicates,
 20 deceased persons as well as these vote history
 21 report on possible double voters, possible
 22 deceased voters. And the double voters include

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1 those who voted within the state and those who
 2 double voted in more than one state.
 3 Q. Got it. Thank you.
 4 We've been going for about an hour.
 5 And I know we took a brief technology break, but
 6 do we want to take a brief break now or would
 7 you like to keep going, Mr. Ingram?
 8 A. I'm fine.
 9 MR. DODGE: Okay. In that case,
 10 why don't we pull up Exhibit C, please.
 11 (Exhibit C, S.B. No. 1111, is
 12 marked for identification.)
 13 BY MR. DODGE:
 14 Q. Have you seen this document before?
 15 A. I have.
 16 Q. And what is this document?
 17 A. That's the first page of the Senate
 18 Bill 1111.
 19 Q. And you said earlier today that you
 20 have a paper copy of Senate Bill 1111 in front
 21 of you as well; right?
 22 A. I do. It's currently under the

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1 microphone.
 2 Q. I would just ask that for purposes
 3 of our discussion we refer to this version of
 4 Senate Bill 1111 --
 5 A. Sure.
 6 Q. -- to make sure we're looking at
 7 the same thing.
 8 Is that okay?
 9 A. Absolutely.
 10 Q. Do you recall when you first saw
 11 this document?
 12 A. I don't know if it was precisely
 13 this language, but I saw Senate Bill 1111 when
 14 it was filed.
 15 Q. Do you recall when that was?
 16 A. Sometime during the legislative
 17 session there was a series of filings by Senator
 18 Bettencourt and this is one of those bills.
 19 Q. Did you speak with anyone from the
 20 Texas State Legislature about this bill before
 21 it was passed into law?
 22 A. I did.

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1 Q. Could you tell me who you spoke
 2 with?
 3 A. Sure. I spoke with Senator
 4 Bettencourt. I spoke with Senator Bettencourt's
 5 general counsel, Sonya Aston.
 6 Q. Did you speak with any members of
 7 the Texas legislature or their staff besides
 8 Senator Bettencourt?
 9 A. I believe that I spoke with
 10 Senator Hughes' staff person, Drew Tedford, his
 11 legislative director.
 12 Q. Anyone else?
 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.
 18 Q. So when you spoke to the committee
 19 members, you were testifying as a witness?
 20 A. That's right.
 21 Q. But outside of instances where you
 22 were testifying as a witness, do you recall

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1 speaking with any other members of the Texas
 2 State Legislature or their staff besides Senator
 3 Hughes and Senator Bettencourt?
 4 A. I might have talked to Chairman
 5 Cain's staff as well. I don't know for sure.
 6 Q. Can you tell me what you discussed
 7 with Senator Bettencourt?
 8 MR. HUDSON: Objection. That would
 9 encroach upon legislative privilege --
 10 THE REPORTER: I can't hear you,
 11 counsel.
 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.
 19 If you can answer without
 20 encroaching upon those privileges, you're
 21 free to do so.
 22 BY MR. DODGE:

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1 Q. You can answer the question to
 2 the -- to the extent your counsel has advised
 3 you.
 4 A. Yeah, I can't, you know, answer
 5 that question without violating those
 6 privileges.
 7 Q. Can you tell me why Senator
 8 Bettencourt sought to speak with you about
 9 Senate Bill 1111?
 10 MR. HUDSON: Same objections. Same
 11 instructions.
 12 BY MR. DODGE:
 13 Q. Are you able to answer that
 14 question?
 15 A. I don't think I can.
 16 Q. Did you have any conversations with
 17 Senator Bettencourt apart from those involving
 18 his general counsel?
 19 A. I don't know what you mean.
 20 Q. Did you have any conversations one
 21 on one with Senator Bettencourt about Senate
 22 Bill 1111?

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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.
 5 Q. Do you know if his general counsel
 6 was present?
 7 A. I believe she was.
 8 Q. Okay. Can you tell me what you
 9 discussed with Senator Hughes, his staff member,
 10 about Senate Bill 1111?
 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.
 16 If you can answer without
 17 encroaching upon those privileges, you may
 18 do so.
 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

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1 state affairs.

2 BY MR. DODGE:

3 Q. And the third member of the

4 legislature you believe you spoke with was

5 Representative Cain? Do I have that right?

6 A. That's correct. Sure.

7 Q. And can you tell me what you spoke

8 with him about with respect to Senate Bill 1111?

9 MR. HUDSON: Same objections. Same

10 instructions.

11 THE WITNESS: Not without

12 encroaching the privilege.

13 BY MR. DODGE:

14 Q. Okay. You mentioned that you were

15 called to testify before at least a House

16 committee; is that right?

17 A. That's right.

18 Q. Do you recall which committee that

19 was?

20 A. House Elections.

21 Q. And about how long did you testify

22 for?

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1 County, Bexar County, Bastrop.

2 Q. And what's -- what's the purpose of

3 that committee?

4 A. The purpose, we formed the advisory

5 group when the pandemic was first starting in

6 April of 2020 because we wanted to make sure

7 that we were having good communication both ways

8 between the counties and us regarding measures

9 to ameliorate the danger of having elections

10 during a pandemic.

11 Q. Do you know if the intention is for

12 that committee to continue acting indefinitely?

13 A. I believe it is. We -- I think in

14 our office we're interested in -- in making it

15 kind of more formal, making sure there's a

16 rotation process, so that it's not just the same

17 group all of the time so we can get more input

18 and more cross-pollination without necessarily

19 growing the group because we need a small group

20 in order for people to feel comfortable

21 speaking.

22 In addition to the counties I

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1 A. I don't know.

2 Q. All day?

3 A. No.

4 Q. An hour?

5 A. I don't know.

6 Q. Do you recall what the substance of

7 your testimony was?

8 A. I don't. I would have to go back

9 and look at the video to see what I said.

10 Q. Did you speak with any county

11 officials about Senate Bill 1111 before it was

12 passed into law?

13 A. Probably. We have a county

14 advisory group that we were talking with every

15 other week during the legislative session, and

16 it's -- it's likely that we discussed 1111 when

17 it was set for hearing in State Affairs or

18 Elections.

19 Q. Who is on that advisory committee?

20 A. Like I said, it's Dallas and Harris

21 and Tarrant, Collin and Denton, Midland, Brazos,

22 Houston, Houston County and city anyway, Lee

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1 listed before, there's also Cameron and Hidalgo.

2 Q. Do you recall how many times you

3 spoke with that county committee about SB 1111

4 before it was enacted?

5 A. No idea. I don't remember speaking

6 about it at all, but I'm sure we did.

7 Q. So you don't recall what the

8 substance of any of those conversations was?

9 A. That's right.

10 Q. Did any of the counties express

11 concern about Senate Bill 1111?

12 MR. HUDSON: Objection, form, asked

13 and answered.

14 THE WITNESS: I don't remember the

15 substance of the conversations.

16 BY MR. DODGE:

17 Q. Okay. Returning to Exhibit C, and

18 to Page 1, could you zoom in please on Section

19 1.015(b).

20 This provision reads, "A person may

21 not establish residence for the purpose of

22 influencing the outcome of a certain election."

22 (Pages 85 to 88)

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1 Did I read that correctly?
 2 A. You did.
 3 Q. I'm going to refer to this as the
 4 "residency restriction" for the duration of the
 5 deposition.
 6 Is that okay?
 7 A. You can call it that if you want
 8 to, sure.
 9 Q. But you'll understand when I use
 10 that term, that I'm referring to this provision
 11 of Senate Bill 1111; correct?
 12 A. I do not agree with you that that's
 13 a restriction on residency, so I'm going to have
 14 a hard time with that one.
 15 Q. So if I -- when I say the term
 16 "residency restriction," you'll have difficulty
 17 understanding that it refers to Section 1.015(b)
 18 of the Texas Election Code?
 19 A. No, I'm going to have trouble
 20 agreeing with the premise that this is a
 21 restriction on residency. This --
 22 Q. Well, that's okay.

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1 particular election, and specifically, there
 2 were two situations, I think, that demonstrate
 3 what this is trying to prevent in the real
 4 world.
 5 Q. You just said that it means a
 6 person can't claim a residence that's not their
 7 residence address for the purpose of influencing
 8 the outcome of a particular election; is that
 9 right?
 10 A. That's right.
 11 Q. So it's your view that this
 12 provision does not apply to a person claiming a
 13 residence that is their residence address for
 14 the purpose of influencing the outcome of a
 15 particular election?
 16 A. So people move all the time. I
 17 moved from Travis County to Williamson County,
 18 and one of the things that I had in mind when I
 19 moved was that I would be in a different state
 20 representative district and in a state -- a
 21 different state senatorial district, a
 22 senatorial district and a state representative

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1 A. -- is a restriction on claiming
 2 residency. This is not a restriction on
 3 residency.
 4 And so, yeah, if you're going to
 5 insist on calling it a restriction on residency,
 6 I'm going to have to disagree with that every
 7 time.
 8 Q. Well, that's fine. I don't need
 9 you to agree with the characterization. I just
 10 need you to understand what I'm referring to.
 11 Is that okay?
 12 A. And I'm telling you, it's going to
 13 cause problems if that's the way you refer to
 14 this.
 15 Q. Are you familiar with this
 16 provision of Senate Bill 1111?
 17 A. I am.
 18 Q. And what does this provision mean
 19 to you in plain language?
 20 A. It means that a person can't claim
 21 a residence that's not their residence address
 22 for the purpose of influencing the outcome of a

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1 district that I preferred, but that doesn't mean
 2 that I was establishing residence to influence
 3 the outcome of a particular election.
 4 In order to meet the qualifications
 5 of this what you have to do is do what, I don't
 6 know, 20 or 30 people did with regard to the
 7 mayoral election in the City of Edinburg. And
 8 that is, maintain their residence in Palmview,
 9 for instance, or McAllen or San Benito, but then
 10 claim residence in Edinburg so that they
 11 register to vote at an apartment complex in
 12 Edinburg where they had never lived and then
 13 proceed to vote for mayor because they wanted to
 14 particular mayoral candidate to win.
 15 That's illegal voting. Those
 16 were -- those were indicted and prosecuted.
 17 That's what I think this is talking about.
 18 There was another instance where
 19 there was a road utility district in Montgomery
 20 County, where 10 people, I think it might have
 21 been fewer than that, but as many as 10 people
 22 registered to vote at a roadway inn that some of

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1 them met with for one evening but certainly they
 2 never lived there and they never claimed to have
 3 a residence there, they kept their homesteads
 4 and their residence addresses elsewhere in
 5 Montgomery County, but their intention was to
 6 influence the outcome of a particular trustee
 7 election for that road utility district and take
 8 over the board of trustees.
 9 And they did so. But there was an
 10 election contest thereafter and the judge ruled
 11 that there was illegal voting that influenced
 12 the outcome of the election, set the results
 13 aside, and held another election. In addition,
 14 to those persons were charged with and convicted
 15 of illegal voting and sentenced to prison, all
 16 of them, for three years each.
 17 Q. I appreciate your thoughts about
 18 what motivated the Texas legislature to enact
 19 this provision, but my question is a little
 20 different and it focuses on the text of the
 21 provision.
 22 And you testified earlier that you

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1 understand this provision to mean that a person
 2 may not establish a residence or may not use a
 3 residence that is not actually their residence
 4 for purposes of influencing the outcome of a
 5 certain election; right?
 6 A. Right. In other words, they can't
 7 register to vote and, thereby, quote, establish
 8 a residence where they don't actually live just
 9 so that they can vote in a particular election
 10 and influence the outcome.
 11 Q. Okay. And my question, which I'm
 12 not sure you precisely answered is: Based on
 13 the text of this provision as you understand it
 14 in your capacity as Director of the Elections
 15 Division, could a person use their actual
 16 residence when they move somewhere for the
 17 purpose of influencing the outcome of a certain
 18 election? Would they be permitted to register
 19 with that address?
 20 A. They -- folks can move wherever
 21 they want to for whatever reason they want to.
 22 This -- that's not going to be a violation of

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1 this section.
 2 Like I said, I moved, and one of
 3 the thoughts I had in mind was that I would be
 4 able to vote for different candidates for
 5 different offices. That doesn't mean that I
 6 violated this provision.
 7 Anybody can move anywhere they want
 8 to and if they actually do live there, that's
 9 their residence, under 1.015(a), they're -- they
 10 live there, that's it. That's where they sleep.
 11 That's their domicile.
 12 Q. What in the text of this provision
 13 leads you to conclude that it means a person
 14 can't claim a residence that's not their
 15 residence for purposes of influencing the
 16 outcome of a particular election?
 17 A. Well, it's not in the words here.
 18 It's in the fact that (a) goes before it.
 19 1.015(a) says that the residence is where a
 20 person lives.
 21 Q. I'm still not sure you're answering
 22 my question, even referencing Subsection (a).

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1 And I guess my -- my -- and I guess
 2 I'll ask it again, which is: Is there anything
 3 in the text of this particular provision that
 4 leads you to conclude that a person can't claim
 5 a residence that's not their residence
 6 specifically for the purpose of influencing the
 7 outcome of a particular election?
 8 MR. HUDSON: Objection, form,
 9 argumentative. Objection, form, asked and
 10 answered.
 11 THE WITNESS: Yes, I've answered
 12 that question.
 13 BY MR. DODGE:
 14 Q. Does this provision say that a
 15 person may not establish residence at a place
 16 that is not their residence for the purpose of
 17 influencing the outcome of a certain election?
 18 MR. HUDSON: Objection, form, asked
 19 and answered. Objection, form,
 20 argumentative.
 21 THE WITNESS: That's what it means.
 22 And -- and look down at (f), "A

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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.

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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.

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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

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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?

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1 A. Sure, but the only one that
 2 involves establishing residency is voting.
 3 Q. Doing the Texas Election Code
 4 define what it means to establish residence?
 5 A. It does not.
 6 Q. So what are you basing the
 7 definition you just provided me on?
 8 A. The context of 1.015. Have I not
 9 been clear about this? If you live there, under
 10 (a) you can claim your residence all day long
 11 because that's where you live. So (b) obviously
 12 has to mean something different. (f) makes it
 13 clear that establishing a residence doesn't
 14 involve actually living there. So I don't know
 15 what you're confused about. People can live
 16 wherever they want to live.
 17 Q. Do you think the Texas legislature
 18 could have drafted Subsection (b) to say, A
 19 person may not establish residence at a place
 20 that is not their residence for the purpose of
 21 influencing the outcome of a certain election?
 22 MR. HUDSON: Objection, form, calls

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1 means to establish residence?
 2 A. It has not.
 3 Q. If a county election official
 4 contacted your office and asked for a definition
 5 of the term "establish residence," what would
 6 you tell them?
 7 MR. HUDSON: Objection, form, calls
 8 for speculation.
 9 THE WITNESS: Yeah, I would -- I
 10 would say, "What are you talking about? I
 11 need more facts."
 12 BY MR. DODGE:
 13 Q. So you're not sure how you would
 14 answer a question from a county election
 15 official about what it means to establish
 16 residence in the context of this provision?
 17 A. I don't know. I don't know how to
 18 answer a question that hasn't occurred yet.
 19 Q. Well, you previously offered me
 20 your definition of establish residence; correct?
 21 A. That's right.
 22 Q. So a county election official

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1 for speculation.
 2 THE WITNESS: They could have.
 3 They don't need to. They've said it
 4 already by putting in the context of (a).
 5 BY MR. DODGE:
 6 Q. But you agree they did not use that
 7 language in Subsection (b) --
 8 A. It would have --
 9 Q. -- correct?
 10 A. It would have -- it would have been
 11 redundant.
 12 Q. But you agree they could have used
 13 that language in this subsection; correct?
 14 A. Lege counsel doesn't use redundant
 15 language, so probably they couldn't, if they
 16 wanted a lege counsel draft.
 17 Q. Has your office provided any
 18 official definition of what it means to
 19 establish residence?
 20 A. We have not.
 21 Q. Has any of the guidance your office
 22 has prepared offered a definition of what it

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1 called and said, "What does this mean, what does
 2 establish residence mean," would you provide
 3 them that definition?
 4 A. I would ask them why they're asking
 5 the question. But, yeah, I would -- I would say
 6 that this means you can't register to vote at a
 7 place you don't live so that you can influence
 8 the outcome of an election. I'd say, "Do you
 9 have any evidence of anybody doing that? Send
 10 us a complaint."
 11 Q. Okay. Moving on -- moving on to a
 12 different term in this provision, what do you
 13 understand the term "for the purpose of" to
 14 mean?
 15 A. With the intent of registering to
 16 vote so that you can influence an election.
 17 Exactly what The Red 7 did, exactly what the
 18 people in Edinburg did.
 19 There was another situation in
 20 Karnes County, Kenedy County, one of those,
 21 where a justice of the peace race was affected
 22 by persons from Kingsville who registered to

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1 vote at a derelict house, a group of them, 16 or
 2 so. That also was overturned in election
 3 contest.
 4 Q. Does Subsection (b) refer to
 5 registering to voting?
 6 A. It says, "for the purpose of
 7 influencing the outcome of a certain election."
 8 The only reason you establish residence to
 9 influence the outcome of an election is by
 10 registering to vote and voting.
 11 Q. Will you agree with me that -- you
 12 agreed with me earlier that there are many ways
 13 a person can influence the outcome of an
 14 election; correct?
 15 A. That's true, but the only one of
 16 those ways that your residence matters in is
 17 when you want to vote in that election. You
 18 have to vote where your residence is.
 19 Q. So could the Texas legislature have
 20 drafted this provision to say: A person may not
 21 establish residence for the purpose of
 22 registering to vote to influence the outcome of

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1 a certain election?
 2 MR. HUDSON: Objection, form, calls
 3 for speculation.
 4 THE WITNESS: They could have, but
 5 that wouldn't be consistent with what
 6 1.015 is which is a definition of
 7 residency.
 8 BY MR. DODGE:
 9 Q. So it's your understanding of this
 10 provision -- strike that.
 11 It's your understanding of the term
 12 "for the purpose of" that it refers solely to
 13 establishing residence for the purpose of
 14 registering to vote; is that correct?
 15 A. And voting.
 16 Q. Okay. If a county election
 17 official contacted your office and asked for a
 18 definition of the term "for the purpose of,"
 19 what would you tell them?
 20 MR. HUDSON: Objection, form, calls
 21 for speculation. Objection, form,
 22 incomplete hypothetical.

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1 THE WITNESS: Yeah, we haven't had
 2 questions about this so I don't know; but
 3 I would tell them looks like it means for
 4 the purpose of registering to vote and
 5 influencing the outcome of the election.
 6 BY MR. DODGE:
 7 Q. What do you understand the term
 8 "influencing the outcome of a certain election"
 9 to mean?
 10 MR. HUDSON: Objection, form, asked
 11 and answered.
 12 THE WITNESS: Yeah, you want me to
 13 say it again?
 14 BY MR. DODGE:
 15 Q. Well, I -- well, I do because you
 16 agreed with me earlier that there are many ways
 17 to influence the outcome of an election. Right?
 18 A. I did, but the only one that
 19 involves residency is the one that allows you to
 20 register to vote there so that you can vote in
 21 the election and hopefully achieve the outcome
 22 that you want.

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1 Q. Right. But a person could move
 2 somewhere for the purpose of influencing the
 3 outcome of a certain election if they moved
 4 there, for example, to volunteer on a campaign;
 5 correct?
 6 A. Absolutely. They could -- they
 7 could move there. And if they moved there, they
 8 live there, that's their residence. Then B is
 9 not implicated. (A) kicks in. (A) wins. (A)
 10 is first.
 11 Q. Does the Texas Election Code define
 12 the term "influencing the outcome of a certain
 13 election"?
 14 A. It does not.
 15 Q. Has your office provided a
 16 definition of what influencing the outcome of a
 17 certain election means?
 18 A. We have not.
 19 Q. So none the guidance your office
 20 has prepared for county officials has included a
 21 definition of what it means to influence the
 22 outcome of a certain election?

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1 A. No.

2 Q. Has your office prepared any

3 examples of what means to influence the outcome

4 of a certain election?

5 A. No, we've got enough examples

6 already for that purpose.

7 Q. And those -- just to be clear,

8 those are the examples you've been describing

9 me -- describing to me of instances of voter

10 misconduct?

11 A. That's right.

12 Q. And if a county election official

13 contacted your office and asked for a definition

14 of what it means to influence the outcome of a

15 certain election, what would you tell them?

16 MR. HUDSON: Objection, form,

17 incomplete hypothetical.

18 Objection, form, speculation.

19 THE WITNESS: I've already

20 discussed that with you. I would tell

21 them that it means claiming a residence so

22 that they can register to vote and out --

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1 Q. Do you know if this language

2 appears in any criminal section of the Texas

3 Election Code?

4 A. I don't know. I don't believe so.

5 Q. Can you tell me what interests of

6 your office were served by this provision of

7 Senate Bill 1111?

8 A. Well, it's not the interest of our

9 office. It's the interest of -- of the state,

10 that you want to make sure that people vote

11 where they live, people vote where they live and

12 get the proper ballot style so that it doesn't

13 unlawfully or unnaturally sway the outcome of

14 elections in another place where they don't

15 actually live.

16 Q. All right.

17 MR. DODGE: Could we take a

18 five-minute break right now? Is that all

19 right with everyone?

20 THE WITNESS: Sure.

21 MR. DODGE: Okay. All right.

22 10:46?

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1 and vote in a particular election that

2 they want to influence the outcome of.

3 BY MR. DODGE:

4 Q. Have you spoken with any county

5 officials about this provision of Senate

6 Bill 1111?

7 A. No. There have been no questions

8 about this provision. This provision is not

9 really implicated in the administration of

10 elections. This is not something that election

11 officials would concern themselves with.

12 This is only a potential element in

13 a criminal case against a voter who's tried to

14 establish a residency to influence an outcome of

15 a certain election.

16 Q. Well, this provision is located in

17 the section of the Texas Election Code that has

18 to deal with registering to vote; right?

19 A. No.

20 Q. What section is it in?

21 A. It's in Chapter 1, which is

22 "Definitions and General Provisions."

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1 MR. HUDSON: Okay.

2 THE VIDEOGRAPHER: The time is

3 10:41 a.m. We are now off the record.

4 (A recess is held from 10:41 a.m.

5 to 10:48 a.m.)

6 THE VIDEOGRAPHER: Okay. The time

7 is 10:48 a.m. We are now on the record.

8 MR. DODGE: Can you please pull up

9 Exhibit D.

10 (Exhibit D, Voter Registration

11 Application, is marked for

12 identification.)

13 BY MR. DODGE:

14 Q. Just take a moment to look at this.

15 Do you recognize this document?

16 A. I do.

17 Q. Can you tell me what it is?

18 A. It's a Voter Registration

19 Application for use by a Volunteer Deputy

20 Registrar.

21 Q. Will you zoom in on Box 10, please,

22 which is about two-thirds of the way down the

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1 page.

2 Right.

3 And Box 10 says, "I understand that

4 giving false information to procure a voter

5 registration is perjury, and a crime under state

6 and federal law."

7 Did I read that correctly?

8 A. You did.

9 Q. And then Box 10 asks the applicant

10 to affirm three statements before signing. Is

11 that also correct?

12 A. It is.

13 Q. The first statement is, "I am a

14 resident of this county and a U.S. citizen.

15 And say by signing that document an

16 applicant affirms that they are a resident of a

17 particular Texas county; is that right?

18 A. That's right.

19 Q. So you would agree that a voter

20 needs to understand what it means to be a

21 resident under the Texas Election Code of a

22 particular county in order to register to vote;

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1 right?

2 A. Agree.

3 Q. And if they were to give false

4 information on this form, it would be a criminal

5 act potentially; right?

6 A. It would, that's right.

7 Q. Okay. You mentioned earlier that

8 county officials often contact your office with

9 questions about the interpretation and

10 application of the Texas Election Code; right?

11 A. That's right.

12 Q. All right. So let's say that a

13 county election administrator calls your office,

14 says that they have an individual who's seeking

15 to register to vote in that county after moving

16 there solely for the purpose of working for a

17 family member who's running for the state

18 legislature.

19 Do you have that in mind?

20 A. Okay.

21 Q. If that county official asked for

22 your advice on whether or not to approve that

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1 individual's register -- registration

2 application, what would you advise them?

3 MR. HUDSON: Objection, form,

4 incomplete hypothetical.

5 Objection, form, calls for

6 speculation.

7 You can answer, if you can.

8 THE WITNESS: Yeah, I would say

9 register them to vote.

10 But do you understand that that

11 question would never come our way? They

12 would get a Voter Registration

13 Application. They would enter it into

14 their system. That person would get

15 registered.

16 BY MR. DODGE:

17 Q. So you don't think it's possible

18 for a county official to become aware of

19 information that a person moved to a county for

20 a particular purpose?

21 A. I think that's highly unlikely,

22 especially in any county of any size at all.

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1 Q. But, again, I'm asking you: In

2 this situation, the county official is aware

3 that the person has moved there for a particular

4 purpose, namely to work on a family member's

5 election campaign for the state legislature.

6 You understand that; correct?

7 A. Sure.

8 Q. And that doesn't impact your

9 answer?

10 A. No.

11 MR. HUDSON: Objection, form,

12 speculation --

13 THE WITNESS: Absolutely not.

14 MR. HUDSON: Let me finish.

15 Objection form, speculation.

16 Objection, form, incomplete hypothetical.

17 THE WITNESS: It absolutely does

18 not. Register them to vote. They live

19 there.

20 BY MR. DODGE:

21 Q. So in your view, an individual who

22 moved to a particular county to work on a family

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1 member's campaign for state legislature and for
 2 no other purpose who then sought to register to
 3 vote would not violate the residency restriction
 4 in Senate Bill 1111?
 5 A. Again, Senate Bill 1111 does not
 6 have a residency restriction. Only restriction
 7 in Senate Bill 1111 is you can't live at
 8 commercial post office boxes or other impossible
 9 addresses.
 10 Q. Okay. So you're not going to
 11 answer that question?
 12 MR. HUDSON: Objection, form,
 13 argumentative.
 14 THE WITNESS: I'm telling you, if
 15 you think that that first provision is a
 16 residency restriction, I do not agree with
 17 that. You can live wherever you want to
 18 for whatever reason you want to.
 19 BY MR. DODGE:
 20 Q. Well, I don't need you to agree
 21 with it. I just -- you understand what I'm
 22 referring to; right?

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1 MR. HUDSON: Objection, form,
 2 argumentative.
 3 THE WITNESS: I understand what
 4 you're pointing to and I do not agree that
 5 that's a residency restriction; and I told
 6 you if you refer to it that way, we're
 7 going to have problems.
 8 BY MR. DODGE:
 9 Q. My question isn't whether or not it
 10 is a residency restriction.
 11 My question is whether or not an
 12 individual in that situation I just set out for
 13 you would violate that provision, in your view,
 14 in that situation.
 15 MR. HUDSON: Objection, form, asked
 16 and answered.
 17 Objection, form, incomplete
 18 hypothetical.
 19 Objection, form, calls for
 20 speculation.
 21 THE WITNESS: Yeah, a person can
 22 live wherever they want to for whatever

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1 reason they want to.
 2 What they can't do is register at a
 3 vacant trailer like 18 people have in
 4 Loving County who don't live in Loving
 5 County.
 6 BY MR. DODGE:
 7 Q. Well, let's say a previously
 8 registered Texas voter moved from one county to
 9 another for a job opportunity but also to
 10 volunteer with a local political candidate.
 11 Do you have that situation in mind?
 12 A. Sure.
 13 Q. And if that person went to register
 14 in the county they moved to and the county
 15 election official was aware of the fact they had
 16 moved there in part to volunteer for a local
 17 political candidate and called your office with
 18 guidance about whether or not to register such a
 19 person to vote, what would you tell me?
 20 A. Register them --
 21 MR. HUDSON: Objection, form --
 22 THE WITNESS: Sorry.

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1 MR. HUDSON: Objection, form,
 2 incomplete hypothetical.
 3 Objection, form, calls for
 4 speculation.
 5 THE WITNESS: Register them to
 6 vote.
 7 And, again, that question would
 8 never come up. They would get the
 9 application. They would enter it into the
 10 system. The voter would be registered.
 11 BY MR. DODGE:
 12 Q. Just so I understand, it's your
 13 view that a county election official has no
 14 responsibility with respect to this provision of
 15 Senate Bill 1111?
 16 A. That's right. They're entitled to
 17 rely on the representation of the voter in
 18 Box 10 here that they're a resident of the
 19 county.
 20 Q. You would agree with the provision,
 21 falls within the scope of the definition of
 22 residence under the Texas Election Code; right?

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1 A. That's right. And residence is
 2 defined as a domicile, a place where you live,
 3 place to which you intend to return after any
 4 temporary absence.
 5 Q. Do county election officials have
 6 any responsibilities with respect to reviewing
 7 the residence --
 8 A. They review the --
 9 Q. -- of an applicant provided on a
 10 form?
 11 A. They review the address provided on
 12 the form. They see whether it's in their county
 13 or not. If it is, they register them to vote.
 14 If it's in the neighboring county, they'll
 15 forward the Voter Registration Application to
 16 the appropriate county.
 17 Q. So county officials do have
 18 responsibilities with respect to ensuring that
 19 voter registration applicants comply with the
 20 registration requirements of the Texas Election
 21 Code; right?
 22 A. That's not what I said.

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1 Q. Well -- okay. Well, let me ask.
 2 Do county -- do -- strike that.
 3 Do county election officials have
 4 responsibilities with respect to ensuring that
 5 voter registration applicants comply with the
 6 residence requirements of the Texas Election
 7 Code?
 8 A. Other than checking to see that the
 9 address provided is within their county, no.
 10 Q. Okay.
 11 A. They don't have any responsibility
 12 to go out and do anything else. Just look at
 13 the address. If facially it's within the
 14 county, they register them to vote.
 15 Q. Is there a provision of the Texas
 16 Election Code that sets out the responsibilities
 17 of county election officials with respect to
 18 reviewing the provided residence of a voter
 19 registration applicant?
 20 A. I don't know. I'd have to look in
 21 Chapter 13 and see.
 22 Q. But off the top of your head,

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1 you're not aware of any?
 2 A. No, I'm pretty sure that they've --
 3 they've got a -- when they take action on a
 4 Voter Registration Application, make sure that
 5 the voter checked the box that they're a
 6 citizen, that the voter is over 18, that the
 7 person has an address in their county.
 8 And I'm pretty sure Chapter 13 lays
 9 that out. But if you don't let me look at my
 10 code, I can't look at my code.
 11 Q. That's okay. If a voter moved from
 12 one Texas county to another solely for the
 13 purposes of volunteering on a political campaign
 14 and then elected after the campaign to stay in
 15 the county indefinitely, would they be permitted
 16 to register to vote in that county under Senate
 17 Bill 1111?
 18 MR. HUDSON: Objection, form,
 19 incomplete hypothetical.
 20 Objection, form, calls for
 21 speculation.
 22 THE WITNESS: Of course.

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1 BY MR. DODGE:
 2 Q. If a person moved to a neighboring
 3 county to run for office and after filing their
 4 candidacy paperwork then sought to register to
 5 vote in that county, would they be permitted to
 6 do so under Senate Bill 1111?
 7 A. So you're asking if they could
 8 register to vote after they filed the candidate
 9 application?
 10 Q. Yes.
 11 A. Well, that wouldn't be a very good
 12 idea because you need to be registered to vote
 13 before you file a candidate application or else
 14 your candidate application is going to get
 15 rejected.
 16 Q. Okay. So let's say a person moved
 17 from one county to another for the purposes of
 18 running for office and first registered to vote,
 19 would that person be allowed to register to vote
 20 under Senate Bill 1111?
 21 A. Of course.
 22 Q. Under Senate Bill 1111 is a voter

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1 the legal resident of a county if they move to
 2 that county exclusively for purposes of
 3 influencing a certain election?
 4 A. I'm not sure what you're asking.
 5 If a voter moves to a county, they can register
 6 to vote there for any reason, whatever the
 7 reason for moving.
 8 Q. Does that mean the answer to my
 9 question is yes?
 10 A. I don't know. I think so, but I'm
 11 not really sure what your question was.
 12 If your question was, can a person
 13 move to a place solely with the idea in mind
 14 that I'm going to go block walk for this person
 15 and I'm going to vote for this person and
 16 together we're going to get this person elected,
 17 they absolutely can do that. Yes, they can --
 18 they can register to vote in that county every
 19 day.
 20 Q. And they would be considered a
 21 legal resident of that county?
 22 A. Absolutely.

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1 up Exhibit C, please.
 2 And if we could zoom in on
 3 Subsection (f). It's about halfway down
 4 the page.
 5 BY MR. DODGE:
 6 Q. This provision reads, [as read]: "A
 7 person may not establish a residence any place
 8 the person has not inhabited. A person may not
 9 designate a previous residence as a home and
 10 fixed place of habitation unless the person
 11 inhabits the place at the time of designation
 12 and intends to remain."
 13 Did I read that correctly?
 14 A. You did.
 15 Q. If I refer to this as the
 16 "temporary relocation provision," will you
 17 understand what I'm referring to?
 18 A. The temporary relocation provision?
 19 How do you get that out of this?
 20 Q. Will you understand the provision
 21 of the code that I'm referring to if I use that
 22 term?

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1 Q. Now, if a voter moved from
 2 California to Texas and the reason for doing so
 3 was to vote for a particular party to help that
 4 party succeed in Texas elections, would that
 5 voter violate Senate Bill 1111?
 6 A. No.
 7 Q. If a voter moved from California to
 8 Texas and one of the reason for that move was to
 9 help elect more Latino individuals to the state
 10 legislature, would that person violate Senate
 11 Bill 1111?
 12 A. No.
 13 Q. If an individual moved to Texas to
 14 take a job working on an election campaign and
 15 then chose to register to vote in the location
 16 they were living at while working on that
 17 election campaign, would they violate Senate
 18 Bill 1111?
 19 A. They would not. A person can live
 20 wherever they want to for whatever reason they
 21 want to and register to vote where they live.
 22 MR. DODGE: If we could bring back

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1 A. I don't see how this is temporary
 2 relocation.
 3 Q. Sir, I'm not asking for you to
 4 agree or disagree with my characterizations. I
 5 just want to make sure that we're talking about
 6 the same thing.
 7 A. Well, I can't agree that we're
 8 talking about the same thing when I don't have
 9 any idea why you're calling this a temporary
 10 relocation provision.
 11 Q. So if I use the term "temporary
 12 relocation provision," you will not understand
 13 that I'm referring to Section 1.015(f) of the
 14 Texas Election Code?
 15 A. I don't know why you would call
 16 that this -- this that.
 17 Q. Okay.
 18 MR. DODGE: Mark the answer as
 19 non-responsive.
 20 (Record Marked.)
 21 BY MR. DODGE:
 22 Q. Are you familiar with this

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1 provision of Senate Bill 1111?

2 A. I am.

3 Q. What does this provision mean to

4 you in plain language?

5 A. That you can't claim a residency

6 where you haven't lived and you can't claim a

7 previous home as a residency unless you still

8 inhabit the place.

9 Q. And can you tell me what interest

10 of your office is served by this provision?

11 A. Again, this is not an interest of

12 our office. It's an interest of the state. And

13 the interest is in uniformity and making sure

14 that people vote where they live so that they

15 get the proper ballot style and don't improperly

16 skew an election someplace else.

17 Q. Now, the first sentence of Section

18 (f) says, "A person may not establish a

19 residence at any place the person has not

20 inhabited."

21 Did I read that correctly?

22 A. That's correct.

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1 Q. Do you recall that?

2 A. Claim a residence, I said exactly

3 that. It's not different, what you just said.

4 Q. Well, I think there might be a

5 difference and I just want to understand what

6 that difference is, because with respect to

7 Subsection (f), you told me that establish a

8 residence means to claim a residence; correct?

9 MR. HUDSON: Objection, asked and

10 answered.

11 Objection, argumentative.

12 BY MR. DODGE:

13 Q. Well, and your -- and your

14 definition for Subsection (b) was a little bit

15 more expansive, which was that it was to claim a

16 residence that is not your residence; correct?

17 A. That's right.

18 MR. HUDSON: Objection, asked and

19 answered.

20 THE WITNESS: And that's exactly

21 what (f) means, claim a residence that is

22 not your residence. I just -- I really am

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1 Q. Prior to the enactment of Senate

2 Bill 1111, could a person in Texas establish

3 residence at a place they had not inhabited?

4 A. Nope.

5 Q. So does this provision, Senate

6 Bill 1111, substantively change the Texas

7 Election Code with respect to residency?

8 A. It does not.

9 Q. Okay. And as used in this

10 sentence, what does the term "establish

11 residence" mean to you?

12 A. Claim a residence.

13 Q. Does the term "establish residence"

14 in this provision have a different meaning than

15 in Subsection (f) -- excuse me, Subsection (b)?

16 A. It does not. They both mean claim

17 a residence.

18 Q. Well, you previously told me that

19 the term "establish residence" as used in

20 Subsection (b) means to claim a residence at a

21 place that is not your residence?

22 A. That's right.

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1 not seeing the difference here. I --

2 goodness.

3 BY MR. DODGE:

4 Q. So in Subsection (f) "does

5 establish a residence" mean to claim a residence

6 or to claim a residence that is not your

7 residence --

8 MR. HUDSON: Objection --

9 BY MR. DODGE:

10 Q. -- or do you view those as

11 synonymous?

12 A. Those are synonymous.

13 MR. HUDSON: Objection --

14 THE WITNESS: I'm a resident --

15 THE REPORTER: Wait a minute. I'm

16 sorry. Excuse me. I'm sorry.

17 MR. HUDSON: Let me finish the

18 objection.

19 THE REPORTER: Can I just have the

20 question and then the objection?

21 MR. HUDSON: Sure.

22 Objection, asked and answered.

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1 Objection, compound.
 2 BY MR. DODGE:
 3 Q. You can answer.
 4 A. I don't know what the question was.
 5 Q. The question -- well, let's start a
 6 new question.
 7 In your mind, does the term "claim
 8 a residence" mean the same thing as to claim a
 9 residence that is not your residence?
 10 A. In both (b) and (f) the idea is
 11 that you are claiming a residence where you
 12 couldn't live.
 13 Q. Well, okay. But my question,
 14 again, is specifically about the term "establish
 15 a residence."
 16 MR. HUDSON: Objection, asked and
 17 answered.
 18 And at this point, if we're going
 19 to continue going down this, I think I'm
 20 probably willing to take this to the
 21 Court. So if you want to keep asking him
 22 the same question, I'm going to shut down

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1 the deposition, and we can go take it up
 2 with the Court because this is about the
 3 fifth time that you've asked this
 4 question.
 5 MR. DODGE: Well --
 6 MR. HUDSON: I'll defer to you.
 7 I'm very serious about that. I don't
 8 think Judge Yeakel will like hearing from
 9 us, but I defer to you. You do what you
 10 want.
 11 MR. DODGE: Well, I agree he won't
 12 like hearing from us.
 13 And the Witness has provided two
 14 different definitions for the term
 15 "establish a residence," and I'm trying to
 16 understand why the definition is different
 17 in these provisions.
 18 MR. HUDSON: Okay. So do we need
 19 to stop the deposition then? And we can
 20 go ahead and call the Court and see if --
 21 MR. DODGE: No, there's absolutely
 22 no reason to stop the deposition.

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1 BY MR. DODGE:
 2 Q. You stated previously that the
 3 Texas Election Code does not define establish
 4 residence; right?
 5 MR. HUDSON: Objection, asked and
 6 answered.
 7 THE WITNESS: I agree with that.
 8 BY MR. DODGE:
 9 Q. And with respect to Subsection (f),
 10 your office has also not provided a definition
 11 of what it means to establish residence;
 12 correct?
 13 A. Agree with that.
 14 Q. Within this sentence what does the
 15 word "inhabited" mean?
 16 A. Inhabited means to spend some time
 17 there.
 18 Q. Okay. And does the Texas Election
 19 Code define inhabited?
 20 A. It does not.
 21 Q. Does your office define the term
 22 inhabited?

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1 A. It does not.
 2 Q. If a county election official
 3 called your office and asked for a definition of
 4 the term inhabited, would your office be able to
 5 provide them with one?
 6 A. That has actually happened.
 7 Q. Okay.
 8 A. I had a long conversation with the
 9 sheriff in Loving County. I don't know if you
 10 know Loving County, but according to the most
 11 recent census, it's got 65 people that live
 12 there and they've got about 97 registered
 13 voters. So they've got 32 more registered
 14 voters than they have inhabitants.
 15 And the sheriff is understandably,
 16 as the voter registrar for Loving County, not
 17 happy with this situation. So we went through
 18 several different scenarios. Since it's a small
 19 place, he knows everybody, and he understands
 20 their living circumstances on a day to day
 21 basis.
 22 There are 18 people registered at a

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1 vacant mobile home at which no one comes or goes
 2 ever. It is derelict. It is uninhabitable. It
 3 has no utilities hooked up to it. There are 18
 4 people who are registered to vote there.
 5 And I told him that if he brings a
 6 challenge to those as living at an impossible
 7 address, then -- then that's good.
 8 There are other persons who have a
 9 house or another sort of place to live in Loving
 10 County. And they do come visit, you know, a
 11 week or two a year.
 12 And I told the sheriff that those
 13 places were inhabited by those people who spent
 14 at least some time during the year at that
 15 location. So he could not successfully
 16 challenge those persons under impossible
 17 addresses.
 18 Q. So in that conversation with the
 19 sheriff, did you provide him with a definition
 20 of inhabited or were you applying the term to
 21 the specific circumstances in Loving County?
 22 A. Well, I don't know what you --

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1 that's a distinction without a difference. I'm
 2 not going to act like there's a difference in
 3 that. I -- for me inhabited means spend some
 4 time there.
 5 Q. And that, in substance, is the
 6 definition you provided to the sheriff in Loving
 7 County?
 8 A. That's right.
 9 Q. Okay. The second sentence in
 10 Subsection (f) says, "A person may not designate
 11 a previous residence as a home and fixed place
 12 of habitation unless the person inhabits the
 13 place at the time of designation and intends to
 14 remain."
 15 Did I read that correctly?
 16 A. That's right.
 17 Q. And what does that sentence mean to
 18 you in plain language?
 19 A. Exactly what I told the sheriff,
 20 that these folks who have a place in Loving
 21 County that they visit at least some amount of
 22 time during the year, they can establish that as

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1 their residency for voter registration purposes
 2 because they have every intention of coming back
 3 the next year and coming back the year after
 4 that.
 5 Q. Okay. Prior to the enactment of
 6 Senate Bill 1111, could a voter in Texas
 7 designate a previous residence as a home for
 8 purposes of registering to vote?
 9 A. Yes.
 10 Q. In what circumstances could they do
 11 that?
 12 A. Primarily, it involves
 13 over-the-road truck drivers or full-time
 14 military personnel who had a rotation here in
 15 the State of Texas, want to return to Texas when
 16 they retire, but don't have a place where they
 17 actually live in Texas while they finish their
 18 military career before they come here to retire.
 19 Q. Can those individuals no longer use
 20 a prior residence to register to vote?
 21 A. The military still can, they're
 22 exempted under the rest of the bill, but the

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1 over-the-road truck drivers now have a problem.
 2 Q. Are you aware of any truck drivers
 3 who encountered any difficulty registering to
 4 vote since the enactment of Senate Bill 1111?
 5 A. I'm not.
 6 Q. Excepting truck drivers and members
 7 of the military, prior to the enactment of
 8 Senate Bill 1111, could a voter in Texas
 9 designate a previous residence as a home for
 10 purposes of registering to vote?
 11 A. No, you have to register to vote
 12 where you live. Of course, where you live is
 13 defined by 1.015(a) and it can include a place
 14 that you intend to return after a temporary
 15 absence. So they could use a former place, but
 16 they still have to have some objective and
 17 subjective connections to that place.
 18 Q. What does the term "previous
 19 residence" mean in this sentence?
 20 A. Previous residence would be a place
 21 where you lived before.
 22 Q. All right. Does the Texas Election

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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?

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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

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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

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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

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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>
<p>Page 146</p> <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>Page 148</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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1 A. Sure.

2 Q. Okay. Do you see the first

3 sentence of the letter says, "Fair Elections

4 Center writes to request clarification as to

5 implementation of revisions made by SB 1111 to

6 Texas Election Code Section 1.015, defining

7 residence for voting purposes"?

8 Do you see that?

9 A. I do.

10 Q. And then at the bottom of that

11 paragraph, it says, "Because the election code"

12 --

13 MR. HUDSON: --

14 THE REPORTER: I'm sorry. Did you

15 say something, Mr. Hudson?

16 MR. HUDSON: I did.

17 Yeah, these old eyes are having

18 trouble seeing. Is there any way we can

19 --

20 MR. DODGE: Oh, yeah. If you

21 could -- I'm sorry. If we could zoom in

22 on the -- the first paragraph.

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1 MR. HUDSON: Sorry about that,

2 Chris. I didn't mean to --

3 MR. DODGE: No problem. No

4 problem.

5 MR. HUDSON: Thank you.

6 BY MR. DODGE:

7 Q. You see the final sentence in this

8 paragraph says, "Because the Election Code fails

9 to define the terms "inhabits" and "intends to

10 remain" -- and then it cites to the Texas

11 Election Code -- "it is uncertain under what

12 circumstances student voters may register or

13 remain registered to vote at their family's

14 home, which they stay -- they still may consider

15 their domicile, when they attend college in

16 another county or state."

17 Do you see that?

18 A. I do.

19 Q. And you agreed previously that the

20 Texas Election Code does not define the terms

21 "inhabit" or "intends to remain"; right?

22 A. Agree with that.

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1 Q. Do you agree that it is uncertain

2 under what circumstances student voters may

3 register or remain registered to vote at their

4 family's home?

5 A. I do not agree that it's uncertain

6 in any way.

7 Q. Okay.

8 A. The -- (f) did not change (a).

9 MR. DODGE: If we could go to the

10 third page of this letter. If we could

11 zoom in on the list of six questions at

12 the top.

13 Thank you.

14 BY MR. DODGE:

15 Q. You see this list of questions

16 posed on this page of the letter?

17 A. I do.

18 Q. Question 3 is, "Under

19 Section 1.015(f), may a student who attends

20 school outside the county or state in which her

21 family's Texas home is located designate the

22 family's home as her residence on a voter

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1 registration form while she is physically

2 present at her school, such that she may be

3 lawfully registered to vote at that home and may

4 lawfully vote for all offices that will appear

5 on ballots issued in the precinct in which the

6 home is located?"

7 You see that question?

8 A. I do.

9 Q. And can you answer that question

10 for me?

11 A. Of course.

12 Q. Are you reviewing the question or

13 are you waiting for a question from me?

14 A. No, that's the answer. Of course,

15 they can register to vote at their home.

16 Q. Now I understand.

17 So the answer to Question 3 is yes?

18 A. Of course.

19 Q. Okay. Question 5 reads, [as read]:

20 "Under Section 1.015(f), may a student who is

21 already registered to vote at her family's home

22 and who later travels to another county or state

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1 to attend school remain lawfully registered to
 2 vote at the family -- family's home address,
 3 including following receipt of confirmation
 4 notice, and lawfully vote for all offices that
 5 will appear on ballots issued in the precinct in
 6 which that family home is located?"
 7 Do you see that question?
 8 A. Right.
 9 Q. Can you answer that question for
 10 me?
 11 A. Of course, they can. (F) didn't --
 12 Q. Can you --
 13 A. -- change (a). I don't know why
 14 they're even asking these questions. These
 15 questions don't make any sense.
 16 The students can do exactly what
 17 they could do before. Didn't change the law
 18 with regard to students at all.
 19 Q. So you don't think that the Fair
 20 Elections Center was reasonable in posing these
 21 questions to your office?
 22 A. I do not.

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1 canceled as a voter or have your application
 2 rejected as a candidate.
 3 Q. Do you know if your office ever
 4 responded to this letter from the Fair Elections
 5 Center?
 6 A. I don't think we did.
 7 Q. Is there a particular reason why
 8 you didn't?
 9 A. Because it was silly. Why in the
 10 world would we answer silly questions?
 11 We have an obligation in this
 12 office to help with the election administration
 13 across the state, and if election officials have
 14 a question, we'd be glad to answer it.
 15 We also have a responsibility under
 16 the Open Records Act to provide documents if
 17 they're requested. This is not a document
 18 request --
 19 Q. Does your office --
 20 A. -- and it's not -- from an election
 21 official.
 22 THE REPORTER: I'm sorry. I didn't

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1 Q. Question 6 reads, "What are the
 2 penalties for voters who inadvertently violate
 3 Section 1.015(f)?"
 4 Do you see that question?
 5 A. I do.
 6 Q. And can you answer that question
 7 for me?
 8 A. There aren't any penalties for
 9 violating 1.015(f). If you're a candidate for
 10 office and you don't live where you say you live
 11 under the definition of 1.015, then you're
 12 candidacy is subject to challenge because you're
 13 potentially ineligible to represent that
 14 district.
 15 If you're a voter and you're
 16 registered to vote at a place where you don't
 17 live, then your residency is subject to
 18 challenge under 16.0921 because you don't live
 19 where you say you live.
 20 But the only penalty is that if you
 21 don't actually live where you say you live as a
 22 candidate or as a voter, you could become

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1 hear the beginning of your question --
 2 answer.
 3 MR. DODGE: Yeah, I apologize.
 4 THE REPORTER: Could I have the
 5 answer, the end of the answer? I -- it
 6 was cut off.
 7 THE WITNESS: Sure.
 8 And this is not an election
 9 official administering elections in the
 10 State of Texas that we're obligated to
 11 assist and advise.
 12 BY MR. DODGE:
 13 Q. Does your office ever receive
 14 questions and correspondence regarding the
 15 interpretation of the Texas Election Code from
 16 groups or individuals who are not state or local
 17 officials?
 18 A. We get questions from all kinds of
 19 folks, yes.
 20 Q. Including individuals who are not
 21 voters in the State of Texas?
 22 A. That's right.

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1 Q. Does your office typically respond
 2 to inquiries from groups or individuals who are
 3 not state or local officials or voters in Texas
 4 regarding the meaning of the Texas Election
 5 Code?
 6 A. Most of the time if we're asked for
 7 advisory opinions from outside groups, we do not
 8 respond.
 9 Q. When you say "advisory opinion," do
 10 you mean something specific or are you just
 11 referring to questions about the Election Code
 12 generally?
 13 A. This right here is asking for an
 14 advisory opinion. This is not in the particular
 15 context of a particular voter. This is just
 16 asking us what would happen if. And we don't
 17 answer those kind of questions if we can help
 18 it. We just absolutely do not.
 19 Q. Got it.
 20 MR. DODGE: Okay. If we could pull
 21 up exhibit P, as in Peter.
 22 (Exhibit P, e-mail correspondence,

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1 Civil Rights Project; is that right?
 2 A. That's correct.
 3 MR. DODGE: If we could scroll down
 4 to the e-mail below this one.
 5 Just sort of broaden out the doc --
 6 there we go.
 7 Thank you.
 8 BY MR. DODGE:
 9 Q. You see this is an e-mail from
 10 Mr. Slattery on October 29th, 2021 to
 11 Ms. Adkins; right?
 12 A. Agree.
 13 MR. DODGE: And if we could
 14 actually zoom in on the third paragraph of
 15 that e-mail.
 16 BY MR. DODGE:
 17 Q. And this sentence -- this paragraph
 18 begins, "However, the new Subsection (f) that
 19 SB 1111 added to Section 1.015 could be read to
 20 mean that a college student can only register to
 21 vote at their parents' address if they are
 22 'inhabiting' that location (i.e. sleeping there

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1 is marked for identification.)
 2 MR. DODGE: And if we could zoom in
 3 at the top.
 4 That's good.
 5 BY MR. DODGE:
 6 Q. And I'll represent to you that this
 7 e-mail was produced to us last night by your
 8 counsel and that it comes from your office.
 9 Do you have any reason to doubt
 10 that?
 11 A. I do not.
 12 Q. And you see this e-mail was sent to
 13 Christina Adkins at 2:49 p.m., on November 10th,
 14 2021?
 15 A. I agree with that.
 16 Q. And Ms. Adkins works in your
 17 office; correct?
 18 A. She does.
 19 Q. Could you tell me what her role is?
 20 A. She's the legal director.
 21 Q. And this e-mail comes from a James
 22 Slattery, Senior Staff Attorney at the Texas

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1 at night) when they submit their voter
 2 application."
 3 Did I read that correctly?
 4 A. Right.
 5 Q. And then it quotes the new
 6 Subsection (f) in Senate Bill 1111.
 7 Then it continues, "We are
 8 concerned this could be interpreted to mean that
 9 a college student filling out a Voter
 10 Registration Application during a voter
 11 registration drive on campus, while they are
 12 sleeping in an on campus dorm, could not put
 13 their parents' address as their registration
 14 address because the student is not 'inhabiting'
 15 that address on the literal day they fill out
 16 the form."
 17 Did I read that correct?
 18 A. You did.
 19 Q. And could a student filling out a
 20 Voter Registration Application on campus put
 21 their parents' address as their registration
 22 address if they are currently inhabiting a dorm

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<p style="text-align: right;">Page 161</p> <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 style="text-align: right;">Page 163</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>
<p style="text-align: right;">Page 162</p> <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 style="text-align: right;">Page 164</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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1 college or whether their residence will be at
 2 the location where they are physically located
 3 during their time as a student."
 4 That's the sentence you're
 5 referring to in your answer?
 6 A. That's correct.
 7 Q. So was Ms. Monk incorrect in her
 8 reading of Senate Bill 1111?
 9 A. She was.
 10 Q. Do you think that Ms. Monk's e-mail
 11 reflects that some county officials might be
 12 confused about the impact on -- of Senate
 13 Bill 1111 on college students?
 14 A. She asked a question. I don't know
 15 if that is a question that others had or not.
 16 Q. Well, do you think it's fair that
 17 Ms. Monk's e-mail reflects that at least one
 18 county individual was confused about the impact
 19 that Senate Bill 1111 on college students?
 20 MR. HUDSON: Objection, calls for
 21 speculation.
 22 THE WITNESS: I mean, it indicates

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1 CCd the Elections Internet address at the
 2 Secretary of State's Office?
 3 A. I agree with that.
 4 Q. Okay.
 5 MR. DODGE: If we could actually
 6 scroll down to the original e-mail in this
 7 thread.
 8 BY MR. DODGE:
 9 Q. And I apologize if I'm getting her
 10 name incorrect, but could -- do you know who --
 11 who Charisa Hauser is?
 12 A. Well, apparently, she's the Senior
 13 Registration Clerk in Rockwall DA's office,
 14 Chris Lynch's office.
 15 Q. Okay.
 16 MR. DODGE: And if we could widen
 17 the view just a little bit and get some of
 18 the first page up there, too. I'm looking
 19 for the "Subject" line of her e-mail.
 20 Got it.
 21 BY MR. DODGE:
 22 Q. We see that the "Subject" line of

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1 that she had a question.
 2 BY MR. DODGE:
 3 Q. Do you know if Ms. Monk responded
 4 to this e-mail?
 5 A. I do not know.
 6 MR. DODGE: If we could pull up
 7 Exhibit U, as in Ulysses.
 8 (Exhibit U, e-mail correspondence,
 9 is marked for identification.)
 10 BY MR. DODGE:
 11 Q. Just take a moment to review this.
 12 MR. DODGE: And if we could zoom
 13 in, again, sort of at the "From" "Sent"
 14 "To" lines.
 15 BY MR. DODGE:
 16 Q. And I'll represent to you, again,
 17 that your counsel produced this e-mail to us
 18 last night and that it comes from your office.
 19 Do you have any reason to doubt
 20 that?
 21 A. I do not.
 22 Q. And you see this e-mail at the top

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1 her e-mail is "SB 1111 college students"?
 2 A. Agree with that.
 3 Q. Her e-mail asks, "Does the SB 1111
 4 residency changes affect college students and
 5 their ability to vote by absentee?"
 6 MR. DODGE: And that's on the
 7 second page if we could move back there.
 8 I apologize for bouncing around.
 9 BY MR. DODGE:
 10 Q. So I'll say it again.
 11 Her e-mail says, "Does the SB 1111
 12 residency changes affect college students and
 13 their ability to vote by absentee?"
 14 Do you see that?
 15 A. I do.
 16 Q. And we can -- we can look at the
 17 first e-mail, but can you answer her question?
 18 A. The answer is, no, it does not.
 19 Q. Is it fair to say that your office
 20 received questions from county election
 21 officials about the impact of Senate Bill 1111
 22 on college students?

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1 A. We got one from Rockwall and one
 2 from Jefferson.
 3 Q. Are you aware of any other
 4 questions or inquiries from county election
 5 officials about the impact of Senate Bill 1111
 6 on college students?
 7 A. I'm not aware of any others.
 8 Q. Do you think it's fair to say that
 9 at least some county election officials were
 10 unclear about the impact of Senate Bill 1111 on
 11 college students?
 12 MR. HUDSON: Objection, calls for
 13 speculation.
 14 THE WITNESS: Well, one in
 15 Jefferson County and one in Rockwall
 16 County.
 17 MR. DODGE: If we could pull up
 18 Exhibit E, as in Elizabeth.
 19 (Exhibit E, multipage document
 20 titled SB 1111 and the Address
 21 Confirmation Process bearing Bates Numbers
 22 LONGORIA-00099 through LONGORIA-00115, is

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1 Q. What is a party chair for a county?
 2 A. Each county has either a republican
 3 or a democratic party or both. And they have a
 4 chair of each county party for each democratic
 5 and republican party of a -- in a particular
 6 county.
 7 Q. So this presentation wasn't for
 8 public officials, it was for party officials; is
 9 that right?
 10 A. I believe this version of it was
 11 for the party chairs.
 12 Q. Okay.
 13 A. But the website that it was
 14 presented in was open to anybody who wanted to
 15 log on.
 16 Q. Okay. Did you help to prepare this
 17 document?
 18 A. I probably reviewed it before it
 19 went out, but this is -- it's copied largely
 20 from the one we did for the county Election
 21 Official Seminar. It just has a few things
 22 about candidacy and stuff that was tweaked a

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1 marked for identification.)
 2 BY MR. DODGE:
 3 Q. This is a document produced to us
 4 by Defendant Isabell Longoria, the Election
 5 Administrator of Harris County, and it bears the
 6 Bate Stamp LONGORIA-00099.
 7 Are you familiar with this
 8 document?
 9 A. I am.
 10 Q. Can you tell me what this document
 11 is?
 12 A. It's a presentation at, I believe,
 13 the County Chair Seminar.
 14 Q. And what's the County Chair
 15 Seminar?
 16 A. The one-day meeting that we have
 17 for party chairs every other year. We do it in
 18 the fall of odd numbered years.
 19 Q. You just said party chairs, but did
 20 you mean county chairs?
 21 A. Party chairs for the county. The
 22 county party chairs.

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1 little bit for the audience.
 2 Q. So there's a separate presentation
 3 similar to this one that was prepared
 4 specifically for county chairs?
 5 A. No, not county chairs. It was for
 6 county election officials.
 7 Q. Pardon me. So there -- but there
 8 is another presentation that was prepared for
 9 county election officials; is that right?
 10 A. That's right. That we presented at
 11 our seminar in July earlier in the summer.
 12 Q. And that's July 2021?
 13 A. That's right.
 14 Q. Do you recall if you helped present
 15 this presentation to the party officials?
 16 A. I was a panelist on the
 17 presentation. I don't know if I spoke at all.
 18 I don't think I did.
 19 Q. Do you recall attendees asking any
 20 questions during this presentation?
 21 A. I do not.
 22 Q. Were there any county registrars in

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1 attendance during this presentation?

2 A. Well, apparently Isabell Longoria

3 was.

4 Q. Apparently. Are you aware of any

5 other registrars who were present for this

6 presentation?

7 A. I don't know. If they were, they

8 were incidental to the party chairs.

9 Q. Does your office have this document

10 in its possession?

11 A. It does.

12 Q. Okay. Were there any other

13 presentations offered at the Election Law

14 Seminar in September, 2021, that addressed

15 Senate Bill 1111?

16 A. No.

17 Q. You recall that I previously asked

18 you some questions about the meaning of various

19 terms within Senate Bill 1111; right?

20 A. Yep.

21 Q. And does this presentation offer

22 any definitions for any of those terms we

Page 174

1 discussed?

2 A. Not that I -- not that I recall. I

3 think it just gives the 1.015 definition of

4 residence with those terms in it.

5 Q. Besides the presentation to the

6 party chairs and to the county election

7 officials, are you aware of any other

8 presentations that your office prepared

9 regarding the meaning of Senate Bill 1111?

10 A. Well, it was included in the

11 presentations that were the entire legislative

12 updates. So it was one of the bills discussed

13 in the legislative update presentations.

14 Q. Okay. And just so I understand the

15 universe of documents we're talking about, there

16 are -- there are three presentations you've

17 mentioned, the -- the one to the county election

18 officials, the one to party officials, and then

19 one that was part of a broader legislative

20 update that included Senate Bill 1111; is that

21 right?

22 A. That's right.

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1 Q. And you're not aware of any other

2 presentations your office prepared that touched

3 upon Senate Bill 1111 in any capacity?

4 A. Well, the -- so the regular, you

5 know, voter registration presentations might

6 have included something about this new

7 confirmation process, address confirmation

8 process as part of their presentation.

9 What -- what often happens is

10 whenever we've got a law change like this, we'll

11 do a presentation specifically on the law

12 change. But the law changed substantive areas

13 of election administration, and so we'll also

14 touch on those changes in those presentations.

15 So the hope is that the audience

16 will get more than one exposure to the material

17 and come away with an education that includes

18 that material.

19 Q. Okay.

20 MR. DODGE: Could we turn to Page 5

21 of the presentation, which is on the page

22 ending in Bates 00101.

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1 Thank you.

2 And if we could zoom in on that top

3 slide.

4 BY MR. DODGE:

5 Q. This slide reflects several of the

6 changes that Senate Bill 1111 made to the Texas

7 Election Code; right?

8 A. That's right.

9 MR. DODGE: And if we could go to

10 the next slide on the same page, page --

11 Slide 6.

12 BY MR. DODGE:

13 Q. Okay. You see the third bullet

14 reads, "Change in statute may affect how you

15 answer voter questions."

16 Did I read that correctly?

17 A. You did.

18 Q. So you agree that your office

19 anticipated that Senate Bill 1111 would impact

20 how county officials answered voter questions;

21 correct?

22 MR. HUDSON: Objection, form,

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1 argumentative.

2 THE WITNESS: I mean, I agree

3 that's what the bullet says.

4 BY MR. DODGE:

5 Q. And your office prepared the

6 bullet; correct?

7 A. That's right.

8 Q. So is it fair to say that your

9 office anticipated that Senate Bill 1111 would

10 affect how county officials answer voter

11 questions?

12 A. Any time there's change in the law,

13 especially with something as foundational as

14 residence, it's going to affect how voter

15 questions get answered.

16 Q. In what ways did your office think

17 that Senate Bill 1111 would affect the answers

18 county election officials gave to voters in

19 response to their questions?

20 A. Well, it would depend on the

21 question, but, I mean, since the definition of

22 residency changed, whenever you're telling a

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1 voter what the definition of residency is, you

2 have to give them the changed language.

3 Q. Yeah, I'm just curious if there

4 were -- you know, this -- this seems to reflect

5 that your office anticipated that voters might

6 have questions about the new law.

7 And I'm just interested if your

8 office anticipated that there'd be particular

9 issues or provisions of the bill that were

10 likely to result in voter questions with new

11 answers.

12 That's all I'm asking.

13 A. Yeah, I don't -- I don't think so.

14 I mean, we've got -- I don't know if this

15 presentation has it, but at the end of the

16 presentation FAQs. Those are the questions that

17 we think are going to come up and what we think

18 the answer to those questions ought to be.

19 Q. Got it. Do you recall if during

20 this presentation anyone from your office

21 discussed what kinds of questions registrars or

22 county election officials might receive about

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1 Senate Bill 1111?

2 A. Other than the FAQs that might be

3 later on, no.

4 Q. Okay. Do you recall if voter

5 confusion about the new law was discussed at all

6 during the presentation?

7 A. I'm sorry. What?

8 Q. Do you recall if voter confusion

9 about the new law was discussed at all during

10 the presentation?

11 A. No.

12 Q. Okay.

13 MR. DODGE: If we could go to the

14 final page of this document, please, which

15 is Slide 34.

16 BY MR. DODGE:

17 Q. Just so I understand, that -- that

18 e-mail address, that's the Elections Internet

19 address that we've seen in some of the e-mails

20 we've looked at; right?

21 A. It is.

22 Q. Okay. Can you tell me broadly what

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1 this e-mail address is used for?

2 A. I told you. It's our general

3 delivery e-mail address that -- that catches the

4 questions from election officials as well as

5 voters.

6 Q. Got it. Okay.

7 MR. DODGE: Can we pull up

8 Exhibit O.

9 (Exhibit O, e-mail correspondence,

10 is marked for identification.)

11 BY MR. DODGE:

12 Q. Just take a moment to review this.

13 I will represent to you, again,

14 this e-mail was produced to us last tonight by

15 your counsel and that it comes from your office.

16 Any reason to doubt that?

17 A. No.

18 Q. Do you see that the original e-mail

19 in this chain was sent on August 30th, 2021 by

20 the Elections Internet e-mail address to your

21 office?

22 A. I do.

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<p style="text-align: right;">Page 181</p> <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 style="text-align: right;">Page 183</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>
<p style="text-align: right;">Page 182</p> <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 style="text-align: right;">Page 184</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>

46 (Pages 181 to 184)

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1 September 7th, 2021.
 2 Do you see that?
 3 A. I do.
 4 Q. Okay.
 5 MR. DODGE: If we could scroll up
 6 to Ms. Hasting' e-mail again.
 7 BY MR. DODGE:
 8 Q. Okay. Do you know who Sue Hastings
 9 is?
 10 A. I do.
 11 Q. Can you tell me who she is?
 12 A. She works in the Harris County
 13 Election Administrator's office.
 14 Q. Okay. And do you see Ms. Hasting's
 15 question to your office?
 16 A. I do.
 17 Q. She asks, "Is this still scheduled
 18 for" -- well, I'm paraphrasing it.
 19 She says, "I also show this
 20 scheduled for 09/09/2021. Is that date still
 21 valid?"
 22 Did I read that correctly?

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1 A. You did.
 2 Q. Okay.
 3 MR. DODGE: And if you could scroll
 4 up to Mr. Pinney's e-mail.
 5 BY MR. DODGE:
 6 Q. And Mr. Pinney responds, "The SB
 7 1111 and Confirmation Notices webinar will be
 8 held today, September 7th, at 2 p.m. There will
 9 not be a repeat session of that webinar on
 10 Thursday."
 11 Do you see that?
 12 A. I do.
 13 Q. Okay. So you agree that Mr. Pinney
 14 is telling Ms. Hastings there that, in fact,
 15 there's not going to be a presentation on Senate
 16 Bill 1111 on Thursday, September 9th; correct?
 17 A. I see that.
 18 Q. Okay. Does this refresh your
 19 recollection that the Senate Bill 1111 webinar
 20 was moved from the 9th to the 17th -- from the
 21 -- from the 9th to the 7th?
 22 A. Apparently.

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1 Q. Okay.
 2 A. I don't know if the original 9th
 3 was a typo or if it moved, but...
 4 MR. DODGE: Could we pull up
 5 Exhibit X, as in Xavier.
 6 (Exhibit X, e-mail correspondence,
 7 is marked for identification.)
 8 BY MR. DODGE:
 9 Q. You see that this e-mail again
 10 involves Mr. PINE-NEY of your office?
 11 A. His name is PIN-NEY.
 12 Q. I'm sorry. My apologies. Yeah,
 13 you told me that. That's Mr. -- Mr. PIN-NEY.
 14 I'm sorry.
 15 But you see that Mr. Pinney is on
 16 this e-mail?
 17 A. I do.
 18 Q. And you see the e-mail at the
 19 bottom from a Whisper Hitt --
 20 A. I do.
 21 Q. -- at coryelltax.com?
 22 A. I do see that, yes.

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1 Q. Do you know who Whisper Hitt is?
 2 A. I don't. I mean, apparently, she
 3 works in Coryell County.
 4 Q. Could you read Whisper Hitt's
 5 e-mail underneath that red box?
 6 A. It says, "The previous e-mail
 7 about," I assume she meant "this," "says
 8 Thursday 9/9/21. Is this actually today now?"
 9 Q. And then Mr. Pinney responds, "The
 10 webinar on SB 1111 and Address Confirmations is
 11 being held today at 2:00 p.m."
 12 Do you see that?
 13 A. I do.
 14 Q. Do you know if anyone from Coryell
 15 County was able to attend the webinar?
 16 A. I don't; but the webinars are
 17 posted on our Internet website so that people
 18 can access them any time they want to. So they
 19 can go back and revisit it and watch it over and
 20 over and over if they want to.
 21 So anybody that wasn't able to make
 22 it on the 7th could watch it on the 9th at their

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

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1 A. Yes, they would be registered at
 2 that address. They still will.
 3 Q. Okay. Has your office provided any
 4 instructions to county registrars about how to
 5 determine if a location is a commercial post
 6 office box?
 7 A. No.
 8 Q. Has your office provided any
 9 instructions to registrars or county election
 10 officials about how to determine if a voter's
 11 residence is a similar location that does not
 12 correspond to a residence?
 13 A. No.
 14 Q. Prior to the enactment of Senate
 15 Bill 1111, could a voter register to vote at an
 16 address that was a similar location that does
 17 not correspond to a residence?
 18 A. They could. And they still can.
 19 Q. But they'd be subject to challenge?
 20 A. They were subject to challenge
 21 before. They're subject to challenge now.
 22 Q. Okay. What do you understand the

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1 knows that it's impossible to live at that
 2 location. That's a similar location for Loving
 3 County's purposes.
 4 Q. But you don't think it's possible
 5 for your office to provide sort of a single,
 6 comprehensive definition of the term "similar
 7 location that does not correspond to a
 8 residence"?
 9 A. I think that's purposefully left to
 10 the interpretation of the voter registrar so
 11 that they can deal with circumstances that are
 12 individual to their counties.
 13 Q. Got it.
 14 A. That's the same thing, the JP Court
 15 race down in Kenedy County or King County,
 16 wherever it was, they knew that the house was
 17 vacant where all these people from Kingsville
 18 registered to vote. They -- they knew nobody
 19 lived there. That's a similar location under
 20 this.
 21 Q. So the interpretation of this
 22 provision is specific to the county?

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1 term "similar location that does not correspond
 2 to a residence" to mean in the context of
 3 Section 2(a)?
 4 A. Well, I don't know exactly what
 5 that means. I know that it means in part a
 6 commercial address where there's not a
 7 residence. Could be a church. Could be a
 8 business.
 9 Q. You said it means in part.
 10 So do you think the definition of
 11 that term could actually be broader than what
 12 you just said?
 13 A. I do, and that's why I think it's
 14 worded the way it's worded. Because in the
 15 particular circumstances of the county, the
 16 voter registrar is in a better position to know
 17 whether or not that's actually a residence
 18 address.
 19 In other words, the sheriff in
 20 Loving County knows that there's a derelict
 21 mobile home with no utilities hooked up to it
 22 where 18 people are registered to vote. He

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1 A. The counties are the ones who do
 2 this work. The counties are the ones who need
 3 the definition. The counties are the ones who
 4 supply the definition in their own particular
 5 context. The counties are the ones who actually
 6 do voter registration in Texas.
 7 Q. Does -- does the term "similar
 8 location" in this provision -- do you understand
 9 that term to refer to commercial post office box
 10 or that does not correspond to a residence?
 11 A. Well, what the -- what the
 12 provision says is that if the voter's residence
 13 address is listed -- that -- that's listed is a
 14 commercial P.O. Box or a similar location where
 15 it's not a residence, then you can use this
 16 procedure.
 17 Q. Got it. I guess what I'm trying to
 18 understand is: Does this provision include any
 19 location that does not correspond to a residence
 20 or only those locations that are similar to a
 21 commercial post office box?
 22 A. I think it means any location that

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1 doesn't constitute a residence.
 2 Q. Okay.
 3 MR. DODGE: I think it's been over
 4 an hour since we last took a break. I'm
 5 hoping maybe we can take one more break
 6 before wrapping up since I know Eric has
 7 more to do today.
 8 Is now a good time to take a break?
 9 THE WITNESS: Sure.
 10 MR. DODGE: Okay. Do you want to
 11 come back at 12:06 p.m. Central Time?
 12 THE WITNESS: Okay.
 13 THE VIDEOGRAPHER: Okay. The time
 14 is 12:01 p.m. We are now off the record.
 15 (A recess is held from 12:01 p.m.
 16 to 12:07 p.m.)
 17 THE VIDEOGRAPHER: The time is
 18 12:07 p.m. We are now on the record.
 19 THE WITNESS: I just want to
 20 clarify one thing.
 21 Whenever we password protect
 22 webinars, we post the password as well so

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1 Q. Got it. But in this case, you
 2 think you just uploaded the PowerPoint? Do I
 3 have that right?
 4 A. So we had already had an Address
 5 Confirmation PowerPoint incorporating 1111 from
 6 the County Election Official Seminar posted, and
 7 so it's -- it's what's posted.
 8 Q. Got it. Okay.
 9 MR. DODGE: All right. If we pull
 10 up Exhibit F, as in Frank.
 11 (Exhibit F, multipage document
 12 titled Texas Secretary of State John B.
 13 Scott, Election Advisory No. 2021-10,
 14 bearing Bates Numbers OAG-000853 through
 15 OAG-000856, is marked for identification.)
 16 BY MR. DODGE:
 17 Q. And this document was produced to
 18 Plaintiffs by the office the Attorney General.
 19 It's beginning with the Bates Stamp OAG-000853.
 20 Do you recognize this document,
 21 Mr. Ingram?
 22 A. I do.

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1 it's publicly available.
 2 The other thing is this particular
 3 presentation is not posted to the web, but
 4 we do have the previous version that was
 5 given at the County Election Seminar that
 6 is posted, and, of course, this one was
 7 e-mailed to all election officials, so
 8 they have their own copy.
 9 BY MR. DODGE:
 10 Q. Thank you for clarifying that.
 11 When you say "this particular
 12 presentation," are you referring to the
 13 PowerPoint or to the video of the presentation?
 14 A. The PowerPoint.
 15 Q. Okay. When you post those
 16 presentations to your websites, do you typically
 17 post the PowerPoint or a video of the
 18 presentation itself?
 19 A. We do both. Sometimes we've
 20 recorded the presentation and it does the
 21 presentation and PowerPoint. Sometimes it's
 22 just the PowerPoint.

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1 Q. And can you tell me what this
 2 document is?
 3 A. It's the advisory that we put out
 4 specifically for SB 1111.
 5 Q. And did you assist in preparing
 6 this election advisory?
 7 A. I did.
 8 Q. Did you -- in what -- in what
 9 manner did you assist in preparing it?
 10 A. I reviewed and made a few small
 11 changes. So I was not the primary author.
 12 Q. Okay. And can you tell me the
 13 purpose of the document is?
 14 A. The purpose of the document is to
 15 make sure that the county election officials are
 16 aware of this new law and the new address
 17 confirmation procedure for impossible addresses.
 18 Q. Okay.
 19 MR. DODGE: If we could turn to
 20 Page 2, please.
 21 BY MR. DODGE:
 22 Q. Do you see about a third of the way

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1 down the page, it says, "Modifications to
 2 Standard Address Confirmation Forms"?

3 A. Agree with that.

4 Q. And the first sentence -- first
 5 sentence of that paragraph says, "SB 1111 made
 6 modifications to the 'Notice of Address
 7 Confirmation' and response document."
 8 Did I get that right?

9 A. You did.

10 Q. And then in that box before there
 11 are three forms referenced, Form 17-1, 17-2, and
 12 17-3; correct?

13 A. That's right.

14 Q. And those forms preexisted Senate
 15 Bill 1111; correct?

16 A. They did.

17 Q. Can you tell me in what way Senate
 18 Bill 1111 modified those forms?

19 A. It -- it -- like this says, it
 20 required that the definition of residence be
 21 placed on the form. And that there be a sworn
 22 affirmation by the person responding that that's

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1 process for voters registered at certain
 2 addresses that do not correspond to a
 3 residence."

4 Did I get that right?

5 A. You did.

6 Q. And it continues that, "If the
 7 voter registrar has reason to believe that a
 8 voter's residence address is a commercial post
 9 office box or similar location that does not
 10 corresponds to a residence, the voter registrar
 11 shall deliver an address confirmation to the
 12 voter." And then it cites the Texas Election
 13 Code.

14 And it continues, [as read]: "The
 15 response to the address confirmation for these
 16 voters must include a photocopy of certain
 17 documentation that corresponds to the voter's
 18 address."
 19 Did I get all that correct?

20 A. You did.

21 Q. Okay.

22 MR. DODGE: And if we could turn to

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1 where they live.

2 Q. Can you tell me in what
 3 circumstances a county official would use these
 4 forms?

5 A. This is our standard address
 6 confirmation form. It's used any time that the
 7 voter registrar has reason to believe that the
 8 voter has changed their address.

9 Q. Did Senate Bill 1111 add any
 10 requirement to supply documentation for
 11 individuals required to complete these forms?

12 A. For these forms, no. These forms
 13 are the standard NVRA address change process.
 14 The response document is the entirety of what's
 15 necessary.

16 Q. Okay. And the section below that
 17 table reads, "Procedures for New Address
 18 Confirmation Requiring Documentation."
 19 Do you see that?

20 A. I do.

21 Q. And then the first sentence reads,
 22 "SB 1111 created a new address confirmation

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1 Page 3 of this document.
 2 BY MR. DODGE:

3 Q. And do you see about halfway down
 4 the page it has a section, it says, "New Forms
 5 For Address Confirmation Requiring
 6 Documentation"?

7 A. Agreed.

8 Q. And then it reads, "The SOS has
 9 prescribed the following form for use for voters
 10 registered at certain addresses that do not
 11 correspond to a residence address."
 12 Did I get that correct?

13 A. Yes.

14 Q. So is it right that Senate
 15 Bill 1111 created a new address confirmation
 16 process for certain voters?

17 A. Agree with that.

18 Q. And for which voters did Senate
 19 Bill 1111 create a new address confirmation
 20 process?

21 A. For those that are registered at an
 22 address that is not a residence.

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1 Q. And can you describe the process
 2 for those voters who received a confirmation
 3 form?
 4 A. So if a voter is registered to vote
 5 at a -- at an address that does not correspond
 6 to a residence and they get one of these
 7 notices, they can either claim an exemption from
 8 the requirement to provide documentation or they
 9 will need to return the form with appropriate
 10 documentation.
 11 Q. Okay. And that form you're
 12 referring to is Form 17-4?
 13 A. That's right.
 14 Q. That form did not exist prior to
 15 Senate Bill 1111?
 16 A. Agree with that.
 17 Q. Is it fair to say that prior to
 18 Senate Bill 1111 there was one confirmation
 19 process for all voters?
 20 A. Well, there was one confirmation
 21 and it was to be used in the case of an address
 22 change. So when the voter registrar had reason

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1 to believe that an address changed, then they
 2 needed to do an address confirmation.
 3 The only other time an address
 4 confirmation would be sent is if the voter was
 5 challenged under 16.0921.
 6 Q. So prior to Senate Bill 1111, would
 7 a county official not send a confirmation notice
 8 if it appeared that the voter's address did not
 9 correspond to a residence?
 10 A. They could do that, but the -- the
 11 confirmation response did not contain a
 12 requirement for documentation. So the voter
 13 registrar could on their own initiative, if a
 14 voter was registered at something other than a
 15 residence, send an address confirmation or they
 16 could do it in response to a -- to a challenge
 17 of the voter's voter registration.
 18 Q. Right. And prior to Senate
 19 Bill 1111, a county official would have used the
 20 same form for a voter who appears to have
 21 changed his or her address and also for a voter
 22 whose residence does not appear to correspond to

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1 a residence; is that right?
 2 A. Agree.
 3 Q. Okay. And that process did not
 4 require any voters to submit documentation of
 5 residence; correct?
 6 A. That's right.
 7 Q. Can you explain to me what interest
 8 your office has in requiring that some voters
 9 but not others submit documentation to confirm
 10 their registration addresses?
 11 A. Well, again, it's important to
 12 recognize this is not in the context of an
 13 address change. This is where someone resides
 14 at an address that they're not -- they're not
 15 moving, there's not any evidence that they are
 16 moving. They live there or they say they live
 17 there and that address is not a residence.
 18 So this is not inside of the NVRA.
 19 This is something that's challenging an existing
 20 address, not -- not updating a changed address.
 21 And the documentation provided has to be in a
 22 hierarchy with driver's license first, going

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1 down to, I believe, tax appraisal district
 2 documents.
 3 Q. So is it your understanding that
 4 the bifurcation in the confirmation notices was
 5 due to the NVRA?
 6 A. No, it's just -- it's due to the
 7 fact that there are different circumstances.
 8 There's one where you have an update because the
 9 voter's residence has changed. And there's one
 10 where the place where the voter claims to live
 11 and is not changing, but it's impossible to live
 12 there.
 13 Q. I understand all that.
 14 I'm -- I'm interested in why one
 15 requires photo documentation, but not the other
 16 and what interest your office or the state has
 17 in requiring documentation in one situation but
 18 not the other.
 19 A. Well, in an address change, you
 20 know, the NVRA says that it has to be on a
 21 postage paid card. So the limitation can't
 22 require any additional documentation.

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<p style="text-align: right;">Page 209</p> <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 style="text-align: right;">Page 211</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>
<p style="text-align: right;">Page 210</p> <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 style="text-align: right;">Page 212</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 style="text-align: center;">Page 213</p> <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 style="text-align: center;">Page 215</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>
<p style="text-align: center;">Page 214</p> <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 style="text-align: center;">Page 216</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 style="text-align: right;">Page 217</p> <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 style="text-align: right;">Page 219</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>
<p style="text-align: right;">Page 218</p> <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 style="text-align: right;">Page 220</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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1 residence address if I did not also include a
 2 photocopy of the required documentation; right?
 3 A. That's correct.
 4 Q. So even if I were to submit a
 5 residence address that was identical to one I
 6 might provide on a change of residence address
 7 on Form 17-2 or 17-3, that would not suffice for
 8 purposes of this form; right?
 9 A. You know, now that I'm thinking
 10 about it, I would probably need to ask --
 11 consult with my lawyers and see what we think
 12 about that because I think that you're right,
 13 that -- that if there's no proof and they supply
 14 a different address, but still don't supply the
 15 proof, that they still go on suspense, but...
 16 Q. You ended with a "but." Was
 17 there -- was there more to your response?
 18 A. Yeah, I just -- I just want to
 19 make --
 20 Q. Take your time.
 21 A. Yeah. I think for our purposes
 22 today, yeah, that's the -- that's the answer.

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1 A. Well, what's missing from your
 2 hypothetical is that they also changed their
 3 address from the impossible one.
 4 Q. Right. So assume in my question
 5 that they have changed their address to a
 6 facially valid residence address. If they
 7 complete this form in total, but don't supply
 8 documentary proof of the change of residence,
 9 would the form itself still supply all the
 10 necessary information that if taken at face
 11 value was sufficient to deem them to have
 12 changed their address?
 13 A. I don't know the answer to that
 14 question as we sit here today. I'm going to
 15 have to consult.
 16 Q. So it's possible it might?
 17 A. That's right.
 18 Q. But as best you can -- as best you
 19 can determine right now, without further
 20 consultation with attorneys, you still believe
 21 that the result of such a submission would be to
 22 put the voter on the suspense list because they

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1 If they put a different address on here and they
 2 don't supply a copy of their driver's license or
 3 anything else on that list, then they would
 4 still go on the suspense list.
 5 Q. Can you explain to me why you have
 6 to think about it though?
 7 A. Because if it's a different address
 8 that is actually a residence, then I don't know
 9 why we can't use this as a change of address
 10 form. If they're not still claiming to live at
 11 the impossible address, then I think we should
 12 maybe use this as a change of address form, and
 13 they -- they're putting their driver's license
 14 number on it.
 15 Q. Okay. So if a -- if a voter
 16 completed this form in full, that is Form 17-4,
 17 and did not claim an exemption and did not
 18 include documentary proof of their residence,
 19 you would agree that they otherwise would still
 20 have supplied all the necessary information to
 21 conclude that they provided an adequate
 22 residence address?

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1 did not provide documentary proof?
 2 A. Agree with that.
 3 Q. Okay. It's the case that voters
 4 registering for the first time in Texas are not
 5 required to submit documentary proof of
 6 residence; right?
 7 A. That's right.
 8 Q. So a voter registering for the
 9 first time in Texas could theoretically supply a
 10 residential address they don't actually live at,
 11 and if later challenged, they would not be
 12 required to submit any documentary evidence when
 13 confirming either that address or a changed
 14 address; is that right?
 15 A. I'm not sure what you mean.
 16 Q. Well, let's say I register at 100
 17 Main Street in Amarillo, Texas, and year later
 18 someone files an election challenge and says he
 19 doesn't actually live at 100 Main Street. I
 20 would receive Form 17-1 and 17-2; correct?
 21 A. That's right.
 22 Q. And in responding to Form 17-1 and

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<p style="text-align: right;">Page 225</p> <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 style="text-align: right;">Page 227</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>
<p style="text-align: right;">Page 226</p> <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 style="text-align: right;">Page 228</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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1 Ms. Adkins said, "Thank you for the questions.
 2 See my answers below"?

3 A. That's right.

4 Q. Fair to assume that the red text
 5 under these questions are Ms. Adkins's
 6 responses?

7 A. Agreed.

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

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1 Form 17-4 submit documentation establishing
 2 their residence on line through Texas.gov?

3 A. They cannot.

4 Q. Could a person completing Form 17-4
 5 submit documentary proof of residence
 6 electronically via fax or e-mail?

7 A. They cannot.

8 Q. Is there any particular reason why
 9 a person completing a Form 17-4 cannot submit
 10 their documentation through electronic means?

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.

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?

18 A. That's right.

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

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1 receives a standard confirmation notice, such as
 2 Form 17-2, can complete that form on line?

3 A. No.

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?

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.

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?

17 A. That's right.

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?

21 A. That's right.

22 Q. Okay. Could a person who receives

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1 not fill out a confirmation form. You update
 2 your address.

3 Q. Well, I'm not sure that is
 4 responsive to my question.

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.

10 A. Because the State of Texas has
 11 determined that proof is required of the
 12 impossible address.

13 Q. Okay. I understand that.

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?

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

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1 claims to live in an address that does not
 2 correspond to a residence, then they need to
 3 have some additional evidence that they actually
 4 live there in order to satisfy the requirement
 5 that you be registered to vote where you live.
 6 That way, the voting power, voting strength,
 7 whatever you want to call, is not skewed by
 8 people who don't actually live in a precinct
 9 that they're registered to vote in.
 10 Q. You agree that a voter who receives
 11 a Form 17-2 could also potentially not live in
 12 the precinct in which their offered address is
 13 located; right?
 14 A. Agreed.
 15 Q. And they still would not be
 16 required to submit documentary evidence of their
 17 address; right?
 18 A. Agreed, but the place where they
 19 claim to live is actually a residence. It's a
 20 completely different situation. They -- they --
 21 there's not any indication that -- that it
 22 doesn't correspond to an address and, therefore,

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1 they don't live there. The reason why they're
 2 being sent an address confirmation is because it
 3 looks like they've moved and we want to capture
 4 their most recent address.
 5 It's a completely different
 6 situation than the voter who is currently
 7 registered and for all intents and purposes
 8 intends to stay registered at an address that
 9 does not correspond to a residence. If that
 10 person wants to stay at that place, they're
 11 going to have to come up with additional
 12 evidence that they actually live there. That's
 13 the -- that's the purpose behind the
 14 documentation requirement.
 15 Q. Would it differ if the reason a
 16 Form 17-2 was sent to a voter was that an
 17 individual came in and made an allegation that
 18 the person the form was sent to was
 19 misrepresenting their address in order to vote
 20 in a place they didn't actually live?
 21 A. Well, again, it's -- it's -- that's
 22 the whole point, is to get their current voter

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1 registration address, so that we can have our
 2 voter rolls be current and not be filling out
 3 statements of residence at the polling place and
 4 backing up the line.
 5 Q. So the answer is, no, that wouldn't
 6 make a difference?
 7 A. It doesn't make a difference. The
 8 point is to get the voter's current address, so
 9 that they don't have to fill out any paperwork
 10 when they come to vote.
 11 Q. Okay.
 12 A. When they come to vote and the --
 13 and the person at the desk says, "Do you still
 14 live at this address," they can say, "Yes," and
 15 go through the line.
 16 Q. If we could return to Ms. Garcia's
 17 e-mail, you see there was a second question
 18 posed; right?
 19 A. Yes.
 20 Q. And that question is, "If a voter
 21 has been registered for years at a lot that is
 22 empty with intentions to build or move a trailer

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1 there some day, are they required to update
 2 their voter registration records according to
 3 the new residence definition?"
 4 Did I read that correctly?
 5 A. You did.
 6 Q. And Ms. Adkins responds, "This
 7 scenario may be one that falls under a
 8 commercial post office box or similar location
 9 that does not correspond to a residence. In
 10 this case, you would send out the new SB 1111
 11 confirmation notice that requires the voter to
 12 provide documentation."
 13 Did I read that correctly?
 14 A. You did.
 15 Q. Am I right that Ms. Adkins said the
 16 scenario may fall under the P.O. Box provision?
 17 A. That's right.
 18 Q. Are you able, sitting here today,
 19 to answer that question more definitively about
 20 whether or not the scenario set out by
 21 Ms. Garcia falls within the scope of the P.O.
 22 Box provision?

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1 A. Well, the reason for the "may"
 2 there is because we're not the voter registrar
 3 in Refugio County. Rachael Garcia is.
 4 So our office, we don't -- we don't
 5 do this work and so we don't implement. We
 6 don't -- we're not the ones that actually deal
 7 with voter registrations and confirmation
 8 notices.
 9 We're just explaining to Ms.
 10 Garcia, you might consider this to be a similar
 11 location that doesn't correspond to a residence.
 12 If you do, then you need to send this new
 13 address confirmation notice that requires
 14 documentation. But that's only if, in Rachael
 15 Garcia's judgment, she determines that a blank
 16 lot is a similar location that doesn't
 17 correspond to a residence.
 18 She's the voter registrar for
 19 Refugio County. She's the one that gets to make
 20 that decision. We don't make that decision for
 21 her. We provide assistance and advice.
 22 Q. In making that judgment as a county

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1 election official -- strike that.
 2 You mentioned that it's Ms.
 3 Garcia's judgment about whether -- what form to
 4 send in this circumstance; right?
 5 A. Agreed.
 6 Q. Has your office provided any
 7 guidance to county election officials about how
 8 to make that judgment?
 9 A. Well, we have. I mean, we've --
 10 we've done that advisory and we've done at least
 11 two PowerPoint presentations that are devoted to
 12 the topic.
 13 Q. But you agreed earlier that your
 14 office hasn't provided any definition of the
 15 term "similar location"?
 16 A. Agreed, but in our presentations,
 17 as well as in our advisory, I believe we've got
 18 FAQs.
 19 Q. Okay. Has your office provided any
 20 set of examples to county election officials
 21 about what might constitute a similar location
 22 that does not correspond to a residence?

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1 A. I would have to review the
 2 presentations and see what the FAQs are. Yes, I
 3 believe we've provided examples.
 4 Q. And when you say "FAQs," you're
 5 referring to the webinar we looked at earlier?
 6 A. That one, as well as the one from
 7 the County Election Seminar, Election Official
 8 Seminar, as well as the advisory that we've put
 9 out that you showed me earlier.
 10 MR. HUDSON: While we're at a
 11 natural pausing point, Chris, I don't know
 12 if you're handling the deposition at 1:00,
 13 but I am. We're about a little over 10
 14 minutes away. My office where I'm
 15 presenting that is in a different part of
 16 town. I don't anticipate that we'll be
 17 prepared to go at 1:00.
 18 So you tell me how you want to
 19 handle this because we're either going to
 20 move to 1:00, or we need to break and
 21 we'll need to move it anyway because I've
 22 got to get across town; and with, you

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1 know, personal sugar issues, I need to get
 2 something to eat.
 3 MR. DODGE: I understand that. And
 4 I am nearly finished. I'm not -- I can't
 5 guarantee I'm going to finish by 2:00. I
 6 am not handling the next deposition.
 7 MR. HUDSON: Okay. Well, we can go
 8 off the record or we can come to an
 9 agreement --
 10 MR. DODGE: Why don't we go off the
 11 record briefly and discuss.
 12 MR. HUDSON: Yeah.
 13 THE VIDEOGRAPHER: Okay. The time
 14 is 12:46 p.m. We are now off the record.
 15 (A recess is held from 12:46 p.m.
 16 to 12:48 p.m.)
 17 THE VIDEOGRAPHER: The time is
 18 12:48 p.m. We are now on the record.
 19 MR. HUDSON: Yeah, during the
 20 break, I discussed with counsel the fact
 21 that we had two depositions set for today,
 22 one to begin at 9:00, one to begin at

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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:

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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

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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.

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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

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1 go to the next page, 113 please.
 2 BY MR. DODGE:
 3 Q. Either of these?
 4 A. No.
 5 MR. DODGE: If we could go to 114.
 6 BY MR. DODGE:
 7 Q. Do either of these FAQs respond
 8 to --
 9 A. No.
 10 Q. Okay.
 11 MR. DODGE: Go to 115.
 12 BY MR. DODGE:
 13 Q. What about --
 14 A. No.
 15 Q. Okay. And you -- you agree this is
 16 the final page of the document?
 17 A. I do.
 18 Q. Okay. So having reviewed the FAQs
 19 in this presentation, do you agree that there is
 20 not any guidance in this presentation to county
 21 election officials about the meaning of the term
 22 "similar location that does not correspond to a

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1 MR. DODGE: If we could zoom in at
 2 the address bars at the top.
 3 BY MR. DODGE:
 4 Q. Can you tell me who Krystine Ramon
 5 is?
 6 A. She was one of our staff attorneys
 7 that's recently departed.
 8 Q. Okay. But she used to be employed
 9 by your office?
 10 A. She did.
 11 Q. And you agree that at this time she
 12 was employed at your office, October 11th, 2021?
 13 A. She was.
 14 Q. Okay.
 15 MR. DODGE: If you could scroll
 16 down to the e-mail from Shannon Lackey to
 17 Ms. Ramon.
 18 BY MR. DODGE:
 19 Q. Do you know who Ms. Lackey is or
 20 Mr. Lackey?
 21 A. Yes. She's the Election
 22 Administrator in Randall County. Randall and

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1 residence"?
 2 A. Agree with that.
 3 Q. Okay.
 4 MR. DODGE: If we could pull back
 5 up Ms. Garcia's e-mail, which was Exhibit
 6 T, as in Taylor.
 7 BY MR. DODGE:
 8 Q. Do you recall we were discussing
 9 her second question?
 10 A. That's right.
 11 Q. Okay. Do you think for purposes of
 12 Ms. Garcia's question that the text of Senate
 13 Bill 1111 is sufficiently clear for her to make
 14 a judgment about whether or not the address she
 15 is describing constitutes a similar location
 16 that does not correspond to a residence?
 17 A. Well, I think it is.
 18 Q. Okay.
 19 MR. DODGE: All right. If we could
 20 pull up Exhibit L, as in Larry.
 21 (Exhibit L, e-mail correspondence,
 22 is marked for identification.)

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1 Potter County share Amarillo.
 2 Q. And Ms. Lackey is asking your
 3 office whether or not she can use existing
 4 confirmation notice forms after the enactment of
 5 Senate Bill 1111; is that right?
 6 A. That's right.
 7 MR. DODGE: If we could scroll back
 8 up to Ms. Ramon's response.
 9 BY MR. DODGE:
 10 Q. Ms. Ramon responds, "Since SB 1111
 11 (87RS) took effect on September 1, 2021 it
 12 required a significant change to the address
 13 confirmation form. Therefore it is recommended
 14 that you use the new form because of the
 15 significant change."
 16 Do you know what significant change
 17 Ms. Ramon is referring to.
 18 A. Yes, it requires the text of
 19 1.015(b) on the form.
 20 Q. Do you agree that Senate Bill 1111
 21 required a significant change to the address
 22 confirmation forms?

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<p style="text-align: right;">Page 249</p> <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 style="text-align: right;">Page 251</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>
<p style="text-align: right;">Page 250</p> <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 style="text-align: right;">Page 252</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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1 Can we scroll up one page.
 2 Thank you.
 3 BY MR. DODGE:
 4 Q. At the bottom, you see -- you see
 5 that this is an e-mail from Ms. Blifford to you
 6 and Ms. Longoria?
 7 A. Agree with that.
 8 Q. Can you tell me who Ms. Blifford
 9 is?
 10 A. She is a person that is Director of
 11 Governmental Affairs apparently at the
 12 Department of Criminal Justice.
 13 Q. Okay. Can you tell me who
 14 Ms. Longoria is?
 15 A. I don't know. Looks like a staffer
 16 for Representative Fierro maybe.
 17 Q. And if we scroll back down to the
 18 substance of Ms. Blifford's e-mail, she says,
 19 "For those inmates who are legally able to vote
 20 (due to their case being on appeal), but are
 21 incarcerated within TDCJ, where do they register
 22 to vote (using what address/residence)?"

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1 Did I read that correctly?
 2 A. You did.
 3 Q. Then up top you'll see you
 4 responded to Ms. Blifford's e-mail.
 5 MR. DODGE: If we could go to the
 6 top of the document.
 7 BY MR. DODGE:
 8 Q. Could you read the first sentence
 9 of your response?
 10 A. "Difficult question especially in
 11 light of new law."
 12 Q. By "new law" you're referring to
 13 Senate Bill 1111?
 14 A. That's right.
 15 Q. Can you explain -- and take a
 16 moment to review it, but can you just explain to
 17 me how you responded and why you -- why you
 18 reached the conclusion you did in responding to
 19 Ms. Blifford's e-mail?
 20 A. Because the voters can't use a
 21 penal institution address as their voter
 22 registration address.

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1 Q. Right. Okay. So it's correct that
 2 an inmate at a penal institution in Texas cannot
 3 establish residency at that penal institution;
 4 correct?
 5 A. Exactly. And so they need to use
 6 an address where they've got the right to
 7 inhabit.
 8 Q. Okay. And it's also the case,
 9 though, that an individual at a penal
 10 institution in Texas cannot use a previous
 11 residence as a home and fixed place of
 12 habitation unless the person inhabits the place
 13 at the time of designation and intends to
 14 remain; correct?
 15 A. Exactly. And so it could be that
 16 for that person inhabiting the place means
 17 that's where their -- that's where their clothes
 18 and things are that they're going to use when
 19 they get out of prison, that they're inhabiting
 20 it by keeping their stuff there. I don't know.
 21 Q. Did that person intend to remain at
 22 that address?

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1 A. Well, that's the thing. At least
 2 for the duration of the incarceration.
 3 Q. So if someone were to have a life
 4 sentence, could they intend to remain at an
 5 address they lived at prior to their
 6 incarceration?
 7 A. Well, as you read in the question,
 8 the question is they're on appeal. So they
 9 still have the right to vote. If they have a
 10 final sentence, then they're not allowed to vote
 11 anymore. So they intend to remain at that
 12 address is because they're hoping their appeal
 13 is going to be successful.
 14 Q. Okay. But the provision also
 15 requires them to inhabit the place at the time
 16 of designation and --
 17 A. Right, if they can't inhabit the
 18 place with --
 19 Q. -- so --
 20 THE REPORTER: I'm sorry. One at a
 21 time, please.
 22 THE WITNESS: Okay.

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<p>Page 257</p> <p>1 BY MR. DODGE: 2 Q. Well, I'm just -- I'm trying to 3 understand what -- what you admit is a difficult 4 question, which is that the person at the time 5 they choose to register an address must both 6 inhabit the place at the time of designation and 7 intend to remain. 8 And, you know, if you could just 9 explain more about how an inmate at a penal 10 institution can inhabit a place that is not the 11 penal institution and to intend to remain at 12 that place at the time they register, I would 13 appreciate it. 14 A. Yeah, and it's like I said, they 15 can't inhabit it with their -- with their 16 personal body, but they can inhabit it with 17 their stuff. 18 Q. Okay. Any other difficult 19 questions you've encountered as a result of 20 Senate Bill 1111? 21 A. No. The over-the-road truck 22 drivers have a difficult situation as I've</p>	<p>Page 259</p> <p>1 to learning that a lawsuit had been filed 2 challenging Senate Bill 1111? 3 A. I was surprised that it didn't 4 bring a Section 2 claim or under the Voting 5 Rights Act or an NVR claim. 6 Q. Do you think there's a basis for 7 alleging a claim against Senate Bill 1111 under 8 Section 2 of the Voting Rights Act of 1965? 9 A. No, it would have been a bad claim, 10 but I was surprised it wasn't made. 11 Q. Can you tell me why you were 12 surprised? 13 A. Because they always make those 14 claims. 15 Q. Who's "they" in that sentence? 16 A. The Plaintiffs, particularly, the 17 Elias Group. 18 Q. Is that the only reason you were 19 surprised there wasn't a Section 2 claim? 20 A. That's right. 21 Q. Do you think there's a basis for 22 alleging a claim under the National Voter</p>
<p>Page 258</p> <p>1 mentioned before. 2 Q. Okay. 3 MR. DODGE: I think one final 4 e-mail. If we could pull up Q, Exhibit Q. 5 (Exhibit Q, e-mail correspondence, 6 is marked for identification.) 7 BY MR. DODGE: 8 Q. Please take a minute to review this 9 e-mail. 10 You'll see at the top this is an 11 e-mail sent by you at June 24th, 2021 at 10:07 12 a.m. to Sonya Aston; is that right? 13 A. That's correct. 14 Q. The "Subject" line is "SB 1111 15 Lawsuit"; right? 16 A. That's right. 17 Q. Do you recall if this e-mail was in 18 reference to the lawsuit that brings us here 19 today? 20 A. It is. 21 Q. Okay. And looking at this 22 document, do you recall what your reaction was</p>	<p>Page 260</p> <p>1 Registration Act of 1993 against Senate 2 Bill 1111? 3 A. I do not. 4 Q. Can you tell me why you were 5 surprised then that an NVRA claim was not filed? 6 A. Because, again, that's -- often 7 would have been done. It would have been 8 without a basis. It would have lost, but it 9 could have been claimed. 10 Q. Any other bases for challenging 11 Senate Bill 1111 you're aware of? 12 A. No, there's not any basis in your 13 current lawsuit as filed. 14 Q. Is that a legal conclusion? 15 A. It is. 16 Q. Okay. The second sentence in your 17 e-mail reads, "And are they really trying to 18 allege that folks have a First Amendment right 19 to commit voter registration fraud in order to 20 affect the outcome of an election?" 21 Did I read that correctly? 22 A. You did.</p>

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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?

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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.

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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

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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

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1 documents that might be responsive could be
 2 found.
 3 Q. Okay.
 4 MR. DODGE: Please mark the
 5 question as -- as not responsive to my
 6 question.
 7 (Record marked.)
 8 BY MR. DODGE:
 9 Q. And I'll try it one more time.
 10 To your knowledge, yes or no, do
 11 you know if anyone looked for documents
 12 responsive to our requests in any databases
 13 besides e-mail accounts?
 14 MR. HUDSON: Objection, asked and
 15 answered.
 16 Objection, argumentative.
 17 THE WITNESS: Do you want me to go
 18 off the -- off the record and find out? I
 19 can get an answer to your question very
 20 easily.
 21 MR. HUDSON: Well --
 22 BY MR. DODGE:

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1 searched for; and if you want me to get a
 2 specific list of the locations, I would be happy
 3 to do so.
 4 Q. What is your basis for the
 5 conclusion that documents were searched for in
 6 all databases where they needed to be searched
 7 for?
 8 A. Because that's what we do, we
 9 respond to document requests comprehensively.
 10 Q. Okay. Are you aware of any
 11 documents produced from your office that are not
 12 e-mails?
 13 A. Yes.
 14 Q. Can you identify one?
 15 A. The election advisory you flashed
 16 up here earlier.
 17 MR. DODGE: Can we pull up Exhibit
 18 F?
 19 BY MR. DODGE:
 20 Q. Do you see in the lower right-hand
 21 corner there's a Bate Stamp reading OAG-000853?
 22 A. Okay.

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1 Q. All I want is your knowledge. I
 2 don't need a categorical answer one way or the
 3 other.
 4 A. Well, I'm here as 30(b)(6), aren't
 5 I?
 6 MR. HUDSON: Yeah, well, hold on.
 7 If you're asking for Keith Ingram's
 8 knowledge, I'm going to object to outside
 9 the scope of the deposition. He's already
 10 provided you the answer on behalf of the
 11 Office of the Secretary of State.
 12 So, again, object as to form,
 13 argumentative. Form, asked and answered.
 14 BY MR. DODGE:
 15 Q. Okay. So in your capacity as a
 16 Rule 30(b)(6) Witness here today on behalf of
 17 the Secretary of State's Office, you are not
 18 able to categorically state one way or the other
 19 whether or not documents were searched for
 20 outside of e-mail databases; is that right?
 21 A. Again, my answer is that documents
 22 were searched for wherever they needed to be

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1 Q. Would you accept my representation
 2 that this document was produced to us by the
 3 Office of the Attorney General and not by the
 4 Secretary of State's Office?
 5 A. I don't know who it was produced
 6 by, but I know it's our document that you've
 7 got.
 8 Q. But it didn't come from your
 9 office; correct?
 10 A. It did come from our office. This
 11 is our advisory.
 12 Q. This document was not produced by
 13 your office in response to our subpoena
 14 requests; correct?
 15 A. It doesn't look like it. It looks
 16 like it predates that.
 17 Q. Okay. Are you aware of any
 18 documents besides e-mails that were produced in
 19 response to our subpoena requests?
 20 A. I don't know what documents were
 21 produced in response to the subpoena. I can
 22 find out. Do you want me to find out?

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1 MR. DODGE: Well, let's go off the
 2 record briefly.
 3 THE WITNESS: Was that part of the
 4 document -- was that part of the topics we
 5 were --
 6 MR. HUDSON: We're not going to --
 7 we're not going to talk on the record.
 8 MR. DODGE: Yeah, why don't we go
 9 off the record for a second.
 10 THE VIDEOGRAPHER: The time is
 11 1:11 --
 12 THE REPORTER: Wait a minute. Wait
 13 a minute.
 14 THE VIDEOGRAPHER: The time is
 15 1:11 --
 16 THE REPORTER: Excuse me. Are we
 17 agreed to go off the record?
 18 MR. HUDSON: No, we're not.
 19 MR. DODGE: Okay. Well, in that
 20 case, I'm going to ask one final time
 21 if we're not going to go off the record.
 22 BY MR. DODGE:

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1 Are you suggesting we don't have
 2 the documents? Do you want me to get a
 3 list of custodians?
 4 Because, you know, quite honestly,
 5 we had another deposition that was
 6 supposed to start 15 minutes ago on the
 7 basis that during our meet and confer you
 8 all agreed that we could get both of these
 9 done, one in the morning and one in the
 10 afternoon.
 11 We spent 15 minutes earlier going
 12 over e-mails about whether a webinar was
 13 handled on the 7th or 9th of September for
 14 15 minutes.
 15 We're now going back and forth
 16 about whether someone did or did not
 17 search a particular e-mail inbox for a
 18 non-party who received a Rule 45 subpoena.
 19 So I'm more than happy to go off
 20 the record, but I've also got an e-mail
 21 here that I just received from your
 22 co-counsel suggesting that we're supposed

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1 Q. Sitting here today, as a Rule
 2 30(b)(6) Witness on behalf of the Secretary of
 3 State's Office, are you aware of any documents
 4 produced by your office in response to our
 5 document requests in the subpoena to your office
 6 that are not e-mails?
 7 MR. HUDSON: Objection, asked and
 8 answered.
 9 THE WITNESS: Yeah, I don't know
 10 what was -- what was produced. I can find
 11 out if you want me to.
 12 BY MR. DODGE:
 13 Q. Would finding out require us to go
 14 off the record?
 15 A. It would.
 16 Q. Does your counsel consent to go off
 17 the record?
 18 MR. HUDSON: Well, let's talk about
 19 what we're doing here. I mean, are we
 20 really arguing over e-mails? Or I guess
 21 I'm trying to figure out what you're
 22 trying to do.

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1 to start the second deposition at 1:30.
 2 So I'll do whatever you want to do,
 3 but I want to make sure that I understand
 4 and that you understand on the record that
 5 the way that you're using your time is
 6 impacting the second deposition that we
 7 had set for 1:00.
 8 MR. DODGE: But do you think I'm
 9 not within my rights to ask about whether
 10 or not you've complied with our subpoena
 11 requests?
 12 MR. HUDSON: You can ask whatever
 13 you want. I'm telling you --
 14 MR. DODGE: This is the last
 15 question I have to this Witness, but this
 16 Witness is not answering the question.
 17 Do you agree with that?
 18 MR. HUDSON: Well, this -- I
 19 believe he's answered it several times.
 20 You may not like the answer, but he has
 21 answered.
 22 MR. DODGE: His answer is that he

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

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1 not going to be able to start probably
 2 until 2:15.
 3 MR. DODGE: Let me...
 4 (Pause.)
 5 MR. DODGE: I think that's fine
 6 with us.
 7 MR. HUDSON: Thank you.
 8 We'll reserve.
 9 MR. DODGE: Okay.
 10 All right. Thank you for your
 11 time --
 12 THE VIDEOGRAPHER: This --
 13 MR. DODGE: -- Mr. Ingram, and I
 14 hope you have a nice weekend.
 15 THE REPORTER: We're not off yet.
 16 THE WITNESS: Thank you.
 17 THE VIDEOGRAPHER: Okay. This
 18 concludes for today's deposition. The
 19 date is April 29th, 2022. The time is
 20 1:16 p.m. We are now off the record.
 21 (Off the record from 1:16 p.m. to
 22 1:18 p.m.)

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1 CERTIFICATE
 2 I, Debra Sapio Lyons, a Registered
 3 Diplomat Reporter, a Certified Realtime
 4 Reporter, a Certified Realtime Captioner, an
 5 Approved Reporter of the United States
 6 District Court for the Eastern District of
 7 Pennsylvania, a Certified Court Reporter for
 8 the State of New Jersey; and Notary Public do
 9 hereby certify:
 10 That Brian Keith Ingram, the witness whose
 11 deposition is hereinbefore set forth, appeared
 12 remotely via Zoom videoconference, was
 13 remotely sworn by me and that such deposition
 14 is a true record of the testimony given by
 15 such witness, to the best of my ability and
 16 thereafter reduced to typewriting under my
 17 direction.
 18 I further certify that I am not related to
 19 any of the parties to this action by blood or
 20 marriage and that I am in no way interested in
 21 the outcome of the matter.
 22 In witness whereof, I have hereunto set my
 hand this 3rd day of May, 2022.

DEBRA SAPIO LYONS
 CRR, RDR, CRC, CCR, CPE

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1 THE VIDEOGRAPHER: Okay. The time
 2 is 1:18 p.m. We are now on the record.
 3 MR. HUDSON: Sure. We're coming
 4 back on the record just so -- I forgot at
 5 the end, we need to request a read and
 6 sign copy under the Federal Rules of Civil
 7 Procedure.
 8 That's it.
 9 THE VIDEOGRAPHER: Okay. The time
 10 is 1:18 p.m. and we are now off the
 11 record.
 12 (Time noted: 1:18 p.m.)

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1 Brian Keith Ingram 30(b)(6), c/o
 2 OFFICE OF THE ATTORNEY GENERAL OF TEXAS
 3 P.O. Box 12548 (MC-009)
 4 Austin, Texas 78711-2548

5 Case: Texas State LULAC, et al., v. Bruce Elfant, et al.
 6 Date of deposition: April 29, 2022
 7 Deponent: Brian Keith Ingram 30(b)(6)

8 Please be advised that the transcript in the above
 9 referenced matter is now complete and ready for signature.
 10 The deponent may come to this office to sign the transcript,
 11 a copy may be purchased for the witness to review and sign,
 12 or the deponent and/or counsel may waive the option of
 13 signing. Please advise us of the option selected.
 14 Please forward the errata sheet and the original signed
 15 signature page to counsel noticing the deposition, noting the
 16 applicable time period allowed for such by the governing
 17 Rules of Procedure. If you have any questions, please do
 18 not hesitate to call our office at (202)-232-0646.

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3
4 SIGNATURE PAGE
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5 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
of the transcript of my deposition and that:

8 (Check appropriate box):
9 () The same is a true, correct and
10 complete transcription of the answers given by
me to the questions therein recorded.
11 () Except for the changes noted in the
12 attached Errata Sheet, the same is a true,
13 correct and complete transcription of the
14 answers given by me to the questions therein
15 recorded.

16 _____
17 DATE WITNESS SIGNATURE

18
19
20
21 _____
22 DATE NOTARY

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7
8 Case: Texas State LULAC, et al., v. Bruce Elfant, et al.
9 Witness Name: Brian Keith Ingram 30(b)(6)
10 Deposition Date: April 29, 2022
11 Page No. Line No. Change

12
13
14
15
16
17
18
19
20
21 _____
22 Signature Date

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Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

-----x
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

VIRTUAL VIDEOTAPED DEPOSITION OF
HARRIS COUNTY 30(b)(6) REPRESENTATIVE
ISABEL LONGORIA
Thursday, April 14, 2022
9:10 a.m. Central Daylight Time

REPORTER: Dawn A. Jaques, CSR, CLR

DIGITAL EVIDENCE GROUP
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2

3 EXHIBITS ENTERED INTO THE RECORD BY

4 COUNSEL FOR ISABEL LONGORIA AND HARRIS COUNTY

5

6 (Documents verbally entered on the record by

7 Tiffany Bingham at page 205)

8

9 1) Defendant Isabel Longoria's Objections

10 to Intervenor-defendant Ken Paxton's Cross-notice

11 of Intent to Take Oral and Videotaped Deposition

12 of Isabel Longoria, Pursuant to Rule 30(b)(6)

13

14 2) Defendant Isabel Longoria's Objections

15 to Plaintiffs' Amended Notice of Taking Deposition

16 of Intervenor-defendant Isabel Longoria Pursuant

17 to Federal Rule of Civil Procedure 30(b)(6)

18

19

20

21

22

Page 11

1 Whereupon,

2 ISABEL LONGORIA,

3 was called as a witness, after having been

4 first duly sworn by the Notary Public,

5 was examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

7 BY MR. DODGE:

8 Q Good morning, Ms. Longoria.

9 How are you?

10 A Good morning, good.

11 Q My name is Chris Dodge. I'm an

12 attorney for Plaintiffs, Texas LULAC and

13 Voto Latino in this matter. The videographer

14 already noted this, but I'll just note for the

15 record that a number of other attorneys are also

16 present and have stated their appearances on the

17 stenographic record.

18 I want to begin just with some basics.

19 Could you please state and spell your full name

20 for the record?

21 A My name is Isabel Longoria, and that

22 is spelled I-S-A-B-E-L, Longoria is

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1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are on the

3 record. This is the remote video deposition of

4 Isabel Longoria, in the matter of Texas State

5 LULAC Voto Latino vs. Bruce Elfant, et al., in the

6 United States District Court, Western District of

7 Texas, Austin Division.

8 My name is Billy Fahnert; I am the

9 video technician today. The court reporter is

10 Dawn Jaques. We are here on behalf of Digital

11 Evidence Group. Today's date is April 14th, 2022.

12 The time is 9:10 a.m. Central Daylight Time.

13 All parties have stipulated to the

14 witness being sworn in remotely. Counsel has been

15 noted on the stenographic record, and the court

16 reporter may now swear in the witness.

17 THE REPORTER: Ms. Longoria, if you'll

18 raise your right hand to be sworn, please.

19

20 (The witness was administered the oath.)

21

22

Page 12

1 L-O-N-G-O-R-I-A.

2 Q Could you please provide your business

3 address?

4 A 1001 Preston, Houston, Texas 77002,

5 Fourth Floor.

6 Q Have you ever been deposed before?

7 A Yes.

8 Q How many times?

9 A Once.

10 Q Okay. And in what case?

11 A A case I had against the State of

12 Texas regarding Senate Bill 1.

13 Q Understood. And that matter involved

14 issues pertaining to the Texas Election Code; is

15 that correct?

16 A Correct.

17 Q Have you ever been a party to a

18 lawsuit before?

19 A Yes.

20 Q And is that the same case regarding

21 SB-1?

22 A I would say a variety of lawsuits in

Page 13

1 my capacity as Elections Administrator regarding
 2 the various election functions.
 3 Q I see. So you've been a party in a
 4 number of lawsuits?
 5 A Yes, sir.
 6 Q Okay. And do you know roughly how
 7 many?
 8 A I can't remember the exact number
 9 right now, no.
 10 Q That's okay. Okay, as we get going,
 11 I'm just going to take a few minutes now to cover
 12 some basics about how this deposition will
 13 operate. I suspect you're somewhat familiar with
 14 it, having been deposed before.
 15 This is a remote deposition. I am not
 16 in the room with you. Your deposition is being
 17 recorded, and as we are all -- and all of us are
 18 participating in this deposition through
 19 videoconferencing technology.
 20 Because this deposition is taking
 21 place remotely, I ask you to please do your best
 22 to turn off any email or cell phone notifications

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1 while the deposition is occurring.
 2 And could you please let me know what
 3 address you're located at for the deposition?
 4 A To confirm, email is shut off, phones
 5 are away, and I am at the 1001 Preston office,
 6 which is the same business address I provided
 7 earlier.
 8 Q Great, thank you. I appreciate that.
 9 Could you please let me know what
 10 device you are using to participate in the
 11 deposition?
 12 A My work laptop.
 13 Q And do you have any other screens open
 14 on your laptop?
 15 A No, sir.
 16 Q Do you have any other documents in
 17 front of you, either hard copies or electronic?
 18 A No, sir.
 19 Q Please don't refer to any documents
 20 during the course of this deposition unless I
 21 instruct you to do so, and the videographer will
 22 put them on your screen for you when needed.

Page 15

1 Is that understood?
 2 A Yes, sir.
 3 Q Great, thank you.
 4 Is anyone else present in the room
 5 with you?
 6 A No, sir.
 7 Q Because the deposition is occurring
 8 remotely, I may not be able to see what you have
 9 in front of you or who may enter the room while
 10 you're testifying, but you understand that it
 11 would not be appropriate for your attorney or
 12 anyone else to tell you how to answer a particular
 13 question I ask; is that right?
 14 A Yes, sir.
 15 Q Do you agree that while you're
 16 testifying today, you will not exchange
 17 communications by any means about how to answer
 18 the questions I ask?
 19 A Other than if I need to ask my
 20 attorney for advice about a client privilege or
 21 some other matter, correct, I won't ask about how
 22 to answer the question.

Page 16

1 Q Okay, thank you.
 2 I also please ask that you keep your
 3 microphone on while we're on the record. In
 4 addition to your microphone, my microphone and
 5 your attorney's microphones will also be on while
 6 we're making the record, but everyone else's
 7 should be muted when they're not speaking.
 8 During the deposition, I will ask you
 9 questions, and as you answer them, the court
 10 reporter will be taking down my questions and your
 11 answers. Your answers need to be audible to
 12 ensure that an accurate record of the deposition
 13 exists, so please do your best to avoid nodding or
 14 shaking your head or responding to questions with
 15 answers such as "uh-huh" or "nuh-uh," and I will
 16 try to do the same.
 17 A Yes, sir.
 18 Q I ask that you wait for me to finish
 19 my questions before you answer for the sake of the
 20 court reporter.
 21 A Yes, sir.
 22 Q Your answers will be under oath,

Page 17

1 meaning that you are swearing to their
 2 truthfulness and accuracy. The oath that you took
 3 today is the same as if you were testifying in a
 4 court. Do you understand that?
 5 A Yes, sir.
 6 Q If any of my questions today are
 7 unclear, please let me know and I will do my best
 8 to clarify them for you, but if you do answer a
 9 question, I will assume that you understood the
 10 question fully. Does that make sense?
 11 A Absolutely.
 12 Q Please give complete answers to my
 13 questions. Unless you indicate otherwise, I will
 14 assume that your answers are complete when you
 15 finish speaking.
 16 Does that also make sense?
 17 A Yes, sir.
 18 Q Your attorney may object to some of my
 19 questions; those objections are for the record and
 20 for the judge to consider later. You should still
 21 proceed to answer my question unless you're
 22 specifically told not to do so by your attorney.

Page 18

1 Does that make sense?
 2 A Yes, sir.
 3 Q Finally, I will aim to pause for a
 4 break about every hour, but if you need to take a
 5 break for any reason earlier than that, please
 6 just let me know. My only request is that if a
 7 question is pending, please answer my question
 8 before we take a break.
 9 Does that make sense?
 10 A Absolutely. And just again for the
 11 record, if at all possible timing allows to be
 12 present at a 1:00 p.m. meeting, that would be
 13 fantastic, but I understand that my goal today and
 14 my commitment is to this deposition.
 15 Q Great. We will try to move as
 16 expeditiously as possible.
 17 Any other questions about what I've
 18 said so far?
 19 A That all sounds very reasonable.
 20 Q Okay. And you understand that in this
 21 deposition you are here to provide testimony today
 22 on behalf of the Harris County Elections

Page 19

1 Administrator and no other county or elected
 2 office; is that right?
 3 A Yes.
 4 Q Do you understand who the Plaintiffs
 5 are in this case?
 6 A Yes.
 7 Q Okay. So if I refer to Texas State
 8 LULAC and Voto Latino as the Plaintiffs, you'll
 9 understand what I'm referring to?
 10 A Yes, I know of them generally as
 11 organizations in Texas, yes.
 12 Q You understand that you are a named
 13 defendant in this case; is that right?
 14 A Yes.
 15 Q And you also understand that there are
 16 additional defendants in this case?
 17 A Yes.
 18 Q But if I use the term "you" or
 19 "Harris County" or "yours," you understand that
 20 I'm referring specifically to your office of the
 21 Harris County Election Administrator and no other,
 22 correct?

Page 20

1 A Correct.
 2 Q And if I refer to the other county
 3 defendants in this case as "the other defendants,"
 4 you'll understand I'm referring to the other
 5 counties, correct?
 6 A Correct.
 7 Q Finally, if I use the term "SB-1111,"
 8 can we agree that that refers to legislation
 9 designated as Senate Bill 1111 that was enacted
 10 during the 2021 session of the Texas Legislature
 11 and signed by the Governor of Texas on June 15,
 12 2021, and that became effective on September 1,
 13 2021?
 14 A If you wouldn't mind clarifying, as
 15 there were multiple special sessions, just to be
 16 clear. I believe we're referring to
 17 Senate Bill 1111 from the regularly called
 18 legislative session, correct?
 19 Q I believe that's correct, yes.
 20 A I'm just making sure we're not
 21 referring to anything else in any following
 22 special session.

4/14/2022

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

Isabel Longoria 30(b)(6)

Page 21	Page 23
<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>
Page 22	Page 24
<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>

6 (Pages 21 to 24)

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1 degree?
 2 A Graduated in 2012.
 3 Q And do you have any other degrees?
 4 A I have a bachelor's degree from
 5 Trinity University.
 6 Q And what was that degree in?
 7 A Sociology.
 8 Q And in what year did you obtain that
 9 degree?
 10 A 2010.
 11 Q Could you state your current employer
 12 for the record, please?
 13 A Harris County, Office of Elections
 14 Administration.
 15 Q And could you tell me your current job
 16 title?
 17 A I am the Harris County Elections
 18 Administrator.
 19 Q And could you briefly tell me how you
 20 became the Harris County Elections Administrator?
 21 A Broadly, I was appointed by the
 22 Election Commission of the County Commissioners

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1 Court to serve as the Elections Administrator of
 2 Harris County.
 3 Q And in what year were you appointed?
 4 A 2020.
 5 Q So you've had that title for
 6 approximately two years?
 7 A Yep, just about.
 8 Q What are your duties and
 9 responsibilities related to elections as the
 10 Harris County Elections Administrator?
 11 A My duty is to administer elections for
 12 the voters of Harris County, which includes the
 13 functions of voter registration, election
 14 logistics, providing and storing election records,
 15 and otherwise helping, you know, the functions of
 16 voting and voter registration in Harris County.
 17 Q Great. And could you more
 18 specifically describe your duties and
 19 responsibilities with respect to voter
 20 registration in particular?
 21 A Yes. Our office accepts voter
 22 registration applications from potential voters,

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1 processes them per the Texas Election Code, and
 2 then if folks are able and eligible to be a
 3 registered voter, we accept them, add them to our
 4 voter rolls; and if not, we send them notices and
 5 otherwise maintain the voting rolls for
 6 Harris County and the surrounding entities.
 7 Q You just mentioned the Texas
 8 Election Code. Do your duties as Harris County
 9 Elections Administrator require you to be familiar
 10 with the Texas Election Code?
 11 A Yes, I'm to be generally familiar with
 12 the Texas Election Code and its applicable laws.
 13 Q And do you ever review the Texas
 14 Election Code in the course of fulfilling your
 15 duties?
 16 A I don't read the Texas Election Code
 17 casually, but yes, I refer to the Texas
 18 Election Code when completing my duties, yes.
 19 Q Understood. Can you tell me how your
 20 office is structured?
 21 A I am the Harris County Elections
 22 Administrator and the early voting clerk, voter

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1 registrar for Harris County.
 2 I have a Chief of Staff and a Chief
 3 Director of Voting. Under them report several
 4 directors -- I can't remember off the top of my
 5 head -- structured into various departments, such
 6 as voter registration, election technology,
 7 operations, administration, et cetera. Happy to
 8 name the others.
 9 Q Approximately how many departments are
 10 there?
 11 A Eight? I think we have eight
 12 departments in total.
 13 Q Okay. And if possible, could you try
 14 to name as many as possible?
 15 A Sure, yes, I'm happy to. Thank you.
 16 The communications department, voter
 17 registration, IT, operations, recruitment and
 18 training, administration, ballot by mail.
 19 I'm sure I'm missing some. Election
 20 technology warehouse, did I say that? Yeah.
 21 I can pull up an org chart for you.
 22 I'm blanking on the other ones.

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1 Q Ok, great. No, I appreciate you
 2 making the effort. I think you got close to
 3 eight.
 4 Approximately how many employees are
 5 in your office?
 6 A Approximately 140 full-time employees.
 7 Q And are there any non-full-time
 8 employees?
 9 A Yes.
 10 Q Approximately how many of those?
 11 A For any given election, another 150 or
 12 so temporary employees.
 13 Q Great, thank you.
 14 And how many elections have you run in
 15 your capacity as Harris County Elections
 16 Administrator?
 17 A I believe I've run about six elections
 18 up to this point.
 19 Q Have you ever encountered voter
 20 confusion during the course of an election?
 21 A Can you be more specific on "voter
 22 confusion"?

Page 30

1 Q Have you ever had a situation where a
 2 voter was confused about their ability to vote in
 3 an election?
 4 A I think so, yes, probably.
 5 Q And could you give me examples of what
 6 a voter might be confused about?
 7 A Voters have had questions about their
 8 eligibility to vote in any given election or
 9 contest; the methods of voting that they are
 10 allowed by law to engage in, such as the
 11 differences in legality with using curbside
 12 voting versus mail ballot voting.
 13 Confusion as to, you know, their
 14 status, be it with voter registration suspense,
 15 et cetera.
 16 And just questions on what is on the
 17 ballot and questions on what the topics are and
 18 how they should vote about them, but we do not
 19 advise how any voter should vote.
 20 Q In your experience, do the categories
 21 of voter confusion that you just named ever have
 22 any impact on a person's likelihood to ultimately

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1 vote in an election?
 2 MR. HUDSON: Objection, calls for
 3 speculation.
 4 THE WITNESS: Am I allowed to answer?
 5 BY MR. DODGE:
 6 Q Please proceed, yes.
 7 A The voters in our engagement with our
 8 office sometimes leave very frustrated. I don't
 9 know ultimately if they do or don't vote, but they
 10 sometimes have mentioned to us that they feel so
 11 overwhelmed with the different topics at hand that
 12 they perhaps may or may not vote.
 13 Q So in your experience as Harris County
 14 Elections Administrator, that kind of voter
 15 frustration can discourage a person from
 16 potentially voting?
 17 A To the extent that I don't track
 18 whether or not voters do ultimately go vote,
 19 voters have expressed to our office in phone calls
 20 and other communications that they feel so
 21 frustrated that they actually may not vote.
 22 Q Does your office have any kind of a

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1 mission statement?
 2 A Yes.
 3 Q Can you tell me what that mission
 4 statement is or characterize it for me?
 5 A Yes. I don't remember the exact
 6 words, we'd have to pull it up, but broadly, the
 7 mission of the office is to serve the voters of
 8 Harris County in providing safe, fair, accessible
 9 and transparent elections, and voter registration.
 10 Q And so in serving the people of
 11 Harris County, as part of your mission, that would
 12 include helping people in Harris County to
 13 register to vote, right?
 14 A Absolutely. It's one of the core
 15 functions, not only legally of this office, but in
 16 our mission to register people to vote in
 17 Harris County.
 18 Q And that mission would also include
 19 ensuring that voting is accessible to people in
 20 Harris County; is that right?
 21 A Yes, sir.
 22 Q And it would further involve ensuring

Page 33

1 that all eligible voters are able to ultimately
 2 cast a ballot; is that right?
 3 A Yes, sir.
 4 Q You mentioned previously that voters
 5 contact your office with questions; is that
 6 correct?
 7 A Yes, sir.
 8 Q Can you describe the process by which
 9 your office intakes and responds to questions from
 10 voters?
 11 A Voters can reach our office by
 12 calling -- calling our office at (713) 755-6965,
 13 our general voter line.
 14 They can send us letters to our main
 15 office here at Preston.
 16 Voters can appear in person here at
 17 our main office or any one of our branch offices.
 18 And voters also have access to an
 19 email account voters@ -- I believe voters@Harris
 20 whatever.com to email questions.
 21 Q So there are a number of channels by
 22 which a voter can reach out to your office?

Page 34

1 A Yes, sir.
 2 Q Who is responsible for answering those
 3 questions?
 4 A My staff in different departments,
 5 services, outreach, or the relevant division that
 6 that question might be applied.
 7 Q So there are a number of people
 8 employed by your office who are responsible for
 9 answering these questions?
 10 A Yes.
 11 Q Recognizing that the volume probably
 12 changes over the course of the year, generally how
 13 many questions might your office receive in a day?
 14 A I can't speak to how many we might
 15 receive in a day, but if you'll allow, I can
 16 provide that we receive, you know, between 3 and
 17 10,000 calls per the month depending on proximity
 18 to election.
 19 Q If a voter were to contact your office
 20 through any of those means you just named about
 21 how to register to vote, would your office respond
 22 to that question?

Page 35

1 A Yes.
 2 Q And would it likewise respond to any
 3 questions about whether or not an individual is
 4 lawfully eligible to vote?
 5 A You'll have to be more specific on
 6 that question, sir.
 7 Q If a voter called your office or
 8 emailed your office and wanted to know whether or
 9 not they were eligible to vote, would your office
 10 assist them in determining whether or not they
 11 were eligible to cast a vote in Harris County?
 12 A We -- in that context, we would
 13 provide the voter information as to what the Texas
 14 law or Texas Election Code allows for voter
 15 eligibility, and it's usually up to the voter to
 16 determine their eligibility and whether or not
 17 they meet those requirements.
 18 Q Would your office respond to questions
 19 from potential voters about what address they
 20 should use for a voter registration application?
 21 A If you could reframe the context of
 22 that question.

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1 Q Let me give you a hypothetical.
 2 If I'm a resident of Harris County,
 3 but I'm moving a few weeks before an election and
 4 I'm concerned about being able to cast a ballot
 5 and I call your office, inquire about which
 6 address to list on my voter registration
 7 application, would your office respond to that
 8 question?
 9 MR. HUDSON: Objection, form,
 10 foundation. Objection, form, speculation.
 11 MR. DODGE: You can answer.
 12 MS. BINGHAM: Object to form also.
 13 THE WITNESS: My office would pick up
 14 the call from the voter, or whatever method, relay
 15 to them what the Texas Election Code or law states
 16 regarding eligibility, moving, residency,
 17 et cetera, and then it is up to the voter to then
 18 inform us what they believe is their address, and
 19 therefore to register it.
 20 BY MR. DODGE:
 21 Q When your office responds to these
 22 questions from voters, what resources does it rely

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1 upon to answer the questions?

2 A We look at the Texas Election Code, we

3 have a form of FAQs, if you will, in the office,

4 shorthand notes, to inform those decisions.

5 And then if particularly a difficult

6 question, we would reach out to the county

7 attorney or Texas Secretary of State for

8 direction.

9 Q Would your office ever rely on

10 previously issued Secretary of State guidance in

11 answering those questions?

12 A Generally, yes, we look at materials

13 from the Secretary of State's office.

14 Q Okay. So beyond the Texas

15 Election Code and guidance from the Secretary of

16 State's Office, is there anything else your office

17 would rely upon in responding to voter questions

18 about registering or voting in an election?

19 A Again, other than guidance from the

20 County Attorney's Office as appropriate.

21 Q How does a person register to vote in

22 Harris County?

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1 A In Harris County, a potential voter

2 submits to our office an application, voter

3 registration application, generally by mail or in

4 person, either themselves or through a volunteer

5 deputy voter registrar, and we accept and process

6 those applications.

7 Q In processing an application, what

8 does your office do?

9 A When accepting an application, we

10 first see if there is already a voter record for

11 that voter within our database, our voter rolls,

12 if you will. If that person is potentially an

13 existing voter based on their name and birth date,

14 or it can be matched to a previous file, we would

15 update their voter record with whatever

16 information they provided on their voter

17 registration form.

18 If they are a new voter or not within

19 our database, we would then look to the Texas

20 TEAMS website, if you're familiar with that, so

21 essentially the Texas system to see if a voter

22 record in the State of Texas exists for that

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1 person, whether or not that needs to be

2 transferred essentially to the Harris County

3 rolls.

4 And then if no record exists for that

5 person, they're a new voter, we create a voter

6 record for them in Harris County and apply the

7 VUID numbers, et cetera, to create a record.

8 Q Understood. And if a person was

9 seeking to update their voter registration because

10 they moved to Harris County or within

11 Harris County, what steps would they take?

12 A They would submit to our office a

13 voter registration form with whatever previous

14 address is applicable. Especially in Texas, if

15 they're moving from their VUID, if they were

16 moving and eligible -- or, sorry, registered to

17 vote somewhere in Texas, then their residential

18 address and mailing address is applicable to us

19 within the Harris County files.

20 Q When a voter submits a voter

21 registration application, how does your office

22 verify the address on the application?

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1 A Per the Texas Election Code, we take

2 that address at face value. Whatever address the

3 voter submits to us as their residence is what we

4 accept as their residence.

5 Q Does your office take any steps to

6 ensure that the address is located within

7 Harris County?

8 A Generally we would look at the

9 United States Postal Service records, I believe

10 HCAD, and if needed, even Google Maps or some kind

11 of mapping function, to make sure that that

12 address is within the bounds of Harris County, and

13 then to determine what other -- if within the

14 bounds of Harris County, what jurisdictions that

15 voter would be eligible to vote in in the future.

16 Q What procedures does your office have

17 in place to ensure the accuracy of your voter

18 database?

19 A Can you specify what you mean by

20 accuracy or what function?

21 Q Well, you mentioned a few moments ago

22 the TEAM system with Texas, and I'm curious if you

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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

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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

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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

Page 44

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

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1 state authorities to then determine if that person
 2 was actually a resident of Texas or Kansas.
 3 If they perhaps mentioned that they
 4 did have a felony, they would not be eligible to
 5 vote, and so it would be on maybe a prosecuting
 6 authority or another legal entity to determine
 7 their felony status, for example.
 8 That's what I mean. It is wholly
 9 dependent on the case of the voter and what the
 10 question was to investigate.
 11 BY MR. DODGE:
 12 Q If I were a resident of Harris County
 13 and I thought that my neighbor was violating the
 14 Texas Election Code and I wanted to refer them to
 15 an authority to investigate the matter, what
 16 authority would I make that report to in the first
 17 instance?
 18 MS. BINGHAM: Object to form.
 19 THE WITNESS: I would imagine again,
 20 barring any other details, that neighbor would
 21 reach out to our office, the elections office
 22 first on that matter to report perhaps what they

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1 thought or not about a next-door neighbor.
 2 BY MR. DODGE:
 3 Q Understood. Is there any other way in
 4 which your office assists law enforcement in
 5 investigating violations of the Texas
 6 Election Code?
 7 MS. BINGHAM: Object to form.
 8 THE WITNESS: Yeah, if you could
 9 provide maybe a more specific question.
 10 BY MR. DODGE:
 11 Q I guess in what ways does your office
 12 assist law enforcement, any law enforcement body,
 13 with investigations into violations of the Texas
 14 Election Code?
 15 MR. HUDSON: Objection, form.
 16 MS. BINGHAM: Object to form.
 17 THE WITNESS: We may be asked to
 18 verify whether or not someone is currently or has
 19 been registered to vote in Harris County, or if
 20 someone violated an election hearing or other
 21 Texas Election Code while campaigning or voting at
 22 voting locations.

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1 BY MR. DODGE:
 2 Q And if it came to your office's
 3 attention that someone was attempting to register
 4 to vote in Harris County with an address located
 5 outside of Harris County, what actions would your
 6 office take?
 7 MS. BINGHAM: Object to form.
 8 THE WITNESS: So if in their
 9 residential address someone placed an address that
 10 was outside of Harris County, if it is within the
 11 State of Texas, we would forward that voter
 12 registration form to the applicable county. You
 13 know, say they meant to register to vote in
 14 Fort Bend, we would forward that to Fort Bend
 15 County.
 16 If it was from another state, we would
 17 forward that voter registration application to the
 18 applicable state on their form.
 19 BY MR. DODGE:
 20 Q So your office would not, for example,
 21 contact the Secretary of State's Office in
 22 response to such an application?

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1 A If it's very clear that the voter put
 2 on their form, for example, you know, Wichita,
 3 Kansas, we accept that that is the voter's
 4 residential address as they've stated on their
 5 form and, therefore, we would forward it to Kansas
 6 immediately.
 7 Q Are you aware of any instance in which
 8 someone who did not live in Harris County
 9 attempted to register to vote in Harris County?
 10 A No.
 11 Q Are you aware of any instance in which
 12 someone who did not live in the State of Texas
 13 attempted to register to vote in Harris County?
 14 A No.
 15 Q Okay. If we could pull up Exhibit B,
 16 please.
 17 (Exhibit B was marked
 18 for identification.)
 19 BY MR. DODGE:
 20 Q Have you ever seen this document
 21 before? Take a moment to familiarize yourself
 22 with it.

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1 A (Witness reviewing Exhibit B.) Yes.

2 Q And could you tell me what this

3 document is?

4 A It would appear to be the text of

5 Senate Bill 1111 that we have been discussing this

6 afternoon, or will discuss.

7 Q And do you recall when you first saw

8 this document?

9 A I would have first seen a version of

10 this document in 2021 during the Texas legislative

11 session.

12 Q Did anyone from the Texas State

13 Legislature speak to you or anyone in your office

14 about this bill before it was signed into law?

15 A Yes.

16 Q Can you tell me who that was?

17 A Respectfully, Mr. Dodge, I'd have to

18 go back to see which specific legislators I spoke

19 to. I can only say broadly members of the

20 Harris County delegation and others. I know that

21 I've spoken and counseled them on different

22 election matters, including the potential impacts

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1 of Senate Bill 1111.

2 Q I understand. Those were

3 conversations that those members of the Texas

4 State Legislature had with you personally?

5 A Yes, sir.

6 Q And those discussions were about the

7 impacts of Senate Bill 1111?

8 A My professional opinion or assessment

9 on what the impacts could be of Senate Bill 1111.

10 Q Understood. Could we pull up

11 Exhibit C, please?

12 (Exhibit C was marked

13 for identification.)

14 BY MR. DODGE:

15 Q If you can take just a moment to

16 familiarize yourself with this document.

17 A (Witness reviewing Exhibit C.) Mm-hmm.

18 Q Have you seen this document before?

19 A Yes, sir.

20 Q Can you tell me what this document is?

21 A It would appear to be the Texas

22 Secretary of State's Election Division's advisory

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1 regarding the implementation of Senate Bill 1111.

2 Q Okay. And can you tell me what the

3 purpose of this document is?

4 MR. HUDSON: Objection, form, calls

5 for speculation.

6 THE WITNESS: Advisories from the

7 Secretary of State's Office advise and help

8 provide direction to county offices on how to

9 implement laws, Texas election codes and legal

10 laws.

11 BY MR. DODGE:

12 Q So you understand the purpose of this

13 document to be advising your office on how to

14 implement Senate Bill 1111; is that correct?

15 A Broadly, yes.

16 Q And do you recall when your office

17 first received this advisory?

18 A August 31st.

19 Q And can you tell me what your office

20 did with this advisory when it received it?

21 A I and members of my staff read this

22 advisory, discussed this advisory, and then

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1 updated, if needed or as necessary, any forms or

2 procedures regarding voter registration in our

3 office.

4 Q Are you familiar with any other

5 guidance that the Secretary of State's office

6 provided your office about the implementation of

7 Senate Bill 1111?

8 A There was at one time a training or

9 meeting in which they provided a PowerPoint, as

10 well with different provisions of SB-1111, and

11 advice on how to implement it.

12 Q And did you attend that training?

13 A Oh, boy. I think so, yes. I can't

14 remember the exact time. I can't remember if it

15 was at a conference or someone else, but yes, I

16 believe I attended that training.

17 Q Okay. So besides this election

18 advisory and the training PowerPoint you just

19 referred to, you're not familiar with any other

20 guidance from the Secretary of State's Office

21 about the implementation of Senate Bill 1111?

22 A I can say these are the two main ones

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1 my office relies on, even if there were other
 2 smaller notices sent to our office.
 3 Q Did your office receive guidance about
 4 Senate Bill 1111 from any other state officials
 5 besides the Secretary of State's Office?
 6 A Not that I can recall.
 7 Q Did your office seek any additional
 8 guidance from any state officials, including the
 9 Secretary of State, about the implementation of
 10 Senate Bill 1111?
 11 A Not that I can recall.
 12 Q Do you see here on Exhibit C the
 13 section "Definition of Residence"?
 14 A Would you mind zooming in a bit?
 15 There we go. Yes, I see it on the screen.
 16 Q Could you please read aloud the
 17 underlined sentence in subsection (b)?
 18 A Subsection (b) states, "A person may
 19 not establish residence for the purpose of
 20 influencing the outcome of a certain election."
 21 Q Okay. I'm going to refer to this as
 22 "the residence restriction" for the remaining of

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1 the deposition. Does that make sense?
 2 A Yes, sir.
 3 Q Are you familiar with the residence
 4 restriction provision of Senate Bill 1111?
 5 A Yes, sir.
 6 Q What does this provision mean to you
 7 in plain language?
 8 A In plain language, as it's stated
 9 there, a person may not establish residence for
 10 the purpose of influencing the outcome of an
 11 election.
 12 Q Okay. Well, I'd like to get into some
 13 of the specific language in the provision then.
 14 What do you understand the term
 15 "establish residence" to mean?
 16 MS. BINGHAM: Object to form.
 17 THE WITNESS: That is a very good
 18 question, and depending on the voter and their
 19 circumstances, I may need to seek guidance from
 20 the Secretary of State or County Attorney on, but
 21 it would mean that they establish or represent to
 22 us that an address is their address of residence

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1 in Harris County.
 2 BY MR. DODGE:
 3 Q Do you think it's clear what the term
 4 "establish residence" means?
 5 MR. HUDSON: Objection, form.
 6 THE WITNESS: I don't believe that
 7 "establish" is defined in the Texas Election Code.
 8 BY MR. DODGE:
 9 Q Did the Secretary of State's Office
 10 provide you with a definition of what it means to
 11 establish residence?
 12 A In subsection (a) just above the one
 13 you're referencing on the screen, they do define
 14 the term "residence," but as I understand, the
 15 Secretary of State has not provided any guidance
 16 to us on the word "establish."
 17 Q Would it be -- strike that.
 18 Would it have been helpful to your
 19 office if the Secretary of State's Office had
 20 provided you with a definition of what it means to
 21 establish?
 22 A Yes, it would be incredibly helpful if

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1 that definition, in those words together,
 2 "establish residence," were provided to my office.
 3 Q Would it have been helpful if the
 4 Secretary of State's Office had provided you with
 5 examples of what it means to establish a
 6 residence?
 7 A Yes. There is a -- in Harris County,
 8 we have listed 2.5 million registered voters, all
 9 of which you have different circumstances for
 10 where they may live, and so it would be incredibly
 11 helpful to have more direction on what it would
 12 mean to establish a residence in the context of
 13 those varying examples.
 14 Q Do you think it's clear how your
 15 office is supposed to apply the term "establish
 16 residence" within the context of the residence
 17 restriction?
 18 A In the context of this residence
 19 restriction, no.
 20 Q If your office was confronted with a
 21 circumstance where it needed to apply this
 22 provision, would you require assistance from the

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1 Secretary of State's Office?
 2 MR. HUDSON: Objection, form,
 3 foundation. Objection, form, calls for
 4 speculation.
 5 THE WITNESS: Depending on the case
 6 the voter presented to us, yes. There are more
 7 difficult situations or more ambiguous questions
 8 that may be raised that it would be helpful or
 9 where we would absolutely need the direction of
 10 the County Attorney or Secretary of State.
 11 BY MR. DODGE:
 12 Q Has your office prepared any
 13 interpretation of what it means to establish
 14 residence for voters in Harris County?
 15 A We have not.
 16 Q What do you understand the term "for
 17 the purpose of" to mean within the context of the
 18 residence restriction?
 19 MS. BINGHAM: Object to form.
 20 THE WITNESS: "For the purpose of"
 21 generally means to me with the purpose of intent
 22 or intent to do something actively.

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1 BY MR. DODGE:
 2 Q Did the Secretary of State's Office
 3 provide you with any definition of what it means
 4 to do something for the purpose of within the
 5 context of the residence restriction?
 6 A No, sir.
 7 Q Would it have been helpful for the
 8 Secretary of State's Office to provide your office
 9 with a definition of what it means to do something
 10 for the purpose of within the residence
 11 restriction?
 12 A In this context, no. I believe we
 13 have a clear sense of what "with purpose" means,
 14 you know, the active intent.
 15 Q What do you understand the term
 16 "influencing the outcome of a certain election" to
 17 mean?
 18 MS. BINGHAM: Object to form.
 19 THE WITNESS: That is equally
 20 something I would appreciate direction from the
 21 Secretary of State's Office or, you know, as
 22 needed, from the County Attorney's Office on, what

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1 it would mean to influence the outcome of a
 2 certain election.
 3 BY MR. DODGE:
 4 Q You don't think it's clear from the
 5 language in the bill what the meaning of the term
 6 "influencing the outcome of a certain election"
 7 is?
 8 MS. BINGHAM: Object to form.
 9 THE WITNESS: No. I think it,
 10 depending on the situation or context, could have
 11 multiple meanings or interpretations.
 12 BY MR. DODGE:
 13 Q So would your office have difficulty
 14 applying this language in enforcing the residence
 15 restriction?
 16 MS. BINGHAM: Object to form.
 17 THE WITNESS: Not only in applying
 18 this, but, if you will, we accept documents from
 19 voters at face value. We don't ask voters, nor is
 20 it in the Texas Election Code, to determine a
 21 voter's intent or reason for registering to vote
 22 in any given area. So it is not part of my legal

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1 authority or duties to ever ask for someone's
 2 intent, purpose, et cetera, for registering to
 3 vote anywhere.
 4 BY MR. DODGE:
 5 Q Okay. Did the Secretary of State's
 6 Office provide you with a definition of what it
 7 means to influence the outcome of a certain
 8 election?
 9 A No, sir.
 10 Q Would it have been helpful for you if
 11 the Secretary of State's Office had provided you
 12 with a definition of what it means to influence
 13 the outcome of a certain election?
 14 A Yes, sir, very much so.
 15 Q Has the Secretary of State's Office
 16 provided you with any examples of what it means to
 17 influence the outcome of a certain election?
 18 A Not that I recall. If I'm recalling
 19 that PowerPoint presentation, I can't remember,
 20 but please remind me if there were other examples
 21 in there, but I don't believe so.
 22 Q Would it have been helpful if they had

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1 provided you such examples?
 2 A Yes.
 3 Q Has your office prepared any
 4 interpretation of what it means to influence the
 5 outcome of a certain election for voters in
 6 Harris County?
 7 A Absent of any more direction from the
 8 Secretary of State, it's difficult for us to
 9 prepare materials internally when we have the
 10 questions that are more applicable on a
 11 case-by-case basis.
 12 Q To your knowledge, have Texas state
 13 officials provided any guidance to the public in
 14 Harris County on what the terms we've just been
 15 discussing mean?
 16 A Again, they may have sent emails, but
 17 I've not checked out their website to know
 18 specifically what they might have shared with the
 19 public.
 20 Q Has anyone from the Secretary of
 21 State's Office reached out to you to speak about
 22 what these terms mean?

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1 A No, sir.
 2 Q Do you believe that any interests of
 3 Harris County are served by the residency
 4 restriction?
 5 MS. BINGHAM: Object to form.
 6 THE WITNESS: I find it difficult to
 7 determine, from a county perspective again, what
 8 this residency restriction even means, and
 9 therefore what benefit, if any, there would be to
 10 Harris County.
 11 BY MR. DODGE:
 12 Q So sitting here today, you can't
 13 identify any interest of Harris County that is
 14 served by the residence restriction?
 15 A No.
 16 Q Can you identify any interests of the
 17 Harris County Elections Administrator's Office
 18 that are served by the residency restriction?
 19 A Similarly, without further direction
 20 on what this term might mean or how it's applied
 21 or how we would even gather this information from
 22 voters, it's hard to determine even what, if any,

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1 benefit it would have for the elections office.
 2 Q In your capacity as Harris County
 3 Elections Administrator, do you believe that the
 4 residence restriction furthers your office's
 5 mission in helping people to register to vote?
 6 A Can you repeat the question, please?
 7 Q Do you believe that the residence
 8 restriction provision furthers your office's
 9 mission in helping people to register to vote?
 10 A No.
 11 Q And do you believe that the residency
 12 restriction furthers your office's mission in
 13 making sure that voting is accessible to the
 14 residents of Harris County?
 15 A No.
 16 Q And in your view, does this provision
 17 advance your office's mission in helping people
 18 cast a ballot in Harris County?
 19 A No.
 20 Q Can you identify any interest of the
 21 State of Texas that is served by the residence
 22 restriction?

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1 MS. BINGHAM: Object to form.
 2 THE WITNESS: Respectfully, sir, I
 3 can't make any assumptions as to what the State of
 4 Texas might prefer.
 5 MR. DODGE: Okay. We've been going
 6 for a little under an hour, but I think we've
 7 actually reached a decent point for maybe a
 8 five-minute break, if that sounds good.
 9 MS. BINGHAM: Yeah, sounds great.
 10 THE WITNESS: Reconvene at 10:07?
 11 MR. DODGE: That sounds good. Okay,
 12 we'll go off the record.
 13 THE VIDEOGRAPHER: Okay, going off the
 14 record. The time is 10:02.
 15 (A break was taken.)
 16 THE VIDEOGRAPHER: We are back on the
 17 record. The time is 10:10 a.m.
 18 BY MR. DODGE:
 19 Q Ms. Longoria, you recall that before
 20 the break we were discussing the residence
 21 restriction in Senate Bill 1111, correct?
 22 A Yes, sir.

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1 Q You also mentioned earlier in the
 2 deposition that voters sometimes contact your
 3 office with questions about voter registration; is
 4 that correct?
 5 A Yes, sir.
 6 Q Okay. If a voter moved from Dallas to
 7 Houston to help a family member run for the
 8 statehouse and came into your office asking if
 9 they could register to vote in Harris County, what
 10 would your answer to them be?
 11 MR. HUDSON: Objection, form, calls
 12 for speculation.
 13 MS. BINGHAM: Object to form.
 14 THE WITNESS: My office would first
 15 remind them of the different residency
 16 requirements or definitions in the Texas
 17 Election Code; verify, you know, for the voter
 18 again what they believe to be or express to us was
 19 their residence -- their address of residence.
 20 I would then call the Harris County
 21 attorney, and at their direction, involve the
 22 Secretary of State to determine whether or not the

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1 question about -- or the statement about
 2 potentially moving to vote for a family member
 3 qualified for the residency restriction or not.
 4 BY MR. DODGE:
 5 Q So in that scenario, your office would
 6 not be able to process that individual's voter
 7 registration application without contacting either
 8 the Harris County Attorney's Office or the Texas
 9 Secretary of State's Office; is that correct?
 10 MS. BINGHAM: Object to form.
 11 MR. HUDSON: Objection, form.
 12 Objection, foundation. Objection, calls for
 13 speculation. Objection, improper hypothetical.
 14 THE WITNESS: As I understand it from
 15 direction we've received from the Secretary of
 16 State, that if a voter puts on their voter
 17 registration form an address as their residence
 18 address which is within the bounds of
 19 Harris County, which meets the other obligations
 20 of being over the age of 18, for example, being a
 21 citizen of the state or of the country, that we
 22 have to accept and process their voter

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1 registration form.
 2 The question of what their intent was,
 3 again, that is -- I believe we would be able to
 4 kind of accept their application that day. The
 5 question on intent and this residency restriction,
 6 we would have to ask the Secretary of State for or
 7 County Attorney for advice on, irrespective of
 8 being able to register them that day.
 9 BY MR. DODGE:
 10 Q So if a registrant made you aware of
 11 the fact that they had moved to Harris County for
 12 the purpose of helping a family member run for the
 13 statehouse, you would have to reach out to either
 14 the Secretary of State's Office or the
 15 Harris County Attorney's Office for guidance in
 16 that situation?
 17 A Yeah.
 18 MR. HUDSON: Objection to form,
 19 foundation, speculation, improper hypothetical.
 20 MS. BINGHAM: Object to form.
 21 THE WITNESS: Sorry. For the record,
 22 I believe I answered yes to that question.

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1 BY MR. DODGE:
 2 Q Setting aside what you or your office
 3 would tell such a voter, do you believe it would
 4 violate the residency restriction of
 5 Senate Bill 1111 for a voter to register in
 6 Harris County if they moved from Dallas to Houston
 7 for the purpose of helping a family member run for
 8 the Texas Legislature?
 9 MR. HUDSON: Objection, form --
 10 MS. BINGHAM: Object to form.
 11 MR. HUDSON: Objection, form,
 12 foundation, speculation, improper hypothetical.
 13 THE WITNESS: To the extent that that
 14 is a question at hand, I would say that I don't
 15 know. I don't know if helping -- or expressing
 16 that you wanted to vote for a family member
 17 qualifies as wanting to influence an election.
 18 BY MR. DODGE:
 19 Q Okay, I'm going to amend that scenario
 20 somewhat.
 21 If a person came into your office
 22 seeking to register in Harris County and explained

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1 to you that they had moved to Houston from Dallas
 2 for the purpose of helping a family member run for
 3 the statehouse, but also told you that they had
 4 always wanted to try living in Houston, what would
 5 you tell that voter if they asked about their
 6 ability to register?
 7 MR. HUDSON: Objection, form,
 8 foundation --
 9 MS. BINGHAM: Object to form.
 10 MR. HUDSON: Objection, form,
 11 foundation, speculation, improper hypothetical.
 12 THE WITNESS: Again, we would ask the
 13 voter to submit on their application what they
 14 believed to be their residence. If that was
 15 within the bounds of Harris County and all other
 16 obligations were met, such as being over the age
 17 of 18, et cetera, we would, and are directed by, I
 18 believe the Secretary of State, to accept their
 19 application on the face of the application
 20 regardless of what comments they may have made.
 21 If my staff felt uncomfortable or had
 22 a question, again, we would seek the direction or

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1 advice from the County Attorney's Office or
 2 Secretary of State on whether or not statements
 3 made by a voter when registering to vote had any
 4 bearing on whether or not we could accept their
 5 voter registration.
 6 BY MR. DODGE:
 7 Q Okay. And setting aside what your
 8 office would tell a voter in such a scenario, do
 9 you believe it would violate the residence
 10 restriction in Senate Bill 1111 for a voter to
 11 register in Harris County if they moved there to
 12 assist a family member running for office, but at
 13 the same time, also wanted to move to Houston for
 14 personal reasons?
 15 MS. BINGHAM: Object to form.
 16 MR. HUDSON: Objection, form, improper
 17 hypothetical, speculation, foundation, calls for a
 18 legal conclusion.
 19 THE WITNESS: I don't know in that
 20 scenario whether or not it violates the residency
 21 restriction or not, so I would need to seek
 22 guidance from the County Attorney and Secretary of

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1 State.
 2 BY MR. DODGE:
 3 Q Okay, I'm going to amend the scenario
 4 once again.
 5 Imagine that a person moves from
 6 Dallas to Houston to volunteer with a family
 7 member who is running for statehouse.
 8 Do you have that in mind?
 9 A Sure, yes.
 10 Q Okay. If that person chooses to
 11 continue residing in Houston after the election
 12 because they just love Houston, what would you
 13 tell that person if they came in to register to
 14 voter after the election, but told you that they
 15 had moved there initially to volunteer with a
 16 family member's campaign?
 17 MS. BINGHAM: Object to form.
 18 MR. HUDSON: Objection, form,
 19 foundation, speculation, improper hypothetical,
 20 calls for a legal conclusion.
 21 THE WITNESS: We would ask the voter
 22 what their residence was, what their address of

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1 residence was that they intend to put on their
 2 form, and based on the face of the application
 3 itself, the address they put down on the
 4 application, if it was within the bounds of
 5 Harris County and met other obligations for being
 6 an eligible voter, such as being over the age of
 7 18, et cetera, that we would accept their
 8 application on the face of the application if the
 9 address they submitted to us, what they shared
 10 with us, was a residential address within
 11 Harris County.
 12 BY MR. DODGE:
 13 Q If a person moved from Montgomery
 14 County, Texas, to Harris County for the purpose of
 15 running for office and contacted your office to
 16 register to vote, what would you tell them?
 17 MS. BINGHAM: Object to form.
 18 MR. HUDSON: Objection, form,
 19 speculation, improper hypothetical, calls for a
 20 legal conclusion, foundation.
 21 THE WITNESS: My office does not
 22 determine eligibility for the sake of running for

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1 office, but we would remind any potential voter to
 2 please review the Texas Election Code as it
 3 pertains to the needs/right for running for
 4 office, for meeting residency requirements to run
 5 for any given position, and again, that whatever
 6 they express to us on their voter registration
 7 application as their residence is what we have to
 8 accept at face value as their residence.
 9 BY MR. DODGE:
 10 Q If a voter moved to Texas from
 11 California, and one of the reasons for that move
 12 was to vote for a particular party and to help
 13 that party gain elected office in Texas, would
 14 that voter violate the residence restriction if
 15 they registered to vote in Harris County?
 16 MS. BINGHAM: Object to form.
 17 MR. HUDSON: Objection, form, improper
 18 hypothetical, lacks foundation, calls for
 19 speculation, calls for a legal conclusion.
 20 THE WITNESS: One, our office does not
 21 know for which purpose anyone may or may not move
 22 to Harris County unless they specifically state

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1 that purpose to us.
 2 And even such, we would need direction
 3 from the Secretary of State or County Attorney's
 4 Office if such a statement was made that we
 5 thought might -- may or may not violate the
 6 restriction provision -- residency restriction
 7 provision, whatever we're calling it.
 8 BY MR. DODGE:
 9 Q Would you have had to have contacted
 10 the Secretary of State's Office for guidance in
 11 such situation prior to the enactment of
 12 Senate Bill 1111?
 13 MR. HUDSON: Objection, form,
 14 foundation, calls for speculation, improper
 15 hypothetical, calls for a legal conclusion.
 16 THE WITNESS: I would say even
 17 pre-Senate Bill 1111, whatever address the voter
 18 submits to us as their address of residence is
 19 what we have to accept at face value when
 20 registering that voter.
 21 BY MR. DODGE:
 22 Q Okay, let me clarify that question

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1 somewhat.
 2 If a voter walked into your office to
 3 seek to register to vote in Harris County prior to
 4 the enactment of Senate Bill 1111 and told you
 5 that they had moved there to assist a family
 6 member in running for office for the Texas
 7 Legislature, would that have caused you to reach
 8 out to the Secretary of State's Office for
 9 guidance?
 10 MS. BINGHAM: Object to form.
 11 MR. HUDSON: Objection, form,
 12 foundation, improper hypothetical, calls for
 13 speculation.
 14 THE WITNESS: We would be -- my office
 15 would be extremely less likely to reach out
 16 (computer notification ringing) for guidance from
 17 the County Attorney or Secretary of State --
 18 THE REPORTER: I'm sorry,
 19 Ms. Longoria, a notification drowned out part of
 20 your answer.
 21 My office would be extremely less
 22 likely to reach out? Could you repeat?

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1 THE WITNESS: Thank you, apologies.
 2 My office would be extremely less
 3 likely to seek the Secretary of State or County
 4 Attorney's Office on guidance for that specific
 5 voter. Again, the voter's intents or motives are
 6 not always known to us. We can only accept what
 7 is written on the application to our office.
 8 BY MR. DODGE:
 9 Q Okay. For the purposes of a clear
 10 record, I'm just going to restate and reframe the
 11 question briefly.
 12 A Sure.
 13 Q Is it correct that prior to the
 14 enactment of Senate Bill 1111, it would have been
 15 extremely less likely for your office to contact
 16 the Secretary of State's Office for guidance if a
 17 voter had told you they moved to Harris County for
 18 the purpose of assisting a family member running
 19 for statehouse?
 20 MR. HUDSON: Objection, vague as to
 21 "extremely less likely."
 22 THE WITNESS: Yes.

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1 BY MR. DODGE:
 2 Q If a voter moved to Texas from
 3 California, and your office became aware that one
 4 of the reasons for that move was to help elect
 5 more Latino representatives in the State of Texas,
 6 would that violate the residence restriction?
 7 MS. BINGHAM: Object to form.
 8 MR. HUDSON: Objection, form,
 9 foundation, improper hypothetical, calls for
 10 speculation, calls for a legal conclusion.
 11 THE WITNESS: I apologize, will you
 12 repeat the question, please?
 13 BY MR. DODGE:
 14 Q Ms. Longoria appears to have frozen on
 15 my screen.
 16 A Can you now hear me? Can you hear me
 17 now?
 18 MS. BINGHAM: I can.
 19 MR. HUDSON: I can hear you fine.
 20 THE WITNESS: I think Chris is the one
 21 that froze, right?
 22 THE VIDEOGRAPHER: Yeah.

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1 MS. BINGHAM: Maybe so.
 2 THE WITNESS: There we go, Chris.
 3 BY MR. DODGE:
 4 Q We're back?
 5 A Yes.
 6 Q Apologies for that. I think it might
 7 have been a connectivity issue on my end.
 8 A Would you repeat the question, please?
 9 Q Yeah. Could the court reporter read
 10 back where we last were?
 11 (The reporter read back the
 12 following question:)
 13 QUESTION: "If a voter moved to Texas
 14 from California, and your office became
 15 aware that one of the reasons for that move
 16 was to help elect more Latino
 17 representatives in the State of Texas,
 18 would that violate the residence
 19 restriction?
 20 MR. HUDSON: Same objections.
 21 MS. BINGHAM: Same objection.
 22

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1 BY MR. DODGE:
 2 Q And if the witness could restate her
 3 answer?
 4 A I would need -- again, if the voter
 5 submitted to us a residence address on their form
 6 that met the obligations of being within the
 7 bounds of Harris County, being over the age of 18
 8 and other necessary requirements to be a voter in
 9 Texas, we would register them to vote, but I would
 10 seek counsel from the County Attorney or Secretary
 11 of State's Office on whether or not their
 12 statements that were made to our office would be
 13 in violation of that residency restriction.
 14 THE REPORTER: May I ask -- I'm sorry
 15 to interrupt. Someone has their notifications on,
 16 and there's bells ringing when emails are coming
 17 in. It sometimes make it difficult hear the
 18 witness. Can you turn off your notifications?
 19 That would be helpful. Thank you.
 20 Please proceed, Counsel. I apologize
 21 for the interruption.
 22

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1 BY MR. DODGE:
 2 Q No problem.
 3 Can we please pull up Exhibit D?
 4 (Exhibit D was marked
 5 for identification.)
 6 BY MR. DODGE:
 7 Q Could the witness please take a moment
 8 to familiarize herself with the document?
 9 A (Witness reviewing Exhibit D.) Yeah.
 10 Q Do you recognize this document?
 11 A Looks like a general voter
 12 registration application for the State of Texas.
 13 Q Okay. Can we please zoom in on box 10
 14 about two-thirds of the way down the page?
 15 Box 10 begins by stating, "I
 16 understand that giving false information to
 17 procure a voter registration is perjury, and a
 18 crime under state and federal law."
 19 Did I read that correctly?
 20 A Yes.
 21 Q Am I correct in saying that the
 22 application then directs the voter to affirm three

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1 statements before signing the application?

2 A Yes.

3 Q Could we go off the record?

4 Am I having connectivity issues again?

5 (Discussion held off the record.)

6 BY MR. DODGE:

7 Q The first statement that the voter is

8 required to affirm is that, quote, "I am a

9 resident of this county and a U.S. citizen."

10 Did I read that correctly?

11 A Yes.

12 Q And so by signing this document, a

13 voter is affirming that they are a resident of a

14 particular county, and in this case,

15 Harris County; is that correct?

16 A Yes.

17 Q So a voter, before signing this

18 document, needs to understand what it means to be

19 a resident of Harris County; is that correct?

20 MR. HUDSON: Objection, form, calls

21 for speculation. Objection, form, foundation.

22 THE WITNESS: Yes.

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1 BY MR. DODGE:

2 Q And if a person were to give false

3 information on this form, it would potentially be

4 a criminal matter; is that correct?

5 A Yes.

6 Q Okay, can we bring Exhibit B back up?

7 Ms. Longoria, you'll recall that this

8 is the text of Senate Bill 1111.

9 Can we please zoom in on page 1,

10 subsection (f)?

11 Could you please read the two first

12 sentences of subsection (f) aloud?

13 A Subsection (f) states, "A person may

14 not establish a residence at any place the person

15 has not inhabited. A person may not designate a

16 previous residence as a home and fixed place of

17 habitation unless the person inhabits the place at

18 the time of designation and intends to remain."

19 Q I'm going to refer to this as the

20 "temporary relocation provision" for the remainder

21 of the deposition. Is that okay?

22 A Understood.

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1 Q Are you familiar with this provision

2 of Senate Bill 1111?

3 A Yes.

4 Q And can you tell me what this

5 provision means in plain language?

6 MS. BINGHAM: Object to form.

7 THE WITNESS: A person may not

8 establish a residence at a place that they haven't

9 been inhabited or lived in; and a person may not

10 designate a previous home residence, fixed place

11 of habitation, et cetera, unless the person has

12 lived at that place or inhabits that place at the

13 time that they are registering to vote or intend

14 to remain in that place.

15 BY MR. DODGE:

16 Q The first sentence of subsection (f)

17 says, "A person may not establish a residence at

18 any place the person has not inhabited."

19 Did I read that correctly?

20 A Yes.

21 Q What does it mean to "establish

22 residence"?

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1 MS. BINGHAM: Object to form.

2 THE WITNESS: As I believe I answered

3 previously, the Secretary of State's Office has

4 not provided to my office guidance on the

5 definition of "establish a residence."

6 BY MR. DODGE:

7 Q And would it have been helpful if the

8 Secretary of State's Office had provided you with

9 guidance on the meaning of "establish residence"

10 within the context of this provision?

11 A Yes.

12 Q What does the word "inhabited" mean to

13 you within the temporary relocation provision?

14 MS. BINGHAM: Object to form.

15 THE WITNESS: Equally, I do not

16 believe that the term "inhabited" is defined in

17 the Texas Election Code or otherwise. So within

18 the context of any voter's question, I would need

19 guidance on what it means to "inhabit" a certain

20 location.

21 BY MR. DODGE:

22 Q So you don't think it is clear from

<p>Page 85</p> <p>1 the text of this provision what the term 2 "inhabited" means within the context of 3 Senate Bill 1111? 4 A No, it is not clear. 5 Q And would it have been helpful for the 6 Secretary of State's Office to provide you with 7 guidance on the meaning of the term "inhabited" 8 within the context of this provision? 9 A Yes. 10 Q Second sentence in this 11 subsection says, quote, "A person may not 12 designate a previous residence as a home and fixed 13 place of habitation unless the person inhabits the 14 place at the time of designation and intends to 15 remain." 16 Did I read that correctly? 17 A Yes. 18 Q Can you tell me what that sentence 19 means in plain language? 20 MS. BINGHAM: Object to form. 21 THE WITNESS: I would just have to 22 read it at -- you know, plain language as it is,</p>	<p>Page 87</p> <p>1 MS. BINGHAM: Object to form. 2 THE WITNESS: The term is not defined 3 in the Texas Election Code. 4 BY MR. DODGE: 5 Q And so you do not believe that it's 6 clear what a fixed place of habitation refers to 7 within the context of this provision? 8 A Correct. Based on this provision 9 alone, I don't -- I don't know exactly what they 10 mean by "fixed place of habitation," and it would 11 have to be determined on a case-by-case voter 12 as -- sorry, on a case-by-case per voter with 13 guidance from the County Attorney or Secretary of 14 State. 15 Q And did the Secretary of State's 16 Office provide you with any guidance on the 17 meaning of the term "fixed place of habitation" 18 within the context of the temporary relocation 19 provision? 20 A No, not that I know of. 21 Q Would it have been helpful for the 22 Secretary of State's Office to provide you with</p>
<p>Page 86</p> <p>1 right? A person may not designate a previous 2 residence as a home and fixed place of habitation 3 unless the person inhabits the place at the time 4 of designation and intends to remain. 5 BY MR. DODGE: 6 Q So you are not able to explain the 7 meaning of that sentence beyond reciting the text 8 of the statute; is that right? 9 MS. BINGHAM: Object to form. 10 THE WITNESS: Correct. I need more 11 guidance perhaps on what any one of those terms 12 mean in order to interpret it a different way. 13 BY MR. DODGE: 14 Q Let's get into some of those terms. 15 What do you understand "previous 16 residence" to mean within the context of the 17 temporary relocation provision? 18 A A place someone resided before the 19 place they reside now. 20 Q Okay. And what do you understand a 21 fixed place of habitation to refer to within the 22 context of the temporary relocation provision?</p>	<p>Page 88</p> <p>1 guidance on the meaning of the term "fixed place 2 of habitation" within the context of the 3 provision? 4 A Yes. 5 Q What does the term "inhabit the place 6 at the time of designation" mean to you within the 7 context of this provision? 8 MS. BINGHAM: Object to form. 9 THE WITNESS: I am not clear on what 10 the Texas Election Code would say or constitutes 11 as inhabiting, but at the place and time of 12 designation, I reasonably assume means at the time 13 that they submit to our office a voter 14 registration application. 15 BY MR. DODGE: 16 Q But it's not clear to you what the 17 term "inhabit" means in this sentence; is that 18 correct? 19 A No. I can only come up with 20 similarly, but equally. Because it's not defined 21 in the Texas Election Code, it is a bit subjective 22 in nature.</p>

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1 Q And am I correct in -- strike that.
 2 Did the Secretary of State's Office
 3 provide you with a definition of the term
 4 "inhabit" within the context of this provision?
 5 A Not that I'm aware of, sir.
 6 Q Would it have been helpful to your
 7 office if the Secretary of State had provided such
 8 guidance?
 9 A Yes.
 10 Q What does the phrase "intend to
 11 remain" mean within the context of the temporary
 12 relocation provision?
 13 MS. BINGHAM: Object to form.
 14 THE WITNESS: That they intend to stay
 15 in that place, but for what length of time is not
 16 defined in the Texas Election Code.
 17 BY MR. DODGE:
 18 Q That leads to my next question:
 19 How long does a person need to intend
 20 to remain at their residence in order to be a
 21 lawful resident of Harris County?
 22 MS. BINGHAM: Object to form.

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1 MR. HUDSON: Objection, form, calls
 2 for speculation.
 3 THE WITNESS: I don't believe that
 4 that has been defined either, either in the Texas
 5 Election Code or with guidance from the Secretary
 6 of State.
 7 BY MR. DODGE:
 8 Q So the Secretary of State's Office has
 9 not provided you with any guidance on how long an
 10 individual needs to intend to remain at a
 11 residence in order to be a lawful resident of a
 12 particular county?
 13 A In regards specifically to their
 14 ability to register to vote in Harris County.
 15 Q I'm just going to reask the question
 16 because I think there was some background noise
 17 there.
 18 The Secretary of State's Office has
 19 not provided you with any guidance on how long an
 20 individual needs to intend to remain at a
 21 particular residence in order to be a lawful
 22 resident of a particular county; is that correct?

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1 A In regards to this provision or
 2 initially registering to vote, that is correct.
 3 Q If a college student originally from
 4 Harris County called your office and told you that
 5 she had moved to Austin, Texas, to attend college,
 6 but wanted to register to vote at her parents'
 7 home in Harris County, what would your office tell
 8 that student?
 9 MS. BINGHAM: Object to form.
 10 MR. HUDSON: Objection, form,
 11 speculation, foundation, improper hypothetical,
 12 calls for a legal conclusion.
 13 THE WITNESS: I would refer that
 14 individual to the section of the Texas
 15 Election Code or other provisions and ask again
 16 that the voter express to us what they believe is
 17 their residence, and we have to accept that
 18 residence at face value on their application.
 19 BY MR. DODGE:
 20 Q What interests of the Harris County
 21 Elections Administrator are served by the
 22 temporary relocation provision?

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1 A Can you repeat the question, please?
 2 Q Let me reframe it.
 3 Can you name any interests of the
 4 Harris County Elections Administrator that are
 5 served by the temporary relocation provision?
 6 A No.
 7 Q Can you name any interests of
 8 Harris County generally that are served by the
 9 temporary relocation provision?
 10 MS. BINGHAM: Object to form.
 11 THE WITNESS: I can't -- I can't speak
 12 for the county as an entity, but I can share that,
 13 you know, if you mean broadly Harris County
 14 voters, I cannot think of a benefit to this
 15 clause.
 16 BY MR. DODGE:
 17 Q So you can't identify any benefit to
 18 the voters of Harris County in the temporary
 19 relocation provision; is that right?
 20 A Correct.
 21 Q Does the temporary relocation
 22 provision in any way further your office's mission

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1 of helping people register to vote?
 2 A No.
 3 Q Okay, can we pull up Exhibit E?
 4 (Exhibit E was marked
 5 for identification.)
 6 BY MR. DODGE:
 7 Q Ms. Longoria, just take a moment to
 8 familiarize yourself with the document.
 9 A Would you mind zooming in a bit?
 10 (Witness reviewing Exhibit E.)
 11 Q Do you recognize this document?
 12 A Yes. It's the PowerPoint version of
 13 the SB-1111 training provided by the Texas
 14 Secretary of State and disseminated to county
 15 election officials and offices.
 16 Q And you recall that you perhaps
 17 attended that training; is that right?
 18 A I cannot remember if I personally
 19 attended this training, but I know that I have
 20 seen this document, reviewed this document, even
 21 if I didn't attend the training in real time.
 22 Q Do you know when this presentation was

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1 given?
 2 A I can't remember when this
 3 presentation was first given. I'm happy to go
 4 look up the exact dates if you need them.
 5 Q Do you know who from the Secretary of
 6 State's Office presented this PowerPoint?
 7 A I would assume just by seeing
 8 "Election Law Seminar" that it would have been
 9 Christina Adkins or Keith Ingram with the Texas
 10 Secretary of State's Office.
 11 Q And to your knowledge, there were no
 12 other presentations offered by the Secretary of
 13 State's Office regarding the meaning of
 14 Senate Bill 1111; is that right?
 15 A Mr. Dodge, I do, but I'm happy to go
 16 look and see when they would have scheduled these,
 17 even if it was a repeat of the same presentation.
 18 I just in this moment can't remember
 19 the details of when they offered this presentation
 20 or on what day, but I'm happy to look it up for
 21 you.
 22 Q Can we turn to page 5 of Exhibit E,

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1 please? And if we could zoom in on -- sorry,
 2 that's not where I wanted to go.
 3 Apologies, if we could go to page 3,
 4 and if we could zoom in on what is slide 5 at the
 5 top.
 6 MR. HUDSON: While you're doing that,
 7 Mr. Dodge, would you mind identifying this by the
 8 Bates stamp numbers for purposes of the record?
 9 Or, alternatively, I can do it when it's my chance
 10 to ask questions, but just for purposes of
 11 clarity, it would be helpful.
 12 MR. DODGE: For purposes of the
 13 record, Exhibit E is a document produced to
 14 Plaintiffs by Ms. Longoria that begins with
 15 Bates stamp LONGORIA-00099.
 16 MR. HUDSON: Thank you.
 17 BY MR. DODGE:
 18 Q We're looking at slide 5 of this
 19 PowerPoint presentation, correct?
 20 A Correct.
 21 Q And this slide reflects several of the
 22 changes that Senate Bill 1111 made to the Texas

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1 Election Code, correct?
 2 A Correct.
 3 Q Can we go to the next slide, which is
 4 slide 6 on the same page?
 5 Could you please read aloud the third
 6 bullet point on this page?
 7 A "Change in statute may affect how you
 8 answer voter questions."
 9 Q So you would agree that the Secretary
 10 of State's presentation reflected its
 11 understanding that voters sometimes contact your
 12 office with questions about voting?
 13 A Yes.
 14 Q And would you also agree that this
 15 presentation reflects that the Secretary of
 16 State's Office expected that you might receive
 17 questions about Senate Bill 1111 in particular?
 18 A I think it's reasonable to assume,
 19 yes, that the presentation was based on that
 20 voters would have questions about these law
 21 changes.
 22 Q And would you also agree that this

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1 presentation reflects that the Secretary of
 2 State's Office believed Senate Bill 1111 might
 3 change how your office answered questions from
 4 voters about registering to vote?
 5 A Yes.
 6 Q Did the Secretary of State discuss any
 7 of the questions that voters might have about the
 8 impact of Senate Bill 1111?
 9 MR. HUDSON: Objection, foundation.
 10 THE WITNESS: Respectfully,
 11 Fred [sic], I'd have to touch base with my staff
 12 again to see if they recollect any questions that
 13 were given as examples in this presentation.
 14 BY MR. DODGE:
 15 Q But the Secretary of State's Office
 16 has never reached out to you specifically to
 17 identify questions voters might have about the
 18 impact of Senate Bill 1111; is that correct?
 19 A Sorry. To my knowledge, our office
 20 has not received documents or kind of FAQs from
 21 the Secretary of State's Office on general
 22 questions we may receive from voters, no.

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1 Q To your knowledge, has the Secretary
 2 of State's Office ever discussed how
 3 Senate Bill 1111 might confuse voters?
 4 A No.
 5 Q Has Senate Bill 1111 affected how you
 6 answer or how your office answers questions from
 7 voters?
 8 A Yes.
 9 Q Can you tell me how?
 10 A Similar to the examples previously
 11 given, if voters make statements to us or ask how
 12 these provisions of the law might affect them,
 13 what a definition of "inhabitation" or "residence"
 14 means, we have to direct them to the Secretary of
 15 State or other documents for them to determine
 16 what their residency is when sharing that with us
 17 for the purposes of registering to vote.
 18 Q The final bullet point on this slide
 19 says, quote, "Voter Registrars will continue to
 20 evaluate what is on the face of a voter
 21 registration application."
 22 Did I read that correctly?

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1 A Yes.
 2 Q Has Senate Bill 1111 affected how
 3 voter registrars within your office evaluate the
 4 face of a voter registration application?
 5 A No.
 6 Q If we could return to Exhibit B,
 7 please. If we could please zoom in on
 8 Section 2(a) towards the bottom of the first page,
 9 and if possible, I think a little bit of the
 10 section goes on to the next page. I don't know if
 11 it's possible to have both up at the same time.
 12 Thank you.
 13 Ms. Longoria, could you please read
 14 aloud Section 2(a)?
 15 A In its entirety?
 16 Q Please.
 17 A Absolutely. "If the registrar has
 18 reason to believe that a voter's current residence
 19 is different from that indicated on the
 20 registration records, or that the voter's
 21 residence address is a commercial post office box
 22 or similar location that does not correspond to a

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1 residence, the registrar shall deliver to the
 2 voter a written confirmation notice requesting
 3 confirmation of the voter's current residence."
 4 Q Thank you. I'm going to refer to this
 5 provision going forward as "the post office box
 6 provision." Does that seem reasonable?
 7 A Yes.
 8 Q Are you familiar with this provision
 9 of Senate Bill 1111?
 10 A Yes.
 11 Q Can you explain to me how this
 12 provision changes existing Texas Election Code
 13 provisions?
 14 MS. BINGHAM: Object to form.
 15 THE WITNESS: Would you repeat the
 16 question again?
 17 BY MR. DODGE:
 18 Q Could you explain to me how this
 19 provision of Senate Bill 1111 changes existing
 20 Texas election law?
 21 MS. BINGHAM: Object to form.
 22 THE WITNESS: It seems to amend the

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

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

26 (Pages 101 to 104)

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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>
Page 106	Page 108
<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>

<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 style="text-align: center;">Page 113</p> <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 style="text-align: center;">Page 115</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>
<p style="text-align: center;">Page 114</p> <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 style="text-align: center;">Page 116</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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1 BY MR. DODGE:
 2 Q Can we bring Exhibit B back up,
 3 please? If we could go to page 2 of this
 4 document. And if we could then zoom in on
 5 Section 4, which begins at line 16.
 6 Subsection (a) of Section 4 states
 7 that "Not later than the 30th day after the date a
 8 confirmation notice is mailed, the voter shall
 9 submit to the registrar a written, signed response
 10 to the notice that confirms the voter's current
 11 address [sic]. The response must contain:" and
 12 then it lists what the response must contain.
 13 Did I read that correctly?
 14 A Unfortunately not, Mr. Dodge. I
 15 believe you said -- on line 21, you said the
 16 voter's current address. I think it's important
 17 to note it's the current residence.
 18 Q All right. Well, just in the pursuit
 19 of accuracy, let me try it again.
 20 Subsection (a) of Section 4 of
 21 Senate Bill 1111 reads, "Not later than the 30th
 22 day after the date a confirmation notice is

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1 could offer some assistance there. I think there
 2 still might be a line obscured on the top part.
 3 THE VIDEOGRAPHER: My apologies.
 4 MR. DODGE: Excellent, thank you.
 5 THE WITNESS: I believe subsection 3
 6 states, "if the voter's residence address is a
 7 commercial post office box or similar location
 8 that does not correspond to a residence, evidence
 9 of the voter's residence address as required by
 10 Section 15.054 or an indication that the voter is
 11 exempt from those requirements."
 12 BY MR. DODGE:
 13 Q So is it accurate to say that the
 14 third requirement only applies to voters who
 15 receive a confirmation notice because their
 16 address appears to be a commercial post office box
 17 or the like?
 18 A Yes.
 19 Q So only individuals who list their
 20 address as a commercial post office box or the
 21 like are required to submit documentation with
 22 their responses to a voter confirmation notice; is

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1 mailed, the voter shall submit to the registrar a
 2 written, signed response to the notice that
 3 confirms the voter's current residence. The
 4 response must contain:" and then it lists what the
 5 response must contain.
 6 Did I read it correctly that time?
 7 A Yes, sir. Thank you for clarifying.
 8 Q Great. The first requirement is that
 9 the response include all of the information that a
 10 person must include in an application to register
 11 to vote under Section 13.002.
 12 Did I get that right?
 13 A Yes.
 14 Q And second requirement is that the
 15 response includes, quote, "a sworn affirmation of
 16 the voter's current residence as defined by
 17 Section 1.015."
 18 Did I read that correctly?
 19 A Yes.
 20 Q Okay. I'm going to ask you if you
 21 could read the third requirement, which I think is
 22 split between two pages, so if the videographer

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1 that correct?
 2 A Yes.
 3 Q And is it then also correct that this
 4 third requirement does not apply to voters who
 5 receive a confirmation notice for another reason,
 6 such as their residence not matching their
 7 registration form?
 8 A Can you repeat the question, please?
 9 Q It was a bit convoluted, so let me
 10 reframe it.
 11 Is it correct that the third
 12 requirement does not apply to voters who receive a
 13 confirmation notice for a reason other than their
 14 listed address appearing to be a commercial post
 15 office box or the like?
 16 A I believe that's correct, yes.
 17 Q Okay. I just have a few final
 18 questions related to your office's collection of
 19 documents in this matter.
 20 We've reviewed a number of documents
 21 today that your office collected and produced to
 22 us, correct?

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1 A Yes.

2 Q And can you tell me that in collecting

3 and producing those documents, whose files did you

4 search?

5 A We searched our own files as the

6 election office.

7 Q Okay. And do you know whose emails

8 you searched through, if anyone's?

9 A I'd have to go back and check

10 specifically which staff members we directed.

11 MR. DODGE: Okay. Well, thank you

12 very much for your time today. I don't have any

13 further questions, and I'm glad to pass the

14 witness.

15 THE WITNESS: Good meeting you,

16 Mr. Dodge.

17 MR. DODGE: Thank you. Likewise.

18 THE WITNESS: Eric.

19 MR. HUDSON: Isabel. What's going on?

20 THE WITNESS: For the record, Eric was

21 my first deposition, and now my second deposition.

22 What better lucky charm is that?

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1 I'd be using another screen. I am using another

2 screen just to see this document, but for no other

3 purpose.

4 MR. DODGE: I understand.

5 MR. HUDSON: And can I get the --

6 whoever is handling the exhibits, go ahead and

7 pull down that exhibit window. There you go.

8 Let me know when you're ready, Isabel.

9 THE WITNESS: Ready.

10 BY MR. HUDSON:

11 Q Okay. So I'm going to throw up here

12 on the screen -- do you see what I've got up

13 there?

14 A Yes, sir.

15 Q Okay. So this is Intervenor

16 Defendant's 1. This is the copy of the Complaint

17 for Declaratory Injunctive Relief found at ECF-1

18 in Case No. 21-cv-546.

19 Have you ever seen this document

20 before?

21 A Yes, sir.

22 Q Have you had a chance to read it and

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1 MR. DODGE: He's a difficult man to

2 avoid.

3 MR. HUDSON: You're not the first

4 person to say that, Chris. I guess let's jump

5 right into it. I'm going to try to keep this

6 relatively brief, at least as much as I can.

7 EXAMINATION BY COUNSEL FOR

8 INTERVENOR DEFENDANT STATE OF TEXAS

9 BY MR. HUDSON:

10 Q I guess the first question I have for

11 you is do you know how the Chat function works to

12 download documents on Zoom?

13 A Yes.

14 Q Okay. Well, let's try one out and see

15 where we are with it.

16 So I'm just going to drop this in here

17 as Intervenor Defendant 1, and go ahead and

18 download that, and let me know when you've got it.

19 (Intervenor Defendant Exhibit 1

20 was marked for identification.)

21 THE WITNESS: I just want to be clear

22 for the record. I think, Mr. Dodge, you asked if

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1 review it?

2 A I can't remember line by line, but

3 yes, generally have read it.

4 Q Okay. Now, you understand you're a

5 party to this case, right?

6 A Yes.

7 Q But that's only in your official

8 capacity?

9 A Correct.

10 Q Okay. So in other words, this is a

11 suit against the office that you hold.

12 Do you understand that?

13 A Yes.

14 Q Okay. Let's go through and take a

15 look at this.

16 Do you have any knowledge about the

17 factual basis that's alleged in paragraphs 18

18 through 27 of ECF-1? That's Intervenor

19 Defendant's 1.

20 A Which page is it -- or which bullet

21 points again?

22 Q This is paragraphs 18 through 27.

<p style="text-align: right;">Page 125</p> <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 style="text-align: right;">Page 127</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>
<p style="text-align: right;">Page 126</p> <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 style="text-align: right;">Page 128</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>

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

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1 THE WITNESS: If you wouldn't mind
 2 repeating it, Eric.
 3 BY MR. HUDSON:
 4 Q Sure. Let me see if I can break it
 5 down just a little bit.
 6 You just described federal data about
 7 whether people have been voters in extrastate
 8 jurisdictions, right?
 9 A Correct.
 10 Q Okay. And I believe your testimony
 11 was that Harris County has access -- or
 12 Harris County Elections Administrator has access
 13 to that data, right?
 14 A Yes.
 15 Q In advising and directing your staff
 16 to implement the provisions of SB-1111 that are
 17 challenged in this action, was part of that
 18 implementation review of the federal data that you
 19 just described?
 20 A No.
 21 MS. BINGHAM: Object to form.
 22

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1 THE WITNESS: To the extent that a
 2 voter does or does not voluntarily share that
 3 information, we wouldn't have access to it.
 4 BY MR. HUDSON:
 5 Q You certainly don't go out and
 6 actively gather it, right?
 7 A Correct, we do not.
 8 Q I'm going to put into the Chat
 9 function what I'm going to mark as Intervenor
 10 Defendant's 2. Go ahead and download that, take a
 11 look, and let me know when you're ready to
 12 discuss.
 13 (Intervenor Defendant Exhibit 2
 14 was marked for identification.)
 15 THE WITNESS: I'm ready.
 16 BY MR. HUDSON:
 17 Q All right. So I'll represent to you
 18 that this is Election Advisory No. 2021-10.
 19 Have you ever seen this document
 20 before?
 21 A Yes.
 22 Q Okay. You would agree with me that

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1 BY MR. HUDSON:
 2 Q I'm sorry, I didn't catch your answer.
 3 A No.
 4 Q Okay. Obviously, you don't have
 5 race-based data, right?
 6 MR. DODGE: Objection, form.
 7 THE WITNESS: We do have race-based
 8 data. We do not collect the individual race of
 9 voters per the Texas Election Code.
 10 BY MR. HUDSON:
 11 Q Okay. So then you would agree with me
 12 that you don't look at the individual race of
 13 voters in Harris County in implementing the
 14 provisions of SB-1111 that are challenged in this
 15 action?
 16 A Correct.
 17 Q And you also don't look at any data
 18 about whether someone is or is not enrolled in
 19 college when you're implementing the provisions of
 20 SB-1111 that are challenged in this action?
 21 MS. BINGHAM: Object to form.
 22 MR. DODGE: Objection, form.

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1 this document is publicly available, right?
 2 MR. DODGE: Objection, form.
 3 THE WITNESS: Yes.
 4 BY MR. HUDSON:
 5 Q In fact, this is available on the
 6 Secretary of State's website, right?
 7 A Don't know if it's available --
 8 MR. DODGE: Objection, form.
 9 THE WITNESS: I'm sorry.
 10 I don't know if it's available right
 11 now, but yes, generally their advisories are
 12 available on their website.
 13 BY MR. HUDSON:
 14 Q Okay. Do you see down here on the
 15 bottom left-hand corner of page 1 of 3 where I've
 16 just highlighted?
 17 A Yes.
 18 Q Do you see that website right there?
 19 A Yes.
 20 Q I'll represent to you that I pulled
 21 this from the Secretary of State's website.
 22 Do you have any reason to dispute

<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>

<p style="text-align: right;">Page 141</p> <p>1 residence on their voter file is in any way 2 different from their current residence. 3 Q Can you describe to the Court what a 4 Suspense is? 5 A A Suspense List means, again, if we 6 come upon information that a voter's current 7 address is different from the address on their 8 voter file, that we then place them on Suspense 9 and send them, as appropriate per their situation, 10 a notice requesting that they update their 11 residence -- you know, update or confirm their 12 residence address. 13 They're placed on Suspense, which 14 means that the next time they interact with our 15 office, be it calling us, getting a letter, 16 sending a letter, or voting in person, that they 17 are asked to update their address as appropriate. 18 Q To your knowledge, has the 19 Harris County Elections Administrator's office 20 added anyone to a Suspense List on account of 21 SB-1111? 22 A On account of SB-1111. I'll have to</p>	<p style="text-align: right;">Page 143</p> <p>1 don't know how many people, if any, have been 2 added to a Suspense List solely on account of 3 SB-1111? 4 MR. DODGE: Objection, form. 5 THE WITNESS: I would have to consult 6 with my staff exactly on SB-1111. 7 BY MR. HUDSON: 8 Q So the answer is no? 9 MR. DODGE: Objection, form. 10 THE WITNESS: Again, it can't be yes 11 or no. I'd just have to check with staff to make 12 sure I'm very clear on if the reasons were for 13 SB-1111 or violation of SB-1111 alone. 14 If you're put on Suspense, it's 15 because of multiple reasons under the Texas 16 Election Code. 17 BY MR. HUDSON: 18 Q Right. It actually can be yes or no. 19 I'm asking your knowledge as you sit here right 20 now. You're not aware of anyone who, on account 21 of SB-1111, has been added to the Harris County 22 Elections Administrator's Suspense List?</p>
<p style="text-align: right;">Page 142</p> <p>1 double-check on whether or not voters were added 2 onto the list because of SB-1111 exclusively, but 3 we have added voters to the Suspense List since 4 Senate Bill 1111 was enacted. 5 Q Okay. Maybe let me ask my question a 6 little bit differently because we're here today to 7 get your testimony. 8 My question is, as you sit in the 9 chair right now, can you identify any person who's 10 been added to a Suspense List on account of a 11 perceived violation of SB-1111? 12 MS. BINGHAM: Object to form. 13 MR. DODGE: Objection, form. 14 THE WITNESS: Sir, I'd have to get 15 that specifically. When we suspend people, we 16 just do so. They just go on Suspense. So I'd 17 have to check exactly why they were added on 18 Suspense. 19 I can tell you broadly the number of 20 people that have been put on the Suspense List. 21 BY MR. HUDSON: 22 Q So as you sit here right now, you</p>	<p style="text-align: right;">Page 144</p> <p>1 MR. DODGE: Objection, form, asked and 2 answered. 3 MS. BINGHAM: Object to form. 4 MR. HUDSON: Go ahead. 5 THE WITNESS: Correct. 6 BY MR. HUDSON: 7 Q Okay. Are you aware of any letters 8 that have been sent out by the Harris County 9 Elections Administrator's office asking for a 10 voter to update their residence information on 11 account of SB-1111? 12 A Since the implementation of SB-1111, 13 we have had multiple state elections or general 14 elections in Harris County, so we have been unable 15 per the federal law to send out these notices to 16 voters. 17 Q Are there notices that need to be sent 18 out on account of SB-1111? 19 A There are notices of people who are on 20 the Suspense List that need to be sent out, yes. 21 Q Well, so, we just talked about 22 SB-1111, and you told me, at a minimum, you'd have</p>

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1 to check with your staff. Now you're telling me
 2 that there are people on the Suspense List on
 3 account of SB-1111?
 4 MS. BINGHAM: Object to form.
 5 MR. DODGE: Objection, form.
 6 THE WITNESS: Sorry, my answer remains
 7 consistent that I know there are suspense letters
 8 that need to be sent out. I do not know
 9 specifically if they pertain to provisions
 10 regarding SB-1111.
 11 BY MR. HUDSON:
 12 Q Okay, fair enough.
 13 My question is specifically about
 14 SB-1111 because that's what this lawsuit is about.
 15 My question for you is, as you sit
 16 here, are you aware of anybody on the
 17 Harris County Elections Administrator's
 18 Suspense List who should be receiving a letter
 19 from your office on account of SB-1111?
 20 A No.
 21 Q You talked earlier with my friend on
 22 the other side about voter confusion this morning.

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1 Do you recall that?
 2 A Yes.
 3 Q As you sit here, are you aware of any
 4 voter in Harris County who did not vote on account
 5 of SB-1111?
 6 MR. DODGE: Objection, form.
 7 THE WITNESS: No.
 8 BY MR. HUDSON:
 9 Q Are you aware of any voter who did not
 10 register on account of SB-1111?
 11 MR. DODGE: Objection, form.
 12 THE WITNESS: I can't determine
 13 whether -- I don't know why -- I don't know the
 14 actions of everyone in Harris County enough to
 15 know, or would ever possibly know, if they never
 16 came to our office.
 17 BY MR. HUDSON:
 18 Q So the answer is no, you're not aware
 19 of anybody who didn't register on account of
 20 SB-1111?
 21 MR. DODGE: Objection, form, calls for
 22 speculation.

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1 MS. BINGHAM: Object to form.
 2 THE WITNESS: Can you pose the
 3 question differently, Eric, to help me out here on
 4 the negative?
 5 BY MR. HUDSON:
 6 Q I'm not asking you to speculate.
 7 Here's what I'm asking you:
 8 As you sit here, you don't have
 9 knowledge of any person who decided not to
 10 register on account of SB-1111, right?
 11 MR. DODGE: Objection.
 12 MS. BINGHAM: Object to form.
 13 THE WITNESS: That's actually --
 14 that's actually not true. I do know of at least
 15 one voter in my personal knowledge who did not
 16 register to vote because of SB-1111.
 17 BY MR. HUDSON:
 18 Q Okay. Who is that?
 19 A A photographer who came to take my
 20 photo expressed to me that because of the new
 21 provisions with SB-1111 and his residence, and he
 22 was confused as to whether or not it counted as a

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1 commercial residence, that he intended no longer
 2 to register to vote in Harris County.
 3 Q Okay. What's that photographer's
 4 name?
 5 A I'll have to remember the exact name,
 6 but --
 7 Q When did he come to take your picture?
 8 A I'm happy to look up the details. I
 9 don't recall at this moment what exact day he came
 10 to take my picture.
 11 Q Okay. Was this prior to the March
 12 primary?
 13 A Yes.
 14 Q Okay. Do you know if the photographer
 15 ultimately registered to vote?
 16 A Never went back to look.
 17 Q Okay. Do you know if the photographer
 18 intends to vote in future elections in
 19 Harris County?
 20 A I do not.
 21 Q Do you know whether the photographer
 22 was a resident of Harris County?

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1 A I did not look up their address.
 2 Q Okay. Do you know if the photographer
 3 is a resident of Texas?
 4 A They did not share their residence
 5 with me in that moment.
 6 Q Did the photographer tell you whether
 7 they had ever voted in a Texas election?
 8 A Yes.
 9 Q Had the person -- did the person tell
 10 you that they voted in a prior Texas election?
 11 A They led me to believe that they had
 12 voted previously.
 13 Q Did they make statements to lead you
 14 to believe that they voted in Texas?
 15 A I do not recall.
 16 Q Aside from the photographer that you
 17 just described, are there any other examples that
 18 you can give me of a person that the Harris County
 19 Elections Administrations Office believes did not
 20 register to vote on account of SB-1111?
 21 A No.
 22 Q Was the photographer Latino?

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1 speculation.
 2 THE WITNESS: They did not express to
 3 me any current or previous felonies stats.
 4 BY MR. HUDSON:
 5 Q What about whether the photographer
 6 was going to be in Harris County on an available
 7 date to vote? Did the photographer tell you that?
 8 MR. DODGE: Objection, form.
 9 THE WITNESS: They did not.
 10 BY MR. HUDSON:
 11 Q Did the photographer have any
 12 disability?
 13 MR. DODGE: Objection, form, calls for
 14 speculation.
 15 THE WITNESS: They did not express to
 16 me whether they had a disability.
 17 BY MR. HUDSON:
 18 Q Did you encourage the photographer to
 19 register to vote?
 20 A I encouraged the photographer to do
 21 whatever they thought was best for them as a voter
 22 of Texas.

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1 A They did not --
 2 MR. DODGE: Objection, form.
 3 THE WITNESS: They did not express to
 4 me what their race or ethnicity was.
 5 BY MR. HUDSON:
 6 Q Was the photographer a college
 7 student?
 8 MR. DODGE: Objection, form, calls for
 9 speculation.
 10 THE WITNESS: They did not express to
 11 me whether or not they were enrolled in an
 12 institution of higher education.
 13 BY MR. HUDSON:
 14 Q Was the photographer over 65?
 15 MR. DODGE: Objection, form, calls for
 16 speculation.
 17 THE WITNESS: They did not express to
 18 me their exact age or date of birth.
 19 BY MR. HUDSON:
 20 Q Was the photographer convicted prior
 21 of a felony?
 22 MR. DODGE: Objection, form, calls for

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1 Q All right, going back to page 1 of
 2 Intervenor Defendant's 2, do you see that on your
 3 screen?
 4 A Yes.
 5 Q Do you see the highlighted line?
 6 A Yes.
 7 Q Follow along with me as I read this.
 8 "Other than the revisions to the
 9 forms, there are no procedural changes to the
 10 standard address confirmation process."
 11 Did I read that correctly?
 12 A Yes.
 13 Q Do you agree with that sentence as
 14 stated?
 15 A To the standard address confirmation
 16 process. To the extent that I can assume
 17 "standard" refers to items that don't require the
 18 extra paperwork or confirmation or proof of
 19 address.
 20 Q I got the caveat. I guess I didn't
 21 get the original answer.
 22 A Sorry. I'll have to see what this

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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

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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.

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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.

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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 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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1 Elections Administrator's Office has an interest
 2 in maintaining a uniform election?
 3 MR. DODGE: Objection, form.
 4 MS. BINGHAM: Object to form.
 5 THE WITNESS: Could you define what
 6 "uniform election" means for that purpose?
 7 BY MR. HUDSON:
 8 Q Sure. Do you have a general
 9 understanding of what the word "uniform" means?
 10 A It would be helpful to know your
 11 understanding. "Uniform" could have different
 12 definitions.
 13 Q Sure. Let me know your understanding
 14 since I'm here to ask the questions, and we'll
 15 just use your definition.
 16 Do you have a general understanding of
 17 what "uniform" means?
 18 A Uniforms could mean pieces of clothing
 19 that individuals use for the purpose of
 20 maintaining, you know, uniformity in appearance.
 21 Uniformity broadly can also be
 22 described to mean consistency or equality for a

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1 various term.
 2 Those are the two definitions I know.
 3 Q Okay. Isabel, do you really think I'm
 4 asking you about clothing?
 5 A I'm asking you to repeat the question
 6 and helping me to determine what you mean by
 7 "uniform elections."
 8 Q Fair enough. And for the record,
 9 since somebody might be reading this transcript, I
 10 chuckled after I asked you that. That was a less
 11 than serious question.
 12 So you said consistency in equality,
 13 right, is a potential definition of uniformity?
 14 A Correct.
 15 Q Okay. Based on that definition, as
 16 you understand it, would you agree with me that
 17 the Harris County Elections Administrator's Office
 18 has an interest in uniformity in its elections?
 19 MR. DODGE: Object to form.
 20 MS. BINGHAM: Object to form.
 21 THE WITNESS: Though I understand the
 22 term of uniformity to be, you know, equality and

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1 consistency, there's many aspects to an election
 2 regarding uniform and consistency, so broadly it
 3 is good to be consistent.
 4 BY MR. HUDSON:
 5 Q What about fraud? You would agree
 6 with me that the State of Texas has an interest in
 7 preventing fraud in elections, right?
 8 MS. BINGHAM: Object to form.
 9 THE WITNESS: I can't comment on the
 10 State of Texas and its interests.
 11 BY MR. HUDSON:
 12 Q What about Harris County Elections
 13 Administrator's Office? Does the Harris County
 14 Elections Administrator's Office have an interest
 15 in preventing fraud in Harris County elections?
 16 MS. BINGHAM: Object to form.
 17 THE WITNESS: Yes.
 18 BY MR. HUDSON:
 19 Q Are you aware of any fraud related to
 20 residency in the State of Texas?
 21 A In the entire state? I can't recall
 22 any specific instances.

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1 Q What about the Harris County Elections
 2 Administrator's Office, are you aware of any in
 3 Harris County?
 4 A Fraud related to residency? I can't
 5 think of any cases that come to mind right now
 6 about fraud related to residency in Harris County.
 7 Q I'm going to put into the Chat
 8 function what I'm going to mark as Intervenor
 9 Defendant 3. Go ahead and pull that document, let
 10 me know when you're ready to discuss it.
 11 (Intervenor Defendant Exhibit 3
 12 was marked for identification.)
 13 THE WITNESS: Ready.
 14 BY MR. HUDSON:
 15 Q Okay. Have you ever seen this
 16 document before?
 17 A Yes.
 18 Q What is this document?
 19 A It appears to be a copy of a claim
 20 submitted by a one Mr. Alan Vera, submitted at
 21 some point in 2018.
 22 Q I'll represent to you we got this as

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1 part of the discovery. Bottom right-hand corner,
 2 you can see page 1 is Bates stamped
 3 LONGORIA-00005, and it goes all the way through
 4 LONGORIA-00068. Do you see that?
 5 A Yes.
 6 Q And do you see here at the bottom,
 7 last page, which is LONGORIA-68, it says, "I swear
 8 that the information provided above is accurate to
 9 the best of my knowledge. Alan Vera, Chairman,
 10 HCRP, Ballot Security Committee."
 11 Did I read that correctly?
 12 A Yes.
 13 Q And do you know Mr. Vera?
 14 A Yes.
 15 Q Are you familiar with his signature?
 16 A No.
 17 Q Do you see that this document has also
 18 been notarized?
 19 A Yes.
 20 Q It says, "Sworn to and subscribed
 21 before me, by the said, Alan Vera, this the 28th
 22 day of July 2018, to certify which, witness my

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1 rescinded those letters about the voters'
 2 residency.
 3 Q Do you have any idea why that
 4 happened?
 5 A Which part?
 6 Q The rescission.
 7 A I do not.
 8 Q As you sit here today, do you have any
 9 intent to place any of these voters on Suspense?
 10 A No.
 11 Q Do you think this document gives you
 12 reason to believe that the addresses that are
 13 being used are not residences that comply with
 14 SB-1111?
 15 MS. BINGHAM: Object to form.
 16 THE WITNESS: No.
 17 BY MR. HUDSON:
 18 Q Why not?
 19 A Well, one, this is a document
 20 submitted before I came into office, and the
 21 Secretary of State has shared very clearly in
 22 their advisories that it is not the duty,

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1 hand and seal of office."
 2 And below that is the signature and
 3 printed name of Marie Nugent, Notary Public in the
 4 State of Texas.
 5 Do you see that?
 6 A Yes.
 7 Q Do you have any reason to dispute that
 8 Alan Vera is the signatory on this document?
 9 A No.
 10 Q What year did you become the Elections
 11 Administrator for Harris County?
 12 A November 2020.
 13 Q At the time that you became the
 14 Elections Administrator, do you know if anyone had
 15 looked into whether any of these residency
 16 challenges had been evaluated by the Harris County
 17 Elections Administrator's Office?
 18 A Broadly, as I understand it, the
 19 former voter registrar in 2018, I don't know for
 20 what purpose, but did send letters to the voters
 21 based on Mr. Vera's claims here in 2018; and then
 22 upon advice of the County Attorney's Office,

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1 position, or otherwise, that an elections
 2 administration office investigate voters who were
 3 on the voter rolls before SB-1111 went into
 4 effect.
 5 Q So we have -- go ahead.
 6 A So I did not proactively investigate
 7 voters, no.
 8 Q I'm going to put into the Chat
 9 function what I'm going to mark as Intervenor
 10 Defendant's 4. Go ahead and pull that off and let
 11 me know when you're ready to discuss.
 12 (Intervenor Defendant's Exhibit 4
 13 was marked for identification.)
 14 THE WITNESS: Ready.
 15 BY MR. HUDSON:
 16 Q Have you ever seen this document
 17 before?
 18 A Yes.
 19 Q What is this document?
 20 A I believe it's a claim made by
 21 Mr. Vera in September 2021 of last year, submitted
 22 to our office.

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1 Q Okay. And I'll represent to you we've
 2 received this in discovery. It's LONGORIA-00069,
 3 and it proceeds all the way down to
 4 LONGORIA-00080. Do you see that?
 5 A Yes.
 6 Q Now, Mr. Vera writes, "My name is
 7 Alan D. Vera. I am above the age of 18 years and
 8 fully competent to make this affidavit. I am a
 9 registered voter in Harris County, Texas. My
 10 voter registration residence address is
 11 18130 Cadbury Dr., Houston, TX 77084. My state
 12 VUID Number is 1118581985. The facts stated in
 13 this affidavit are within my personal knowledge
 14 and are true and correct."
 15 Did I read that correctly?
 16 A Yes.
 17 Q He goes on to write, "I am challenging
 18 the registrations of the voters listed below on
 19 the basis of residency. I am making these
 20 challenges on the basis of the following sections
 21 of the Texas Election Code."
 22 Did I read that correctly?

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1 A Yes.
 2 Q He cites several provisions and goes
 3 on to write, "I have personal knowledge that the
 4 voters below are registered to vote at the
 5 residence addresses shown next to their names. I
 6 retrieved the information from the Harris County
 7 Elections Administrator's records. I have omitted
 8 apartment numbers because there are no apartments
 9 at these addresses."
 10 Did I read that correctly?
 11 A Yes.
 12 Q Now, on the next page, the second full
 13 paragraph reads, "I am requesting that the
 14 Harris County Elections Administrator take the
 15 actions required by the Texas Election Code,
 16 including new provisions from Senate Bill 1111
 17 passed by the 87th Legislature and effective on
 18 September 1, 2021."
 19 Did I read that correctly?
 20 A Yes.
 21 Q Has the Harris County Elections
 22 Administrator's Office done anything to

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1 investigate whether any of the names on this
 2 10-page list are names of people who are currently
 3 violating the residency statute?
 4 A No.
 5 Q Has the Harris County Elections
 6 Administrator's Office put any of the names on
 7 this list in Suspense?
 8 A We have no reason to because the claim
 9 itself did not meet the merits of the statute to
 10 even look into these voters.
 11 Q What merits did this claim not meet?
 12 A It was not -- you know, on the advice
 13 of the county attorney, it was not reported to us
 14 correctly.
 15 Q What is the Harris County Elections
 16 Administrator's Office understanding of what the
 17 defects are in this report?
 18 A If you'll scroll up -- scroll up under
 19 the provisions that you shared earlier, Mr. Vera
 20 states that he received knowledge of these by
 21 Googling the addresses, and Googling, as I
 22 understand, does not constitute personal

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1 knowledge. So, broadly, this individual does not
 2 have personal knowledge of the residency status,
 3 et cetera, of these voters on the list.
 4 Q Has Mr. Vera been informed that his
 5 objection has been rejected?
 6 MS. BINGHAM: Object to form.
 7 THE WITNESS: Truly, Eric, I can't
 8 remember what letters we've sent to Mr. Vera about
 9 this specific instance. We'll have to ask the
 10 County Attorney.
 11 BY MR. HUDSON:
 12 Q Let's do an easy one now. I'm
 13 dropping into the Chat function Intervenor
 14 Defendant's 5. Go ahead and pull that up and let
 15 me know when you're ready to discuss.
 16 (Intervenor Defendant's Exhibit 5
 17 was marked for identification.)
 18 THE WITNESS: Ready.
 19 BY MR. HUDSON:
 20 Q Have you ever seen this document
 21 before?
 22 A Yes.

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1 Q What is this document?
 2 A Broadly, the legislative language of
 3 Senate Bill 1111, I assume as it was passed out of
 4 the Texas Legislature.
 5 Q Let's go down to the last page here.
 6 Have you ever seen this page before?
 7 A Yes.
 8 Q This is page 6 of Intervenor
 9 Defendant's 5. Do you see here where it says
 10 "President of the Senate"?
 11 A Yes.
 12 Q And here it says "Speaker of the
 13 House"?
 14 A Yes.
 15 Q And above both those lines are
 16 signatures. Do you see that?
 17 A Yes.
 18 Q And do you see it has "Secretary of
 19 the Senate" with a signature above that?
 20 A Yes.
 21 Q And do you see "Chief Clerk of the
 22 House," and there's a signature above that?

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1 Q And what about language that has a
 2 line through it?
 3 A That means that language has been
 4 stricken or removed from the applicable
 5 Election Code -- or applicable legal code.
 6 Q And if the language has no line either
 7 under or through it?
 8 A You can assume that that language
 9 existed in the law before the bill, and will
 10 remain there after the bill unchanged.
 11 Q You would agree with me that Texas had
 12 residency requirements in voting before
 13 Senate Bill 1111, right?
 14 MR. DODGE: Objection to form.
 15 THE WITNESS: Yes.
 16 BY MR. HUDSON:
 17 Q Does the Harris County Elections
 18 Administrator's Office disagree that vote by mail
 19 is a target for fraud in Texas?
 20 MS. BINGHAM: Object to form.
 21 MR. DODGE: Objection, form.
 22 THE WITNESS: Could you restate the

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1 A Yes.
 2 Q And then finally, it says "Governor,"
 3 and then it has a signature above that.
 4 Do you see that?
 5 A Yes.
 6 Q And then lastly, there's a signature
 7 at the bottom, "Secretary of State" with a
 8 signature. Do you see that?
 9 A Yes.
 10 Q Do you have any reason to dispute that
 11 this is a true and accurate copy of the signed
 12 version of Senate Bill 1111?
 13 A No.
 14 Q Now, you've done a little bit of work
 15 in legislation; is that right?
 16 A Yes.
 17 Q Can you explain to the Court what it
 18 means in this signed version of the bill if a
 19 provision has a line underneath of it?
 20 A Language that is underlined in a bill
 21 is language that is being newly added to an
 22 election code or was newly added by the bill.

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1 question, please?
 2 BY MR. HUDSON:
 3 Q Sure. Does the Harris County
 4 Elections Administrator's Office have a position
 5 on whether fraud occurs in vote by mail in Texas?
 6 A No.
 7 Q Do you know who Rafael Anchia is?
 8 A Yes.
 9 Q Who is he?
 10 A I assume we're speaking of the
 11 legislator from Dallas.
 12 Q I am, actually. I'm going to drop in
 13 the Chat function what we're going to mark as
 14 Intervenor Defendant 6. Go ahead and open that up
 15 and let me know after you've had a chance to take
 16 a look.
 17 (Intervenor Defendant's Exhibit 6
 18 was marked for identification.)
 19 THE WITNESS: Go ahead.
 20 BY MR. HUDSON:
 21 Q Do you know what the House Journal is?
 22 A Yes.

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1 Q Can you explain to the Court what the
 2 House Journal is?
 3 A The House Journal keeps a record of
 4 business and conversation at the Texas Legislature
 5 for whatever applicable session.
 6 Q So do you see here it says
 7 House Journal at the top of Intervenor
 8 Defendant 6?
 9 A Yes.
 10 Q And beneath that it says
 11 "Eightieth Legislature, Regular Session."
 12 Do you see that?
 13 A Yes.
 14 Q And it says "Sixtieth Day - Monday,
 15 April 23, 2007." Did I read that correctly?
 16 A Yes.
 17 Q So I'll represent to you that that's
 18 the first page of the House Journal for that day,
 19 and I've also pulled as a relevant provision
 20 page 2224 from that same section from that same
 21 day of the House Journal.
 22 Do you see the highlighted name there

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1 A I have no information at my disposal
 2 right now to assume that fraud, if and when it
 3 occurs, has happened at a higher rate in mail
 4 versus in-person versus other forms of voting.
 5 Q I'm dropping into the Chat function
 6 what I'm going to mark as Intervenor Defendant 7.
 7 Go ahead and pull that document and let me know
 8 when you're ready to discuss.
 9 (Intervenor Defendant's Exhibit 7
 10 was marked for identification.)
 11 THE WITNESS: Ready.
 12 BY MR. HUDSON:
 13 Q Have you ever seen this document
 14 before?
 15 A No.
 16 Q So I'll represent to you this is a
 17 copy of The New York Times.
 18 Do you see the title here?
 19 A Yes.
 20 Q It says, "South Texas Mayor Is
 21 Arrested on Election Fraud Changes, Fueling Bitter
 22 Political Fight."

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1 under "HB 218 - REMARKS"?
 2 A Yes.
 3 Q What name is that?
 4 A Representative Anchia.
 5 Q And if we go down, do you see the
 6 highlighted provision toward the bottom of page 2?
 7 A Yes.
 8 Q Can you read that section for me?
 9 A "Vote by mail, that we know, is the
 10 greatest source of voter fraud in the state. In
 11 fact, all of the prosecutions by the
 12 attorney general -- I shouldn't say all, but a
 13 great majority of the prosecutions by the
 14 attorney general occur with respect to vote by
 15 mail."
 16 Q Does the Harris County Elections
 17 Administrator's Office disagree with
 18 Representative Anchia's statement?
 19 MS. BINGHAM: Object to form.
 20 THE WITNESS: Yes.
 21 BY MR. HUDSON:
 22 Q Why?

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1 Did I read that correctly?
 2 A Yes.
 3 Q And below that it says, "By
 4 Manny Fernandez on April 25, 2019."
 5 Did I read that correctly?
 6 A Yes.
 7 Q Do you see the highlighted portion?
 8 A Yes.
 9 Q It reads, "Nearly 20 people have been
 10 arrested since last year in connection with the
 11 fraud case. Prosecutors said the scheme -
 12 involving Mr. Molina, his wife and paid campaign
 13 workers - was largely carried out by having
 14 numerous voters who did not live in Edinburgh
 15 claim they were residents, including many who
 16 stated they lived in an apartment complex
 17 Mr. Molina owns."
 18 Did I read that correctly?
 19 A Yes.
 20 Q Did you know before I showed you this
 21 article that the current mayor of Edinburg is
 22 under indictment for organized election fraud

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1 involving claims of false residency?
 2 A No, not specifically, no.
 3 Q Does that change your opinion about
 4 whether residency fraud has occurred in Texas?
 5 MS. BINGHAM: Object to form.
 6 THE WITNESS: I don't think that was
 7 the question you asked me previously, so I can't
 8 say if my opinion changed. You'll have to remind
 9 me if that was a question earlier.
 10 BY MR. HUDSON:
 11 Q Well, let me ask it to you like this:
 12 Does the Harris County Elections
 13 Administrator's Office disagree that residency
 14 fraud has happened in Texas?
 15 MS. BINGHAM: Object to form.
 16 THE WITNESS: I don't know the
 17 specifics of this case, if it said they were
 18 finally convicted of something. So that would
 19 change or inform my opinion on whether or not
 20 residency fraud happens in Texas.
 21 BY MR. HUDSON:
 22 Q I'll put this in the Chat function.

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1 We've got Intervenor Defendant 8.
 2 (Intervenor Defendant's Exhibit 8
 3 was marked for identification.)
 4 BY MR. HUDSON:
 5 Q And before I ask you questions about
 6 that, are you familiar with what
 7 The New York Times is?
 8 A Yes.
 9 Q What is The New York Times?
 10 A It is the paper of record, a newspaper
 11 and news source for New York state.
 12 Q It's also a national paper of record,
 13 isn't it?
 14 A Is it the national? Good for them. I
 15 take your word for it, Eric, it's a national paper
 16 of record.
 17 Q Well, let me ask you this:
 18 Do you think a lot of local news from
 19 Texas gets reported in The New York Times?
 20 MR. DODGE: Objection, form.
 21 MS. BINGHAM: Object to form.
 22 THE WITNESS: Yes.

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1 BY MR. HUDSON:
 2 Q You don't think it's out of the
 3 ordinary that a news story from Hidalgo County
 4 gets picked up by the national paper of record?
 5 MS. BINGHAM: Object to form.
 6 THE WITNESS: No.
 7 BY MR. HUDSON:
 8 Q Why is that?
 9 A Because news has merits regardless of
 10 where it comes from. So I don't know why Hidalgo,
 11 Texas, or any other state or jurisdiction should
 12 be reported from more or less than any other given
 13 jurisdiction.
 14 Q I agree with that.
 15 You would also agree that it's pretty
 16 big news that the Edinburg mayor got indicted on
 17 organized election fraud charges, right?
 18 MS. BINGHAM: Object to form.
 19 MR. DODGE: Objection, form.
 20 THE WITNESS: That depends on what you
 21 constitute as "big." It's not big news for me.
 22

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1 BY MR. HUDSON:
 2 Q Do you see Intervenor Defendant -- I
 3 believe we're on 7 [sic]? (Referring to Ex. 8)
 4 A Yes.
 5 Q Have you ever seen an indictment
 6 before?
 7 A No, actually, I don't think so, no.
 8 Q Okay. So that would mean you've never
 9 seen this indictment before?
 10 A Correct, I've never seen this
 11 indictment. Regardless of whether I may or may
 12 not have seen an indictment before, I've
 13 definitely never seen this indictment before.
 14 Q Understood. You have no reason to
 15 dispute that this is a true and accurate copy of
 16 the indictment against, among others,
 17 Ricardo Molina, the current mayor of Edinburg?
 18 A No.
 19 Q Do you come to Austin very often?
 20 A No.
 21 Q When you've met with legislators, have
 22 you seen newspapers in their offices before?

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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>
Page 186	Page 188
<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>

<p style="text-align: right;">Page 189</p> <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 style="text-align: right;">Page 191</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>
<p style="text-align: right;">Page 190</p> <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 style="text-align: right;">Page 192</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>

<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>

Page 197	Page 199
<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>
Page 198	Page 200
<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>

<p style="text-align: right;">Page 201</p> <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 style="text-align: right;">Page 203</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>
<p style="text-align: right;">Page 202</p> <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 style="text-align: right;">Page 204</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>

4/14/2022

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

Isabel Longoria 30(b)(6)

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1 MS. BINGHAM: Thank you.
 2 Counsel, I think the only other thing
 3 is that I sent the court reporter our objections
 4 to both 30(b) -- our written objections to both
 5 corporate rep notices, and so I just want to
 6 attach those as exhibits to the deposition.
 7 MR. DODGE: No objection here.
 8 MR. HUDSON: No objection.
 9 MS. BINGHAM: Thank you.
 10 THE VIDEOGRAPHER: Okay, we are going
 11 off the record. This deposition is concluded at
 12 12:54.
 13 (Whereupon, at 12:54 p.m. CDT, the taking
 14 of the deposition was concluded.
 15 Reading and signature were RESERVED.)
 16
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 22

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1 CERTIFICATE OF NOTARY PUBLIC
 2 I, DAWN A. JAQUES, a Notary Public in and for
 3 the Commonwealth of Virginia, before whom the
 4 foregoing deposition was taken, do hereby certify
 5 that witness whose testimony appears in the
 6 foregoing pages was duly sworn by me; that the
 7 testimony of said witness was taken by me in
 8 shorthand at the time and place mentioned in the
 9 caption hereof and thereafter reduced to typewriting
 10 under my supervision; that said deposition is a true
 11 record of the testimony given by said witness; that
 12 I am neither counsel for, related to, nor employed
 13 by any of the parties to the action in which this
 14 deposition is taken; and, further, that I am not a
 15 relative or employee of any attorney or counsel
 16 employed by the parties thereto, nor financially or
 17 otherwise interested in the outcome of the actions.
 18
 19 _____
 20 Dawn A. Jaques, CSR, CLR
 21 Notary Public in and for
 22 Commonwealth of Virginia
 My commission expires:
 August 31, 2023
 Registration No. 132328

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1 Isabel Longoria 30(b)(6), c/o
 Office of the Harris County Attorney
 2 109 Congress Avenue, 15th Floor
 Houston, Texas 77002
 3
 Case: Texas State LULAC, et al., v. Bruce Elfant, et al.
 Date of deposition: April 14, 2022
 Deponent: Isabel Longoria 30(b)(6)
 5
 6 Please be advised that the transcript in the above
 referenced matter is now complete and ready for signature.
 7 The deponent may come to this office to sign the transcript,
 8 a copy may be purchased for the witness to review and sign,
 9 or the deponent and/or counsel may waive the option of
 10 signing. Please advise us of the option selected.
 11 Please forward the errata sheet and the original signed
 12 signature page to counsel noticing the deposition, noting the
 13 applicable time period allowed for such by the governing
 14 Rules of Procedure. If you have any questions, please do
 15 not hesitate to call our office at (202)-232-0646.
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 4 SIGNATURE PAGE
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 Witness Name: Isabel Longoria 30(b)(6)
 Deposition Date: April 14, 2022
 6
 I do hereby acknowledge that I have read
 and examined the foregoing pages
 of the transcript of my deposition and that:
 8
 9 (Check appropriate box):
 10 () The same is a true, correct and
 complete transcription of the answers given by
 me to the questions therein recorded.
 11 () Except for the changes noted in the
 attached Errata Sheet, the same is a true,
 12 correct and complete transcription of the
 13 answers given by me to the questions therein
 14 recorded.
 15
 16 _____
 17 DATE WITNESS SIGNATURE
 18
 19 _____
 20 DATE NOTARY
 21
 22

4/14/2022

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

Isabel Longoria 30(b)(6)

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ERRATA SHEET

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
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 21
 22

Signature

Date

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Chapter 869

S.B. No. 1111

AN 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 ~~with the election law rules, as established by the courts of this state, except as otherwise provided by this code.~~ **[ResideeRoe-shall-be**

(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

S.B. No. 1111

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

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 1.015:

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 411.181, 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

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

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.

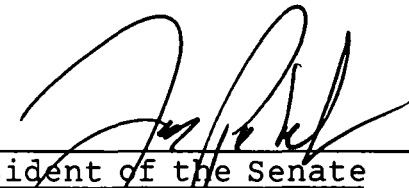
6 (f) Notwithstanding the other provisions of this section, a
7 voter enrolled as a full-time student who lives on campus at an
8 institution of higher education may use the address of a post office
9 box located on the campus of the institution or in a dormitory owned
10 or operated by the institution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

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

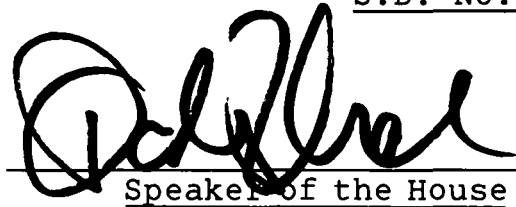
13 SECTION 6. This Act takes effect September 1, 2021.

7/20/22
Klee

S.B. No. 1111

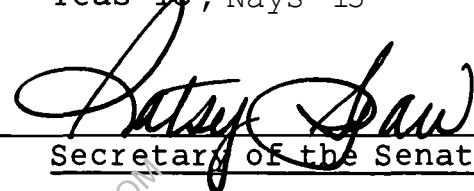


President of the Senate



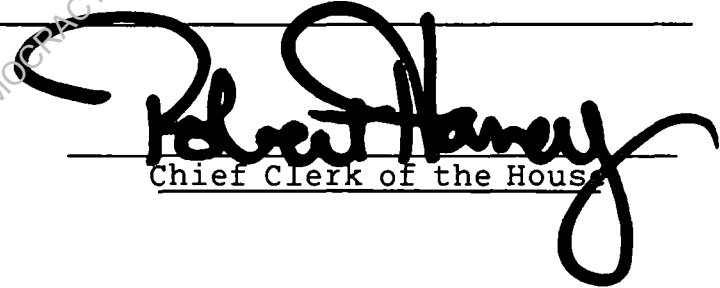
Speaker of the House

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
11:01 AM
JUN 1 2021

Secretary of State

Page 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO)
LATINO,)
)
PLAINTIFFS)
)
V.) Case No. 1:21-cv-00546-LY
)
)
BRUCE ELFANT, ET AL)
AND KEN PAXTON, ET AL,)
)
DEFENDANTS)

ORAL AND VIDEOCONFERENCE DEPOSITION OF
TEXAS STATE LULAC
MARCH 23, 2022

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 7870, 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.

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Page 2

1 APPEARANCES

2
3 ON BEHALF OF THE PLAINTIFFS:
4 KATHRYN YUKEVICH, ESQUIRE
5 MINDY JOHNSON, ESQUIRE
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12
13 ON BEHALF OF THE DEFENDANTS:
14 ERIC HUDSON, ESQUIRE
15 KATHLEEN HUNKER, ESQUIRE
16 OFFICE OF THE ATTORNEY GENERAL
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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.

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1 PROCEEDINGS
 2 THE VIDEOGRAPHER: We are on the record
 3 at 10:23 a.m., today, March 23, 2022, at Perkins Coie
 4 LLP, 405 Colorado St., Suite 1700 Austin, Texas 78701.
 5 To depose Domingo Garcia, in the case styled Texas State
 6 LULAC, et al. v. Bruce Elfant, et al., and Ken Paxton,
 7 et al., Cause No. 1:21-CV-00546-LY. Tried in the United
 8 States District Court, Western District of -- District
 9 of Texas, Austin Division.
 10 I'm Tony Bauml, videographer and notary.
 11 My business address is 15248 Scenic Loop Helotes, Texas
 12 78023. Will counsel please state their appearance with
 13 their name, firm, and the party that they're
 14 representing?
 15 MS. YUKEVICH: Okay. I'm Kathryn
 16 Yukevich, for the plaintiff.
 17 MR. HUDSON: Eric Hudson and Kathleen
 18 Hunker, on behalf of the State of Texas
 19 Intervenor-Defendant.
 20 THE VIDEOGRAPHER: Court reporter, will
 21 you swear in the witness.
 22 DOMINGO GARCIA,
 23 having been first duly sworn, testified as follows:
 24 EXAMINATION
 25 Q. (BY MR. HUDSON) My name is Eric Hudson. I'm

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1 with the Office of State Attorney General. I know
 2 you're -- you're an attorney, Mr. Garcia, so it's going
 3 to seem a little bit tedious what I'm about to go
 4 through. But I think we have to go through the exercise
 5 in any event. Before we do that, though -- deposition,
 6 so this is going to be on transcript.
 7 I want to describe the room so that the
 8 Judge reading this or the clerk who's reading this for
 9 the judge will understand we've got a Zoom camera up to
 10 my right hand side, the deponent's left hand side, and
 11 we've got, it looks to be 12 people on the screen, who
 12 are also appearing for the named defendant counties. I
 13 understand that the court reporter and videographer are
 14 going to capture the names and the clients for each of
 15 the attorneys for the defendants. They're also going to
 16 capture the name of the parties for the
 17 Intervenor-Defendants.
 18 I believe the county's of Medina and
 19 Real, but I want to be clear on the record that all of
 20 these people are in attendance. We've got Cynthia
 21 Veidt; Barbara Nicholas; Kathleen Hunker; Heena Kepadia;
 22 Josephine Ramirez; Leigh Tognetti; Kelsey Spector; ADA,
 23 which I understand is an acronym for Assistant District
 24 Attorney, Lisa Cubriel; Munera Al-Fuhaid; Leslie Dippel;
 25 and Mindy Johnson. Is there anybody else that's

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1 appearing via Zoom or telephone that I haven't
 2 identified already for the record?
 3 Okay. So I guess let's start with you
 4 introducing yourself to the Court. Do you mind
 5 explaining to the Judge who you are?
 6 A. My name is Domingo Alberto Garcia,
 7 D-O-M-I-N-G-O, Alberto, A-L-B-E-R-T-O, Garcia,
 8 G-A-R-C-I-A. And I'm a national president of LULAC the
 9 League of United Latin American Citizens.
 10 Q. Where do you currently live?
 11 A. I live in Dallas, Texas.
 12 Q. You fly down this morning?
 13 A. I did.
 14 Q. Well, thank you for attending. How long have
 15 you been the national president for --
 16 A. Three.
 17 Q. -- LULAC?
 18 A. Three years.
 19 Q. Okay. Now, like I said, this will be a little
 20 bit tedious, you know, because I know you've probably
 21 done boatload of depositions in your time. I understand
 22 you're a personal injury lawyer. Right?
 23 A. Correct.
 24 Q. All right. So you've deposed lots of people.
 25 Right?

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1 A. I have.
 2 Q. Okay. So I'll -- I'll breeze through this.
 3 If I'm asking a question, I ask that you allow me to
 4 finish I'll extend the same courtesy to you. If during
 5 the course of questioning you don't understand the
 6 question that I'm asking, just say so. I'll see if I
 7 can't rephrase it.
 8 If you hear an objection from your
 9 counsel unless you're instructed not to answer, I ask
 10 that you go ahead and answer the question. If you need
 11 a break during the day, just let me know. The only
 12 thing I ask is that if I ask a question that you answer
 13 it before we take the break.
 14 Need a drink, need anything like that
 15 that's fine too. This isn't a hostage situation, so if
 16 you need to stand up and walk around just let me know we
 17 can take some breaks. I'm going to try to get you out
 18 of here as efficiently as possible. But you know, if
 19 you need to take one, just let me know.
 20 A. Sure.
 21 Q. Any questions about that?
 22 A. No, sir.
 23 Q. Can we agree to do that today?
 24 A. I can.
 25 Q. Okay. I think you can hear me fine.

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1 A. I can.
 2 Q. It's kind of nice being in person. Right?
 3 A. I can hear you fine.
 4 Q. Okay. All right. So since 2018, you've been
 5 the LULAC national president. Right?
 6 A. Yes, sir.
 7 Q. And what are your -- what is your role or what
 8 are your duties as LULAC national president?
 9 A. I'm elected by the general assembly. LULAC is
 10 the nation's largest and oldest Latino civil rights
 11 organization. We have a convention once a year. And my
 12 job duties and responsibilities are to help with running
 13 our national office, which is based in Washington, D.C.,
 14 where we have a staff that deals with multiple issues
 15 and programs such as civil rights, voter registration,
 16 voter turnout, scholarships for students, and community
 17 programs, including educational programs, and work
 18 programs.
 19 Q. Okay. Thank you for that. One thing I might
 20 want to say for the court reporter's benefit you speak a
 21 little fast. We might want to take it down just a
 22 little bit to make sure our court reporter is not going
 23 nuts with the -- with the transcription.
 24 A. Okay.
 25 Q. Prior to your current position, what did you

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1 A. I was a state representative for State of
 2 Texas for six years. Part of that I was a Dallas City
 3 Council member and I was Mayor Pro Tem for the City of
 4 Dallas between 1991 and 1995. And in terms of
 5 positions.
 6 Q. So let's go back and make sure I get all that
 7 down. So you were state representative for how many
 8 terms?
 9 A. Three terms.
 10 Q. All right. And when was the first term?
 11 A. 1996 to 2001.
 12 Q. Those were consecutive?
 13 A. Yes, sir.
 14 Q. That was a State House?
 15 A. Yes, sir.
 16 Q. And you said you were Mayor Pro Tem in Dallas?
 17 A. Yes, sir.
 18 Q. What was the time period for that?
 19 A. 1991 to 1995.
 20 Q. And that's -- I'm assuming you were city
 21 council member as well during that time?
 22 A. Yes, sir.
 23 Q. I'm going to hand you what I marked as D1.
 24 (WHEREUPON;, the document was marked for
 25 Identification as Exhibit D1 and is

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1 do for a living?
 2 A. I'm an attorney, and I have a Law Office of
 3 Domingo Garcia PC.
 4 Q. And where is that headquartered?
 5 A. It's headquartered in Dallas, Texas?
 6 Q. And what is the focus of your practice?
 7 A. Personal injury law.
 8 Q. How long have you been practicing?
 9 A. Thirty six years.
 10 Q. Have you always had your own practice?
 11 A. Yes, sir. Except for a short time that I
 12 worked for Assistant District Attorney for Harris
 13 County, when I first got out of law school.
 14 Q. Where did you matriculate?
 15 A. Texas Southern University, Thurgood Marshall
 16 School of Law.
 17 Q. And what year did you graduate?
 18 A. 1983.
 19 Q. And where did you attend for undergrad?
 20 A. University of North Texas in Denton, Texas.
 21 Q. You spend a lot of time on Fry Street?
 22 A. I did. Kind of like Sixth Street.
 23 Q. Aside from working as an attorney for about
 24 the last 30-some odd years, have you held any other
 25 positions?

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1 Attached hereto.)
 2 MR. HUDSON: Got a copy for you too
 3 Kassi, if you want it.
 4 MS. YUKEVICH: Thank you, very much.
 5 Q. (BY MR. HUDSON) Go ahead and take a look at
 6 that. Let me know when you're finished, we'll talk
 7 about it.
 8 A. Okay.
 9 Q. You ever seen this document before?
 10 A. Yes.
 11 Q. What is it?
 12 A. It's the notice of deposition and attached
 13 topics for examination.
 14 Q. Okay. So you understand that this is a
 15 deposition sent and notice under Rule 30(b)(6) of the
 16 Federal Rules of Civil Procedure. Right?
 17 A. I do.
 18 Q. Are you familiar with that rule?
 19 A. I don't really practice federal law, but
 20 I'm -- I'm familiar with the -- the topic and how it
 21 works.
 22 Q. All right. Well, just so we're all on the
 23 same page, so the idea is that you're here to speak on
 24 behalf of LULAC. Do you understand that?
 25 A. Yes, sir.

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1 Q. Okay. I'm going to go through the topics on
 2 page 7. You got those in front of you?
 3 A. I do.
 4 Q. The first is LULAC's mission, formation, and
 5 current organizational structure. Did I read that
 6 correctly?
 7 A. Yes, sir.
 8 Q. Did you prepare today to speak about that
 9 topic?
 10 A. I did.
 11 Q. What did you do to prepare?
 12 A. I just been a member since 1984, so I'm very
 13 familiar with the mission, formation, and current
 14 organizational structure. And as past LULAC president
 15 in Dallas and then now as national president, I'm
 16 familiar with structure.
 17 Q. When you say you were a member, what do you
 18 mean by that?
 19 A. I was a member of the Dallas LULAC Council
 20 102, which has been in -- been in existence since 1988.
 21 Q. How do you become a member of LULAC?
 22 A. You just join any of the local councils around
 23 the country?
 24 Q. How does that process work?
 25 A. Normally, you can just Google or -- or ask a

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1 current member if you would like to join LULAC in -- in
 2 Austin, Texas or Dallas or whatever town you're in, in
 3 the country or Puerto Rico.
 4 Q. So what are my benefits if I'm a member of
 5 LULAC?
 6 A. You get to pay \$20 in fees -- dues and you
 7 become part of a national civil rights organization,
 8 very much -- probably the best known and -- and largest
 9 organization representing Latinos and Latinas in the
 10 United States, especially in regards to civil rights,
 11 and economic, and political opportunities.
 12 Q. Okay. Could you describe for the Judge what
 13 LULAC's mission is?
 14 A. Our mission is to ensure that the civil rights
 15 of Latinos in the United States are protected. And --
 16 and to a -- to a lesser extent, creating programs that
 17 help young men and women in economic and political
 18 empowerment in the United States.
 19 Q. What does that mean?
 20 A. Means helping them get scholarships, so they
 21 go to college so they get their degrees to become
 22 whatever they want to do, whether they want to be
 23 astronauts or accountants, lawyers, whatever. We
 24 started the School of the 400, in the 1940s. And we
 25 taught bilingual education to our kids. So as a result

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1 of that President Lyndon Baines Johnson adopted the
 2 School of 400 and started Headstart, which is a program
 3 that's now national in scope.
 4 We've been involved in multiple
 5 desegregation of the schools. Back in the 1950s, Texas
 6 had a segregated school system. Mexican-American could
 7 not go to school with whites, so LULAC filed a lawsuit
 8 Mendez v. Westminster that ended school segregation in
 9 the United States. And that happened about three years
 10 before Brown v. Topeka.
 11 Q. Now, let's talk a little bit about the current
 12 organizational structure of LULAC. You've mentioned
 13 that there are local chapters. So can you take me from
 14 top down? How -- how LULAC is organized?
 15 A. We have a national president that's elected by
 16 the General Assembly. We have a board of directors.
 17 Each state elects a state director. So for example,
 18 Texas, has a state director. Currently, we're in 41
 19 states and Puerto Rico, and each state elects a state
 20 director.
 21 And then there are district directors
 22 that represent regions. So, for example, there's a
 23 district director that represents the Austin area, one
 24 that represents Dallas, one that represents Houston.
 25 And then you have local councils. Those are the local

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1 councils. You have to have at least 13 members to
 2 create a council. And those are at the local level at
 3 either city or county, depending on the size of the
 4 area. And we -- have we have a paid staff in
 5 Washington, D.C., consisting of our CEO who is now Sindy
 6 Benavides.
 7 And I think we have like eight -- but
 8 currently we have about 18 employees that work over
 9 Washington office. And then we have an El Paso office
 10 that has about six employees.
 11 Q. Are you aware of how many local councils are
 12 in Texas?
 13 A. Currently, there are something like 283.
 14 About 8000 active members and about a 144,000 where we
 15 call E-members. Members that are just -- they e-mail on
 16 computer. They're virtual members, but they're not
 17 organic members in a sense they don't show up to a
 18 meeting. They're just monitoring everything online.
 19 Q. What was the number of E-members? I'm sorry.
 20 A. 140,000 in Texas.
 21 Q. You see there on the topics for examination.
 22 We've got LULAC's affiliations or partnerships with
 23 other entities, past or present, including the nature
 24 and extent of interactions between LULAC and all such
 25 affiliate partner, member organizations, or groups. Did

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1 I read that correctly?
 2 A. Yes, sir.
 3 MS. YUKEVICH: Eric, just before we go
 4 into topic No. 2, I just want to again reiterate the
 5 objections that we have sent in writing to your office
 6 about the breadth of this topic and the First Amendment
 7 implications that depending on where your questions go
 8 for those topic.
 9 Q. (BY MR. HUDSON) Did you prepare for that topic
 10 today?
 11 A. Yes, sir.
 12 Q. What did you do to prepare?
 13 A. I just try to recur some of the agreements we
 14 have with multiple entities that LULAC has partnerships
 15 with.
 16 Q. Okay. Here's what I'm interested in. So I'll
 17 just give you a little bit of background. I understand
 18 your lawsuit is challenging, what is commonly referred
 19 to as Senate Bill 1111. Are you familiar with that?
 20 A. I am.
 21 Q. Now, I will tell you, I've done a lot of work
 22 for the ledge. Every -- and I know you remember the
 23 Legislature, so you know this as well as I do, there's
 24 probably like 400,000 SB 1111's because there's a new
 25 1111 --

Page 18

1 A. Yeah.
 2 Q. -- every time there's a ledge session. The SB
 3 1111 I'm referring to is the Senate Bill that was passed
 4 and signed by the governor from the 87th regular
 5 session.
 6 A. Okay.
 7 Q. Do you understand that?
 8 A. I do.
 9 Q. Okay. So what I'm interested in is for that
 10 particular bill, you guys have sued us or sued the state
 11 of -- not, the state of Texas, but you've sued county
 12 defendants alleging constitutional violations on that
 13 statute because of the residency restrictions. So what
 14 I'm interested in are any affiliations or partnerships
 15 that you have with organizations that you think are
 16 going to be impacted by the residency statute.
 17 I'm just giving you a little bit of
 18 background, I haven't asked the question. So before I
 19 get started, if I refer to SB 1111 or the residency
 20 statute, can we agree that I'm referring to the statute
 21 that was passed in the 87th regular session that's
 22 commonly referred to as SB 1111 or the residency bill
 23 that you've sued us for?
 24 A. Yes.
 25 Q. Okay. So with that in mind, let me ask you,

Page 19

1 do you contend that LULAC has affiliations or
 2 partnerships with groups that are going to be impacted
 3 by the residency statute?
 4 A. Yes.
 5 Q. Okay. What are those affiliations or
 6 partnerships?
 7 A. LUPE. They have large -- a large section of
 8 farm workers that are members of that organization and
 9 those of seasonal workers that migrate, depending on the
 10 harvest and the seasons the residency requirements can
 11 ask adversely affect a large number of Latinos that are
 12 in that organization and that are farmworkers. Voto --
 13 Latino Voto, which does work with -- for like getting
 14 the Latino vote out. That's going to make it difficult
 15 to them to get the vote out for farmworkers and college
 16 students. And there's other organizations, but we don't
 17 have like specific ties, except, I guess are part of the
 18 same litigation.
 19 Q. Okay. So aside from those two organizations,
 20 LUPE, Latino Voto in terms of -- or is it Voto Latino
 21 like in the lawsuit?
 22 A. Yes. Voto Latino.
 23 Q. So you've got a partnership or an affiliation
 24 with them. Those -- those two groups are dealing with
 25 farmworkers and college students. Your contention is

Page 20

1 those two groups are going to be impacted by the
 2 legislation --
 3 A. Yes, sir.
 4 Q. -- is that fair?
 5 A. Yes. Fair.
 6 Q. Okay.
 7 A. And also military.
 8 Q. Military.
 9 A. I just met with a two-star General Monday, and
 10 we were discussing how LULAC can help our army, our
 11 armed forces on recruitment.
 12 Q. Mm-hmm.
 13 A. The issue there is that many of Latinos 18 to
 14 21 see the military as honorable service, so they serve
 15 their country.
 16 Q. Mm-hmm.
 17 A. But I believe the way the statute written that
 18 it -- they could be also concerned about where
 19 they're -- are they going to stay registered at home, or
 20 they're going to be at Fort Bragg and able to register
 21 to vote in North Carolina, or they be criminalized. And
 22 even though there's an exemption for the military, I
 23 think they could have a chilling effect on them
 24 registering to vote or allowing themselves to vote
 25 somewhere.

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1 Q. Okay. Well, just so I'm clear, and I think it
 2 cleared up out there, but you do understand that there's
 3 an exemption for military members. Right?
 4 A. I do. But again, most people -- most 18, 19
 5 year olds don't know this part of the election code.
 6 MR. HUDSON: Okay. Objection.
 7 Non-responsive to everything after I do.
 8 Q. (BY MR. HUDSON) All right. So tell me about
 9 the affiliation with LUPE that you believe is impacted
 10 by the residency statute?
 11 A. Yeah.
 12 MS. YUKEVICH: At just to the extent that
 13 it calls for a private First Amendment, protected speech
 14 or information.
 15 A. Generally speaking, just I've known LUPE and
 16 Juanita Cox and many members of that organization.
 17 They've been organizing farmworkers to get out and vote
 18 and get out the vote down in -- in South Texas, where a
 19 lot of the farmworkers are based.
 20 And they're concerned, as -- as -- as I
 21 am, as a former farmworker myself that, you -- you go
 22 with the harvest or sometimes you might be picking
 23 apples in Washington state and have to leave South
 24 Texas. Sometimes you might be in Ohio in the harvest
 25 season or Nebraska, and therefore you're -- you're might

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1 be not willing to risk register to vote either at home
 2 or where you're at for six months or a year.
 3 Q. (BY MR. HUDSON) Let me ask you, and -- and
 4 we'll take this up in just a little bit. Let me ask you
 5 anyway. Is it your contention in this lawsuit and by
 6 you, I mean, LULAC, is your contention that you
 7 shouldn't have to be a resident of the place where
 8 you're voting?
 9 A. No.
 10 Q. So it's not your contention that if a
 11 farmworker moves out of state and goes to Washington to
 12 pick apples, for instance, for a year that they should
 13 also be able to vote in, for instance, Starr County?
 14 MS. YUKEVICH: Objection. Form.
 15 A. We can register to vote. But when you
 16 criminalize and weaponize the election laws like what's
 17 happened in SB 1111 and SB 1, the effect has a chilling
 18 effect on those farmworkers even considering register to
 19 vote, let's say, in Starr County or deciding to vote in
 20 Spokane, Washington, because they're over there for a
 21 year.
 22 I mean, the reality is it has a chilling
 23 effect on them. They're as confused as the majority of
 24 the public, and they have -- normally, many of them
 25 don't have the educational levels to even understand the

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1 election code.
 2 MR. HUDSON: Objection. Non-responsive.
 3 Q. (BY MR. HUDSON) My question is a little bit
 4 simpler than the one you're answering. I'm just asking
 5 if somebody goes and lives for a year in Washington to
 6 pick apples. Is it LULAC's contention that they should
 7 also be able to register and vote in Starr CountyNo
 8 during the time that they live and work in Washington
 9 state?
 10 MS. YUKEVICH: Objection. Form.
 11 A. I believe they should be able to register to
 12 vote in one location, whether it's Starr County or
 13 wherever they move without the fear of criminal
 14 penalization.
 15 Q. (BY MR. HUDSON) So the answer is yes?
 16 A. Yes. Just one place, yeah.
 17 Q. Let me ask you about the Latino Voto. What
 18 are your affiliations or partners -- partnerships with
 19 them that you believe are going to be affected by the
 20 residency statute?
 21 A. They target young Latino voters for voter --
 22 for voter registration to get out the vote. Majority of
 23 the population now in Texas, the ethnic group -- the
 24 largest ethnic group are Latinos, Mexican-Americans in
 25 Texas. So they're turning 18, 19 and they're going to

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1 college. And many of them, I think, could be impacted
 2 by this provision because they would be reluctant to
 3 vote if they -- whether -- should they wish to vote in
 4 Houston or now they're at UT Austin or should they
 5 register to vote in Austin, and will they be going to
 6 jail because they forgot to unregister in Houston now
 7 that they're in Austin.
 8 Those are the type of things that Voto
 9 Latino deals with. They cut out registering younger
 10 members of the voting age population, many of them
 11 voting for the first time.
 12 Q. Are you aware of any specific example of
 13 farmworker who has decided not to register to vote on
 14 account of the residency statute?
 15 A. Not yet, but we've put out a request to all
 16 our members in the -- in the -- in the farmworker
 17 communities to give us that information.
 18 Q. Okay. So as you sit here right now, you don't
 19 have a single example?
 20 A. Not today.
 21 Q. How long ago did you put out the -- the call
 22 for specific examples?
 23 A. Just about a week ago, and then that's just
 24 asking our local presidents to let us know if anybody
 25 got -- the whole -- the whole gauntlet of SB 1 and SB

Page 25

1 1111. And from -- did your mail ballot get rejected
 2 because you didn't put your driver's license or Social
 3 Security number or you didn't reach to vote because you
 4 had a P.O. box instead of a regular home address.
 5 Q. Same question, but as to young voters that
 6 you've been describing. Do you have any specific
 7 examples of any young voters who have declined to
 8 register to vote on account of the residency statute?
 9 A. Not right now.
 10 Q. So as you sit here today, you don't have a
 11 single example?
 12 A. We'll supplement, we're getting that
 13 information from our collegiate councils to find out
 14 if -- which members might have been impacted by this
 15 law.
 16 Q. Okay. When did you put the call out for that?
 17 A. Last night. So we have several collegiate
 18 councils like, for example, we're -- we're here in
 19 Austin. We have the UT Austin LULAC Longhorn Council
 20 and then we have one at A&M and so on.
 21 Q. So you've identified LUPE, Latino Voto, any
 22 other affiliations or partnerships with any other groups
 23 that you think are going to be impacted by the residency
 24 statute?
 25 A. Not that I can think of right now.

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1 Q. Where did you review the fine affiliations or
 2 partnerships that you believe would be impacted by the
 3 residency statute?
 4 A. I didn't review any documents. Those are just
 5 my knowledge from dealing with those organizations or
 6 their leaders over the course of the last two or three
 7 years.
 8 Q. Did you speak to anybody about affiliations or
 9 partnerships that might be impacted by the residency
 10 statute?
 11 A. No.
 12 Q. So as you sit here right now, you haven't
 13 looked at documents, you haven't spoken anybody, and the
 14 basis of your knowledge for topic No. 2 is solely your
 15 knowledge gleaned over the last two to three years with
 16 LULAC?
 17 A. And with conversations with the leadership of
 18 LUPE and one of the members of Mi Familia Vota and Voto
 19 Latino, which are the organizations that do
 20 registration. And that were involved in -- I think
 21 they're involved in the litigation also.
 22 Q. Did you talk to LUPE in preparation for your
 23 deposition today?
 24 A. No.
 25 Q. Did you talk to anybody from Voto Latino about

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1 your -- in preparation for your deposition today?
 2 A. No.
 3 Q. Number 3 on the topics for examination. Got
 4 LULAC's current membership, including the members on
 5 whose behalf you have asserted claim or who you
 6 otherwise purport to represent in this Lawsuit. Did I
 7 read that correctly?
 8 A. Yes, sir.
 9 Q. I believe we went through that earlier.
 10 You've got local councils. Each has at least 13
 11 members, perhaps more 144,000 or 140,000 e-members who
 12 are paying their \$20 dues. Right?
 13 A. Correct.
 14 Q. All right. So these are the members that
 15 you're -- you're representing?
 16 A. Yes, sir. In Texas.
 17 Q. All right. I'm going to hand you the marking
 18 as D2, take a look at that and let me know --
 19 MS. YUKEVICH: Thank you.
 20 Q. (BY MR. HUDSON) -- when you're done.
 21 (WHEREUPON, the document was marked for
 22 Identification as Exhibit D2 and is
 23 Attached hereto.)
 24 A. Okay. It's the petition?
 25 Q. I believe this is the original complaint that

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1 was filed on my birthday last year.
 2 A. Okay.
 3 MS. YUKEVICH: Happy Birthday.
 4 A. Mm-hmm. Yes, I'm familiar with it.
 5 Q. (BY MR. HUDSON) All right. Take a look at the
 6 topic sheet there on D1, No. 4, page 7.
 7 A. Mm-hmm.
 8 Q. Factual basis for any contention that LULAC as
 9 an organization has suffered an injury because of the
 10 passage of SB 1111, including the nature and extent to
 11 which SB 1111 is impaired or is expected to impair
 12 LULAC's financial expenditures or ability to perform its
 13 organizational activities. So first off, how long has
 14 LULAC been mobilizing voters in Texas?
 15 A. Since 1929.
 16 Q. So that's something that LULAC has done in
 17 every cycle going back nearly 100 years?
 18 A. Yes, sir.
 19 Q. What are you doing differently today on
 20 account of the residency statute that -- that you
 21 haven't done over the course of the last 100 years?
 22 A. The difference has been the impact of the
 23 voter suppression bills of SB 1111 and SB 1 together
 24 because they're really combined. With having to do
 25 everything from, for example, the SB 1111 legislation

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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,

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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?

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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

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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

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1 impact on young members. Is that your contention?
 2 A. Yes, sir.
 3 Q. Okay. What's the basis for your belief?
 4 A. That you criminalize having the residency at
 5 your home. I got to use Laredo, Texas again. And then
 6 if they register to vote at their college location,
 7 wherever they may be in Texas, and that's going to
 8 create a chilling effect on many voters because they're
 9 not going to be sure. Do we keep it in Laredo or is it
 10 okay to transfer and register to vote in Austin? Am I
 11 committing a crime by doing that? The residency
 12 requirements, in my opinion, are vague and
 13 unconstitutional.
 14 Q. So what I'm hearing from you, and correct me
 15 if I'm misunderstanding, because there is a criminal
 16 penalty associated with registration violations, that is
 17 the sole basis for your belief that the registration
 18 statute is going to impact LULAC's members?
 19 MS. YUKEVICH: I object to
 20 mischaracterize his testimony here.
 21 A. Yeah. It's one of the factors, among many.
 22 Q. (BY MR. HUDSON) What other factors, aside from
 23 the criminal penalties?
 24 A. The lack of information that has -- has been
 25 sent out by the Secretary of State or the local

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1 elections officers to notify young people of the
 2 consequences. The -- the -- the -- the -- the lack of a
 3 media campaign by the Secretary of State to inform young
 4 high school graduates and college students about the
 5 ramifications about the registration and how they vote
 6 and what residency requirements there are. Just off the
 7 top of my head, those are the ones that I can think of
 8 that would be -- are -- are various factors that
 9 would -- that would play there.
 10 Q. So are there any other factors?
 11 A. Not right now that I can think but that's.
 12 Q. Well, what did you do to prepare for your
 13 deposition testimony today on topic No. 4?
 14 A. I read the complaint, read the -- the law, the
 15 statutes, and then spoke to several of our members
 16 around the state.
 17 Q. Okay. What members did you speak to about the
 18 factors that you believe are going to impact your
 19 members --
 20 MS. YUKEVICH: I object --
 21 Q. (BY MR. HUDSON) -- with regard to the impact
 22 of SB 1111 or it's members?
 23 MS. YUKEVICH: I would object to the
 24 extent of that question calls for identifying individual
 25 members. I know the First Amendment.

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1 A. I spoke to several members about mentioning
 2 names throughout the State of Texas, and.
 3 MR. HUDSON: Well, I guess, let me see if
 4 I can make the record clear, are you instructing him not
 5 to answer with members names?
 6 MS. YUKEVICH: I think that for -- for
 7 purposes of this, to the extent that that identifying
 8 those individual members would show their participation
 9 and ability to communicate with LULAC in general, but
 10 yes, I am instructing him not to answer to the extent
 11 that he thinks identifying those members would not
 12 implicate the very First Amendment associational rights
 13 and can't answer.
 14 Q. (BY MR. HUDSON) Well, let me ask. I mean, the
 15 people that you talked to, do you think it's going to
 16 chill them or frighten them from participating in the
 17 voting process, if you identify them, for the record, so
 18 we can understand who you talked to in preparation for
 19 your deposition testimony today?
 20 A. You know, your boss, Ken Paxton has really,
 21 you know, weaponized and intimidated voters and -- with
 22 voter suppression campaigns and arresting people for
 23 innocent mistakes and giving them eight years in prison.
 24 And people, yeah, are kind of scared because all you
 25 trying do is vote, but nothing new since 1929. We've

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1 kind of been used to voter suppression tactics in Texas.
 2 Q. Well, so we're -- so we're clear your
 3 counsel's objected, your declining to identify any
 4 members that you spoke to in preparation for your
 5 deposition today about the factors that you believe are
 6 going to impact members of LULAC on account of
 7 residency?
 8 A. As I mentioned earlier, I did -- without
 9 mentioning names. I did talk to our LULAC council
 10 presidents via large Zoom meeting that had maybe 50
 11 people there and then also to our state directors and
 12 district directors.
 13 Q. Anybody you can identify by name?
 14 A. I'll -- I'll refrain from mentioning names for
 15 fear that there might be retaliation from the Attorney
 16 General's Office or local district attorneys or
 17 politicians in their counties.
 18 Q. Do you have any examples in the hundred year
 19 history of -- of LULAC? Let's go back the last 20
 20 years. Does LULAC contend that anybody in the last 20
 21 years has been retaliated against for being identified
 22 as part of a lawsuit against the state?
 23 A. You know, I can't speak for all the members.
 24 I do know that there has been -- I personally have been
 25 attacked by -- by members of the Attorney General's

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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

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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?

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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

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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.

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1 Q. You're asking for the Court --
 2 A. Yes.
 3 Q. -- to direct that?
 4 A. Yes, sir.
 5 Q. Is your contention that you're only bringing
 6 your lawsuit on behalf of your membership?
 7 A. Yes, sir. But we have in the past, the
 8 Supreme Court has said LULAC represents a class of all
 9 Latinos in the United States and previous litigation,
 10 and once Mr. -- Mendez v. Mr. -- Hernandez v. Texas.
 11 But I don't know if that applies here, I'll leave that
 12 up to counsel.
 13 Q. Yeah. I mean, you're aware this isn't a class
 14 action. Right?
 15 A. I understand. That's what I'm saying.
 16 Q. Okay.
 17 A. But, normally, we've had -- we've represented
 18 Latinos as a class in multiple lawsuits.
 19 Q. Understood. All right. Let's -- so let's go
 20 back and talk about the money just a little bit more.
 21 You've mentioned that you're spending more money on
 22 voter registration; is that right?
 23 A. Yes, sir.
 24 Q. Now, let me ask you this. If SB 1111 hadn't
 25 passed, would you spend less money than you're currently

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1 spending on voter registration?
 2 A. We had no plans to spend a million or \$2
 3 million in Texas on voter registration and get out to
 4 vote until SB 1111 and SB 1 passed.
 5 Q. Okay. So --
 6 A. But were game changers in how we saw what we
 7 needed to do to -- to deal with that -- a chilling
 8 impact on our community.
 9 Q. Okay. So this lawsuit only relates to SB
 10 1111. So all I'm really interested in is the impact of
 11 SB 1111. Are you able to tease out how much you're
 12 spending on account of SB 1111 versus how much you're
 13 spending in addition on account of SB 1?
 14 A. I don't think I could be able to do that. I
 15 think it's both. And for example, we had, I think,
 16 27,000 absentee ballots that were rejected by elections
 17 officers across the State of Texas. The majority of
 18 them are Latino. Majority of them are -- are seniors in
 19 the Democratic primary. So we're trying to find the
 20 ramifications of that now. Which we never had to do
 21 before, worry about seniors voting in Texas.
 22 Q. For how many years, at -- at -- at least to
 23 the extent that you've been president of LULAC, has
 24 LULAC provided voter education?
 25 A. Yes.

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1 Q. Prior to you becoming president of LULAC, did
 2 LULAC provide voter education?
 3 A. Since 1929, when we were paying for poll
 4 taxes. Yeah.
 5 Q. All right. So you don't disagree that the
 6 residency statute, not SB 1111, but the residency
 7 requirements existed before SB 1111 amended the
 8 statutes. Right?
 9 MS. YUKEVICH: Objection. Form.
 10 A. I don't know the exact -- I do -- I do know
 11 there was a resident requirement. If you were running
 12 for office, you have to live like six months or a year
 13 in the location that you were running in. I don't think
 14 there was any requirement except 30 days prior to the
 15 register to vote. But I don't know there's -- there's
 16 been a lot of changes recently. I don't of anything
 17 like that.
 18 MS. YUKEVICH: Eric, while you're looking
 19 for it, does it make sense we take a quick five-minute
 20 break or?
 21 MR. HUDSON: Sure.
 22 THE WITNESS: Yeah, yeah. I'm going to
 23 get a --
 24 THE VIDEOGRAPHER: We're off the record
 25 at 11:10 a.m.

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1 (Break Taken)
 2 THE VIDEOGRAPHER: We are back on the
 3 record at 11:21 a.m.
 4 Q. (BY MR. HUDSON) Can you flip to page 9 of D2
 5 for me?
 6 A. Okay.
 7 Q. See Paragraph 37 there?
 8 A. I see it.
 9 Q. Now, I asked you right before we took that
 10 break a few moments ago, whether it was your contention
 11 that SB 1111 created a new statute or whether it amended
 12 an old statute. Do you recall that?
 13 A. I don't recall that specific language, but I
 14 do recall that we're talking about this SB 11 [sic] from
 15 this last legislative session.
 16 Q. That's correct. Do you see there on Paragraph
 17 37 in your lawsuit?
 18 A. Uh-huh.
 19 Q. Okay. Well, it reads, first SB 1111 strikes
 20 the common law definition of residence that previously
 21 governed the election code and rather than articulate
 22 another affirmative definition of residence, forbids
 23 anyone from establishing a residence quote "for the
 24 purpose of influencing the outcome of a certain
 25 election" end quote. Do you see that?

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1 A. Yes, sir.
 2 Q. All right. And after that, it says "SB 1111,
 3 Section 1, (amending Texas Election Code Section
 4 1.015B)." You see that?
 5 A. Yes, sir.
 6 Q. So you would agree with me that Section 1.015
 7 predated SB 1111?
 8 A. Yes.
 9 Q. Okay. And the same is true of the other
 10 provisions that SB 1111 amended. Right?
 11 A. That's correct.
 12 Q. When did LULAC first decide that it was going
 13 to have to change its approach on account of SB 1111?
 14 A. After its passage. We had several members, I
 15 believe, that were monitoring the legislations. It went
 16 through the House and then the Senate, and then it was
 17 brought to our attention by our state director and our
 18 general counsel for Texas, that there were --
 19 MS. YUKEVICH: May I just -- sorry, just
 20 caution at this point, to -- in your answering the
 21 question not to go into any communications -- privileged
 22 communications that you had with your general counsel at
 23 that time.
 24 A. Mm-hmm.
 25 MS. YUKEVICH: I apologize for

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1 interrupting, I just want to make sure that we didn't
 2 get into that Eric.
 3 A. So, at that point we reviewed the -- the law
 4 and the changes that were being made to the law
 5 regarding residency and the impact of residency on
 6 our -- on our members and our community, and we decided
 7 to take actions regarding both legal actions as well as
 8 educational political programs to deal with the
 9 consequences of Senate Bill 1111.
 10 Q. (BY MR. HUDSON) Okay. So SB 1111 passes.
 11 Right?
 12 A. Yes.
 13 Q. What decisions did you make immediately after
 14 its passage? And let me see if I could frame it this
 15 way, so I'm not drawing an objection. I don't want to
 16 know about any conversations you have with your general
 17 counsel or any legal strategy --
 18 A. Hmm.
 19 Q. -- that's not what I'm asking. What I'm
 20 looking for is what decisions did you make in the way
 21 that you went about your educational political processes
 22 with regard to things that you allege in this lawsuit
 23 that you have changed on account of SB 1111? When did
 24 you first make those decisions?
 25 A. After the passage of the bill and its -- and

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1 its signature by the governor we decided to file suit.
 2 I was actually watching the governor's statement and
 3 then we filed suit 30 minutes later. And then after we
 4 filed suit, I advised our CEO that we need to start
 5 taking actions because I believe that this particular
 6 law would probably be in effect for the 2022 elections
 7 and that we need to start educating our voters and our
 8 candidates regarding the ramifications of residency.
 9 And its impact, especially in our young
 10 voters 18 to 21 that are going to be going to college or
 11 military. Our farmworker members that would be in
 12 transit to different work locations, and as well as our
 13 candidates in terms of the -- if they decide to run for
 14 office and they were moving to run for office, the
 15 implications of that, as well as sometimes they take
 16 family and workers to go campaign wherever they're
 17 running.
 18 Q. With regard to the conversation that you had
 19 with your CEO, did you talk about having to shift money
 20 around?
 21 A. Yes, sir.
 22 Q. How much?
 23 A. One to two million dollars, depending on how
 24 much we could raise.
 25 Q. Okay. So your estimation immediately after SB

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1 1111 was passed is that you need to raise \$1 to \$2
 2 million in addition to whatever you were planning to
 3 spend?
 4 A. Yes, sir.
 5 Q. Did you in fact raise \$1 to \$2 million
 6 dollars?
 7 A. We're at a million, 900 and something
 8 thousand.
 9 Q. So you made the changes without having first
 10 acquired the \$1 to \$2 million dollars?
 11 A. We're in the process of fundraising. We just
 12 had a gala in Washington last Thursday and we raised
 13 about 400,000. Most of that's going to be going for
 14 voter education and get out the vote efforts.
 15 Q. As part of your pitch to raise funds, the fact
 16 that you have to address SB 1111?
 17 A. Yes, sir.
 18 Q. So you raised \$400,000 last night?
 19 MS. YUKEVICH: I object.
 20 Mischaracterizes his testimony.
 21 A. Today -- Thursday of last week. Whatever day
 22 that was.
 23 Q. (BY MR. HUDSON) And you told me, you're at
 24 roughly 900,000 now?
 25 A. Yes, sir. That's for our 501C4, which is our

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1 advocacy organization.
 2 Q. So sometime between June 16, when the governor
 3 signed it and Thursday of last week, you raised
 4 approximately \$500,000?
 5 A. Nine hundred and something thousand. Five
 6 hundred thousand for the gala, which is our largest
 7 fundraiser to date and then about 440,000 prior to, from
 8 various donors.
 9 Q. Okay. Yeah, I want to make sure it's clear in
 10 my head because I -- I feel like the numbers just
 11 reversed. So the gala was a half million dollars.
 12 A. Yes, sir.
 13 Q. Okay. And so between last Thursday and the
 14 signature in June, you've raised roughly 400,000?
 15 A. Four hundred thousand from multiple donors --
 16 Q. Okay.
 17 A. -- from June, then our gala last week, we
 18 raised about 500,000. So we now have a combined about
 19 960,000 combined.
 20 Q. Understood.
 21 A. That will be for voter -- our voter
 22 education -- voter registration, voter education,
 23 candidate education program in Texas in 2022.
 24 Q. So the money that you raised, you haven't
 25 spent any of it yet on these educational changes that

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1 you -- you've made on account of SB 1111?
 2 A. No. We're in the process of developing a -- a
 3 campaign, a program, and I believe we might even have
 4 given you a copy of that between now and November.
 5 Q. When do you intend to start spending the
 6 money?
 7 A. April 1.
 8 Q. Is the only thing that you've raised the
 9 \$900,000 roughly on a pitch about SB 1111 or does it
 10 also include SB 1?
 11 A. Includes SB 1.
 12 Q. Do you make any efforts to distinguish between
 13 SB 1111 and SB 1 in your fundraising?
 14 A. No, we just -- basically we talk in broad
 15 terms of the voter suppression campaigns that -- from
 16 the poll tax, white-only primary, Voter ID, the purging
 17 of the voters in 2018 till today that, you know, we --
 18 our rights to vote in the state have been under attack,
 19 continue to be under attack.
 20 Q. Did you say we had whites-only primaries in
 21 2018?
 22 A. In Texas we had whites-only primaries back in
 23 the 1950s and '60s.
 24 Q. Oh, I'm sorry. I thought you --
 25 A. So you have to be white --

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1 Q. -- I thought you said 2018.
 2 A. Yeah. You know, there was a -- we -- LULAC
 3 has filed suit on overturning the poll tax where which
 4 was meant to exclude Mexican-American workers from
 5 voting, charging them \$2 a piece. We would have
 6 fundraisers to pay for poll taxes so people could vote.
 7 Then we had whites-only primaries and
 8 Mexican-Americans were not allowed to vote in the
 9 Democratic primary, which at that time was the dominant
 10 primary, and neither were African-Americans. And then
 11 going back to 2018 the Secretary of State purged 98,000
 12 Latino voters, all naturalized U.S. Citizens and LULAC
 13 filed suit against State of Texas and the Secretary of
 14 State and got those voters back on the rolls.
 15 Q. Okay.
 16 A. That was -- that was the 2018. I'm just
 17 saying from 1929, till to recently, we've been always
 18 having to challenge all these voter restriction laws
 19 that have been applied to Mexican-Americans --
 20 Q. Well --
 21 A. -- it was a literacy test where people had to
 22 read the Texas Constitution in order to vote. And this
 23 goes on and on and on. I was just giving you a
 24 historical perspective.
 25 Q. Okay. Yeah, I just I want to make sure that

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1 when the judge reads this, that we're not saying that,
 2 okay, so, just so I'm making the record clear, in your
 3 time as president, you're not contending that there have
 4 been poll taxes in Texas are you?
 5 A. No.
 6 Q. Okay. Since your time as president of LULAC
 7 you're not contending that there have been whites-only
 8 primaries. Right?
 9 A. No.
 10 Q. You're not contending that there are literacy
 11 tests in Texas since your time as LULAC president?
 12 A. No. I said LULAC has overturned all those --
 13 Q. Okay.
 14 A. -- historically.
 15 Q. And that happened back in the 1950s and 1960s.
 16 Right?
 17 A. Those are the ones you just mentioned, yeah,
 18 but the voter -- the voter purge happened in 2018.
 19 Q. Okay. And you're talking about the Whitley V?
 20 A. Mm-hmm. Yes.
 21 Q. You remember her case. Right?
 22 A. Whitley versus LULAC.
 23 Q. Okay. All right.
 24 A. So that was just two years ago, and now we
 25 have litigation on redistricting and gerrymandering, as

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1 well as SB 1 and SB 1111.
 2 Q. Did any LULAC members vote in the March
 3 primaries?
 4 A. Yes, sir.
 5 Q. Any idea how many?
 6 A. We have a monthly Chorizo and menudo breakfast
 7 in Dallas first of every month, and we usually have
 8 about two, 300 people.
 9 Q. That sounds delicious.
 10 A. It is on a Saturday morning. And it's a
 11 community forum and we have candidates and people speak
 12 about everything and we asked how many people voted in
 13 the march and almost every hand went up, so it was about
 14 200 people, almost all of LULAC members at that meeting
 15 just in March. But we have members throughout the state
 16 that vote -- that voted.
 17 Q. Okay. I believe you said you had roughly
 18 140,000 new members?
 19 A. Yes, sir.
 20 Q. Any idea how many of those roughly voted in
 21 March primaries?
 22 A. Almost -- we make citizen participation in our
 23 democracy, a key part of LULAC's founding. We believe
 24 in the Constitution and the pledge. We start every
 25 meeting with the Pledge of Allegiance. Okay. So that's

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1 how Americanized we are into the process, almost every
 2 one of our members is almost obligated to vote. I would
 3 imagine almost everybody voted both Democrat and
 4 Republican.
 5 Q. Are -- you guys are bipartisan. Right?
 6 A. We're not -- we're non-partisan.
 7 Q. Non-partisan. Excuse me.
 8 A. So we don't --
 9 Q. Yeah.
 10 A. -- we don't support either party.
 11 Q. Sorry.
 12 A. We work with who's ever in office.
 13 Q. Fair enough. All right. So I think the last
 14 group that you told me about that you're having to
 15 educate our candidates. Tell me, so first off, are the
 16 candidates that you're referring to, are they members
 17 of -- of LULAC?
 18 A. Some are, some are not.
 19 Q. Okay. So --
 20 A. We have candidate schools in cities throughout
 21 the -- the state, recruiting candidates and grooming
 22 them and training them to -- how to run for office,
 23 whether it might be at the local school board level up
 24 to congressional candidates.
 25 Q. Let me ask you this. Prior to 2020, did your

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1 candidate school include telling people that they need
 2 to live in the district where they were going to run?
 3 A. No.
 4 Q. So you never had to tell candidates before, SB
 5 1111 that, hey man, if you're going to run for Congress
 6 in Dallas, probably need to live in Dallas?
 7 A. Well, actually, congressional lines don't
 8 require you to live in a congressional district you're
 9 in.
 10 Q. Okay.
 11 A. Some of the few ones, you don't have to
 12 residency to run for congress. You can live in Georgia
 13 and run in -- in a Congressional District of Texas,
 14 which did happen already. But yes, but -- but -- but to
 15 run for local offices, normally the residency
 16 requirement would be part of when you fill out the
 17 application as a candidate, because if you're a judge,
 18 you might have to have different requirements than for
 19 your school board members, city counsel member in your
 20 county.
 21 Q. Okay.
 22 A. It -- it varies.
 23 Q. So you guys are educated on that. Right?
 24 A. We -- we tell our candidates to check.
 25 Q. So with regard to the residency requirements,

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1 in addition to telling them that they need to check,
 2 what do you tell them in addition on the account of SB
 3 1111?
 4 A. That's in the process of being done right now,
 5 that we are advising them on the residency requirements
 6 of SB 11 and the criminal -- the potential criminal
 7 charges that could be done if they move to a different
 8 location to run for office and the consequences of that.
 9 Q. So as of right now, y'all have not changed the
 10 education that you're giving candidates on account of SB
 11 1111?
 12 A. Not before the primary, we just didn't have it
 13 because just got a COVID, so everything was via Zoom.
 14 Q. When do y'all anticipate they're going to have
 15 that done?
 16 A. We probably will start our next round of
 17 candidate schools like in May, and we'll have it done by
 18 then.
 19 Q. Okay. And I should clarify that, for the
 20 record so it's not so sloppy. By y'all, I mean, LULAC.
 21 A. It's LULAC and then we also have a --
 22 candidate schools are done with the Southwest Voter
 23 Registration Project.
 24 Q. What is the Southwest Voter Registration
 25 Project?

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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.

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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 these 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?

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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 (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.

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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.

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1 And this could -- it does criminalize
 2 establishing residency and moving to order and use those
 3 rights, whether you're a candidate or a voter. Maybe
 4 you want to vote for your cousin who is running for
 5 local office and you know, you have two houses and you
 6 want to just say that one house is your registration as
 7 opposed to the other. Basically, that interferes with
 8 their right to just vote and run for office.
 9 Q. You would agree with me that LULAC doesn't
 10 vote. Right?
 11 A. Our members do.
 12 Q. Okay. LULAC doesn't though. Right?
 13 A. Not as a corporation even though they're
 14 considered a person.
 15 Q. So any injury to you flows from members, who
 16 you contend would want to move to run for office.
 17 Right?
 18 A. Yes, sir.
 19 Q. As you sit here today, can you identify any
 20 member for -- for me who has wanted to move to run for
 21 office, who has not done so on account of the residency
 22 statute?
 23 MS. YUKEVICH: Yeah, I object to the
 24 extent that identifying that person of any First
 25 Amendment.

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1 A. We've had multiple members that have been
 2 moving in the past to run for office. It's common among
 3 all -- both political parties and all groups. This
 4 impact, I think, has affected some people not running
 5 for office because they could not change their
 6 residency. I know one person specifically was thinking
 7 about running for the Texas house and was not able to
 8 because she would not be able to change her residency.
 9 Q. (BY MR. HUDSON) Okay. Well, without giving me
 10 her name, can you tell me what district that is?
 11 A. It was in Dallas County and I don't know the
 12 State House District, but I know it's, I believe it was
 13 105, state houses 105.
 14 Q. And so your contention is if that person who
 15 you will not name on the account of First Amendment
 16 privilege. Right?
 17 A. Just a privilege. I don't think it's First
 18 Amendment, it's something else. But she didn't --
 19 was -- she's not able to use her -- her Fifth Amendment,
 20 freedom of speech to run in that district because she
 21 was concerned about the residency requirement.
 22 Q. Okay. Can you identify her?
 23 A. I can if I have to.
 24 Q. Well, I'm asking, who is she?
 25 A. I don't think it matter if she didn't run.

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1 Hilda and I can't remember her last name. H-I-L-D-A, I
 2 can't remember it. I -- I have to look it up on my
 3 phone.
 4 Q. You have your phone with you?
 5 A. Yeah.
 6 Q. Why don't you look it up for me?
 7 A. Duarte. D-U-A-R-T-E.
 8 Q. Any other people that you contend haven't
 9 moved on account of the residency statute?
 10 A. Just -- just discussions and meetings
 11 regarding people who may or may not be able to run for
 12 office because of the residency requirements, but off
 13 the top of my head, that's the only specific one I can
 14 give you in terms of a name.
 15 Q. I asked just a moment ago, LULAC doesn't vote.
 16 Think I understood you to say obviously they don't vote,
 17 they're a corporation even though they're a person --
 18 A. Mm-hmm.
 19 Q. -- so they don't cast votes. Right?
 20 A. That's correct.
 21 Q. Okay. So it also be true that LULAC doesn't
 22 register to vote itself. Right?
 23 A. Our members, register members -- citizens to
 24 vote and become deputy voter registrars, and we do voter
 25 registration drives.

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1 Q. All right. And I believe the example that you
 2 gave a moment ago was somebody might have a cousin in
 3 district A, but they live in district B, but they also
 4 have a house in cousin's district A, and they might want
 5 to change their voter registration just so they can vote
 6 for their cousins; is that right?
 7 A. Correct. They just roll over to one place.
 8 Q. Okay. And LULAC's contention is people ought
 9 to be able to do that?
 10 A. You know, I remember when George Bush, the
 11 first, you know, said his residency was an empty hotel
 12 apartment in Houston and Supreme Court said that was
 13 okay that was intended to be his residency. This
 14 changes that. Now you actually have to establish some
 15 type of residency. So George Bush would have committed
 16 a crime under this current law.
 17 Q. Okay.
 18 A. Not George W, it was George H, I think.
 19 Q. Does LULAC see any distinction between the act
 20 of registering and declaring the residency?
 21 MS. YUKEVICH: Objection. Form.
 22 A. Rephrase the question. I don't think I
 23 understand it.
 24 Q. (BY MR. HUDSON) Sure. Do you see a difference
 25 between somebody moving and somebody registering to

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1 vote?
 2 A. Our contention is you should be able to
 3 register to vote wherever you decide is your residence.
 4 Q. And --
 5 A. That's the way it's always been.
 6 Q. All right. And -- and you understand SB 1111
 7 prohibits you from doing that?
 8 A. The way it's -- it's worded is, if you -- if
 9 you keep, I'm just using the college student. If the
 10 college student keeps their home in Laredo as their
 11 voting location, but they moved to Austin to go to UT,
 12 than they consider -- could possibly be considered
 13 committing a crime because they're not living at that
 14 residence in Laredo, they're over here for four years.
 15 Or if they register to vote in Austin and
 16 they had registered to vote in Laredo, they might be
 17 committing a crime because now they're changing their
 18 residency. It would have a chilling effect on their
 19 ability to vote or register to vote.
 20 Q. Seven C -- again, LULAC doesn't vote, it
 21 doesn't register. Right?
 22 A. No, sir.
 23 Q. Okay. But C, talks about the burdens imposed
 24 on people who want to use post office boxes to vote; is
 25 that right?

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1 A. Yes, sir.
 2 Q. So that's not a direct injury to LULAC, but
 3 I'm assuming if you got members that you're going to
 4 tell me who want to register to vote at P.O. boxes and
 5 now can't; is that right?
 6 A. They don't want to register to vote at P.O.
 7 boxes, they have P.O. boxes because they don't have a --
 8 a permanent location. Like I said, especially
 9 farmworkers who are transitory in nature and are
 10 following the harvest, they a lot of times have P.O.
 11 boxes where they get their social security or their
 12 checks or whatever documents because they're on the
 13 road.
 14 Same thing applies to military personnel,
 15 same thing applies to a lot of workers down in -- that
 16 are truck drivers, that are in the essential workers
 17 area, many of them are Latino. So they use P.O. boxes
 18 as sort of a payment location because they're moving
 19 from time-to-time for either work, school, or military.
 20 Q. Now, is LULAC aware that the issue of post
 21 office boxes is that they just have to verify that the
 22 post office box is in a location where they actually
 23 live?
 24 A. I read the statute that way.
 25 Q. Okay. So LULAC's understanding then is that

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1 you can use a P.O. box, but the voter registrar now is
 2 going to verify that the P.O. box is also located in the
 3 place where you actually live. Right?
 4 A. Again, that leads itself to having another
 5 step that you got to take to register to vote. You got
 6 to have a P.O. box, now you're going to get a letter
 7 from your local elections officer asking you, hey, prove
 8 that you actually reside in this location where your
 9 P.O. box is.
 10 And many of these workers that are
 11 migrant -- farm workers or truck drivers or military or
 12 college students, they're not going to take an extra
 13 step, that's going to have a chilling effect and they
 14 just won't register to vote. And that's something that
 15 was not required before SB 11 passed -- 1111.
 16 Q. All right. Aside from the burden that you
 17 just described, are there any other burdens on -- on the
 18 voting members aside from having to take the extra step
 19 of verifying that they live where they have a P.O. box?
 20 A. Well, again, when -- when I saw it during the
 21 purge the Whitley versus LULAC, they would send those
 22 98,000 voters the letter, hey we believe you're not
 23 eligible, blah blah blah. Majority of them did not
 24 respond, they were just removed by the local elections
 25 officers. I believe that that will have the same impact

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1 on this case when people have P.O. boxes will get a
 2 letter challenging or asking for proof of their
 3 residency in that county, they don't respond and then
 4 they'll get -- they'll be removed from the ballot from
 5 their voter registry.
 6 Q. Have you seen any examples of that happening?
 7 A. The bills just passed this last session so
 8 it's too early.
 9 Q. When do you anticipate that you would see
 10 that -- that kind of impact?
 11 MS. YUKEVICH: Objection, calls for
 12 speculation.
 13 A. I don't know, but we did ask our members if
 14 they knew anybody to please respond to us and give that
 15 information to give the counsel.
 16 Q. (BY MR. HUDSON) Have -- have you asked your
 17 members for that?
 18 A. Yesterday.
 19 Q. Yesterday. So as you sit here today, you
 20 can't give me an example of someone who has received a
 21 letter about using a post office box, and they've failed
 22 to respond and therefore been unable to vote?
 23 A. No, absentee ballots, yes, but not on the P.O.
 24 box.
 25 Q. All right. So that we're clear, so you don't

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1 have any examples regarding SB 1111. Right?
 2 A. No, sir.
 3 Q. Okay. And when you're -- when you're
 4 referring to absentee ballots, that refers to Senate
 5 Bill 1.
 6 A. Yes, sir.
 7 Q. Take a look at D1 page 7 for me.
 8 A. Okay.
 9 Q. Topic No. 5 reads, the specific projects,
 10 activities, voter persuasion efforts, and resources that
 11 LULAC will allegedly have to expend or divert to Texas
 12 because of SB 1111. Did I Read that correctly?
 13 A. Okay. You -- you're on -- you're on D2,
 14 Exhibit D2?
 15 Q. No, D1.
 16 A. Okay.
 17 Q. I'm sorry if I said D2. My apologies.
 18 A. Okay. That's right. Go ahead. Number seven
 19 you said?
 20 Q. Number five.
 21 A. Number five.
 22 Q. Page seven.
 23 A. Okay.
 24 Q. You live there?
 25 A. Yes, sir.

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1 Q. Okay. So it reads the specific projects,
 2 activities, voter persuasion efforts, and resources that
 3 LULAC will allegedly have to expend or divert to Texas
 4 because of SB 1111. Did I read that correctly?
 5 A. You have.
 6 Q. Okay. Now, we've already gone over that quite
 7 a bit, so I'm not going to drag you back through
 8 everything that we've already discussed. But let me see
 9 if I can recapitulate this in a way that -- that makes
 10 sense. You've told me about the roughly \$900,000. All
 11 right. That's one thing.
 12 A. Yes, sir.
 13 Q. You've told me about the Southwest Voter
 14 Project, voter registration project having to come in
 15 and assist you with educating voters on SB 1111; is that
 16 right?
 17 A. And candidates.
 18 Q. And -- in the candidate school.
 19 A. Correct.
 20 Q. I understood you to also claim that you're
 21 going to have to add additional language on voter
 22 registration drives to inform people of the new SB 1111
 23 registration requirements; is that right?
 24 A. And our deputy voter registration train them
 25 so they don't make any mistakes.

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1 Q. Okay. So aside from those three things, are
 2 there any other actions or changes that LULAC has made
 3 on account of SB 1111, either financial or educational?
 4 A. As of right now, those are the major
 5 elements -- areas that we've done, but we're still in
 6 the process of analyzing, reviewing our options, and
 7 proposals.
 8 Q. And so the judge is aware got a primary in
 9 March of this year. Right?
 10 A. We did one have one. Mm-hmm.
 11 Q. Okay. Did LULAC participate in voter
 12 registration for the primary?
 13 A. Get out the vote efforts, yes, not voter
 14 registration because it was just a short period after
 15 COVID.
 16 Q. What about candidate schools?
 17 A. We had one candidate school, I believe, in
 18 January.
 19 Q. And as I understood your testimony, none of
 20 the changes that we just discussed are incorporated into
 21 any of the activities that pre-dated the March primary.
 22 Right?
 23 A. That's correct.
 24 Q. Page 7, Paragraph 6, on D1, the one in front
 25 of you.

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1 A. Paragraph 6, okay.
 2 Q. The specific projects, activities, voter
 3 persuasion efforts, and resources that LULAC allegedly
 4 had or will have to put on hold or otherwise curtail in
 5 other states because of SB 1111. Did I read that
 6 correctly?
 7 A. Yes, sir.
 8 Q. Difference between this and five is, have you
 9 had to put anything else unrelated to SB 1111 on hold on
 10 or have to make changes because of SB 1111?
 11 A. Some of the programs -- some of the funds that
 12 we were looking to direct at are immigration reform and
 13 civil -- and criminal justice reform projects are going
 14 to be put on hold so we could deal with the voter
 15 suppression efforts in Texas first as a part -- as a
 16 primary focus of our efforts --
 17 Q. Have you deferred -- oh, sorry. Go ahead and
 18 finish.
 19 A. No. Just as a -- our efforts and resources.
 20 Q. Have you -- have you -- can you tell me
 21 whether you have diverted any money to either the
 22 immigration efforts or the criminal justice efforts on
 23 account of SB 1111 specifically?
 24 A. Well, we're not going to fund those this year
 25 because we're going to be doing this.

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1 Q. So because of SB 1111 and only because of SB
 2 1111, you are not going to be engaging in efforts
 3 related to immigration or criminal justice?
 4 A. We're going to reduce those efforts, and it's
 5 also not only SB 1111, but SB 1, both.
 6 Q. And that's what I'm trying to get at. How
 7 much money are you diverting on account of SB 1 versus
 8 SB 1111?
 9 A. It's hard to say, but like I told you, it --
 10 it's going to be a combined effort because both bills
 11 impact the ability of people to register to vote and
 12 turn out to vote.
 13 Q. I don't want to nickel and dime you. I get
 14 it's hard to say, is it possible to say?
 15 A. Not at this point. I'd have to talk to my CEO
 16 who drafted that proposal and see how much she decided
 17 would -- would go from one to the other, but they --
 18 they're both pretty, pretty important.
 19 Q. Okay. So there's a proposal out there
 20 somewhere about diverting funds?
 21 A. There's a proposal for a voter registration
 22 and get out the vote effort in Texas in 2022 that we've
 23 put together and that we're trying to fund.
 24 Q. Well, who keeps that proposal?
 25 A. Our CEO and our board was review -- was going

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1 to be reviewing into final approval for the expenditures
 2 by April 1st.
 3 Q. Do you mind if we go off the record for a
 4 minute? Just take a five-minute break
 5 A. Okay.
 6 THE VIDEOGRAPHER: We are off the record
 7 at 11:55 a.m.
 8 (Break Taken)
 9 THE VIDEOGRAPHER: We're back on the
 10 record at for 12:09 p.m.
 11 Q. (BY MR. HUDSON) I'll hand you what I marked as
 12 Defendant's 3.
 13 (WHEREUPON, the document was marked for
 14 identification as Exhibit D3 and is
 15 attached hereto.)
 16 MR. HUDSON: Get a copy for you too.
 17 MS. YUKEVICH: Thank you.
 18 Q. (BY MR. HUDSON) Go and take a look at that,
 19 let me know when you're finished. Bear in mind, I'm not
 20 going to ask you about the whole thing, there's only one
 21 piece on there that's been relevant to what we're doing.
 22 A. Tell me which one it is, so I don't have to
 23 read all three pages --
 24 Q. Sure.
 25 A. -- because it's -- it's --

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1 Q. Yeah, let's --
 2 A. -- very fine print.
 3 Q. -- let's see if we can bring this in for
 4 landing if you go to page 3 of 6. It's in the bottom
 5 right-hand corner.
 6 A. Mm-hmm.
 7 Q. About three paragraphs up, you see where it
 8 says Senate Bill 1111 Bettencourt?
 9 A. Yes, sir.
 10 Q. That's the piece I'm going to ask you
 11 questions about. So --
 12 A. Okay.
 13 Q. -- if you want to read the whole thing, be my
 14 guest, but I'm only going to be asking you questions
 15 about that.
 16 A. Okay. Okay.
 17 Q. Turn to the first page for me of D -- we're on
 18 D3. Right?
 19 A. Yes, sir.
 20 Q. D3. So the first page see the top left corner
 21 says, Texas Secretary of State, John B. Scott?
 22 A. Yes, sir.
 23 Q. And underneath that, it says Election Advisory
 24 No. 2021-09. Right?
 25 A. Yes, sir.

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1 Q. Have you ever seen this document before?
 2 A. No.
 3 Q. Do you know what it is?
 4 A. It says election advisory that's sent out the
 5 Secretary of State.
 6 Q. Are you aware of the election advisory process
 7 of Secretary -- Texas Secretary of State's Office?
 8 A. No.
 9 Q. Have you ever seen an election advisory
 10 before?
 11 A. I have.
 12 Q. Okay.
 13 A. I don't know the process or the procedures
 14 that they use.
 15 Q. Sure. So really what I'm asking, I know
 16 earlier in testimony today, you said the Secretary of
 17 State's Office needed to send out additional information
 18 about Senate Bill 1111. Right?
 19 A. Correct.
 20 Q. Prior to today, your testimony is you've never
 21 seen an election advisory number 2021-09?
 22 A. I have not.
 23 Q. Does that alter in any way your position about
 24 the Secretary of State's Office needed to send out
 25 additional information that you gave earlier this

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1 morning?

2 A. No. I don't know who this went out to.

3 Q. Okay.

4 A. It looks like it just went to county chairs

5 and county elected officials and county judges, who

6 didn't get to the -- to the people.

7 Q. Okay.

8 A. It just got to elected -- it looks like

9 elected officials running the elections.

10 Q. Well, let me ask you this. You understand the

11 only people that were actually sued in this lawsuit

12 originally were county election officials?

13 A. Yes, sir.

14 Q. Okay. The State of Texas intervened to defend

15 the constitutionality statute. You understand that?

16 A. Yes.

17 Q. Okay. So when you said earlier that the

18 Secretary of State should send out more stuff, is it

19 LULAC's position that the Secretary of State was somehow

20 responsible for the people not getting information from

21 county elections administrators?

22 A. They were responsible for making sure that the

23 general public knew of the changes that were adopted by

24 the Texas Legislature, involving residency of SB 1111,

25 as well as the local election officials of each county.

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1 Q. Okay. You see down at the bottom of a page 1

2 where it says, Fire all users one drive, and then it

3 goes on to provide a website link. Do you see that?

4 A. Yes, sir.

5 Q. Does LULAC dispute that this election advisory

6 was placed on the public facing website for the Texas

7 Secretary of State?

8 MS. YUKEVICH: Objection, calls for

9 speculation.

10 A. I don't know.

11 Q. (BY MR. HUDSON) Okay. Would it surprise you

12 to learn that this election advisory is publicly

13 available on a public facing website run by the

14 Secretary of State's Office?

15 A. I don't know. I don't know where -- where

16 it's listed.

17 Q. No. My question is a little bit different.

18 Would it surprise you to learn that this is in fact

19 publicly available on the Secretary of State's website?

20 A. It would not surprise me, but again, I

21 don't -- I know very few people that would have access

22 to this, besides those involved in the election process

23 itself.

24 Q. Well, do you know whether the general public

25 has access to the internet?

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1 A. They do. I'm taking about finding the -- the

2 information.

3 Q. Get you to go ahead and flip over to page 3.

4 A. Okay.

5 Q. Down at the bottom, I pointed out to you

6 the -- the portion that says Senate Bill 1111

7 (Betancourt). Do you see that?

8 A. Yes, sir.

9 Q. Next to that, it says, modifies provisions

10 related to the definition of residency, address

11 confirmation notices, and voters who registered at

12 certain locations that do not correspond to a residence.

13 Did I read that correctly?

14 A. Yes, sir.

15 Q. And it goes on to provide three things that

16 were altered as -- on account of SB 1111. Do you see

17 that?

18 A. I do.

19 Q. Do you have any reason to dispute what is

20 included in this election advisory as the changes to SB

21 1111?

22 MS. YUKEVICH: Objection, calls for

23 speculation.

24 A. I don't know the process. It looks like an

25 abbreviation or a summary of the bill that was drafted

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1 by the Secretary of State or somebody working for them.

2 But that's -- don't know how that process worked either.

3 Q. (BY MR. HUDSON) Okay. Is there anything in

4 here that from LULAC's perspective is incorrect?

5 MS. YUKEVICH: Objection calls for legal

6 perspective.

7 A. No, I don't know.

8 Q. (BY MR. HUDSON) I'll hand you what I'm going

9 to mark as Defendant's 4. Go ahead and take a look at

10 that. Let me know when you're finished.

11 (WHEREUPON, the document was marked for

12 Identification as Exhibit D4 and is

13 Attached hereto.)

14 A. Okay.

15 Q. Ever seen that document before?

16 A. I have not.

17 Q. Again, at the top left hand corner, it says,

18 Texas Secretary of State John B. Scott, do you see

19 that?

20 A. Yes, sir.

21 Q. Underneath it says Election Advisory No.

22 2021-10. Do you see that?

23 A. I do.

24 Q. And can you confirm for the Court what the

25 election advisory number is for Defendant's 3?

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1 A. For three it is 2021-09.
 2 Q. Okay. And what date do you see written on the
 3 Election Advisory in Defendant's 3?
 4 A. July 30, 2021.
 5 Q. Do you have any reason to dispute that this
 6 election advisory 2021-9 was issued on or about that
 7 date?
 8 A. No idea.
 9 Q. Okay. On this Election Advisory 2021-10, do
 10 you see the two line?
 11 A. I do.
 12 Q. Again, went to county chairs, county election
 13 officials, and county judges. Do you see that?
 14 A. Yes, sir.
 15 Q. Do you have any reason to dispute that?
 16 A. No.
 17 Q. And the date on this is August 31, 2021. Do
 18 you see that?
 19 A. I do.
 20 Q. Do you have any reason to dispute that this --
 21 this election advisory was issued on or about August 31
 22 of 2021?
 23 A. I don't have any personal knowledge as to when
 24 it was issued, but that's the date on the Exhibit D4.
 25 Q. Does LULAC have any knowledge about when or --

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1 that -- that would dispute the date on this election
 2 advisory?
 3 MS. YUKEVICH: Objection, calls for
 4 speculation.
 5 A. I don't know.
 6 Q. (BY MR. HUDSON) Okay.
 7 A. I just don't know. And it was only sent to
 8 county chairs, county election officials, and county
 9 judges so, you know, we -- it never went to any
 10 community organizations or community groups that I can
 11 see.
 12 Q. Do you see the bottom left-hand corner?
 13 A. Yes.
 14 Q. What is that?
 15 A. Bottom left-hand corner, it says, the site of
 16 the Texas Secretary of State.
 17 Q. Okay. Do you have any reason to dispute this
 18 election advisory is a public facing document on the
 19 Texas Secretary of State's website?
 20 A. No.
 21 Q. In your preparations to speak today on behalf
 22 of LULAC, did you look at any elections advisories at
 23 all?
 24 A. No.
 25 Q. Did anybody make you aware that their election

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1 advisories existed prior to you being handed them today?
 2 A. Not -- I think, 99.9 percent of Texans don't
 3 know it exists, including myself, but I do know there's
 4 a -- there's a site. Normally, I just look up election
 5 results.
 6 Q. If you look on from D4, do you see where it
 7 says definition of residence.
 8 A. Yes, sir.
 9 Q. It says SB 1111 modifies the definition of
 10 residence under Section 1.015 with the Texas election
 11 code. First, subsection B is modified to eliminate
 12 references to common law and to specify that, "A person
 13 may not establish residence for the purpose of
 14 influencing the outcome of a certain election."
 15 Section -- second subsection F has been
 16 added, providing that, "A person may not establish a
 17 residence at a place -- at any place that person is not
 18 inhabited. A person may not designate a previous
 19 residence as a home and fixed place of habitation unless
 20 the person inhabits the place at the time of designation
 21 intends to remain." Did I read that correctly?
 22 A. Yes, sir.
 23 Q. Do you have any reason to dispute that those
 24 were the changes to the definition of residence?
 25 A. No.

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1 Q. Now, if you go down it says modifications to
 2 standard address confirmation forms. Do you see that?
 3 A. Yes, sir.
 4 Q. It says, SB 1111 made modifications to the
 5 "Notice of address confirmation," and response document.
 6 The official confirmation notice and response document
 7 must include the full definition of "residents" under
 8 Section 1.015 of the Texas election code and a sworn
 9 affirmation of the voter's residence. Other than the
 10 revisions to the forms, there are no procedural changes
 11 to the standard address confirmation process. Did I
 12 read that correctly?
 13 A. That's what it says.
 14 Q. Do you have any reason to dispute that there
 15 were no changes other than procedural changes to the
 16 standard confirmation process that predated SB 1111 that
 17 occurred as a result of changes to the residency
 18 statute?
 19 MS. YUKEVICH: Object to form.
 20 A. Not that I'm aware of.
 21 Q. (BY MR. HUDSON) Are you aware of any of the
 22 exceptions to SB 1111 that were contained within the
 23 law?
 24 A. Yes.
 25 Q. What exceptions are you aware of?

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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

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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 whosoever 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

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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

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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 --

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1 Q. Who?

2 A. -- she was the one that monitoring it. Gloria

3 Leal. L-E-A-L.

4 Q. So LULAC doesn't dispute that if they had

5 reservations about SB 1111, they had an opportunity to

6 go raise those with the legislator?

7 A. I believe we did, but I don't have the records

8 right now, so I don't know. I don't know the answer to

9 that, but normally during a regular session you just

10 have to be able to communicate with your House or Senate

11 members.

12 Q. Do you know Representative Collier?

13 A. I do.

14 Q. Do you know Representative Paul?

15 A. No.

16 Q. Do you know if Representative Collier is a

17 Democrat or a Republican?

18 A. She's a Democrat.

19 Q. Okay. Having -- having read this portion of

20 the House Journal, did you see anything raised about

21 concern over anyone not being allowed to move -- to

22 reside in a district where they want to run?

23 A. Yes.

24 Q. What portions of the testimony --

25 A. Representative --

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1 Q. -- did you see?

2 A. -- Collier brought up the issue about the

3 homeless and what impact it would have on people that

4 were homeless, on college students, and what type of

5 documentation they would have to prove in order to prove

6 residency if they were in our mailbox.

7 Q. And so you understood that exchange to be

8 about documentation?

9 A. Yes, sir.

10 Q. Okay. And is LULAC challenging SB 1111 at all

11 because of documentation issues?

12 A. In the context of it, making it onerous for

13 somebody to go and have to re-verify that their

14 residence is whatever county they ran by providing

15 either a driver's license, concealed weapons permit, or

16 some other documentation, such as a utility bill, I

17 believe, on top of what they've already done when they

18 swear out the application on a voter application.

19 Q. So you're challenging the burden of having to

20 demonstrate your -- your physical residence?

21 A. The added burden that didn't exist before.

22 Q. Do you know if Representative Collier is a

23 member of LULAC?

24 A. I do not. She's from Fort Worth. I'm not

25 sure if she's a member of one of the Fort Worth counsels

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1 or not.

2 Q. I mark it as copy of D7. Go and take a look

3 at that. Let me know when you're finished and then I

4 have some questions about it. Excuse me, that should've

5 been D6. Okay. Oh, D7.

6 A. I got D7. I was mark --

7 Q. It is -- it is D7. My mistake.

8 MS. YUKEVICH: I think it's D6. Sorry.

9 MR. HUDSON: I feel like it is. Three,

10 four, five, six.

11 MS. YUKEVICH: I'd say D. So D1 is --

12 MR. HUDSON: Yeah, it is D6.

13 MS. YUKEVICH: It's D6.

14 THE COURT REPORTER: So this is D6?

15 MR. HUDSON: Yes, so I need to replace

16 this.

17 MS. YUKEVICH: Yeah, yeah.

18 THE WITNESS: It is -- should be D6.

19 MR. HUDSON: It should be, sorry.

20 MS. YUKEVICH: Yes.

21 THE WITNESS: Okay. Ready.

22 Q. (BY MR. HUDSON) You ever seen this document

23 before?

24 (WHEREUPON, the document was marked for

25 Identification as Exhibit D6 and is

Page 92

1 Attached hereto.)

2 A. No.

3 Q. And again, I'll represent to you, this is a

4 portion of the proceedings but the first pages is a copy

5 of the Senate Journal. Do you see where it says Senate

6 Journal at the top?

7 A. I do.

8 Q. It says "87th Legislature -- Regular session."

9 Do you see that?

10 A. Yes, sir.

11 Q. And then underneath that it says "30th day

12 (Tuesday, April 27, 2021)" Do you see that?

13 A. I do.

14 Q. Having read this, do you have any thoughts on

15 it?

16 A. It looks like it's just exchange between two

17 senators regarding what documents could be used to prove

18 residency if they were using a P.O. box.

19 Q. From LULAC's perspective, are there any

20 documents that -- that could be required to prove

21 residency that are different than what are currently

22 required to prove a voter ID?

23 MS. YUKEVICH: Objection. Calls for

24 legal conclusion.

25 A. The fact that you even have to have additional

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1 information just to register to vote makes it again
 2 onerous, difficult, that -- and these requirements that
 3 weren't there just before this bill passed. Now, not
 4 only are they there, they're -- they're criminalized.
 5 It has a chilling effect on voters so, yeah.
 6 Q. (BY MR. HUDSON) Do you know if Senator
 7 Gutierrez is a member of LULAC?
 8 A. I don't know, but I do know Senator Gutierrez.
 9 Q. Okay. And Senator Gutierrez had asked that
 10 this exchange be placed in the Senate journals; is that
 11 right?
 12 A. Yes, sir.
 13 Q. Do you know if there's any difference between
 14 the House rules and Senate rules that regard placing
 15 things in his --
 16 A. I was never in the Senate, so I can't tell you
 17 and I haven't been there in 20 years so.
 18 Q. Okay. Topic No. 8 on D1. Will you picked
 19 that up for me?
 20 A. Okay. Okay. Topic No. 8?
 21 Q. Yes. Which is on page 7.
 22 A. Yes, sir.
 23 Q. (as read) "LULAC's statements, public or
 24 otherwise, relating to SB 1111, from the press releases,
 25 newsletters, campaign letters, or signs, news articles,

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1 op-ed pieces, testimony, postings, and messages
 2 published on blogs and/or social media websites,
 3 communications with voters, supporters, and donors
 4 pertaining to such legislation." Did I read that
 5 correctly?
 6 A. Yes, sir.
 7 Q. Has LULAC made any public statements about SB
 8 1111?
 9 A. Yes, they have.
 10 Q. Where?
 11 A. In several media reports that we provide to my
 12 counsel. I don't know if they've supplement or not, but
 13 there were several media reports that came out when we
 14 attacked that SB 1111 and its requirements on residency.
 15 Q. Okay. Did you issue any press releases?
 16 A. We did.
 17 Q. What were the press releases concerning?
 18 A. The issue of residency, the criminalization of
 19 residency, and our belief that it was unconstitutional,
 20 illegal, and a violation of freedom of speech and the
 21 ability of people would be hampered in trying to register
 22 to vote and run for office.
 23 Q. Have you issue any newsletters concerning SB
 24 1111?
 25 A. No.

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1 Q. What about campaign letters or signs?
 2 A. Not per say. Not on SB 1111.
 3 Q. I thought you testified earlier today that you
 4 just had a fundraiser in Washington, DC, where you
 5 raised roughly half a million dollars part of that in
 6 relation to SB 1111?
 7 A. And SB 1.
 8 Q. Okay. So were there any letters or documents
 9 that outlined SB 1111 --
 10 A. We -- we did a broad form that these were
 11 efforts to stop voter suppression in Texas. We didn't
 12 mention them specifically. We just use the term voter
 13 suppression, which covers both bills.
 14 Q. Any op-ed's that -- well, first off, I guess
 15 more of the foundation you're familiar with the phrase
 16 op-ed?
 17 A. Yes, sir.
 18 Q. What is your understanding of that phrase?
 19 A. It's an opinion piece that's put in -- usually
 20 in the newspaper.
 21 Q. Has LULAC issued any opinion pieces concerning
 22 SB 1111?
 23 A. Some of the local counsels may have and they
 24 would be in the media reports, but I did not.
 25 Q. Let's see. And I think you said earlier when

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1 we're talking about the House and Senate Journal, are
 2 you familiar with any testimony offered by LULAC either?
 3 A. I believe Gloria Leal testified but I'm not
 4 sure if it was SB 1 or -- or both regarding LULAC's
 5 position.
 6 Q. Do you have any blogs or social media websites
 7 for LULAC where you've discussed SB 1111?
 8 A. I don't know off the top my head, if it was
 9 put on our national page or our state page, but I know
 10 the newspaper articles were but not like a blog by a
 11 member.
 12 Q. Any communications with voters or supporters
 13 about SB 1111?
 14 A. Yes.
 15 Q. Okay. What have you sent out to voters?
 16 Well, let's start there. What -- what have you sent out
 17 to voters?
 18 A. To members we notified them about the impact
 19 of SB 1111 and then prior to the primary elections we
 20 did in Dallas County. I know, for example, we did text
 21 messages to all voters regarding reminding them to vote
 22 and to check for voter locations and changes in the law.
 23 Q. What about the supporters?
 24 A. Just general we just use it in the context of
 25 voter suppression, including SB 1 and SB 1111.

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1 Q. So the court is there what do you mean by
 2 voter suppression?
 3 A. The continuing efforts by Texas to make it
 4 difficult to register to vote. For example, I live in
 5 Dallas. If I come to Austin and register somebody to
 6 vote, I committed a crime. That -- didn't used to be
 7 the law. And that's not the law in most states in the
 8 United States. The difficulty to register by vote by
 9 mail. So our senior citizen, my mom is 81 years old,
 10 she wanted to vote by mail.
 11 Now, we have to help her fill it out and
 12 make sure she put a driver's license or social security
 13 number in the application to vote by mail. Otherwise,
 14 her ballot could be rejected. And we now replicate that
 15 through, you know, hundreds of thousands of people that
 16 we have to educate on that. And then on the residency
 17 for same thing people moving or changing addresses and
 18 candidates running for office. All of that takes -- is
 19 taking time and effort that we didn't use to have to do
 20 before.
 21 Q. Well, so the judge is clear you're saying
 22 the -- the added education to voters is voter
 23 suppression?
 24 MS. YUKEVICH: Objection.
 25 Mischaracterizes his testimony.

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1 A. Yeah, making it difficult for seniors to vote
 2 by mail is voter suppression. Requiring additional
 3 information that was not required before, especially
 4 with seniors who have eyesight problems some of them
 5 maybe didn't graduate from high school is, in my
 6 opinion, voter suppression. The efforts being made to
 7 criminalize all of these items is definitely voter
 8 suppression.
 9 The -- the fact that somebody can go to
 10 prison because they didn't take the voter registration
 11 away from when they were in college to some other
 12 location, that's -- has a chilling, terrifying effect on
 13 people, especially 18, 19, 20, 21 year olds. That
 14 doesn't occur in almost anywhere else in the United
 15 States except the South.
 16 Q. (BY MR. HUDSON) From LULAC's perspective, is
 17 there any requirement that could be put on voting that
 18 doesn't exist now that LULAC would not view as voter
 19 suppression?
 20 MS. YUKEVICH: Objection. Calls for
 21 speculation and legal conclusion.
 22 A. Repeat the question.
 23 Q. (BY MR. HUDSON) Is there any requirement that
 24 could be placed on voting now that didn't exist prior to
 25 today that LULAC would not perceive as voter

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1 suppression?
 2 A. LULAC believes that everybody should have
 3 liberty and justice for all. All being inclusive of any
 4 ethnic and racial group. That means it should be as
 5 easy to vote as possible and instead of having all these
 6 restrictions making it -- we already have the -- well,
 7 lowest turnout rates in the country.
 8 We have less people voting in Texas
 9 than -- than, I think, 48 other states. And so we're a
 10 low turnout state and part of it is because of all the
 11 restrictions on registering and turning out. And that's
 12 what causes the voter suppression and that's
 13 historically happened here since the 1900s until today.
 14 Q. My question is just a little bit different.
 15 Is there any requirement that could be placed on now, on
 16 any piece of the election code that LULAC would view as
 17 anything other than voter suppression?
 18 A. We'd have to take it on a case by case basis.
 19 Q. Has LULAC had any correspondence with any
 20 county or county election official regarding SB 1111?
 21 A. Not -- I personally have not. I don't know if
 22 any of our members have. I can't answer that question.
 23 Q. Did you prepare to address Topic 10 today?
 24 A. Yes. But I don't know again of -- well, let
 25 me rephrase it, let me rephrase my answer. There have

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1 been multiple LULAC members contacting the local county
 2 elections officers in Bexar County, Dallas County,
 3 Harris County that I know of, El Paso County, but I
 4 don't know the content of those communications except
 5 complaining about the impact of SB 11 and SB 1 -- SB
 6 1111 and SB 1 in terms of voters but I don't have
 7 specifics for you.
 8 Q. Okay. In preparation for your testimony
 9 today, did you talk to any particular member who's
 10 communicated with a county or county election official
 11 about SB 1111?
 12 A. Yes.
 13 Q. Who?
 14 A. A county official in Dallas County, I won't
 15 name.
 16 Q. You're saying you won't name the election
 17 official?
 18 A. They contacted their complaints about SB 11
 19 and the residency with -- and its impact with the Dallas
 20 County Elections Department officer. And then I knew
 21 that there were some issues of Bexar County, San
 22 Antonio, where some of our elect members contacted the
 23 local elections official to file complaints about the
 24 March elections but I don't know the details how much of
 25 it was 1111, how much was SB 1.

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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.

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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

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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?

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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

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1 counsel on that.
 2 Q. And that one will mark as Defendant's 9, and
 3 take a look at that, let me know when you're done.
 4 (WHEREUPON, the document was marked for
 5 Identification as Exhibit D9 and is
 6 Attached hereto.)
 7 A. Okay. I'm familiar with it.
 8 Q. Have you seen that document before today?
 9 A. No. But I've read -- I've seen the story.
 10 Q. All right. On D7 page 4 Romanette 4. I'll
 11 represent to you, Romanette 4 is a link that goes to D9.
 12 A. Okay.
 13 Q. Same question, can you explain to me what D9
 14 has to do with the claims that LULAC is making in this
 15 lawsuit?
 16 A. That we have, I think, over 700,000
 17 Californians that have moved in Texas in the last -- I
 18 forgot the time frame, but I want to say 2018 to 2022
 19 and the impact that the movement of these out-of-state
 20 residents are going to be having in Texas, if they're
 21 allowed to register to vote and they turn out to vote,
 22 and whether the current bills may suppress the ability
 23 of these individuals to vote in Texas since they may
 24 have a home in California still, but now they bought a
 25 house here on the west side of Austin, and they're

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1 living here even though they still have a home in
 2 California.
 3 Q. You see page 2 of D9.
 4 A. Okay.
 5 Q. Right in the middle of the page, it says "When
 6 Dr. Myiesha Taylor," do you see that?
 7 A. Uh-huh.
 8 Q. Do you know if Myiesha Taylor is a member of
 9 LULAC?
 10 A. I do not, no.
 11 Q. Do you know or can you tell me of any
 12 Californian who has moved to Texas that is also a member
 13 of LULAC?
 14 A. David Cruz, Elena Cruz, and I'm sure there's a
 15 lot more. I just don't know off the top of my head but
 16 those are two that just moved here, like two months ago.
 17 They moved from Los Angeles to San Antonio.
 18 Q. Do you know if either of the Cruz's have had
 19 any issues registering to vote?
 20 A. I have not asked them yet no, they've only
 21 been here two months.
 22 Q. Okay. Anybody from California that you've
 23 asked whether they've had trouble voting and they've
 24 told you because of SB 1111, I can't register to vote.
 25 A. No. Just a little information that we're

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1 getting about people having difficulty to understand the
 2 Texas election code compared to, in California you have
 3 same day voting. They have automatic registered voting
 4 and when you go get your driver's license or ID so it's
 5 a much different in terms of Texas than what you see in
 6 California. And if I said same day vote, same day
 7 registration to vote.
 8 Q. I'm handing you what I'm marking as
 9 Defendant's 10.
 10 (WHEREUPON, the document was marked for
 11 Identification as Exhibit D10 and is
 12 Attached hereto.)
 13 A. Okay.
 14 Q. Have you ever seen that document before today?
 15 A. I've read -- yeah, I read the article not the
 16 document.
 17 Q. When did you read the article?
 18 A. I don't recall when it came out, but I read it
 19 on my online feed, you know, early part of the year.
 20 The -- I'm looking at this, it says January 13, if it's
 21 when the article came out.
 22 Q. D7 Romanette 5. Same question, can you
 23 explain to me what this article has to do with your
 24 lawsuit?
 25 A. That we have people coming in and moving into

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1 Texas. Texas was the only state that got two
 2 congressional districts that resulted growth
 3 predominantly Hispanic and minority 90 percent and that
 4 we're seeing the change of Texas -- change in these
 5 new -- and many of the people moving to Texas are
 6 African-American and Latino. And the -- the impact that
 7 will have on Texas politics and the ability to register
 8 to vote and turnout, that's the reason for this.
 9 Q. When I asked you in response to Defendant's 9
 10 about specific examples. And I don't want to go back
 11 through them but having looked at this article, does
 12 this refresh your recollection of any other specific
 13 examples of LULAC members having moved to Texas and been
 14 unable to vote on account of SB 1111?
 15 A. Not a specific member, no.
 16 Q. Hand you what I'm marking as Defendant's 11.
 17 Have you ever seen that document before today?
 18 (WHEREUPON, the document was marked for
 19 Identification as Exhibit D11 and is
 20 Attached hereto.)
 21 A. Not the document but I read the article, the
 22 Texas Tribune.
 23 Q. Same question, can you explain to me what
 24 document No. 11 has to do with your lawsuit?
 25 A. That Senate Bill 1111 appeared to be targeting

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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

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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 disenfranchised 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?

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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

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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

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1 11 would be. Is that the turnout amount? Oh, okay.
 2 A. That's 11.
 3 Q. Got it.
 4 A. So young voters preferred Biden would be 12.
 5 (WHEREUPON, the document was marked for
 6 Identification as Exhibit D12 and is
 7 Attached hereto.)
 8 Q. All right. So page 5 of the D7, that's
 9 Romanette 8. Can you explain to me what this article
 10 has to do with your lawsuit?
 11 A. The -- that young voters were voting in -- in
 12 large numbers in the 2018 and 2020 elections and many of
 13 them were voting primarily Democrat and that that might
 14 be the motivation that we're seeing SB 1111 filed by the
 15 Republican majority in the House and the Senate to try
 16 to depress young voter turnout.
 17 Q. So you think political preferences might have
 18 something to do with SB 1111?
 19 A. Yes. All politics is based on what's in their
 20 self-interest. In -- in this case, I think the -- the
 21 numbers that were coming out, were giving Republican
 22 legislators reason to try to suppress the turnout among
 23 young voters, especially young voters of color.
 24 Q. And just remind the judge you are
 25 non-partisan. Right?

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1 A. Yes, sir.
 2 Q. So as you sit here today, LULAC doesn't really
 3 care whether Joe Biden or Donald Trump wins. Right?
 4 A. That's correct. As long as everybody's
 5 allowed to vote.
 6 Q. I'm going to hand you what I'm marking as
 7 Defendant's 13.
 8 (WHEREUPON, the document was marked for
 9 Identification as Exhibit D13 and is
 10 Attached hereto.)
 11 A. Okay.
 12 Q. Have you ever seen that document before today?
 13 A. Yes, I have.
 14 Q. Can you explain to me what D13, which is the
 15 Enrollment Forecast at Romanette 9 in your
 16 interrogatories has to do with your lawsuit?
 17 A. That the change in demographics, especially
 18 among voters 18 to 21 -- 25, is largely now Latino and
 19 will continue to increase between now and 2030 as a
 20 larger share of that demographic. And that SB 1111 was
 21 targeting this demographic for exclusion and
 22 disenfranchisement.
 23 Q. Exhibits --
 24 A. Just so I, you know, it -- it just says D13
 25 there's no sticker.

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1 Q. Oh, I --
 2 A. Just FYI.
 3 MS. YUKEVICH: No, I don't have a sticker
 4 either. I thought you had run out of stickers.
 5 A. Yeah. So I just wanted to make sure that if
 6 that was your original.
 7 MS. YUKEVICH: That is good.
 8 Q. (BY MR. HUDSON) Exhibit D8 through D13 cover
 9 Romanette 3 through 9 of your interrogatories, which is
 10 D7. You would agree with that?
 11 A. Yes, sir.
 12 Q. With the -- with the exception of Romanette 7,
 13 which was a broken link.
 14 A. Okay.
 15 Q. Would you agree with that?
 16 A. Yes, sir.
 17 Q. As you sit here today, do you know whether any
 18 member of the Texas Legislature had D8 through D13 in
 19 their possession when they were evaluating whether to
 20 vote in favor of SB 1111?
 21 A. I do not.
 22 Q. Do you know what information, if any, any
 23 member of the Legislature had when they were evaluating
 24 whether to vote for or against or some other way with
 25 regard to SB 1111?

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1 A. I have no personal knowledge, but usually
 2 there's a house. I forget the term. There's
 3 analysis -- independent analysis done by the House, by
 4 the Senate also that gives them information to each
 5 member before they vote.
 6 Q. Okay. Are you aware of an independent
 7 analysis that was done with regard to SB 1111?
 8 A. I'm sure there would have been one done by the
 9 Senate staff.
 10 Q. So the answer is no?
 11 A. Personal knowledge, no.
 12 Q. Is LULAC aware of such analysis?
 13 A. I don't recall right now.
 14 Q. Have you spoken to anybody about that
 15 preparation for your testimony today?
 16 A. No, not in -- not in that point.
 17 Q. If such an analysis exists do you know whether
 18 D8 through 13 were part of the analysis?
 19 A. I do not know that.
 20 Q. Can we off the record for about 10 minutes,
 21 I'll check my notes and we should be close to wrapping
 22 up.
 23 A. Okay.
 24 MS. YUKEVICH: Okay.
 25 THE VIDEOGRAPHER: We are off the record

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1 at 1:13 p.m.
 2 (Break Taken)
 3 MS. YUKEVICH: We are back on the record
 4 at 1:23 p.m.
 5 Q. (BY MR. HUDSON) I trust you agree I have been
 6 courteous today?
 7 A. You have.
 8 Q. Any questions I haven't asked that you think I
 9 should have?
 10 A. Not that I'm aware of.
 11 Q. Okay. We'll reserve.
 12 MS. YUKEVICH: Okay.
 13 MR. HUDSON: That's it.
 14 THE WITNESS: Adios.
 15 MS. YUKEVICH: I don't have any -- I
 16 don't have any questions for my own witness, I do want
 17 to make sure for whomever is sitting on the line. I
 18 know I don't get any other notices. Mr. Garcia is here
 19 and I want to make sure I provided folks the
 20 opportunity.
 21 MR. HUDSON: And I'll -- I'll just say in
 22 follow-up to that, I didn't see any cross notices or
 23 cross designations.
 24 MS. YUKEVICH: I didn't see --
 25 MR. HUDSON: -- and so --

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1 MS. YUKEVICH: Yeah.
 2 MR. HUDSON: -- nobody reached out to me
 3 about that either.
 4 MS. YUKEVICH: Okay.
 5 MR. HUDSON: So I was under the
 6 impression that this was --
 7 MS. YUKEVICH: -- that's my impression as
 8 well. I have sometimes received. So I just want to
 9 make sure we're seeing people hopping on, I think to
 10 confirm.
 11 MS. VEIDT: Travis County confirms we
 12 have no questions.
 13 MS. YUKEVICH: Great.
 14 MS. CUBRRIEL: And Bexar County can
 15 confirm we have no questions.
 16 MS. TOGNETTI: Leigh Tognetti can confirm
 17 that we don't have any questions at this time.
 18 MS. NICHOLAS: The same for Dallas
 19 County, Michael Scarpello we have no questions at this
 20 time.
 21 MS. LEO: No questions from El Paso
 22 County or defendant Lisa Wise at this time. Thank you.
 23 THE COURT REPORTER: And before --
 24 MS. YUKEVICH: Okay.
 25 THE COURT REPORTER: -- we go off the

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1 record, I just wanted to ask, do you need the transcript
 2 sooner than 10 days?
 3 MS. YUKEVICH: Yeah. I'd like a rough if
 4 you have it.
 5 THE COURT REPORTER: Well, actually, I
 6 need to -- I'm sorry. I need to ask you. You need the
 7 transcript sooner than 10 days?
 8 MR. HUDSON: If they're going to get a
 9 rough, I mean, we don't need it, since you're going to
 10 have it we'll get it too.
 11 THE COURT REPORTER: Well, are you
 12 ordering a rush?
 13 MS. YUKEVICH: Yeah. Sorry, can you do a
 14 rough copy by?
 15 THE COURT REPORTER: A rough copy?
 16 MS. YUKEVICH: Yeah. Can you do a rough
 17 or no? A rush also would be fine.
 18 THE COURT REPORTER: Yeah, I --
 19 MS. YUKEVICH: -- let me hold on.
 20 THE COURT REPORTER: I have a rough that
 21 I can --
 22 MS. YUKEVICH: -- that's okay.
 23 THE COURT REPORTER: We can.
 24 MS. YUKEVICH: It's not a big deal.
 25 MR. HUDSON: Yeah, here's the other issue

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1 to put on I want to make sure it get on the record we're
 2 asking for a read and sign.
 3 THE COURT REPORTER: Okay. You're
 4 asking --
 5 MR. HUDSON: -- for a read and sign.
 6 MS. YUKEVICH: Yeah.
 7 MR. HUDSON: Under the federals.
 8 MS. YUKEVICH: Yeah, we reserve to read
 9 and sign.
 10 THE COURT REPORTER: You ordered though.
 11 Right?
 12 MS. YUKEVICH: But you ordered.
 13 MR. HUDSON: Federals rules required you
 14 put it on the record.
 15 MS. YUKEVICH: Got it.
 16 MR. HUDSON: That -- that's all.
 17 MS. YUKEVICH: Yes.
 18 MR. HUDSON: You're getting the read and
 19 sign?
 20 MS. YUKEVICH: Yeah, he'll get the read
 21 and sign.
 22 MR. HUDSON: Yes. Yeah, not us.
 23 MS. YUKEVICH: Great. I was very deeply
 24 confused by what you were asking for us now. Yes.
 25 MR. HUDSON: Maybe I'm mistaken, but I

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

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1 THE VIDEOGRAPHER: We are off the record
 2 at 1:26 p.m.
 3 (Proceedings concluded at 1:26 p.m.)
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1 THE COURT REPORTER: They kind of just
 2 put closed captions on it. Right?
 3 MS. YUKEVICH: I do not need a closed
 4 caption video of this deposition, but I appreciate the
 5 offer. I did not even --
 6 MR. HUDSON: I've already --
 7 MS. YUKEVICH: -- I don't think I've --
 8 THE WITNESS: I talked pretty fast
 9 sometimes.
 10 MR. HUDSON: I've already signed for it.
 11 THE COURT REPORTER: Oh, you want a sync
 12 copy? Okay. I just --
 13 MS. YUKEVICH: You do want to close --
 14 you are getting a closed captioned copy. Then we will
 15 all, I suppose, get a closed captioned copy.
 16 MR. HUDSON: See, if you don't have to.
 17 MS. YUKEVICH: Well, I mean, like I -- if
 18 you're getting it, Eric, I want it too. I don't want,
 19 you know --
 20 MR. HUDSON: You don't want to do what I
 21 do.
 22 MS. YUKEVICH: I don't want to feel left
 23 out. You're getting it I want it as well.
 24 THE COURT REPORTER: Okay. I think
 25 that's all I needed on record. Okay.


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1 CHANGES AND SIGNATURE
 2 WITNESS NAME: Domingo Garcia
 3 DATE OF DEPOSITION: MARCH 23, 2022
 4 PAGE LINE CHANGE REASON
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

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1 I, DOMINGO GARCIA, have read the foregoing
 2 deposition and hereby affix my signature that same is
 3 true and correct, except as noted above.
 4
 5 _____
 6 DOMINGO GARCIA
 7
 8 THE STATE OF _____)
 9 COUNTY OF _____)
 10 Before me, _____, on this day
 11 personally appeared DOMINGO GARCIA, known to me or
 12 proved to me under oath of _____ or
 13 through _____ (description of identity card
 14 or other document) to be the person whose name is
 15 subscribed to the foregoing instrument and acknowledged
 16 to me that he/she executed the same for the purpose and
 17 consideration therein expressed.
 18 Given under my hand and seal of office this
 19 ____ day of _____, ____.
 20
 21 _____
 22 NOTARY PUBLIC IN AND FOR
 23 THE STATE OF _____
 24
 25 My Commission Expires: _____

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1 the deposition is as follows:
 2 KATHRYN YUKEVICH - 0 HOURS - 0 MINUTES
 3 ERIC HUDSON - 2 HOURS - 24 MINUTES
 4 That pursuant to information given to the
 5 deposition officer at the time said testimony was taken,
 6 the following includes all parties of record:
 7 KATHRYN YUKEVICH, Attorney for Plaintiff
 8 ERIC HUDSON, Attorney for Defendant
 9 I further certify that I am neither counsel for,
 10 related to, nor employed by any of the parties or
 11 attorneys in this action in which this proceeding was
 12 taken, and further that I am not financially or
 13 otherwise interested in the outcome of the action.
 14 Further certification requirements pursuant to Rule
 15 203 of TRCP will be certified to after they have
 16 occurred.
 17 Certified to by me this _____ day of
 18 _____, ____.
 19
 20
 21 
 22 Elizabeth Parker, CSR 12040, Exp. 12/31/23
 23 Judicial Services, Firm Registration #774
 24 12790 FM 1560 North
 25 Helotes, TX 78023


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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF TEXAS
 3 AUSTIN DIVISION
 4 TEXAS STATE LULAC; VOTO)
 5 LATINO,)
 6)
 7)
 8)
 9)
 10)
 11)
 12)
 13)
 14)
 15)
 16)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)

10 REPORTER'S CERTIFICATION
 11 ORAL AND VIDEO CONFERENCED DEPOSITION OF
 12 DOMINGO GARCIA
 13 MARCH 23, 2022

14 I, Elizabeth N. Parker, Certified Shorthand
 15 Reporter in and for the State of Texas, hereby certify
 16 to the following:
 17 That the witness, DOMINGO GARCIA, was duly
 18 sworn by the officer and that the transcript of the oral
 19 deposition is a true record of the testimony given by
 20 the witness;
 21 That the deposition transcript was submitted
 22 on _____ to the witness or to the
 23 attorney for the witness for examination, signature, and
 24 return to me by _____.
 25 That the amount of time used by each party at

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP
 2 The original deposition was/was not returned to the
 3 deposition office on _____;
 4 If returned, the attached changes and signature
 5 page contains any changes and the reasons therefore;
 6 If returned, the original deposition was delivered
 7 to _____, Custodial Attorney;
 8 That \$ _____ is the deposition officer's charges
 9 to the _____ for preparing the original deposition
 10 transcript and any copies of exhibits;
 11 That the deposition was delivered in accordance
 12 with Rule 203.3, and that a copy of this certificate was
 13 served on all parties shown herein and filed with the
 14 Clerk.
 15 Certified to by me this _____ day of
 16 _____, ____.
 17
 18
 19
 20 
 21 ELIZABETH N. PARKER, CSR 12040, CVR 7957
 22 Exp. 12/31/2023
 23 Judicial Services Court Reporting Co.
 24 Firm Registration No. 774
 25 12790 FM 1560 North
 Helotes, TX 78023
 210-681-4885

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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 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 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://002webs.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

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Attorney General of Texas

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Respectfully submitted,

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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 mail

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**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 Elfam, 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

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).

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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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:

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

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

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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.

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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 Eflant 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.

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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.

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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. Rectory & Visitors*, 515 U.S. 819, 829 (1995).

54. The U.S. Supreme Court has noted that “[i]f there 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 [r]equirement 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 Techs. 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. Amend. 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.”); *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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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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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.” *Joltcoeur 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 *Joltcoeur* 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.

Dated: June 22, 2021.

Respectfully submitted,

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 Voto Latino

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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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1:42 AM Election Advisory No. 2021-10 - NEW LAW SB 1111 (2021, Regular Session) Address Confirmation Process and Forms
AA: 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
AD: Would a ballot by mail voter who received the Notice to Confirm Voter Registration Address by Providing Documentation be required to submit a
AE: 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.
AF: What if a voter who was previously sent a Notice to Confirm Voter Registration Address by Providing Documentation and did not provide a
AG: The voter registrar has the authority to send out another Notice to Confirm Voter Registration Address by Providing Documentation if the voter fails to
AH: Are voter registrars required to review their list of registered voters to determine if voters are registered at a commercial address for the purpose
AI: 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
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.; Bernal; Biedermann; Bonnen; Bowers;
Buckley; Buey; Burns; Butrows; Hutton; 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; Gervin-Hawkins; Goldman; Gonzalez, J.; Gonzalez, M.; Goodwin;
Guerra; Guillen; Harless; Harris; Helges; Hernandez; Herreno; Himajosa; Holland;
Howard; Huberty; Hull; Hunter; Israel; Jentore; Johnson, A.; Johnson, J.D.;
Johnson, J.E.; Kagal; King, K.; King, P.; King, T.; Kluck; Krause; Kuempel;
Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lutenor; Lucio;
Martinez; Martinez Fischer; Metcalfe; Meyer; Meza; Middleton; Manjarez;
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;
Shino; Slaton; Slawson; Smith; Smithae; Spiller; Stephenson; Stucky; Swanson;
Talanco; Thierry; Thompson, E.; Thompson, S.; Tindberholt; Toth; Turner, C.;
Turner, J.; VanDeaver; Vasut; Vo; Wallie; 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.



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

3044 87th LEGISLATURE — REGULAR SESSION

Absent, Excused — Coleman.
Absent — Ellzey; Herreno; 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 these 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.

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 residency?

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; Bales; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Chardy; Cook; Craddock; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Geren; Goldman; Harless; Harris; Hefner; Holland; Hobery; Hull; Hunter; Jenton; Kacal; King, K.; King, P.; Kluck; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lemán; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Muir; Noble; Olverson; Paddie; Parker; Patterson; Paul; Price; Ramey; Rogers; Sanford; Schaefer; Schofield; Shaleen; Shine; Slaton; Slawson; Smith; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tindberholt; Todd; Vandever; Vauti; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Buoy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; Gonzalez, J.; Gonzalez, M.; Goodwin; Guerra; Guillen; Hernandez; Herrera; Himijena; Howard; Israel; Johnson, A.; Johnson, J.E.; King, T.; Longoria; 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; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Wall; Wu; Zwienen.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Gates; Johnson, J.D.

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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, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwerner, 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:



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, Bindwell, 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, Whitmore, Zaffirni.

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?

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 local governing agency or third party representing government agency dated within 90 days of date of application.

Senator Bettencourt: Right, without an address, no.

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, Bindwell, 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, Whitmore, Zaffirni.

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)

MENÉNDEZ
BLANCO
ECKHARDT

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

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 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,

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

- (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/px/pdf/SB011111_bill_087R011111.pdf#page=0
 - ii. Senate Bill 1111, Legislative History, available at <https://capitol.texas.gov/Bills/lookup/History.aspx?lgSess=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/vote-2020/2020/10/27/the-youth-vote-in-texas-is-up-by-more-than-600-from-last>

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;

- presidential-election
- viii. Elizabeth Redden, *Young Voters Preferred Biden – With 1 Exception, Inside HigherEd* (Nov. 5, 2020), <https://www.insidehighered.com/news/2020/11/05/analysis-skeds-first-light-youth-voting-trends>
- ix. Enrollment Forecast, Texas Higher Education Coordinating Board (Jan. 2017), <http://www.thecb.state.tx.us/DocID/PDF/9111.PDF>
- x. 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. 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.

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 that 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.

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 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.

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 ¶ 10 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

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

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,

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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.



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.

...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.

And you helped
school...

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 than more than \$7.5 billion for road construction each year.

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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.

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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/poll/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 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/poll/2020/10/california-expats-texas-battleground-state/>

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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/poll/2020/10/california-expats-texas-battleground-state/>

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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.

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California expats 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."

PHOTO BY TIGER PHOTOGRAPHY FOR CALMATTERS

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 14, 2020



Matt Levin

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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

"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.

<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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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, 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

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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.

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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

https://www.pewtrusts.org/en/research-and-analysis/blog/stateline/2020/11/13/texas-south-face-political-changes-as-movers-arrive

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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

SEARCH BAR



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.



https://www.texastribune.org/2019/09/24/young-texas-voter-turnout-exploded-2018-some-want-it-even-bigger-2020/

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.

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.

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.

“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.”

https://www.texastribune.org/2019/09/24/young-texas-voter-turnout-exploded-2018-some-want-it-even-bigger-2020/

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.”

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.

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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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 Erdin / www.texastribune.org/author/elizabeth-erdin/ // 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://tufts.edu/ates/lrresearch/election-week-2020/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 <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."

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3/23/22, 2:13 AM Turnout trends



3:02:27 AM 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.insidehighered.com/news/2020/11/25/preventing-steeplines-trimmed-voting-during-pandemic>
 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 Voltz Redden \(@lisavoltzredden\)](#)



ELECTION 2020 ✓

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Enrollment Forecast 2017-2030

Texas Institutions of Higher Education

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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

2

3

Table 1. Fall headcount enrollment forecasts, Texas institutions of higher education.

	Total Projections									
	Actual 2010	Actual 2015	Act. Prelim. 2016	2017	2018	2019	2020	2025	2030	
Public Universities	557,550	619,175	637,275	644,456	653,265	661,433	670,481	706,948	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	125,654	125,654	125,895	126,119	126,366	127,323	128,044	
Total	1,423,696	1,465,162	1,495,204	1,513,853	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%	39,867	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%	53,642	3.4%



Figure 1. Texas Higher Education Coordinating Board's 10 regions.

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Table 4. Fall headcount participation forecasts - Texas public universities.

Institution Name	Actual		Prelim.		Total Projections				
	2010	2015	2016	2017	2018	2019	2020	2025	2030
Angelo State University	6,660	8,343	9,475	9,591	9,580	9,590	9,583	9,588	10,015
Lamar University	13,969	14,494	14,389	14,468	14,558	14,648	14,736	15,269	15,669
Midwestern State University	6,131	5,734	5,682	5,793	5,779	5,816	5,935	6,062	6,489
Prairie View A&M University	8,781	8,268	9,009	9,041	9,055	9,093	9,119	9,157	9,472
Sam Houston State University	17,236	20,031	20,477	20,663	20,747	20,869	21,013	21,175	22,063
Stephen F. Austin State University	12,629	12,484	12,653	12,674	12,714	12,777	12,859	13,001	13,301
Sill Ross State University	2,047	1,973	2,077	2,098	2,119	2,137	2,153	2,205	2,285
Sul Ross State University-Big Grande College	1,092	1,019	1,014	1,061	1,081	1,094	1,125	1,194	1,223
Texas A&M International University	9,340	12,333	13,093	13,217	13,284	13,367	13,466	13,767	13,949
Texas A&M University	6,853	7,192	7,621	7,469	7,595	7,725	7,896	8,200	8,556
Texas A&M University-Commerce	49,129	59,315	60,507	61,112	61,418	61,725	62,032	63,544	65,174
Texas A&M University-Corpus Christi	2,317	2,466	2,616	2,652	2,694	2,737	2,786	2,885	3,201
Texas A&M University-Dallas	10,789	12,002	12,385	12,561	12,788	13,061	13,403	13,842	14,335
Texas A&M University-Kingsville	10,033	11,661	12,203	12,630	12,963	13,340	13,769	14,308	15,000
Texas A&M University-San Antonio	3,120	4,154	5,209	5,333	5,428	5,518	5,629	6,034	6,349
Texas A&M University-Texarkana	8,163	8,925	9,462	9,606	9,698	9,795	9,900	10,126	10,500
Texas Southern University	32,572	37,979	38,008	39,000	39,500	40,000	40,500	43,136	45,936
Texas Tech University	31,957	35,516	36,225	36,354	36,543	36,830	37,154	38,472	39,838
Texas Woman's University	14,008	15,146	15,518	15,615	15,861	16,128	16,406	17,692	18,575
The University of Texas at Arlington	32,975	37,008	39,714	40,276	40,840	41,446	42,084	45,769	47,421
The University of Texas at Austin	51,195	50,950	51,334	52,259	52,854	53,529	54,320	57,166	59,564
The University of Texas at Dallas	17,128	24,554	26,791	26,997	27,626	28,328	29,077	32,561	34,110
The University of Texas at El Paso	22,051	23,308	23,868	23,910	24,146	24,366	24,528	24,960	25,519
The University of Texas at San Antonio	30,258	28,787	28,962	29,252	31,132	31,492	31,869	33,270	34,266
The University of Texas at Tyler	6,446	8,500	9,416	9,534	9,615	9,707	9,802	10,226	10,502
The University of Texas at Victoria	4,063	5,937	6,541	6,859	6,911	6,975	7,054	7,374	7,608
The University of Texas-Rio Grande Valley	25,599	28,584	27,496	27,994	28,630	29,850	31,446	31,416	32,467
University of Houston	38,752	42,704	43,774	44,327	44,879	45,504	46,279	50,088	52,341

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Institution Name	Actual		Prelim.		Total Projections				
	2010	2015	2016	2017	2018	2019	2020	2025	2030
University of Houston-Clear Lake	6,099	6,906	8,674	8,862	9,938	9,028	9,129	9,650	10,201
University of Houston-Downtown	12,900	14,255	14,262	14,585	14,773	14,972	15,193	16,277	17,173
University of Houston-Victoria	4,095	4,152	4,144	4,353	4,429	4,510	4,590	4,938	5,277
University of North Texas	16,067	37,175	37,634	38,152	38,685	39,278	39,947	42,680	43,847
University of North Texas Dallas	2,084	2,488	3,026	3,091	3,133	3,179	3,228	3,473	3,684
West Texas A&M University	7,839	9,482	9,502	9,959	10,013	10,085	10,168	10,538	10,789
University Statewide Totals	557,550	619,175	637,275	644,456	653,265	661,435	670,481	705,448	731,798

* The University of Texas at Brownsville and The University of Texas-Rio Grande Valley were combined into The University of Texas-Rio Grande Valley.

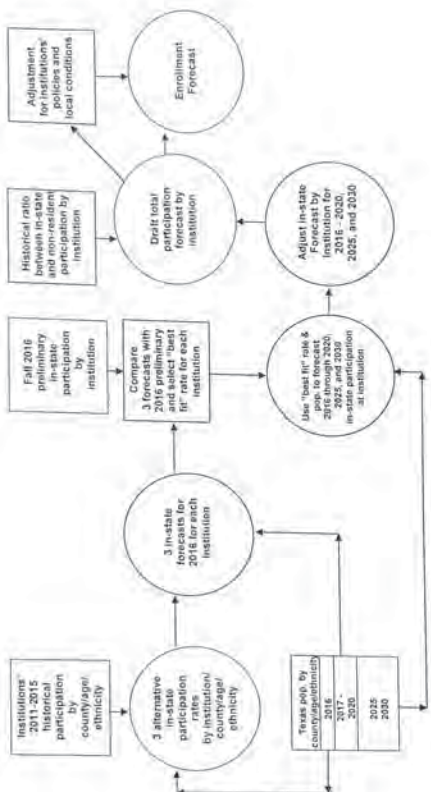
13

Institution Name	Actual		Prelim.		Total Projections				
	2010	2015	2016	2017	2018	2019	2020	2025	2030
Angelo College	5,904	5,145	5,271	5,271	5,276	5,279	5,285	5,521	5,648
Lamar Institute of Technology	3,243	2,846	2,711	2,716	2,716	2,720	2,731	2,802	2,852
Lamar State College-Orange	2,649	2,118	2,138	2,143	2,143	2,147	2,149	2,376	2,372
Lamar State College-Port Arthur	2,174	1,402	1,486	1,491	1,491	1,494	1,494	1,712	1,734
Two-Year Colleges Subtotal	14,170	12,111	12,466	12,512	12,534	12,544	12,596	12,958	13,178
Southeast Texas Regional Totals	40,968	39,689	39,518	39,672	39,695	39,698	40,201	41,278	42,176
Upper East Texas Region	1,803	1,839	2,040	2,046	2,058	2,069	2,080	2,126	2,149
Texas A&M University-Texarkana	6,446	8,500	9,416	9,534	9,615	9,707	9,802	10,278	10,502
The University of Texas at Tyler	8,249	10,339	11,456	11,563	11,673	11,776	11,892	12,352	12,651
University Subtotal	6,661	5,640	5,595	5,677	5,712	5,743	5,784	6,076	6,139
Niagara College	3,226	2,794	3,088	3,113	3,122	3,156	3,195	3,377	3,421
Northwest Texas Community College	2,322	2,664	2,667	2,733	2,746	2,767	2,790	2,920	2,866
Panola College	6,197	5,000	4,817	4,831	4,863	4,878	4,881	4,944	5,019
Texas Junior College	4,003	4,144	4,221	4,483	4,498	4,492	4,489	4,439	4,417
Texas State Technical College	7,594	6,994	6,956	7,035	7,114	7,174	7,233	7,468	7,550
Trinity Valley Community College	949	899	777	807	810	863	868	885	885
Texas State Technical College-Nassau Campus	11,736	9,287	9,579	9,526	9,584	9,651	9,688	9,905	10,021
Two-Year Colleges Subtotal	42,688	37,032	37,640	38,205	38,468	38,724	39,016	39,823	40,157
Upper East Texas Regional Totals	50,937	47,371	49,096	49,788	50,121	50,500	50,798	52,175	52,808
Upper Rio Grande Region	2,047	1,973	2,077	2,068	2,119	2,137	2,153	2,305	2,285
Sul Ross State University	22,051	23,308	23,868	24,149	24,528	24,929	25,379	29,060	29,519
The University of Texas at El Paso	34,098	25,281	25,985	26,698	26,805	26,941	27,081	27,167	27,894
University Subtotal	27,337	27,782	28,688	29,101	29,349	29,529	29,629	30,031	31,326
El Paso Community College District	27,337	27,782	28,688	29,101	29,349	29,529	29,629	30,031	31,326
Upper Rio Grande Regional Totals	51,435	53,063	54,651	55,109	55,614	56,033	56,360	57,187	59,132
West Texas Region	6,860	8,343	9,475	9,491	9,508	9,540	9,583	9,606	10,035
Angelo State University	4,063	5,937	6,541	6,855	6,911	6,975	7,054	7,374	7,608
The University of Texas of the Permian Basin	10,923	14,780	16,016	16,347	16,419	16,515	16,637	17,179	17,633
University Subtotal	13,008	13,372	13,869	13,879	13,905	13,925	13,940	14,401	14,668
Public Total	1,300,802	1,337,722	1,369,747	1,387,199	1,405,156	1,423,757	1,440,659	1,513,401	1,568,322

* The University of Texas at Brownsville and The University of Texas-Rio Grande Valley were combined into The University of Texas-Rio Grande Valley.

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Figure 2. Enrollment forecast development process



This document is available on the Texas Higher Education Coordinating Board website: <http://www.theccb.state.tx.us>

For more information contact:

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 Strategic Planning and Funding
 Texas Higher Education Coordinating Board
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 Austin, TX 78711
 (512) 427-6533
Julie.Eklund@theccb.state.tx.us

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<p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</p> <p>TEXAS STATE LULAC; VOTO § LATINO, §</p> <p>PLAINTIFFS, §</p> <p>v. §</p> <p>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 §</p> <p>DEFENDANTS, §</p> <p>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 §</p> <p>INTERVENOR-DEFENDANTS. §</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS:</p> <p>4 MINDY JOHNSON, ESQUIRE</p> <p>5 ELIAS LAW GROUP</p> <p>6 1201 THIRD AVENUE, SUITE 4900</p> <p>7 SEATTLE, WASHINGTON 98101-3099</p> <p>8 (202) 968-4674</p> <p>9 MJOHNSON@ELIAS.LAW</p> <p>10 ON BEHALF OF THE INTERVENOR-DEFENDANT KEN PAXTON:</p> <p>11 KATHLEEN HUNKER, ESQUIRE</p> <p>12 ARI HERBERT, ESQUIRE</p> <p>13 OFFICE OF THE TEXAS ATTORNEY GENERAL</p> <p>14 P.O. BOX 12548 (MC-009)</p> <p>15 AUSTIN, TEXAS 78711-2548</p> <p>16 (512) 463-2100</p> <p>17 KATHLEEN.HUNKER@OAG.TEXAS.GOV</p> <p>18 ARLHERBERT@OAG.TEXAS.GOV</p> <p>19 ON BEHALF OF THE DEFENDANT BRUCE ELFANT:</p> <p>20 CYNTHIA VEIDT, ESQUIRE</p> <p>21 TRAVIS COUNTY ATTORNEY GENERALS OFFICE</p> <p>22 416 WEST 11TH ST.</p> <p>23 AUSTIN, TX 78701</p> <p>24 (512) 854-9400</p> <p>25 CYNTHIA.VEIDT@TRAVISCOUNTYTX.GOV</p> <p>ON BEHALF OF DEFENDANT JACQUELYN CALLANEN:</p> <p>LISA CUBRIEL, ESQUIRE</p> <p>BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE</p> <p>101 W NUEVA ST.</p> <p>SAN ANTONIO, TX 78205</p> <p>(210) 335-2311</p> <p>LISA.CUBRIEL@BEXAR.ORG</p>
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<p>1</p> <p>2 ORAL AND VIDEOCONFERENCE DEPOSITION OF</p> <p>3 MS. MARIA TERESA KUMAR</p> <p>4 APRIL 5, 2022</p> <p>5</p> <p>6 ORAL AND VIDEOCONFERENCE DEPOSITION OF</p> <p>7 MS. MARIA TERESA KUMAR, produced as a witness at the</p> <p>8 instance of the INTERVENOR-DEFENDANT, and duly sworn,</p> <p>9 was taken in the above-styled and numbered cause on</p> <p>10 APRIL 5, 2022, from 11:02 a.m. to 3:10 p.m., before</p> <p>11 Michelle Hartman, Certified Shorthand Reporter and</p> <p>12 Registered Professional Reporter in and for the State of</p> <p>13 Texas, reported by machine shorthand via Zoom</p> <p>14 videoconference, pursuant to the Federal Rules of Civil</p> <p>15 Procedure, the Emergency Orders regarding the COVID-19</p> <p>16 State of Disaster, and the provisions stated on the</p> <p>17 record or attached hereto.</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 4</p> <p>1 ON BEHALF OF INTERVENOR-DEFENDANT TERRIE PENDLEY AND</p> <p>2 LUPE TORRES:</p> <p>3 MUNERA AL-FUHAID, ESQUIRE</p> <p>4 TEXAS PUBLIC POLICY FOUNDATION</p> <p>5 901 CONGRESS AVE</p> <p>6 AUSTIN, TX 78701</p> <p>7 (512) 472-2700</p> <p>8 INFO@TEXASPOLICY.COM</p> <p>9 ON BEHALF OF DEFENDANT YVONNE RAMON:</p> <p>10 LEIGH TOGNETTI, ESQUIRE</p> <p>11 HIDALGO COUNTY DISTRICT ATTORNEY'S OFFICE</p> <p>12 213 S CLOSNER BLVD</p> <p>13 EDINBURG, TX 78539</p> <p>14 (956) 318-2570</p> <p>15 LEIGH.TOGNETTI@DA.CO.HIDALGO.TX.US</p> <p>16 ALSO PRESENT: ABIGAIL ANZEK, VIDEOGRAPHER</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>
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8 EXHIBITS (IN ORDER OF APPEARANCE)

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1 videographer and Notary. I am located in my place of

2 business in Helotes, Texas.

3 Counsel, will you please state your

4 agreement for this remote deposition and the remote

5 swearing of the witness by stating your name, who you're

6 representing, and the city you are currently in.

7 MS. HUNKER: Kathleen Hunker with the

8 intervenor-defendant Ken Paxton. I'm currently in

9 Austin, Texas, and agree.

10 MS. JOHNSON: Mindy Johnson on behalf of

11 plaintiffs, currently in Seattle, Washington with the

12 witness, and I agree.

13 MS. VEIDT: Cynthia Veidt on behalf of

14 Defendant Elfant. I'm currently in Austin, Texas, and I

15 agree.

16 MS. CUBRIEL: Lisa Cubriel on behalf of

17 defendant Jacquelyn Callanen. I'm currently in San

18 Antonio, Texas, and I agree.

19 MS. AL-FUHAID: Munera Al-Fuhaid on

20 behalf of intervenor-defendants Terrie Pendley and Lupe

21 Torres. I am in Austin, Texas, and I agree.

22 MS. TOGNETTI: Leigh Tognetti on behalf

23 of Defendant Yvonne Ramon. I'm in Edinburg, Texas, and

24 I agree.

25 THE VIDEOGRAPHER: Wonderful. Court

Page 6

1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are on the record

3 at 11:02 a.m., today, April 5, 2022 to depose designated

4 representative of Voto Latino, Maria Teresa Kumar, in

5 the case styled Texas State Lulac Voto Latino v. Bruce

6 Elfant, in his official capacity as the Travis County

7 Tax Assessor Collector; Jacquelyn Callanen, in her

8 official capacity as the Bexar County Elections

9 Administrator; Isabel Longoria, in her official capacity

10 as the Harris County Elections Administrator; Yvonne

11 Ramon, in her official capacity as the Hidalgo County

12 Elections Administrator; Michael Scarpello, in his

13 official capacity as the Dallas County Elections

14 Administrator; Lisa Wise, in her official capacity as

15 the El Paso County Elections Administrator, and Ken

16 Paxton, in his official capacity as Attorney General of

17 Texas, Lupe C. Torres, in her official capacity as

18 Medina County Elections Administrator, and Terrie

19 Pendley, in her official capacity as Real County Tax

20 Assessor Collector, in the cause numbered

21 1:21-CV-00546-LY.

22 This deposition is taking place remotely

23 via Zoom in accordance with the Emergency Order of

24 COVID-19 State of Disaster and in accordance with the

25 Texas Rules of Civil Procedure. I am Abigail Anzek,

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1 reporter, will you please swear in the witness.

2 MARIA TERESA KUMAR,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 Q. (BY MS. HUNKER) Thank you. Good

6 Afternoon Ms.Kumar -- oh, good morning Ms. Kumar. How

7 are you?

8 A. I'm well. How are you?

9 Q. Doing very well. As you might have heard,

10 my name is Kathleen Hunker. I am representing the

11 Intervenor-Defendant Ken Paxton, who is the Attorney

12 General in his official capacity. Can you please state

13 and then spell your name for the record?

14 A. My name is Maria Teresa Kumar. M-A-R-I-A

15 T-E-R-E-S-A K-U-M-A-R.

16 Q. Thank you. Ms. Kumar, I'm going to start

17 with some instructions and introductory questions.

18 After that's done I'll move on to the main section of

19 the deposition. Okay?

20 A. Okay.

21 Q. Have you ever been deposed before?

22 A. Yes.

23 Q. How many times?

24 A. Once.

25 Q. And do you remember what case that was

Page 9

1 for?

2 A. It was for a Texas case in 2020 -- in the

3 summer 2020.

4 Q. And was this a case where Voto Latino

5 was -- let me rephrase that.

6 Were you speaking on behalf of yourself

7 or on behalf of Voto Latino?

8 A. Voto Latino.

9 Q. And was this a case where Voto Latino sued

10 the State of Texas?

11 A. Correct.

12 Q. And was this regarding election laws?

13 A. Correct.

14 Q. And do you happen to remember what the

15 case name was?

16 A. I do not.

17 Q. Do you remember what the subject matter of

18 the case was?

19 A. It was voter restrictions.

20 Q. And you understand that you are under

21 oath, correct?

22 A. Correct.

23 Q. The court reporter -- you'll need to

24 provide verbal answers like "yes" or "no" rather than

25 nodding or shaking your head. Does that make sense?

Page 10

1 A. Yes.

2 Q. It also helps the court reporter if we

3 don't talk over each other. I'll do my best to wait for

4 you to finish your answers. Will you do your best wait

5 for me to finish my questions?

6 A. Yes.

7 Q. If you don't understand the question, will

8 you please let me know. I am happy to repeat or

9 rephrase the question as needed.

10 A. Thank you.

11 Q. And if you do answer the question, I'm

12 going to assume that you understood the question; is

13 that fair?

14 A. Sounds good.

15 Q. If you need a break at any time, that's

16 fine, just let me know. My only request is that you

17 answer any pending question before we take the break.

18 Is that okay?

19 A. Okay.

20 Q. Also, if you hear an objection from your

21 counsel, I ask that you go ahead and answer the

22 question, unless you're instructed not to answer. Okay?

23 A. I defer to my -- to my counsel on how to

24 respond to that.

25 MS. JOHNSON: Yes, that's the way it's

Page 11

1 normally done. I'll instruct you not to answer. My

2 objection is one that should prevent you from answering.

3 Q. (BY MS. HUNKER) So is that okay?

4 A. I'm not clear on what the answer (sic)

5 was, quite frankly.

6 MS. JOHNSON: Yeah, that -- that is the

7 way that it's typically done. If I say "objection,"

8 it's usually for the record. I'll instruct you not to

9 answer if it's something you should not answer.

10 THE WITNESS: Okay.

11 Q. (BY MS. HUNKER) Are you aware of anything

12 that will affect your ability to testify truthfully

13 today?

14 A. No.

15 Q. Have you consumed any alcohol or drugs

16 today?

17 A. No.

18 Q. As you can tell, we are conducting this

19 deposition remotely by means of a video conferencing

20 service. For the most part, these depositions run

21 smoothly, but on occasion the technology acts up. In

22 the event one of us is frozen or in the event you do not

23 hear my question, can you please let me know?

24 A. Yes.

25 Q. I will attempt to do the same. If you

Page 12

1 haven't voiced your concern, I am going to assume that

2 the technology is working on your end. Is that okay?

3 A. Yes.

4 Q. All right. I'm going to bring up our

5 first exhibit for today. I'm first going to share it in

6 the chat function and then I will do it by shared

7 screen. So just give me a quick moment. It should now

8 be in the chat function in the event you want to look at

9 your own copy or in the event that the counsels who are

10 participating wish to look as well.

11 Okay. Do you see the document on screen?

12 (WHEREUPON, the document was marked for

13 identification as Exhibit No. 1 and is

14 attached hereto.)

15 A. I do.

16 Q. Can you read it clearly?

17 A. I can, yes.

18 Q. The title of the document reads,

19 "Intervenor-Defendant Texas Attorney General Ken Paxton

20 amended Notice of Intent to take the oral and videotaped

21 deposition of Plaintiff Voto Latino pursuant to Rule

22 30(b)(6)." Did I read that correctly?

23 A. Yes.

24 Q. Have you seen this document before?

25 A. I have.

Page 13

1 Q. Do you understand that this is the
 2 deposition notice served under Rule 30(b)(6) of the
 3 Federal Rules of Civil Procedure?
 4 A. Yes.
 5 Q. Do you understand that you are here today
 6 pursuant to this notice?
 7 A. Yes.
 8 Q. Do you understand that Voto Latino has
 9 designated you to provide testimony on Voto Latino's
 10 behalf?
 11 A. Correct.
 12 Q. Do you understand that your answers here
 13 today are binding on the organization?
 14 A. Yes.
 15 Q. Are you prepared to testify on the topics
 16 listed in this notice?
 17 A. Yes.
 18 MS. JOHNSON: I'll just note right here
 19 for the record that we did submit written objections to
 20 a few of the topics contained within this notice. I
 21 think we can proceed on a question-by-question basis,
 22 but I just wanted to note that for the record. I
 23 believe it was two, three, and seven.
 24 MS. HUNKER: Thank you. And, Counsel, if
 25 any specific question you think crosses a line into your

Page 14

1 objection, just please raise it then and we can discuss.
 2 MS. JOHNSON: Absolutely.
 3 Q. (BY MS. HUNKER) So, Ms. Kumar, I'm not
 4 sure if I heard your answer to the question. Are you
 5 prepared to testify on the topics listed in this notice?
 6 A. I -- I defer to my counsel on the ones
 7 that she -- that we raised objections to, but yes.
 8 Q. Okay. Have you -- have you brought any
 9 documents with you today?
 10 A. No.
 11 Q. How did you prepare for today's
 12 deposition?
 13 A. I reviewed the documents that we submitted
 14 to you; the actual complaint, this paper in front of us,
 15 and then also any articles that we submitted, any
 16 supporting documents. I also spoke to my counsel and to
 17 my staff who have helped to prepare for this.
 18 Q. So you mentioned you spoke to your
 19 counsel. I'm going to ask a couple of questions about
 20 that. As a caveat, I don't want to know the substance
 21 of the communications you have with your counsel.
 22 Do you understand that caveat?
 23 A. I do.
 24 Q. How many times did you speak with your
 25 counsel?

Page 15

1 A. Numerous times.
 2 Q. About this deposition, you got a rough
 3 approximation?
 4 A. No, numerous times.
 5 Q. Do you know how long those meetings were?
 6 A. About 2 1/2 hours, give or take.
 7 Q. And if you had to total the amount of
 8 hours you spent prepping with your counsel on this,
 9 would you give me an approximate amount?
 10 A. I'd say roughly probably around five
 11 hours, six hours.
 12 Q. And you also mentioned you spoke with
 13 staff, correct?
 14 A. Mm-hmm.
 15 Q. Who of your staff did you speak to?
 16 A. Principally, Amir Patel. He's charged
 17 with our programs.
 18 Q. And what was the substance of these
 19 communications?
 20 A. Requesting supporting documents that -- to
 21 prepare for this case.
 22 Q. And so your conversations with him were
 23 about the documents that were submitted in this case; is
 24 that correct?
 25 A. Correct.

Page 16

1 Q. And how many times did you speak to Amir?
 2 A. Numerous times.
 3 Q. You know roughly how many hours you spoken
 4 to him in the course of preparing for this deposition?
 5 A. That I can't say. I'm not quite sure.
 6 Q. So if I recall correctly, you mentioned
 7 you reviewed the complaint, you reviewed the documents
 8 that Voto Latino produced in this case, and you reviewed
 9 the deposition notice; am I right in that assessment and
 10 summary?
 11 A. Yes.
 12 Q. Were there any other documents that I did
 13 not list that you reviewed leading up to this
 14 deposition?
 15 A. No.
 16 Q. I am going to pull this document down for
 17 the moment but we will be returning to it and instead,
 18 moving on to -- Exhibit Number 2, which I've just placed
 19 into the share drive.
 20 Ms. Kumar, do you see the document on
 21 your screen?
 22 (WHEREUPON, the document was marked for
 23 identification as Exhibit No. 2 and is
 24 attached hereto.)
 25 A. Yes.

Page 17

1 Q. Can you read it clearly?
 2 A. I can.
 3 Q. The document reads, "Complaint for
 4 Declaratory and Injunctive Relief".
 5 Did I read that correctly?
 6 A. Yes.
 7 Q. Now, you mentioned you had read the
 8 document before today. Did you read this complaint
 9 before you filed --
 10 A. I did.
 11 Q. -- before you filed with the court?
 12 A. Yes.
 13 Q. And you're aware that by filing this
 14 document, Voto Latino initiated the lawsuit you and I
 15 are here to discuss, correct?
 16 A. Correct.
 17 Q. Do you think you are adequately familiar
 18 with Voto Latino and the facts of this case to testify
 19 on behalf of Voto Latino?
 20 A. I am.
 21 Q. If at any point you think you cannot
 22 answer a question on behalf of Voto Latino, will you
 23 please let me know?
 24 A. I will.
 25 Q. Thank you. I'm going to pull that down

Page 18

1 for a moment. Ms. Kumar, where do you currently live?
 2 A. Washington, D.C.
 3 Q. And how long have you lived in
 4 Washington, D.C?
 5 A. For a very long time. Fifteen years or
 6 so.
 7 Q. Where did you live before Washington, D.C?
 8 A. I was a student in Cambridge that was a
 9 temporary residence and then prior to that
 10 Washington, D.C. And then prior to that my hometown of
 11 Sonoma, California. Right now we're talking decades.
 12 Q. And when you say Cambridge, you mean
 13 Cambridge, Massachusetts or Cambridge, United Kingdom?
 14 A. I mentioned Cambridge, Massachusetts.
 15 Q. Have you ever been a Texas resident?
 16 A. No.
 17 Q. Have you ever voted in Texas before?
 18 A. No [inaudible].
 19 Q. Have you ever been registered to vote in
 20 Texas before?
 21 A. No.
 22 Q. Are you a Certified Deputy Voter Registrar
 23 in any of the Texas counties?
 24 A. I am not.
 25 Q. Have you ever helped someone register to

Page 19

1 vote in Texas?
 2 A. Through digital -- through digital
 3 advertising, yes, through Voto Latino.
 4 Q. So outside of digital advertising, have
 5 you helped someone register to vote in Texas?
 6 A. No.
 7 Q. Is it safe to say then you have only
 8 limited experience with Texas registration process?
 9 A. No. We've been doing voter -- conducting
 10 voter registration in Texas in particular since 2010. I
 11 have a -- a family in Texas in El Paso. I'm quite
 12 familiar with the laws.
 13 Q. And what role do you occupy with Voto
 14 Latino?
 15 A. I am the president of Voto Latino.
 16 Q. And how long have you occupied this
 17 position?
 18 A. For 18 years.
 19 Q. And is that since the organization's
 20 founding?
 21 A. Correct.
 22 Q. What are your duties?
 23 A. I am charged with strategy for the
 24 organization. I'm charged with overseeing the
 25 organization, raising money for the organization, and

Page 20

1 being the spokesperson, the outward face of the
 2 organization.
 3 Q. Is this a full-time position?
 4 A. It is.
 5 Q. And I assume if it's a full-time position,
 6 it's also a paid position?
 7 A. It is.
 8 Q. Do you report to anybody as president or
 9 you the head of the organization?
 10 A. I report to my board.
 11 Q. And who reports directly to you?
 12 A. I have my executive director, who reports
 13 directly to me and my assistant.
 14 Q. Were you elected or appointed into the
 15 position of president?
 16 A. I co-founded the organization.
 17 Q. So you have the position that you've had
 18 since the beginning of the organization's founding,
 19 correct?
 20 Is that a "yes"?
 21 A. Yes, correct.
 22 Q. Thank you.
 23 A. Am I not speaking loud enough because I
 24 think you're -- you're missing me, so I'll probably --
 25 Q. Let me turn up the volume for my computer

Page 21

1 just in case.
 2 What is the highest degree of education
 3 you attained?
 4 A. My master's.
 5 Q. And where did you obtain that master's
 6 degree?
 7 A. Harvard.
 8 Q. And what was the subject?
 9 A. Public policy and governance.
 10 Q. Was there any specialty or concentration,
 11 or --
 12 A. Concentration was the intersection of
 13 technology and -- business and technology and governing.
 14 Q. Do you have any other graduate degrees?
 15 A. No. My mother would hope so, but no.
 16 Q. Where did you attend for undergrad?
 17 A. UC Davis.
 18 Q. And when did you graduate from Harvard --
 19 Harvard?
 20 A. 2001.
 21 Q. And when did you graduate from UC Davis?
 22 A. '97.
 23 Q. Prior to your work with Voto Latino, what
 24 did you do for a living?
 25 A. I worked in the private sector.

Page 22

1 Q. In what capacity?
 2 A. I did business development for health care
 3 companies.
 4 Q. Any specific health care companies?
 5 A. No. It was -- the organization I worked
 6 for was a research firm called the Advisory Board, and
 7 we advised health care companies on how to improve their
 8 practices and their day-to-day operations.
 9 Q. Understood. And have you had any other
 10 paid employment since you graduated college?
 11 A. Several.
 12 Q. Can you go into them a little bit?
 13 A. It could go way back. I did everything
 14 from temporary work to working for a -- for Congress.
 15 For several years to working for an organization called
 16 La Media, a public relations firm where we provided
 17 counsel for AT&T.
 18 Q. You mentioned you work for Congress, do
 19 you work for a specific Congressman?
 20 A. Vic Fazio, he sadly passed last week.
 21 Q. I'm sorry to hear that. Where did he
 22 represent?
 23 A. Yellow County, UC Davis. He was my
 24 representative from college.
 25 Q. Now, was he a Democrat or Republican?

Page 23

1 A. He was a Democrat.
 2 Q. And how long did you work for the
 3 congressman?
 4 A. Not long enough, 2 1/2 years. He retired
 5 on me.
 6 Q. Ms. Kumar, do you see the deposition
 7 notice back on your screen?
 8 A. Yes.
 9 Q. All right. Let's scroll down to the
 10 topics. The first one reads, "Voto Latino's mission,
 11 formation, and current organizational structure."
 12 Did I read that correctly?
 13 A. Yes.
 14 Q. Did you prepare to speak about this topic?
 15 A. Yes.
 16 Q. What did you do to prepare to speak about
 17 this topic?
 18 A. I wrote the mission statement and I've
 19 created the structure, so.
 20 Q. So you're basing this off personal
 21 experience?
 22 A. Yes.
 23 Q. And what is Voto Latino?
 24 A. We are an organization that targets young
 25 Latinos to encourage them to participate in our

Page 24

1 democracy.
 2 Q. And when was it formed?
 3 A. 2004.
 4 Q. And you mentioned you started it?
 5 A. I was one of the co-founders, yes.
 6 Q. And who was the other co-founder?
 7 A. Rosario Dawson.
 8 Q. And what was the motivation of starting
 9 Voto Latino?
 10 A. 2003 the census came out -- the polling
 11 census came out saying that Latinos were the second
 12 largest group of Americans, and we decided that it was
 13 an opportunity for us to start enfranchising Latino
 14 voters. I deeply believe in our democracy and a
 15 functioning democracy ensures that every single person
 16 has an access -- has the right to vote.
 17 Q. Is Voto Latino a non-partisan
 18 organization?
 19 A. Yes.
 20 Q. So you don't endorse any candidates,
 21 correct?
 22 A. We've endorsed one candidate in the
 23 history of Voto Latino, and that was Joe Biden.
 24 Q. So outside of Joe Biden, you have not
 25 endorsed any candidate; is that correct?

Page 25

1 A. Correct.

2 Q. And similarly, you don't endorse

3 propositions that are on the ballot; is that correct?

4 A. Correct.

5 Q. Does your organization take up positions

6 regarding policy debates?

7 A. We do.

8 Q. What are some of the examples of positions

9 taken by Voto Latino?

10 A. Access to voting booths through trying

11 to -- we pass the John Lewis Act, Voter Rights Act, the

12 Freedom to Vote Act. We also take positions on a

13 woman's free agency over her body, right to choose,

14 climate, and a -- a fair immigration policy that

15 includes pathway to citizenship. That's the only time

16 we get into a debate.

17 Q. So it sounds like the positions that you

18 focus on are somewhat concentrated on election and

19 voting related policies, but also extend to other areas

20 such as reproductive health, immigration, climate

21 change, and education. Is that a fair assessment?

22 A. Yes.

23 Q. Does Voto Latino endorse legislation at

24 all?

25 A. We -- we educate folks on the -- on

Page 26

1 legislation, but we don't endorse legislation, if that

2 makes sense.

3 Q. I think it does. So when you say that you

4 take policy positions, you're providing education about

5 those positions as opposed to endorsing a specific piece

6 of legislation; is that correct?

7 A. Correct.

8 Q. Can you please describe for the record

9 what Voto Latino's mission is?

10 A. To expand the electoral process, Voto

11 Latino's mission is to shake up the political process by

12 encouraging new voters into that process.

13 Q. What do you mean by "shake up"?

14 A. When you have more people at the table

15 voicing issues, you have a tendency of having better

16 outcomes because those policies will reflect a larger

17 pool of a population. Kids like the word "shake up."

18 Q. Yeah, drew my attention.

19 From top to bottom, how is Voto Latino

20 organized?

21 A. You have a board and there's myself. Then

22 there is my executive director, and then we have a

23 section of -- we have three VPs, and then under the

24 VP's, we have a personnel that lead up to them. We're

25 not that large of an organization.

Page 27

1 Q. How large roughly would you say you are?

2 A. Roughly 14.

3 Q. Is that including the board members? Are

4 they considered separate?

5 A. Separate.

6 Q. Are there chapters of Voto Latino or is it

7 just one national organization?

8 A. We don't have chapters. We have a city

9 ambassador, so to speak, and volunteers.

10 Q. Do you have any city ambassadors in Texas?

11 A. Several volunteers, we call them super

12 volunteers. We have several.

13 Q. And where are they located?

14 A. All over, frankly.

15 Q. So they're not concentrating one or two

16 specific cities, they're just floating about in Texas?

17 A. I -- I don't think they consider

18 themselves floating about, but, yes, they're -- they're

19 all over Texas.

20 Q. And are you in communication with these

21 city volunteers regarding SB 1111?

22 A. We've had to train them on SB 1111.

23 Q. Who manages the day-to-day operations of

24 Voto Latino, you?

25 A. No, our executive director.

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1 MS. JOHNSON: Kathleen, I don't know if

2 it's just me, but your sound is going in and out a

3 little bit. We can keep going, but it just started for

4 me.

5 THE WITNESS: Mm-hmm.

6 MS. HUNKER: All right. Let me know if

7 it -- it -- if it continues. I'll try to fix it then.

8 THE WITNESS: You're in and out.

9 MS. JOHNSON: It's still doing it. It --

10 it's interesting you'll start out fine and then it'll

11 dip down kind of at the end of the sentence.

12 MS. HUNKER: All right. Do you mind if

13 we off the record for one moment. We'll see if I can

14 get some --

15 MS. JOHNSON: No problem.

16 THE VIDEOGRAPHER: And we are off the

17 record.

18 (Break taken)

19 THE VIDEOGRAPHER: Okay. We are back on

20 the record at 11:32 a.m.

21 Q. (BY MS. HUNKER) Ms. Kumar, I believe just

22 before we went off the record, we were discussing who

23 manages --

24 THE WITNESS: You're having microphone

25 issues again.

Page 29

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.

Page 30

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

Page 31

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

Page 32

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?

Page 33

1 A. Yes.

2 Q. And if you notice, there's "X" where it

3 says, "no."

4 A. Correct.

5 Q. Is that correct?

6 A. Mm-hmm.

7 Q. Then if we move to further down page six.

8 Looking at line six it says, "Did the organization have

9 members or stockholders?"

10 Did I read line six correctly?

11 A. Correct.

12 Q. And that is also marked, no, correct?

13 A. Correct.

14 Q. And then if we look at 7A it says (as

15 read), "Did the organization have members, stockholders,

16 or other persons who had power to elect or appoint one

17 or more members of the governing body?"

18 Did I read that correctly?

19 A. Correct.

20 Q. And that also says, no, correct?

21 A. Mm-hmm.

22 Q. But if we look at 7B it says, "Are any

23 governance decisions of the organization reserved to (or

24 subject to approval by) members, stockholders, or

25 persons other than the governing body."

Page 34

1 Did I read that line correctly?

2 A. Yes.

3 Q. And it is also marked "no," correct?

4 A. Correct.

5 Q. Voto Latino is not a membership

6 organization, correct?

7 A. Correct.

8 Q. So you do not have due paying members,

9 correct?

10 A. No.

11 Q. And you do not have members that elect or

12 appoint members of Voto Latino's governing body; is that

13 right?

14 A. Correct.

15 Q. I am going to take that down. What does

16 Voto Latino mean by its constituency?

17 A. It is the folks that we register to vote

18 and the future voters. So, for example, in Texas, our

19 age demographic, our target demographic, is 17 to 29

20 year olds. We have registered close to half a million

21 voters since 2012 because we're a civic education

22 organization. We continue to talk to those voters after

23 we've registered them to inform them about issues that

24 may impact them that they've shared that they -- they

25 would like to keep abreast with. And then we consider

Page 35

1 our constituents to the future voters.

2 By 2024, Texas is -- is expected to have

3 an additional 800,000 Latino youth eligible to vote, and

4 so those are individuals that we are actively talking

5 to. Voto Latino enjoys a 70 percent brand recognition

6 within the state of Texas.

7 Q. So when you say half a million or 500,000

8 million voters, do you mean nationwide or in Texas?

9 A. In Texas.

10 Q. So you mentioned for the people you've

11 helped register to vote, is there an ongoing

12 relationship between you and them?

13 A. There is. And they -- we have what we

14 call a ladder of engagement. They're the ones that

15 become our volunteers, and then our super volunteers

16 eventually, the really engaged ones. And, ideally, some

17 of them actually end up running for office.

18 Q. So are these the individuals that Voto

19 Latino serves?

20 A. Yes. Well, as I shared, we believe that

21 we're serving current voters and we're starting to

22 franchise and educate future voters.

23 Q. So one of the category of voters that you

24 would be serving?

25 A. Correct.

Page 36

1 Q. Now, in both categories, do you know how

2 many constituents Voto Latino has in Texas?

3 A. Roughly, I would say probably around at

4 least a half a million.

5 Q. And that's including those who register to

6 vote and also those who will at some point register to

7 vote?

8 A. Correct. Yeah.

9 Q. Now, for those who are -- have not yet

10 registered to vote, how do you connect with them?

11 A. We meet them where they are. So we will

12 do everything from go to concerts to go to high schools

13 to find them on TikTok and Facebook and Instagram and

14 digital platforms.

15 Q. And these constituents don't pay dues,

16 right?

17 A. No.

18 Q. And they don't select the president or

19 executive director of Voto Latino?

20 A. That is correct.

21 Q. And they don't elect members of the

22 governing board?

23 A. Correct.

24 Q. So if someone wanted to become a

25 constituent of Voto Latino but had already registered to

Page 37

1 vote, how would they do so?
 2 A. They become volunteers.
 3 Q. And is there a process for ending the
 4 constituency relationship?
 5 A. They could unsubscribe or stop being a
 6 volunteer.
 7 Q. When you say "unsubscribe," do you mean
 8 like through an email list?
 9 A. Mm-hmm.
 10 Q. So would you consider anybody who is part
 11 of your email list to be a -- a constituent?
 12 A. Yes. And that half a million that I
 13 shared with you doesn't include them. I'd have to -- I
 14 don't know what that number is in Texas.
 15 Q. Okay. So if I understand this correctly,
 16 constituents so far include those who register to vote
 17 through Voto Latino, future voters, as well as
 18 individuals who have followed or subscribed to Voto
 19 Latino's mailing list?
 20 A. And who are volunteers.
 21 Q. Or volunteer. Those four categories.
 22 Are there any other categories of
 23 constituents like let's say somebody follows you on
 24 Facebook or Twitter, would they also count?
 25 A. In -- if they were in Texas, yes. So we

Page 38

1 talked to individuals all the time about their --
 2 about -- make it fun so they can talk about anything
 3 from canceling student debt to what is the latest --
 4 who's the latest concert that's going to Texas, main
 5 idea.
 6 Q. So -- so someone who posts on your
 7 Facebook page or who sends a message to you would also
 8 be considered a constituent, correct?
 9 A. Yes.
 10 Q. Would you --
 11 A. It's interaction. Normally, when it's
 12 interactions. Usually because they're asking for
 13 questions of clarification around their ability to vote
 14 for an issue, so yes.
 15 Q. You may have somewhat answered this
 16 already, but does Voto Latino keep records of whether
 17 its constituents are registered to vote?
 18 A. No. The only reason we -- the ones that
 19 we register, yes, but there are volunteers, for example,
 20 that may not -- may be too young to register, so we
 21 don't keep track of them.
 22 Q. So the only ones you keep track of in
 23 terms of voter registration would be the individuals you
 24 yourself helped --
 25 A. Correct.

Page 39

1 Q. -- register?
 2 A. Mm-hmm.
 3 Q. Does Voto Latino keep records of where its
 4 constituents live?
 5 A. Where they -- statewide, yes, but not so
 6 granular as well. If you're registered through us, we
 7 have your address and you will receive information from
 8 us, if that makes sense but --
 9 Q. It does.
 10 A. Okay.
 11 Q. So let me see if I understand this
 12 correctly. If you registered through Voto Latino,
 13 you're going to have some record of their address and
 14 you will use that address to keep them informed of
 15 activities of Voto Latino?
 16 A. Correct.
 17 Q. For other constituents, I assume if
 18 they're volunteering, you may have a rough approximation
 19 of where they live, like a state; is that right?
 20 A. Correct. We'll -- we'll have state and
 21 phone numbers.
 22 Q. But for constituents who are part of your
 23 mailing list or who interact with you on social media,
 24 they wouldn't necessarily have a sense of where they're
 25 located?

Page 40

1 A. No. All we can do for that is we could
 2 provide you cluster -- we could provide clusters of
 3 where people live.
 4 Q. And you have a rough sense of some of your
 5 constituency nationwide, what proportion of that is in
 6 Texas?
 7 A. The largest proportion is in Texas. A
 8 third of the people that we registered in 2020 came from
 9 Texas.
 10 Q. And how many was that?
 11 A. Close to 190,000 came from Texas.
 12 Q. And we'll talk a little bit more later on
 13 how you recruit for voter registration. I'm just going
 14 to put a pin on that because I -- I'd just be curious to
 15 learn how Voto Latino conducts its activities.
 16 All right. Do you see the document
 17 that's been shared on the screen?
 18 A. Yes.
 19 Q. This again is Exhibit 1, Rule 30(b)(6),
 20 notice of Voto Latino. And then if you look at
 21 subject two -- topic two, it reads (as read), "Voto
 22 Latino's affiliations, partnerships with other entities,
 23 past or present, including the nature and extent of
 24 interactions between Voto Latino and all such affiliate,
 25 partner, or member organizations or groups."

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1 Did I read that correctly?
 2 A. Yes.
 3 Q. How did you prepare to speak about this
 4 topic? Actually, let me ask the first question. Did
 5 you prepare to speak about this topic?
 6 A. Yes.
 7 Q. And how did you do so?
 8 A. Just getting clarification of what that --
 9 what it meant from my attorney. I wasn't quite sure
 10 what -- what it meant.
 11 Q. And outside of your conversation with your
 12 attorney, you didn't speak with anybody else in the
 13 organization?
 14 A. No.
 15 Q. And you didn't consult any documents,
 16 correct?
 17 A. Correct.
 18 Q. Okay. So before I go into this topic, I
 19 just want to clarify a couple of points to help
 20 facilitate our conversation.
 21 First, I understand that your
 22 organization is challenging what is commonly referred to
 23 as SB 1111; is that correct?
 24 A. Correct.
 25 Q. So there's an SB 1111 each regular session

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1 of the Texas Legislature. You understand that when I
 2 say "SB 1111" in the context of this deposition, I'm
 3 referring to the election law passed and signed by the
 4 governor during the 87th regular session, correct?
 5 A. Correct.
 6 Q. Do you understand that I may refer to
 7 SB 1111 as the "residency statute"?
 8 A. Correct.
 9 Q. And that when I do so, I mean the election
 10 law passed and signed by the governor during the 87th
 11 regular session?
 12 A. Correct.
 13 Q. With this in mind, do you contend that
 14 Voto Latino has affiliations or partnerships with groups
 15 that are going to be impacted by SB 1111?
 16 A. Yes.
 17 MS. JOHNSON: And I would just instruct
 18 the witness that she can answer that question, but to
 19 the extent that she feels it impairs the First Amendment
 20 associational privilege, she does not need to do
 21 anything that she feels would infringe upon that
 22 privilege.
 23 Q. (BY MS. HUNKER) So you said "yes," I
 24 believe?
 25 A. Yes.

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1 Q. Can you please identify those affiliations
 2 and partnerships?
 3 A. We work closely with MoveOn Texas,
 4 Battleground Texas, and MALDEF.
 5 Q. So I heard MoveOn Texas, Battleground
 6 Texas, but I did not hear the last one.
 7 A. MALDEF.
 8 Q. MALDEF. Any other organizations with
 9 affiliations or partnerships that you can think of that
 10 would be affected by SB 1111?
 11 A. A lot of them. LULAC. I mean, not that
 12 we coordinate with anybody -- with all of them, but
 13 several -- several organizations.
 14 Q. Okay. Can you please tell me about Voto
 15 Latino's affiliation with MoveOn -- MoveOn Texas?
 16 A. Oftentimes, we will do programmatic
 17 education things together on -- on the ground and that's
 18 pretty much the extent of it.
 19 Q. Okay. And how will your partnership be
 20 affected by the residency statute?
 21 A. I think the biggest challenge is that none
 22 of the groups really understands what the law really
 23 means and interpreting that, so it's difficult for us to
 24 coordinate it -- to coordinate according.
 25 Q. And outside of not understanding the

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1 statutory provisions, is there any other way that you
 2 think that your partnership with MoveOn will be
 3 affected?
 4 A. Our ability to do outreach to our
 5 constituency and to do the core of our work.
 6 Q. And do you -- do you having same
 7 constituencies as MoveOn?
 8 A. Similar. We focus on young Latino youth,
 9 specifically eligible voters, and they focus on the
 10 totality of all of Texas voters.
 11 Q. And can you please tell me about Voto
 12 Latino affiliation with Battleground Texas?
 13 A. Same as MoveOn.
 14 Q. And so there's a voter education
 15 component; is that right?
 16 A. Yes, correct.
 17 Q. And how will this partnership be affected
 18 by the residency statute?
 19 A. Same as -- as in MoveOn.
 20 Q. And can you please tell me about your
 21 affiliation with MALDEF?
 22 A. We have -- it's very similar talking about
 23 the chilling effects that this law has on -- on Texas
 24 voters as a whole.
 25 Q. And what about your affiliation with

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1 LULAC?
 2 A. Very similarly.
 3 Q. So all of your relationships seem to be
 4 centered on voter education; is that right?
 5 A. Correct.
 6 Q. And do you consider yourselves to have the
 7 same or similar constituencies as these four
 8 organizations?
 9 A. I think ours is a little more specific on
 10 who we're trying to engage with. Meaning that our --
 11 majority of the folks that we talked to all the time are
 12 young Latinos specifically, but they bleed into that
 13 constituency, if that makes sense.
 14 Q. Okay. Let's move on to topic number 3.
 15 It says (as read), "Voto Latino's current membership,
 16 including the members on whose behalf you have asserted
 17 a claim or who you otherwise purport to represent in
 18 this lawsuit."
 19 Did I read that correctly?
 20 A. Yes.
 21 Q. So we already discussed some of this topic
 22 before. Voto Latino does not have due paying members,
 23 correct?
 24 A. Correct.
 25 Q. Instead, Voto Latino has a constituency,

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1 correct?
 2 A. Correct.
 3 Q. So you're bringing this lawsuit on behalf
 4 of Voto Latino specifically, correct?
 5 A. Correct.
 6 Q. You're not bringing this lawsuit on behalf
 7 of any member, correct?
 8 A. Correct.
 9 Q. And you're not bringing this lawsuit on
 10 behalf of your constituency, correct?
 11 MS. JOHNSON: Object to form.
 12 Q. (BY MS. HUNKER) You can answer the
 13 question.
 14 A. I would say that we are also representing
 15 our constituents.
 16 Q. Are you bringing your lawsuit on behalf of
 17 them, though?
 18 MS. JOHNSON: Same objection.
 19 Q. (BY MS. HUNKER) Do you have another
 20 answer?
 21 A. Same.
 22 Q. Is there a specific constituent, then,
 23 that you were bringing this lawsuit on behalf of?
 24 A. I would say in this case it's the future
 25 voters.

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1 Q. Can you identify a specific member of your
 2 constituency that has been harmed?
 3 MS. JOHNSON: I would object on First
 4 Amendment grounds to the extent that this would not
 5 infringe any associational privilege under the First
 6 Amendment.
 7 You can answer.
 8 A. We haven't registered them yet.
 9 Q. (BY MS. HUNKER) And, actually, based off
 10 a point when you're talking about future members --
 11 future voters of your constituency, do you have an
 12 ongoing relationship with them or is this a relationship
 13 you seek to create?
 14 A. Both. So we help -- we identify young
 15 voters that -- pre -- pre-voter age of 16, 17 year olds
 16 and encourage them to get involved and ask them to
 17 pledge to register to vote, and then when they become
 18 voter -- when they're eligible, then we serve them
 19 information. And 50 -- roughly 56 percent of the people
 20 we registered in Texas last year to give you an idea
 21 were first-time voters.
 22 Q. So for some of the constituents, it sounds
 23 like you have a relationship, for others you do not, but
 24 you're seeking to form one?
 25 A. Correct.

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1 Q. All right. Let's move on to topic four
 2 (as read), "The factual basis for any contention that
 3 Voto Latino, as an organization, has suffered injury
 4 because of the passage of SB 1111, including the nature
 5 and extent to which SB 1111 has impaired or is expected
 6 to impair Voto Latino's financial expenditures or
 7 ability to perform its organizational activities."
 8 Did I read that correctly?
 9 A. Yes.
 10 Q. Did you prepare today to speak about this
 11 topic?
 12 A. I did.
 13 Q. How did you prepare?
 14 A. Through the -- through -- reading through
 15 the bill, reading through the documents that were
 16 submitted, and, basically, the -- the documents that we
 17 submitted to you, the supporting documents.
 18 Q. You'd agree with me that Voto Latino does
 19 not vote in the election, correct?
 20 A. Correct.
 21 Q. You'd agree with me that Voto Latino was
 22 not registered to vote, correct?
 23 A. Correct.
 24 Q. And would you agree with me that SB 1111
 25 does not directly regulate Voto Latino?

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1 MS. JOHNSON: Object to form.
 2 A. Can you ask the question again?
 3 Q. (BY MS. HUNKER) Yeah.
 4 Would you agree that SB 1111 does not
 5 directly regulate Voto Latino?
 6 MS. JOHNSON: Same objection. You can
 7 answer --
 8 THE WITNESS: Okay.
 9 MS. JOHNSON: -- unless -- unless I say
 10 not to answer but --
 11 THE WITNESS: Thank you. I will -- I
 12 will not answer.
 13 MS. JOHNSON: It's -- it's a hard -- no,
 14 it's a hard default. I won't explain every time. Yeah.
 15 MS. HUNKER: I just thought you was being
 16 very pensive.
 17 MS. JOHNSON: Also possible, so I didn't
 18 want to interrupt thinking.
 19 But yeah, I'll -- I'll specifically say
 20 I'm instructing you not to answer, so we'll proceed that
 21 way.
 22 THE WITNESS: Thank you. So I'm so
 23 sorry. Can you repeat the question, Kathleen?
 24 Q. (BY MS. HUNKER) That's no problem.
 25 You'd agree that SB 1111 does not

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1 directly regulate Voto Latino, correct?
 2 MS. JOHNSON: Objection.
 3 A. It -- it does regulate it because it
 4 basically changes in the format on how we planned on
 5 doing the work, and it actually has to expand our
 6 resources for the voter registration education that we
 7 didn't have to do in 2020.
 8 Q. (BY MS. HUNKER) Is that a direct
 9 restriction on Voto Latino's activities or is it simply
 10 an order to do the best that you can -- you need to
 11 change?
 12 A. No --
 13 MS. JOHNSON: Object to -- sorry. I just
 14 paused just one -- object to form.
 15 Okay. You can go ahead.
 16 A. It's direct. So prior to -- so we do our
 17 budget in two-year cycles. So in January of 2021, we
 18 had -- we were expecting to register roughly 175,000
 19 voters in Texas and identify 1.3 million people that
 20 we're going to target on educational campaigns.
 21 SB 1111, along with other voter
 22 restriction laws that were imposed since January of
 23 2021, actually had to -- we had to knock down our voter
 24 registration numbers by 25 percent and the people that
 25 we were going to inform and educate by close to a

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1 quarter because of -- we had to concentrate resources as
 2 a result.
 3 Q. (BY MS. HUNKER) What activity does
 4 SB 1111 prohibit you from engaging in?
 5 A. It has a chilling effect on our ability to
 6 communicate freely and declaratively to potential
 7 voters, and as a result we cannot do the same type of
 8 activities of speaking freely and encouraging them to
 9 register.
 10 Q. So what is the chilling effect exactly?
 11 A. Well, according to SB 11 -- 1111, as I
 12 understand it, you cannot register to vote if you are on
 13 a college campus because you're going to be living there
 14 temporarily, but then you also cannot register to vote
 15 in your home address. So that is a complete
 16 disenfranchisement of the individual.
 17 I think part of our challenge is that
 18 even the individuals that are filed in this lawsuit,
 19 they can't share with us what the right side of the law
 20 is. So it makes it difficult for us to be able to have
 21 conversations of enfranchisement for our community. We
 22 have to figure out how to share this information with
 23 our volunteers who are constantly in communication with
 24 potential voters and all that sort of stuff.
 25 Q. But SB 1111 doesn't prohibit you from

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1 speaking with voters, about voter registration, correct?
 2 A. So the majority of our voters are
 3 disproportionately young people and if they live on
 4 college campuses, it prohibits us from affirmatively
 5 stating that they're not going to be on the wrong side
 6 of the law if they register to vote on campus. We don't
 7 know that because it is not clear.
 8 Q. So it prevents you from actually speaking
 9 with them?
 10 I'm not talking about the content.
 11 I'm just asking does SB 1111 prohibit you
 12 from speaking to voters or prospective voters in regards
 13 to voter registration?
 14 MS. JOHNSON: Asked and answered.
 15 Q. (BY MS. HUNKER) You can answer.
 16 A. It's the same thing. It does because I
 17 cannot affirmatively tell someone that he lives on a
 18 college campus that they cannot -- they will not be on
 19 the wrong side of the law for registering to vote on
 20 that said campus.
 21 I can't also clarify with them that
 22 because it's a temporary address. They cannot -- they
 23 cannot register to vote in their home. I'm not quite
 24 sure how you register to vote, but when I was in
 25 college, I registered to vote on my college campus but

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1 with my parents' address, recognizing that I was going
 2 to be living -- I wasn't going to be a student at
 3 that -- at that address forever.
 4 Q. SB 1111 doesn't impose a penalty on you,
 5 though, from -- for speaking with students, correct? I
 6 can rephrase.
 7 You're not subject to criminal liability
 8 if you speak with college students, correct, about voter
 9 registration?
 10 A. That is correct. But this college student
 11 might be on the wrong side of the law if it's not done
 12 properly.
 13 MS. HUNKER: Well, I'm going to object to
 14 that last half as nonresponsive.
 15 I'm talking about Voto Latino's
 16 specifically.
 17 Q. (BY MS. HUNKER) Voto Latino is not
 18 subject to any criminal penalties for speaking with
 19 students regarding voter registration?
 20 A. Our job is to provide them with accurate
 21 information. So we don't have accurate information
 22 where they will not be on the wrong side of the law that
 23 impacts our ability to speak to them freely.
 24 MS. HUNKER: I'm again going to object as
 25 nonresponsive.

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1 My question is a little different.
 2 Q. (BY MS. HUNKER) I'm asking: Are you
 3 subject, you, Voto Latino, to criminal penalties or
 4 criminal liability if you speak with college students
 5 about voter registration?
 6 MS. JOHNSON: Objection: Asked and
 7 answered.
 8 A. My answer is the same. It's that we can't
 9 in good heart give someone erroneous information if
 10 they, in fact, may be penalized and on the wrong side of
 11 the law.
 12 Q. (BY MS. HUNKER) Do you at least --
 13 A. So we have an affect in our ability to
 14 actually communicate with our audience because we just
 15 the -- the law seems to be not clear and it hurts our
 16 ability to communicate directly.
 17 Q. So you're concerned about the impact on
 18 the students?
 19 A. Of course.
 20 Q. Is that correct?
 21 A. Of course.
 22 MS. HUNKER: So I'll just ask a general
 23 question how -- we're about an hour in or did you want
 24 to take a quick break and then I can move on to the meat
 25 of the next subject?

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1 THE WITNESS: That would be great.
 2 MS. HUNKER: How does 10 minutes sound?
 3 THE WITNESS: That sounds great. Thank
 4 you.
 5 THE VIDEOGRAPHER: Okay. Wonderful. We
 6 are off the record at 12:04 p.m.
 7 (Break taken)
 8 THE VIDEOGRAPHER: We are back on the
 9 record at 12:18 p.m.
 10 MS. HUNKER: Did you have a good break,
 11 Ms. Kumar?
 12 THE WITNESS: Yes.
 13 MS. HUNKER: That's good.
 14 Q. (BY MS. HUNKER) So my first question for
 15 you is a bit in general. How is Voto Latino injured by
 16 SB 1111?
 17 A. As I mentioned to you before, we do our --
 18 our budget in -- in -- in cycles. And so January 2021,
 19 we had provided that we were going to register roughly
 20 about 175,000 voters and we were going to reach out to
 21 1.3 million voters in Texas. As a result of SB 1111 and
 22 all the other laws that came into effect post-January,
 23 we had to reallocate our funding and lower our goals to
 24 concentrate on voter education.
 25 And so we lowered our goals in voter

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1 registration roughly about 25 percent and for voter
 2 outreach roughly at one point for 1.3 million to 500,000
 3 so that's roughly about 62 percent -- 60 percent. And
 4 then we also had because there -- the laws that were
 5 passed in the state of Texas and others, we actually had
 6 to shut down our Colorado program.
 7 It'll be the very first time that we are
 8 not doing voter registration and education in Colorado
 9 since 2010. And because one of the things that I think
 10 we can all appreciate is that there is not infinite
 11 amount of money or time. And so I've also -- we've also
 12 had to retool and teach our volunteers, educate them,
 13 provide information around primaries specifically to SB
 14 1111 and the other -- the other laws as well, and spent
 15 time on my counsel filing this lawsuit and the list goes
 16 on.
 17 Q. Okay. So first and foremost, it sounds
 18 like you're saying that they're required to divert
 19 resources; is that correct?
 20 A. That is correct.
 21 Q. I want to -- so how does SB 1111 cause
 22 Voto Latino to expand and divert resources? So you
 23 mentioned that you diverted them. I'm just trying to
 24 understand the mechanism by which they are diverted.
 25 A. We have a fundraising goal and through

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1 that original fundraising goal, we were going to do X
 2 amount of voter registrations. We had to drop that
 3 number down by 25 percent and we had to drop down the
 4 number of low propensity voters that we were going to
 5 reach so that we can make sure that, again, it --
 6 SB 1111 along with SB 1 how -- how that was going to
 7 impact our folks.

8 I also -- we also had to take time with
 9 our attorneys so that they can brief our staff to learn
 10 what they can communicate. We had to retool our
 11 strategy and our communications and get up to speed.
 12 And then we also had to teach our volunteers how to
 13 speak with -- speak to it as well.

14 Q. And what are you doing differently today
 15 on account of the residency statute that you were not
 16 doing since the organization was founded?

17 A. When Voto Latino was founded -- Voto
 18 Latino, the Action Fund was not founded until 2014.
 19 Roughly 10 years after the organization was founded, the
 20 sister organization was founded and it was in a direct
 21 result of the gutting of the Voting Rights Act of Shelby
 22 County and one of the states that we had to expand our
 23 voter education program into was Texas.

24 So since our founding, we've actually had
 25 to create a whole new body of work, so to speak, to

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1 enfranchise as many voters as possible. We thought
 2 that, you know, Texas did a fine job in 2020. They
 3 certified a fair, free election. Young voters turned
 4 out in record number, and it was something to be
 5 applauded. Instead, we found that 2021 because of two
 6 years of consistent increase of voter participation
 7 among youth, particularly, along -- among Latinos,
 8 additional barriers were put in place that we had not
 9 calculated in 2020.

10 I don't think anybody saw that again
 11 after a fair, free certified election in the hardest to
 12 vote state that the state was going to create more
 13 barriers to voting. And so that caught our organization
 14 by surprise.

15 Q. So is it the fact that you have to create
 16 new materials, the fact that you had to train people in
 17 the new law, is that where the diversion is coming from?

18 A. Several things. I think we could agree
 19 that we -- what we don't have is endless resources
 20 and -- and we have finite time. And so as a result, we
 21 have to live in with those -- with -- with those
 22 confinements when it comes to the work that we do. And
 23 we've had to retool our work because, again, we
 24 didn't -- we didn't think that after the hardest to vote
 25 state in 2020, certified a fair, free election, and you

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1 saw an increase in participation that the state
 2 legislators' decision was to make it even harder. And
 3 so we had to retool based on our experience working in
 4 Texas for the last 10 years.

5 Q. So you talked about Texas experience in
 6 2020, how familiar are you with the election in 2020 in
 7 Texas specifically?

8 A. We register -- the most -- the most voters
 9 that we registered as an organization came from Texas
 10 roughly 190,000 registered voters that we did. We
 11 did --

12 Q. -- are you -- sorry, I didn't mean to
 13 interrupt. Keep going.

14 A. No, go ahead.

15 Q. I was just curious if you were familiar
 16 with how the election itself was conducted, not the
 17 voter registration side, but the actual election.

18 A. We do a lot of information on how to get
 19 out the vote, and I don't quite understand your
 20 question, I guess.

21 Q. Okay. So I'll give you an example.
 22 Were you familiar with the different
 23 lawsuits that were filed in Texas challenging various
 24 provisions of the Texas election code in 2020?

25 A. Yes, we -- we were one of those.

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1 Q. Yes. Were you aware of lawsuits that were
 2 filed by the different parties in regards to how the
 3 election was conducted, both against the counties and
 4 against the state?

5 A. Less so.

6 Q. Okay. Were you aware that the Texas
 7 Governor by Executive Order amended several provisions
 8 of the election code for the purposes of the pandemic
 9 and crises?

10 A. Yes.

11 Q. Were you aware that there was a lot of
 12 resistance in regards to the vote of -- the Governor
 13 using his emergency powers?

14 A. Less familiar.

15 Q. Are you familiar with the controversy in
 16 Harris County in regards to drive-through voting and the
 17 litigation that resulted as if it is --

18 MS. JOHNSON: Kathleen -- Kathleen, what
 19 topic does this relate to you in the notice?

20 MS. HUNKER: Well, she brought up -- she
 21 brought up Harris County specifically -- she brought up
 22 election in 2020 as an example and using that to compare
 23 what she's doing now. And I'm trying to understand her
 24 knowledge of how 2020 works so we can kind of get to
 25 those distinctions.

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1 MS. JOHNSON: Yeah, I understand that.
 2 MS. HUNKER: It's a reaction to her
 3 comments. Like I wouldn't be bringing this up if it
 4 weren't for the comments.
 5 MS. JOHNSON: I understand, and I think
 6 we gave some leeway with those initial comments. But at
 7 this point, I'm going to object to outside the scope of
 8 the knowledge -- outside of the scope of the notice.
 9 Excuse me. But you can answer if you can.
 10 Q. (BY MS. HUNKER) You can answer.
 11 A. Can you repeat the question, Kathleen?
 12 Q. Oh, yes. Are you familiar with the
 13 controversy in Harris County regarding drive-through
 14 voting and the ensuing litigation [inaudible]?
 15 MS. JOHNSON: Same objection.
 16 A. I know that right -- I'm actually not --
 17 I'm not as familiar. I know that there was -- that
 18 drive-through voting was allowed and --
 19 Q. (BY MS. HUNKER) You were --
 20 A. -- we were suggesting to -- to use it.
 21 Q. Were you aware of the controversy
 22 surrounding the number of ballot delivery locations in
 23 the 2020 election?
 24 MS. JOHNSON: Objection to outside the
 25 scope of the notice.

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1 Q. (BY MS. HUNKER) So you mentioned that
 2 Texas certified a free, fair election in 2020, correct?
 3 A. Correct.
 4 Q. But you're not actually aware of the
 5 details and the controversies that occurred within the
 6 Texas election in 2020, correct?
 7 MS. JOHNSON: Object to form:
 8 Mischaracterizes her testimony and outside of the scope
 9 of the notice.
 10 Q. (BY MS. HUNKER) You can answer.
 11 A. I defer to my counsel.
 12 Q. She didn't instruct you not to answer. So
 13 if you can answer, please.
 14 MS. JOHNSON: Yeah, you can answer.
 15 A. Is it okay if you could repeat the
 16 question, Kathleen?
 17 Q. (BY MS. HUNKER) So you mentioned that
 18 Texas had a free and fair election in 2020, correct?
 19 A. Yes.
 20 Q. Okay. But you are not aware of the
 21 controversies that occurred in conducting that election;
 22 is that correct?
 23 MS. JOHNSON: Same objections.
 24 A. There were several controversies, can you
 25 point to one.

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1 Q. (BY MS. HUNKER) Yes, but I'm simply
 2 asking like you are alleging that Texas had a smooth
 3 election?
 4 A. I am not alleging that. I said that there
 5 was a fair, free election that was certified.
 6 Q. Okay. Would it surprise you though that
 7 the Texas Legislature would respond to the controversies
 8 with legislation?
 9 MS. JOHNSON: Object to form: Calls for
 10 speculation; outside of the scope of the notice.
 11 Q. (BY MS. HUNKER) You can answer.
 12 A. So if it -- if the state legislature had
 13 passed SB 1111 on bipartisan lines, I think it would
 14 be -- I'd be much more comfortable saying that it was in
 15 direct response to these concerns that you arise. But
 16 in fact, it was very much on partisan lines. And so as
 17 a result, it -- it makes one question the reason why
 18 we're having these conversations in the first place when
 19 it comes to passing this legislation.
 20 Q. So would you consider suspect any use of
 21 legislation that's voted on party lines?
 22 A. When it comes to the enfranchisement of --
 23 of a people, absolutely.
 24 Q. Voto Latino has initiated a lawsuit
 25 challenging "SB 1," correct?

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1 A. Correct.
 2 Q. And so we're clear, you understand that by
 3 SB 1, I'm referring to the Omnibus Elections Bill
 4 enacted by the 87th Texas Legislature during the second
 5 special session? Are you -- you understand that?
 6 A. Correct. But we're not --
 7 Q. In that case, Voto Latino contends that it
 8 was injured by SB 1, correct?
 9 MS. JOHNSON: What topic does this relate
 10 to, Kathleen?
 11 MS. HUNKER: It's going to be tying in
 12 directly to the harm that's alleged here. The same
 13 topics got brought up with your corporate representative
 14 LULAC.
 15 MS. JOHNSON: Okay. I would object
 16 outside the scope of the notice.
 17 But you can answer if you can.
 18 A. So what's the question?
 19 Q. (BY MS. HUNKER) My question is: In that
 20 case where you're challenging SB 1, Voto Latino contends
 21 that it was injured by SB 1. I believe you mentioned it
 22 a little bit earlier during our conversation; is that
 23 correct?
 24 A. Correct. So SB 1 -- SB 1111 have
 25 collectively impact the organization, our ability to do

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1 work and conduct forth to outreach voters.
 2 Q. Okay. And so you're also contending that
 3 SB 1 has forced Voto Latino to expand and divert funds
 4 and resources and time in order to accomplish its
 5 mission, correct?
 6 A. SB 1111 and SB 1 have together, yes.
 7 Q. Okay. So my question for you is whether
 8 Voto Latino has teased out how much of its injury is
 9 attributable to SB 1 and how much is attributable to
 10 SB 1111?
 11 A. I think that it's again the -- just the
 12 collective of the legislation and we -- when legislation
 13 is passed, we just augment the work, sadly, and we have
 14 to divert resources. So I can't tease out specifically
 15 how much, but I know -- that we are now almost -- from
 16 when we did voter education outreach, for example, in
 17 the last midterm of 20 -- of 2018, we're almost tripling
 18 the amount of -- of the funding that we are raising to
 19 educate folks based on the post-2020 environment.
 20 Q. Okay. So, do you know, I know you
 21 probably can't give me specific numbers, but do you know
 22 approximately how much of the expenditure diversions
 23 have been a result of SB 1111 versus SB 1?
 24 A. When you're educating a voter, you can't
 25 really tease out one or the other, you have to educate

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1 them on the suite of the changes of the law.
 2 Q. Okay. And the reason I'm asking this is
 3 because this lawsuit, of course, is SB 1111, and I'm
 4 trying to understand sort of the scope of injury that
 5 you're claiming SB 1111 imposes on Voto Latino. And so
 6 that's why I'm trying to tease out the distinctions
 7 between the two bills.
 8 Like is there anything specific about SB
 9 1111 that you had to change or had to divert that you
 10 wouldn't have had to change or divert in SB 1?
 11 A. Specifically, how we -- the counsel that
 12 we have to give voters in college campuses and
 13 explaining that, and the chilling effect of that has and
 14 explaining to our volunteers that piece.
 15 I think that if we were to look at it,
 16 I -- I don't feel comfortable giving you a dollar amount
 17 because, again, it's the totality of the work that we
 18 do, but it has had a difficulty in our ability to give
 19 them straight answers or are they allowed to even
 20 register on college campuses. And we are concerned
 21 that -- that basically disenfranchises them because they
 22 can register either on college campus or in their home
 23 and so we have to navigate that very carefully.
 24 Q. Okay. So for the materials that you've
 25 delivered to college campuses or the trains or the

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1 statements you give to college students, have they only
 2 been changed as a result of SB 1111? SB 1 has not had
 3 any impact on that?
 4 MS. JOHNSON: Object to form.
 5 A. I would say that we -- that I would have
 6 to tease out on figuring out. I haven't looked at what
 7 we are doing right now on SB 1, but I can tell you that
 8 we have had to change our form and our conversations and
 9 the expenditures on 1111. I can't tell you right now if
 10 that is 50/50 or 25/75, I -- I can't give you that
 11 number.
 12 Q. (BY MS. HUNKER) All right. I think I --
 13 I probably wasn't very clear with the -- the question.
 14 So let me see if I could rephrase it.
 15 Has SB 1 caused you to change any of the
 16 materials you give to college students about voter
 17 registration or voting?
 18 A. I have to get -- that I don't know right
 19 now --
 20 Q. Okay.
 21 A. -- for SB 1111.
 22 Q. No, and that's perfectly understandable.
 23 I'm just again trying to do that tease out, just so --
 24 A. Gotta do one lawsuit at a time, Kathleen.
 25 Q. I wish I had that luxury.

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1 So you also mentioned earlier in our
 2 conversation about other election laws that were passed
 3 in various states, and you cited that is a -- one of the
 4 reasons, for instance, you shut down your work in
 5 Colorado.
 6 A. Correct.
 7 Q. And so I was wondering if you could just
 8 briefly describe what those laws are. Like, what laws
 9 are you talking about?
 10 A. Very similar, in Georgia, we've had to
 11 retool. We don't -- we have not filed a lawsuit in
 12 Georgia, but we've had to retool on how we do our work.
 13 So, basically, Colorado is a -- is a state where we've
 14 worked for a very long time, but because they basically
 15 backed off on voter restrictions, they are now in places
 16 like Arizona, Texas, and Georgia principally.
 17 We've also had to divert resources
 18 because we are now doing voter education and engagement
 19 at the national level working in Congress so that
 20 everybody, regardless of zip code, can play by the exact
 21 same rules. So that's another diversion of resources
 22 that we've had to -- had -- had to do because of these
 23 state level efforts, specifically in Texas, Arizona, and
 24 Georgia.
 25 Q. Now you are able to tease out how much of

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1 the expenditures that were diverted are from SB 1111
 2 versus the other laws in various states?
 3 A. Not here, but I can assure you that the
 4 majority of our expenditure at Voto Latino is in Texas,
 5 and that is where the majority of the expenditure will
 6 be reallocated to.
 7 Q. So you can't give me specifics, but you
 8 can say most of the Texas portion -- most of your budget
 9 is Texas, and that was what is affected by the Texas
 10 laws?
 11 A. That is correct, yes.
 12 Q. All right. So you've mentioned to me --
 13 we might talk about this little bit more later, the
 14 different ways that you had to divert and you cited
 15 retooling your trainings for volunteers. You mentioned
 16 litigation expenses, you mentioned, I think, briefing
 17 staff, and then you also just mentioned the lobbying.
 18 Are there any other expenses that you --
 19 A. Not lobby -- it's not lobbying, it's
 20 advocacy.
 21 Q. Advocacy. So outside of the four --
 22 A. And then educating the resources that we
 23 have on our social media, which is -- they're publicly
 24 available on that. So, basically, when we do -- it's
 25 not just a staff being informed, but the actual product

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1 that is taken away from doing other primary purpose
 2 activity to have them now inform the public on this.
 3 Q. Okay. Is Voto Latino claiming any other
 4 injury by SB 1111 outside diversion of resources?
 5 A. The chilling effect it has on my ability
 6 and my organization's ability to speak to voters. We
 7 can't speak freely to them.
 8 Q. Okay. And you said that's based on the
 9 confusion of the law? If I'm remembering correctly.
 10 A. Correct.
 11 Q. And that's because you're concerned in
 12 regards to the impact it would have on the voter
 13 itself -- sorry, voter, if you gave wrong information?
 14 A. Correct.
 15 Q. Okay. So diversion of resources and the
 16 chilling effect. Are there any other categories of
 17 injury that you can think of while you're sitting here
 18 before me?
 19 A. Not at this time.
 20 Q. Okay. But do you believe that SB 1111
 21 will have an impact on Votino's [sic] constituency?
 22 A. It does.
 23 Q. Now, can you please explain and describe
 24 this impact?
 25 A. So our charge is to register as many young

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1 Latino voters as possible by -- from 2020 to 2024.
 2 We're expecting an additional 800,000 Latinos to come of
 3 age in the state of Texas. By this midterm of 2022,
 4 we're expecting roughly half of that to come of age. If
 5 we can't speak freely to our audience on their rights
 6 and where they can register, where they do not fall
 7 afoul of the law, it -- in -- it -- it -- it makes it
 8 difficult for us to be able to engage in our primary
 9 purpose of activity, which is enfranchising all the
 10 voters.
 11 Q. Okay. So what is the basis for this
 12 belief on the impact?
 13 A. The secretary -- the -- the local county
 14 registrars can't tell us what the law means. So if the
 15 experts can't, then we -- we are -- it -- it poses a
 16 difficulty in our ability to -- to engage with our
 17 voter.
 18 Q. So I was going to bring this up later, but
 19 I guess I could bring it up now.
 20 You mentioned that you had spoken to
 21 county registrars; is that right?
 22 A. Not directly, my staff has.
 23 Q. Your staff has?
 24 A. Yeah.
 25 Q. Voto Latino has. And which counties?

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1 A. I don't -- I would not be able to tell you
 2 they have.
 3 Q. Do you know when they contacted the
 4 counties?
 5 A. It was -- I -- I want to say it was around
 6 September when we do a lot of our voter registration
 7 stuff and I want to say around the primaries, but I
 8 would have to -- I'm not quite sure.
 9 Q. So you believe it was September?
 10 A. I believe so, I'm not quite sure, only
 11 because we do our works in chunks, so --
 12 Q. And you don't think you've -- they've
 13 spoken to the county registrar since then?
 14 A. I don't know. I'd have to double check
 15 with them. But it is practice that we -- that we engage
 16 with local just to make sure that we have all our facts
 17 straight. We do our work.
 18 Q. Have you contacted -- when I say "you," I
 19 mean Voto Latino, the Secretary of State's office.
 20 A. Not that I'm aware of.
 21 Q. So outside of confusion, are there any
 22 other factors that you think -- that form a basis of
 23 your belief, this is going to harm your constituents?
 24 A. Well, our young people are -- so according
 25 to way the law reads, is that if you -- you cannot

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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

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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.

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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

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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

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1 vote, correct?
 2 A. Correct.
 3 Q. And I assume then you have materials that
 4 summarize the voter registration process for each
 5 respective state?
 6 A. Correct.
 7 Q. And you have materials that summarize the
 8 eligibility requirements for each respective state?
 9 A. Correct.
 10 Q. And I assume Voto Latino does not want to
 11 give interested applicants -- its constituents wrong
 12 information; is that correct?
 13 A. Correct.
 14 Q. So you will therefore update your
 15 materials whenever there's a change in the law regarding
 16 either the voter registration process or the eligibility
 17 requirements, correct?
 18 A. Sort of, so we basically based our -- our
 19 financials usually into your cycles and we -- we adapt
 20 accordingly. But in the case of Texas, what was so
 21 unique about this one is that if you look at our
 22 history, we have always increased our voter registration
 23 numbers from presidential to midterms.
 24 In this case, one of the challenges is
 25 that we -- this is the first time we've actually had to

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1 would be able to reroute the person of how they
 2 register, if that makes sense.
 3 Q. Okay. But what about -- what about voter
 4 registration requirements? So let's say Texas
 5 reduced -- right now, it's a 30-day residency wait for
 6 you to register and you vote. Let's say they had
 7 reduced it to 20 days. Would that be something that you
 8 would be updating your materials?
 9 A. We can. And in those cases, it's so much
 10 more straightforward. The challenge with SB 1111 is
 11 that I can't even tell the person if they can register
 12 on a college campus or not.
 13 And now if we need volunteers that we
 14 need to send out, for example, that want to influence an
 15 election, they would be on the outside, you know. They
 16 would be restricted because the government of Texas is
 17 basically telling someone where they can or cannot live.
 18 And so those are very different because they are much
 19 more nuanced. They are not straightforward.
 20 Q. Okay. So let me see if I have understood
 21 this correctly, and let me know if I'm wrong.
 22 You do update your voter materials
 23 regarding changes to voter registration requirements for
 24 changes to voter process?
 25 A. For deadlines and for -- yes, for

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1 lower the numbers that we had -- that we had forecasted
 2 other people when we were going to register and
 3 concentrate the people of the -- of -- the people that
 4 we were going to focus on because this kind of
 5 sideswiped us. We didn't -- we didn't expect it. So in
 6 the length of time that we've done it, this is the very
 7 first time that we've actually had to go downward in
 8 our -- in the people that we were going to target, if
 9 that makes sense.
 10 Q. It does. I think I'm trying to get out
 11 something different. So it seems like you're saying the
 12 scale of the changes in Texas was more this year than
 13 you would expect normally?
 14 A. It was more abrupt, yes.
 15 Q. But in a general sense, if there was a
 16 change in the voter registration process, let's say
 17 Texas allowed online voting -- sorry, online voter
 18 registration --
 19 A. That would be amazing --
 20 Q. -- but -- but you would change --
 21 A. We would welcome that.
 22 Q. You would change your materials right to
 23 reflect that information?
 24 A. Would we change our materials? No, no, we
 25 wouldn't change our materials. We would just -- we

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1 deadlines.
 2 Q. But in the case of Texas, the scale of the
 3 change was very large, and you also find it confusing
 4 and therefore more difficult to make the updates --
 5 A. Correct.
 6 Q. -- is that correct?
 7 A. Correct.
 8 Q. Now, you had talked about your goals
 9 decreasing. I think you said 25 percent?
 10 A. Correct, for voter registration.
 11 Q. For voter registration.
 12 A. Mm-hmm. Yeah.
 13 Q. I'm guessing -- this is a similar question
 14 I asked before, but into a different context. How much
 15 of that 25 percent is a result of SB 1111?
 16 A. I'd say a large part of it because we have
 17 to be able to retool and focus on college students in a
 18 different way.
 19 Q. Sorry, I was taking notes.
 20 And so would you say that you were
 21 conducting the same voter education work in 2022 as you
 22 did in 2021, but the content was different?
 23 A. I would say it's -- it's very different.
 24 Q. It's very different?
 25 A. Very different.

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1 Q. So outside of the content material, what
 2 else is different? Like how you would approach voters?
 3 A. Well, before in Texas we would be able to
 4 say register to vote and we would be able to give them
 5 the information. Now, there's so many disclaimers that
 6 is required by 2021 that there's a chilling effect in
 7 our ability to communicate freely because, again, we do
 8 not want our voter to be on the wrong side of the law.
 9 So before if we were -- we were
 10 encouraging you to register to vote, it was very
 11 straightforward. Register to vote, use this -- this
 12 tool XYZ. Now it's all this fine print that we -- that
 13 makes us less confident in our ability to engage in the
 14 active -- our -- in our activities when it comes to
 15 enfranchising voters.
 16 Q. Would you agree that Texas had a residency
 17 requirement before the passage of SB 1111?
 18 A. It did, and it was very clear.
 19 Q. All right. I'm going to share with you
 20 Exhibit Number 2 again. And this is the Complaint for
 21 Declaratory Injunctive Relief.
 22 Do you see it on your screen?
 23 A. I do.
 24 Q. Scroll down to paragraph 37. It reads (as
 25 read), "SB 1111 strikes the common-law definition of

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1 residency that previously governed the Election Code and
 2 rather than articulate another affirmative definition of
 3 residence, forbids anyone from establishing a residence
 4 for the purpose of influencing the outcome of a certain
 5 election." And then it says (the Residence
 6 Restriction).
 7 Did I read that correctly?
 8 A. You did.
 9 Q. All right. And then you see right
 10 afterwards, there's a citation. It says (as read), "SB
 11 1111 Section 1, (amending Texas Election Code Section
 12 1.015(b)); is that correct?
 13 A. Correct.
 14 Q. And you'd agree with me that Section
 15 1.015(b) of the election code predates SB 1111?
 16 A. I think so. I'm not quite -- I'm not --
 17 Q. I simply mean that it's an amendment to a
 18 previously existing statute as opposed to --
 19 A. Yeah.
 20 Q. -- creating any new statute on its own.
 21 A. Mm-hmm.
 22 Q. Would you agree with that?
 23 A. Yes, as far as I understand, I mean.
 24 Q. And would you say the same is true of the
 25 other SB 1111 provisions challenged by Voto Latino?

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1 A. Yes.
 2 Q. I'll take this down.
 3 When did Voto Latino first decide it was
 4 going to have to change its approach to voter
 5 registration on account of SB 1111?
 6 A. The moment it passed.
 7 Q. And what was the process that led up to
 8 this decision?
 9 A. Voto -- Texas is our largest registry --
 10 our largest registration effort in the country. It is
 11 our -- I would say we expend roughly about 30 percent of
 12 our organizational budget in Texas. So for us to make
 13 sure that we were in the right side of the law, it was
 14 something that was a priority for us.
 15 Q. And did Voto Latino have a meeting with
 16 its board members about this?
 17 A. We discussed it, yes.
 18 Q. Did meet with its staff in Texas or
 19 volunteers in Texas?
 20 A. Yes.
 21 Q. And did it conduct an assessment or was it
 22 just something that was readily understood at the time
 23 the bill was passed?
 24 A. It wasn't understood. We had to
 25 understand it and we still don't quite understand it.

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1 That's the challenge.
 2 Q. And you discussed the need to shift money
 3 around in response to SB 1111. Can you just clarify how
 4 much you thought you had to shift in regards to budgets?
 5 A. So our total budget for Texas this year is
 6 roughly four point -- 5.4 million, in that five, four --
 7 5.4 million. We were originally going to register
 8 roughly 175,000 voters and identify and mobilize and
 9 speak to 1.3 million low propensity voters that are
 10 disproportionately young and Latino.
 11 We still have that finite pot of money
 12 that we are -- we intend to spend, but now, instead of
 13 those big numbers we are now focusing on 25 -- we had to
 14 reduce our voter registration by 25 percent and our
 15 ability to communicate to folks from 3.5 million to half
 16 a million as a result. And that would say in the
 17 totality, not just SB 1111, but also SB 1.
 18 I want to be clear. I can't
 19 differentiate how much, but I can tell you that
 20 55 percent roughly of the people that we register are
 21 first time voters. So the residency requirement as it
 22 relates to SB 1111 has a direct impact of how we're able
 23 to communicate freely to our -- to those voters and to
 24 our constituency.
 25 Q. And did you discuss the need to raise

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1 additional funds in response to SB 1111?
 2 A. We could always raise additional funds
 3 because we're a nonprofit, but what is realistic of what
 4 we're going to be able to raise is that's how we create
 5 our budgets.
 6 Q. So I guess I was curious if you decided to
 7 do additional fundraising or fundraising targeted at
 8 SB 1111?
 9 A. We did do fundraising target through our
 10 online, and I believe you have those -- those e-mails.
 11 They were entered into the record.
 12 Q. You in fact raised the money?
 13 A. Small dollars, yes.
 14 Q. And how much all together?
 15 A. I don't know. I have to go back to --
 16 Q. Did you make an effort in your fundraising
 17 to distinguish between SB 1111 and SB 1?
 18 A. I believe so, but I have to go back and
 19 look at our fundraising e-mails. I'm not quite sure.
 20 Q. And the money that you raised, did you
 21 spend the money yet?
 22 A. I don't know when they were -- when they
 23 were submitted. So it may have been for the primary, we
 24 did a lot of work around the primary, but the bulk of
 25 the work is yet to come. Again, because we focus on

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1 college campuses, the big bulk of it is going to happen
 2 around September, October.
 3 Q. The money you raised, was it earmarked for
 4 SB 1111 or was it slated for Voto Latino's efforts
 5 generally?
 6 A. It's slated specifically for SB 1111 and
 7 SB 1.
 8 Q. So let me see if I understand correctly.
 9 You made changes to the programs and activities before
 10 you raised the money; is that correct?
 11 A. No. We started raising the money around
 12 the same time.
 13 Q. So you raised the money and then you
 14 spend?
 15 A. No. It's -- it's -- I mean, it's an
 16 organic -- it -- we'll start raising money at the same
 17 time we will be retooling our efforts. It's not that
 18 black and white, if that makes sense.
 19 Q. I think it does. It's just not -- it's
 20 not a definitive distinction between when you raise and
 21 when you spend, you're saying it's --
 22 A. In and out, I'm so sorry.
 23 MS. JOHNSON: Sounds a little funky
 24 again.
 25 THE WITNESS: And now you -- you have

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1 like a buzz like, sorry.
 2 Q. (BY MS. HUNKER) So I think I understood
 3 you. You're saying there's no clear distinction between
 4 when you spend the money and when you raise the money,
 5 that it's sort of done around the same time?
 6 A. No. Thank you for clarifying that.
 7 So the bulk of the expenditure will be
 8 post until we raise the money, but in the -- in the time
 9 and effort to retrain and retool the internal
 10 organization, it will be at the same time as we are --
 11 so there's basically, I would say, there's two ways to
 12 think about it right.
 13 So we'll raise the money and in the same
 14 time, we're preparing our staff and teaching our team of
 15 what needs to happen. And then the bulk of it, which
 16 is -- and our volunteers at the same time. But the bulk
 17 of the funding that we will raise, some of it happened
 18 in the primary, but the majority of it will be to inform
 19 the bulk of the new voters and our targets, not until
 20 the fall.
 21 So if you're asking when did our, you
 22 know, when did we start diverting expenditures for it?
 23 It was upon its passage, but the majority of the bulk of
 24 the work will not be -- will not happen until the fall,
 25 if that's helpful.

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1 Q. No, it is.
 2 MS. HUNKER: So I am about to move to --
 3 do you mind if we do one more section before we take a
 4 break? And -- actually, let me get -- if you don't
 5 mind, give me five minutes. I --
 6 THE WITNESS: Yeah, that's no problem.
 7 MS. HUNKER: Too much water.
 8 THE VIDEOGRAPHER: Wonderful. We are off
 9 the record at 12:57 p.m.
 10 (Break taken)
 11 THE VIDEOGRAPHER: We are back on the
 12 record at 1:07 p.m.
 13 MS. HUNKER: You have a good break,
 14 Ms. Kumar?
 15 THE WITNESS: I did, yes.
 16 Q. (BY MS. HUNKER) And just to clarify for
 17 the record. For the most part, you've been able to hear
 18 me fine. There's been -- the only problems you've --
 19 you've addressed; is that --
 20 A. Correct.
 21 Q. -- correct?
 22 A. Yes, correct.
 23 Q. So we are going to go back to Exhibit 1.
 24 Do you see the document on your screen?
 25 A. I do, yes.

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1 Q. All right. We're going to take a look
 2 specifically at topics five and six. Topic five reads
 3 (as read), "The specific project, activities, voter
 4 persuasion efforts, and resources that Voto Latino will
 5 allegedly have to expend or divert to Texas because of
 6 SB 1111."
 7 Did I read that correctly?
 8 A. Yes.
 9 Q. And topic six reads (as read), "The
 10 specific projects, activities, voter persuasion efforts,
 11 and resources that Voto Latino allegedly had or will
 12 have to put on hold or otherwise curtail in other states
 13 because of SB 1111."
 14 Did I read that correctly?
 15 A. Correct.
 16 Q. Did you prepare to take -- to speak about
 17 topic five?
 18 A. Yes.
 19 Q. How did you prepare?
 20 A. Through reading through this, and this --
 21 speaking to our -- to my attorney and then speaking to
 22 my team -- to my staff. Specifically, I'm here
 23 [inaudible] my staff.
 24 Q. And did you prepare to speak about topic
 25 six?

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1 A. Yes.
 2 Q. And how did you prepare?
 3 A. Same.
 4 Q. Now, we've discussed some of this before,
 5 so I don't want to belabor the point, and feel free to
 6 keep it concise if you think it's meant to repeat what
 7 you've already stated.
 8 A. Okay.
 9 Q. But what specific projects or activities
 10 has Voto Latino needed to divert resources from because
 11 of SB 1 -- 1111?
 12 A. Mm-hmm. Specifically -- well, two. One
 13 is reducing the amount of voter contact and outreach and
 14 registration that we do within the state of Texas. So
 15 that's one way we had to change our efforts. And the
 16 other has been shutting down the Colorado program for --
 17 for 2022 as a result to divert resources to -- to Texas.
 18 Q. Any other projects or activities that you
 19 can think of?
 20 A. We've also had to -- and this -- this
 21 pertains to Texas and the other voter registration
 22 efforts that are -- suppression efforts that are
 23 happening at state levels, we are now in -- we are now
 24 doing advocacy at the national level around voter
 25 suppression laws and had to actually pass comprehensive

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1 voter -- the voting right -- the John Lewis Voting
 2 Rights Act and the Freedom to Vote Act, which we've
 3 never had to do before, so --
 4 Q. So I have reducing the amount of voter
 5 contact, shutting down the Colorado programs that you
 6 did, as well as the advocacy at the national level for
 7 elections bills.
 8 Is that an accurate summation?
 9 A. Correct, yes.
 10 Q. And can you think of anything else?
 11 A. Those are the -- those are the primary.
 12 Q. Okay. And so the reducing the amount of
 13 voter contacts, we discussed that. That was your
 14 reducing it from 25 percent.
 15 I believe your expected registration of
 16 175,000, that's been reduced?
 17 A. Correct. Our target now is roughly
 18 130,000.
 19 Q. And is that for the whole year of 2022?
 20 A. Correct. Yes.
 21 Q. Out of curiosity, how many people did you
 22 register to vote in 2021 in Texas?
 23 A. I have to go back. It was what we call an
 24 off-year cycle, so we don't really focus on it then
 25 because voters themselves are not really paying

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1 attention, so --
 2 Q. What about 2020?
 3 A. Roughly 185,000.
 4 Q. And how many have you registered to vote
 5 in Texas this year so far?
 6 A. Roughly 6,000 for the primary, and the
 7 primary numbers are always low.
 8 Q. So that's a -- a -- a normal amount,
 9 having 6,000?
 10 MS. JOHNSON: Object to form.
 11 Q. (BY MS. HUNKER) Well, let me rephrase
 12 that.
 13 Is it typical that you would have a low
 14 amount of registered voters this early in the year?
 15 A. So yes, but we had to drop down our number
 16 of what we were supposed to register in the -- during
 17 the primary, and that was because we weren't able to do
 18 the breadth of it. So part of that 25 percent that we
 19 reduced was our target also in the primary, if that
 20 makes sense.
 21 Q. It does. Do you know how many people you
 22 had registered in time for the 2020 primary?
 23 A. I -- I want to say roughly 40,000.
 24 Q. And that was for a presidential year,
 25 right?

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1 A. Mm-hmm.

2 Q. And do you know how many people you would

3 have registered for the primary in 2018, since that's

4 probably the most comparable?

5 A. I don't know.

6 Q. And you mentioned that voter -- Voto

7 Latino participated in voter registration efforts for

8 the March 2022 primary.

9 When did you start those voter

10 registration efforts?

11 A. January 1, I believe, but I have to double

12 check. Usually we start in January. But I'm not quite

13 sure when we started those.

14 Q. So did you start the voter registration

15 efforts at the same time this year as you did?

16 A. So -- so the January deadline -- so the

17 Texas deadline was January 31st, so we started around

18 the beginning of January in time for the -- my

19 apologies.

20 Q. The 6,000 registered voters would have

21 been over the 30-day period between January 1st and

22 January 31st?

23 A. Roughly, yes.

24 Q. And do you typically start your voter

25 registration efforts at the beginning of the year,

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1 January 1st?

2 A. We had to shift starting in 2020 because

3 we had to start informing people of -- of changes.

4 Q. So for the 2020 primary, when did you

5 start registering people to vote?

6 A. I don't know. I want to say it was the

7 beginning of January, but I -- I would have to double

8 check. I'm not quite sure. I don't want to speak out

9 of turn.

10 Q. And I'm going to say a similar question

11 about 2018. Do you remember when you would have started

12 registering people to vote for the 2018 primary?

13 A. We didn't start that until I want to say

14 the mid-year of 2018.

15 Q. So the last question I asked about which

16 projects you need to divert resources from. In this

17 question I'm asking, what specific projects or

18 activities did Voto Latino need to curtail or put on

19 hold because of SB 1. You had mentioned Colorado.

20 Was there anything else that you

21 specifically had to curtail or put on hold?

22 A. No. I think scaling the program itself,

23 we had to curtail.

24 Q. I'm going to take this document down and

25 put up Exhibit 2. Let's go back up. You can see this

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1 is the -- bless you.

2 A. Thank you. Excuse me.

3 Q. You can see this is a complaint for

4 declaratory injunctive relief. You would agree with

5 that?

6 A. Yes.

7 Q. Now, we're going to scroll to paragraph

8 seven. Paragraph seven reads (as read), "Among other

9 things, SB 1111, (a) interferes with the basic freedom

10 of political expression by prohibiting Texas voters from

11 establishing residence for the purpose of influencing

12 elections."

13 Did I read Subsection 8 correctly?

14 A. Yes.

15 Q. And then it says (as read), "(b) restricts

16 registration opportunities for Texans who have

17 temporarily relocated by prohibiting voters from

18 designating previous residences as their fixed places of

19 habitation, even if they consider those residences to be

20 their homes."

21 Did I read that correctly?

22 A. Correct.

23 Q. And then (as read), "(c) burdens voters

24 who would rely on post office boxes for their residences

25 by conditioning their registration on the production of

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1 additional documentation."

2 Did I read that correctly?

3 A. Correct.

4 Q. In your opinion, how does SB 1111

5 interfere with the basic freedom of political

6 expression?

7 A. It's restricting someone to make a

8 decision if they want to either move to a jurisdiction

9 to influence an election or Pete Sessions, the

10 Congressman, he moved from one district to the next

11 because he thought that he had a better shot at moving

12 next door to win an election. So in this -- both cases,

13 they impede someone's political expression.

14 Q. So if I understand you correctly, you

15 believe it interferes two ways, the first being that

16 someone who would want to move to a new location to

17 register to vote, and then second, an individual who

18 would want to move in order to become a candidate in

19 that district; is that right?

20 A. In both cases, I think that we're -- the

21 United States is a democracy and gives people certain

22 rights that they can choose to live where they want,

23 when they want, for whatever reason they want. It is

24 autocratic governments that you see basically creating

25 stringent laws of where someone -- their mobility of

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1 where they want to move to.
 2 Q. So do you think that the move itself is
 3 the political expression?
 4 A. The move for -- to exercise an intense
 5 perhaps, yes.
 6 Q. Do you know of anyone who chose not to
 7 move because of SB 1111?
 8 A. Not that I'm aware of.
 9 Q. Do you know of any prospective candidate
 10 who chose not to run for office because of SB 1111?
 11 A. We won't know really until the
 12 redistricting map happens.
 13 Q. Now, you're aware that there's a
 14 redistricting map already in fact, correct?
 15 A. But I think it's being contested right now
 16 by the court of law.
 17 Q. Is there any other way that SB 1111 in
 18 your mind interferes with the freedom of political
 19 expression?
 20 A. I believe that it also makes an undue
 21 burden on voters who are indigent. For example, if you
 22 are homeless, you have to produce an affidavit for your
 23 ability to vote that prevents a whole class of
 24 individuals from exercising their vote freely.
 25 Q. Okay. We'll go back to indigent voters in

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1 a moment. But in terms of basic freedom of political
 2 expression, is there anything else?
 3 A. Well, it restricts, as an organization,
 4 our ability to speak freely. It has a chilling effect
 5 on how we communicate to our voters because we're not
 6 able to provide them with clear rules so that they
 7 don't -- aren't impacted. So I'd say personal, you
 8 know --
 9 Q. Mm-hmm.
 10 A. -- personal infringement on the
 11 organization.
 12 Q. And your constituents, are they candidates
 13 for office?
 14 A. They may be. We've had people that we've
 15 registered that have later on run for office, if that's
 16 the question.
 17 Q. But you don't know who they are, do you?
 18 A. That have later run? Yes, we're --
 19 we're -- we applaud them to be part of the democracy.
 20 Q. Have any of those constituents who later
 21 run for office expressed their concern about moving in
 22 because of SB 1111?
 23 A. We haven't asked them.
 24 Q. Outside of the chilling effect, which you
 25 talked about as being specific to Voto Latino, is there

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1 any other way that the alleged restriction on political
 2 expression injures Voto Latino directly?
 3 A. Well, we have to better understand the law
 4 and we have to retool, so there's both. You know, it
 5 impacts our ability to manage time and finite resources
 6 when it comes to capital and then our ability to
 7 actually conduct that effort with how we train our
 8 volunteers, how we communicate to our audience, how we
 9 communicate internally, and how we are able to, again,
 10 speak freely without concern that we are not informing
 11 the person.
 12 Q. I'm going to pull this down for a moment
 13 and we're going to go to Exhibit 6. I don't believe
 14 I've shared that one yet, so let me quickly put that
 15 in -- in the chat box. All right.
 16 Do you see the document on your screen?
 17 (WHEREUPON, the document was marked for
 18 identification as Exhibit No. 6 and is
 19 attached hereto.)
 20 A. Mm-hmm.
 21 Q. This reads Senate Bill 1111, correct?
 22 A. Mm-hmm.
 23 Q. And I'm presenting to you that this is the
 24 enrolled version of the bill, which is the one that was
 25 enacted by both chambers and signed by the Governor.

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1 Do you have any reason to dispute that?
 2 A. No.
 3 Q. Let's take a look at Section 1.
 4 Specifically, let's first look at subsection B that is
 5 the one that reads (as read), "A person may not
 6 establish residence for the purpose of influencing the
 7 outcome of a certain election." Correct?
 8 A. Correct.
 9 Q. And that's what we were just discussing,
 10 correct?
 11 A. Correct.
 12 Q. So let's move on to the next provision
 13 down, which is --
 14 A. Can I just -- I just underscore, though, I
 15 mean in his State of Address to the Union,
 16 Governor Abbott said that people were moving into the
 17 state of Texas for the influence of influencing
 18 elections and outcomes, so that -- I think that is why
 19 it's -- it's incongruous.
 20 Q. Well, I guess I'll ask the question for
 21 you.
 22 What is the basis for your belief that
 23 this statute would encompass those individuals?
 24 A. I'm sorry, can you repeat that?
 25 Q. What is the basis for your belief that

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1 this statute -- that that provision specifically would
 2 encompass these individuals who moved to Texas because
 3 they want to have a state of a different political
 4 ideology?
 5 A. I'm sorry, I didn't catch the last part.
 6 You cut out.
 7 Q. Yeah. So my question is: What is the
 8 basis for your belief that this provision of SB 1111
 9 would encompass those individuals who move to Texas
 10 because let's say they wanted to move to a state with a
 11 different political ideology?
 12 A. Well, this says that they can't vote in
 13 the -- those elections because of a political ideology
 14 they may espouse.
 15 Q. So do you read it as if there is any
 16 intent of influencing outcome of an election -- let me
 17 rephrase that question.
 18 A. My answer, yes.
 19 Q. Well, my question was: Do you believe
 20 that people would move for many different reasons?
 21 A. Correct. And one could be to influence an
 22 election, and the Governor stated that -- this in the
 23 Union address saying that that is a reason why people
 24 are moving to Texas.
 25 MS. HUNKER: So I'm going to object to

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1 the last portion of that as unresponsive.
 2 Q (BY MS. HUNKER) My question was simply:
 3 Do you believe that people vote -- people move for many
 4 reasons?
 5 MS. JOHNSON: Asked and answered.
 6 Q. (BY MS. HUNKER) You can answer.
 7 A. And the nice thing about being American is
 8 that we're -- one is allowed to move wherever they want,
 9 including to influence an election. The government
 10 should not dictate where my jurisdiction is or my intent
 11 or the purpose of why I move somewhere.
 12 MS. HUNKER: And I'm not asking about
 13 that right now. So I'm going to object as
 14 nonresponsive.
 15 Q (BY MS. HUNKER) My question is
 16 specifically: Do people have many reasons when they
 17 decide to vote -- I'm sorry, when they decide to move?
 18 MS. JOHNSON: Objection: Asked and
 19 answered.
 20 A. The government right here in this case,
 21 Texas is telling me that I can't, and I deeply believe
 22 that as free Americans, we're allowed to move for any
 23 purpose, and including to influence an election.
 24 Q. (BY MS. HUNKER) But a person can have
 25 multiple reasons for wanting to move, correct?

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1 MS. JOHNSON: Same objection.
 2 A. SB 1111 isn't clear on anybody's
 3 intention, except that they can't move for that one
 4 reason, and that is to cast a ballot to influence an
 5 election. So it seems to be incongruous with, again,
 6 free speech and the ability for one to freely in --
 7 in -- in this country and in the state of Texas.
 8 MS. HUNKER: Yeah, I'm going to again
 9 object as nonresponsive.
 10 Q (BY MS. HUNKER) But we'll move on. Let's
 11 look at subsection F (as read), "A person may not
 12 establish a residence at any place the person has not
 13 inhabited."
 14 Did I read that correctly?
 15 A. Correct.
 16 Q. Is it Voto Latino's position that a voter
 17 does not need to inhabit the place in order to establish
 18 it as a residence with purpose of voting?
 19 A. I'm not quite -- I don't quite understand
 20 your question.
 21 MS. JOHNSON: I would just object to that
 22 question to the extent it calls for a legal conclusion.
 23 A. Great.
 24 Q (BY MS. HUNKER) So I'll -- I'll
 25 reiterate. So subsection F says (as read), "A person

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1 may not establish a residence at any place the person
 2 has not inhabited."
 3 My question to you is: Is it Voto
 4 Latino's position that a voter does not need to inhabit
 5 the place in order to establish it as a residence for
 6 the purpose of voting?
 7 MS. JOHNSON: Same objection.
 8 A. I think the highlight doesn't support the
 9 following paragraph (as read), "A person may not
 10 designate a previous residence as a home in a fixed
 11 place of habitation unless the person inhabits the place
 12 at the time of designation and intends to remain."
 13 Collectively, that section of F basically
 14 says that I cannot register -- if I am a college student
 15 where if you continue reading it says, that I cannot
 16 register if I believe that my college residency is going
 17 to be temporary but at the same time I cannot register
 18 at my parent's address where I consider my home and I
 19 think that, I mean, together that is where the confusion
 20 lies.
 21 MS. HUNKER: I'm also going to object as
 22 nonresponsive the entirety of that answer because it did
 23 not answer the question that I asked.
 24 Q (BY MS. HUNKER) Mine was different. I'm
 25 not looking at the next sentence down. We're going to

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1 be talking about that in a moment. I am looking at the
 2 first sentence, the highlighted text.
 3 (As read) "A person may not establish a
 4 residence at any time the person" -- sorry, "A person
 5 may not establish a residence at any place the person
 6 has not inhabited."
 7 Is it Voto Latino's position that a voter
 8 does not need to inhabit -- inhabit the place in order
 9 to establish it as a residence for the purpose of
 10 voting?
 11 MS. JOHNSON: Objection to the extent it
 12 calls for a legal conclusion and asked and answered.
 13 Q. (BY MS. HUNKER) You can answer.
 14 A. It's poorly written.
 15 Q. Well, that wasn't the question.
 16 My question is: What is your position,
 17 do you think somebody has to live at any time at a -- at
 18 a location where they're at a residence?
 19 A. I --
 20 MS. JOHNSON: Same objections.
 21 A. You weren't clear on your question. Could
 22 you repeat that?
 23 Q. (BY MS. HUNKER) Do you believe that
 24 somebody has to actually inhabit a place, as in live in
 25 the place, before they can establish it as their place

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1 of residence for the purpose of voting?
 2 A. So the previous residency requirements
 3 that were on the books of state of Texas actually
 4 created those parameters and it was clear. This is
 5 unclear.
 6 Q. So I wasn't asking about the clarity. I
 7 was asking about your position.
 8 If you thought that someone had to live
 9 in a place before you establish it as a residence for
 10 the purpose of voting?
 11 MS. JOHNSON: Same object --
 12 Q. (BY MS. HUNKER) I'm not asking about the
 13 clarity. I'm not asking about later provisions.
 14 I'm asking about Voto Latino's position
 15 in regards to that one specific question.
 16 MS. JOHNSON: Same objections and asked
 17 and answered.
 18 A. And that's why we filed the lawsuit this
 19 is unclear so.
 20 Q. (BY MS. HUNKER) How does this provision,
 21 particular the first sentence injure Voto Latino?
 22 A. I mean, again, I think the -- the sentence
 23 makes it difficult. The totality of what that says
 24 makes it very difficult for us to be able to communicate
 25 easily with our -- with our constituents and our

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1 potential registered voter on where they can establish
 2 residency.
 3 Again, the people that we
 4 disproportionately register are young people and if
 5 they -- they don't technically inhabit their temporary
 6 residence on a college campus, so they would be afoul of
 7 the law there, but then they can't technically also
 8 register in their home address because they're not
 9 technically there when they register. Majority of voter
 10 registration efforts that target young people happened
 11 to be on college campus.
 12 So this legislation, SB 1111, creates
 13 actually a group of Americans who are in limbo and
 14 disenfranchized and that is the -- that is why we are --
 15 we're having this conversation today because it is very
 16 difficult to advising counsel as an organization what a
 17 person can do, but at the same time create a chilling
 18 effect because we know that Texas also prosecutes people
 19 who accidentally may not understand the law.
 20 Q. So is it your belief that, looking at the
 21 second sentence of subsection F, that it prevents a
 22 college student from registering to vote at both their,
 23 let's say parents home address as well as the university
 24 at which they attend?
 25 A. I don't want to register --

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1 MS. JOHNSON: Sorry, one second.
 2 Objection to the extent it calls for a legal conclusion.
 3 Go ahead.
 4 A. So the -- the purpose is for the person to
 5 designate with their -- what they consider home. And so
 6 the purpose not to register in two places that would be
 7 against the law. This is basically allowing the person
 8 to decide where they call home and Texas is trying to
 9 declare where that person calls home.
 10 Q. (BY MS. HUNKER) So let me ask that
 11 question clearly. I'm trying to understand how you
 12 interpret this provision as it applies to college
 13 students. I think you had said you believe that this
 14 provision prevents college students from being able to
 15 register at their home address, the address they had
 16 before they went to college --
 17 A. Mm-hmm.
 18 Q. -- and that it also prohibits them from
 19 being able to register at their school or university; is
 20 that correct?
 21 A. Correct.
 22 MS. JOHNSON: Same -- yeah, sorry. Same
 23 objection: Calls for a legal conclusion.
 24 Go ahead.
 25 A. Correct. So if you continue reading

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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.

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?

9 A. Seasonal farm workers. They would be
 10 impacted, potentially, military veterans might be
 11 impacted, indigent people -- homeless would be impacted.

12 Q. And have you had conversations with
 13 seasonal farm workers, who have expressed concerns in
 14 regard to this bill?

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.

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?

24 A. Because if the person registered to vote
 25 outside -- and they were not physically in that

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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.

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?

9 MS. JOHNSON: Objection: Calls for
 10 speculation.

11 You can go ahead.

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 --

19 Q. (BY MS. HUNKER) But you would --
 20 A. -- I --
 21 Q. -- because --
 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

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1 preface saying that -- that is --
 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.

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 an intent
 8 to remain in the state?

9 MS. JOHNSON: Objection: Calls for legal
 10 conclusion.

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.

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.

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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.

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?

13 A. Sorry, Kathleen, you're really cutting
 14 out.

15 Q. Okay. Let me reiterate then.
 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?

21 MS. JOHNSON: Objection: Calls for
 22 speculation.

23 Q. (BY MS. HUNKER) You can answer.
 24 A. We -- I mean we were able as an
 25 organization to communicate that effectively prior to

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1 the passage of 20 -- 1111.
 2 Q. So what do you think is necessary, then,
 3 for somebody to establish residency? What should be
 4 necessary?
 5 A. There didn't seem to be a difficulty under
 6 the previous common law rules, so --
 7 Q. So you would just say the common-law rules
 8 and that's it?
 9 A. As far as I understand the law, yes. I
 10 mean, I -- I -- again, you're asking -- I'm -- this is
 11 definitely not -- I don't like the laws and I don't
 12 break the law.
 13 Q. No, I'm just -- and I understand that.
 14 I'm just trying to get a sense of what
 15 Voto Latino thinks should be required in order for
 16 somebody to establish a residency.
 17 MS. JOHNSON: Object to --
 18 Q. (BY MS. HUNKER) So --
 19 MS. JOHNSON: Sorry, go ahead.
 20 MS. HUNKER: That wasn't actually a
 21 question. That was just me explaining to the witness.
 22 MS. JOHNSON: Sorry, I thought it was.
 23 MS. HUNKER: No.
 24 Q. (BY MS. HUNKER) So how did you, Voto
 25 Latino, understand the common law rules?

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1 A. I believe you had to be a resident for X
 2 amount of months, I believe, and then you can
 3 register -- you can register to vote, but I don't know
 4 the -- the time -- there's this particular timeframe.
 5 And, again, like Pete Session, Pete
 6 Session decided that it was going to be easier for him
 7 to go to a different county, a district to run for
 8 Congress, and so he picked up his bags and moved
 9 somewhere else to do so. So there was absolutely
 10 fluidity in Texas decisions and to move about freely in
 11 the state of Texas without fear that where they resided
 12 or chose to reside was going to impede them from
 13 enfranchisement.
 14 Q. And that goes back to subsection B.
 15 Correct?
 16 A. Yes. B of Section 1, correct. That's
 17 what we're discussing?
 18 Q. Yeah, Section 1, subsection B.
 19 A. Great, yeah.
 20 Q. All right. Let's look at Section 2,
 21 subsection A. It reads (as read), "If the registrar has
 22 reason to believe that the voter's current residence is
 23 different from the -- that indicated on the registration
 24 records or the voter's residence is a commercial Post
 25 Office Box or similar location that does not correspond

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1 to a residence, the registrar shall deliver to the voter
 2 a written confirmation notice requesting confirmation of
 3 the voter's current residence."
 4 Did I read that correctly?
 5 A. Yes.
 6 Q. Okay. How does the Post Office Box
 7 provision burden voters?
 8 MS. JOHNSON: Objection to the extent it
 9 calls for a legal conclusion.
 10 A. In this case, if someone has a -- in this
 11 case it -- it challenges someone that if they have a
 12 home address versus a PO Box address, you're -- you're
 13 putting an extra burden -- an extra tax, so to speak, an
 14 extra provision that prevents that person who has
 15 that -- that PO Box to jump a hurdle that is very
 16 different from someone, for example, who is a homeowner.
 17 That alone should cause distress among
 18 any Texas voter because you're discriminating against
 19 someone's place of residency based on a voter
 20 registration that will go directly to a homeowner versus
 21 someone that maybe is more transient but does have a PO
 22 Box. It's a bit of a poll tax.
 23 Q. (BY MS. HUNKER) So it's your position
 24 that the confirmation itself is too much of a burden on
 25 voters?

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1 A. Yes. It's not -- it's not uniform. We're
 2 asking someone to do something -- you're asking Voter A
 3 to do something to voter -- different that's -- from
 4 Voter B.
 5 Q. But you can't live at a Post Office Box,
 6 correct?
 7 A. No.
 8 Q. Was -- was that you who just said no?
 9 A. I said no, I --
 10 Q. Sorry, my screen froze for a slight
 11 second.
 12 A. Oh, got it.
 13 Q. Whereas a voter who lives at a home
 14 address or an apartment can live at that Post -- can
 15 live at that location, correct?
 16 A. Perhaps. It could also be a -- a student
 17 who is renting a -- an apartment close to college, but
 18 he doesn't consider that home. So, I mean, it gets
 19 confusing.
 20 Q. Yeah, so whereas the person who has a Post
 21 Office Box as marked down versus somebody who has a home
 22 or an apartment or a college dorm, the former cannot
 23 live there whereas the latter may live there; is that
 24 correct?
 25 MS. JOHNSON: Object to form.

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1 A. I mean, you can't physically live in a
 2 PO Box, no.
 3 Q. (BY MS. HUNKER) And since you can't live
 4 at a PO Box, doesn't the state have an interest in
 5 ensuring that the person is in fact a resident of Texas?
 6 MS. JOHNSON: Object to form.
 7 A. I think that there's multiple ways to
 8 create that indication discussed that I suppose -- but,
 9 again, you're not doing -- you're -- you're creating
 10 different restrictions based on how people receive their
 11 mail.
 12 Q. (BY MS. HUNKER) How else do you think
 13 Texas could confirm residency that will be less
 14 burdensome?
 15 A. I think that when someone goes and
 16 actually casts a ballot and votes, they have --
 17 sometimes they have to produce ID or they -- they have
 18 to match their signatures and there's different --
 19 various ways.
 20 Q. And so you think the -- the voters should
 21 be able to present the ID to establish residency and
 22 that will be a less burdensome way?
 23 A. Well, I think it depends, right? Because
 24 one of the challenges that we find in Texas in
 25 particular is that you can have a -- a student ID will

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1 not be valid, but yet a -- a carry -- a license to carry
 2 a gun is -- is -- is allowed. So it needs to create
 3 more uniformity and transparency. And I don't want to
 4 go into that because I'm not as familiar with the
 5 nuances of it. I have to get refreshed on that.
 6 Q. Mm-hmm. And you're aware that the
 7 residence of a voter determines which races he or she
 8 votes in, correct?
 9 A. Correct.
 10 Q. Is the same without an interest to ensure
 11 that the voter is voting in the correct races and for
 12 the correct propositions; isn't that right?
 13 A. Correct.
 14 MS. JOHNSON: Object to form.
 15 Sorry, go ahead.
 16 A. And -- and it's also in the voter's
 17 interest to do that so that they're not a foul and
 18 violation of the law.
 19 Q. (BY MS. HUNKER) And some voters qualify
 20 to vote by mail, correct?
 21 A. In the state of Texas, yes.
 22 Q. Can you think of a way a voter, less
 23 burdensome to confirm their residency without appearing
 24 by personal appearance? Let me rephrase that because
 25 that was horribly phrased. My apologies.

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1 Can you think of a less burdensome way
 2 that a voter would be able to confirm their residence if
 3 they don't vote in person and instead voted by mail?
 4 A. One of the ways have been voter match
 5 files that they've done in the past so matching your --
 6 that, and I'd have to think a little bit more, but
 7 nothing else that comes to mind, but, again, this was
 8 not -- in 2020, Texans that had PO Boxes were able to
 9 vote freely.
 10 The state itself certified a fair, free
 11 election that did not go a foul of the law, and so there
 12 is a history of Texas and Secretary of State
 13 understanding how to account for people who have PO
 14 Boxes where it was not an issue. And so this is a new
 15 restriction that did not exist prior because it's not
 16 trying to fix something or addressing anything that was
 17 broken.
 18 If anything, it was certified again that
 19 their -- that's -- that Texas held a fair and free
 20 election. So this just seems to be more of a hurdle
 21 disproportion impacting poor people and high mobility
 22 people that happen to be students and maybe farm workers
 23 and maybe military personnel.
 24 Q. What is the basis for your belief in that
 25 the confirmation is too restrictive?

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1 A. Our job is to encourage low propensity
 2 voters that the system works. We try to create as less
 3 friction as possible so those individuals get
 4 enfranchised. This creates friction in the process that
 5 is not uniform across all populations, so therefore it
 6 is used as a tactic to potentially dissuade someone for
 7 their enfranchisement to help elect their elected
 8 officials to represent them in Congress and in
 9 government in general.
 10 Q. So is it your position that any election
 11 that's not -- sorry, any election law that's not uniform
 12 is suspect and burdensome?
 13 A. No. Because I can think of different ways
 14 where you make it uniform, but the people that have more
 15 resources and more access and more informed can easily
 16 do it. I'm thinking of the Jim Crow Laws where there
 17 was that reading requirement, recognizing that people
 18 had different levels of education, ability to learn how
 19 to read. That created seemingly uniform laws, but
 20 clearly it was to disenfranchise people of color.
 21 Q. So what about laws that are not uniform?
 22 Are they automatically suspect? In Voto Latino's
 23 opinion?
 24 A. That are not uniform?
 25 Q. Yes.

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1 A. In this case, again, this is if -- this --
 2 if there was something that was found in Texas, did not
 3 have a fair and certified election, this would be a
 4 curious thing to address. But it was certified and the
 5 people who had PO Boxes in 2020, their vote was counted
 6 and they were able to certify them as counting votes.
 7 So this is something -- this is -- this
 8 piece is now creating a tactic to create friction in the
 9 process that the states -- like the Secretary of State
 10 of Texas verified, was not an issue. I think the
 11 challenge, again, is that if -- it's not addressing a
 12 fault in the text -- according to the Texas -- Texas law
 13 of certifying a fair -- free election.
 14 Q. You're aware that you can't vote under
 15 Texas law with a resident -- residential post office
 16 box, correct?
 17 A. Correct.
 18 Q. And so that this only addresses commercial
 19 post office boxes, correct?
 20 A. I think the challenges is up to the
 21 registrar to decide if that is a commercial box office
 22 or not. The subjugated to an individual.
 23 Q. But that -- but this provision is only
 24 focused on commercial post boxes, correct?
 25 A. That's what it says though in the law,

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1 yeah.
 2 Q. And so wouldn't this be increasing
 3 uniformity by treating residential and commercial post
 4 boxes the same?
 5 MS. JOHNSON: Object to form.
 6 Q. (BY MS. HUNKER) You can answer.
 7 A. I'm not -- I'm -- I'm not -- I -- I don't
 8 quite understand your question.
 9 Q. My question is: Is -- would it not
 10 increase uniformity, SB 1111, by treating residential
 11 post boxes and commercial post boxes the same.
 12 MS. JOHNSON: Same objection.
 13 A. Again, I'm -- I'm basing this upon the
 14 2020 elections that was fair and certified. So this --
 15 Q. (BY MS. HUNKER) Okay.
 16 A. -- is again, seems to be in search of a
 17 problem that doesn't exist. As far as I'm aware.
 18 MS. HUNKER: That wasn't my question,
 19 which is why I'm going to have to object as
 20 nonresponsive.
 21 Q. (BY MS. HUNKER) My question is simply:
 22 Do you think it advances uniformity by treating
 23 commercial post boxes and residential post boxes the
 24 same?
 25 MS. JOHNSON: Same objection.

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1 A. And again -- my response remains the same,
 2 that this seems to be in search of a problem that a
 3 certified safe and free election by Texas Secretary of
 4 State said did not exist.
 5 Q. (BY MS. HUNKER) Do you not intend to
 6 answer my question?
 7 MS. JOHNSON: Argumentative. And asked
 8 and answered.
 9 Q. (BY MS. HUNKER) Texas election law allows
 10 voters over the age of 65 to vote by mail.
 11 Are you aware of that?
 12 A. Yes.
 13 Q. It does not allow somebody under the age
 14 of 65 to vote by mail unless they fall into one of three
 15 categories, which is: They're going to be out of the
 16 state or county for election, they are disabled, or they
 17 are confined in prison. Are you aware of that?
 18 A. Yes.
 19 Q. Does that not treat voters differently?
 20 That it gives a right to voters who are over 65, the
 21 right to vote by mail, but not voters under 65?
 22 A. Well, it all -- sorry --
 23 MS. JOHNSON: Object to form. Go ahead.
 24 A. -- it also carves out for people with
 25 disabilities, correct? And so it is part -- it is in

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1 adherence to the National Voting Rights Act that's on
 2 record. So it gets common sense in this case to
 3 recognize the -- that there are impediments when you get
 4 older, to being able to participate, and if you are
 5 quadraplegic and not able to get a -- get someone to
 6 take you to the polls that we make those -- those
 7 exceptions.
 8 Q. (BY MS. HUNKER) So do you agree that the
 9 legislature can make distinctions between voters based
 10 on objective facts of whom?
 11 MS. JOHNSON: Object to form.
 12 A. Again, my -- my answer remains the same.
 13 This is -- this legislation is in search of a problem
 14 when it comes to this provision because it was not
 15 flagged during the 2020.
 16 MS. HUNKER: Which I'm going -- again
 17 going to object as nonresponsive. That was not my
 18 question.
 19 Q. (BY MS. HUNKER) My question was: The
 20 state then can enact valid legislation that has an
 21 interest in making distinctions between voters when
 22 there's objective reason to do so?
 23 MS. JOHNSON: Kathleen, I've been letting
 24 you make your record on nonresponsive. But I ask if you
 25 do ask a question that you allow the witness to finish

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1 her answer.

2 MS. HUNKER: Of course. My apologies if

3 I interrupted. I did not mean to.

4 Q (BY MS. HUNKER) You can continue.

5 A. Can you rephrase the question?

6 Q. Certainly. The state can make

7 distinctions between voters based on objective facts and

8 that be perfectly valid, correct?

9 MS. JOHNSON: Object to form.

10 A. Correct. I think that the -- part of the

11 challenge with this legislation though is that the

12 people who passed this particular bill was very much on

13 partisan lines, so it doesn't seem that it is looking at

14 to target voters uniformly, but rather to weigh and

15 create a chilling effect among people that perhaps can

16 be impacted adversely.

17 Q. (BY MS. HUNKER) Are you aware that the

18 Secretary of State issues --

19 A. If you have a disability, for example,

20 they -- they carve out so that you can vote freely in

21 this case through vote by mail without -- and that

22 person can vote without -- without imparity. But the

23 way this reads, it -- it creates a chilling effect

24 because it -- it seems to be partisan.

25 Q. Are you aware that the Office of Secretary

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1 of State issued what are called election advisories?

2 A. Yes.

3 Q. Have you ever seen an election advisory?

4 A. Not recently, but I have in the past.

5 Q. So you have in the past, but not in what,

6 the last few years? Last few months?

7 A. Last few months. Yeah.

8 Q. Do you know what an election advisory

9 does?

10 A. It tries to inform people of different

11 changes in the law, correct? If I --

12 Q. Yes.

13 A. -- recall.

14 Q. Do you know who the election advisories

15 are directed towards?

16 A. I want to say voters, but --

17 Q. Do you know whether they are posted on the

18 Secretary of State's website?

19 A. I don't know.

20 Q. Do you know of any other means Secretary

21 of State's office communicates election procedures

22 and/or changes to voters?

23 A. No.

24 Q. Do you know of any other means the

25 Secretary of State's Office communicates election

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1 procedures and/or changes to county officials?

2 A. No.

3 Q. Going to put up the new document on the

4 screen. Do you see the document?

5 (WHEREUPON, the document was marked for

6 identification as Exhibit No. 4 and is

7 attached hereto.)

8 A. I do.

9 Q. The title reads, "Election Advisory,

10 No. 2121-09"; is that correct?

11 A. Yes.

12 Q. And if you look down, it says it's, "To:

13 County Chairs, Election Officials, and County Judges";

14 is that correct?

15 A. Yes.

16 Q. And then it says "From: Keith Ingram,

17 Director of Elections"; is that correct?

18 A. Yes.

19 Q. And then it has a date which is July 30,

20 2021; is that correct?

21 A. Mm-hmm.

22 Q. All right. If you see on the top it also

23 says "Texas Secretary of State John B. Scott"; is that

24 correct?

25 A. Mm-hmm.

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1 Q. Did you hear my question, Ms. Kumar?

2 A. Yes.

3 Q. And so that does say "Texas Secretary of

4 State John B. Scott"?

5 A. Yes.

6 Q. So if I were to present to you that this

7 is election advisory that was issued by the Secretary of

8 State's Office on July 30, 2021, you would not disagree

9 with me on that?

10 A. Correct.

11 Q. Okay. And if you look at the title it

12 says, "2021 Legislative Summary - 87 Regular Session."

13 Did I read that correctly?

14 A. Correct.

15 Q. Okay. And then it has here, it says,

16 "Bills Passed During the 21st Regular Session;" is that

17 right?

18 A. There's a lot of them.

19 Q. Yes, legislature was busy. And so if we

20 scroll down onto to page five. We see an area that

21 reads, "Senate Bill 1111 (Bettencourt)."

22 Do you see that?

23 A. Yes.

24 Q. You take a quick moment to read it, if you

25 want. I can blow it up or let me know how you want to

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1 handle that to yourself.
 2 A. You want me to read the --
 3 MS. JOHNSON: It would be helpful --
 4 Q. (BY MS. HUNKER) Read it to yourself.
 5 MS. JOHNSON: -- yeah, it would be
 6 helpful for me if you made it a little bigger, Kathleen,
 7 if that's possible. Otherwise, I can open it on the
 8 PDF. Thank you.
 9 Q. (BY MS. HUNKER) All right. Let me know
 10 when you've done reading.
 11 A. Okay.
 12 Q. The highlighted text describes the content
 13 of the bill, correct? Very briefly?
 14 A. As I understand it, yes.
 15 Q. And then the three provisions that go --
 16 three bullet points that go below. They explain the
 17 three main sections of the bill; is that correct?
 18 A. Correct.
 19 Q. Is there anything written here that Voto
 20 Latino would deem accurate?
 21 MS. JOHNSON: Object to form.
 22 A. As far as?
 23 Q. (BY MS. HUNKER) That stands out or you
 24 would find in contrast of what you understand SB 1111 to
 25 do or be?

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1 A. Correct.
 2 Q. And then you see in the highlighted text
 3 the title which is, "New Law: SB 1111 (2021, Regular
 4 Session) Address Confirmation Process and Forms."
 5 Did I read that correctly?
 6 A. Correct.
 7 Q. Prior to today, have you ever read
 8 Election Advisory Number 2021-10?
 9 A. No.
 10 Q. Okay.
 11 A. I think someone on my staff may have. I
 12 mean, I -- I -- so -- I would just --
 13 Q. So your staff may have, but you do not --
 14 you did not?
 15 A. Yes, correct.
 16 Q. And you do not know if your staff did or
 17 did not know?
 18 A. No.
 19 Q. Well, I guess, I should have asked that
 20 question before, prior to today, had you read Election
 21 Advisory 2021-09, which was the document on screen
 22 prior?
 23 A. I had not. But again, I'm sure my staff
 24 has, but I can't, you know, confirm that. I'd have to
 25 talk to them.

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1 MS. JOHNSON: Same objection.
 2 A. I believe -- no -- I -- not that I'm aware
 3 of. No.
 4 Q. (BY MS. HUNKER) Okay. I'm going to share
 5 one more. And this is Exhibit 5.
 6 You see the document on your screen?
 7 (WHEREUPON the document was marked for
 8 identification as Exhibit No. 5 and is
 9 attached hereto.)
 10 A. I do.
 11 Q. All right. On the top, it says, "Texas
 12 Secretary of State John B. Scott"; is that correct?
 13 A. Yes, it does.
 14 Q. And then it says, "Election Advisory
 15 Number 2021-10"; is that correct?
 16 A. Yes.
 17 Q. And then it says, "To: County Chairs,
 18 County Election Officials, and County Judges."
 19 Did I read that correctly?
 20 A. Mm-hmm.
 21 Q. Did you see the spot where it says, "From:
 22 Keith Ingram, Director of Elections"?
 23 A. Yes.
 24 Q. Then you see how the date is August 31,
 25 2021?

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1 Q. Okay. So you had not and your staff may
 2 or may not have, but you can't attest to one way or the
 3 other; is that right?
 4 A. Correct.
 5 Q. So you are not familiar with its contents;
 6 is that correct?
 7 A. Of the newsletter? No.
 8 Q. Were you aware that the Election Advisory
 9 2021-09 existed before today?
 10 A. No. But I do know that there are
 11 advisories that are sent.
 12 Q. On the same question with the Election
 13 Advisory Number 2021-10, were you aware that the
 14 document on your screen existed before today?
 15 A. No. But again, we're -- we received
 16 newsletters from the Secretary of State, I just -- I
 17 don't open them, but I'm sure someone on my team is
 18 aware of them.
 19 Q. So both of these election advisories
 20 address SB 1111, correct?
 21 A. It looks like it. Yes.
 22 Q. The first one gave a very small summary
 23 and then the second one is much larger expansion on the
 24 bill; is that correct?
 25 A. Correct.

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1 Q. And this was issued in the summer of 2021,
 2 so not too long after the legislation was enacted; is
 3 that correct?
 4 A. Seems to be the case.
 5 Q. All right. And do you see where it says,
 6 "the Definition of Residence"?
 7 Can you please read that to yourself?
 8 A. Mm-hmm. Yes.
 9 Q. All right. Is there anything about the
 10 Definition of Residence, as explained here that stands
 11 out in your mind as being incorrect or incongruent with
 12 Voto Latino's position?
 13 MS. JOHNSON: Object to form.
 14 A. It seems to be verbatim from the bill, but
 15 I would have to look at them side by side.
 16 Q. (BY MS. HUNKER) Okay. But if we look
 17 down -- there is a breakdown of Section 1.015 of the
 18 election code; is that correct?
 19 A. That's what it seems to be. Yes.
 20 Q. And then it talks about (as read),
 21 "Modifications to Standard Address Confirmation Form --
 22 Forms;" is that correct?
 23 A. Yes.
 24 Q. And then it says, "Procedures for New
 25 Address Confirmation Requiring Documentation," correct?

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1 A. Yes.
 2 Q. And then it talks about, "Frequently Asked
 3 Questions"; is that correct?
 4 A. Yes.
 5 Q. So earlier in our conversation, you had
 6 mentioned that you thought there was not enough guidance
 7 about these election laws.
 8 Does identifying these two election
 9 advisories change your opinion in regards to that?
 10 A. No.
 11 Q. When you were trying to understand the
 12 application of SB 1111, what steps did you take?
 13 A. We were informed by what we were reading
 14 in the paper. We were informed and briefed by our
 15 attorneys and we are part of a coalition and we were
 16 briefed by that coalition of the impacts of the law.
 17 Q. And you didn't seek any advice for
 18 guidance from the Secretary of State's office when
 19 trying to make this assessment, did you?
 20 A. I mean, it's -- it verbatim says why we're
 21 here, right? A person that may not establish a
 22 residence at any place that a person does not inhabit.
 23 A person may not designate a previous residency, has a
 24 home, fixed place of habitation, unless the person
 25 inhabits that place at the same time, designation

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1 intends to remain. I mean, clearly, the briefings that
 2 we were receiving are straight from the same of our
 3 understanding of his status.
 4 Q. Were you aware that the Texas Secretary of
 5 State conducts seminars for county election officials?
 6 A. I'm sure there are forms of keeping people
 7 up to date. I don't track that.
 8 Q. Are you aware that as part of the
 9 seminars, there are discussions in regards to new
 10 legislation of which SB 1111 was one?
 11 A. Perhaps, I'm not a secretary -- I'm not a
 12 county official, so I'm not privy to that.
 13 Q. So you do not know what information the
 14 Secretary of State's Office communicated to county
 15 officials in regards to SB 1111; is that right?
 16 A. Yeah -- yeah, correct. I wouldn't be
 17 invited to those seminars and summits, so.
 18 Q. Alas, I think my invitation got lost in
 19 the mail as well.
 20 A. Pardon?
 21 Q. I said, Alas, I think my invitation got
 22 lost in the mail as well.
 23 A. I see.
 24 Q. And you're not aware of any other
 25 communications that may have been between the Secretary

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1 of State's Office and county election officials
 2 regarding interpretation, application, or operation of
 3 SB 1111, correct?
 4 A. Correct.
 5 Q. This is probably a good spot for a break,
 6 so if we can go off the record.
 7 A. Okay.
 8 Q. So --
 9 MS. JOHNSON: Yeah, sorry. I think we're
 10 probably going to say the same thing, so you can go
 11 ahead.
 12 THE VIDEOGRAPHER: Okay --
 13 MS. HUNKER: Yeah.
 14 THE VIDEOGRAPHER: -- we are off the
 15 record at 2:04 p.m.
 16 (Break taken)
 17 THE VIDEOGRAPHER: We are back on the
 18 record at 2:22 p.m.
 19 Q. (BY MS. HUNKER) All right. Ms. Kumar,
 20 hopefully this will be our last -- our last pull through
 21 and we can get this over with.
 22 A. Thank you.
 23 Q. So let's look back at Exhibit 1,
 24 specifically, topic number eight (as read), "Voto Latino
 25 statements, public or otherwise, relating to SB 1111,

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1 including press releases, newsletters, campaign letters
 2 or signs, news articles, op-ed pieces, testimony,
 3 postings or messages published on blogs and/or social
 4 media websites, and communications with voters,
 5 supporters, or donors pertaining to such election."
 6 Did I read that correctly?
 7 A. Yes.
 8 Q. Did you prepare today to speak on this
 9 topic?
 10 A. Yes.
 11 Q. How did you prepare?
 12 A. I reviewed the documents we submitted in
 13 support of this, and then I spoke to my staff and to
 14 counsel.
 15 Q. Was Voto Latino aware of SB 1111 when it
 16 was being considered by committee?
 17 A. Yes.
 18 Q. And was Voto Latino aware of SB 1111 when
 19 it was considered on the floor by either the Texas House
 20 or Texas Senate?
 21 A. Yes.
 22 Q. Did anyone from Voto Latino raise concerns
 23 with legislators about SB 1111?
 24 A. Not directly with legislators, I think we
 25 were -- we did inform our audience that another voter

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1 suppression law was being considered in the State House.
 2 Q. So you did not contact the specific
 3 Legislature about SB 1111; is that correct?
 4 A. Not to my knowledge, no.
 5 Q. And Voto Latino did not testify before any
 6 of the committees in regards to SB 1111?
 7 A. We weren't invited to.
 8 Q. And you were part of the public testimony?
 9 A. That I don't know, I have to double check.
 10 Sometimes we field volunteers to testify, people who are
 11 impacted, but I have to see if we did that in this case
 12 or not.
 13 Q. Okay. So to your -- to your knowledge
 14 right now, you don't know, but you could find out; is
 15 that correct?
 16 A. Correct. Yes.
 17 Q. So how did you go about raising your
 18 concerns regarding SB 1111, prior to its passage, if at
 19 all?
 20 A. Normal practices that we advise our
 21 member, our -- well, our constituency, that this is
 22 happening and we encourage them to call their state
 23 legislatures so that they can directly hear from the
 24 voter.
 25 Q. Did anyone from Voto Latino make public

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1 statements discussing their reservations about SB 1111
 2 when the bill was being considered?
 3 A. Not that I'm aware of. Possibly, I did
 4 because I often speak on news channels and things of
 5 what is happening down the pike in various states. So I
 6 may have, but I'm not quite sure.
 7 Q. Were you aware of the contents of the
 8 testimony before the -- the different committees for SB
 9 1111?
 10 A. The content, no, I was not.
 11 Q. Did you follow the floor debate at all?
 12 A. No.
 13 Q. Do you know if any of the concerns we
 14 spoke about today were raised either -- well, say first
 15 during the committees?
 16 A. I don't know.
 17 Q. And are you aware if the concerns we
 18 discussed here today were raised to the legislature on
 19 the floor?
 20 A. I don't know.
 21 Q. All right. So topic number nine reads (as
 22 read), "Voto Latino's activities relating to voter
 23 registration, get-out-the-vote or election
 24 administration in Texas, including any policies,
 25 protocols, practices, memoranda, or training or guidance

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1 materials created and/or implemented in connection with
 2 these activities."
 3 Did I read that correctly?
 4 A. Yes.
 5 Q. Is there anything that we haven't
 6 discussed that is in relation to this topic -- wait, let
 7 me take that back. Let me rephrase it.
 8 A. Mm-hmm.
 9 Q. Are there any activities that Voto Latino
 10 engages in, in Texas that we haven't already discussed
 11 in regards to elections or voter registration?
 12 A. No.
 13 Q. Let's move on to topic number ten (as
 14 read), "Voto Latino's communications with any county or
 15 county election official regarding SB 1111."
 16 Did I read that correctly?
 17 A. Yes.
 18 Q. How did you prepare -- or to say, did you
 19 prepare for this topic?
 20 A. I did, yes.
 21 Q. And how did you prepare?
 22 A. By speaking to my counsel on this -- in
 23 this -- this case. I didn't ask my staff. I should
 24 have, but I did not.
 25 Q. You -- you do not ask your staff?

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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?

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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

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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

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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.

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1 Q. Mm-hmm. Are they going to be part of the
 2 survey? Military members and farm workers, when you're
 3 seeking to identify individuals, who could not register
 4 to vote.
 5 A. Farmworkers are harder. Military,
 6 oftentimes, they end up being part of it because
 7 there's, no -- they are our core constituency, meaning
 8 that they are young. Sometimes, they are enrolled in
 9 school.
 10 Q. Are you aware of any individual, who
 11 decided not to register to vote or could not register to
 12 vote on account of SB 1111?
 13 A. Again, we don't know the people that we
 14 missed. As a result, we couldn't do the breadth of the
 15 work that we wanted to in the primary because we had to
 16 divert resources to just a concentrated few to make sure
 17 that those individuals really did know. Our intent was
 18 to register far more for the primary, but we weren't
 19 able to do so with finite resources in limited time to
 20 get to be able to overcommunicate to the audience.
 21 Q. Are you communicating to -- you mentioned
 22 you were communicating with your constituents? Are you
 23 communicating with anybody else about finding specific
 24 examples of individuals, who decided not to register to
 25 vote because of SB 1111?

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1 A. Can you rephrase the question. I'm not
 2 quite -- I don't understand.
 3 Q. Yeah, you already mentioned that you were
 4 going to seek input from your constituents.
 5 A. Mm-hmm.
 6 Q. My question is: Are you communicating with
 7 anybody else about finding specific examples of
 8 individuals, who decided not to register because of
 9 SB 1111? That could include individuals, it will
 10 include organizations.
 11 A. Not at this time. No, we have not.
 12 Q. Are you aware of anyone, who was
 13 prosecuted under SB 1111?
 14 A. No. But we know plenty of examples that
 15 have been widely in the press of people, who've been
 16 prosecuted for erroneously casting a ballot and not
 17 knowing that they were at foul of the law. And that is
 18 why we're here because we want to ensure that that
 19 doesn't happen to -- to any voter, frankly.
 20 Q. And so those were in regards to different
 21 statutes, correct?
 22 A. Correct.
 23 Q. But are you aware of any specific county
 24 that threatened to prosecute individual if they
 25 accidentally violated SB 1111?

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1 A. No. But there is a pattern of people in
 2 violation of the law being prosecuted. And so that's
 3 why we're filing this because it is not clear and the
 4 onus of deciding whether someone has been registered
 5 afoul seems to lie squarely on the properties of the
 6 registrar's office, which also seems very arbitrary.
 7 Q. Is Voto Latino as part of the relief
 8 sought in this case asking the court to direct the
 9 Secretary of State's Office to issue additional
 10 information about SB 1111?
 11 A. I mean, I think it's more of going back to
 12 the status quo because, again, Texas certified a fair,
 13 free election in 2020, and there's no really need to
 14 change something that isn't broken.
 15 Q. So do you think the fact that Texas
 16 certified a free and fair election means it could never
 17 reform or improve upon its election law?
 18 A. Yeah, and lowering the -- the access to
 19 the voting booth and actually following their statutes
 20 prior to the gutting of the Voting Rights Act and
 21 creating spaces for enfranchisement, eliminating, and
 22 modernizing their election systems, so there are not --
 23 no voter registration officials that have to be
 24 deputized and there's a lot of places that if we're
 25 talking about improvement, maximized participation,

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1 there's several states that have really modernized and
 2 are encouraging people, you know.
 3 California pre-registers to vote when
 4 you're 16 years old, get us out of the state of Texas,
 5 and we don't have to. I think those are -- there's a
 6 lot of things that I would love to engage with the
 7 Secretary of State's on how to modernize it so that
 8 every single Texan, regardless of zip code or color or
 9 creed gets the chance to participate freely.
 10 Q. Have you met with the legislature or the
 11 Secretary of State's office about these proposals?
 12 A. No, they -- no, we have not.
 13 Q. Were you aware that Texas has a higher
 14 registration rate than California?
 15 A. Not recently. For -- for 16 and 17 year
 16 olds because they actually are automatically
 17 pre-registered.
 18 Q. I was talking automatically, I mean,
 19 overall.
 20 A. But I'm focusing on my constituency.
 21 Q. Got you.
 22 A. And so --
 23 Q. So I'm going to preface the next set of
 24 questions with the caveat again, but I'm not interested
 25 in, nor do I wish to hear about substance of

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1 communications that you had with your attorneys.
 2 Does my caveat makes sense?
 3 A. Yes.
 4 Q. When did you retain your current counsel?
 5 A. They've been our attorneys for 15 years.
 6 Q. So it's an ongoing relationship?
 7 A. Correct.
 8 Q. When did you first meet with your counsel
 9 about SB 1111?
 10 A. I can't recall. I think shortly after it
 11 was probably filed. I asked if there's ways that we
 12 could actually engage in contesting it.
 13 Q. So you said shortly after it was filed?
 14 A. After it was signed, yeah. If not before,
 15 I -- I can't remember timeline, but I know that this was
 16 definitely on our radar. And I'm confusing now the
 17 timeline with SB 1 -- SB 1111 to be frank.
 18 Q. So when you say "filed," do you mean filed
 19 with the legislature or do you mean actually enacted?
 20 A. Once it was signed by the Governor.
 21 Excuse me, my stomach is growling now. Hope not to
 22 interrupt.
 23 Q. When did you just --
 24 A. -- diet, by the way. I'm not
 25 [inaudible] -- versus officially think it.

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1 Q. One of the benefits of intermittent
 2 fasting is like, it's just --
 3 When did you decide it was -- when did
 4 you decide Voto Latino wanted to file a lawsuit
 5 pertaining to SB 1111?
 6 A. When we understood that it was going to
 7 have an impact on young voters in particular.
 8 Q. Did the idea of filing a lawsuit originate
 9 with Voto Latino or did it come from some other
 10 individual or organization?
 11 A. It -- it originated with -- with myself
 12 and Voto Latino.
 13 Q. Did any organization contact you to
 14 encourage you to file a lawsuit challenging SB 1111?
 15 A. No.
 16 Q. Did any individual contact you to
 17 encourage you to file a lawsuit challenging SB 1111?
 18 A. Is that different from the first question?
 19 Q. Yeah, the first question I asked about the
 20 organization. Now, I'm asking about individuals.
 21 A. Oh, no.
 22 Q. Did you contact any other individual
 23 organization to encourage them to join the lawsuit?
 24 A. No.
 25 Q. Are you aware that there have been

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1 documented instances of absentee -- have you been -- let
 2 me rephrase that question.
 3 Are you aware that there have been
 4 documented instances of election fraud in state of
 5 Texas?
 6 MS. JOHNSON: Kathleen, what topic does
 7 this go to?
 8 MS. HUNKER: You can object if you want.
 9 MS. JOHNSON: Objection to outside the
 10 scope of the notice.
 11 Q. (BY MS. HUNKER) You can answer the
 12 question.
 13 A. The one that I -- there's two that I'm
 14 aware of. One is that someone accidentally cast a
 15 ballot when they were on parole and got five years.
 16 In -- and the other one, I believe, was also during the
 17 election where a man stood in line, I want to say 12
 18 hours, and was the last vote. And he was excited to be
 19 enfranchised only to find out that he had three days for
 20 his parole, and as a result they counted it as voter
 21 fraud and he got -- now he has time.
 22 In both instances, people were -- under
 23 the understanding that they were on the right side of
 24 the law, and so that's why we are so careful with how we
 25 communicate and better understand SB 1111 because we

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1 wouldn't want that chilling effect to impact someone's
 2 participation, but they're very well documented.
 3 Q. Are you aware of any other documented
 4 instance of election fraud in state of Texas?
 5 A. No. From my understanding, according to a
 6 lot of academic research the -- the voter fraud is
 7 actually very minimal and, oftentimes, it's erroneous.
 8 It's done by mistake, not on -- not at scale definitely
 9 if it was at scale then Texas would never have certified
 10 a fair and free election in the 2020 election.
 11 Q. Do you believe the state has an interest
 12 in preventing voter fraud when it occurs?
 13 MS. JOHNSON: Objection. Outside the
 14 scope of the notice.
 15 MS. HUNKER: You can answer.
 16 A. I -- I believe that the state has to -- if
 17 there was massive voter fraud in 2020, I think it would
 18 be understood why they're trying to make all these
 19 restrictions. But the fact that Texas certified a fair
 20 free election in 2020, and then decided that in 2021
 21 they were going to do -- present over 50 types of
 22 legislation for a problem that did not exist seems to be
 23 not modernizing their election system, just, you know,
 24 could be possible, but instead of trying to create a
 25 chilling effect because of the increased participation

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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,

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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

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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,

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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

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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

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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.

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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,

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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

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1 to turn 18 by the midterm.
 2 We're doing our darndest trying to
 3 explain things to them, but SB 1111 makes it harder
 4 because we can't tell them with a 100 percent guarantee
 5 and certitude that if they register to vote on campus:
 6 One, that they are not in violation of the law if they
 7 register at because it is a temporary address. And if
 8 they are to register to vote using their parents'
 9 address that they are not afoul of the law because they
 10 technically did not reside there when they actually
 11 filled out that application.
 12 Q. So if I understood you correctly, it's the
 13 impact that it -- that this law has on college students
 14 to form the basis of your belief?
 15 A. The potential impact, yes, the chilling
 16 effect and that we can't communicate freely with
 17 certitude that they will not be in violation.
 18 Q. Okay. So the potential impact on college
 19 students and young voters, that's the basis of your --
 20 A. In our -- in our material ability to do
 21 our work as well, right, so.
 22 Q. And so you also made the insinuation that
 23 the Texas Legislature enacted Senate Bill 1111 in order
 24 to inhibit Latino vote; is that correct?
 25 A. Latino youth vote in particular and young

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1 people in general just --
 2 Q. So is it -- let me see if I understand
 3 this correctly --
 4 A. Reason I say that is that 75 percent of
 5 Latinos voted for Biden in the last election that were
 6 young voters versus, I believe, 51 percent of young
 7 white voters voted. So it is --
 8 Q. So is it your contention that the bill was
 9 targeted at Latino voters or your contention is that the
 10 bill was targeted at young voters, some of which just
 11 happened to be Latino?
 12 A. I would say that it was targeted at young
 13 voters as whole, but in particular young Latino voters,
 14 because they're by definition of their demographics, low
 15 propensity voters. Many of them do not have a history
 16 of voting in the household.
 17 So our program where civic education we
 18 oftentimes have to speak to get them involved because
 19 they don't have those conversations neither at school
 20 nor in the household unlike white voters, who often do.
 21 So we try to create a culture of voting and awareness
 22 for a constituency that does not have that, you know,
 23 that knowledge and that built in understanding of how
 24 things work with our democracy.
 25 Q. And so the basis of this belief that is

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1 also the potential impact that this would have on
 2 college students as well as the effect on your ability
 3 to communicate, correct?
 4 A. Correct.
 5 Q. I am going to pull up my next exhibit I've
 6 already shared it in chat function.
 7 Do you see the document on your screen?
 8 A. Yeah, yes.
 9 Q. All right. This is the House Journal
 10 specifically for Tuesday, May 25, 2021. Would you agree
 11 with that description?
 12 (WHEREUPON, the document was marked for
 13 identification as Exhibit No. 7 and is
 14 attached hereto.)
 15 A. Mm-hmm. Yes.
 16 Q. So please scroll down.
 17 You can see it says SB 1111 on third
 18 reading, correct?
 19 A. Yes.
 20 Q. All right. Okay. I will present to you
 21 that I cut out the extraneous pages so that this was
 22 manageable. So this is not the entirety of the House
 23 Journal for that day, but rather the portion that
 24 specifically deals with SB 1111. So that's just to
 25 clarify.

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1 A. Okay. Thank you.
 2 Q. All right. So it says here (as read),
 3 "SB 1111 was passed. 81 yeas, 65 nays, one present not
 4 voting"; is that correct?
 5 A. Yes.
 6 Q. Okay. Can you identify any particular
 7 member of the Texas Legislature that you could -- you
 8 provide evidence that have the intent to suppress
 9 college voting?
 10 MS. JOHNSON: Objection outside the scope
 11 of the -- the notice.
 12 A. Again, I think the fact that it's all on
 13 party lines is in search of a problem that did not exist
 14 in 2020 after a fair and certified election is reason to
 15 believe that it was slanted to [inaudible] impacts.
 16 Q. (BY MS. HUNKER) Okay.
 17 A. Almost with surgical precision of a
 18 population in who they're trying to disenfranchise.
 19 It's not homeowners.
 20 Q. You're aware that most young adults do not
 21 attend college, correct, in the United States?
 22 A. I'm sharing with you where we conduct a
 23 lot of our work that happens to be on college campuses.
 24 Q. So of the voter -- of the legislators, who
 25 voted yea, can you point to any specific legislature

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1 that you think had legislative intent -- had the intent
 2 to discriminate against college students?
 3 MS. JOHNSON: Objection outside of the
 4 scope of the notice and cause for speculation.
 5 A. Again, if it was not on partisan lines,
 6 but I don't -- I mean, I can't speak to their intention,
 7 but I can tell you that that is a chilling effect on the
 8 direct constituency that we try to enfranchise every
 9 single day.
 10 Q. (BY MS. HUNKER) Okay. So you can't
 11 identify a specific number that you think has a
 12 discriminatory intent; is that correct?
 13 MS. JOHNSON: Same objection and asked
 14 and answered.
 15 A. And again, when you look at SB 1111, and,
 16 you know, combine it with SB 1, it is a chilling effect
 17 that disproportionately impacts young voters and people
 18 of color and in some cases creates an undue burden to
 19 try to certify with other documentation that is not
 20 required by -- again, let's say, a homeowner.
 21 Q. (BY MS. HUNKER) Is it your position that
 22 every legislator, who voted yea had discriminatory
 23 intent?
 24 MS. JOHNSON: Objection outside the scope
 25 of the notice.

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1 A. The result is discriminatory. I don't
 2 know if their intent was that, but, again, because it's
 3 partisan, it's really hard to say that otherwise, and
 4 it's not because they were trying to find a solution to
 5 a problem.
 6 Q. (BY MS. HUNKER) All right. Going to
 7 share this document. This is -- can you see it on the
 8 screen?
 9 A. Yes, I can.
 10 Q. This is the Senate Journal for Wednesday,
 11 April 28, 2021. Do you agree with my description?
 12 (WHEREUPON, the document was marked for
 13 identification as Exhibit No. 9 and is
 14 attached hereto.)
 15 MS. JOHNSON: Yeah, I think your sound
 16 cut out a little. If you can repeat.
 17 Q. (BY MS. HUNKER) So this is the Senate
 18 Journal for Wednesday, April 28, 2021.
 19 Do you agree with my description?
 20 A. Yes.
 21 Q. Okay. And, again, I've cut out the
 22 extraneous pages that do not deal with SB 1111. This is
 23 not the full journal on that day. And if we look it
 24 says (as read), SB 1111 on third reading, we have a vote
 25 of 18 yeas, 13 nays.

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1 I'm going to ask the same question, can
 2 you identify a senator on this list, who voted yea that
 3 acted with discriminatory intent when they made that
 4 vote?
 5 MS. JOHNSON: Objection: Outside of the
 6 scope of the notice and calls for speculation.
 7 A. I would say the only one that -- that
 8 comes to mind is Bettencourt when he is on record saying
 9 that the purpose of this bill is to restrict people from
 10 moving and having their freedom to express themselves by
 11 moving -- physically moving to a different location. I
 12 guess, contradict exactly what our rights are as
 13 Americans, let alone Texans, that we can move anywhere
 14 we want, regardless of our intent.
 15 And also it goes -- it seems to go
 16 against the Governor, where the Governor has chipped in
 17 saying that people are moving in order to influence any
 18 part of Texas elections.
 19 Q. (BY MS. HUNKER) So you believe that
 20 Senator Bettencourt had discriminatory intent in regards
 21 to college students?
 22 MS. JOHNSON: Same objections.
 23 A. I'm speaking specifically to what he said
 24 about not being able to -- not allowing of Texans to
 25 freely move based on -- that he did not like.

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1 Q. (BY MS. HUNKER) Okay. So you were not
 2 in -- you were not asserting that you believe Senator
 3 Bettencourt has a discriminatory intent when he proposed
 4 and then voted in favor of this bill; is that correct?
 5 A. I -- I don't know what's in his heart. I
 6 can just say is read what he said and that is creating
 7 spaces where -- he's trying to determine what is in
 8 someone's heart and their intention for moving and that
 9 seems to be a foul of being American, frankly.
 10 Q. And the statements that you are talking
 11 about were these on the House Floor or Senate Floor I
 12 should say?
 13 A. I've read them in the article, one of the
 14 articles that I shared that we submitted for the record.
 15 Q. So you would have read excerpts or quotes
 16 in a news article; is that it?
 17 A. Correct.
 18 Q. Do you have any other evidence that any
 19 member of the Texas House or member of the Texas Senate,
 20 who voted in favor SB 1111 have discriminatory intent
 21 when they enacted the bill?
 22 MS. JOHNSON: Objection outside the scope
 23 of the notice.
 24 A. Again, is -- it because of having --
 25 having certified a fair, free election in 2020, the fact

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1 that they have brought in an onslaught of 50 bills
 2 trying to chill the voter participation of an increase
 3 in an interest in -- in the process along party lines
 4 makes one wonder why? Texas, according to university
 5 studies, is already the hardest to-vote state with the
 6 most restrictions. I mean, dead last.
 7 And then see an increase in participation
 8 despite all of those hurdles and to come up with a slew
 9 of legislation to try to prevent that, you know, that
 10 enfranchisement just seems to be at odds with the
 11 purpose of participation. And again, it falls on party
 12 lines. So there is definitely a chilling effect in this
 13 case among young people and particularly young Latinos.
 14 Again, we're expecting 800,000 Latinos to -- to come of
 15 age between the last election in 20 -- in 2024.
 16 Q. (BY MS. HUNKER) And so what evidence do
 17 you have a disparate impact on college students or on
 18 Latino voters?
 19 A. I think it's been my whole testimony.
 20 We've had to divert resources and retool them and we
 21 have to explain what is happening. I am not clear and I
 22 don't think it -- you know, my counsel couldn't firmly
 23 state either what is actually -- how someone can safely
 24 vote as a college student in the state of Texas now
 25 after this passage.

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1 Q. And how would you define voter's
 2 suppression?
 3 A. This.
 4 Q. Any more specific definition?
 5 A. Anything that creates opaqueness in the
 6 ability to be enfranchised, any ability that actually
 7 creates a chilling effect for -- for organizations such
 8 as mine cannot communicate effectively and with
 9 certitude that the person that is getting registered is
 10 going to be not on the outside of the law. Anything
 11 that allows and creates impediments where I have to
 12 raise money or divert resources or train my staff
 13 differently. There's plenty of examples of
 14 modernization in the election system. This is not it.
 15 Q. Is it Voto Latino's position that any
 16 burden on the right to vote is voter suppression?
 17 A. Pardon?
 18 Q. Is it Voto Latino's position that any
 19 burden on the right to vote is voter suppression?
 20 A. I would welcome universal voting where
 21 everybody's automatically registered and then it's up to
 22 political parties to fight for their ideologies and the
 23 policy positions of every voter. That would be a
 24 modernized system.
 25 MS. HUNKER: I'm going to object to that

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1 as nonresponsive.
 2 Q. (BY MS. HUNKER) Maybe I didn't ask my
 3 question directly. So I'm more interested in your
 4 understanding or Voto Latino's understanding of voter
 5 suppression.
 6 And so my question for you is: Does Voto
 7 Latino believe that any burden on the right to vote is
 8 voter's suppression?
 9 A. I would say that creating burdens and
 10 hurdles for people to vote is against our Constitution
 11 and our job if we deeply all believe in the same
 12 founding documents, that every vote is equal and
 13 everybody should have equal access, regardless of ZIP
 14 code or creed or religion. In the moment, they -- they
 15 should not have those hurdles.
 16 And again, I would propose modernizing
 17 our election system so that everybody can participate
 18 equally. And that means everything from having to, you
 19 know, once -- one area of town having to wait five hours
 20 to vote for someone that can easily come in and cast a
 21 ballot. This should not be an illness. If we're to be
 22 frank, our political system is much better when
 23 everybody participates.
 24 And when politicians then have to fight
 25 for our vote versus creating expediencies and hurdles

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1 for people to prevent them and to chill them from their
 2 participation, it goes against our democracy and -- and
 3 our founding fathers' belief that we should all
 4 participate for a thriving modern democracy, so --
 5 Q. Have you proposed any reforms to the Texas
 6 Legislature?
 7 A. No, we are -- no.
 8 Q. Okay. Well, the --
 9 A. I welcome my reforms, though, to be -- to
 10 would speak straight.
 11 Q. We spoke a little bit before about the
 12 interrogatories and RFPs. My question for you is in
 13 regards to the documents.
 14 Are there any -- how did you go about
 15 finding documents that were produced in this case?
 16 A. Basically looking through -- well, we
 17 didn't -- we actually gave our attorneys access to
 18 our -- the documents from this case.
 19 Q. And are there any -- are there any
 20 documents that you have in your care of custody or
 21 control that you have yet to produce to the state
 22 intervenor?
 23 A. Not that I'm aware of, no.
 24 MS. HUNKER: If we can just take two or
 25 three minutes for me to check my notes, but I think

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1 we're about done.
 2 MS. JOHNSON: Okay. Perfect.
 3 THE WITNESS: Thank you.
 4 THE VIDEOGRAPHER: We are off the record
 5 at 3:07.
 6 (Break taken)
 7 THE VIDEOGRAPHER: We are back on the
 8 record at 3:09 p.m.
 9 Q. (BY MS. HUNKER) Ms. Kumar, I only have
 10 one last question for you, that is: Are you aware of
 11 any independent analysis that was done on SB 1111?
 12 A. I'm so sorry, your sound.
 13 Q. Are you aware of any independent analysis
 14 that was done in regards to SB 1111?
 15 MS. JOHNSON: Object to form.
 16 A. Outside of briefings that we received, I'm
 17 not aware.
 18 Q. (BY MS. HUNKER) And did you conduct any
 19 independent assessments of SB 1111?
 20 A. We depend on counsel and depend on
 21 coalition.
 22 MS. HUNKER: Okay. And that's all the
 23 questions I have. I pass the witness.
 24 THE WITNESS: Thank you very much,
 25 Kathleen. Hope you have a good lunch.

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1 MS. HUNKER: Thank you. It's not done
 2 yet. I have to get confirmation that --
 3 THE WITNESS: Oh, apologies. I'm about
 4 to get food. I'm like -- I'm sure anyone else on the
 5 phone, too --
 6 MS. VEIDT: Travis County defendant
 7 Elfant has no questions for this witness.
 8 MS. AL-FUHAID: Intervenor-defendants
 9 Pendley and Torres have no questions.
 10 MS. JOHNSON: Great. Was there anyone
 11 else on? Okay. We don't have any, and so I think we
 12 can close out the deposition.
 13 THE VIDEOGRAPHER: Okay. Wonderful. We
 14 are off the record at 3:10 p.m.
 15 (Proceedings concluded at 3:10 p.m.)
 16
 17
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 19
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 21
 22
 23
 24
 25

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1 CHANGES AND SIGNATURE
 2 WITNESS NAME:MS. MARIA TERESA KUMAR
 3 DATE OF DEPOSITION: APRIL 5, 2022
 4 PAGE LINE CHANGE REASON
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

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1 I,MS. MARIA TERESA KUMAR, have read the
 2 foregoing deposition and hereby affix my signature that
 3 same is true and correct, except as noted above.
 4
 5 _____
 6 MS. MARIA TERESA KUMAR
 7
 8 THE STATE OF _____)
 9 COUNTY OF _____)
 10 Before me, _____, on this day
 11 personally appeared MS. MARIA TERESA KUMAR, known to me
 12 or proved to me under oath of _____ or
 13 through _____ (description of identity card
 14 or other document) to be the person whose name is
 15 subscribed to the foregoing instrument and acknowledged
 16 to me that he/she executed the same for the purpose and
 17 consideration therein expressed.
 18 Given under my hand and seal of office this
 19 ____ day of _____, _____.
 20
 21 _____
 22 NOTARY PUBLIC IN AND FOR
 23 THE STATE OF _____
 24 My Commission Expires: _____
 25

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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 §
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 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
 14
 15
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 24
 25

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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

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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[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

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 111 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

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

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

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
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Counsel for Plaintiffs Texas State LULAC and Voto Latino

*Pro Hac Vice Application Forthcoming

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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=SkZodCtRzFMYW9RMZnCcWJCb044QT09>.

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
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/s/ Eric A. Hudson
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**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:

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/s/ 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 Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations) 2019

Department of the Treasury Internal Revenue Service

For the 2019 calendar year, or tax year beginning 01-01-2019, and ending 12-31-2019

990 Return of Organization Exempt From Income Tax

OMB No. 1545-0047

Open to Public Inspection

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.

Part I Organization information

1 Organization name: VOTO LATINO INC

2 EIN: 20-1390232

3 Telephone number: (202) 386-6374

4 Gross receipts or sales: \$11,948

5 Assets: \$1,957,212

6 Liabilities: \$435,941

7 Net assets or fund balances: \$1,521,271

8 Form 990-B prepared by: SALT & ASSOCIATES, LLC

9 Preparer's signature: DANIEL PETERMAN, MANAGING DIRECTOR

10 Date of signature: 2020-05-11

11 Preparer's name: SALT & ASSOCIATES, LLC

12 Preparer's address: 1300 L STREET NW WASHINGTON, DC 20004

13 Preparer's phone number: (202) 351-8332

14 Preparer's fax number: (202) 328-1532

15 May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

16 For Paperwork Reduction Act notices, see the separate instructions. Cat. No. 11282Y Form 990 (2019)

Part II Summary

1 Briefly describe the organization's mission or most significant activities: VOTO LATINO EMPOWERS LATIN MILLENNIALS BY ENGAGING YOUTH, MEDIA, AND TECHNOLOGY TO PROMOTE CIVIC PARTICIPATION AND POSITIVE CHANGE.

2 Check this box if the organization discontinued its operations or disposed of more than 25% of its net assets.

3 Number of voting members of the governing body (Part VII, line 2g) 3

4 Number of independent voting members of the governing body (Part VII, line 2g) 4

5 Total number of individuals employed in calendar year 2019 (Part VII, line 2a) 5

6 Total number of volunteers (estimate if necessary) 6

7a Total unrelated business revenue from Part VII, column (C), line 12 7a

7b Net unrelated business taxable income from Form 990-T, line 29 7b

Part III Financial Statements

	Prior Year	Current Year
8 Contributions and grants (Part VII, line 2f)	4,579,223	4,162,017
9 Program service revenue (Part VII, line 2g)	0	0
10 Investment income (Part VII, column (A), lines 2, 4, and 7d)	0	0
11 Other revenue (Part VII, column (A), lines 5, 6d, 9c, 9d, 10c, and 11e)	0	0
12 Total revenue—add lines 8 through 11 (must equal Part VII, column (A), line 12)	4,579,223	4,162,017
13 Grants and similar amounts paid (Part IX, column (A), lines 1-3)	0	0
14 Benefits paid to or for members (Part IX, column (A), line 4)	0	0
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10)	872,105	1,155,955
16a Professional fundraising fees (Part IX, column (B), line 13a)	0	0
16b Total fundraising expenses (Part IX, column (B), line 13b)	0	0
17 Other expenses (Part IX, column (A), lines 11a-15e, 17-24e)	2,505,008	2,634,114
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)	4,378,173	3,790,059
19 Excess loss expenses. Subtract line 18 from line 12	201,050	371,958
20 Total assets (Part X, line 18)	1,479,039	1,957,212
21 Total liabilities (Part X, line 26)	470,316	435,941
22 Net assets or fund balances. Subtract line 21 from line 20	1,008,723	1,521,271

Part IV Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: DANIEL PETERMAN, MANAGING DIRECTOR

Signature of preparer: DANIEL PETERMAN, MANAGING DIRECTOR

Appx.--000328

Part IV Checklist of Required Schedules

Table with 2 columns: Question/Requirement and Yes/No. Contains 21 items regarding organizational compliance with IRS requirements.

Form 990 (2019) Statement of Program Service Accomplishments Page 2

Form 990 (2019) Statement of Program Service Accomplishments. Includes sections for describing the organization's mission and reporting on program services.

Form 990 (2019) Part IV Checklist of Required Schedules (continued) Page 4

Form 990 (2019) Part IV Checklist of Required Schedules (continued). Contains items 22 through 38 regarding organizational compliance.

Form 990 (2019) Part V Statements Regarding Other IRS Filings and Tax Compliance Page 5

Form 990 (2019) Part V Statements Regarding Other IRS Filings and Tax Compliance. Contains items 2a through 16 regarding tax compliance and reporting.

Appx.--00325

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 10a 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
1b Enter the number of voting members included in line 1a, above, who are independent
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?
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?
4 Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?
5 Did the organization become aware during the year of a significant diversion of the organization's assets?
6 Did the organization have members or stockholders?
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?
7b Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?
8 Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:
a The governing body?
b Each committee with authority to act on behalf of the governing body?
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.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)
10a Did the organization have local chapters, branches, or affiliates?
10b 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?
11a Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?
11b Describe in Schedule O the process, if any, used by the organization to review this Form 990.
12a Did the organization have a written conflict of interest policy? If "Yes," go to line 13.
12b Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?
12c 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?
14 Did the organization have a written document retention and destruction policy?
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?
15a The organization's CEO, Executive Director, or top management official.
15b Other officers or key employees of the organization. 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?
16b 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:
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.
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

Form 990 (2019)

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.
Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

Table with 6 columns: (A) Name and title, (B) Average hours per week, (C) Position, (D) Reportable compensation from the organization, (E) Reportable compensation from related organizations, (F) Estimated amount of other compensation. Rows include MARIA TERESA BAHMA, RICARDO BARRERA, BRANSON HERNANDEZ, ALJUNDO VIDAL, RYAN MCDONADO, AMERICA KERRARA, WILFRED VALDERAMA, BRIAN STANBURY, THIGRID EURAN, STEVE CHARLAMI, ANA VICTORIA RIVAS-VAZQUEZ.

Form 990 (2019)

Form 990 (2019) Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

Table with 6 columns: (A) Name and title, (B) Average hours per week, (C) Position, (D) Reportable compensation from the organization, (E) Reportable compensation from related organizations, (F) Estimated amount of other compensation. Includes sub-totals for lines 1b, 1c, and 1d.

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 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.
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.
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.

Section B. Independent Contractors

Table with 3 columns: (A) Name and business address, (B) Description of services, (C) Compensation. Rows include AUTHENTIC CAMPAIGNS, BORNHER GROUP INC, UPLAND IN LLC, BLAN STRATEGIES.

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:
Form 990 (2019)

Form 990 (2019) Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII.
1a Federal grants or contracts
1b Membership dues
1c Fundraising events
1d Related organizations
1e Government grants
1f All other contributions, gifts, grants, and similar amounts not included above
1g Quorum call/subscription proceeds
1h Total, Add lines 1a-1g
2a Program Service Revenue
2b Business Code
3 Dividend income (including dividends, interest, and other similar amounts)
4 Income from investment of tax-exempt bond proceeds
5 Royalties
6a Gross rents
6b Less: rental expenses
6c Rental income net of expenses
6d Net rental income (loss)
7a Dividend income (including dividends, interest, and other similar amounts)
7b Less: cost of sales and other expenses
7c Net gain or (loss)
8a Gross income from fundraising events
8b Less: direct expenses
8c Net income or (loss) from fundraising events
9a Gross income from gaming activities
9b Less: direct expenses
9c Net income or (loss) from gaming activities
10a Gross sales of inventory, less returns and allowances
10b Less: cost of goods sold
10c Net income or (loss) from sales of inventory
11a
11b
11c
11d
11e
11f
11g
11h
11i
11j
11k
11l
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11q
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11t
11u
11v
11w
11x
11y
11z
12 Total revenue. See instructions.

Appx.--000330

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.	207,724	34,029	86,778	86,917
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.	801,396	589,926	146,730	144,640
8 Pension plan accruals and contributions (include section 401 (k) and 403(b) employer contributions).				
9 Other employee benefits.	58,648	35,896	11,433	6,719
10 Payroll taxes.	88,867	154,966	20,570	13,331
11 Fees for services (non-employees):				
a Management.				
b Legal.	60,269	59,673	399	
c Accounting.	93,998	46,921	36,167	
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).	1,713,941	1,137,955	43,034	532,952
12 Advertising and promotion.				
13 Office expenses.	81,399	84,466	23,018	13,912
14 Information technology.	71,590	45,146	26,028	413
15 Royalties.				
16 Occupancy.	107,824	83,920	28,637	19,817
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	325,023	13,820	34,459
20 Interest.				
21 Payments to affiliates.				
22 Depreciation, depletion, and amortization.	3,843		3,845	
23 Insurance.	5,074		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.	57,262	30,844	26,460	1,059
b FELLOWS.	43,045	38,612	4,433	
c BAD DEBT.	14,521		14,521	
d BANK FEES.	6,289		5,625	764
e All other expenses.				
25 Total functional expenses. Add lines 1 through 24e.	2,790,869	2,458,355	516,997	814,721
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).				

Form 990 (2019)

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.		2
3 Pledges and grants receivable, net.	88,081	811,000
4 Accounts receivable, net.	9,023	119,789
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.		5
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).		6
7 Notes and loans receivable, net.		7
8 Inventories for sale or use.		8
9 Prepaid expenses and deferred charges.		9
10a Land, buildings, and equipment: cost or other basis. Complete Part V of Schedule D.	40,932	
10b Less: accumulated depreciation.	25,802	
11 Investments—publicly traded securities.	10,518	15,130
12 Investments—other securities. See Part IV, line 11.		12
13 Investments—program-related. See Part IV, line 11.		13
14 Intangible assets.		14
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.		18
19 Deferred revenue.	18,561	0
20 Tax-exempt bond liabilities.		20
21 Escrow or custodial account liability. Complete Part IV of Schedule D.		21
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.		22
23 Secured mortgages and notes payable to unrelated third parties.		23
24 Unsecured notes and loans payable to unrelated third parties.		24
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.		
27 Net assets without donor restrictions.	648,623	795,271
28 Net assets with 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.		
29 Capital stock or trust principal, or current funds.		29
30 Paid-in or capital surplus, or land, building or equipment fund.		30
31 Retained earnings, endowment, accumulated income, or other funds.		31
32 Total net assets or fund balances.	1,009,323	1,521,271
33 Total liabilities and net assets/fund balances.	1,479,839	1,957,212

Form 990 (2019)

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
b 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
c 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
b 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 MILLENNIAL LATINOS TO MAKE THEIR VOICES HEARD IN LOCAL AND NATIONAL ELECTIONS. IN 2019, VOTO LATINO WORKED TO INFORM AND REGISTER 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.

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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 \$ 106,935 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 Public Charity Status and Public Support
 (Form 990 or 990-EZ) 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.

OMB No. 1545-0047 **2019** Open to Public Inspection

Department of the Treasury
 Internal Revenue Service
 Name of the organization: VOTO LATINO INC
 Employer identification number: 36-1350252

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.)

- A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
- A school described in section 170(b)(1)(A)(ii). (Attach Schedule E (Form 990 or 990-EZ).)
- A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
- 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.
- 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.)
- A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
- 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.)
- A community trust described in section 170(b)(1)(A)(vii). (Complete Part II.)
- An agricultural research organization described in 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.
- 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 33 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.)
- An organization organized and operated exclusively to test for public safety. See section 509(a)(4).
- 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.
 - 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.**
 - 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.**
 - 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.**
 - 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.**
 - 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.
 - 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

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(v) (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 III. If the organization failed to qualify under the tests listed below, please complete Part III.)

Section A. Public Support. Calendar year (or fiscal year beginning in) table with columns (a) 2015, (b) 2016, (c) 2017, (d) 2018, (e) 2019, (f) Total. Rows include gifts, tax revenues, total support, and public support.

Section B. Total Support. Calendar year (or fiscal year beginning in) table with columns (a) 2015, (b) 2016, (c) 2017, (d) 2018, (e) 2019, (f) Total. Rows include amounts from line 4, gross income, other income, and total support.

Section C. Computation of Public Support Percentage. Public support percentage for 2019 (line 6, column (f) divided by line 11, column (f)) 14 84.020%

Section D. Computation of Investment Income Percentage. Investment income percentage for 2019 (line 10c, column (f) divided by line 13, column (f)) 17 18%

19a 33 1/3% support tests—2019. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. [X]

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 II.)

Section A. Public Support. Calendar year (or fiscal year beginning in) table with columns (a) 2015, (b) 2016, (c) 2017, (d) 2018, (e) 2019, (f) Total. Rows include gifts, tax revenues, total support, and public support.

Section B. Total Support. Calendar year (or fiscal year beginning in) table with columns (a) 2015, (b) 2016, (c) 2017, (d) 2018, (e) 2019, (f) Total. Rows include amounts from line 6, gross income, other income, and total support.

Section C. Computation of Public Support Percentage. Public support percentage for 2019 (line 6, column (f) divided by line 13, column (f)) 15 76.450%

Section D. Computation of Investment Income Percentage. Investment income percentage for 2019 (line 10c, column (f) divided by line 13, column (f)) 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. [X]

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, B, and C. If you checked 12b of Part I, complete Sections A and C. If you checked 12c of Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations. Table with Yes/No columns and rows for questions 1 through 10a regarding organizational support, IRS determination, and control.

Part IV Supporting Organizations (continued)

Section B. Type I Supporting Organizations. Table with Yes/No columns and rows for questions 1 through 3 regarding directors, trustees, and control.

Section C. Type II Supporting Organizations. Table with Yes/No columns and rows for questions 1 through 2 regarding majority of directors and control.

Section D. All Type III Supporting Organizations. Table with Yes/No columns and rows for questions 1 through 3 regarding notification and relationship.

Section E. Type III Functionally-Integrated Supporting Organizations. Table with Yes/No columns and rows for questions 1 through 3 regarding method of support and relationship.

Section F. Type III Functionally-Integrated Supporting Organizations (continued). Table with Yes/No columns and rows for questions 1 through 3 regarding support method and relationship.

PREVIEW FROM DEMOCRACY

SCHEDULE R (Form 990) Related Organizations and Unrelated Partnerships
 Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37. Attach to Form 990. Go to www.irs.gov/Form990 for instructions and the latest information.

Employer identification number: 20-130232

2019
 Open to Public Inspection

990 Schedule O, Supplemental Information

Return Reference	Explanation
FORM 990, PART IX, LINE 11G	CONSULTING FEES PROGRAM SERVICE EXPENSES 79,837, MANAGEMENT AND GENERAL EXPENSES 0,995, FUNDRAISING EXPENSES 14,667, TOTAL EXPENSES 104,499, DIGITAL OUTREACH PROGRAM SERVICE EXPENSES 478,262, MANAGEMENT AND GENERAL EXPENSES 2,402, FUNDRAISING EXPENSES 0, TOTAL EXPENSES 948,664, CIVIC ENGAGEMENT AND OUTREACH PROGRAM SERVICE EXPENSES 328,091, MANAGEMENT AND GENERAL EXPENSES 25,626, FUNDRAISING EXPENSES 517,880, TOTAL EXPENSES 871,597, TXT MESSAGING SERVICES PROGRAM SERVICE EXPENSES 116,528, MANAGEMENT AND GENERAL EXPENSES 0, FUNDRAISING EXPENSES 0, TOTAL EXPENSES 116,528, MEDIA PRODUCTION PROGRAM SERVICE EXPENSES 135,237, MANAGEMENT AND GENERAL EXPENSES 5,011, FUNDRAISING EXPENSES 305, TOTAL EXPENSES 140,553

Part I Identification of Disregarded Entities. Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

(a) Name, address, and EIN (if applicable) of disregarded entity	(b) Primary activity	(c) Total revenue (omit S-corporation (omit in foreign country))	(d) Total revenue (omit S-corporation)	(e) Direct and indirect safety

Part II Identification of Related Tax-Exempt Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related tax-exempt organizations during the tax year.

(a) Name, address, and EIN (if applicable) of related organization	(b) Primary activity	(c) Total revenue (omit S-corporation)	(d) Total revenue (omit S-corporation)	(e) Total revenue (omit S-corporation)	(f) Direct and indirect safety	(g) (b)(7)(C) (if applicable)
131010 LITTING ACTION FUND 13101 STREET NW SUITE 910 WASHINGTON, DC 20005 45-2974338	IMPACTED PEOPLE ECONOMIC POL. MEMBERSHIP ORGANIZATION	45	203 621441	NA		

Schedule R (Form 990) 2019 Page 2

Part III Identification of Related Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a partnership during the tax year.

(a) Name, address, and EIN (if applicable) of related organization	(b) Primary activity	(c) Total revenue (omit S-corporation)	(d) Total revenue (omit S-corporation)	(e) Total revenue (omit S-corporation)	(f) Direct and indirect safety	(g) (b)(7)(C) (if applicable)

Part IV Identification of Related Organizations Taxable as a Corporation or Trust. Complete if the organization answered "Yes" on Form 990, Part IV, line 34 because it had one or more related organizations treated as a corporation or trust during the tax year.

(a) Name, address, and EIN (if applicable) of related organization	(b) Primary activity	(c) Total revenue (omit S-corporation)	(d) Total revenue (omit S-corporation)	(e) Total revenue (omit S-corporation)	(f) Direct and indirect safety	(g) (b)(7)(C) (if applicable)

Schedule R (Form 990) 2019 Page 3

Part V Transactions With Related Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

1 During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts III-V?

Transaction	Yes	No
a. Receipt of (i) interest, (ii) royalties, or (iii) rent from a controlled entity		
b. Gift, grant, or capital contribution from related organization(s)		
c. Gift, grant, or capital contribution from related organization(s)		
d. Loans or loan guarantees to or for related organization(s)		
e. Loans or loan guarantees by related organization(s)		
f. Dividends from related organization(s)		
g. Sale of assets to related organization(s)		
h. Purchase of assets from related organization(s)		
i. Exchange of assets with related organization(s)		
j. Lease of facilities, equipment, or other assets to related organization(s)		
k. Lease of facilities, equipment, or other assets from related organization(s)		
l. Performance of services or membership or fundraising solicitations for related organization(s)		
m. Performance of services or membership or fundraising solicitations by related organization(s)		
n. Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)		
o. Sharing of paid employees with related organization(s)		
p. Reimbursement paid to related organization(s) for expenses		
q. Reimbursement paid by related organization(s) for expenses		
r. Other transfer of cash or property to related organization(s)		
s. Other transfer of cash or property from related organization(s)		

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this table, including covered relationships and transaction thresholds.

(a) Name of related organization	(b) EIN (if applicable)	(c) Amount involved	(d) Nature of relationship (attach schedule)
131010 LITTING ACTION FUND	45-2974338	45	IMPACTED PEOPLE ECONOMIC POL. MEMBERSHIP ORGANIZATION
131010 LITTING ACTION FUND	45-2974338	203,621,441	IMPACTED PEOPLE ECONOMIC POL. MEMBERSHIP ORGANIZATION

Part VII Unrelated Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 32. Provide the following information for each entity based as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

Table with 11 columns: (a) Name, address, and EIN of entity; (b) Primary activity; (c) Legal structure; (d) Relationship to the organization; (e) All common assets; (f) State or foreign asset; (g) Date of acquisition; (h) Disposition; (i) Total value; (j) Open to public inspection; (k) Percentage owned.

Part VII Supplemental Information Part III Statement of Program Service Accomplishments

Table with 2 columns: Return Reference, Explanation.

Form 990 header: EXTENSION GRANTED THROUGH NOVEMBER 15, 2019. Return of Organization Exempt From Income Tax. 2019. Voto Latino Action Fund.

Part I Summary: A For the 2019 calendar year, or tax year beginning and ending; B Check if applicable; C Name of organization; D Employer identification number; E Telephone number; F Name and address of principal officer; G Form of organization; H Year of formation; M State of legal domicile.

Part II Summary: 1 Briefly describe the organization's mission or most significant activities; 2 Check this box if the organization discontinued its operations or disposed of more than 25% of its net assets; 3-12 Financial data table with columns for Prior Year and Current Year; 13-22 Total assets and liabilities.

Part III Signature Block: Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Signature of Steve Chaplain, CFO.

Form 990 header: VOTO LATINO ACTION FUND. 45-5477218 Page 2. Part III Statement of Program Service Accomplishments.

Part III Statement of Program Service Accomplishments: 1 Briefly describe the organization's mission; 2-4 Describe the organization's program services; 4b-4e Other program services and expenses.

SCANNED JUN 10 2020

EXEMPT FROM INCOME TAX

NOV 25 2019

BOTJOR
45-5477218 Page 3

Table with 3 columns: Question, Yes, No. Contains 21 questions regarding organization activities, financials, and governance.

Table with 3 columns: Question, Yes, No. Contains questions 22 through 38 regarding organization activities, financials, and governance.

Part V Statements Regarding Other IRS Filings and Tax Compliance. Includes sub-sections 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, 1t, 1u, 1v, 1w, 1x, 1y, 1z.

Table with 3 columns: Question, Yes, No. Contains questions 2a through 16 regarding IRS filings, tax compliance, and organizational details.

Table with 3 columns: Question, Yes, No. Contains questions 1a through 16 regarding governance, management, and disclosure.

Appx.--00340

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

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.

Table with 6 columns: (A) Name and Title, (B) Average hours per week, (C) Position, (D) Reportable compensation from the organization, (E) Reportable compensation from related organizations, (F) Estimated amount of other compensation.

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

Continuation of Part VII Section A table from page 7.

1b Sub-total, 1c Total from continuation sheets to Part VII, Section A, 1d Total (add lines 1b and 1c).

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 Did the organization list any former officer, director, or trustee, key employee, or highest compensated employee on line 1a? 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? 5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization?

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.

Table with 3 columns: (A) Name and business address, (B) Description of services, (C) Compensation.

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.

Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII.

Table with 4 columns: (A) Total revenue, (B) Related or exempt function revenue, (C) Unrelated business revenue, (D) Revenue excluded from tax under 512(b)(13).

Part IX Statement of Functional Expenses

Check if Schedule O contains a response or note to any line in this Part IX. Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Table with 4 columns: (A) Total expenses, (B) Program service expenses, (C) Management and general expenses, (D) Fundraising expenses.

Appx.--000341

Part X Balance Sheet. Table with columns (A) Beginning of year and (B) End of year. Rows include Assets (Cash, Savings, Receivables, etc.) and Liabilities (Accounts payable, Loans, etc.). Total net assets/fund balances: 427,036.

Part XI Reconciliation of Net Assets. Table with columns (A) and (B). Rows include Total revenue, Total expenses, Revenue less expenses, Net assets at beginning of year, etc. Total net assets at end of year: 407,936.

Part XII Financial Statements and Reporting. Accounting method used to prepare the Form 990: Accrual. Other information regarding financial statements and reporting.

Supplemental Financial Statements (Form 990). Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts. Part II Conservation Easements. Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Schedule D (Form 990) 2018 VOTO LATINO ACTION FUND 45-5477218 Page 2. Part IV Escrow and Custodial Arrangements. Part V Endowment Funds. Part VI Land, Buildings, and Equipment.

Appx.--000342

Part VII Investments - Other Securities.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11c. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation. Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely-held equity interests		
(3) Other		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Col. (b) must equal Form 990, Part X, col. (B) line 12.)

Part VIII Investments - Program Related.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation. Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		

Total. (Col. (b) must equal Form 990, Part X, col. (B) line 13.)

Part IX Other Assets.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1) DUE FROM AFFILIATE	50,000.
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	

Total. (Column (b) must equal Form 990, Part X, col. (B) line 15.)

Part X Other Liabilities.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

(a) Description of liability	(b) Book value
(1) Federal income taxes	
(2) DUE TO AFFILIATE	15,900.
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	

Total. (Column (b) must equal Form 990, Part X, col. (B) line 25.)

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740). Check here if the text of the footnote has been provided in Part XIII **X**

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

	1	2
1 Total revenue, gains, and other support per audited financial statements	1,113,289.	
2 Amounts included on line 1 but not on Form 990, Part VIII, line 12		
a Net unrealized gains (losses) on investments	2a	
b Donated services and use of facilities	2b	
c Recovery of prior year grants	2c	
d Other (Describe in Part XIII)	2d	
e Add lines 2a through 2d	2e	0.
3 Subtract line 2e from line 1	3	1,113,289.
4 Amounts included on Form 990, Part VIII, line 12, but not on line 3		
a Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b Other (Describe in Part XIII)	4b	
c Add lines 4a and 4b	4c	0.
5 Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5	1,113,289.

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

	1	2
1 Total expenses and losses per audited financial statements	717,577.	
2 Amounts included on line 1 but not on Form 990, Part IX, line 25		
a Donated services and use of facilities	2a	
b Prior year adjustments	2b	
c Other losses	2c	
d Other (Describe in Part XIII)	2d	
e Add lines 2a through 2d	2e	0.
3 Subtract line 2e from line 1	3	717,577.
4 Amounts included on Form 990, Part IX, line 25, but not on line 3		
a Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b Other (Describe in Part XIII)	4b	
c Add lines 4a and 4b	4c	0.
5 Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 13.)	5	717,577.

Part XIII Supplemental Information.
Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b, and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

PART X, LINE 2:
THE FINANCIAL ACCOUNTING STANDARDS BOARD (FASB) HAS RELEASED FASB ASC 740-10, INCOME TAXES, THAT PROVIDE GUIDANCE FOR REPORTING UNCERTAINTY IN INCOME TAXES. FOR THE YEAR ENDED DECEMBER 31, 2018, VOTO LATINO ACTION FUND HAS DOCUMENTED ITS CONSIDERATION OF FASB ASC 740-10 AND DETERMINED THAT NO MATERIAL UNCERTAIN TAX POSITION QUALIFY FOR EITHER RECOGNITION OR DISCLOSURE IN THE FINANCIAL STATEMENTS. TAX YEARS ENDING DECEMBER 31, 2017, 2016 AND 2015 REMAIN OPEN WITH BOTH FEDERAL AND STATE TAXING AUTHORITIES.

SCHEDULE I (Form 990) 2018
Complete if the organization answered "Yes" on Form 990, Part IV, line 21 or 22. Attach to Form 990. Go to www.irs.gov/Form990 for the latest information.

Name of the organization: **VOTO LATINO ACTION FUND** Employer identification number: **45-5477218**

Part I General Information on Grants and Assistance
1. Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the allocation considered to award the grants or assistance? Yes No

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments. Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than \$5,000. Part II can be skipped if no such recipient is reported.

(a) Name and address of organization or government	(b) EIN (if applicable)	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of non-cash assistance	(h) Purpose of grant or assistance
VOTO LATINO 1129 S STREET, NW WASHINGTON, DC 20045	20-1854332		136,585.	-			TO SUPPORT VOTER REGISTRATION EFFORT AND ANNUAL HOUSE REPORT
AAAL PAZ BROTH AMERICA 1733 WY STREET, NW WASHINGTON, DC 20004			430,335.	-			GENERAL OPERATING EXPENDITURE

2. Enter total number of section 501(c)(3) and government organizations listed in the line 1 table: **2**

3. Enter total number of other organizations listed in the line 1 table: **0**

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990. Schedule I (Form 990) 2018

SCHEDULE I (Form 990) 2018 **VOTO LATINO ACTION FUND** 45-5477218 Page 2

Part III Grants and Other Assistance to Domestic Individuals. Complete if the organization answered "Yes" on Form 990, Part IV, line 22. Part III can be skipped if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of non-cash assistance

Part IV Supplemental Information. Provide the information required in Part I, line 2; Part II, column (g); and any other additional information.

42491 11-03-18 23 Schedule I (Form 990) 2018

SCHEDULE J (Form 990) **Compensation Information** DMB No. 1543-0047
 For certain Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees
 Complete if the organization answered "Yes" on Form 990, Part IV, line 23. Attach to Form 990.
 Go to www.irs.gov/Form990 for instructions and the latest information.

2018
 Open to Public Inspection

Name of the organization: **VOTO LATINO ACTION FUND** Employer identification number: **45-5477218**

Part I Questions Regarding Compensation

1a Check the appropriate box(es) if the organization provided any of the following to or for a person listed on Form 990, Part VII, Section A, line 1a. Complete Part III to provide any relevant information regarding these items.

<input type="checkbox"/> First-class or charter travel	<input type="checkbox"/> Housing allowance or residence for personal use
<input type="checkbox"/> Travel for companions	<input type="checkbox"/> Payments for business use of personal residence
<input type="checkbox"/> Tax indemnification and gross-up payments	<input type="checkbox"/> Health or social club dues or initiation fees
<input type="checkbox"/> Discretionary spending account	<input type="checkbox"/> Personal services (such as maid, chauffeur, chef)

1b If any of the boxes on line 1a are checked, did the organization follow a written policy regarding payment or reimbursement or provision of all of the expenses described above? If "No," complete Part III to explain.

2 Did the organization require substantiation prior to reimbursing or allowing expenses incurred by all directors, trustees, and officers, including the CEO/Executive Director, regarding the items checked on line 1a?

Yes	No
	X

3 Indicate which, if any, of the following the filing organization used to establish the compensation of the organization's CEO/Executive Director. Check all that apply. Do not check any boxes for methods used by a related organization to establish compensation of the CEO/Executive Director, but explain in Part III.

<input type="checkbox"/> Compensation committee	<input type="checkbox"/> Written employment contract
<input type="checkbox"/> Independent compensation consultant	<input type="checkbox"/> Compensation survey or study
<input checked="" type="checkbox"/> Form 990 of other organizations	<input checked="" type="checkbox"/> Approval by the board or compensation committee

4 During the year, did any person listed on Form 990, Part VII, Section A, line 1a, with respect to the filing organization or a related organization:

a Receive a severance payment or charge-off control payment? **4a** X

b Participate in, or receive payment from, a supplemental nonqualified retirement plan? **4b** X

c Participate in, or receive payment from, an equity-based compensation arrangement? **4c** X

If "Yes" to any of lines 4a-c, list the persons and provide the applicable amounts for each item in Part III.

5 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the revenues of:

a The organization? **5a** X

b Any related organization? **5b** X

6 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization pay or accrue any compensation contingent on the net earnings of:

a The organization? **6a** X

b Any related organization? **6b** X

If "Yes" on line 6a or 6b, describe in Part III.

7 For persons listed on Form 990, Part VII, Section A, line 1a, did the organization provide any nonfixed payments not described on lines 5 and 6? If "Yes," describe in Part III. **7** X

8 Were any amounts reported on Form 990, Part VII, paid or accrued pursuant to a contract that was subject to the initial contract exception described in Regulations section 53.4958-4(a)(3)? If "Yes," describe in Part III. **8** X

9 If "Yes" on line 8, did the organization also follow the rebuttable presumption procedure described in Regulations section 53.4958-6(c)? **9**

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990. Schedule J (Form 990) 2018

Schedule J (Form 990) 2018 **VOTO LATINO ACTION FUND** **45-5477218** **Page 2**
 Part III Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees. Use duplicate copies if additional space is needed.
 For each individual whose compensation must be reported on Schedule J, report compensation from the organization on row (i) and from related organizations, described in the instructions, on row (ii). Do not list any individuals that aren't listed on Form 990, Part VII.
 Note: The sum of columns (iii)-(vi) for each listed individual must equal the total amount of Form 990, Part VII, Section A, line 1a, applicable column (i) and (ii) amounts for that individual.

(i) Name and Title	(ii) (A) Base compensation	(iii) Breakdown of W-2 and/or 1099-MISC compensation			(iv) Retirement and other deferred compensation	(v) Nontaxable benefits	(vi) Total of columns (ii)-(v)	(vii) Compensation in column (ii) reported as deferred on prior Form 990
		(A) Base compensation	(B) Bonus & incentive compensation	(C) Other reportable compensation				
(1) RAFAEL TERESA ROMERO	162,044.	0.	0.	0.	0.	162,044.	0.	
(2)	0.	0.	0.	0.	0.	0.	0.	
(3)								
(4)								
(5)								
(6)								
(7)								
(8)								
(9)								
(10)								
(11)								
(12)								
(13)								
(14)								
(15)								
(16)								
(17)								
(18)								
(19)								
(20)								
(21)								

42210 12-18-18 25 Schedule J (Form 990) 2018

832111 10-20-18 24
 10351115 753409 VLAF 2018.05000 VOTO LATINO ACTION FUND VLAF1

SCHEDULE O (Form 990 or 990-EZ) **Supplemental Information to Form 990 or 990-EZ** DMB No. 1543-0047
 Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information. Attach to Form 990 or 990-EZ.
 Department of the Treasury Internal Revenue Service Go to www.irs.gov/Form990 for the latest information.

2018
 Open to Public Inspection

Name of the organization: **VOTO LATINO ACTION FUND** Employer identification number: **45-5477218**

FORM 990, PART VI, SECTION B, LINE 11B:
 THE FORM 990 WAS PREPARED BY AN OUTSIDE ACCOUNTANT AND REVIEWED BY THE PRESIDENT AND CEO. BOARD MEMBERS WERE ALSO PROVIDED A COPY OF THE 990 BEFORE IT IS FILED WITH THE IRS.

FORM 990, PART VI, SECTION B, LINE 12C:
 THE ORGANIZATION USES THE CONFLICT OF INTEREST POLICY ADOPTED BY VOTO LATINO, INC., A RELATED ORGANIZATION. BOARD MEMBERS AND STAFF HAVE A RESPONSIBILITY TO DISCLOSE ANY POTENTIAL CONFLICTS OF INTEREST TO THE BOARD OR TO THEIR SUPERVISORS AND STAFF MEMBERS ARE REMINDED ANNUALLY REGARDING THE ORGANIZATION'S CONFLICT OF INTEREST POLICY. IN CONNECTION WITH ANY ACTUAL OR POTENTIAL CONFLICT OF INTEREST, THE INTERESTED PERSON MUST DISCLOSE THE EXISTENCE OF THE CONFLICT AND ALL FACTS CONCERNING THE SITUATION TO THE BOARD. IF THE INTERESTED PERSON IS A BOARD MEMBER, THE BOARD MEMBER RECUSES HIMSELF OR HERSELF FROM DELIBERATING ON THE MATTER. THE REMAINING BOARD MEMBERS REVIEW THE MATTER AND DECIDE WHAT COURSE OF ACTION IS IN THE BEST INTEREST OF THE ORGANIZATION.

FORM 990, PART VI, SECTION B, LINE 15A:
 THE ORGANIZATION DOES NOT COMPENSATE OR HAVE ANY PAID STAFF. ITS PRESIDENT AND CEO IS ALSO PRESIDENT AND CEO OF A RELATED ORGANIZATION, VOTO LATINO, INC. THE ORGANIZATION'S BOARD REVIEWS THE COMPENSATION OF THE PRESIDENT, TAKING INTO CONSIDERATION THE ORGANIZATION'S BUDGET, SIZE, AND COMPENSATION OF SIMILAR ORGANIZATIONS, DOCUMENTING THE DECISION.

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ. Schedule O (Form 990 or 990-EZ) (2018)
 832111 10-18-18 27
 10351115 753409 VLAF 2018.05000 VOTO LATINO ACTION FUND VLAF1

FORM 990, PART VI, SECTION C, LINE 19:

THE ORGANIZATION DOES NOT MAKE ITS GOVERNING DOCUMENTS, CONFLICT OF INTEREST POLICY OR FINANCIAL STATEMENTS AVAILABLE TO THE PUBLIC.

Part II Identification of Related Organizations Taxable as a Partnership. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a partnership during the tax year.

(A) Name, address, and EIN of related organization	(B) Primary activity	(C) Legal domicile (state or foreign country)	(D) Total income	(E) End-of-year assets	(F) Direct controlling entity	(G) Share of total income	(H) Share of end-of-year assets	(I) Interests received	(J) Code VUBZ amount or box 20 of Schedule K-1 (Form 990-B)	(K) Percentage ownership	(L) Share of total assets

Part IV Identification of Related Organizations Taxable as a Corporation or Trust. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a corporation or trust during the tax year.

(A) Name, address, and EIN of related organization	(B) Primary activity	(C) Legal domicile (state or foreign country)	(D) Direct controlling entity	(E) Type of entity (C corp, S corp, or trust)	(F) Share of total income	(G) Share of end-of-year assets	(H) Percentage ownership	(I) Share of total assets

Part I Identification of Disregarded Entities. Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

(A) Name, address, and EIN (if applicable) of disregarded entity	(B) Primary activity	(C) Legal domicile (state or foreign country)	(D) Total income	(E) End-of-year assets	(F) Direct controlling entity

Part II Identification of Related Tax-Exempt Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related tax-exempt organizations during the tax year.

(A) Name, address, and EIN of related organization	(B) Primary activity	(C) Legal domicile (state or foreign country)	(D) Exempt Code section	(E) Public charity status (if section 501(c)(29))	(F) Direct controlling entity	(G) Section 513(b)(1) status
VOTO LATINO INC. - 32-1198333	VOTE REGISTRATION AND	DISTRICT OF COLUMBIA	501(C)(29)	LINE 7		X
1310 L STREET, NW WASHINGTON, DC 20004	VOTO ENGAGEMENT					

RETRIEVED FROM DEMOCRACYDOCKET.COM

Part III Transactions With Related Organizations. Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

Note: Complete one 1 if any entry is based on Parts I, II, or IV of this schedule.

1. During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts I or II?

	Yes	No
a. Receipt of (i) interest, (ii) annuities, (iii) royalties, or (iv) fees from a controlled entity	X	
b. Gift, grant, or capital contribution from related organization(s)	X	
c. Gift, grant, or capital contribution from related organization(s)	X	
d. Loans or loan guarantees to or for related organization(s)	X	
e. Loans or loan guarantees by related organization(s)	X	
f. Dividends from related organization(s)	X	
g. Sale of assets to related organization(s)	X	
h. Purchase of assets from related organization(s)	X	
i. Exchange of assets with related organization(s)	X	
j. Lease of facilities, equipment, or other assets to related organization(s)	X	
k. Lease of facilities, equipment, or other assets from related organization(s)	X	
l. Performance of services or membership or fundraising solicitations for related organization(s)	X	
m. Performance of services or membership or fundraising solicitations by related organization(s)	X	
n. Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)	X	
o. Sharing of paid employees with related organization(s)	X	
p. Reimbursement (paid to related organization(s)) for expenses	X	
q. Reimbursement paid by related organization(s) for expenses	X	
r. Other transfer of cash to property to related organization(s)	X	
s. Other transfer of cash to property from related organization(s)	X	

3. If the answer to any of the above is "Yes," see the instructions for statement on who must complete this one, including correct relationships and transaction descriptions.

(A) Name of related organization	(B) Transaction type (a-q)	(C) Amount received	(D) Method of determining amount received
1g VOTO LATINO INC.	B	100,000.	
1h VOTO LATINO INC.	F	15,901.	
1i			
1j			
1k			
1l			
1m			
1n			
1o			
1p			
1q			

S.B. No. 1111

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 1.015:

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

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

4

S.B. No. 1111

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

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

6

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.

3

<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/video/2020/10/27/the-youth-vote-in-texas-is-up-by-more-than-600-from-last-presidential-election/>.
- viii. Elizabeth Redden, *Young Voters Preferred Biden -- With Exception*, Inside HigherEd (Nov. 5, 2020), <https://www.insidehighered.com/news/2020/11/05/analysis-sheds-first-light-youth-voting-trends>.
- ix. Enrollment Forecast, Texas Higher Education Coordinating Board (Jan. 2017), <http://www.theeb.state.tx.us/DocID/PDF/91111.PDF>.
- x. 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/SB01111F.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
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 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; Bales; 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.

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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.

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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; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddock; 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; Smithe; 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; Craddock; 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; Zwiener.

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)

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