

**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,

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

**APPENDIX TO PLAINTIFFS TEXAS STATE LULAC AND VOTO LATINO'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule CV-7(c)(1), Plaintiffs Texas State LULAC and Voto Latino submit
this Appendix to its Motion for Summary Judgment, filed contemporaneously herewith.

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Dated: May 9, 2022

Respectfully submitted,

/s/ Uzoma N. Nkwonta

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

On May 9, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher D. Dodge

Christopher D. Dodge

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/s/ Christopher D. Dodge
Christopher D. Dodge

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 ~~[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].~~

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

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

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

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1 voter's current residence.

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

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

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

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

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

14 (4) be postage prepaid and preaddressed for delivery
15 to the registrar.

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

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

22 (1) all of the information that a person must include
23 in an application to register to vote under Section 13.002;

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

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

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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

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1 the voter claims as a homestead in this state;

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

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

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

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

16 (d) This section does not apply to:

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

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

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

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

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

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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.

S.B. No. 1111

President of the Senate

Speaker of the House

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

Secretary of the Senate

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

Chief Clerk of the House

Approved:

Date

Governor

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

Defendants.

Civil Action

Case No. 1:21-cv-546

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

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

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

NATURE OF CASE

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Defendant Michael Scarpello 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.

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 metroplex, making these areas politically competitive in a way that would have been impossible to imagine even a decade ago and transforming the State’s electoral landscape.

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

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

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

II. Senate Bill 1111

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

A. The Residence Restriction

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

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

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

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

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

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)

(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

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

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

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

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

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

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

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.

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.

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.

Dated: June 22, 2021.

Respectfully submitted,

/s/ John R. Hardin

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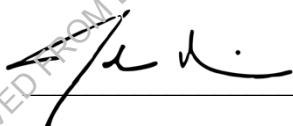
Counsel for Plaintiff Texas State LULAC

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EXPERT REPORT

Case: Texas State LULAC et al. v. Elfant et al. Case No. 1:21-cv-00546-LY

November 19, 2021

A handwritten signature in black ink, appearing to read "J. B. Holbein", written over a horizontal line.

John B. Holbein, PhD

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Table 1. Youth voter turnout in Texas from 2014 to 2020 compared to other states

Table 2. Housing rules for large universities in Texas and the six complaint counties

I. BACKGROUND AND QUALIFICATIONS

I am an Assistant Professor of Public Policy, Politics, and Education at the Frank Battel School of Leadership and Public Policy at the University of Virginia. I received my PhD in Public Policy from Duke University in 2016. I was a Postdoctoral Research Fellow at Princeton University from 2016-2017. From 2017-2019, I was an Assistant Professor of Political Science at Brigham Young University.

I am an expert on American political behavior, civic engagement, education policy, education administrative data, voter registration files, and methods for causal inference. I served as a peer reviewer of research on these topics for 44 different leading journals in political science, public administration, public policy, economics, and education policy. I teach courses on the politics of public policy, methods for causal inference, and program evaluation. I am the coauthor (with D. Sunshine Hillygus) of the book “Making Young Voters: Converting Civic Attitudes into Civic Action” ([Cambridge University Press, 2020](#)), which provides a deep dive into why so few young people vote. My work has been published in leading peer-reviewed scholarly journals, including the *American Political Science Review*, the *American Journal of Political Science*, the *Journal of Politics*, the *British Journal of Political Science*, *Science Advances*, *Nature Human Behavior*, the *Journal of Public Administration Research and Theory*, *Public Administration Review*, the *Economics of Education Review*, *PLOS One*, *Education Finance and Policy*, *Political Behavior*, *Prevention Science*, the *Journal of Experimental Political Science*, and *Electoral Studies*. My research has been supported by two large grants from the National Science Foundation.

Most recently, I have served as an expert witness in *League of Women Voters of Virginia, et al. v. Virginia State Board of Elections, et al.*, No.6:20-cv-00024 (W.D. Va.). I am being compensated

\$475 per hour by Elias Law Group LLP for my effort in this case. My compensation is in no way contingent on the conclusions reached as a result of my analysis.

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II. SUMMARY OF OPINIONS

I have been retained by Elias Law Group LLP—counsel for Plaintiffs in this matter—to provide my expert opinion on the likely impact of Texas’ Senate Bill 1111 (hereinafter, “SB 1111”) on the voting and voter registration patterns of young people and minority voters. To establish an expert opinion in this case, I reviewed a variety of materials from academic, governmental, legal, and media sources. The data sources on which I relied are cited in the memo and are listed together in the Appendix to this document.

SB 1111 substantially increases barriers to youth voting. Complex voter registration rules disproportionately impact those who are registering for the first time—like young voters. Thus, while research shows that young people want to vote, they often fail to do so. While measures that reduce registration barriers—like pre-registration, automatic voter registration, and same-day registration—have been linked to higher youth turnout, measures that increase registration barriers—like SB 1111—have the opposite effect.

For one thing, SB 1111 prohibits registering at a previous residence unless the voter inhabits the residence at the time of registration and intends to remain. At best, this language is confusing to young voters who may interpret this language as barring them from registering to vote while they live at a temporary residence. At worst, SB 1111 might leave young voters without a lawful place to register. And the particularly severe criminal penalties for illegal voting in Texas only increase the deterrent effect of these confusing rules, especially considering the aggressive and highly publicized prosecutions of apparently innocent mistakes in Texas. Taken together, these results show that young people and minorities are disproportionately burdened by SB 1111.

III. BACKGROUND

IIIa. YOUTH VOTER TURNOUT AND REGISTRATION IN CONTEXT

Young Americans have had consistently lower levels of electoral participation than older citizens.¹ Although young people comprise one of the largest blocks of voting eligible citizens,² they turn out at significantly lower rates than older Americans. For example, although 18-29 year-olds account for nearly 22 percent of the voting age population, they made up just 13 percent of the voting electorate in 2018. Young people often vote at half the rate of those 60 years and older in elections. These age gaps in voter turnout are stark.

Figure 1 shows young Americans' comparatively low levels of electoral participation, plotting voter turnout rates by age over the last four decades. And the gap (blue line) between older (top grey line) and younger (bottom grey line) has stayed remarkably stable over time—although larger in midterm elections, it is consistent and significant regardless of the election. For example, 78 percent of voting age citizens over the age of 60 voted in 2018 compared to just 52.5 percent of eligible voters 18–29 years old. The age gap is stubbornly persistent—averaging 32 percentage points across all elections, 28 percentage points in presidential elections, and 36 percentage points in midterms. The age difference in turnout is even more dramatic in local elections, where the gap in turnout between old and young voters can be as high as 50 percentage points.³ As Figure A1 in

¹ The definition of a young voter varies within the academic and policy literature. I use the age range of 18-29 (one of the most common age ranges employed in the literature) in most of the analyses below and narrower age ranges (e.g., 18-24, 18-22, 18) as appropriate to the specific analyses below.

² “Millennials approach Baby Boomers as America’s largest generation in the electorate,” Pew Research Center Report (2018).

³ Zoltan Hajnal & Jessica Trounstein, “Race and Class Inequality in Local Politics” *in* *The Double Bind: The Politics of Racial and Class Inequalities in the Americas* (2016) (eds. Juliet Hooker and Alvin B. Tillery).

the Appendix shows, the age gap in voter turnout has widened across generations suggesting that young people today are less likely to become voters as they age.

The 2018 midterm and 2020 presidential elections raised hopes of a surge in youth electoral participation. Voter turnout estimates showed a historic increase in turnout among eighteen to twenty-nine-year-olds—with turnout rates jumping from 21 percent in 2014 to 31 percent in 2018 and from 43.4 percent in 2016 to 52.5 percent in 2020. Although a laudable increase from these previous elections, many young citizens (nearly seven in ten in 2018 and five out of ten in 2020) failed to cast a ballot. Moreover, it is unclear whether this increase in voter participation will be sustained in future elections or will become a temporary spike in youth participation.

Unfortunately, history would suggest that this surge in youth voter participation is unlikely to be sustained. For example, the 2008 presidential election saw an impressive increase in youth participation—the highest in three decades—but turnout levels sank by the next election.⁴ For all of the media attention to young voters in 2018 and 2020, tepid levels of youth voting and registration have long been, and remain, an intractable problem in the United States.

⁴ Less than half of young citizens voted in the 2012 and 2016 presidential elections and only one in five voted in the 2010 and 2014 midterms. *See* New Census Data Confirm Increase in Youth Voter Turnout in 2008 Election, CIRCLE (Apr. 28, 2009).

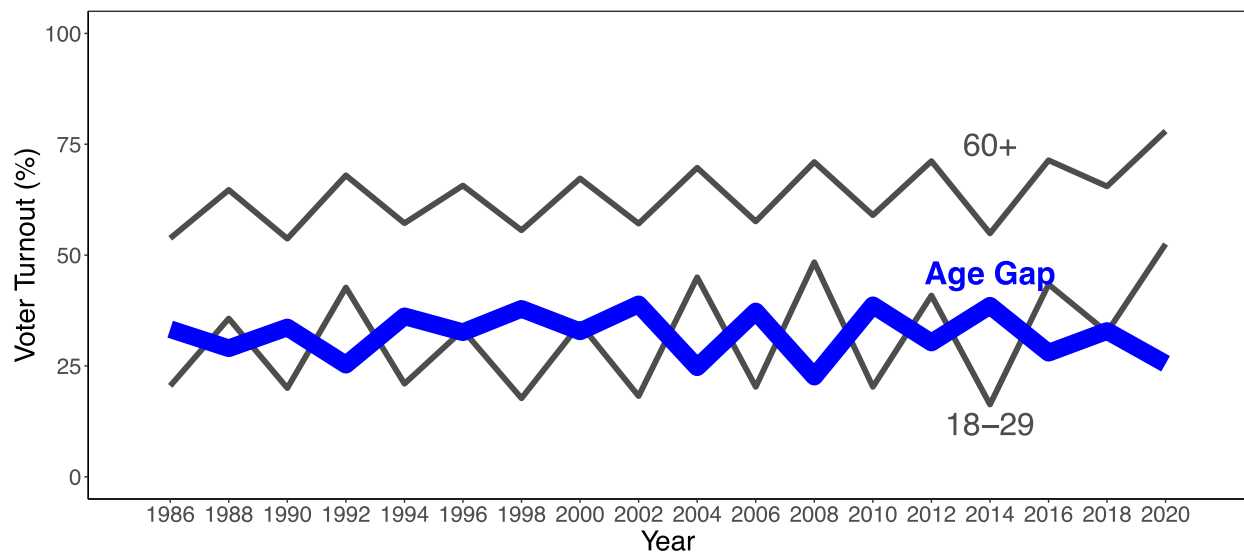


Figure 1. Age gap in voter turnout in the United States. Source: Current Population Survey (CPS) November Supplement (via the United States Elections Project). The top grey line plots turnout among citizens 18–29; the bottom grey line is for those 60+; the thick blue line plots the gap between these groups. Despite some fluctuations, the gap between young and old voters has remained steady over time; it's common to see older voters vote at a rate twice as high as younger voters.

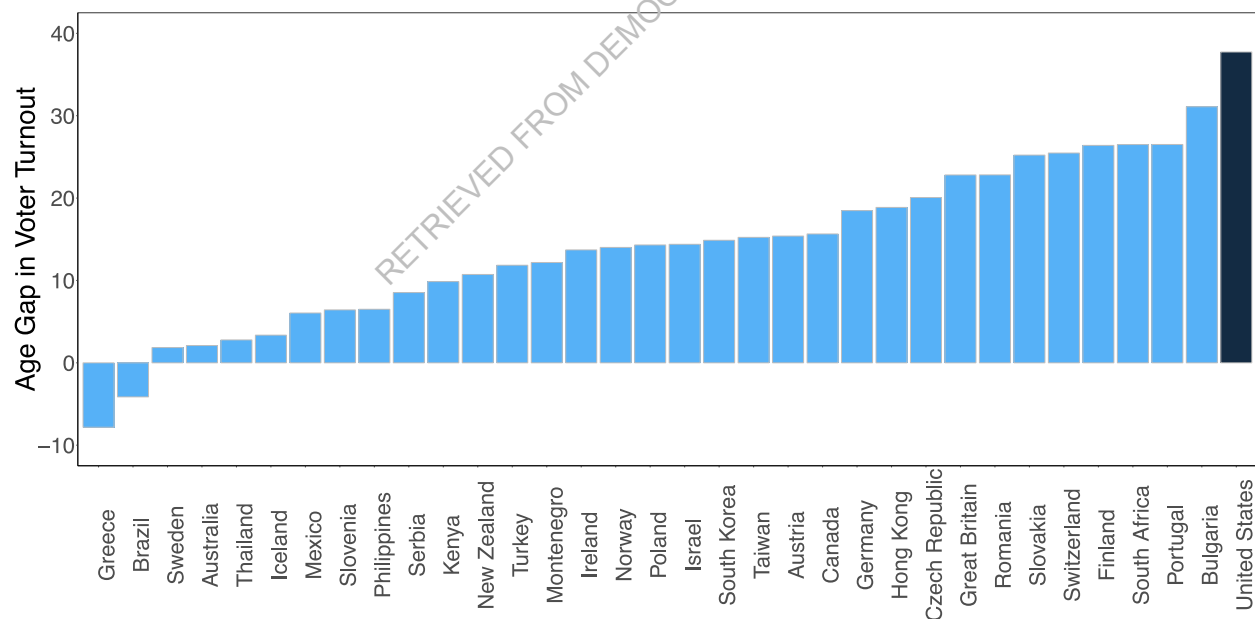


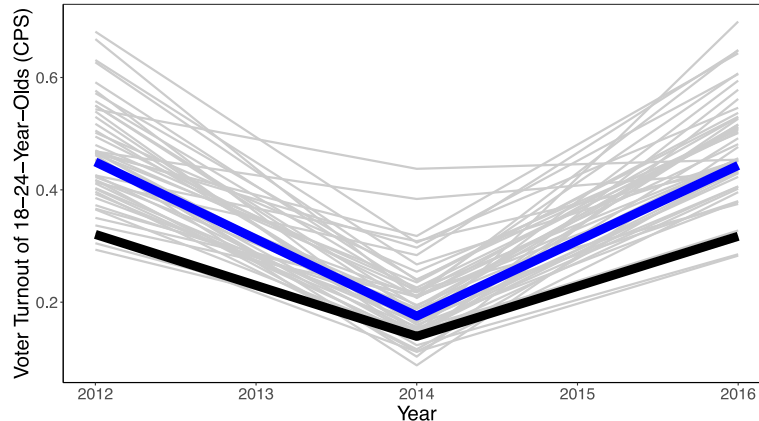
Figure 2. The age gap in voter turnout by country. Figure shows the age gap in voter turnout across all of the thirty-four available countries that are selected for and included in the CSES. Source: Comparative Study of Electoral Systems (Module 4; 2011–2016). Bars indicate the turnout rate in the Lower House of the most recent election for those 60+ minus those 18–29 in each country, with the United States highlighted.

The age gap in voter turnout in the United States is one of the worst among advanced democracies. Figure 2 compares the United States to all other countries with turnout data readily available using self-reported turnout data from the Comparative Study of Electoral Systems (CSES)—a respected and widely used data source that measures cross-national voting behavior. The CSES contains information on 34 countries, all of which are included in Figure 2. In Figure 2, the bars represent the gap in rates of voter turnout between older (60+) and younger (18-29) citizens—i.e. the same quantity as is plotted with the black line in Figure 1. As Figure 2 shows, in virtually all countries, young people report voting at a lower rate than older citizens, but the United States stands out as the worst in the group.⁵ In the United States, the age gap is more than twice as large as in other advanced democracies like Germany and Canada. The United States has the dubious honor of having—if not the worst—one of the very worst age-based gaps in voter participation. This large age gap helps make the overall voter turnout rate in the United States among the lowest in the world (Holbein and Hillygus 2020).⁶

⁵ Brazil and Greece—the two countries with higher rates of voting among younger than older voters—are exceptional in many ways, including an institutional context of compulsory voting. Compulsory voting increases youth turnout considerably. See John Holbein & Marcos Rangel. *Does Voting Have Upstream and Downstream Consequences? Regression Discontinuity Tests of the Transformative Voting Hypothesis*, The Journal of Politics (2019).

⁶ John B. Holbein & D. Sunshine Hillygus, *Making Young Voters: Converting Civic Attitudes Into Civic Action* (2020).

Youth Voter Turnout in Texas Relative to Other States (CPS Data)



Youth Voter Turnout in Texas Relative to Other States (Voter File Data)

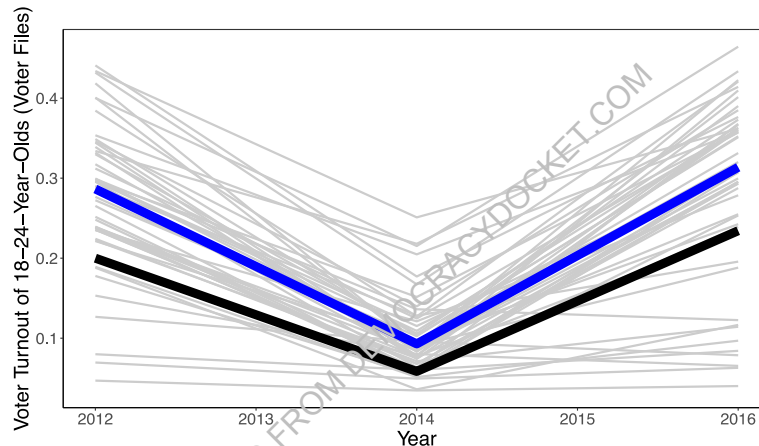


Figure 3. Youth voter turnout in Texas relative to other states. The black line is Texas' rate of youth turnout, the blue line is the national level, the grey lines are the other states. The first panel comes from the CPS November Supplement; the second panel shows data from voter files data provided by Fraga and Holbein (2019).⁷ Turnout rates decline in 2014 as this was a midterm election. Texas has low rates of youth voter turnout relative to other states.

Texas is no exception to this pattern of low youth turnout. According to the Current Population Survey (CPS), voter turnout in 2020 among citizens ages 18-29 was only 46.9%. Figure 3 and Table 1 show Texas' rates of youth turnout over time. Texas' turnout rate is shown by the black line in Figure 3 and the red highlighting in Table 1. Figure 3 benchmarks Texas' rate of youth voter turnout to the national average (blue line) and all other states (grey lines). The two

⁷ Young people are defined as those aged 18-24. Bernard Fraga & John Holbein, *Measuring youth and college student voter turnout*, Electoral Studies (2019).

panels in Figure 3 show the patterns if using data from the CPS or from voter file data provided by Fraga and Holbein (2019). Figure 3 contains data from 2012, 2014, and 2016, and Table 1 extends that time series to even more recent elections. Across all datasets in all the years examined, turnout in Midterm elections is lower than in Presidential elections. (This fluctuation over elections is consistent with what is shown in Figure 1 above.)

In recent years, much has been made in the change over time in rates of voter turnout in Texas. Many have pointed to the increased youth political interest, involvement, and excitement that preceded the 2018 Midterm and 2020 Presidential Elections as signs that youth are no longer marginalized at the ballot box in Texas.⁸ This narrative is incomplete and looking at increases in youth turnout alone are misleading about the overall health of voting rates among young people in the state.

Although youth in Texas increased their rates of turnout from 2014 to 2018 and from 2016 to 2020, these increases were not sufficient to move Texas from their consistent status as a state with one of the lowest rates of youth voter turnout in the nation. Regardless of the elections examined, voter turnout rates in Texas are uniformly near the bottom. In 2020, Texas had the 9th lowest rate of youth voter turnout. In 2018, they had the 12th lowest; In 2016, they had the 5th lowest; And in 2014, they had the 4th lowest. While youth turnout is low relative to older voters nationwide, youth voter turnout is especially low in the state of Texas. The increases seen in 2018 and 2020 were not sufficient to bring youth turnout rates even close to on par with other states.

⁸ See, e.g., *Voter Turnout Soars in 2018 Texas Midterm Election*, Daily Texan (Nov. 8, 2018); *Young Voters Could Make a Difference. Will They?*, N.Y. Times (Nov. 2, 2018); *Midterm Election Turnout Was Up. How Much? We Don't Yet Know*, N.Y. Times (Nov. 2, 2019); *Texas Saw the Nation's Sixth-Highest Voter Turnout Increase, but still Lagged Behind Most Other States*, Tex. Tribune (Dec. 7, 2018).

State	2020	State	2018	State	2016	State	2014
Oklahoma	32.6%	West Virginia	24.1%	Hawaii	28.9%	Vermont	11.7%
West Virginia	36.6%	Wyoming	26.4%	Tennessee	33.8%	Tennessee	12.9%
Arkansas	37.9%	Idaho	26.5%	West Virginia	36.7%	New Jersey	15.4%
South Dakota	43.0%	Arkansas	27.1%	Arkansas	38.2%	Texas	15.4%
Indiana	44.1%	Delaware	27.5%	Texas	38.6%	Oklahoma	15.6%
Alaska	44.4%	South Dakota	27.9%	Oklahoma	38.7%	New York	15.8%
Hawaii	45.6%	South Carolina	27.9%	South Dakota	38.9%	Indiana	16.0%
Nevada	45.9%	Hawaii	28.0%	New Mexico	39.4%	Rhode Island	16.1%
Texas	46.9%	Ohio	29.4%	Kansas	40.0%	South Dakota	16.2%
Louisiana	47.0%	Nevada	29.6%	Florida	42.6%	New Mexico	16.3%
New Mexico	47.2%	Mississippi	30.1%	New Jersey	43.6%	Arizona	16.3%
Wyoming	48.3%	Louisiana	30.3%	New York	43.8%	West Virginia	16.5%
Florida	49.7%	Texas	30.4%	Alaska	43.9%	Utah	16.8%
South Carolina	49.8%	Oklahoma	30.8%	Michigan	44.2%	Hawaii	16.9%
Alabama	49.9%	New Mexico	31.5%	Montana	44.7%	California	17.0%
Vermont	50.1%	Kentucky	32.3%	Delaware	44.8%	Missouri	17.6%
Nebraska	50.8%	Florida	32.9%	South Carolina	44.9%	Arkansas	17.7%
Tennessee	50.9%	North Carolina	34.4%	Iowa	45.1%	Nebraska	18.5%
North Carolina	51.8%	Vermont	34.7%	Arizona	45.3%	Pennsylvania	18.5%
Rhode Island	51.9%	Indiana	34.7%	Nevada	45.5%	Idaho	19.0%
North Dakota	52.3%	Illinois	34.9%	Ohio	45.5%	Illinois	19.0%
Utah	53.2%	Tennessee	35.0%	Vermont	45.9%	Kansas	19.4%
Delaware	53.4%	New York	35.4%	California	46.3%	Wyoming	19.4%
Connecticut	53.4%	Alabama	35.5%	Georgia	46.4%	Ohio	19.4%
Idaho	54.2%	Nebraska	35.6%	Utah	47.2%	Alabama	19.4%
Georgia	54.5%	Pennsylvania	35.8%	Idaho	47.3%	Virginia	19.8%
New York	54.7%	Arizona	37.4%	Indiana	47.4%	N.H.	20.0%
Mississippi	54.8%	Maine	37.7%	Alabama	47.5%	Nevada	20.3%
Kentucky	55.6%	Massachusetts	37.7%	Illinois	48.2%	South Carolina	21.7%
Illinois	55.6%	Maryland	37.8%	Rhode Island	48.5%	Massachusetts	22.4%
California	55.7%	Iowa	37.8%	Louisiana	49.6%	Michigan	22.6%
Michigan	56.5%	New Jersey	38.0%	Washington	49.8%	Washington	22.6%
Missouri	56.5%	Connecticut	38.1%	Wisconsin	50.1%	Florida	22.8%
Massachusetts	56.9%	Michigan	38.3%	Mississippi	50.3%	Delaware	22.8%
Ohio	57.2%	Utah	38.4%	Massachusetts	50.5%	Montana	24.2%
Colorado	57.5%	California	38.6%	Connecticut	51.2%	Connecticut	24.3%
Kansas	57.7%	Kansas	38.9%	Missouri	51.6%	Iowa	24.8%
Virginia	58.5%	Rhode Island	39.2%	Oregon	51.7%	North Carolina	26.0%
Pennsylvania	59.0%	Alaska	39.8%	Pennsylvania	52.8%	Mississippi	26.5%
Washington	59.2%	Georgia	39.9%	Nebraska	52.8%	Georgia	26.7%
Montana	59.3%	N.H.	40.6%	Maine	53.0%	Maryland	27.3%
Arizona	60.1%	Washington	40.9%	North Carolina	53.0%	Minnesota	27.3%
Iowa	60.6%	Montana	42.1%	North Dakota	53.4%	North Dakota	30.6%
Oregon	60.7%	Virginia	42.3%	Kentucky	54.6%	Kentucky	30.6%
Wisconsin	63.7%	Missouri	43.2%	Wyoming	55.1%	Louisiana	30.8%
N.H.	64.5%	Colorado	43.5%	Colorado	55.8%	Alaska	31.0%
Maine	65.2%	North Dakota	44.1%	Maryland	56.2%	Wisconsin	31.7%
Minnesota	67.2%	Minnesota	46.7%	Minnesota	56.4%	Colorado	32.0%
Maryland	68.7%	Oregon	47.1%	N.H.	56.6%	Oregon	33.8%
New Jersey	72.7%	Wisconsin	47.2%	Virginia	57.8%	Maine	34.1%
D.C.	84.1%	D.C.	56.0%	D.C.	70.2%	D.C.	34.2%

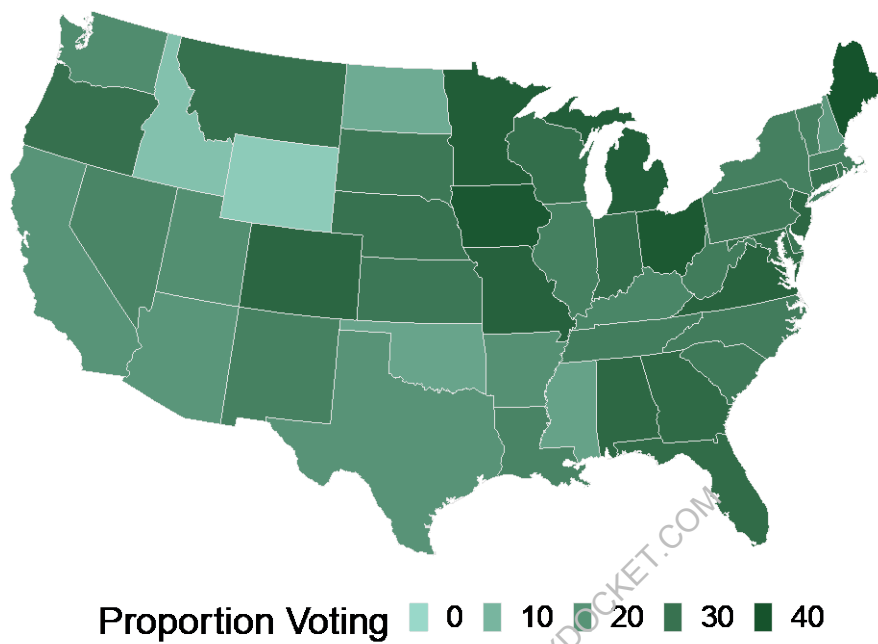
Table 1. Youth voter turnout in Texas from 2014 to 2020 compared to other states. The table shows youth voter turnout rates among 18-29-year-olds. Each two columns are sorted from lowest to highest. Texas is highlighted in **red**. Texas consistent ranks on the low end of youth turnout relative to other states.

Moreover, when considering the rates of youth turnout from the CPS, it is important to note that the CPS measures self-reported rates of voter turnout. Thus, rates of youth turnout in Texas are likely even lower than these estimates would suggest.⁹

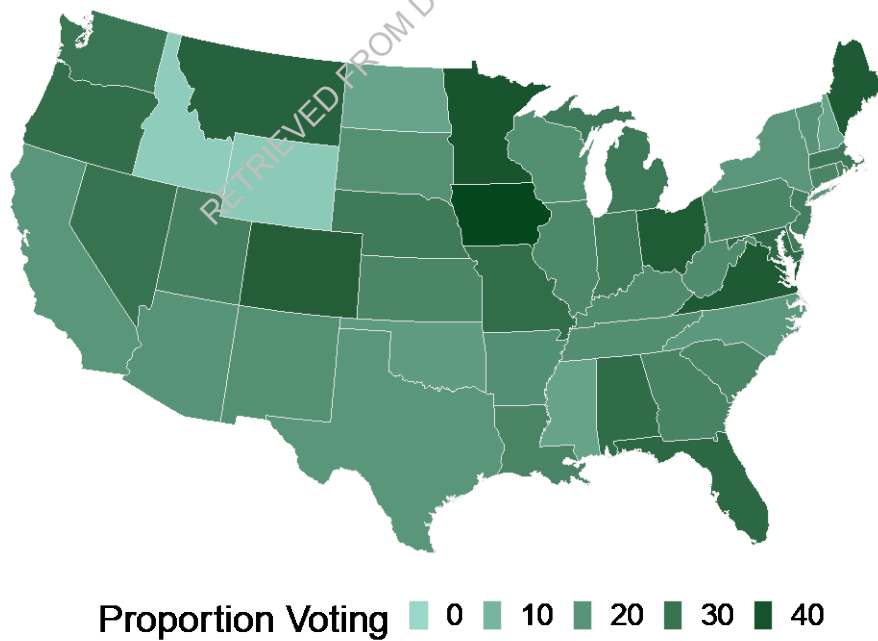
Looking back even further, it is clear that the pattern of youth in Texas voting at lower rates than youth in other states is a reliable feature of Texas elections. Figure 4 provides another way of seeing how Texas does relative to other states, extending our time series back even further than Figures 3 or Table 1. It maps rates of voter participation (in 2006, 2008, 2010, and 2012) across the 50 states. Maps are grouped by the two presidential elections (2008 and 2012) and the two midterm elections (2006 and 2010). Consistent with Figure 3, Texas was below the national average—and on the low end overall—in rates of youth voter turnout in the 2006-2012 elections.

⁹ Previous research has shown that over-reporting of rates of voter turnout is similar across states (Fraga and Holbein 2019). Hence, while Texas' rate of youth turnout is likely lower than the numbers in Table 1 report, it remains one of the worst states in the country for youth turnout.

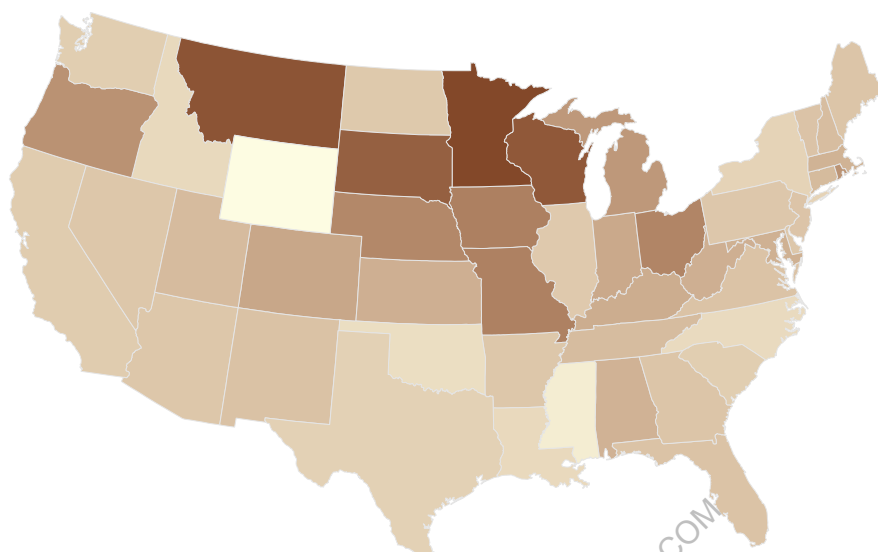
2008



2012

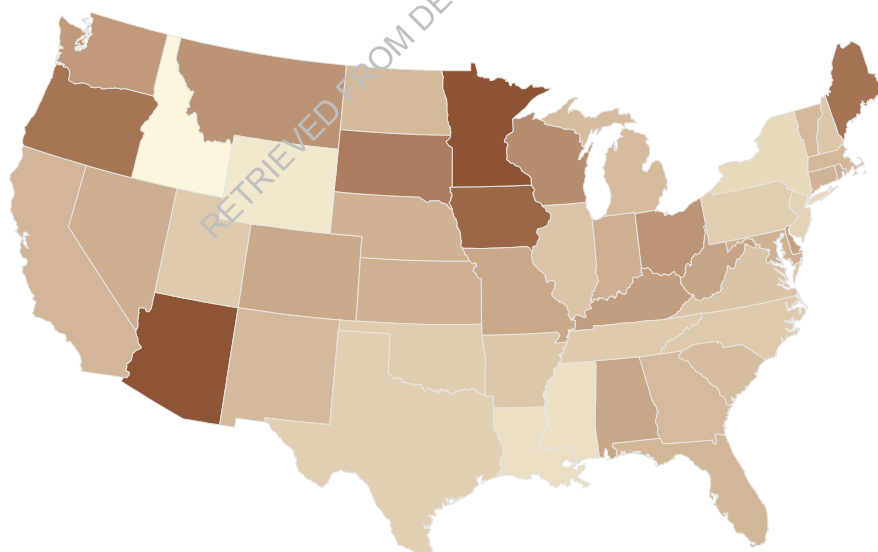


2006



Proportion Voting 0 5 10 15 20 25

2010



Proportion Voting 0 5 10 15 20 25

Figure 4. Validated youth (18-year-olds) voter turnout in 2006-2012 mapped by state. Darker shaded states have higher levels of youth voter turnout. Data drawn from the numbers reported from the voter file from Holbein and Hillygus (2020). Texas had lower levels of youth turnout than the national average in all elections from 2006-2012.

IIIb. WHY LOW RATES OF YOUTH ELECTORAL PARTICIPATION MATTER

These low levels of electoral participation among young people are troubling for a number of reasons. Voting is the cornerstone of democracy and low levels of youth turnout undermine the health of the political system. Members of Congress, in passing the National Voter Registration Act of 1993, acknowledged that low turnout creates “potential[ly] serious problems in our democratic society.”¹⁰ As Former Supreme Court Justice Potter Stewart put it, the right to vote is an act “close to the core of our constitutional system.”¹¹

Moreover, research suggests that voting is habitual. For experienced voters, voting is less challenging and going to the polls becomes routine through behavioral repetition. Individuals who participate in the political process when they are young are more likely to continue voting throughout their lives, while those who don’t are often locked-in as perpetual nonvoters.¹² The Center for Information & Research on Civic Learning and Engagement (CIRCLE)—the leading nonprofit organization focused on youth voting—puts it this way: “Voting is like any other habit: it must be taught, facilitated, and nurtured Like most habits, the earlier one develops it, the easier it is to keep at it later in life.”¹³ Political scientist Mark Franklin similarly concluded, “Older

¹⁰ H.R. Rep. No. 103–9, at 4 (1993).

¹¹ See *Carrington v. Rash*, 380 U.S. 89 (1965).

¹² See James H. Fowler, *Habitual Voting and Behavioral Turnout*, 68 J. Pol. 335-344 (2006); Alan S. Gerber et al., *Voting May be Habit Forming: Evidence from a Randomized Field Experiment*, 47 Am. J. Poli. Sci. 540, 540-550 (2003); Marc Meredith, *Persistence in Political Participation*, 4 Quarterly J. Pol. Sci. 187-209 (2009); Thomas Fujiwara et al., *Habit Formation in Voting: Evidence from Rainy Elections*, 8 Am. Econ. J. 160, 160-88 (2016); Alexander Coppock & Donald P. Green, *Is Voting Habit Forming? New Evidence from Experiments and Regression Discontinuities*, 60 Am. J. Pol. Sci. 1044, 1044-62 (2016).

¹³ Teens and Elections, Center for Information & Research on Civic Learning & Engagement (Jan. 23, 2018).

people are, on the whole, too set in their ways to be responsible for social or political change . . . [b]ecause young people hold the key to the future, any reform that primarily affects young people can have large effects on voting behavior” (Franklin 2004, 216).¹⁴

Because voting is habit forming, it is especially important to address low levels of turnout for young voters. Those who do not participate when they are young may never learn to be active participants. As fewer and fewer young people cast a ballot, they are exposed to lower and lower rates of voter habituation. As such, laws or rules that restrict or depress youth voter turnout—like SB 1111—have potential consequences that extend much further into the future than the first election in which young people become eligible to register and vote. Accordingly, sub-groups of young voters with lower rates of voter participation, including young people from historically disenfranchised minority groups or low-income families, are effectively deprived of the habit of voting that other young people are able to build.¹⁵ The consequences of this deprivation reverberate throughout their lives. This problem is especially acute in the state of Texas given the large number of young people who are from minority, mixed status, and first-generation families.^{16,17}

¹⁴ Mark N. Franklin, *Voter Turnout and the Dynamics of Electoral Competition in Established Democracies Since 1945* (2004).

¹⁵ Eric Plutzer, *Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood*, 96 *Am. Pol. Sci. Rev.* 41, 41-56 (2002).

¹⁶ See, e.g., Randy Capps et al., *A Profile of U.S. Children with Unauthorized Immigrant Parents*, Migration Policy Institute (2016), <https://www.migrationpolicy.org/sites/default/files/publications/ChildrenofUnauthorized-FactSheet-FINAL.pdf>

¹⁷ Previous research has shown that the reason that minority voters, and minority youth voters specifically, vote at lower rates is *not* because they do not care about politics. Rather, their lower rates of turnout are a function of extensive systemic discrimination, repression, and restrictive voting laws. See Bernard L. Fraga, *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America* (2018); Avidit Acharya et al., *Deep Roots* (2018); Avidit Acharya et al., *A Culture of Disenfranchisement: How American Slavery Continues to Affect Voting Behavior*, J.

Early experiences with voting therefore matter a great deal in shaping later-life voting decisions and habits. Accordingly, the years leading up to and immediately after a potential voter turns 18 are widely considered to be a “critical period” in determining who becomes an active voter and who does not (Holbein and Hillygus). Reinforcing this conclusion, previous research shows that families strongly influence children on matters of political (dis)engagement; that is, voting is socialized or socially driven. As such, parents who vote less—like those who have been historically disenfranchised or are of a lower socio-economic status—are much less likely to pass on to their children the habits, skills, norms, and knowledge needed for them to become active in politics. In effect, the socialized nature of voting results in multi-generational gaps in voter turnout that perpetuate participation inequities from one generation to the next.¹⁸

Low youth voter turnout also has implications for democratic representation. Political scientists have long documented that “who votes, and who doesn’t, has important consequences for who gets elected and for the content of public policies.”¹⁹ The systematic under-representation of younger citizens in the electoral system means that the views and concerns of this group are

Pol. (2015); Adriane Fresh, *The Effect of the Voting Rights Act on Enfranchisement: Evidence from North Carolina*, 80 J. Pol. 713-718 (2018).

¹⁸ See David W Nickerson, *Is Voting Contagious? Evidence from Two Field Experiments*, 102 Am. Pol. Sci. Rev. 49-57 (2008); Richard G. Nieme et al., *The Rebirth of Political Socialization*, 24 Perspectives on Pol. Sci. 7-16 (1995); Jens Olav Dahlgaard, *Trickle-up Political Socialization: The Causal Effect on Turnout of Parenting a Newly Enfranchised Voter*, 112 Am. Pol. Sci. Rev. 698-705 (2018); Randall Akee et al., *Human capital and voting behavior across generations: Evidence from an income intervention*, 114 Am. Pol. Sci. Rev. 609-616 (2020): 609-616. Kent Jennings et al., *The Persistence of Political Orientations: An Over-Time Analysis of Two Generations*, 8 British J. of Pol. Sci. 333-363 (1978). Kent M. Jennings, *Continuity and Change in Political Orientations: A Longitudinal Study of Two Generations*, 69 Am. Pol. Sci. Rev. 1316-1335 (1975); Kent M. Jennings, *Another Look at the Life Cycle & Political Participation*, Am. J. of Pol. Sci. 755-771 (1979).

¹⁹ Arend Lijphart, *Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice* (2007).

consistently under-represented at the local, state and federal level. Empirical research consistently finds evidence that low-turnout groups, such as young and low-income citizens, are less likely to be adequately represented in government decision making.²⁰ For instance, research finds that the age gap in turnout affects government spending on education and elder-care services.²¹ As political philosopher William Galston puts it, “[youth] disengagement increases the already powerful political tilt toward the concerns of the elderly” (Galston 2004, 263). Voting is also an especially important form of civic engagement for young citizens who might find other acts of civic engagement—political contributions, for example—to be too costly or difficult.

Voting—and political/civic engagement more broadly—is also a vital outcome of public education. Though other outcomes—such as academic achievement and career readiness—have recently taken center stage as the most important student performance metrics, America’s public education system was founded, primarily, so that citizens would become informed and engaged in their democracy (Holbein and Hillygus 2020).²²

Finally, voting may be a proxy for other desirable social attitudes and behaviors. Voting has long been used as a marker of social cohesion or “social capital” (e.g. Putnam 2000). Places with low voter turnout—the logic goes—are also likely to have lower levels of social connections

²⁰ John D. Griffin et al., *Are Voters Better Represented?*, 67 J. Pol. 67, 1206-1227 (2005); Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (2009); Kay Lehman Schlozman et al., *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy* (2012).

²¹ James M. Poterba, *Demographic Change, Intergenerational Linkages, & Public Education*, Am. Econ. Rev. 315-320 (1998); Andrea Louise Campbell, *How Policies Make Citizens* (2003); Graziella Bertocchi et al., *Youth Enfranchisement, Political Responsiveness, and Education Expenditure: Evidence from the U.S.* (2017).

²² John B. Holbein & D. Sunshine Hillygus, *Making Young Voters: The Impact of Preregistration on Youth Turnout*, 60 Am. J. of Pol. Sci. 364-382 (2016).

between individuals, making transactions more difficult and depleting social interconnectedness. Scholars argue that there is a reciprocal relationship between various civic attitudes and behaviors, so that voting is both fostered by and reinforces attitudes like social trust, tolerance, and humanitarianism and promotes other civic behaviors like volunteering, belonging, and donating (e.g., Lijphart 1997).²³

IIIc. YOUNG PEOPLE ARE INTERESTED IN POLITICS AND WANT TO VOTE

It is easy to assume that many young people fail to vote because they lack an interest in politics, a sense of civic obligation, or a desire to vote. Indeed, journalists have offered the blunt—albeit incorrect—assessment that “[y]oung people don’t care about voting.”²⁴ Stephen Bennett once lamented that “today’s young Americans on and off campus have a visceral dislike of politics” and they show a palpable “indifference to public affairs” (1998). Philosopher Marshall McLuhan once observed that “American youth attribute much more importance to arriving at driver’s license age than at voting age” (1994, 194).²⁵

This popular speculation simply is not accurate. Contrary to conventional wisdom, young people are remarkably interested in politics, they care who governs them and how they are governed, and they want—and even plan—to vote. Young people think about politics often and care about the outcomes of elections. Figure 5 shows this visually—plotting three measures of political interest. As can be seen, a majority of young people have always been interested in

²³ Arend Lijphart, *Unequal Participation: Democracy's Unresolved Dilemma* Presidential Address, 91 Am. Pol. Sci. Rev. 1-14 (1997).

²⁴ See *Young People Don’t Care About Voting*, Bloomberg (Oct. 31, 2014).

²⁵ For other popular commentary, see, *Why Young People Don’t Vote*, The Economist (Oct. 29, 2014) and *Apathy or Antipathy? Why So Few Young People Vote*, The Guardian, (Apr. 19, 2015).

politics. And this has only grown in recent years. From 2000-2016, 8 in 10 young people reported that they wanted to vote. Texas is no exception to this level of interest. In recent years in the Lone Star State, 88.6% of young people say they were interested in elections and 81.4% of young people saying that they intend to vote. These interest numbers are slightly slower than they are for older citizens, but not sufficient to explain the large gap in voter turnout between young and older voters.²⁶

These patterns are also apparent in other data collections and measures of political interest, including the General Social Survey (GSS)²⁷ and UCLA's annual survey of first-year college students in the United States, which found in 2015 that political interest had "reached the highest levels since the study began fifty years ago."²⁸ And when directly asked why they don't participate in politics, only a small fraction (less than 20 percent) of young people attribute their lack of engagement to "there not [being] any issues they care about."²⁹ Finally, there is ample evidence that young people are actively engaged in other forms of political participation, such as protests,

²⁶ For example, the gap between the percent of older (60+) and younger (18-29) voters who express an interest in elections is only 5 percentage points; the gap between older and younger voters caring who is president is only 11 percentage points; and the gap between older and younger voters in interest in public affairs is only 13 percentage points. The gap in voter turnout between older and younger voters is 30-40 percentage points, depending on the election considered.

²⁷ See Russell Dalton, *Why Don't Millennials Vote?*, Wash. Post (Mar. 22, 2016).

²⁸ See CIRP Freshman Survey, *College students' commitment to activism, political and civic engagement reach all-time highs*, UCLA Newsroom (Feb. 10, 2016).

²⁹ See *Diversity, Division, Discrimination: The State of Young America*, MTV/PRRI Report, (Jan. 10, 2018). The most common reason that young people say they do not vote is that they do not believe they are well informed enough. Nearly half (48%) of young people say that not knowing enough about the issues is a reason they do not get involved. About four in ten (38%) say they don't participate because they do not believe their actions would make a difference. Fewer young people say they don't engage for fear of being criticized (22%).

marches, and demonstrations.³⁰ With a growth in protests surrounding police brutality and racial inequities, climate change, and gun violence (among others), young people's rates of political engagement via mass demonstrations have grown markedly in recent years. Simply put, young people are not apathetic about politics—they are politically motivated, interested and want to vote—and yet even still they are not voting in US elections.

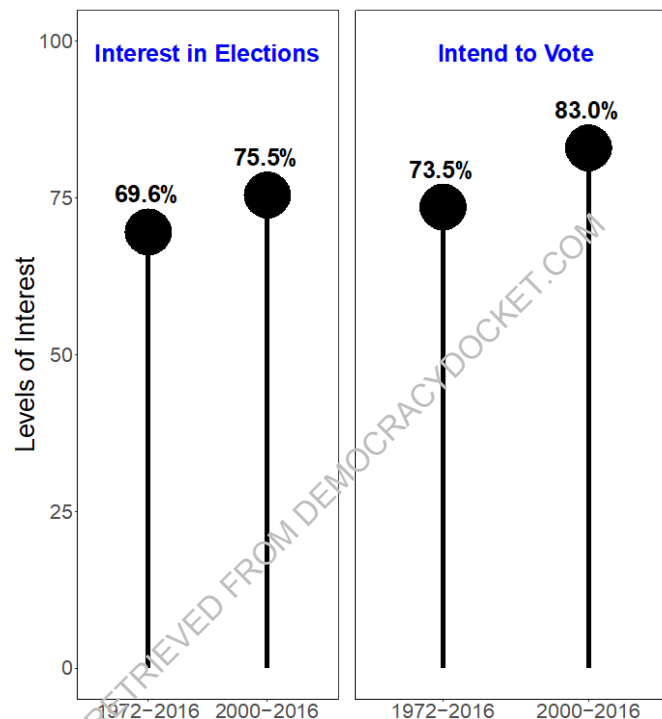


Figure 5. Political interest among young people. Figure shows levels of political interest among young people, ANES cumulative file (1972–2016). Young people defined as those aged 18–29. Most young people are interested in politics and intend to vote.

Though young people say they intend to vote, they often fail to do so. In survey data, there is a persistent gap between turnout intentions and turnout behavior. Looking across election years

³⁰ See *Protests, Politics, and Power: Exploring the Connections Between Youth Voting and Youth Movements*, CIRCLE (Oct. 4, 2021).

in the ANES, the difference between turnout intentions and actual turnout averages is around 20–30 percentage points, depending on whether we consider self-reported or validated voting.³¹

This gap between intention and behavior is much larger for young citizens than older citizens. Figure 6 shows this intention-behavior gap—that is, the difference between turnout intentions and turnout behavior—for citizens between the ages of 18 and 29 and citizens over the age of 60. As can be seen, young people are consistently worse at acting on their voting intentions. Indeed, older citizens are more than *twice* as likely to follow through on their turnout intentions as young people.³² This difference has grown in recent decades (Holbein and Hillygus 2020).³³

³¹ The gap between intentions to vote and actual voting in Texas is approximately 26 percentage points.

³² Although a somewhat technical point, it is important to consider the possibility that the observed gap between turnout intention and self-reported voting might be an artifact of people lying about their turnout intentions to present themselves more favorably to interviewers—a so-called social desirability bias. I am able to conduct a cursory test of potential social desirability bias on self-reported turnout intentions using the 2016 ANES survey. To do so, I leverage the unique data collection structure of the study—in this year, parallel surveys were run, one conducted face-to-face with an interviewer and the other self-completed online by the respondent. Survey methodology research has shown that the presence of an interviewer increases social desirability pressures compared to answering a questionnaire without an interviewer (Holbrook and Krosnick 2009). I can thus compare the reported turnout intentions across samples to get an estimate of the extent to which social desirability is biasing self-reported turnout intentions. The comparison finds that 90.7 percent of eighteen to twenty-nine-year-olds in the face-to-face sample said they intended to vote compared to 90.2 percent of those in the online sample—a small and insignificant difference ($p = 0.861$). This analysis offers little evidence that individuals are deliberately lying about their intention to vote. Rather, it simply appears young citizens intend to vote, but too often fail to follow through on their civic attitudes and intentions.

³³ John B. Holbein & D. Sunshine Hillygus, *Making Young Voters: Converting Civic Attitudes Into Civic Action* (2020).

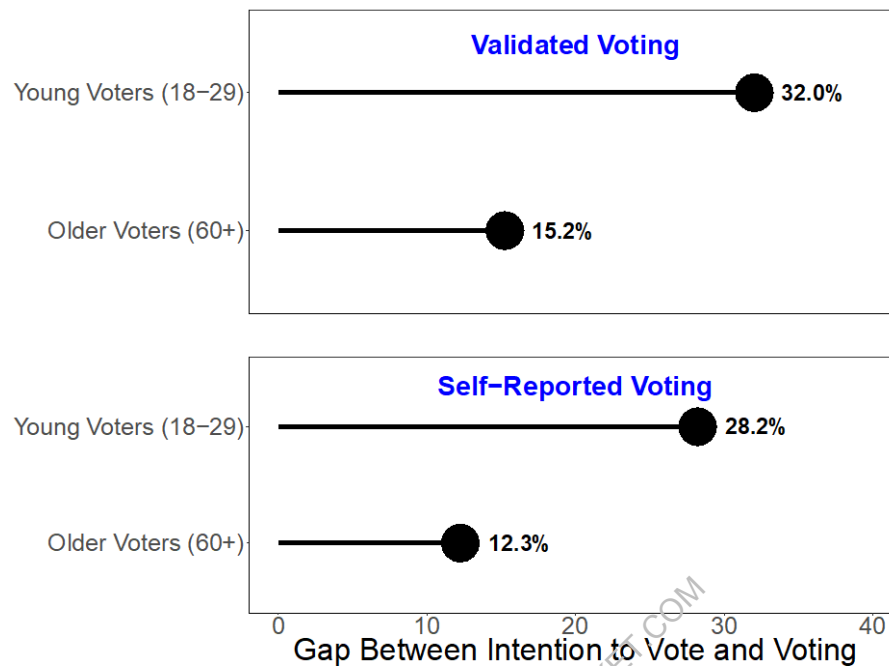


Figure 6. The difference between turnout intentions and actual turnout by age. The top panel uses validated voting; the bottom uses self-reported voting. Data drawn from the ANES cumulative file (1972–2016). The figure shows that young people, despite wanting to vote, find it especially difficult to follow through and do so.

Simply put, young people want to be involved in politics. And they want to vote, but they struggle to navigate the process that actually gets them to the ballot box. One of the core reasons for this struggle to follow through is that the system of registration and casting a ballot is overly complex for many young people.

III.d. YOUTH AND THE COMPLEXITY OF REGISTERING TO VOTE

One of the core reasons why young people struggle to follow through on their desire to vote is because they find registering to vote confusing, daunting, and complex. There are multiple ways to see the effect of voter registration rules on youth turnout—indeed, it appears in qualitative interviews with young people, it appears in policy evaluations of the effect of making registration easier, it appears in studies about why young people are especially unlikely to vote, and it appears in pilot programs that teach young people how to navigate the complex voting and registration process.

First, young people told us directly in qualitative interviews that they were often confused by the ins and outs of registering and voting (Holbein and Hillygus 2020).³⁴ To them, registration was a large barrier to voting. Many of them didn't understand the specific rules for voter registration and many lacked confidence in their own ability to navigate this process. Registering to vote and voting is a completely new task for young people coming of age. Though the voter registration and voting processes may seem simple to citizens who have done it before, it is intimidating to those who have not.

Second, systematic evaluations of the effect of reforms that make registration easier demonstrate that registration is a meaningful barrier to young people. In recent years, many reforms to voter registration rules have been implemented to increase voter participation, like online registration, preregistration of 16- and 17-year-olds, automatic registration (AVR), and same-day registration (SDR). These registration reforms are built around different approaches to making the registration process easier.³⁵

³⁴ John B. Holbein & D. Sunshine Hillygus, *Making Young Voters: Converting Civic Attitudes into Civic Action* (2020).

³⁵ Online registration seeks to remove the administrative barriers (e.g., purchasing a stamp, printing the form, and mailing it in) that might stand in the way of getting people to send in their forms. Preregistration of 16- and 17-year-olds is built on the logic that younger citizens may be easier to target (most of them having not moved out of their homes yet), more receptive to intervention (having not yet developed a habit for voting/not voting), and easier to reinforce through other interactions with the government (i.e., at the DMV or in school preregistration drives). Same-day registration allows citizens who may have missed a voter registration deadline to register when they show up to vote. And automatic voter registration leverages insights from behavioral psychology to take advantage of the fact that people will often stay with whatever is the default system (i.e., an opt-in or an opt-out voter registration system).

In Holbein and Hillygus (2020), we analyze the effect of (most of) these registration reforms, including online registration, preregistration, and same-day registration.³⁶ This evaluation looks at the effect of implementing these laws on voter turnout using data from the (2000-2012) Current Population Survey and a difference-in-differences design.³⁷

³⁶ We did not evaluate the effect of AVR because data was not available when the book was being written. That being said, I provide a separate evaluation of AVR's effect below.

³⁷ In a difference-in-differences design, there are two comparisons made. First, we look at youth turnout levels within states that implemented the registration reforms to see how their turnout changed from before implementation to afterward. Second, we can look at changes over time to voter turnout rates in states that did not change their registration laws. Putting these two together, we are able to see how voter turnout changed after states made changes to their election laws, benchmarking that change (or difference) to the difference we would have normally seen without a law change. When we combine these two comparisons together in a single statistical model, we get what statisticians call a difference-in-differences model. Equation [1] below shows a simplified form of a difference-in-differences design. In equation [1], "TR" represents youth turnout in states that made reforms to their registration rules, while "TNR" represents youth turnout in states that did not make changes to their registration rules. In words, what Equation [1] is showing is that in a difference-in-differences model, we compare changes in turnout rates in reform states to changes in turnout in non-reform states over the same time period.

$$(TR \text{ After} - TR \text{ Before}) - (TNR \text{ After} - TNR \text{ Before}) \quad [1]$$

Difference-in-Differences designs are one of the most common approaches of evaluating the effect of election laws. This is true because a difference-in-differences approach accounts for unobserved factors that could otherwise bias estimates of the relationship between registration reforms and voter turnout. In this modeling approach, state fixed effects account for permanent characteristics of the state (e.g., persistent electoral institutions or social capital) and year fixed effects for shared time trends (e.g., electoral context or national campaigns). See Andrew Gelman & Jennifer Hill, *Data Analysis Using Regression and Multilevel/Hierarchical Models* (2007); Barry C. Burden & Jacob R. Neihsel, *Election Administration and the Pure Effect of Voter Registration on Turnout*, *Political Research Quarterly* 77-90 (2013); Barry C. Burden et al., *Election Laws, Mobilization, and Turnout: The Unanticipated Consequences of Election Reform*, 58 *Am. J. of Pol. Sci.* 95-109 (2014); Mary Fitzgerald, *Greater Convenience But Not Greater Turnout The Impact of Alternative Voting Methods on Electoral Participation in the United States*, 33 *Am. Pol. Research* 842-867 (2005); Stephen Knack, *Does 'motor voter' work? Evidence from state-level data*, 57 *J. Pol.* 796-811 (1995); Jan E. Leighly & Jonathan Nagler, *Who Votes Now? Demographics, Issues, Inequality, and Turnout in the United States* (2013).

This difference-in-differences model using CPS data finds a significant impact of registration reforms on youth turnout. Figure 7 shows this visually.³⁸ As can be seen, two non-registration electoral reforms—no excuse absentee voting and early voting—have no significant effect on youth turnout. This finding regarding early voting is interesting for Texas, specifically, where some may point to the existence of early voting as a reason that voting is easy in that state. However, young people don't seem to be responsive to reforms unrelated to registration itself. In contrast, reforms that make registering easier increase youth voter turnout by quite a bit. For example, same-day registration causes an increase of youth turnout by 4.6 (models with no additional controls included; $p = 0.048$) to 6.5 (controls; $p = 0.016$) percentage points. This finding is consistent with recent work conducted by Grumbach and Hill (2019), who use a CPS time series that is even longer than ours and a variety of identification strategies to estimate that SDR increases youth turnout by 3.5–10.1 percentage points. Keele and Minozzi (2013) likewise found overall turnout increase from SDR when looking at data in the 1970s and 1980s. Using data from the difference-in-difference design employed by Keele and Minozzi (2013), I was able to replicate their difference-in-difference results on overall turnout and re-estimate those same models for young people specifically. I find effects on the order of 11.4 ($p = 0.015$) to 17.9 ($p \approx 0.003$) percentage points. These estimates are also very similar to those reported in passing in Leighley and Nagler (2013, Ch. 4) in their examination of Presidential elections between 1972 and 2008 (12.1 percentage points among eighteen to twenty-four-year-olds). Depending on years of data that one

³⁸ Figure 7 is a coefficient plot. For those who are unfamiliar with coefficient plots, these figures display the size of the effect (i.e., the coefficient from the regression model) with a dot and the statistical uncertainty surrounding that estimate (similar to the margin of error in surveys) with bars around the dot. Larger/positive effects would appear higher on the plot, while smaller/negative effects are plotted near the bottom. Effects that are unlikely to be unobserved simply by chance will not have bars that overlap with a zero effect (the zero effect is shown by the horizontal dashed line).

uses, the observed effects of same-day registration represent somewhere between 34 percent and 53 percent of the *entire age gap* between young and old voters. Put differently, estimates from various datasets and methods suggest that by implementing reforms that allow young people to register when they show up to the polls, states have the chance to cut their age gap by a third to a half.

Online registration may also increase youth turnout, but our level of uncertainty around this estimate is a bit higher relative to SDR and the effects are also a bit smaller. The point estimates vary from a 2.1 (no controls; $p = 0.06$) to a 3.3 (controls; $p = 0.019$) percentage point increase after online registration is implemented. Overall, these results are consistent with online registration maybe having an effect on youth voter turnout, but with a great deal of uncertainty around these estimates.

Like SDR, and to a lesser extent online registration, preregistration appears to be a viable means of increasing youth turnout. In the models shown in Figure 9, we find an effect somewhere on the order of a 3.8–4.4 percentage point increase among eighteen to twenty-five-year-olds. These specifications are quite precise ($p < 0.005$ in both specifications). These model results are remarkably robust to alternative specifications.³⁹ For example, across our difference-in-difference model specifications where we do not control for other election laws available in the state, the estimates range from about a 3.9 to a 5.7 percentage point increase.⁴⁰ The results are also robust to using data from voter files, with estimates from these tending to range from a 4.8 to a 6.8

³⁹ They also are remarkably consistent with early work on the effects of preregistration. See Michael P. McDonald, *Registering the Youth Through Voter Preregistration*, 13 N.Y.U. J. Leg. & Pub. Pol. 551-72 (2010).

⁴⁰ These are all statistically significant at high levels ($p \leq 0.01$ in all cases).

percentage point increase. They also hold when we look at a wider span of years (Garnett and Miller 2018).⁴¹ And they even hold when we only look at voters close to state boundaries splitting states that have preregistration and those that don't. This attempt at finding an even cleaner comparison group provides estimates between a 4.6- and a 12-percentage point increase (depending on the years and sample used; see also Bertocchi et al. 2017).⁴² Regardless of the estimates used, preregistration's effects are substantively meaningful: representing about 12–23 percent of the overall gap in voter turnout between young and older voters.⁴³

(analysis continued on next page)

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⁴¹ Holly Ann Garnett & Peter Miller, “Registration Innovation: The Impact of American Registration Regimes, 1996–2016,” Presented at the 2018 Election Sciences, Reform, and Administration Conference.

⁴² Graziella Bertocchi et al., *Youth enfranchisement, political responsiveness, and education expenditure: Evidence from the U.S.*, at 118 (DEMB Working Paper).

⁴³ As a placebo test, I ran our preregistration models among older voters—individuals older than 60—who should not see a turnout impact from having a preregistration law in place, as these individuals are too old to preregister. As expected, I found no turnout effect in the placebo test: an estimate of –0.2 percentage points that is precisely estimated and not different from 0 ($p = 0.87$).

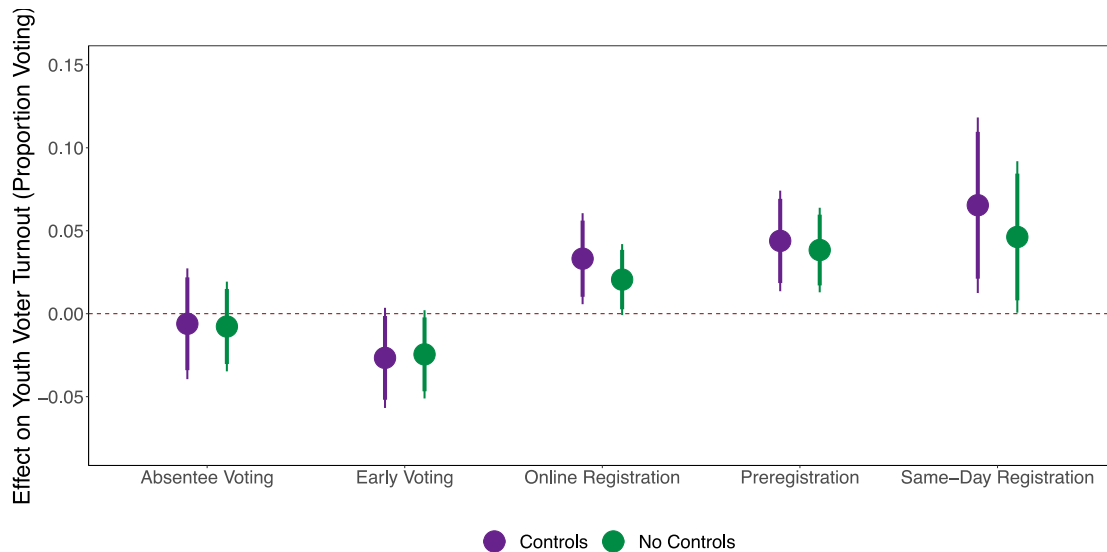


Figure 7. Effect of election laws on youth turnout. Difference-in-differences effect estimates for the electoral reforms listed. Points reflect coefficient estimates and bars represent 90 percent and 95 percent confidence intervals. Models with controls include age, marital status, gender, family income, educational attainment, whether an individual lives in a metropolitan center, race, Hispanic ethnicity, time living at current address, whether one is employed as a business or farm employee, whether the interview was done in person, and whether person registered in at the DMV. All models control for whether SDR is only available on Election Day. Making registration easier increases youth turnout.

Texas has none of these laws that make registering to vote—and actually voting—easier for young people—having neither online registration⁴⁴, preregistration⁴⁵, nor same-day registration.⁴⁶ In addition, Texas is one of just 10 states that requires those registering to vote to turn in their voter registration forms a full 30 days before Election Day. Moreover, up until recently Texas had placed uniquely high barriers on registering to vote through the Department of Motor

⁴⁴ See Online Voter Registration, National Conference of State Legislatures (Jul. 26, 2021).

⁴⁵ See Preregistration for Young Voters, National Conference of State Legislatures (Jun. 28, 2021).

⁴⁶ See Same Day Voter Registration, National Conference of State Legislatures (Sep. 20, 2021).

Vehicles.⁴⁷ When considered in total, Texas has some of the most restrictive voter registration rules in the country (Holbein and Hillygus 2020).

Third, from previous research makes clear that registration rules are especially burdensome for young people. In their work on why such a large age gradient exists between age and voting/registration, Ansolabehere et al. (2012) show that age gaps in voting/registration “arise simply as a byproduct of the rules of the registration system.”⁴⁸ They show this by analyzing nationwide voter records and showing that the fact that young people move more often than older citizens—and have to re-register to vote with each move—explains a great deal of the differences in registration and voter turnout between older and younger voters.

Fourth, from previous research we have some evidence for the impact of automatic voter registration on rates of youth turnout. Using the differential exposure to AVR depending on when one visits the DMV (which is largely determined on individuals’ date of birth), Seljan, Gronke, and Yancheff (2019) show that AVR in Oregon increased youth turnout substantially.⁴⁹ McGhee and Romero (2019) show a similar result in their models that use a synthetic controls approach with Oregon compared to other similar states.⁵⁰ Grumbach and Hill (2019) successfully replicate

⁴⁷ This was changed in a challenge to the state’s practice of not complying with certain aspects of the National Voter Registration Act. See *Texas Complies with Court-Ordered ‘Motor Voter’ Change*, Austin American-Statesman (Sept. 24, 2020).

⁴⁸ Stephen Ansolabehere et al., *Movers, Stayers, and Registration*, 7 Quarterly J. Pol. Sci. 333-363 (2012).

⁴⁹ Ellen Seljan et al., “Happy Birthday: You Get to Vote!,” Presented at the 2019 American Political Science Association’s Annual Conference.

⁵⁰ Eric McGhee & Mindy Romero, *Registration Effects of Automatic Voter Registration in the United States* (2009).

this result using nationwide data from 2018.⁵¹ When we use CPS panel data from 2000-2018, we find a similar effect as them—somewhere on the order of about a 4.6 percentage point increase.

When compared with other alternatives for mobilizing young voters—such as get-out-the-vote mailers, phone banking, or door-to-door canvassing (which all tend to have effects smaller than 2 percentage points)—these effects from voter registration reforms are quite large.⁵² In short, the best evidence available suggests that registration reforms are an effective way to increase low youth turnout. Where other electoral reforms like absentee or early voting fall short, making registration easier makes a meaningful dent in the age-based gap in voter turnout. It doesn't close the age gap entirely, but it does work to get a nontrivial number of young people to the polls.

As final evidence that registration serves as a meaningful barrier to youth turnout, I note that teaching young people the particulars about how to register and vote substantially increases their rates of voter turnout. For example, in a unique, in-school randomized control trial (i.e. an A/B test or a clinical trial) that spanned six states (Connecticut, Indiana, Kentucky, Nebraska, New Hampshire, and New Jersey), Addonizio (2011) tested the effect of providing students with a one-time voting and registration demonstration in the classroom (through the First-Time Voter Program). Students randomly assigned to the First-Time Voter Program learned how to “register to vote, how to use a voting booth, and ... were given the opportunity to cast a practice ballot” (Addonizio 2011, 197). Addonizio (2011) shows that the First-Time Voter Program had a substantial impact on participant voting rates—increasing youth turnout by 5.7 percentage points, which represented a 23% increase over the base turnout rate in the control group (25 percent). This

⁵¹ See Jake Grumbach & Charlotte Hill, *Automatic Voter Registration Boosts Turnout Among Young and Low Income People*, Data for Progress (2019).

⁵² See Donald P. Green, *Field Experiments and the Study of Voter Turnout*, J. of Elections, Public Opinion and Parties 27-48 (2013).

finding suggests that taking the step of teaching young people how to register meaningfully increases their rates of voter participation.

In short, evidence from qualitative interviews, policy evaluation studies, studies of why so few young people vote, and pilot programs that make registering to vote easier all suggest that registration affects youth turnout and, as such, making registration easier increases their rates of turnout.

IVa. OVERVIEW OF SB 1111's CHANGES TO REGISTRATION IN TEXAS

Governor Greg Abbott signed Senate Bill 1111 into law on June 7, 2021. Among other things, SB 1111 appears to further restrict where and how an individual can establish residency in Texas for the purpose of voting. SB 1111 prohibits people from “establish[ing] residence for the purpose of influencing the outcome of a certain election” “establ[ishing] a residence at any place the person has not inhabited”, and “designat[ing] 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.” It also adds additional identification requirements for those voters who list a commercial post office box as a residential address.

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 [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].

(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 voter's current residence.

IVb. DATA USED IN EVALUATING THE LIKELY EFFECTS OF SB 1111

To estimate the effect of the modifications made by SB 1111, I employed data from several different sources, including:

- Statewide voter file snapshots from Texas from 2021
- The Current Population Survey November Supplement from 1996-2020
- Effect of preregistration and SDR from Holbein and Hillygus (2020) already discussed above (see Section IIIId of this memo)
- Validated voter turnout counts at the state-year level from Fraga and Holbein (2019) and Holbein and Hillygus (2020)
- Timing of election law changes by Fraga and Holbein (2019), Holbein and Hillygus (2020), and the National Conference on State Legislatures

These datasets are described in greater detail in the Appendix. Together, they allow for a comprehensive examination of the likely impact of the modifications made by SB 1111.

IVc. MOVEMENT RATES OF YOUNG PEOPLE AND MINORITIES IN TEXAS

Drawing on data from the Current Population Survey, Figure 8 shows that nationwide 18-29-year-olds are 1.92 times more likely (that is, 192% more likely) than 30-45-year-olds, 3.61 times more likely (that is 361% more likely) than 46-60-year-olds, and a full 6.86 times more likely (that is, 686% more likely) than 61+-year-olds to have lived at their current address for 1 month or less. This pattern holds in the state of Texas (see the upper right panel of Figure 8). It

also holds if we look at longer durations. These differences in movement rates do not go away when controlling for other factors about citizens. Young people in Texas are highly mobile.

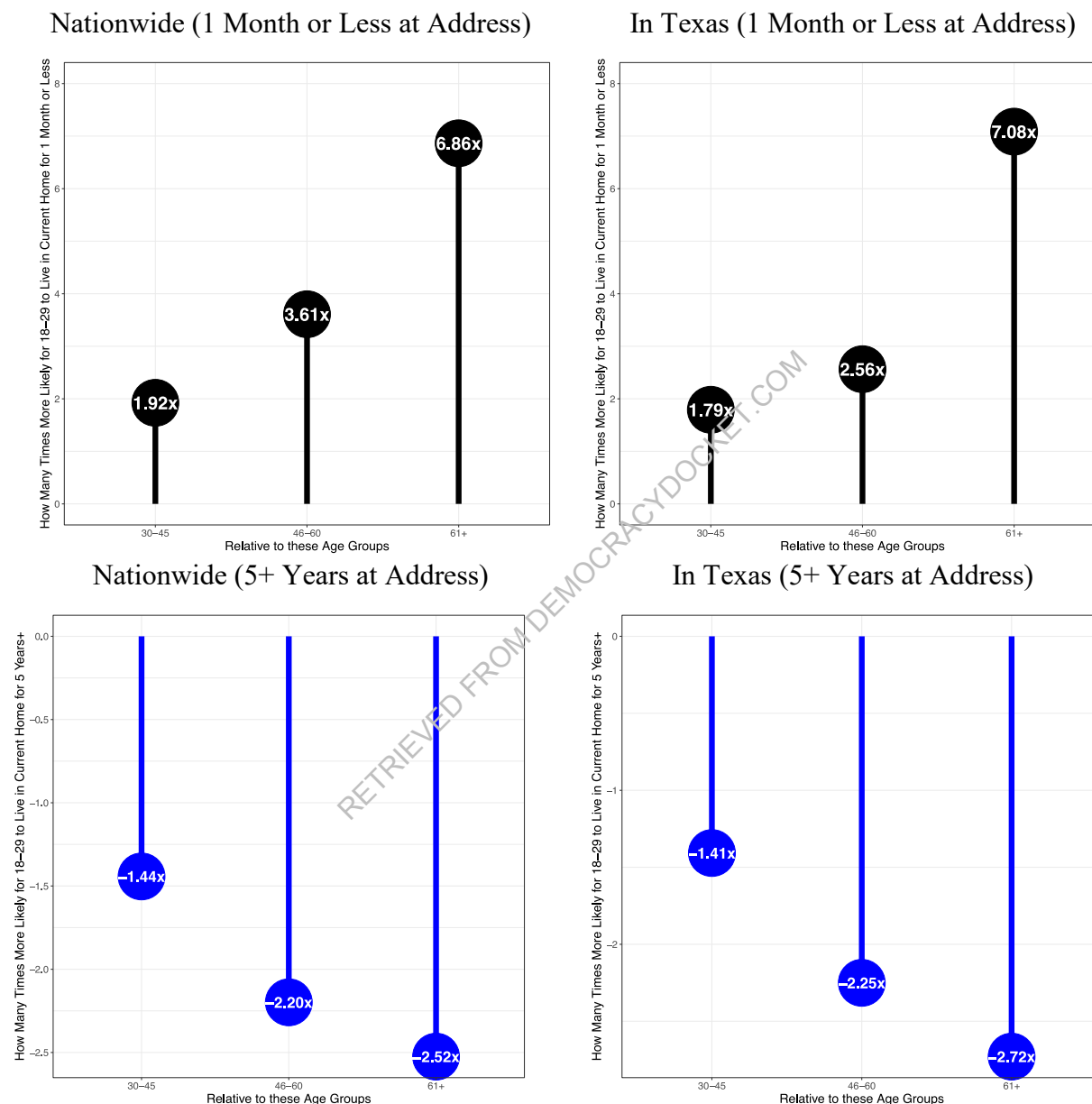


Figure 8. Effect of age on movement. Data drawn from the Current Population Survey November Supplement (1996-2020). The graph above shows how many more times likely a 18-29-year-old citizen is to have lived at their current address for 1 month or less or 5+ years. Young people are highly mobile.

Young minorities are even more mobile than young white citizens. According to the CPS, non-white youth are 4.9% more likely to have lived at their current address for less than a month,

12.8% more likely to have lived at their current address for 1-6 months and 8.9% less likely to have lived in their current address for 5+ years.

Part of the reason for movement rates being so high among young people—in Texas and across the country—is because many young people are in a period of their lives where they often need to move for work or school (Ansolabehere et al. 2012). These forces are amplified for the many Texas students who attend college and are either required or influenced by the behavior of their peers to move frequently while enrolled in college. Table 4 below shows that in many universities in the state of Texas, a large number of students live on campus. And in some of these universities, students are forced to move frequently during their time in school given their schools' limited housing availability and requirements.

(analysis continued on next page)

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University	On Campus Housing Requirement?	Rules on how long can a student stay in the dorms?	Number of Students Living on Campus (2020)	Total Undergrad. Enrollment (2020)
UTSA	No requirement	No	4,508	34,742
University of Houston	No requirement	Separate first and second year dorms necessitate moving after the first year	3,133	39,165
Texas Southern University	Requires that all freshman students enrolled in fifteen (15) or more semester credit hours reside in on-campus residence halls	No	1,113	5,298
University of Texas Rio Grande Valley	Requires first- and second-year students to live on campus—if they do not meet exemption requirements.	No	535	26,762
Southern Methodist University	All first- and second-year students are required to live on campus in SMU's Residential Commons.	First and second year have separate dorms necessitating moving	2,640	6,827
UTEP	Only required for some scholarship students	No	Not publicly listed	21,117
Trinity University	All unmarried undergraduate students are required to live on campus for three years	Separate first and second year dorms necessitate moving after the first year	826	2,504
UNT	First year undergraduate students to live on campus	Separate freshman and upper class dorms necessitate moving	4,904	32,694
UT-Austin	All students enrolled in The University of Texas at Austin are eligible to live in university-owned housing. Students are not required to live on campus and may choose to live on or off campus. Freshmen are encouraged	No	3,204	40,048

	to consider living in university residence halls.			
Texas A&M	With the exception of the Corps of Cadets, students are not required to live on campus at Texas A&M.	No	11,113	55,568
UT-Dallas	UT Dallas does not have a live-on requirement for first-year students.	No	2,542	21,187
UT-Arlington	The University of Texas at Arlington offers on-campus housing, but freshmen are not required to take advantage of it.	No	2,454	35,064
Texas Tech	University requires enrolled first-year students to live in the university residence halls	No	7,652	33,269

Table 2. Housing rules for large universities in Texas and the six complaint counties. The first column shows the universities. The second column housing rules for students. The third column references whether there are move-out requirements for on-campus housing, which require students to move. The fourth column shows an estimate of the number of students living in on-campus housing and the fifth column shows the total enrollment at the university (both of these come from the U.S. News). None of these universities guarantee on-campus housing beyond the first year.

In the six complaint counties, among the thousands of young people who list a dorm as their mailing address on their voter registration form, all of them also list their voter registration as being at that same address.⁵³ This indicates that in Texas the large majority of students living at dorms use these, by universities' design, temporary housing locations as their voter registration

⁵³ Unfortunately, we cannot know what proportion of off-campus resident college students are registered at home. Nor can we know what fraction of college students register in a state other than Texas or the individual qualities of students not in the voter registration lists. These are unknown quantities given FERPA protections that prohibit us from linking individual student college records to voter registration records.

address. Under the current law, this places many young people in a difficult scenario. SB 1111 states 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*.” The “intends to remain” clause is not temporally limited, nor is it defined in the law. The phrase itself is opaque and subjective and will be particularly confusing to first-time registrants who are unfamiliar with the voting process, including young Texans.

At its worst, SB 1111 means that many college students may feel left without a place to list when they try to register to vote. As written, it appears that college students who have not registered to vote in Texas before coming to school and who intend to move frequently during their college careers, because of the rules or norms set by their university are left without clear direction as to how to register to vote. Under SB 1111, college students living on campus cannot register to vote at their home address—because they do not physically inhabit their home address—and they might not be able to list their college address as their registration address—given that by definition residents cannot “intend to remain” in their on campus addresses past a certain period and many may see their residence as a temporary one. This, effectively, leaves young people without legal means of registering to vote. This places a significant burden on the millions of college students in the state of Texas. And, again, this has the unique potential to confuse and discourage young voters who are registering to vote and going through the voting process for the first time. This risk is particularly acute in Texas considering the potential criminal penalties that attach to simple mistakes, and the Attorney General’s well -publicized intent to aggressively prosecute such mistakes.⁵⁴

⁵⁴ Crystal Mason, *Texas Voting Law Cracks down: I Was Convicted of Voter Fraud but My Vote Didn’t Even Count*, USA TODAY (Nov. 9, 2021); Jen Rice et al., *A Houston Man Is Arrested For Alleged Illegal Voting As Texas GOP Seeks Tighter Laws*, NPR (July 9, 2021),

The burden SB 1111 imposes on highly mobile youth is also imposed on other highly mobile groups, including Black and Latino Texans. Studies have repeatedly shown that Black Americans and Latino Americans are more transient than their white counterparts.⁵⁵ And an analysis of the CPS confirms that Black and Latino Texans are more mobile than their white counterparts.

IVd. HOW MOVEMENT SHAPES THE VOTING OF YOUNG PEOPLE AND MINORITIES IN TEXAS

Those who move more often—like young people (as documented in the last section) are less likely to cast a ballot. Figure 9 shows this visually. As can be seen, nationally those that live at an address for 5+ years are 27.8 percentage points more likely to cast a ballot than those who live in their current address for 1 month or less, and in Texas this number is a full 25.7 percentage points. Likewise, nationally those that live at an address for 5+ years are 7.6 percentage points more likely to cast a ballot and in Texas this number is a full 10.3 percentage points.

<https://www.npr.org/2021/07/09/1014686526/a-houston-man-is-arrested-for-alleged-illegal-voting-as-texas-gop-seeks-tighter->. *Texas Attorney General Announces Formation of '2021 Texas Election Integrity Unit,'* KVUE (Oct. 3, 2021), <https://www.kvue.com/article/news/politics/texas-2021-election-integrity-unit/269-e5457d35-0524-4049-bd1c-19517bba5003>.

⁵⁵ See, e.g., Carolyn Weisz & Diane M. Quinn, *Stigmatized Identities, Psychological Distress, and Physical Health: Intersections of homelessness and Race*, 3 *Stigma & Health* 229 (2018); Marian Moser Jones, *Does Race Matter in Addressing Homelessness? A Review of the Literature*, 8 *World Medical & Health Pol.* 139-156 (2016); Heather E. Hsu, et al. *Race/ethnicity, Underlying Medical Conditions, Homelessness, & Hospitalization Status of Adult Patients with COVID-19 at an Urban Safety-net Medical Center—Boston, Massachusetts*, 69 *Morbidity and Mortality Weekly Report* 864 (2020); Matthew H. Morton, et al. *Prevalence and correlates of youth homelessness in the United States*, 62 *J. of Adolescent Health* 14-21 (2018).

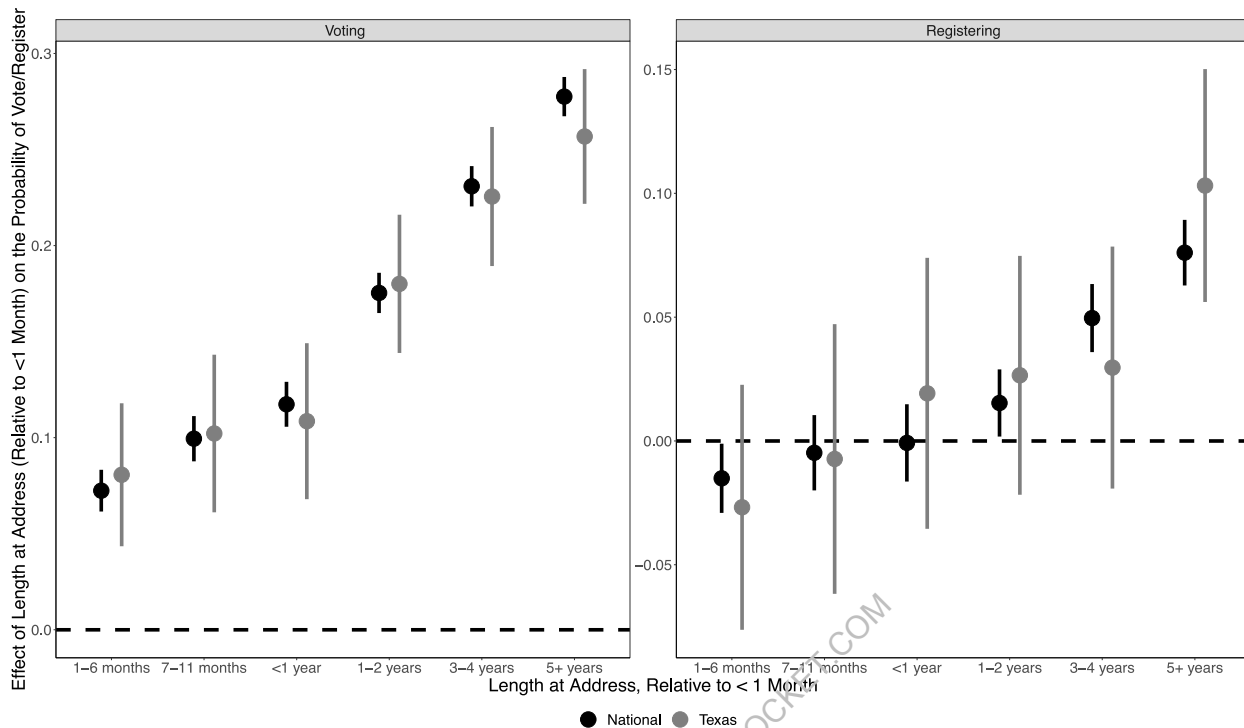


Figure 9. Effect of length at address on voter turnout and voter registration. Data drawn from the Current Population Survey November Supplement (1996-2020). Points reflect effect estimates and bars represent 95 percent confidence intervals. The vertical axis is the effect size. The horizontal axis is the length at address, relative to individuals living in their current address for 1 month or less. The figure shows that living at an address for a shorter period or time—as young people do—makes citizens less likely to register and to cast a ballot.

In short, young people are highly mobile and this mobility decreases the chances that they will register and cast a ballot. Similarly, Black and Latino Texans are more mobile than their white counterparts—and see their chances of casting a ballot depressed with restrictions that limit their ability to register. Adding additional requirements and restrictions that make registering more difficult will disproportionately impact young people. These young people who are registering and voting for the first time are more likely than older adults to be confused by these new rules imposed by the state of Texas. The restrictions, rules, and potential criminal penalties have the potential to dissuade many young people for exercising their constitutional right to cast a ballot in the Lone Star State.

V. CONCLUSION

SB 1111 adds complexity to an already complex system and substantially increases barriers to youth voting. Complex voter registration rules disproportionately impact those who are registering for the first time—like young voters. Thus, while research shows that young people want to vote, they often fail to do so. While measures that reduce registration barriers—like pre-registration, automatic voter registration, and same-day registration—have been linked to higher youth turnout, measures that increase registration barriers—like SB 1111—have the opposite effect.

For one thing, SB 1111 prohibits registering at a previous residence unless the voter inhabits the residence at the time of registration and intends to remain. At best, this language is confusing to young voters who may interpret this language as barring them from registering to vote while they live at a temporary residence. At worst, SB 1111 might actually leave young voters without a lawful place to register. And the particularly severe criminal penalties for illegal voting in Texas only increase the deterrent effect of these confusing rules. Taken together, these results show that young people are disproportionately burdened by SB 1111.

VI. APPENDIX

VIa. DATA SOURCES

Here are the datasets used in this report:

1. The complete Texas Statewide Voter File obtained from the State in May 2021. This request includes, without limitation, all individual level data—i.e., the name, registration address, age, gender, and voter history of each citizen listed in the voter database. This request also includes, without limitation, all data dictionaries, guides, keys, or other documents that describe files, the contents of files, or the location of files or data within the voter database.
2. The Current Population Survey November Supplement (1996-2020 versions)
3. Data provided in CIRCLE reports on youth voting levels (2000-2012)
4. Data on electoral rules and youth voter turnout from Holbein and Hillygus (2020) and the National Conference on State Legislatures
5. Data on youth voter turnout from Fraga and Holbein (2019)

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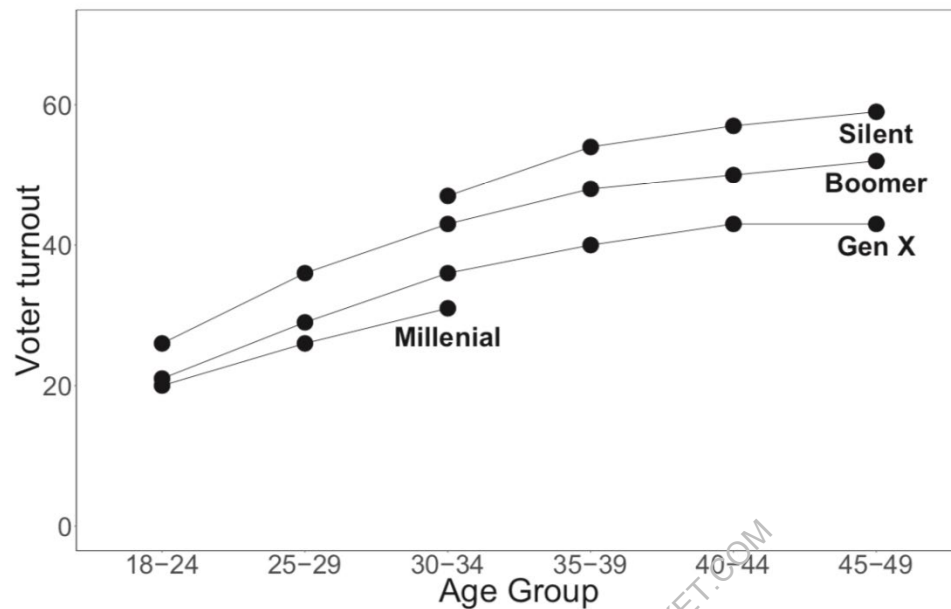
Vib. SUPPLEMENTAL FINDINGS

Figure A1. Voter turnout by age and generation. Voter turnout (1978–2014 midterms) by age, broken by generation. Source: Current Population Survey November Supplement (recreated as reported by Pew Research Center). Following Pew’s coding, millennials are those born between 1981 and 1996, Generation X as those born between 1965 and 1980, baby boomers as those born between 1946 and 1964, and the silent generation as those born between 1928 and 1945.

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- [1] John B. Holbein and D. Sunshine Hillygus. "Making Young Voters: Converting Civic Attitudes into Civic Action" (2020). New York, NY: *Cambridge University Press*

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- ★ Select Media Coverage: [New York Times][Forbes][Vice][The Conversation][PolitiFact][The74][Education Week][NY Daily News][CQ Roll Call]

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- [18] Matt Easton and John B. Holbein. "The Democracy of Dating: How Political Affiliations Shape Relationship Formation." *Journal of Experimental Political Science*. 8, no. 3 (2021): 260-272
- [17] Michael Barber and John B. Holbein. "The Participatory and Partisan Impacts of Mandatory Vote-by-Mail" *Science Advances* 6, no. 35 (2020): eabc7685
- ★ Featured in *Science Magazine*
- [16] Hans Hassell, John B. Holbein, and Matthew Baldwin. "Mobilize for Our Lives? School Shootings and Democratic Accountability in U.S. Elections" *American Political Science Review*. Vol. 114, no. 4 (2020): 1375-1385
- ★ Best Paper in Elections, Public Opinion, and Voting Behavior Award for the best paper presented at the American Political Science Association's Annual Meeting [American Political Science Association; 2020]
- [15] Hans Hassell, John B. Holbein, and Matt Miles. "There is No Liberal Media Bias in the News Political Journalists Choose to Cover." *Science Advances*, 6, no. 14 (2020): eaay9344.
- [14] Akee, Randall, William Copeland, John B. Holbein, and Emilia Simeonova. "Human Capital and Voting Behavior across Generations: Evidence from an Income Intervention." *American Political Science Review*, 116, no. 2 (2020): 609-616.
- ★ Best Paper in Political Behavior Award for the best paper in political behavior presented at the Midwest Political Science Association's Annual Meeting [Midwest Political Science Association, 2018]

- [13] Dynes, Adam and John B. Holbein. "Noisy Retrospection: The Effect of Party Control on Policy Outcomes" *American Political Science Review*, 114, no. 1 (2020): 237-257.
- [12] Holbein, John B. and Marcos Rangel. "Does Voting Have Upstream and Downstream Consequences? Regression Discontinuity Tests of the Transformative Voting Hypothesis" *The Journal of Politics* Vol. 82, no. 4 (2020)
- [11] Schafer, Jerome and John B. Holbein. "When Time Is of the Essence: A Natural Experiment on How Time Constraints Influence Elections" *The Journal of Politics* 82, no. 2 (2020): 418-432
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- [9] Fraga, Bernard and John B. Holbein. "Measuring Youth and College Student Voter Turnout." *Electoral Studies* 65, no. 3 (2020)
- [8] Holbein, John B., Jerome Schafer, and David Dickinson. "Insufficient Sleep Reduces Voting and Other Prosocial Behaviors." *Nature Human Behaviour* 3, May (2019): 492-500.
- [7] Carnes, Nicholas and John B. Holbein. "Do Public Officials Exhibit Social Class Biases when they Handle Casework? Evidence from Multiple Correspondence Experiments" *PLOS ONE* 14, no. 3 (2019).
- [6] Holbein, John B. and Hans J.G. Hassell. "When Your Group Fails: The Effect of Race-Based Performance Signals on Citizen Voice and Exit" *Journal of Public Administration Research and Theory* 29, no. 2 (2019): 268-286.
- ★ Beryl A. Radin Award for the best article in Journal of Public Administration Research and Theory [Public Management Research Association, 2019]
- [5] Holbein, John B. "Childhood Skill Development and Adult Political Participation." *American Political Science Review* 111, no. 3 (2017): 572-583.
- [4] Holbein, John. & Helen Ladd. "Accountability pressure: Regression discontinuity estimates of how No Child Left Behind influenced student behavior." *Economics of Education Review* 58 (2017): 55-67
- [3] Ladd, Helen F., Charles T. Clotfelter, and John B. Holbein. "The Growing Segmentation of the Charter School Market in North Carolina" *Education Finance and Policy* 12, no. 4 (2017): 536-563
- [2] Holbein, John B. "Left Behind? Citizen Responsiveness to Government Performance Information." *American Political Science Review* 110, no. 2 (2016): 353-368.

- [1] Holbein, John B. and D. Sunshine Hillygus. "Making Young Voters: The Impact of Preregistration on Youth Turnout." *American Journal of Political Science* 60, 2 (2016): 364-82.

Working Papers

- [8] Charles Crabtree, John B. Holbein, and J. Quin Monson. "Americans Are Less Likely to Respond to Requests for Help from Black People" **Revised and Resubmitted, *Proceedings of the National Academy of Sciences***
- [7] Michael Barber and John B. Holbein. "400 Million Voting Records Show That Minority Citizens, Young People, and Democrats Are at a Profound Disadvantage at the Ballot Box" **Revise and Resubmit, *PLOS One***
- [6] Charles Crabtree, Michael Gaddis, John B. Holbein, and Steve Pfaff. "Chinese Americans Faced High Levels of Discrimination in Public Schools Before the COVID-19 Pandemic." *Under Review*
- [5] Cecilia Mo, John B. Holbein, and Elizabeth Mitchell Elder. "National Service Experience Powerfully Increases Youth Political Participation." *Under Review*
- [4] Charles Crabtree, S. Michael Gaddis, Cameron Guage, John B. Holbein, Jae Yeon Kim, and William W. Marx. "Validated Names for Experimental Studies on Ethnicity and Race" *Under Review*
- [3] Mia Costa, Charles Crabtree, John B. Holbein, and Michelangelo Landgrave. "What do Political Scientists Believe About Research Ethics?" *Under Review*
- [2] Gaddis, S. Michael, Edvard Nergård Larsen, Charles Crabtree, and John B. Holbein. "Discrimination Against Black and Hispanic Americans is Highest in Hiring and Housing Contexts: A Meta-Analysis of Correspondence Audits." *Under Review*
- [1] Tyler Reny, Ben Newman, John B. Holbein, and Hans Hassell. "Mass shootings cause countervailing surges in political action"

Select Works in Progress

- [11] Gaddis, S. Michael, Edvard Nergård Larsen, Charles Crabtree, and John B. Holbein. "Publication Bias and p-Hacking in Correspondence Audits of Racial Discrimination."
- [10] Brian Hamel and John B. Holbein. "The Effect of Income on Voting: Expanding and Meta-Analyzing the Evidence"
- [9] Natasha Zhang Foutz, John B. Holbein, JingJing Li. "How Often do People Interact with Those from the Other Political Party?"
- [8] Charles Crabtree, Hans Hassell, John B. Holbein. "Does Informing Subjects About Audit Studies Affect Their Behavior?"

- [7] Charles Crabtree and John B. Holbein. "Bias Against Asian-Americans"
- [6] Ryan Baxter-King, Justin de Benedictis-Kessner, Brian Hamel, Michael Hankinson, and John B. Holbein. "The Effect of the Opioid Epidemic on U.S. Elections"
- [5] Matt Easton and John B. Holbein. "Can Correcting Misperceptions Reduce Affective Polarization?"
- [4] Charles Crabtree and John B. Holbein. "Gender Matters Even When Gender Means Nothing at All"
- [3] Justin Croft, Hans Hassell, and John B. Holbein. "Political Protests' Effect on Political Behaviors."
- [2] Taylor Mattia and John B. Holbein. "The Effect of Education Spending in Childhood on Voter Turnout in Adulthood."
- [1] D'Wayne Bell, Jing Feng, John B. Holbein and Jonathan Smith. "The Effects of College Experiences on Voting and Partisanship: Evidence from Large-Scale Nationwide Administrative Data."

Select Other Publications

- [24] Holbein, John B., Kei Kawashima-Ginsberg, and Tova Wang. "Protests, Politics, and Power: Exploring the Connections Between Youth Voting and Youth Movements" Center for Information & Research on Civic Learning and Engagement (CIRCLE) Technical Report.
- [23] Holbein, John B. Review of *Homeschooling the Right: How Conservative Education Activism Erodes the State* by Heath Brown. New York, Columbia University Press, 2021. Political Science Quarterly.
- [22] Gaddis, Michael, Charles Crabtree, Marc Bendick, Jr., Patrick Button, John Holbein, Joanna N. Lahey, Michelangelo Landgrave, Donald Moynihan, David Pedulla, Natasha Quadlin, Kate Weisshaar. "Sending politicians fake emails is sometimes necessary" *Times Higher Education*
- [21] Charles Crabtree, John B. Holbein, Holger L. Kern, and Steven Pfaff. October 9, 2020. "Does religious discrimination occur in American schools?" *3Streams*
- [20] Pfaff, Steven, Charles Crabtree, Holger Kern, and John B. Holbein. 2020. "U.S. school principals discriminate against Muslims and atheists, our study finds" *Washington Post* (September 11)
- [19] Barber, Michael J. and John B. Holbein. 2020. "Plain facts about vote-by-mail: It doesn't advantage either party" *New York Daily News* (August 31)

- [18] Holbein, John B. 2020. “Expert Report: League of Women Voters of Va., et al., v. Va. Bd. Of Elections, et al., No. 6:20-cv-00024”
- [17] Hassell, Hans, John B. Holbein, Matthew Miles, Kevin Reunig. 2020. “Claims of ideological bias among the media may be overblown: Research shows that ideological bias among media outlets is largely nonexistent” *Salon* (May 19)
- [16] Hassell, Hans, John B. Holbein, Matthew Miles, Kevin Reunig. 2020. “Claims of ideological bias among the media may be overblown” *The Conversation* (May 18).
- [15] Hassell, Hans, John B. Holbein, Matthew Miles. 2020. “Journalists may be liberal, but this doesn’t affect which candidates they choose to cover.” *Washington Post* (April 10).
- [14] Holbein, John B. and D. Sunshine Hillygus. 2020. “Young People Want to Vote. So How Do We Get Them to The Polls?” *Forbes* (April 7).
- [13] Hassell, Hans, John B. Holbein, Matthew Miles. 2020. “There’s No Liberal Bias in What the Media Chooses to Cover.” *Data for Progress* (April 7)
- [12] Holbein, John B. 2020. “Expert Report: Priorities USA et. al. v. Benson, No. 19-000191-MZ”
- [11] Holbein, John B. 2020. “Why Many Young People Don’t Vote – And How to Fix That” *American Political Science Association* (March 16).
- [10] Holbein, John B. 2020. “Why so few young Americans vote.” *The Conversation* (Mar. 11)
- [9] Fraga, Bernard, John B. Holbein, and Chris Skovron. 2018. “Using Nationwide Voter Files to Study the Effects of Election Laws” *MIT Election Lab Report* (July 27).
- [8] Simeonova, Emilia, Randall Akee, John B. Holbein, William E. Copeland, E. Jane Costello. 2018. “Low voter turnout? Increasing household income may help” *VoxEu, CEPR* (July 15).
- [7] Holbein, John B. 2016. “How No Child Left Behind encourages more affluent parents to flee poorly performing schools.” *USAPP, American Politics and Policy, LSE* (November 7).
- [6] Holbein, John B. 2015. “New research has uncovered a surprising factor that helps people vote. And it involves marshmallows.” *Washington Post* (October 4).
- [5] Holbein, John B. and D. Sunshine Hillygus. 2015. “How preregistration can help increase youth voter turnout.” *USAPP, American Politics and Policy, LSE* (April 27).
- [4] Holbein, John B. and D. Sunshine Hillygus. 2015. “Expert Report: United States District Court Middle District of North Carolina Civil Action No. 1:13-CV-00660-TDS-JEP (M.D.N.C.) League of Women Voters of North Carolina, et al. v. North Carolina, et al.”

- [3] Holbein, John B. and D. Sunshine Hillygus. 2015. "How to get young people to vote? Register them before they turn 18" *Washington Post* (January 13).
- [2] Carnes, Nicholas and John B. Holbein. 2013. "Are Politicians Prejudiced against the Poor?" *Scholar's Strategy Network Basic Facts Brief* (January).
- [1] Holbein, John B, Andre Baksh, Jin Dai. 2011. "The History of the Utah Tax Code" *Utah State Tax Commission Economics & Statistical Unit Research Publication* (June).

Grants [Total: \$837,689]

- ★ University of Virginia College of Arts & Sciences' Quantitative Collaborative [\$15,000], "Using Experiments to Study Anti-Asian Bias Across the Globe" 2021-2022.
- ★ NEO Philanthropy, New Venture Fund [\$132,500], "Youth Movements in the 2018 Midterms and Beyond: Impacts and Prospects for Permanence" [Co-PI] (with Tova Wang, Kei Kawashima-Ginsberg, Johnnie Lotesta, Jerusha Conner, and Matt Davis) 2019-2021
- ★ Bankard Fund for Political Economy [\$6,400], "Batten School of Leadership and Public Policy Faculty Research Seminar Series." [PI] 2020-2021
- ★ National Science Foundation, Political Science Program, Grant SES-1657821 [\$335,690], "Making Young Voters: Policy Reforms to Increase Youth Turnout" [Co-PI] (with D. Sunshine Hillygus, Darryl V. Hill, and Matthew A. Lennard) 2017-2019
- ★ National Science Foundation, Political Science Program, Grant SES-1416816 [\$249,999], "Education, Engagement, and Well-being among Adolescents" [SI] (with D. Sunshine Hillygus and Christina Gibson-Davis) 2014-2016
- ★ The Jefferson Trust 2021 Grant Award for Early Career Excellence in Community Engagement, University of Virginia [\$10,000]
- ★ Brigham Young University Mentored Environment Grant [\$40,000], "Audit the Public: Leveraging Large-Scale Audit Experiments to Ascertain How Levels of Racial Bias Among U.S. Citizens Correspond to Levels of Bias in their Elected Officials" [PI] 2019
- ★ Brigham Young University Mentored Environment Grant [\$20,000], "Making Young Voters: Using Big Data to Understand How to Increase Youth Voter Turnout" [PI] 2018
- ★ Research Opportunities in Surveys and Experiments, Duke SSRI [\$1,000] 2015
- ★ Bass Instructional Fellowship, Duke University [\$10,000] 2016
- ★ American Political Science Association (APSA) Travel Award [\$500] 2015

- ★ William and Janet Hunt Fellowship, Duke University [**\$5,500**] 2015
- ★ Duke University Research Grant [**\$6,500**] 2014-2015
- ★ Sanford School of Public Policy Research Grant [**\$3,100**] 2012-2015
- ★ Office of Research & Creative Activities (ORCA) Undergraduate Research Grant, Brigham Young University [**\$1,500**] 2010-2011

Awards

- ★ The Jefferson Trust 2021 Award for Early Career Excellence in Community Engagement, University of Virginia
- ★ Best Paper in Political Behavior Award ["Mobilize for Our Lives? School Shootings and Democratic Accountability in U.S. Elections," (with Hans Hassell and Matthew Baldwin) *American Political Science Association, Elections, Public Opinion, and Elections (EPOVB) Section*, 2020]
- ★ Best Reviewer, *Political Analysis* (2019)
- ★ Batten School of Leadership and Public Policy Excellence in Faculty Research Award (2019)
- ★ Beryl A. Radin Best Article Award for the best article in Journal of Public Administration Research and Theory ["When Your Group Fails: The Effect of Race-Based Performance Signals on Citizen Voice and Exit," (with Hans Hassell) *Public Management Research Association*, 2019]
- ★ Best Paper in Political Behavior Award ["Family Income and the Intergenerational Transmission of Voting Behavior: Evidence from an Income Intervention," (with Randall Akee, William Copeland, and Emilia Simeonova) *Midwest Political Science Association*, 2018]
- ★ Harrell Rodgers Graduate Student Award [*Midwest Political Science Association/Policy Studies Organization*, 2015]

Invited Presentations

- ★ European Consortium for Political Research (2021)
- ★ Florida State University (2021)
- ★ Dartmouth College (2021)
- ★ University of Texas (2021)

- ★ Brennan Center for Justice (2020)
- ★ UVA Alumni Association (2020)
- ★ Furman University (2020)
- ★ Oxford/Nuffield College (2020)
- ★ Asian Online Political Science Seminar Series (AOPSSS), Tokyo Foundation/Waseda University (2020)
- ★ Pew Research Center (2020)
- ★ UVA Department of Developmental Psychology (2020)
- ★ EdPolicyWorks (2020)
- ★ Dartmouth College (2020)
- ★ Students Learn Students Vote Coalition (2020)
- ★ The Civics Center [2x] (2020)
- ★ American Constitution Society [2x] (2020)
- ★ Duke University (2020)
- ★ University of California, Berkeley (2020)
- ★ University of Toronto (2020)
- ★ McGill University/Université de Montréal (2020)
- ★ Youth-Nex (2020)
- ★ Southern Political Science Association (2020)
- ★ Coalition for National Science Foundation/American Political Science Association's Congressional Exhibition (2019)
- ★ Youth Research Group, AFLCIO (2019)
- ★ University of Kentucky—Martin School of Public Policy and Administration (2019)
- ★ Society for Political Methodology, POLMETH (2018)
- ★ University of Virginia—Batten, Politics, and Curry Faculty Workshop (2017, 2018)
- ★ Harvard Kennedy School—Political Economy Workshop (2017)
- ★ Princeton University—CSDP (2017)
- ★ American Political Science Association Annual Meeting (2012-2021)
- ★ Midwest Political Science Association Annual Meeting (2011-2021)
- ★ Association for Public Policy Analysis & Management Annual Meeting (2013-2017)
- ★ Election Sciences, Reform, and Administration (2017, 2018)
- ★ Boston University (2015)
- ★ Brigham Young University (2015)
- ★ Columbia University—School of International and Public Affairs (2015)
- ★ University of Chicago—Harris School of Public Policy (2015)
- ★ University of Tennessee (2015)
- ★ Tufts University (2015)
- ★ Rand Corporation (2015)
- ★ Brookings Institution—Governance Studies/Brown Center (2015)
- ★ Association for Education Finance and Policy Annual Meeting (2015)

- ★ Center for the Analysis of Longitudinal Data in Education Research Annual Meeting (2015)
- ★ American Association for Public Opinion Research Annual Meeting (2015)
- ★ Brigham Young University (2015, 2016, 2017, 2021)

Teaching

- ★ The Politics of Public Policy, Undergraduate and Graduate (2016-2021)
- ★ Senior Research Project in Public Policy, Undergraduate (2017, 2018, 2019)
- ★ Causal Inference, Graduate (2013)
- ★ Quantitative Political Methodology, Undergraduate (2009)

Professional Service

Refereeing [Total: 136 reviews at 44 outlets]

- ★ American Political Science Review [18x]
- ★ American Journal of Political Science [10x]
- ★ Journal of Politics [20x]
- ★ Princeton University Press [1x]
- ★ National Science Foundation [1x]
- ★ Journal of Policy Analysis and Management [3x]
- ★ Public Administration Review [1x]
- ★ Journal of Public Administration Research and Theory [7x]
- ★ The Review of Economics and Statistics [2x]
- ★ Proceedings of the National Academy of Sciences [1x]
- ★ Comparative Political Studies [1x]
- ★ British Journal of Political Science [6x]
- ★ Journal of the European Economic Association [1x]
- ★ Political Analysis [2x, Best Reviewer Award (2019)]
- ★ Political Behavior [5x]
- ★ Political Science Research and Methods [5x]
- ★ Perspectives on Politics [4x]
- ★ Election Law Journal [2x]
- ★ Legislative Studies Quarterly [4x]
- ★ Electoral Studies [2x]
- ★ Public Choice [2x]
- ★ Public Administration [1x]
- ★ Journal of Public Policy [1x]
- ★ Political Research Quarterly [4x]
- ★ American Politics Research [5x]
- ★ PLOS ONE (Guest Editor) [2x]
- ★ Educational Policy [1x]

- ★ Educational Researcher [1x]
- ★ Communication Studies [1x]
- ★ German Politics [1x]
- ★ European Journal of Political Economy [2x]
- ★ Politics and the Life Sciences [4x]
- ★ Politics and Gender [5x]
- ★ Journal of Elections, Public Opinion & Parties [1x]
- ★ Journal of Race, Ethnicity, and Politics [1x]
- ★ Social Science Quarterly [1x]
- ★ Economics & Politics [1x]
- ★ Political Science Quarterly [1x]
- ★ European Journal of Political Research [2x]
- ★ Peabody Journal of Education [1x]
- ★ Political Studies Review [1x]
- ★ Research and Politics [1x]
- ★ Southern Political Science Association (2022 Program Committee) [1x]
- ★ International Public Management Journal [1x]

Disciplinary and Public Engagement

- ★ APSA PolPsych/EPOVB Research Webinar Series co-organizer, with Efren Perez (2021-2022)
- ★ Public Management Research Association Beryl A. Radin Award Committee (2021)
- ★ Program Committee: Southern Political Science Association Annual Meeting (2022)
- ★ Social Media and Outreach Officer for the Experimental Research Section of the American Political Science Association (2019-2021)
- ★ Executive Committee for the Experimental Research Section of the American Political Science Association (2019-2021)
- ★ Communications Director of the Elections, Public Opinion, and Voting Behavior (EPOVB) section of the American Political Science Association (2019-2023)
- ★ Executive Committee of the Elections, Public Opinion, and Voting Behavior (EPOVB) section of the American Political Science Association (2019-2023)
- ★ Expert Witness, League of Women Voters of Va., et al., v. Va. Bd. Of Elections, et al., No. 6:20-cv-00024
- ★ Expert Witness, Priorities USA et al. v. Benson et al., No. 19-000191-MZ
- ★ Expert Witness, United States District Court Middle District of North Carolina Civil Action No. 1:13-CV-00660-TDS-JEP (M.D.N.C.) League of Women Voters of North Carolina, et al. v. North Carolina, et al.
- ★ Research Fellow, North Carolina Family Impact Seminar (2012)
- ★ Research Fellow, Scholars Strategy Network (2012-present)

Department & University Service

Committees/Chairs

- ★ Executive Committee for the Frank Batten School (2021-2022)
- ★ Admissions Committee for the Frank Batten School (2020-2021)
- ★ Faculty Sponsor, Frank Batten School Faculty Research Workshop (2020-2021)
- ★ Honors Thesis Coordinator, BYU Political Science Department (2016-2019)
- ★ PhD Program Distinguished Speaker Series Chair, Sanford School of Public Policy (2015)
- ★ Dean Steering Committee, Sanford School of Public Policy (2014)
- ★ Graduate Steering Committee, Sanford School of Public Policy (2014)
- ★ Graduate Curriculum Steering Committee, Sanford School of Public Policy (2014)
- ★ Graduate Professional Development Committee, Sanford School of Public Policy (2013)

Student Advising

PhD

- ★ Emily Noh (2022, *Dissertation Advisor*, Vanderbilt Department of Political Science)
- ★ Richard Burke (2022, *Dissertation Advisor*, University of Virginia Department of Politics)

Undergraduate

- ★ Tyler Durfee (2019, *Honors Thesis Advisor*, Brigham Young University)
- ★ David Bates (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Eliza Riley (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Fred Tan (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ John Geilman (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Louise Paulsen (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Reed Rasband (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Stephen Hunsaker (2018, *Honors Thesis Advisor*, Brigham Young University)
- ★ Nick Roweton (2017, *Honors Thesis Advisor*, Brigham Young University)

Memberships and Affiliations

- ★ American Political Science Association (APSA; APSA-Elections, Public Opinion, and Voting Behavior; APSA-Experimental Research)
- ★ Midwest Political Science Association (MPSA)
- ★ Association for Public Policy Analysis & Management (APPAM)
- ★ Society for Political Methodology (POLMETH)
- ★ Election Sciences, Reform, and Administration (ESRA)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO §
LATINO, §

PLAINTIFFS, §

v. §

BRUCE ELFANT, IN HIS §
OFFICIAL AS THE TRAVIS §
COUNTY TAX §

ASSESSOR-COLLECTOR; §

JACQUELYN CALLANEN, IN §

HER OFFICIAL CAPACITY AS §

THE BEXAR COUNTY §

ELECTIONS ADMINISTRATOR; §

ISABEL LONGORIA, IN HER §

OFFICIAL CAPACITY AS THE §

HARRIS COUNTY ELECTIONS §

ADMINISTRATOR; YVONNE §

RAMON IN HER OFFICIAL §

CAPACITY AS THE HIDALGO §

COUNTY ELECTIONS §

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

ORAL AND VIDEOCONFERENCE DEPOSITION OF
MS. MARIA TERESA KUMAR
APRIL 5, 2022

ORAL AND VIDEOCONFERENCE DEPOSITION OF
MS. MARIA TERESA KUMAR, produced as a witness at the
instance of the INTERVENOR-DEFENDANT, and duly sworn,
was taken in the above-styled and numbered cause on
APRIL 5, 2022, from 11:02 a.m. to 3:00 p.m., before
Michelle Hartman, Certified Shorthand Reporter and
Registered Professional Reporter in and for the State of
Texas, reported by machine shorthand via Zoom
videoconference, pursuant to the Federal Rules of Civil
Procedure, the Emergency Orders regarding the COVID-19
State of Disaster, and the provisions stated on the
record or attached hereto.

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.

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

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.

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

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

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.

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?

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

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

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

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?

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

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

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

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 --

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 78701, pursuant to the Texas Rules of Civil Procedure, the Emergency Orders regarding the COVID-19 State of Disaster, and the provisions stated on the record or attached hereto.

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

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

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,

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?

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

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

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

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

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.

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?

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.

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.

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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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

-----x

TEXAS STATE LULAC, VOTO)

LATINO,)

) Civil Action No.

Plaintiffs,) 1:21-cv-00546-LY

)

vs.)

)

BRUCE ELFANT, in his)

official capacity as)

Travis County Tax)

Assessor-Collector, et al.)

)

Defendants.)

-----x

REMOTE 30 (b) (6) VIDEOTAPED DEPOSITION OF GRETCHEN NAGY

THURSDAY, MARCH 31, 2022

9:12 A.M. CENTRAL STANDARD TIME

Reported by: Leslie A. Todd, CSR No. 5129 and RPR

 DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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1 a day maybe. Maybe. But during an election
2 cycle, we can receive hundreds of calls.

3 Q Hundreds of calls a day, is that what
4 you meant?

5 A That is the -- that is potentially as
6 high as it can get, yes.

7 Q And you hire temporary workers during
8 that period, correct, to help with the volume?

9 A Yes, we do. Not necessarily for phone
10 calls. We actually hire them to do data entry
11 because we do have to manually enter all of our
12 data of -- or I would say that 95 percent of what
13 we receive, we do have to enter into our system.
14 We're not -- with no online voter registration,
15 everything that we receive we do have to manually
16 enter.

17 Q Understood. And thank you for that.

18 Is it -- is it your -- do you view it as
19 your responsibility to answer voter questions
20 about voter registration?

21 A To the best of our ability that we are
22 able to, yes.

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1 would have enough information to -- that's really
2 somewhat unclear to me. I don't know that I --
3 that I could establish anything from this. I -- I
4 don't know what -- what you want me to clarify.

5 BY MS. YUKEVICH:

6 Q Sure.

7 So let's start with you saying that
8 you're not -- you're not sure you have enough
9 information to explain to me what this provision
10 of the Texas Election Code means.

11 Is that a fair characterization of -- of
12 how you feel?

13 A Yes. Yes.

14 Q Okay. Let's start there. What
15 additional information would you need to be able
16 to understand this provision of the Texas Election
17 Code?

18 MS. VEIDT: Objection. Form.

19 THE WITNESS: I -- I don't have a way of
20 making that determination of someone trying to
21 influence the outcome of a certain election.
22 We -- we -- we receive an application with the

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1 information on it. I -- I don't know how I'm
2 supposed to make that determination or how I'm
3 supposed to arrive at this information to -- to
4 make that determination.

5 BY MS. YUKEVICH:

6 Q I understand. And we can certainly --
7 we'll -- we'll get to that as well.

8 My question is just a little bit
9 different. I am -- whether or not you have
10 sufficient information as the voter registrar to
11 make the determination when you receive a voter
12 registration application, sort of the second step
13 in the process. In that first process is
14 understanding what it means, and I'll -- we can
15 even narrow this down a little bit.

16 What does it mean to influence the
17 outcome of a certain election? Do you know what
18 that means?

19 MS. VEIDT: Objection. Form.

20 THE WITNESS: To influence an outcome of
21 a certain election, that can take many different
22 forms of a person, an entity -- it means just -- I

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1 mean, there are so many different forms that
2 this -- this could be, so it's really hard to
3 pinpoint exactly what this is -- this is
4 addressing.

5 I mean, the outcome of a certain
6 election, it -- the outcome could be turnout.
7 Outcome can -- there's so many different factors.
8 I -- I -- you know, it's -- it's hard to determine
9 and make that determination here in this case with
10 this language.

11 BY MS. YUKEVICH:

12 Q Understood.

13 And so if I -- and let me try to put
14 this in a little more concrete terms for you, and
15 maybe that will help us with this conversation.
16 And -- and I appreciate you trying to work through
17 the language here.

18 And so if someone came into your office
19 and said, Hey, I just moved here to vote for my
20 cousin who is a Texas state representative, does
21 this provision of the Texas Election Code apply to
22 me? Can I register to vote?

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1 Now, today, with the language of Senate
2 Bill 1111 in its act, if a voter came in and they
3 had a question about what establishing residence
4 for the purpose of influencing the outcome of a
5 certain election meant, you don't feel like you
6 have enough information to answer that question
7 for them; is that right?

8 A That is correct.

9 Q And you think that their -- the two
10 resources that you would be able to provide to
11 them would be for them to either call the
12 Secretary of State's office or consult their own
13 legal counsel.

14 A Or read the statute itself and make that
15 determination themselves if they were comfortable
16 with that.

17 Q But as you -- and I -- I don't mean to
18 harp on this, I really don't.

19 But, you know, you are the -- the head
20 of the voter registration office for the -- for
21 Travis County; is that correct?

22 A That is correct.

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1 Q And you are confused by what "the
2 purpose of influencing the outcome of a certain
3 election" might mean; is that right?

4 A I --

5 MS. VEIDT: Objection. Form.

6 THE WITNESS: I am unclear -- I am
7 unclear. I have some -- I would have some
8 questions, yes.

9 BY MS. YUKEVICH:

10 Q And the Secretary of State's office has
11 not provided you sufficient information such that
12 you feel confident explaining to me what "the
13 purpose of influencing the outcome of a certain
14 election" means sitting here today, do you?

15 MS. VEIDT: Objection. Form.

16 THE WITNESS: My interpretation could be
17 different from another person's. And so I -- I
18 couldn't do that. I -- I could come up with maybe
19 five examples, ten examples. And so I -- I
20 couldn't do it, and I'm not going to. And we
21 don't -- we don't interpret and we don't -- we
22 don't interpret. This is the language. This is

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1 what we have to work with, and that's what I -- I
2 would have to provide.

3 BY MS. YUKEVICH:

4 Q Understood.

5 What are some of the examples that you
6 can think of that might qualify as establishing
7 residence for the purpose of influencing the
8 outcome of a certain election?

9 MS. VEIDT: Objection. Form.

10 THE WITNESS: Someone moving in to vote.

11 Someone -- it -- it's so hard.

12 Someone doing mailings to -- to voters
13 with information.

14 Just -- there's so many different
15 possibilities maybe that -- that could arise. I
16 cannot determine exactly what was -- was intended
17 here. And -- and I -- I just can't establish
18 that.

19 BY MS. YUKEVICH:

20 Q Understood.

21 I want to ask you about just a couple --
22 well, other situations. If someone came into your

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1 Q Understood.

2 And when they do sign that voter
3 registration form, they sign that voter
4 registration form under penalty of perjury; is
5 that correct?

6 A That is correct.

7 Q And if -- and they have to affirm that
8 they are a resident of the county in which they
9 are registering to vote; is that correct?

10 A That is correct.

11 Q And if -- and if they don't meet -- if
12 they're not a resident, and they -- and they sign
13 that form, they can -- it's your understanding
14 that they can be charged with perjury; is that
15 correct?

16 MS. VEIDT: Objection. Form.

17 THE WITNESS: Yes.

18 BY MS. YUKEVICH:

19 Q What if a registrant called you and
20 said, Hey, you know, I saw -- we talked about
21 redistricting earlier and said the lines were
22 redrawn. I bought a house in, you know, this new

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1 THE WITNESS: I don't know that SB 1111
2 at this time has had an effect on our processing.
3 We continue to process them efficiently and timely
4 and accurately as we can.

5 THE REPORTER: Excuse me, Counsel. One
6 moment. There was another counsel that made an
7 objection, and I can't see -- with the document
8 up, I couldn't see who it is.

9 Can you identify who you are?

10 MS. HUNKER: Kathleen Hunker who's --

11 THE REPORTER: Thank you.

12 MS. HUNKER: -- Attorney General's
13 office.

14 THE REPORTER: Thank you.

15 BY MS. YUKEVICH:

16 Q Okay. I think it's probably a good
17 time -- well, actually, let me ask you just one
18 more question.

19 Any interest of yours that you can think
20 of that Senate Bill 1111 helps or benefits?

21 MS. VEIDT: Objection. Form.

22 MS. HUNKER: Objection. Form.

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1 THE WITNESS: No, I -- I cannot identify
2 something at this time.

3 MS. YUKEVICH: Okay. It makes sense to
4 take a break. I know it's noon there. What -- do
5 you want to take a lunch?

6 Let's go off the record and then we can
7 talk. Does that make sense?

8 MS. VEIDT: Okay. Yes

9 THE VIDEOGRAPHER: The time is
10 12:58 p.m. (sic). We are now off the record.

11 (Lunch recess.)

12 THE VIDEOGRAPHER: The time is
13 12:38 p.m., and we are now on the record.

14 And before we proceed, Counsel, I wanted
15 to make a statement.

16 The last time we were on the record, I
17 accidentally went to Eastern Time, and now we are
18 back on the Central Time zone.

19 Go ahead and proceed.

20 BY MS. YUKEVICH:

21 Q Okay. Ms. Nagy, did you have enough
22 time for lunch?

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1 Senate Bill 1111."

2 Did I read that correctly?

3 A Yes.

4 Q Would you agree with me that in order to
5 comply with the law, you need to understand what
6 the law is?

7 MS. VEIDT: Objection. Form.

8 THE WITNESS: Yes.

9 BY MS. YUKEVICH:

10 Q Then it says: "Defendant Elfant will
11 apply and rely on any definitions of such terms
12 contained in the Texas Election Code."

13 Do you know if the term "designate" is
14 defined in the Texas Election Code?

15 A I do not.

16 Q Okay. You don't know or you -- you
17 don't think it is?

18 A I am -- I -- I don't know if it is.

19 Q Okay. What about the term "previous
20 residence"?

21 A I don't know if it's defined.

22 Q Have you ever seen that definition

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1 before?

2 A No, I don't -- I don't recall seeing it.

3 Q And what about "fixed place of

4 habitation," have you ever seen that defined in

5 the Texas Election Code?

6 A No.

7 Q What about "inhabits the place at the

8 time of designation" or any sort of breakdown of

9 that phrase, have you ever seen those terms

10 defined in the Texas Election Code?

11 A No.

12 Q And what about the phrase "intends to

13 remain," have you ever seen that defined in the

14 Texas Election Code?

15 A I have not.

16 Q Okay. And so the next thing that you

17 said -- Defendant Elfant said, that you said in

18 your answer is that: "If the terms are not

19 specifically defined" -- by the Texas Election

20 Code is what I assume that to mean, please correct

21 me if I'm wrong -- "the Address Guidance and any

22 other guidance and opinions of the Secretary of

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1 State relative to the meaning of such terms."

2 Have you received any guidance from the
3 Secretary of State that defines the terms
4 "designate," "previous residence," "fixed place of
5 habitation," "inhabits the place at the time of
6 designation" or "intends to remain"?

7 MS. HUNKER: Objection. Form.

8 THE WITNESS: I -- no, I'm not aware of
9 any additional guidance that has come out.

10 MS. YUKEVICH: Okay. And to be clear,
11 I -- I appreciate and take the objection.

12 BY MS. YUKEVICH:

13 Q Has the Secretary of State provided you
14 any guidance with what the term -- any additional
15 definition or guidance on what the term
16 "designate" means?

17 A No.

18 Q What about the term "previous
19 residence"?

20 A No.

21 Q What about the term "fixed place of
22 habitation"?

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1 A No.

2 Q What about the term "inhabits the place
3 at the time of designation"?

4 A No.

5 Q What about the term "inhabits" by
6 itself?

7 A No.

8 Q And what about the term "intends to
9 remain"?

10 A No.

11 Q Okay. And so then you say: "In the
12 absence of either a statutory definition or
13 specific guidance from the Texas Secretary of
14 State's office, Defendant Elfant will utilize the
15 plain and commonly understood meanings of such
16 terms."

17 So I understand that we just went over
18 what I think were the sort of plain and commonly
19 understood meaning of such terms.

20 My question is -- for you is, do you --
21 we went over the term "designate." What about
22 "previous residence," does that have a plain and

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1 person must intend to remain to be a resident of
2 Travis County under this new definition of
3 "residency"?

4 A That is not defined. It's -- it takes
5 30 days to -- from the day they register to -- to
6 be effective. But within that time frame, if they
7 were to relocate, we wouldn't -- I wouldn't have
8 that information. We -- we don't have that data
9 and don't have -- we have no way of knowing that
10 or collecting that.

11 Q So when a person is designating a
12 residence as a fixed place of habitation -- you
13 know, let me back that up.

14 So you're not clear if a voter has to
15 intend to remain for a week or a month or a year.
16 Is that fair to say?

17 A Yes, that is fair.

18 Q And there's -- you haven't received any
19 information like that from the Secretary of
20 State's office if a voter were to ask you a
21 question about the "intends to remain" language;
22 is that correct?

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1 A That is correct.

2 Q Okay. And I want to go back to this
3 phrase that we skipped over that says "inhabits
4 the place at the time of designation."

5 We talked about the term "inhabit."
6 What's the commonly understood meaning of that
7 term?

8 A To live at, to reside at.

9 Q Yeah. And -- and we talked about
10 "designation" meaning the time when the voter
11 filled out the voter registration application and
12 writes down their residency address, right?

13 A Yes. That's what I would say.

14 Q So is your understanding that the
15 commonly understood meaning -- I just want to make
16 sure I'm clear on what you understand these terms
17 to mean and where -- where you're not sure what
18 they mean.

19 So your -- your understanding is that if
20 a voter inhabits the place at the time of
21 designation, that means that they're living or
22 residing or staying at the place that they put on

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1 MS. HUNKER: Objection. Form.

2 THE WITNESS: It is -- I would -- I
3 believe it would be a previous residence.

4 BY MS. YUKEVICH:

5 Q And so would you tell them -- would you
6 still give them the walkaway form and tell them
7 that they could register to vote in El Paso?

8 MS. VEIDT: Objection. Form.

9 MS. HUNKER: Objection. Form.

10 THE WITNESS: I'd say that it is a bit
11 of a gray area and it is a bit unclear.

12 BY MS. YUKEVICH:

13 Q And so would you now refer them to the
14 Texas Election Code?

15 A We would have to show them the language
16 or we would need clarification from the Secretary
17 of State's office.

18 Q And would you feel comfortable giving
19 them that walkaway form, that walkaway -- excuse
20 me, and I apologize -- would you feel comfortable
21 giving them a paper voter registration form
22 without warning them about this particular

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1 Travis County's interests served by SB 1111 and
2 how SB 1111 serves those interests."

3 I want to ask you now about the
4 temporary relocation provision that we just
5 discussed. That's the previous residence portion
6 that we just discussed.

7 And I want to go through the interests
8 that you listed here again. So you said your
9 first interest was to comply with the requirements
10 of the Texas Election Code and other applicable
11 laws.

12 And you agreed with me earlier that in
13 order to comply with the applicable laws, you need
14 to understand them. Is that fair to say?

15 A Yes.

16 Q And we just discussed that the -- would
17 you agree with me that the temporary relocation
18 provision that we just discussed is confusing?

19 MS. HUNKER: Objection.

20 THE WITNESS: It's unclear, yes.

21 BY MS. YUKEVICH:

22 Q And would you -- I believe you said that

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1 it created a gray area in -- for previous
2 residences.

3 A Yes.

4 Q And so do you think that the temporary
5 relocation provision furthers your interests of
6 complying with the Texas -- with the requirements
7 of the Texas Election Code?

8 MS. VEIDT: Objection. Form.

9 MS. HUNKER: Objection. Form.

10 THE WITNESS: It further comp- --
11 complicates?

12 BY MS. YUKEVICH:

13 Q Does it further -- I'm sorry -- does
14 it -- does it make it -- sorry, yes, does it
15 complicate or does it make it more difficult for
16 you to comply with the requirements of the Texas
17 Election Code?

18 A It -- it does create some pause, some
19 concerns, and then it could potentially have some
20 effect on our efforts.

21 Q And what about you also say that you
22 want to ensure that voter registration

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1 applications are readily available to the
2 residents of Travis County.

3 Does the temporary relocation provision
4 help you provide registration applications to the
5 residents of Travis County?

6 MS. VEIDT: Objection. Form.

7 MS. HUNKER: Objection. Form.

8 THE WITNESS: There -- there -- this
9 could have some effect on that accessibility.
10 Or -- or add to some confusion as to what a voter
11 could and could not do, what they should/should
12 not do, and -- and so there would be some
13 questions I would expect.

14 BY MS. YUKEVICH:

15 Q And so when you say there could be some
16 effect, do you mean there would be a positive
17 effect or there would be a negative effect?

18 MS. VEIDT: Objection. Form.

19 THE WITNESS: It would -- it would
20 potentially have a negative effect with -- with
21 some populations, such as the students who
22 relocate here from other parts of the state.

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1 Q -- that third bullet point?

2 A Yes.

3 Q It says: "Change in statute may affect
4 how you may answer voter questions."

5 Did I read that correctly?

6 A Yes.

7 Q And have you received any guidance from
8 the Secretary of State's office to assist you in
9 answering voter questions about Senate Bill 1111?

10 A No, we have not received anything to
11 date.

12 MS. YUKEVICH: Okay. We can take this
13 document down now as well. And thank you.

14 All right. Ms. Nagy, I'm going to move
15 on to the last provision of Senate Bill 1111. So
16 I'm coming sort of to the close of my questioning.
17 I know we got started a bit late. Is it okay if I
18 go through about another half an hour without
19 taking a break, or would you like to take a break
20 now?

21 MS. VEIDT: Kassi, I know she's probably
22 good. I need to go grab some Advil. I'm in a

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1 for identification.)

2 MS. YUKEVICH: Or, I'm sorry, let's
3 start with Exhibit F, as in Frank, and go back to
4 Exhibit E, as in Edward, if we can. Sorry.

5 (Deposition Exhibit F was marked
6 for identification.)

7 MS. YUKEVICH: We can zoom in on the
8 voter registration address confirmation in those
9 big -- in the English half of the document.

10 BY MS. YUKEVICH:

11 Q Ms. Nagy, do you recognize this
12 document?

13 A Yes, I can see this.

14 Q Okay. Do you recognize it?

15 A Yes, yes. This is the address
16 confirmation card.

17 Q Okay. And you see that box on the
18 bottom there?

19 A Yes.

20 Q And when I say "box on the bottom," I
21 mean the signature box and the affirmations above
22 the signature box.

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1 A Correct. Yes.

2 Q Okay. This says -- I'm going to read it
3 to you, and you let me know if I mess anything up.

4 But it says: "I understand that giving
5 false information to procure a voter registration
6 is perjury and a crime under state and federal
7 law. Conviction of this crime may result in
8 imprisonment of up to 180 days, a fine of up to --
9 a fine up to \$2,000, or both. Please read all
10 four statements to affirm before signing."

11 And that first statement says: "I am a
12 resident of this county," in part, and that fourth
13 statement says: "My residence address as listed
14 above meets the definition of 'residence' as
15 defined by Section 1.015, Texas Election Code, and
16 listed on the notice to confirm voter registration
17 address."

18 Did I read that correctly?

19 A Yes, you did.

20 Q So a voter has to affirm that their
21 address meets the definition of "residency" that
22 we've been discussing today; is that correct?

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1 A That is correct.

2 Q Okay. They have to confirm that it
3 conforms with both the temporary location
4 provision and the residence restriction provision;
5 is that correct?

6 A Yes.

7 MS. YUKEVICH: Okay. And can we go to
8 the second page of this document, please.

9 And can we zoom in on the top half of
10 that box.

11 BY MS. YUKEVICH:

12 Q Okay. This says "Notice to Confirm
13 Voter Registration Address."

14 Ms. Nagy, do you recognize this page of
15 the document?

16 A Yes.

17 Q And it says: "If you have any questions
18 about your registration status, please call my
19 office at," and then there's a blank. Is that
20 where you insert your office's phone number?

21 A Yes.

22 Q And then -- I'm sorry, that's on the

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1 imprisonment up to 180 days, a fine of \$2,000 -- a
2 fine up to \$2,000, or both. Please read all five
3 statements before affirming -- please read all
4 five statements to affirm before signing."

5 One of those statements is: "I am a
6 resident of this county." One of those statements
7 is: "My residence address as listed meets the
8 definition of 'residence' as defined by
9 Section 1.015, Texas Election Code, and listed
10 below." And that includes the temporary
11 relocation provision and the residence restriction
12 provision that we have discussed today.

13 And then it says: "If my residence has
14 no address, I swear that the concise description
15 given above accurately describes where I live."

16 Did I read all that correctly?

17 A Yes, you did.

18 Q And if voters have questions about this
19 form, they're instructed to call you; is that
20 correct?

21 A That is correct.

22 Q As we discussed today, there are a

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1 number of questions about Section 1.015 that you
2 do not feel equipped to answer if a voter were to
3 call and ask them; is that correct?

4 A That is correct.

5 MS. YUKEVICH: Okay. And can we zoom up
6 to the description of -- the top half of this
7 form. Yep. Keep going. Perfect. This is great.

8 BY MS. YUKEVICH:

9 Q And this says, "Residence Address,
10 Street Address, and Apartment Number, City, State
11 and ZIP code."

12 Do you understand that this --

13 MS. YUKEVICH: Actually, let's take this
14 document down and put up the voter registration
15 application.

16 BY MS. YUKEVICH:

17 Q So I apologize, Ms. Nagy. You don't
18 need to take a look at that.

19 MS. YUKEVICH: If we can just pull up
20 the voter registration application.

21 So that's Exhibit -- whoops --

22 Exhibit D. If we can pull up Exhibit D.

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

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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?

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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 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 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 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 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

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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,

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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?

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

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.

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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?

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 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

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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?

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1 the Bates stamp LONGORIA-00093, and I'll ask the
2 witness to just take a moment to familiarize
3 herself with the document.

4 A (Witness reviewing Exhibit I.) Okay.

5 Q Are you familiar with this document?

6 A Yes.

7 Q Did your office use this form before
8 the enactment of Senate Bill 1111?

9 A No.

10 Q So to your knowledge, was this form
11 created as a result of Senate Bill 1111?

12 A Yes.

13 Q And to your knowledge, is this the
14 most current version of the form that your office
15 uses?

16 A Yes.

17 Q Could you please read the first
18 sentence under the header beginning with "if you
19 are"?

20 A "If you are receiving this notice, the
21 residence address on your voter registration
22 application has been identified as a commercial

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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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Page 1

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

-----X
TEXAS STATE LULAC; VOTO LATINO, :
Plaintiffs, :
v. : Case No.:
: 1:21-cv-00546-LY
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, :
:
-CAPTION CONTINUED ON NEXT PAGE- :
:

Deposition of Office of the Dallas County
Elections Administrator, by and through its
designated representatives

MICHAEL SCARPELLO and RIVELINO LOPEZ

Conducted Remotely

Tuesday, April 12, 2022 | 9:09 a.m. CT

Reported by: Matthew Goldstein, RMR, CRR

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 Q. That makes good sense. And so I won't
2 ask you to recite word-for-word, but can you give
3 me the general missions that are incorporated
4 within the mission statement?

5 A. I don't know off the top of my head, but
6 generally to run the elections, to maintain voter
7 registration rolls, conduct fair elections.

8 Q. Would you agree that the mission, either
9 currently or proposed mission, includes helping
10 people register to vote?

11 A. Yes.

12 Q. Would you agree that it includes making
13 sure voting is more accessible?

14 A. Yes.

15 Q. And would you agree that it includes
16 ensuring all eligible voters are able to cast a
17 ballot?

18 A. Yes.

19 Q. Do voters contact your office with
20 questions?

21 A. Yes.

22 Q. And what's the mechanism that your

1 tries to answer typical, basic questions, but if
2 the questions get more complex, then they route
3 them to an expert within a department.

4 Q. Okay. And about how many people are in
5 the communications department?

6 A. Five.

7 Q. Okay. So if a voter calls about
8 questions about voter registration, it's possible
9 that someone in the communications department may
10 answer. Or if it's more complicated, they could
11 route it, it sounds like, to a different
12 department to answer that question; is that right?

13 A. That's correct.

14 Q. And to which department would they
15 direct a voter with a more complicated voter
16 registration question?

17 A. It depends on the type of the question.
18 Part of the communications department, the
19 outreach coordinator -- voter registration
20 outreach is in the communications department. And
21 the person there manages the voluntary deputy
22 registrar of voters. And so she would answer

1 Do you recall whether the Secretary of
2 State explained how SB 1111 may change how you
3 would answer voter questions?

4 A. I don't recall, and I don't believe they
5 answered that question.

6 Q. Okay. Do you recall --

7 A. I should correct myself.

8 I don't know if they were complete in
9 their advice on how to answer multiple questions.

10 Q. Okay.

11 A. I think they answered some questions.

12 Q. Sure.

13 What information do you think was
14 incomplete about answering voter questions?

15 MS. HUNKER: Objection to form.

16 THE WITNESS: I think there's still some
17 confusion about some of the language, especially
18 as it relates to student voters and their
19 residency.

20 BY MS. JOHNSON:

21 Q. Okay. So in your opinion, the Secretary
22 of State did not answer all of the questions that

1 your office had about how SB 1111 may impact
2 college voters; is that a fair summary?

3 MS. HUNKER: Objection to form.

4 THE WITNESS: I'm sorry. Can you -- I
5 didn't hear -- can you repeat the question.

6 BY MS. JOHNSON:

7 Q. Sure. I was attempting to summarize
8 what you said, so please do correct me if I get it
9 wrong.

10 Is your opinion that the Secretary of
11 State's office did not answer all of the questions
12 that your office had related to how SB 1111
13 impacts college voters?

14 MS. HUNKER: Objection; form.

15 THE WITNESS: I believe that we still
16 have some questions -- we are not entirely clear
17 on how to answer the questions posed to us by some
18 student voters.

19 BY MS. JOHNSON:

20 Q. And when you're not clear to the answer
21 of a question, how does it affect what information
22 you then tell the voter that may have that

1 question?

2 A. I think that there's a sense of
3 frustration from the voter and sometimes
4 confusion.

5 Q. And so if you're not sure of the answer
6 to a question, will you tell the voter, for
7 example, that you're not sure or decline to answer
8 a question if you're not sure?

9 A. We will typically point to the materials
10 that have been provided to us, which is within the
11 four corners of the document, of the statute, or
12 to look at the election advisory.

13 Q. Okay. So is it fair to say that SB 1111
14 has changed how you communicate with voters on
15 issues --

16 MS. HUNKER: Objection; form.

17 BY MS. JOHNSON:

18 Q. -- of voter registration?

19 MS. HUNKER: Objection; form.

20 MS. NICHOLAS: Same objection.

21 THE WITNESS: On how we communicate with
22 voters, no.

1 residence for the purpose of influencing the
2 outcome of a certain election."

3 Did I read that correctly?

4 A. Yes.

5 Q. And are you familiar with this provision
6 of Senate Bill 1111?

7 A. Yes.

8 Q. Okay. For ease of reference, I'm going
9 to refer to it as "the residence restriction," but
10 if you're ever confused about what I mean, just
11 ask me to clarify.

12 So how does this provision of Senate
13 Bill 1111 affect your job as elections
14 administrator?

15 A. It does not affect it.

16 Q. Okay. What do you understand the term
17 "establish residence" to mean here?

18 A. Using the plain language found under the
19 definition of "residence" in the code.

20 Q. I'm sorry. I didn't hear the end of
21 your answer, I think.

22 A. It's using the plain language as

1 certain election' as used in Section 1 of Senate
2 Bill 1111, amending Section 1.015(b) of the Texas
3 Election Code. In your answer, please specify
4 what you understand the terms 'establish
5 residence', 'for the purpose of', and 'influencing
6 the outcome of a certain election' to mean."

7 MS. JOHNSON: And so then if we can go
8 to the next page.

9 BY MS. JOHNSON:

10 Q. So in the second full paragraph there,
11 you reference I think some of the documents that
12 we already looked at; the election advisory from
13 August 31st, 2021, the PowerPoint presentation.
14 And you also say that you anticipate -- you
15 anticipate -- "The Dallas County elections
16 administrator anticipates further guidance from
17 the Texas Secretary of State relative to SB 1111
18 and such guidance may address the phrase and terms
19 referenced above and any actions that are expected
20 of voter registrars."

21 My question is, did you receive any
22 additional guidance from the Secretary of State's

1 office on this provision?

2 A. No.

3 Q. Okay.

4 A. Not that I can recall.

5 Q. Great.

6 And then in the next paragraph, you
7 write, "Without that guidance, it is difficult to
8 determine how election officials and voter
9 registrars would be able to determine with
10 certainty whether a particular individual who is
11 attempting to register to vote in Dallas County is
12 trying to establish their residence for the
13 purpose of influencing an election, or whether a
14 voter registrar is expected to take any actions
15 related to this particular language."

16 Can you explain what you meant there?

17 A. Yes. As far as our actions, what we
18 normally do -- in processing a registration
19 application, there's no effect. But as far as
20 whether or not there is further actions that we
21 have to take as far as, for instance,
22 interpreting -- providing an answer to a

1 constituent, when it talks about if they asked us
2 to explain "for the purposes of influencing
3 election," we don't really know what that means.
4 We don't know how to further explain that.

5 And so that's why we would hope to get
6 some more guidance on that because it's not clear.
7 And I think we say it's clear, vague, ambiguous --
8 unclear, vague and ambiguous.

9 Q. Thank you.

10 And then you say that "Defendant
11 Scarpello is also unclear as to those acts that
12 might constitute 'influencing the outcome of a
13 certain election' without further guidance from
14 the Texas Secretary of State."

15 So same question.

16 Can you just explain a little bit about
17 what you meant there.

18 A. I'm sorry. Can you repeat the question?

19 Q. Yes, sorry. I was just looking at the
20 next sentence.

21 So the final sentence here in
22 response --

1 A. Can you highlight it? Because this
2 is --

3 Q. Absolutely.

4 MS. JOHNSON: And we can zoom in too, if
5 that's possible, Mr. White, to make it easier.
6 And then it's that last sentence we're looking at
7 now, "Defendant Scarpello is also unclear." Right
8 before Interrogatory 6. "Defendant Scarpello is
9 also unclear," do you see that, Mr. White? There
10 we go. Perfect.

11 THE WITNESS: Yeah, so that's kind of
12 referencing what I was just talking about. If
13 asked a question, I don't know how quite to answer
14 that question to a voter.

15 BY MS. JOHNSON:

16 Q. Okay. What do you understand the term
17 "for the purpose of" to mean? And we can look
18 back at SB 1111 if that's helpful.

19 A. "For the purpose of," those specific
20 words?

21 Q. Yes.

22 MS. JOHNSON: Actually, Mr. White, if

1 you go to the -- back to one more page back, that
2 will have the exact phrasing.

3 BY MS. JOHNSON:

4 Q. "Establish residence for the purpose of
5 influencing the outcome of a certain election as
6 used in Section SB 1111."

7 So what do you understand "for the
8 purpose of" to mean in this section of SB 1111?

9 A. I think that's the issue, is that I
10 don't understand what it means in reference to
11 this -- taken in the whole context of the overall
12 sentence.

13 Q. And is the same true for "influencing
14 the outcome of a certain election"?

15 A. Yes.

16 Q. Okay. What interests of the Dallas
17 County elections department, if any, are served by
18 this provision of SB 1111?

19 A. It -- like any other section of the
20 Texas Election Code, the purpose is to uphold the
21 laws of the State of Texas.

22 Q. Do you believe that this section of

1 marked for identification and attached to the
2 transcript.)

3 MS. JOHNSON: E, as in elephant. I
4 don't know the official letters and words.

5 BY MS. JOHNSON:

6 Q. So I want -- first, do you recognize
7 this document?

8 A. Yes.

9 Q. And what is it?

10 A. It's the Texas voter registration
11 application.

12 Q. Great.

13 MS. JOHNSON: Mr. White, do you mind
14 zooming in on Box 10.

15 BY MS. JOHNSON:

16 Q. Okay. So Box 10 is a statement that
17 voters have to attest to when they submit their
18 application that says, "I understand that giving
19 false information to procure a voter registration
20 is perjury, and a crime under state and federal
21 law. Conviction of this crime may result in
22 imprisonment for up to one year in jail, a fine of

1 up to \$4,000, or both. Please read all three
2 statements to affirm: I am a resident of this
3 country and a U.S. citizen" and there are some
4 others as well.

5 Did I read that correctly?

6 A. Yes.

7 Q. And so by signing this document, voters
8 have to attest, with possibility of criminal
9 penalties for perjury, that they are a resident of
10 Dallas County when they submit this form to Dallas
11 County; correct?

12 A. Correct.

13 MS. NICHOLAS: Objection; form.

14 BY MS. JOHNSON:

15 Q. And so it's important for voters to
16 understand what it means to be a resident of
17 Dallas County when they submit this form; correct?

18 A. Correct.

19 Q. And as we just read, if the voter gives
20 false information on this form, it is a crime;
21 correct?

22 A. Yes.

1 MS. JOHNSON: Let's go ahead and go back
2 to Exhibit B, please. I'm sorry. B, as in boy.
3 It's me being unclear. There we go. And can you
4 please either zoom or highlight on Section (f), so
5 Section 1(f).

6 BY MS. JOHNSON:

7 Q. Okay. So I'll just read this quickly
8 because it's the next provision we're going to
9 talk about of SB 1111, which says, "A person may
10 not establish a residence at any place the person
11 has not inhabited. A person may not designate a
12 previous residence as a home and fixed place of
13 habitation unless the person inhabits the place at
14 the time of the designation and intends to
15 remain."

16 Are you familiar with this provision of
17 SB 1111?

18 A. Yes.

19 Q. Okay. And I may refer to this as the
20 "temporary relocation provision," but if you're at
21 all unclear about what I mean, just let me know.

22 So what is your understanding of this

1 provision and what it does?

2 A. I have some confusion with this. It's
3 not entirely clear to me. But the language speaks
4 for itself, but there are scenarios that it's hard
5 for us to square with this language.

6 Q. And what scenarios are those?

7 A. In particular, we're a little bit
8 confused, looking at the plain language here,
9 with -- when it comes to college students.
10 There's situations where a person moves away. And
11 it's not clear whether or not they can list, you
12 know -- whether they can register at mom's or not
13 once they're away from home.

14 So a person who lives in Dallas, but
15 goes to UT Austin, but they intend to vote in
16 Dallas because that's what they consider their
17 residence, we're not sure -- and they haven't
18 registered to vote already -- whether or not they
19 can vote in Dallas -- register to vote in Dallas.

20 Q. Is it your understanding that many
21 college residences are temporary?

22 A. Yes.

1 Do you consider establishing a residence
2 for the purpose of registering to vote different
3 from establishing a residence for the purpose of
4 influencing an election?

5 A. From my perspective as an elections
6 administrator doing administrative duty of
7 processing registrations, the only thing -- the
8 only definition that is of meaning to me is for
9 the purpose of registering to vote. For the
10 purposes of interpreting that other language,
11 that's -- it seems to me that that's for a court
12 to decide in a challenge.

13 Q. Okay. Would you agree that registering
14 to vote is a way of influencing an election?

15 A. Yes.

16 Q. And then in the next sentence, you say,
17 "The word 'inhabited' is used with its usual
18 definition, generally meaning the place where a
19 person is staying or living at a particular time."

20 How do you interpret this provision as
21 it relates to voters who must move around
22 regularly, either for work or otherwise?

1 BY MS. JOHNSON:

2 Q. So we're looking at the second sentence
3 there of (f), "A person may not designate a
4 previous residence as a home and fixed place of
5 habitation unless the person inhabits the place at
6 the time of designation and intends to remain."

7 And so we don't have to flip back, I'll
8 just read back to you the language that you had
9 written, and then we can go back into it.

10 A. Yeah, if you can put the other language
11 up, that would be helpful. I've got this --

12 Q. Okay. You've got this one now.

13 MS. JOHNSON: Let's go back to J then,
14 please, Mr. White.

15 THE WITNESS: No, if you can leave this
16 up.

17 BY MS. JOHNSON:

18 Q. Oh, leave this up, okay. Great.

19 So my question was -- you wrote, "the
20 phrase is confusing because it references a
21 previous address, but then contemplates that the
22 individual is 'presently' living there."

1 So I just wanted you to explain what you
2 meant about the confusion there.

3 A. Giving an example, so if we have a
4 college student, for instance, that is at UT
5 Austin, looking at our previous example, and they
6 moved there when they're 17 and now they're 18 and
7 they want to register to vote, and they want to
8 register at home, it appears, from the language,
9 that they can't do so unless they're currently
10 living at home, they're currently inhabiting their
11 home. And so that language we find to be
12 confusing to us and to voters.

13 Q. Okay. I have a next question about your
14 response. Is it helpful to leave this up and then
15 just keep asking about the response, or would you
16 like us to go back to J and look at the response
17 again and then we can always go back? Whatever is
18 the easiest way to do it for you.

19 A. Go ahead.

20 Q. Okay.

21 MS. JOHNSON: Let's look back at J for a
22 second and then we can come back to this. So

1 So my question is, is it still the case
2 that it's unspecified how long someone would need
3 to intend to remain at a place in order to comply
4 with SB 1111?

5 MS. NICHOLAS: Objection; form.

6 THE WITNESS: I think it's unspecified.

7 BY MS. JOHNSON:

8 Q. Okay. And if a voter called your office
9 and asked how long they would need to intend to
10 remain, what would you tell them?

11 A. I don't think that we would provide
12 advice on this particular case. I think we would
13 point to the language of the law because it's not
14 entirely clear to us based off of the confusing
15 language of the -- the contradictory language of
16 the statute.

17 Q. Okay. Has the Secretary of State
18 provided any guidance on how long a voter will
19 need to intend to remain a resident of Dallas
20 County in order to vote in Dallas County?

21 A. No.

22 Q. Okay. Suppose a college student from

1 Dallas County called your office and told you that
2 she just moved to Austin, Texas, to live on campus
3 but wants to register to vote at her parents'
4 house in Dallas County.

5 What would you tell that student?

6 MS. NICHOLAS: Objection; form.

7 THE WITNESS: I would tell them -- I
8 would point to the statute. And I would tell them
9 that if we receive a voter registration
10 application, we would process it and that -- it's
11 not our role to investigate the intent of a voter.

12 BY MS. JOHNSON:

13 Q. And what is your understanding of
14 whether SB 1111 allows a college student to
15 register to vote at their parents' address?

16 A. It appears as though there is certain
17 language within the statute that appears that it
18 would prevent that from happening if they hadn't
19 previously registered before they left home.

20 MS. HUNKER: Objection to form to that
21 question.

22 MS. JOHNSON: Okay. Let's pull that

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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

TEXAS STATE LULAC,)
 VOTO LATINO,)
 Plaintiffs)
 vs.)
 BRUCE ELFANT, in his official capacity)
 as the Travis County Tax Assessor-Collector;)
 JACQUELYN CALLANEN, in her) Case No.
 official capacity as the Bexar County) 1:21-cv-00546-LY
 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 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.)

Remote Videotaped Deposition of Lisa Wise
 March 30, 2022 | 9:07 a.m.

Reported by: Bonnie L. Russo

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1 Did I read that correctly?

2 A. Yes.

3 Q. All right. And have you -- you have
4 seen that provision of Senate Bill 1111 before,
5 right?

6 A. Yes, I have.

7 Q. I'm sorry. I know I already asked
8 you that and sometimes I'll just -- for my own
9 edification, but I'm going to refer to this
10 provision, Section 1.015 B of the Texas
11 Election Code after the passage and effective
12 date of Senate Bill 1111 as the residence
13 restriction.

14 If you are ever confused about what
15 I mean by that, please let me know. When I say
16 "residence restriction," I am referring to
17 Section 1.015 B of the Texas Election Code.
18 Does that make sense?

19 A. Yes.

20 Q. Okay. And can you just explain to
21 me what Section 1.015 B of the Texas Election
22 Code means?

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1 A. In practice or in theory?

2 Q. Let's start -- I mean, I am happy to
3 hear both, so let's start with in theory.

4 A. In theory, we discussed this with
5 the secretary of state's office and basically,
6 it's -- there is two prongs to it, that a
7 person cannot move to an area to run for
8 office, that may be a way they would influence
9 it, in order to only run for that office, and a
10 person may not move to a precinct or an area in
11 order to just vote in a certain race.

12 Q. Okay. And what did you mean -- let
13 me -- I want to break down that answer and then
14 come back to what you said when you said "in
15 practice."

16 You said that your understanding
17 comes from conversations with the secretary of
18 state's office about this provision?

19 A. It comes from the PowerPoint and
20 basically they break it down and they take that
21 provision and they break it down into two --
22 two parts, which is that it could be a

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1 What would you say?

2 MS. NATARAJAN: Objection. Vague.

3 Confusing. Speculative.

4 THE WITNESS: I would be very
5 surprised if we ever get that call, for sure,
6 but second of all, I would probably do the same
7 thing. I would say, here is the residence
8 requirements, what our office does is, we
9 administer the election, we look at what is
10 within the four corners of the application.

11 I don't give you advice on whether
12 or not you can or cannot register at a
13 location. I would not do that.

14 BY MS. YUKEVICH:

15 Q. Okay. So then let's get into the
16 particular provisions of Senate Bill 1111 or
17 the residence restriction.

18 So what do you understand the term
19 "establish residence" to mean?

20 MS. NATARAJAN: Objection. Calls
21 for a legal conclusion.

22 THE WITNESS: To establish

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1 residence, to me, is to -- I would say to
2 inhabit a location based on the definition of
3 Section A of the residence.

4 BY MS. YUKEVICH:

5 Q. Okay. So a voter called you and
6 asked, look, I am just trying to figure out
7 whether or not I can register to vote in Texas.
8 I am trying to figure out, you know, what it
9 means to establish residence. That's the
10 answer that you would give them.

11 A. If someone asked me how -- I am
12 trying to figure out how -- what it means to
13 establish residence, I would -- I would direct
14 them to the code and say this is what the code
15 says and this is how residence is defined now
16 with the code and really, that kind of is the
17 extent of what we do.

18 Q. Okay. So if -- to your knowledge,
19 is the term
20 "establish residence" defined in the election
21 code?

22 A. I don't know if "establish" is. I

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1 identification.)

2 BY MS. YUKEVICH:

3 Q. Ms. Wise, just let me know when you
4 are able to see Exhibit F which should be a
5 copy of the Texas voter registration.

6 A. Yes, I can see it now.

7 MS. YUKEVICH: Can we zoom in on Box
8 10, please.

9 BY MS. YUKEVICH:

10 Q. Have you seen this document before?

11 A. Yes.

12 Q. Okay. What is the document?

13 A. It's the voter registration form.

14 Q. Okay. And I think this is the one
15 that is given to deputy volunteer registrars,
16 right, because they have the registration
17 receipt on the bottom; is that correct?

18 A. Yes.

19 Q. Okay. So Box 10, I'm going to read
20 it as you review it to be clear.

21 So Box 10 says: "I understand that
22 giving false information to procure a voter

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1 registration is perjury and a crime under state
2 and federal law. Conviction of this crime may
3 result in imprisonment up to one year in jail,
4 a fine of \$4,000 or both. Please read all
5 three statements to affirm before signing."

6 The first statement is: "I am a
7 resident of this county and a U.S. citizen."
8 Is that all correct?

9 A. Yes.

10 Q. Okay. And then the voter, in order
11 to effect their voter registration application,
12 needs to sign in Box 10, correct?

13 A. Yes.

14 Q. And by signing in Box 10, they are
15 affirming that they are a residents of the
16 county, correct?

17 A. Yes.

18 Q. In this case, El Paso County.

19 A. Yes.

20 Q. And so that voter needs to
21 understand what being a resident of El Paso
22 County is, right?

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1 A. Yes.

2 Q. In order to sign the form, the voter
3 needs to understand what being a resident
4 means, right?

5 MR. OLSON: Objection. Form.

6 BY MS. YUKEVICH:

7 Q. You can answer.

8 A. Sorry. Yes.

9 Q. But if a voter did not know for sure
10 if they were a resident of El Paso County and
11 they signed that form, there is a -- it says
12 right there, that giving false information to
13 procure voter registration is perjury. It's a
14 crime, right?

15 MS. NATARAJAN: Objection. The
16 document speaks for itself.

17 You may answer.

18 THE WITNESS: Yes.

19 BY MS. YUKEVICH:

20 Q. And so I want to go back to Section
21 1.015. Hold on. Let's keep this document up
22 here a second.

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1 document?

2 MS. NATARAJAN: Hold on one second.

3 It hasn't loaded.

4 MS. YUKEVICH: Sure. Yes. I

5 apologize.

6 THE WITNESS: Yes, I do.

7 BY MS. YUKEVICH:

8 Q. Okay. What is this document?

9 A. Those are the responses that I
10 submitted to the questions from the plaintiffs.

11 Q. Okay.

12 MS. YUKEVICH: And can we just go
13 down to Page 5 of this document, DeShawn. Can
14 we zoom in on Interrogatory No. 1.

15 BY MS. YUKEVICH:

16 Q. So: "Identify and describe all of
17 El Paso County's and the State's interests
18 served by SB 1111 and how SB 1111 serves each
19 interest."

20 Did I read that correctly?

21 A. Yes.

22 Q. Okay. And your responses straddles

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1 Page 5 and Page 6, so I'm not sure if we can
2 show just the top two lines of Page 6 as well
3 here.

4 But if you are able to view it on
5 your screen, your response to Interrogatory No.
6 1 was: "Subject to the foregoing general
7 objections, Defendant responds that SB 1111
8 does not serve El Paso County's interests.
9 Specifically, SB 1111 may suppress lawful voter
10 turnout and its enforcement will impose
11 unnecessary administrative burdens on El Paso
12 County."

13 Did I read that correctly?

14 A. Yes.

15 Q. Okay. Thinking first just about the
16 residence restriction provision that we just
17 discussed, is that still accurate?

18 A. Yes.

19 Q. Okay. Can you talk about why you
20 think it may suppress lawful voter turnout?

21 A. I think it's confusing. It is
22 something that we just kind of even covered in

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1 this deposition today, that someone may say, is
2 that allowed, is that not allowed, can I do
3 that, what does establishing residence mean,
4 what if I am leaving, like you said, in a
5 month, and when people don't know for sure what
6 -- how to interpret the law and there is no
7 real clear direction, they may just choose not
8 to participate, not to register to vote or they
9 may register and either unknowingly or
10 unintentionally violate the code or put, you
11 know, have errors on the forms if they don't
12 know for sure what they need to put on there.
13 That's, you know, that is one of the ways that
14 I see it being confusing for voters.

15 Q. In your experience as an election
16 administrator, we talked about all the
17 elections that you have run in the past, does
18 that tend -- that type of confusion or risk,
19 does that tend to deter voters from registering
20 to vote?

21 A. Yes.

22 Q. Okay.

1 also between processing and challenging, so I
2 do want to make sure that we are clear on that.

3 So let's go through it
4 provision-by-provision to make sure we on the
5 same page.

6 In the first sentence of that
7 provision, it says: "A person may not
8 establish residence at any place a person has
9 not inhabited."

10 What do you understand the term
11 "inhabited" to mean?

12 A. I think it is confusing because
13 inhabited could be, I inhabited it a day, I
14 inhabited it five days, I inhabited it six
15 months, so I mean, inhabited being inside of a
16 location for an amount of time.

17 Q. Got it. Okay. Understood. And in
18 that second sentence, I will read it, it says:
19 "A person may not designate a previous
20 residence as a home and fixed place of
21 habitation unless the person inhabits the place
22 at the time of designation and intends to

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1 Q. Ms. Wise, I believe your answer to
2 my last question was yes; is that correct?

3 A. That they -- I'm sorry. Could you
4 repeat one more time.

5 Q. Sure. Did the word "inhabited"
6 means where a voter is staying or physically
7 located?

8 MR. OLSON: Same objection.

9 THE WITNESS: It could.

10 MS. NATARAJAN: Objection.

11 Go ahead.

12 THE WITNESS: It could. I can't
13 speak to what, you know, how they -- how every
14 voter in this county would take that.

15 BY MS. YUKEVICH:

16 Q. Fair enough. And so what about the
17 term "previous residence." What does that mean
18 to you?

19 A. Again, I think it's pretty vague.
20 It could be previous, a couple days ago, it
21 could be previous last year. To me, it is some
22 place that you use as a residence or prior to

3/30/2022

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

Lisa Wise

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1 the day that you are designating the address on
2 the form.

3 Q. So a previous residence is a
4 residence that you had prior to the day that
5 you designated it on the form?

6 MS. NATARAJAN: Objection. Asked
7 and answered.

8 THE WITNESS: Yes.

9 BY MS. YUKEVICH:

10 Q. Okay. Sorry. I am just trying to
11 clarify your definitions here so that we are on
12 the same page.

13 What do you understand the term
14 "fixed place of habitation" to mean?

15 A. Again, I think it's vague. If I
16 were to say what do I believe "fixed place of
17 habitation" is a place that -- that is not
18 changing.

19 Q. So that's a place that they don't
20 anticipate will change?

21 MS. NATARAJAN: Objection.
22 Misstating.

3/30/2022

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Lisa Wise

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1 the information and then let them know that
2 when we receive applications, we look at the
3 registration address, we take the information
4 as it is given on the face of the application.

5 BY MS. YUKEVICH:

6 Q. Okay. Do you feel like you have
7 enough information about the changes made by
8 Senate Bill 1111 to the Texas Election Code to
9 give them any other answer?

10 A. Not that I would be comfortable
11 with, no.

12 Q. Why not?

13 A. Because I feel, like, if someone
14 says kind of what we just talked about, well,
15 how long do I have to remain there, what if I
16 am going for one semester. The definitions are
17 -- they are vague. They mean different things
18 to different people, and because it is not so
19 specific, I don't feel like I am able to really
20 give them the information that they would need
21 from -- from my standpoint, from our office.

22 Q. I am going to load one more

3/30/2022

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Lisa Wise

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1 for any of those terms that we discussed?

2 Would it be helpful for you if the secretary of
3 state provided -- let's go -- let's actually
4 just go provision by provision.

5 MS. YUKEVICH: Can we go back up to
6 the first slide on this page.

7 BY MS. YUKEVICH:

8 Q. Would it be helpful -- and I'll
9 start again.

10 So would it be helpful for you in
11 answering voter questions -- the secretary of
12 state seems to assume that you would do, would
13 it be helpful for you to have the definition of
14 "influencing the outcome of a certain
15 election"?

16 A. Yes.

17 Q. And has that been provided to you?

18 A. No.

19 Q. Would it be helpful for you to have
20 a definition of "previous residence"?

21 A. Yes.

22 Q. And has that been provided to you?

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

Lisa Wise

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1 A. No.

2 Q. To answer voter questions, would it
3 be helpful for you to have a definition of the
4 word "home"?

5 A. Yes.

6 Q. And has that definition been
7 provided to you?

8 A. No.

9 Q. Would it be helpful for you to have
10 a definition of "fixed place of habitation"?

11 A. Yes.

12 Q. And has that definition been
13 provided to you?

14 A. No.

15 Q. What about a "time of designation,"
16 would it be helpful for you to have a
17 definition of "time of designation"?

18 A. Yes.

19 Q. And has that definition been
20 provided to you?

21 A. I'm sorry. No.

22 Q. Sorry. I wasn't sure you were able

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Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO LATINO,)
PLAINTIFFS,)
)
v.) CASE NO.
) 1:21-cv-00546-LY
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.)
)
----- CONTINUED ON NEXT PAGE -----)

VIDEOTAPED DEPOSITION OF JACQUELYN CALLANEN
IN HER CAPACITY AS A 30(B)(6) WITNESS
TAKEN REMOTELY VIA ZOOM VIDEOCONFERENCE
THURSDAY, MARCH 31, 2022

REPORTED BY AUDRA E. CRAMER, CSR NO. 9901

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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Texas State LULAC, et al., v. Bruce Elfant, et al. Jacquelyn Callanen 30(b)(6)

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1 are registered in one state and then they have
2 duplicate registrations in another state. So
3 this just fell into place with the ERIC project.

4 Q. Okay. So I just want to ask about what
5 some of the -- some of what this language means
6 here, and again I'll just read it for the
7 record. I'm talking about Section (b) here, "A
8 person may not establish residence for the
9 purpose of influencing the outcome of a certain
10 election."

11 What do you understand the term
12 "establish residence" to mean?

13 MS. CUBRIEL: Objection. Form.
14 You can answer, Jackie.

15 THE WITNESS: Okay. Well, like, for us
16 they establish -- they can register to vote,
17 like, the minute they cross the state line.
18 They don't have to be in their home, but, like,
19 if they're building a home or whatever, they can
20 send in a voter registration card, because
21 you're not registered for the 30 days.

22 And so again, we handle what comes in,

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1 Q. So if a voter wants to understand what
2 it means to influence an election, how are they
3 going to know what that means?

4 A. I wouldn't know. That's not my
5 purview.

6 Q. Okay. But you had mentioned earlier
7 that you want -- when voters come to you with
8 questions, you want to sort of help them figure
9 out how to register to vote; correct?

10 A. Correct.

11 Q. So if a voter came and asked about, you
12 know, what does this language mean about
13 influencing the outcome of an election, what
14 would you tell them?

15 A. Again, I can't -- I've answered it, but
16 I can't answer it, because it's going back to
17 the same question. I don't see someone standing
18 here telling us, "I'm moving in so I can
19 influence this election."

20 Q. I understand the answer. I guess the
21 question I'm trying to -- I'm asking, though, is
22 if a voter is confused about what this language

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1 us a registration card for that, we have no idea
2 what their means are, what their intentions are.
3 We're going to register them.

4 MR. WHITE: All right.

5 Okay. We can pull this exhibit down,
6 Danny, and can you put up what I premarked as
7 Exhibit D.

8 (Whereupon, Exhibit D was
9 marked for identification.)

10 BY MR. WHITE:

11 Q. Jackie, I don't know if you can see
12 this document from how far it's zoomed out.

13 Do you recognize what this document is?

14 A. It's a registration card, uh-huh.

15 Q. Yeah.

16 And can we -- Danny, can we zoom in on
17 Box 10, please.

18 So Box 10 states that "I understand
19 that giving false information to procure a voter
20 registration is perjury and a crime under state
21 and federal law."

22 Did I read that correctly?

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Texas State LULAC, et al., v. Bruce Elfant, et al. Jacquelyn Callanen 30(b)(6)

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1 A. Uh-huh. Yes, sir.

2 Q. And the application then directs the
3 voter to affirm three different statements
4 before signing it; is that right?

5 A. Yes.

6 Q. And the first statement is that "I am a
7 resident of this county and a US citizen";
8 correct?

9 A. Correct.

10 Q. And so by signing this document, the
11 applicant is affirming that they are a resident
12 of, you know, Bexar County or whichever other
13 county they're indicating; correct?

14 A. Correct.

15 Q. So the voter needs to understand what
16 it means to be a resident of Bexar County or
17 whichever county they designate to vote from?

18 A. Correct.

19 Q. And a voter can be penalized for giving
20 false informing on this form; correct?

21 A. Yes, that's what it states.

22 Q. Okay.

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1 residence under this -- as it appears here?

2 A. Again, I -- there's got to be a
3 varied -- a long list of how do you establish a
4 residence. You know, I mean, obviously, do you
5 move here? Are you a renter, or do you lease
6 something? Are you a college student? Or have
7 you moved here because you're going to take care
8 of your ill mother and dad? Have you come to
9 visit your grandparents and you're going to stay
10 for six months? That list would be exhaustive
11 by the time we would finish it.

12 Q. But you don't have a particular
13 definition of what it means to establish a
14 residence?

15 A. Right.

16 Q. Okay. Does the definition of
17 "establish a residence" appear anywhere in this
18 election advisory?

19 A. No. I mean, again, it's what we've
20 beaten our heads against. It's where you
21 reside, where you sleep, where your possessions
22 are.

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Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC;)
VOTO LATINO,)
Plaintiffs,)
) Case No.
vs.)
) 1:21-cv-00546-LY
BRUCE ELFANT, in his official)
capacity as the Travis)
Assessor-Collector, et al.,)
Defendants,)
)
and)
)
KEN PAXTON, in his official)
capacity as Attorney General)
of Texas, et al.,)
Intervenor-Defendants.)
_____)

30(b)(6) DEPOSITION OF YVONNE RAMÓN
In Her Official Capacity as
Hidalgo County Elections Administrator
(Via videoconference)
April 8, 2022

Reported by: John L. Harmonson, RPR

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

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1 itself? Yes.

2 Q. Yeah, let me phrase that differently.

3 Do voters contact your office with

4 questions about, you know, any aspect of the

5 registration process?

6 A. Yes.

7 Q. Okay. And how do voters ask questions?

8 Do they -- or sorry, strike that. Let me rephrase.

9 What are the methods by which voters

10 contact your office with questions?

11 A. They're usually phone calls, and it's my

12 voter registration department that answers the

13 phones.

14 Q. Okay. You say usually --

15 A. They're the direct contact.

16 Q. Oh, I'm sorry.

17 A. I'm sorry.

18 Q. You said usually phone calls. Are there

19 other ways in which voters reach out to you?

20 A. They come to the office directly.

21 Q. Directly, okay.

22 Is there a way for voters to contact your

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1 put back up Exhibit B. And could you zoom in at the
2 bottom to the -- where it says Section 1.015, just
3 that entire section there.

4 BY MR. WHITE:

5 Q. Ms. Ramón, will you take a minute just to
6 read subsection (b) here.

7 A. Yes.

8 Q. Okay. And are you familiar with this
9 provision?

10 A. Yes.

11 Q. What is your understanding of what this
12 provision means?

13 A. That a person who is to register should
14 not register to try to change the outcome of an
15 election.

16 Q. And did your office receive any guidance
17 about how to interpret or apply this provision?

18 A. Not specifically, no.

19 Q. Okay. And what is your understanding of
20 what it means to influence the outcome of an
21 election?

22 A. I don't want to speculate because my job

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1 requires that we process information given to us by
2 the voter. And so that's what we do.

3 Q. So your office doesn't have some kind of
4 formal understanding of what that language means?

5 A. No.

6 Q. Okay. What does it mean to establish
7 residence?

8 A. It would mean what the voter -- it would
9 mean what the voter notates on the application.

10 Q. What interests of the Hidalgo County
11 elections office are served by this provision?

12 MS. RAMIREZ: Object to the form.

13 MS. HUNKER: Object to the form.

14 THE WITNESS: There are no changes.

15 BY MR. WHITE:

16 Q. Sorry. Can you repeat that?

17 A. Ask the question again.

18 Q. What interests of Hidalgo County are
19 served by this provision of SB 1111?

20 MS. RAMIREZ: Object to form.

21 THE WITNESS: There are no interests

22 served by this provision.

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1 one out.

2 MR. WHITE: Thanks.

3 Can we -- strike that. Hang on.

4 Mr. Ortega, can we go to page 2 of this
5 exhibit. And can you zoom in on the second half of
6 the page starting where it says "I understand that
7 giving false information."

8 BY MR. WHITE:

9 Q. Ms. Ramón, will you just take a second to
10 read what's in this box here.

11 A. I have.

12 Q. Are you familiar with this part of the
13 form?

14 A. I am.

15 Q. Okay. So at the top here, it says: "I
16 understand that giving false information to procure
17 a voter registration is perjury, and a crime under
18 state and federal law."

19 Did I read that correctly?

20 A. Yes.

21 Q. So is it fair to say that there are
22 criminal consequences for giving false information

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Texas State LULAC, et al., v. Bruce Elfant, et al. Yvonne Ramón 30(b)(6)

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1 on this form?

2 A. Yes.

3 MS. HUNKER: Object to form.

4 BY MR. WHITE:

5 Q. So if a registrant gives a false
6 understanding of their -- sorry. Strike that.

7 So if a registrant gives -- lists an
8 address that is not actually their residence on this
9 form, that can lead to criminal consequences;
10 correct?

11 MS. RAMIREZ: Object to form.

12 MS. HUNKER: Object to form.

13 THE WITNESS: Yes.

14 BY MR. WHITE:

15 Q. Okay. So in order to avoid criminal
16 consequences, it would be helpful to understand what
17 the meaning of "residence" is; correct?

18 MS. RAMIREZ: Object to form.

19 MS. HUNKER: Object to form.

20 THE WITNESS: Yes. It's listed right
21 there.

22 BY MR. WHITE:

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Texas State LULAC, et al., v. Bruce Elfant, et al. Yvonne Ramón 30(b)(6)

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1 the outcome of a certain election."

2 Did I read that correctly?

3 A. Yes.

4 Q. Now, you had mentioned that with respect
5 to this provision, you do not act on it; is that
6 right?

7 A. That's correct.

8 Q. And you said something about you're
9 concerned about the form, not the content?

10 A. That's correct.

11 Q. You had also mentioned that the secretary
12 of state's office does not provide you with specific
13 guidance or definitions in regards to the terms
14 within this provision. Is that right?

15 A. That's correct.

16 Q. Okay. The secretary of state's office
17 doesn't normally advise you on provisions that are
18 not within your responsibility; is that correct?

19 A. Correct.

20 Q. And so there would be no need for the
21 secretary of state's office to send you an advisory
22 or guidance about the specific meaning of this term

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Page 1

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

TEXAS LULAC and VOTO LATINO,)	
Plaintiffs,)	
vs.)	
BRUCE ELFANT, in his official)	
capacity as the Travis County)	
Tax Assessor-Collector;)	Case No.
JACQUELYN CALLANEN, in her)	1:21-cv-00546-LY
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,)	
)	
-CAPTION CONTINUED ON NEXT PAGE-)	
)	

30(b)(6) DEPOSITION OF TERRIE PENDLEY

APRIL 13, 2022

Videoconference 30(b)(6) deposition of TERRIE PENDLEY, taken remotely in the above-captioned cause, before Rachel F. Gard, CSR, RPR, CLR, CRR, commencing at the hour of 9:04 a.m. Central on Wednesday, April 13, 2022.

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

4/13/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Terrie Pendley 30(b)(6)

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1 you a couple follow-ups about some of those specific
2 terms here in just a second. But for ease of
3 reference, I'm going to refer to this provision of
4 Senate Bill 1111 as the residence restriction. Is
5 that okay?

6 A. Yes, sir.

7 Q. All right. And if you're ever confused
8 about what I'm referring to when I use that term,
9 please just let me know.

10 Does a residence restriction have any
11 effect on your job as the elections administrator?

12 A. No, sir.

13 Q. Okay. What do you understand the term
14 "establish residence" to mean?

15 MS. AL-FUHAID: Objection. Form.

16 MS. HUNKER: Objection. Form.

17 MS. AL-FUHAID: You may answer.

18 A. Establish residence means your residence,
19 where you live at, sir.

20 Q. Okay. And what do you understand the term
21 "establish" to mean there?

22 MS. AL-FUHAID: Objection. Form.

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1 MS. HUNKER: Objection. Form.

2 A. That's where you permanently reside at.

3 Q. Okay. Do you recall the Secretary of
4 State's Office providing you with a specific
5 definition of what it means to establish a
6 residence?

7 A. Well, they provided this form that you
8 have right here, sir, this advisory.

9 Q. Okay. Okay. And what do you understand
10 the term "for the purpose of" as used here to mean?

11 MS. AL-FUHAID: Objection. Form.

12 MS. HUNKER: Objection. Form.

13 A. I'm not sure that I have. A person may
14 establish residency for the purpose -- may not
15 establish residency for the purpose of
16 influencing. I don't know what people's intent
17 are, if they would ...

18 Q. Okay. And I'll go a little further on
19 that. What do you understand the term "influencing
20 the outcome of a certain election" to mean?

21 MS. AL-FUHAID: Object to form.

22 MS. HUNKER: Objection. Form.

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1 A. Influencing the outcome of a certain
2 election?

3 Q. Yes, ma'am.

4 A. I'm guessing that they would want it --
5 you know, the election to go a certain way for
6 them. I really can't tell you, sir.

7 Q. Okay. Do you recall the Secretary of
8 State's Office providing your office with any
9 guidance on what it means to influence the outcome
10 of a certain election?

11 A. Just as an advisory that we receive, sir.

12 Q. Okay. And what interests of the Real
13 County elections department are served by this
14 residency restriction, if any?

15 A. I'm sorry. Can you repeat that?

16 Q. Sure. Does this provision,
17 Section 1.015(b), further the mission or purpose of
18 the Real County elections office in any way?

19 A. I'm sorry. I guess I'm just not
20 understanding what you're asking.

21 Q. Okay.

22 A. This is in our Election Code, and we try

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Texas State LULAC, et al., v. Bruce Elfant, et al. Terrie Pendley 30(b)(6)

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1 A. It is a voter registration application.

2 Q. All right. I'm going to read box 10 just
3 to make sure that I have it right for the record: I
4 understand that giving false information to procure
5 a voter registration is perjury and a crime under
6 state and federal law. Did I read that correctly,
7 Ms. Pendley?

8 A. Yes, sir.

9 Q. All right. Does the application then
10 direct the voter to affirm three statements before
11 signing?

12 A. Yes, sir.

13 Q. All right. And is the first statement,
14 does it say that: I am a resident of this county
15 and a U.S. citizen?

16 A. Yes, sir.

17 Q. All right. And so by signing this
18 document, is a voter affirming that she is a
19 resident of a particular county?

20 A. Yes, sir.

21 MS. HUNKER: Objection. Form.

22 Q. And so would a voter need to understand

4/13/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Terrie Pendley 30(b)(6)

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1 what it means to be a resident of a certain county

2 in order to sign this form?

3 MS. HUNKER: Objection. Form.

4 MS. AL-FUHAID: Objection. Form.

5 A. Yes, sir.

6 Q. Okay. And if a voter gives false

7 information on this form, is that a crime?

8 MS. AL-FUHAID: Objection. Form.

9 MS. HUNKER: Objection. Form.

10 A. Well, it says that they're attesting to

11 it and it's a crime.

12 Q. Okay.

13 MR. JONES: We can pull this one down,

14 DeShawn.

15 Q. All right. So, Ms. Pendley, if a voter

16 told you that they were moving to Real County from

17 California in order to vote for a particular party

18 like the Democrats or Republicans and help them win

19 in Texas, would that voter be violating the

20 residence restriction by registering to vote?

21 MS. AL-FUHAID: Object to form.

22 MS. HUNKER: Objection. Form.

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Texas State LULAC, et al., v. Bruce Elfant, et al. Terrie Pendley 30(b)(6)

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1 time of destination"?

2 MS. AL-FUHAID: Objection. Form.

3 MS. HUNKER: Objection. Form.

4 A. It's where they're living at now.

5 Q. Okay. And what does the phrase "intend to
6 remain" mean?

7 MS. AL-FUHAID: Objection. Form.

8 MS. HUNKER: Objection. Form.

9 A. They tend to continue to live there.

10 Q. Okay. And as the Secretary -- strike
11 that, please.

12 Do you recall the Secretary of State
13 providing you with guidance to further define any of
14 those terms?

15 A. I do not recall off the top of my head,
16 no, sir.

17 Q. Okay. Would it have been helpful for the
18 Secretary of State's Office to provide you the
19 guidance as to the meaning of these terms?

20 A. No, sir. I believe I understand it
21 correctly.

22 Q. Okay. So suppose a college student from

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Texas State LULAC, et al., v. Bruce Elfant, et al. Lupe Torres 30(b)(6)

Page 1

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

TEXAS STATE LULAC; VOTO)
 LATINO,)

Plaintiffs,)

-vs-)

BRUCE ELFANT, in his)
 official capacity as the)
 Travis County Tax)
 Assessor-Collector, et)
 al.)

Case No.

1:21-cv-00546-LY

Defendants,)

and)

KEN PAXTON, in his)
 official capacity as)
 Attorney General of)
 Texas, et al.,)

Intervenor-)
 Defendants.)

VIDEOTAPED RULE 30(b)(6) DEPOSITION OF
 INTERVENOR-DEFENDANT LUPE TORRES
 BY AND THROUGH ITS DESIGNEE
 GUADALUPE TORRES
 APRIL 8, 2022
 1:04 P.M.

REPORTED BY:

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

DIGITAL EVIDENCE GROUP
 1730 M Street, NW, Suite 812
 Washington, D.C. 20036
 (202) 232-0646

4/8/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Lupe Torres 30(b)(6)

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1 register, that -- make sure that they are a
2 resident of Medina County.

3 Q. Okay.

4 (Phone interruption.)

5 Q. You see, there I go. I just did
6 something I asked you not to do. Did not mute
7 my cell phone and got a call. Let that be an
8 example, at least for myself, who appears to
9 need a lesson.

10 Jumping back to where we were, so
11 as I understood it, you said that you understand
12 Section 1.015(b) to mean that you have to ensure
13 that people who are attempting to register vote
14 in Medina County actually live in Medina County?

15 A. Correct.

16 Q. Okay. Does it require your office
17 to do anything else?

18 A. No.

19 Q. Okay. So what do you understand
20 the term "establish residence" to mean?

21 MS. AL-FUHAID: Objection, form.

22 THE WITNESS: That they reside

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1 in -- at the residence.

2 BY MR. JONES:

3 Q. So you understand the term -- just
4 to make sure I understand it correctly, it's
5 your testimony that you understand the term
6 "establish residence" to just refer to a
7 person's claimed residence?

8 MS. AL-FUHAID: Objection, form.

9 THE WITNESS: No. No, not claimed,
10 but actual -- actual residency. That's
11 where they live. That's where they
12 reside.

13 BY MR. JONES:

14 Q. Okay. So how does a person
15 establish a residence?

16 MS. AL-FUHAID: Objection, form.

17 THE WITNESS: They make it their
18 home. That's where they go in every day
19 and every night. At the end of the day,
20 that's where they -- that's when -- that's
21 where call home.

22 BY MR. JONES:

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1 (Exhibit D, Texas Voter

2 Registration Application.)

3 BY MR. JONES:

4 Q. Mr. Torres, do you recognize this
5 document?

6 A. Yes.

7 Q. All right. Can you tell me what it
8 is?

9 A. It's the application to register to
10 vote, Texas Voter Registration Application.

11 Q. Thank you.

12 MR. JONES: And, DeShawn, can we
13 please zoom in on Box Number 10.

14 BY MR. JONES:

15 Q. Okay. Box 10 states that, "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. The application then directs the
22 voter to affirm three statements before signing;

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1 is that correct?

2 A. Yes.

3 Q. And the first statement is that, "I

4 am a resident of this county and a U.S.

5 citizen"; is that correct?

6 A. Correct.

7 Q. And so by signing this document, a

8 person who submits it is affirming that they are

9 a resident of a particular county; is that

10 correct?

11 A. Correct.

12 Q. Okay. And someone who submitted

13 this document to you with a Medina County

14 address would be affirming that they're a

15 resident in Medina County; is that correct?

16 A. Correct.

17 Q. And so that voter would need to

18 understand what it means to be a resident of

19 Medina County; is that correct?

20 MS. AL-FUHAID: Objection, form.

21 THE WITNESS: Yes.

22 BY MR. JONES:

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1 Q. And if that person knowingly gives
2 false information on this form, it's a crime; is
3 that correct?

4 MS. AL-FUHAID: Objection, form.

5 THE WITNESS: Yes.

6 BY MR. JONES:

7 Q. Okay. Again, because potential
8 registrants may look to you to help them
9 determine whether they can register to vote, I'm
10 just going to take you through a couple more
11 scenarios and then we're going to move on.

12 Okay. If a voter moved to Texas
13 from California and one of the reasons for that
14 move was to vote for a particular party, would
15 that violate the residence restriction if they
16 registered to vote in Medina County?

17 MS. AL-FUHAID: Objection, form.

18 THE REPORTER: Oh, dear.

19 Go ahead, answer.

20 THE WITNESS: That I -- no.

21 THE REPORTER: Counsel, I

22 apologize.

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1 Q. I'm going to refer to this
2 provision as the "temporary relocation
3 provision." Is that okay?

4 A. Okay.

5 Q. All right. And if at any point you
6 get sort of confused about what I'm referring
7 to, just let me know, please. Okay?

8 All right. So what is your
9 understanding of what this provision does?

10 MS. AL-FUHAID: Objection, form.

11 THE WITNESS: A person cannot
12 establish a residence if they're not going
13 to plan on living there.

14 BY MR. JONES:

15 Q. Okay. And what interests of the
16 Medina County Elections Office are served by
17 this provision?

18 A. To make sure that if you claim a
19 residence in Medina County, that that's where
20 you're going to be living at.

21 Q. Okay. And what does the word
22 "inhabited" mean in this provision?

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1 Election Law Seminars offered by the Secretary
2 of State?

3 A. Yes.

4 Q. And did you mention you attended
5 one in -- I think you said it was around August
6 of 2021?

7 A. Yes.

8 Q. All right. Does this look like a
9 PowerPoint presentation that you saw at that --
10 at that Election Law Seminar you attended?

11 A. Yes.

12 Q. Okay. Who is -- do you recall who
13 was giving this presentation or what office they
14 were with?

15 A. Texas Secretary of State.

16 Q. All right. Were there any other
17 presentations offered at this Election Law
18 Seminar that dealt with SB 1111?

19 A. Not that I can recall.

20 Q. Okay. Do you recall the Secretary
21 of State's office providing you with any
22 definitions of terms in SB 1111 at this Election

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1 Law Seminar?

2 A. If they did, I don't recall.

3 Q. All right. Would it be helpful if
4 they had provided just a sheet that defined all
5 the terms in the statute for you?

6 A. Yes.

7 Q. All right.

8 MR. JONES: And, DeShawn, I want to
9 go to Page 5. I'm looking for a slide
10 that says "Residence Defined" and then at
11 the bottom it should say, "What this means
12 for Voter Registrars."

13 So when I'm referring to 5, I think
14 I'm referring to the page number on the
15 slide. Let me see. Give me one second.

16 That's right. Perfect. Thank you
17 very much.

18 And I'm sorry. We're actually
19 going to look at the second of those two
20 slides first. It should say, "What this
21 means for Voter Registrars."

22 Thank you, DeShawn.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO)
LATINO,)
Plaintiffs,)

-vs-)

BRUCE ELFANT, in his)
official capacity as the)
Travis County Tax)
Assessor-Collector, et)
al.,)
Defendants,)

and)

KEN PAXTON, in his)
official capacity as)
Attorney General of)
Texas, et al.,)
Intervenor-)
Defendants.)

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

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.

REPORTED BY:

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

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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.

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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 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 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 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 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 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 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 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 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 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 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 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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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 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 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 Okay.

2 BY MR. DODGE:

3 Q. Do you recognize this document?

4 A. I do.

5 Q. Could you tell me what it is?

6 A. It's an address confirmation form.

7 Q. And you see in the upper left where

8 it says, "Prescribed by Secretary of State,

9 Section 15.051, Texas Election Code, 17-1?

10 A. I do.

11 Q. And so this -- is this Form 17-1
12 that we were just referring to?

13 A. It is.

14 Q. And can you tell me when this form
15 is issued to a voter?

16 A. If you have reason to believe their
17 address has changed --

18 Q. Okay.

19 A. -- or residence is different from
20 the residence on the registration record.

21 Q. And this form does not call for a

22 voter to submit any documentation to establish

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1 their change of residence; is that right?

2 A. Agree with that.

3 Q. And this form, subject to some
4 modifications, perhaps, existed prior to Senate
5 Bill 1111; correct?

6 A. That's correct.

7 Q. So if I went into a county election
8 office to lodge a registration challenge and
9 said that I know that John Smith is registered
10 at an address across town, but, in fact, he now
11 permanently lives next door to me, is this the
12 form that the county election official would
13 issue in that circumstance?

14 A. That's correct.

15 Q. And in that circumstance, the
16 individual would not be required to -- John
17 Smith would not be required to submit
18 documentation as part of responding to this
19 notice?

20 A. Agree with that.

21 Q. If I lodged a election complaint
22 with the county official and informed them that

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1 predated Senate Bill 1111?

2 A. It did.

3 Q. And this form also does not call
4 for a voter to submit any documentation to
5 confirm their address?

6 A. Agree with that.

7 Q. Okay.

8 MR. DODGE: If we could pull up
9 Exhibit J.

10 (Exhibit J, document titled Notice
11 to Confirm Voter Registration Address by
12 Providing Documentation, is marked for
13 identification.)

14 MR. DODGE: And why don't we zoom
15 in on the top third for now.

16 BY MR. DODGE:

17 Q. Are you familiar with this
18 document?

19 A. I am.

20 Q. Can you tell me what it is?

21 A. This is the address confirmation
22 that we send to folks who haven't changed their

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1 address, but apparently claim to live at a place
2 that doesn't correspond to a residence.

3 Q. And this Form 17-4?

4 A. It is.

5 Q. So this form was created as a
6 result of Senate Bill 1111; right?

7 A. Agree with that.

8 Q. And the first paragraph reads, "If
9 you are receiving this notice, the residence
10 address on your Voter Registration Application
11 has been identified as a commercial post office
12 box or similar location that does not correspond
13 to a residence."

14 Did I get that correct?

15 A. Yes.

16 Q. Is it fair to say this form is used
17 when a voter's registered address appears to be
18 a commercial post office box or the like?

19 A. That's right.

20 Q. And the second paragraph of this
21 document says, "You must provide proof that the
22 address where you registered to vote is your

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1 residence. Proof of residence must be provided
2 by submitting a photocopy of the first document
3 you possess on the list below that corresponds
4 to your residence address."

5 MR. DODGE: And then if we scroll
6 down a little bit.

7 BY MR. DODGE:

8 Q. You see a list of documents that
9 can be submitted to establish registration
10 address; is that right?

11 A. That's right.

12 Q. So unlike Form 17-1, 17-2, and
13 17-3, this form does require certain voters to
14 submit documentation when establishing their
15 residence address; correct?

16 A. Right, or they can check one of the
17 boxes that they're exempt from the requirement.

18 Q. Okay.

19 MR. DODGE: And if we go to the
20 second page of this document. And if we
21 could zoom on the top couple paragraphs
22 above the box.

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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 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 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 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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1 17-2, I would not be required to submit any
2 documentary evidence to either confirm that I
3 lived at 100 Main Street in Amarillo, Texas, or
4 to confirm that I had changed my address to
5 somewhere else in the State of Texas; correct?

6 A. Agree with that.

7 Q. Okay. But if a voter registering
8 for the first time in Texas were to provide an
9 address that appears to be a commercial post
10 office box that they receive mail at and that
11 voter had their registration address later
12 challenged, they would be required to submit
13 documentation to confirm their address; is that
14 right?

15 A. Agreed.

16 Q. Okay.

17 MR. DODGE: Could we pull up
18 Exhibit T, as in Taylor.

19 (Exhibit T, e-mail correspondence,
20 is marked for identification.)

21 MR. DODGE: And if we could zoom in
22 at the "From" "To" "Sent" box in the

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1 little bit.

2 BY MR. DODGE:

3 Q. The first requirement is that the
4 response must include "all of the information
5 that a person must include in an application to
6 register to vote under Section 13.002."

7 Did I get that right?

8 A. You did.

9 Q. And the second requirement is that
10 the response include "a sworn affirmation of the
11 voter's current residence as defined by
12 Section 1.015."

13 Did I read that correctly?

14 A. You did.

15 Q. And then if you could just read the
16 third requirement for me.

17 A. And [as read]: "If the voter's
18 residence is a commercial post office box or
19 similar location that does not correspond to a"

20 --

21 MR. DODGE: And if we could scroll
22 to the next page, please.

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1 THE WITNESS: -- "residence,
2 evidence of the voter's residence address
3 as required by 15.054 or an indication
4 that the voter is exempt from those
5 requirements."

6 BY MR. DODGE:

7 Q. Okay. So looking at Subsection 2,
8 it's correct that this provision of SB 1111
9 requires all voters returning a confirmation
10 notice to include a sworn affirmation of the
11 voter's current residence; right?

12 A. Agree with that.

13 Q. And looking at Subsection 3, it's
14 correct that that provision of Senate Bill 1111
15 requires, quote, evidence of the voter's
16 residence only from a particular group of
17 voters; correct?

18 A. Agreed.

19 Q. So do you agree that Senate
20 Bill 1111 created a distinction between certain
21 groups of voters for purposes of confirming a
22 voter's residential address?

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Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO LATINO,)
Plaintiffs,)

vs.)

BRUCE ELFANT, in his official)

capacity as the Travis County Tax)

Assessor-Collector; JACQUELYN)

CALLEN, 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 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,)

- Caption continued on next page -)

Zoom video-recorded 30(b)(6) deposition of
CHARLES K. ELDRED, J.D., Friday, April 29, 2022,
reported by Michele E. French, RMR, CRR, CSR-3091.

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

4/29/2022

Texas State LULAC, et al., v. Bruce Elfant, et al. Charles Eldred, J.D. 30(b)(6)

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1 A Okay. "(b) A person may not establish
2 residence for the purpose of influencing the outcome
3 of a certain election."

4 Q And Mr. Eldred, for ease of reference, I'm
5 going to refer to this provision of SB 1111 as the
6 residence restriction. If you're ever confused about
7 what I mean by that, please let me know. Is that
8 okay?

9 A I'm not a big fan of your title of it, but,
10 yes.

11 Q Okay. Are you familiar with the residence
12 restriction provision of SB 1111?

13 A Yes.

14 Q What does this provision mean to you?

15 A It means you can't say that you are a
16 resident of a district for the purpose of voting in
17 that district unless you actually are a resident of
18 that district.

19 Q Okay. Do you think it's clear what this
20 provision means?

21 A Yes.

22 Q Okay. Do you think that this provision

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1 Q Okay. Thank you.

2 To your knowledge, have any county election
3 officials sought guidance from your office on what any
4 of these terms mean, "establish residence for the
5 purpose of" or "influencing the outcome of a certain
6 election"?

7 A To my knowledge, no, but they should go to
8 the Secretary of State for that.

9 Q What interests of the Attorney General's
10 office are served by the residence restriction?

11 A I will refer you to our answer to
12 Interrogatory No. 1.

13 Q What interests of the State of Texas are
14 served by the residency restriction?

15 A I will refer you to our answer to
16 Interrogatory No. 1.

17 Q Okay.

18 MR. JONES: Thank you, Brian. You can take
19 that down and please pull up Exhibit C, as in Charlie.

20 (Eldred 30(b)(6) Exhibit C was marked.)

21 BY MR. JONES:

22 Q All right. Recognizing that the font is a

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1 little small, Mr. Eldred, do you recognize this

2 document?

3 A It's a Texas Voter Registration Application.

4 Q Okay.

5 MR. JONES: Brian can we please zoom in on

6 box 10.

7 BY MR. JONES:

8 Q All right. Now, box 10 states, in my view,
9 that "I understand that giving false information to
10 procure a voter registration is perjury, and a crime
11 under state and federal law."

12 Mr. Eldred, did I read that correctly?

13 A Yes.

14 Q The application then directs the voter to
15 affirm three statements before signing it; is that
16 correct?

17 A Yes.

18 Q And the first statement is, "I am a resident
19 of this county and a U.S. citizen."

20 Is that correct?

21 A That's what it reads, yes.

22 Q Okay. And so by signing this document, is

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1 someone applying to vote in Texas affirming that they
2 are a resident of a particular county?

3 A Yes.

4 Q Okay. And if that voter provides false
5 information on this form, it's a crime; correct?

6 A That's what this says, and I think that's
7 true.

8 Q Okay. And has your office prosecuted people
9 for making false statements on voter registration
10 forms?

11 A I want to say yes. I want to say some of
12 the -- some of the items on the list of pending and
13 final investigations concern that issue.

14 Q Okay.

15 MR. JONES: Thank you, Brian. We can take
16 that down.

17 Okay. Let's see. I think we've been going
18 for about an hour, but I actually think that we'll
19 likely conclude within about 30 to 45 minutes.

20 Are you comfortable powering through or
21 would you like a break?

22 MR. HUDSON: I'll defer to you, Charlie.

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1 A Yes.

2 Q What do you understand that to mean?

3 A It means you can't tell the voter registrar
4 that you have a residence at a place that you don't
5 have it.

6 Q Okay. Is that something that Texas allowed
7 before SB 1111 passed?

8 A I don't believe it did.

9 Q Okay. Let's see. And what does the word
10 "inhabited" mean in this provision?

11 A I think it's a self-evident word. Speaks
12 for itself.

13 Q Does the Texas Election Code define
14 "inhabited"?

15 A I don't believe so.

16 Q Has your office provided guidance to
17 counties on what the term "inhabited" in this statute
18 means?

19 A No. That would be the Secretary of State's
20 job.

21 Q But if someone asked your office to define
22 it, could you?

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1 A I don't know how it would come up.

2 Q Okay. The second sentence says, "A person
3 may not designate a previous residence as a home and
4 fixed place of habitation unless the person inhabits
5 the place at the time of designation and intends to
6 remain."

7 Did I read that correctly?

8 A Yes.

9 Q What do you understand this phrase to mean?

10 A Again, I think it's self-evident, and it
11 speaks for itself --

12 Q Okay.

13 A -- and it has a clear and plain meaning.

14 Q Okay. Could a person in Texas designate a
15 previous residence as a home for purposes of voting
16 before SB 1111 passed?

17 A Only if they lived there at the time.

18 Q Okay. What is a previous residence?

19 A It's a place -- it's a residence that you
20 used to live in.

21 Q Okay. Does the Texas Election Code define
22 "previous residence" as it's used here?

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1 A No.

2 Q Okay. And what is a fixed place of
3 habitation?

4 A I think it's probably contrasted with a
5 temporary place of habitation.

6 Q Okay. Does the Texas Election Code define
7 the term "fixed place of habitation," as used here?

8 A No.

9 Q What does inhabit "the place at the time of
10 designation" mean?

11 A The time of designation is when you tell the
12 registrar where you live, for voting purposes.

13 Q Okay. Does a college student live in both
14 places -- does a college student live in both their
15 parents' home and, you know, on campus?

16 A That depends on facts. It could go either
17 way.

18 Q Okay. But it's possible for a college
19 student to have two addresses?

20 A I don't believe that's possible.

21 Q Okay. What does the phrase "intend to
22 remain" mean?

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1 A I think it speaks for itself.

2 Q Okay. Does the Texas Election Code define
3 "intend to remain" as used here?

4 A No.

5 Q How long does a person need to intend to
6 remain at their residence in order to be a resident of
7 the county in Texas?

8 A It's not defined.

9 Q Okay. So suppose a college student whose
10 parents live in Harris County moves to Travis County
11 for school, but wishes to register at her parents'
12 home in Harris County. Can she do that under this
13 provision?

14 A Depending on the facts, yes or no, depending
15 on what the voter intends to do in the future.

16 Q Okay. So suppose a college student moved
17 from Oklahoma to Travis County to attend UT and
18 desired to register to vote in Travis County. Is that
19 allowed under this provision?

20 A I think same answer as the other one, the
21 hypothetical from Harris County. Depending on the
22 facts, that voter may or may not be allowed -- may or

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC; VOTO LATINO,)
)
Plaintiffs,)
)
v.) 1:21-cv-00546-LY
)
BRUCE ELFANT, in his official capacity)
as the Travis County Tax Assessor-)
Collector, et al.)
)
Defendants.)

**DEFENDANT BEXAR COUNTY ELECTION ADMINISTRATOR
JACQUELYN CALLANEN'S OBJECTIONS AND RESPONSES TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES**

To: Plaintiffs Texas State LULAC and Voto Latino, by and through their attorneys of record, Kathryn Yukevich, Elias Law Group, 10 G Street, NE Suite 600, Washington DC 20002, kyukevich@elias.law.

Pursuant to Fed. R. Civ. P. 33, Defendant Bexar County hereby submits their responses and objections to Plaintiffs' Interrogatories.

Respectfully Submitted,

JOE GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert Green
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Attorney for Bexar County Defendants

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CERTIFICATE OF SERVICE

I do hereby certify that, on the 19th day of November, 2021, a copy of the foregoing was served electronically on all counsel of record.

/s/ Robert Green
ROBERT D. GREEN

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**OBJECTIONS AND RESPONSES TO PLAINTIFFS’
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1. Identify and describe all of Bexar County’s and the State’s interests served by SB 1111 and how SB 1111 serves each interest.

RESPONSE: Defendant Callanen objects to this request because, to the extent it seeks an explanation of interests of the State of Texas that are served by SB 1111, that information should be obtained from state officials. The interests of the Bexar County Elections Office are in administering elections in compliance with the requirements of the Texas Election Code as interpreted by the State’s chief elections officer, the Secretary of State.

INTERROGATORY NO. 2. State and describe Bexar County’s policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

RESPONSE: The Bexar County Elections Office receives and processes all voter registration applications in accordance with the requirements of the Texas Election Code and the regulations and advisories issued by the Texas Secretary of State.

INTERROGATORY NO. 3. State and describe any issues, difficulties, or problems that have occurred in Bexar County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

RESPONSE: Defendant Callanen objects to this Interrogatory because the terms “issues, difficulties, or problems” are vague and undefined. Subject to and without waiving this objection, voters whose residency address is provided on their voter registration application as a post office box or commercial post office box are not accepted, and an address confirmation notice may be sent to the voter as required by state law.

INTERROGATORY NO. 4. State and describe how, consistent with the requirements of SB 1111, a college student who considers Bexar County their home, but temporarily relocated to another county or state to attend college, would register to vote in Bexar County.

RESPONSE: Defendant Callanen objects to this Interrogatory because it asks Defendant Callanen to render a legal opinion about a speculative hypothetical scenario. Subject to and without waiving this objection, Defendant Callanen states that the Bexar County Elections Office processes all new voter registration applications and change of address submissions in accordance with state and federal law based on the information provided by the prospective voter.

INTERROGATORY NO. 5. State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Bexar County in response to the new requirements of SB 1111.

RESPONSE: The Bexar County Elections Office will continue to process voter registration applications and change of address submissions in accordance with the requirements of federal law, including the National Voter Registration Act (NVRA), the Texas Election Code and the regulations and advisories promulgated by the Secretary of State, and using the forms provided by the Secretary of State for that purpose.

INTERROGATORY NO. 6. State and explain your definition of the phrase “establish residence for the purpose of influencing the outcome of a certain election,” as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to mean.

RESPONSE: Defendant Callanen objects to this Interrogatory because it asks for a legal conclusion. Subject to and without waiving this objection, Defendant Callanen states that the meaning of these terms and phrases should be obtained from state officials such as the Secretary of State.

INTERROGATORY NO. 7. State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

RESPONSE: Defendant Callanen objects to this Interrogatory because it asks for a legal conclusion. Subject to and without waiving this objection, Defendant Callanen states that the meaning of these terms and phrases should be obtained from state officials such as the Secretary of State.

INTERROGATORY NO. 8. State and explain your definition of the phrase “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,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” to mean.

RESPONSE: Defendant Callanen objects to this Interrogatory because it asks for a legal conclusion. Subject to and without waiving this objection, Defendant Callanen states that the meaning of these terms and phrases should be obtained from state officials such as the Secretary of State.

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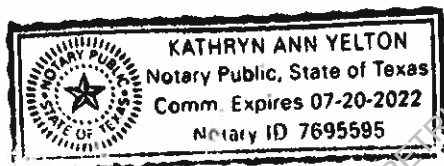
VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared JACQUELYN F. CALLANEN, the person whose name is subscribed to the foregoing Answers to Interrogatories and, who, being by me duly sworn upon oath, verified reading the above and foregoing Answers to Interrogatories stated that the foregoing Answers are true and correct.

Jacquelyn F. Callanen
AFFIANT

SWORN AND SUBSCRIBED TO BEFORE ME on this 19th day of November, 2021.



[Signature]
**NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS**

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

TEXAS STATE LULAC; VOTO LATINO,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 1:21-cv-00546-LY
	§	
BRUCE ELFANT, in his official capacity as	§	
Travis County Tax Assessor-Collector, et al.,	§	
Defendants.	§	

**DEFENDANT BRUCE ELFANT’S OBJECTIONS AND ANSWERS
TO PLAINTIFFS’ FIRST SET OF INTERROGATORIES**

Comes now Defendant Bruce Elfant, (“Defendant”), and hereby serves his Objections and Answers to Plaintiff’s First Set of Interrogatories as set forth herein below.

Respectfully submitted,

DELIA GARZA
County Attorney, Travis County
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ATTORNEYS FOR DEFENDANT
BRUCE ELFANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant Bruce Elfant's Objections and Responses to Plaintiff's First Set of Interrogatories was sent via electronic mail on the 29th day of November, 2021, to the following:

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& Terrie Pendley*

GENERAL OBJECTIONS

Defendant Elfant hereby lodges the following general objections which apply to Plaintiff's First Set of Interrogatories to Defendant Bruce Elfant ("Discovery Requests"). These general objections are made in addition to and without waiving, the specific objections to the individually labeled interrogatories. The following general objections apply to Plaintiffs' Discovery Requests in its entirety and to individually labeled interrogatories.

OBJECTIONS

1. Defendant Elfant objects to Plaintiffs' definition of the term "document" and "documents" to the extent that said definition could be construed to require the disclosure of information concerning matters made exempt from discovery under Fed. R. Civ. P. 26(b)(1) including but not limited to attorney work product, party communications, witness statements, consulting experts, and matters protected by the attorney-client privilege.
2. Defendant Elfant objects to Plaintiffs' definition of the terms "person", "you" and "your" to the extent that said definition could be construed to require the disclosure of information concerning matters made exempt from discovery under Fed. R. Civ. P. 26(b)(1) including but not limited to attorney work product, party communications, witness statements, consulting experts, and matters protected by the attorney-client privilege.
3. Defendant Elfant objects to Plaintiffs' definition of the term "voter" to the extent that it includes "all persons who may properly register to vote in Texas by the close of discovery in this case" because it requires that Defendant Elfant speculate as to the existence of facts that are not known to Defendant Elfant and that do not fall within the scope of Defendant Elfant's official duties under the Texas Election Code as the voter registrar for Travis County, and is overbroad, unduly burdensome and is not reasonably tailored to lead to the discovery of admissible evidence to the extent that it includes persons who have not submitted a voter registration application to Defendant Elfant.
4. Defendant Elfant objects to Plaintiffs' instructions to the extent that they seek to impose requirements, obligations and duties that are not prescribed by the Federal Rules of Civil Procedure or this Court's local rules regarding discovery. Defendant shall comply with the Federal Rules of Civil Procedures and this Court's local rules with regard to responding and objecting to Plaintiffs' Discovery Requests, as well as asserting privilege in response to Plaintiffs' Discovery Requests.

STATEMENTS

5. Pursuant to Fed. R. Civ. P. 26(e), Defendant Elfant reserves the right to supplement these responses should it become necessary to do so and in accordance with the Federal Rules of Civil Procedure.

6. Defendant Elfant shall comply with the Court's Amended Privacy Policy and Public Access to Electronic Files policy dated October 29, 2004, as it pertains to disclosure and/or use of sensitive information, including social security numbers, dates of birth, and driver's license numbers. Defendant Elfant will withhold certain confidential information that could be used to engage in identify theft or fraud, including personal identifiers such as month and day of birth, social security numbers, Texas drivers' license or Texas identification card numbers, addresses of persons who are entitled to keep them confidential under Texas or federal law, and images of applicant's signatures, from its responsive documents until a confidentiality agreement and/or protective order is entered in this matter, as previously discussed with counsel for Plaintiff. If necessary, Defendant Elfant will make the original unredacted documents available for inspection at a mutually agreed time and place.

Subject to and without waiving any of the foregoing General Objections, Defendant specifically objects and answers to the individually labeled Plaintiff's First Set of Interrogatories as follows:

**BRUCE ELFANT'S OBJECTION AND ANSWERS TO
PLAINTIFF'S INTERROGATORIES**

INTERROGATORY NO. 1:

Identify and describe all of Travis County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

OBJECTIONS:

Defendant Elfant objects to this interrogatory to the extent that it calls for him to speculate as to the legislative intent of SB 1111 and related portions of the Texas Election Code, as well as the State's or Travis County's "interests". Defendant Elfant cannot know all of Travis County's or the State's interests and the request is therefore overly broad. Defendant Elfant also objects to this interrogatory to the extent that it calls for an expert legal opinion regarding statutory interpretation and construction. Defendant Elfant further objects to this interrogatory because it is vague and ambiguous in that the term "interests" is not defined. Defendant Elfant will use the commonly understood meaning of that term in responding to this interrogatory. Subject to, and without waiving, the foregoing objections, Defendant Elfant answers as follows:

RESPONSE:

To the best of Defendant Elfant's knowledge and speaking on only his behalf, SB 1111 revised the definition of "residence" as that term is used in the Texas Election Code effective September 1, 2021, and provides specific procedures for processing voter registration application forms received by Defendant Elfant in his official capacity as the voter registrar for Travis County after that date. Defendant Elfant's interests are to comply with the requirements of the Texas Election Code and any other applicable laws, ensure that voter registration applications are readily available to the residents of Travis County, and that voter registration applications are processed efficiently and fairly.

INTERROGATORY NO. 2:

State and describe Travis County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

OBJECTIONS:

Defendant Elfant objects to this interrogatory because it is vague and ambiguous in that the term "transient" is not defined. Defendant Elfant will use the commonly understood meaning of that term in responding to this interrogatory. Subject to, and without waiving, the foregoing objections, Defendant Elfant answers as follows:

RESPONSE:

To facilitate registration to vote, Defendant Elfant conducts regular trainings for deputy voter registrars and volunteer voter registrars and has implemented procedures to help ensure that voter registration application forms are easily accessible to the residents of Travis County through a variety of outlets and media. Defendant Elfant has also implemented procedures to process voter registration applications in the manner required under the Texas Election Code, using the forms and applicable guidance issued by the Texas Secretary of State's Office, in a timely and efficient manner.

With regard to implementing changes under S.B. 1111 concerning an applicant's "residence", as that term is now defined in the Texas Election Code, Defendant Elfant will comply with the Secretary of State's Election Advisory No. 2021-10, as well as guidance contained in training materials related to S.B. 1111, including PowerPoint presentations identified as "2021 Legislative Update", "Address Confirmations", and "Maintaining Your Vote Rolls", which can be found at <https://www.sos.state.tx.us/elections/laws/education-resources.html>, or any amendments or changes thereto (hereinafter, "Address Guidance").

If a voter's registration is challenged, Defendant Elfant will comply with the provisions of the Texas Election Code, including, but not limited to, Sections 15.051 through 15.054 related to confirmation of the applicant's or voter's residence, including the exemptions and exceptions thereto.

INTERROGATORY NO. 3:

State and describe any issues, difficulties, or problems that have occurred in Travis County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

OBJECTIONS:

Defendant Elfant objects to this interrogatory because it is vague and ambiguous, in that the terms "issues", "difficulties" and "voter file" are not defined. Defendant will utilize the commonly understood meaning on such terms in answering this interrogatory. Defendant

Elfant also objects to this interrogatory as overly broad and unduly burdensome because it is not limited in time. Defendant Elfant further objects to this interrogatory because it is overly broad to the extent that it seeks documents that are otherwise privileged from discovery under the attorney-client privilege, litigation privilege, and/or deliberative process privilege. Subject to, and without waiving, the foregoing objections, Defendant Elfant answers as follows:

RESPONSE:

Pursuant to the provisions of the Texas Election Code and Address Guidance, Defendant Elfant cannot process any voter registration application that uses any type of post office box as the “residence” address; such forms are considered to be “incomplete” because they do not permit Defendant Elfant to identify a specific precinct in which the voter resides. As a result, to the best of Defendant Elfant’s knowledge, there have been no issues, difficulties, or problems related to voters that have been issued a unique Voter Identification Number by the Texas Secretary of State’s office.

INTERROGATORY NO. 4:

State and describe how, consistent with the requirements of SB 1111, a college student who considers Travis County their home, but temporarily relocated to another county or state to attend college, would register to vote in Travis County.

OBJECTIONS:

Defendant Elfant objects to this interrogatory to the extent that it calls for speculation as to necessary facts in order to apply the provisions of the Texas Election Code to a particular application. Defendant Elfant also objects to this interrogatory to the extent that it calls for an expert legal opinion regarding statutory interpretation and construction that Defendant Elfant is not qualified to provide. Subject to, and without waiving, the foregoing objections, Defendant Elfant answers as follows:

RESPONSE:

In general, Defendant Elfant processes all voter registration application forms based on the information provided by the voter on the face of the form. Defendant Elfant would also refer to Address Guidance from the Texas Secretary of State’s office, as well as the Texas Election Code, including, but not limited to, Sections 1.015, 13.002, 13.072, 15.053 and 15.054. In particular, Sections 15.053(a)(3), 15.054(d) and (f) would apply to voters enrolled as students at an institution of higher education.

INTERROGATORY NO. 5:

State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Travis County in response to the new requirements of SB 1111.

OBJECTIONS:

Defendant Elfant objects to this interrogatory because it would require speculation as to an election administrator's or other election official's policies and practices; Defendant Elfant is not an Elections Administrator for Travis County or any political subdivisions located within Travis County. Defendant Elfant's role is limited to those powers and duties of a voter registrar under the Texas Election Code. Defendant Elfant further objects to this interrogatory to the extent that it requires speculation as to numerous facts related to voter registration applications, as well as an expert legal opinion regarding statutory interpretation and construction. Subject to and without waiving the foregoing objections, Defendant Elfant responds as follows:

RESPONSE:

Defendant Elfant does not anticipate any substantial changes to existing policies and practices regarding the processing of voter registration applications or maintenance of voter rolls in Travis County. To the extent necessary, Defendant Elfant will make necessary changes to comply with the provisions of S.B. 1111 in accordance with the Address Guidance and forms approved by the Texas Secretary of State's Office with regard to S.B. 1111.

INTERROGATORY NO. 6:

State and explain your definition of the phrase "establish residence for the purpose of influencing the outcome of a certain election," as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms "establish residence," "for the purpose of," and "influencing the outcome of a certain election" to mean.

OBJECTIONS:

Defendant Elfant objects to this interrogatory to the extent that it requires speculation as to numerous facts related to voter registration applications, as well as an expert legal opinion regarding statutory interpretation and construction. Subject to and without waiving the foregoing objections, Defendant Elfant responds as follows

RESPONSE:

Defendant Elfant intends to comply with all applicable laws, including the Texas Election Code as revised by SB 1111. Defendant Elfant will apply and rely on any definitions of such terms contained in the Texas Election Code and, if the terms are not specifically defined, the Address Guidance and any other guidance and opinions of the Secretary of State relative to the meaning of such terms. In the absence of either a statutory definition or specific guidance from the Texas Secretary of State's office, Defendant Elfant will utilize the plain and commonly understood meanings of such terms.

INTERROGATORY NO. 7:

State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

OBJECTIONS:

Defendant Elfant objects to this interrogatory to the extent that it requires speculation as to numerous facts related to voter registration applications, as well as an expert legal opinion regarding statutory interpretation and construction. Subject to and without waiving the foregoing objections, Defendant Elfant responds as follows

RESPONSE:

Defendant Elfant intends to comply with all applicable laws, including the Texas Election Code as revised by SB 1111. Defendant Elfant will apply and rely on any definitions of such terms contained in the Texas Election Code and, if the terms are not specifically defined, the Address Guidance and any other guidance and opinions of the Secretary of State relative to the meaning of such terms. In the absence of either a statutory definition or specific guidance from the Texas Secretary of State’s office, Defendant Elfant will utilize the plain and commonly understood meanings of such terms.

INTERROGATORY NO. 8:

State and explain your definition of the phrase “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,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” to mean.

OBJECTIONS:

Defendant Elfant objects to this interrogatory to the extent that it requires speculation as to numerous facts related to voter registration applications, as well as an expert legal opinion regarding statutory interpretation and construction. Subject to and without waiving the foregoing objections, Defendant Elfant responds as follows

RESPONSE:

Defendant Elfant intends to comply with all applicable laws, including the Texas Election Code as revised by SB 1111. Defendant Elfant will apply and rely on any definitions of such terms contained in the Texas Election Code and, if the terms are not specifically defined, the Address Guidance and any other guidance and opinions of the Secretary of State relative to the meaning of such terms. In the absence of either a statutory definition or specific guidance from the Texas Secretary of State’s office, Defendant Elfant will utilize the plain and commonly understood meanings of such terms.


VERIFICATION

STATE OF TEXAS

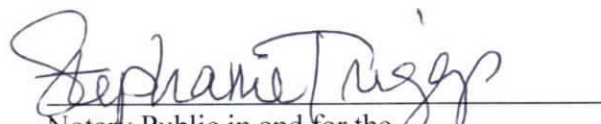
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COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Voter Registration Director Gretchen Nagy, known to me to be the person whose name is subscribed below, and upon first being duly sworn, on her oath deposed and stated that she has read the above and foregoing Objections and Answers to Plaintiff's First Set of Interrogatories, and that each and every statement contained therein is within her knowledge and is true and correct.

By: 
Gretchen Nagy, Voter Registration Director
Travis County Tax Office

SUBSCRIBED AND SWORN TO BEFORE ME on this 29th day of November, 2021, to certify which witness my hand and official seal.


Notary Public in and for the
State of T E X A S



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS STATE LULAC, *et al.*

Plaintiffs,

V.

BRUCE ELFANT, in his official capacity as
the Travis County Tax Assessor-Collector, et al

Defendants.

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Civil Action No. 1:21-cv-00546-LY

**DEFENDANT ISABEL LONGORIA'S OBJECTIONS AND ANSWERS
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

To: Plaintiffs Texas State LULAC and Voto Latino, by and through their counsel of record,
Kassi Yukevich, Elias Law Group LLP, 10 G Street NE, Ste. 600, Washington, D.C. 20002.

Defendant Isabel Longoria ("Longoria" or "Defendant"), in her official capacity as the
Harris County Elections Administrator, pursuant to Rule 34 and 26 of the Federal Rules of Civil
Procedure, now serves its Objections and Answers to Plaintiffs' First Set of Interrogatories
heretofore propounded upon it in the above entitled and numbered cause.

Respectfully submitted,

OF COUNSEL:

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Harris County Attorney

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**ATTORNEY FOR DEFENDANT
ISABEL LONGORIA**

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2021, a true and correct copy of **OBJECTIONS AND RESPONSES OF DEFENDANT ISABEL LONGORIA TO PLAINTIFFS' FIRST SET OF INTERROGATORIES** was delivered electronically to counsel of record.

/s/ Sameer S. Birring

Sameer S. Birring

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PLAINTIFFS' FIRST SET OF INTERROGATORIES TO
DEFENDANT ISABEL LONGORIA

1. Identify and describe all of Harris County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

RESPONSE: Harris County does not have an interest served by SB 1111. Defendant does not know what interest of the State is served by SB 1111.

2. State and describe Harris County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

RESPONSE: It is the responsibility of eligible individuals to register to vote, and for registered voters to update their registration with new addresses when necessary. The Office of the Harris County Elections Administrator makes voter registration forms available for eligible voters, including via its website to download, and sends outreach teams to reach eligible voters, including transient voters.

Harris County also liaises daily with the State database to incorporate updates from the State regarding new addresses.

3. State and describe any issues, difficulties, or problems that have occurred in Harris County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

RESPONSE: Harris County objects to this interrogatory as vague, particularly the use of undefined terms including "issues," "difficulties," "problems," and "commercial post office box."

Without waiving these objections, Defendant responds that Harris County has not experienced issues, difficulties, or problems related to such registration. The Election Administrator's Office registers voters at the address the voters provide as their "Residence Address." If the voter provides a post office box in the "Residence Address" field, the application is rejected.

4. State and describe how, consistent with the requirements of SB 1111, a college student who considers Harris County their home, but temporarily relocated to another county or state to attend college, would register to vote in Harris County.

RESPONSE: Defendant objects to this Interrogatory as it is vague and unclear what information the Plaintiff is seeking is from the Defendant. Defendant also objects to this Interrogatory as it

seeks a legal conclusion. Without waiving this objection, Defendant responds that such a person would register to vote by providing a signed, complete voter registration application to Defendant.

5. State and describe how policies related to voter registration, voter roll maintenance, or election administration will change in Harris County in response to the new requirements of SB 1111.

RESPONSE: SB 1111 will change policies related to sending of confirmation notices, as provided by the Secretary of State's guidance, and the new confirmation notices promulgated by the Secretary of State. Pursuant to Rule 33(d), Defendant refers Plaintiff to previously produced documents LONGORIA 84-115 for the new forms used by the Defendant, as well as the guidance from the Secretary of State describing how policies related to voter registration and voter roll maintenance will change due to SB 1111.

6. State and explain your definition of the phrase "establish residence for the purpose of influencing the outcome of a certain election", as used in Section 1 of SB1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms "establish residence", "for the purpose of", and "influencing the outcome of a certain election" to mean.

RESPONSE: Defendant objects to this interrogatory as it seeks a legal conclusion. This interrogatory is also not reasonably calculated to lead to admissible evidence from the Defendant. Without waiving this objection, the Defendant understands the words and phrases to mean what the relevant statutes provide.

7. State and explain your definition of the phrase "a person may not establish a residence at any place the person has not inhabited", as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms "establish residence", and "inhabited" to mean.

RESPONSE: Defendant objects to this interrogatory as it seeks a legal conclusion. This interrogatory is also not reasonably calculated to lead to admissible evidence from the Defendant. Without waiving this objection, the Defendant understands the words and phrases to mean what the relevant statutes provide.

8. State and explain your definition of the phrase "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," as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms "designate," "previous residence," "fixed place of habitation," "inhabits the place at the time of designation," and "intends to remain" to mean.

RESPONSE: Defendant objects to this interrogatory as it seeks a legal conclusion. This interrogatory is also not reasonably calculated to lead to admissible evidence from the Defendant. Without waiving this objection, the Defendant understands the words and phrases to mean what the relevant statutes provide.

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VERIFICATION

THE STATE OF TEXAS

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§

COUNTY OF HARRIS


§

I make this declaration pursuant to 28 U.S.C. § 1746:

My name is Isabel Longoria. I am over the age of eighteen and I have never been convicted of a crime of moral turpitude. I am fully qualified to make this verification. The facts herein stated in Defendant Isabel Longoria's Objections and Responses to Plaintiffs' First Set of Interrogatories are within my personal knowledge and are true and correct or are within the personal knowledge of the Elections Administrator staff, or are based on the books and records of the Harris County Elections Administration in such instances are believed by me to be true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 11/18/2021



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JOHN CREUZOT
DISTRICT ATTORNEY
CIVIL DIVISION
DALLAS COUNTY, TEXAS

November 18, 2021

Via E-Mail

Kathryn E. Yukevich
Elias Law Group LLP
10 G St. NE
Suite 600
Washington, DC 20002

Dear Ms. Yukevich:

Re: Texas State LULAC, et. al. v. Bruce Elfant, in his official capacity as Travis County Tax Assessor-Collector, et. al. Civil Action No. 1:21-cv-546-LY, United States District Court for the Western District of Texas (Austin Division)

Dear Ms. Yukevich:

I have enclosed Defendant Michael Scarpello's Responses to Plaintiff's First Set of Interrogatories in the above-referenced case. I have also enclosed copies of The Texas Secretary of State's Election Advisory No. 2021-10 and a copy of a PowerPoint Presentation relative to SB 1111 made by the Texas Secretary of State's Office at its Election Law Seminar in August of 2021. The title of this presentation was "A Review of the Address Confirmation Process."

These two (2) documents were included in the documents previously produced by Defendant Scarpello in response to Plaintiff's Request for Production in September of 2022, albeit in slightly different forms. For instance, the copy of Election Advisory No. 2021-10 previously produced was in the form of a memorandum, where the copy enclosed with this letter was printed from the Texas Secretary of State's website on November 17, 2021. The one printed from the website references the newly sworn in Texas Secretary of State, John Scott. I believe that the documents are otherwise identical. Additionally, the enclosed PowerPoint presentation is from the Election Law Seminar put on by the Texas Secretary of State's Office in August of 2021. The Power Point presentation was printed as a .pdf document to be included with this letter and the interrogatory responses. Please note that the date in the lower left hand corner footer of each Power Point slide enclosed herein is 11/18/2021, even though the presentation was made in August at the Election Law Seminar. The date is apparently automatically updated when printed; hence the date of 11/18/2021. Otherwise, we believe that the substance of the Power Point previously produced and the one enclosed herein are the same.

We are enclosing these documents with the interrogatory responses because the documents are referenced in Mr. Scarpello's answers. The enclosed documents should be considered as part of his interrogatory responses, as noted.

On a personal note, Friday, November 19, 2021 will be my last day with the Dallas County District Attorneys Office. I am returning to private practice. Regrettably, that means I will no longer be representing Mr. Scarpello or otherwise involved in this case after tomorrow. Barbara Nicholas and Ben Stool will continue as attorneys of record in this case.

Sincerely,



Earl S. Nesbitt
Assistant District Attorney – Civil Division
Counsel for Michael Scarpello in his official
capacity as Dallas County Election Administrator

cc:

VIA EMAIL (unless otherwise noted)

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Via Regular Mail

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*Counsel for Intervenor Texas Attorney
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IN THE UNITED STATES DISTRICT COURT
FOR THE 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, et al.,
Defendants.

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CIVIL ACTION NO.

1:21-CV-00546-LY

**DEFENDANT MICHAEL SCARPELLO'S RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO: Plaintiffs, through its attorneys of record, Kassi Yukeyich, Elias Law Group LLP, 10 G Street NE, Suite 600, Washington, D.C. 20002

COMES NOW, Defendant Michael Scarpello, pursuant to Federal Rule of Civil Procedure 26 and 33, and submits his responses to Plaintiffs' First Set of Interrogatories.

JOHN CREUZOT
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

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Attorneys for Defendant Michael Scarpello in
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Administrator

CERTIFICATE OF SERVICE

I certify that on November 18, 2021, Defendant Michael Scarpello's Responses to Plaintiffs' First Interrogatories was served as set forth below to the following attorneys of record.

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/s/ Earl S. Nesbitt
Assistant District Attorney

INTERROGATORY RESPONSES

INTERROGATORY NO. 1. Identify and describe all of Dallas County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

RESPONSE:

Defendant Scarpello objects to this interrogatory because it is vague, ambiguous, overbroad and confusing and burdensome and harassing because it purports to impose upon Defendant Scarpello the obligation to speculate, and identify and describe the interests of all of Dallas County and/or the State of Texas that are purportedly served by Section 14 of HB 3107. Defendant Scarpello cannot speak for all of Dallas County or the State of Texas and objects to the request to the extent that it calls for speculation as to all of Dallas County and/or the State of Texas. Defendant further objects to this interrogatory in that it seeks information that is more within the knowledge of the State Defendants.

Subject to and without waiver of these objections, SB 1111 revises, amends, and adds to/deletes certain sections of the Texas Election Code relative to the residence of those individuals registering to vote. Dallas County Election Administrator's interests relative to SB 1111, or any provision of the Texas Election Code, is to comply with the law.

INTERROGATORY NO. 2. State and describe Dallas County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

RESPONSE:

Defendant Scarpello assumes that this interrogatory is directed to Defendant Scarpello, in his capacity as Dallas County Elections Administrator, and this interrogatory does not seek to have Defendant Scarpello answer this interrogatory for all of Dallas County. Therefore, Defendant Scarpello objects to this interrogatory, as being vague, ambiguous, overbroad and confusing and burdensome and harassing and calls for Defendant Scarpello to speculate.

Defendant Scarpello can only answer this interrogatory from his standpoint as Dallas County Elections Administrator. Defendant also objects to this interrogatory to the extent that it requests information that will not be known until after the Texas Secretary of State provides additional guidance relative to SB 1111.

Subject to and without waiver of these objections, the Dallas County Elections Administrator and Dallas County Elections Department allows transient voters without a residence address to register to vote by describe where they live in the "Residence Address" section of the Texas Voter Registration Application.

As to voters with a different address on a daily, weekly, or monthly basis, the Dallas County Elections Department would process any registration application received from a such a voter as frequently as that voter might submit such applications.

Defendant Scarpello intends to apply SB 1111 and any guidance and opinions of the Secretary of State relative to SB 1111, including any specific statutory provisions relative to "transient voters," as that term is defined above (i.e. those who reside at different addresses daily, weekly, or monthly.) The Texas Secretary of State has issued Election Advisory No. 2021-10 relative to SB 1111 on August 31, 2021. The Texas Secretary of State also made a presentation relative to SB 111 at its Election Law Seminar in August of 2021. The title of the PowerPoint presentation by the Texas Secretary of State was "A Review of the Address Confirmation Process." Dallas County Elections Administrator anticipates further guidance from the Texas Secretary of State relative to SB 1111, possibly including guidance relative to so-called "transient voters."

INTERROGATORY NO. 3. State and describe any issues, difficulties, or problems that have occurred in Dallas County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

RESPONSE:

Defendant Scarpello objects to this interrogatory because it is vague as to “issues, difficulties, or problems.” Subject to and without waiver of this objection, when an applicant lists a post office box or commercial post office box as their address on their voter registration application, the Dallas County Elections Department sends a “Notice of Incomplete Information on Voter Registration Application.” The applicant is asked to return this form with information that clarifies the applicant’s actual residence, so that the individual could be properly and accurately registered to vote.

Prior to 2012, the County used street ranges in its voter file which sometimes made it difficult to identify a commercial post office box. Since 2012, the County has utilized a point address file that makes it much easier to identify non-residential addresses. As a result, there are few current difficulties related to voters with a P.O. Box as their residence address.

INTERROGATORY NO. 4. State and describe how, consistent with the requirements of SB 1111, a college student who considers Dallas County their home, but temporarily relocated to another county or state to attend college, would register to vote in Dallas County.

RESPONSE:

Defendant Scarpello objects to this interrogatory, as being vague, ambiguous, overbroad, and confusing. Defendant also objects to this interrogatory to the extent that it requests information that will not be known until after the Secretary of State provides additional guidance on SB 1111. Subject to and without waiver of said objections, Defendant Scarpello and the Dallas County Elections Department registers college students, and others who seek to register to vote in Dallas County, in accordance with the Texas Election Code, SB 1111, and the guidance and opinions provided by the Texas Secretary of State. However, SB 1111 and the guidance provided by the Texas Secretary of State are still somewhat unclear, confusing, and/or conflicting in relation to the language in Texas Election Code, section 1.015(F) and Dallas County would like further guidance from the Secretary of State regarding this section. Until such guidance is received, Defendant Scarpello will continue to allow Dallas County residents who leave Dallas County on a temporary basis to attend college, but who wish to register or remain registered voters in Dallas County, to do so.

INTERROGATORY NO. 5. State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Dallas County in response to the new requirements of SB 1111.

RESPONSE:

Defendant Scarpello objects to this interrogatory to the extent that it is overly broad and calls for speculation – i.e. Defendant Scarpello does not yet know each and every way how policies and practices relating to voter registration, voter roll maintenance, and election administration will change to comply with SB 1111.

Subject to and without waiver of these objections, and upon information and belief, the Dallas County Elections Department is utilizing the forms provided by the Texas Secretary of State relative to voter registration to adhere to the requirements of the Texas Election Code, as required by SB 1111. Additionally, the Dallas County Elections Administrator and Dallas County Elections Department intends to apply SB 1111 and any current or future guidance and opinions of the Secretary of State relative to SB 1111, including any specific statutory provisions. The Texas Secretary of State issued Election Advisory No. 2021-10 relative to SB 1111 on August 31, 2021. Dallas County Elections Administrator anticipates further guidance from the Texas Secretary of State relative to SB 1111. It is possible that the policies and practices of Dallas County Elections Department will be modified to comply with the Texas Elections Code, including SB 1111.

INTERROGATORY NO. 5 (second No. 5 included in Plaintiffs' interrogatories).

State and explain your definition of the phrase “establish residence for the purpose of influencing the outcome of a certain election,” as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to mean.

RESPONSE:

Defendant Scarpello objects to this interrogatory as being vague and ambiguous. Defendant Scarpello also objects to this request to the extent that it calls for a legal conclusion or otherwise requires Defendant Scarpello to surmise the intention, meaning or purpose, and interpretation of a Texas statute.

Subject to and without waiver of these objections, the phrase is vague, unclear, and/or confusing. Defendant Scarpello intends to comply with all applicable laws, including the Texas Election Code and the revisions to same included in SB 1111. Dallas County Elections Administrator and Dallas

County Elections Department intends to apply and rely on any guidance and opinions of the Secretary of State relative to SB 1111, including any specific guidance related to defining the phrase and terms which are the subject of this interrogatory.

The Texas Secretary of State has issued Election Advisory No. 2021-10 relative to SB 1111 on August 31, 2021, and also presented a PowerPoint entitled “A Review of the Address Confirmation Process” at its Election Law Seminar in August of 2021. The Dallas County Elections Administrator anticipates further guidance from the Texas Secretary of State relative to SB 1111 and such guidance may address the phrase and terms referenced above and any actions that are expected of voter registrars. In the absence of any guidance, Defendant Scarpello understands the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election,” in accordance with the definitions provided by the Texas Election Code and, if no definition is provided, then the general meaning of such terms.

Without that guidance, it is difficult to determine how election officials and voter registrars would be able to determine with certainty whether a particular individual who is attempting to register to vote in Dallas County is trying to establish their residence for the purpose of influencing an election, or whether a voter registrar is expected to take any actions related to this particular language. Defendant Scarpello is also unclear as to those acts might constitute “influencing the outcome of a certain election” without further guidance from the Texas Secretary of State.

INTERROGATORY NO. 6. State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, amending Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

RESPONSE:

Defendant Scarpello objects to this interrogatory as being vague and ambiguous. Defendant Scarpello also objects to this request to the extent that it calls for a legal conclusion or otherwise requires Defendant Scarpello to surmise the intention, meaning, or purpose, and interpretations of, a statute.

Subject to and without waiver of these objections, Defendant Scarpello intends to comply with all applicable laws, including the Texas Election Code and the revisions to same included in SB 1111. Dallas County Elections Administrator and Dallas County Elections Department also intends to apply and rely on any guidance and opinions of the Secretary of State relative to SB 1111, including any specific guidance relative to the phrase and terms which are the subject of this interrogatory.

The Texas Secretary of State has issued Election Advisory No. 2021-10 relative to SB 1111 on August 31, 2021 and also presented a PowerPoint entitled “A Review of the Address Confirmation Process” at its Election Law Seminar in August of 2021. This PowerPoint stated, 1) Common Law is still relevant. 2) Courts will evaluate residency disputes in light of case law AND new

language in Section 1.015. 3) Change in statute may affect how you answer voter questions. 4) Voter Registrars will continue to evaluate what is on the face of a voter registration application.

The Dallas County Elections Administrator anticipates further guidance from the Texas Secretary of State relative to SB 1111. It is possible that such guidance will address the phrase and terms referenced above.

In the view of Defendant Scarpello, the phrase “establish a residence,” means establishing a residence for the purpose of registering to vote. The word “inhabited” is used with its usual definition, generally meaning the place where a person is staying or living at a particular time.

INTERROGATORY NO. 7. State and explain your definition of the phrase “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,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” to mean.

RESPONSE:

Defendant Scarpello objects to this interrogatory as being vague and ambiguous. Defendant Scarpello also objects to this request to the extent that it calls for a legal conclusion or otherwise requires Defendant Scarpello to surmise the intention, meaning, or purpose, and interpretations of, a statute..

Subject to and without waiver of these objections, Defendant Scarpello intends to comply with all applicable laws, including the Texas Election Code and the revisions to same included in SB 1111. Dallas County Elections Administrator and Dallas County Elections Department also intends to apply and rely on any guidance and opinions of the Secretary of State relative to SB 1111, including any specific guidance relative to the phrase and terms which are the subject of this interrogatory. The Texas Secretary of State has issued Election Advisory No. 2021-10 relative to SB 1111 on August 31, 2021 and also presented a PowerPoint entitled “A Review of the Address Confirmation Process” at its Election Law Seminar in August of 2021. This PowerPoint stated, 1) Common Law is still relevant. 2) Courts will evaluate residency disputes in light of case law AND new language in Section 1.015. 3) Change in statute may affect how you answer voter questions. 4) Voter Registrars will continue to evaluate what is on the face of a voter registration application. Dallas County Elections Administrator anticipates further guidance from the Texas Secretary of State relative to SB 1111. It is possible that such guidance will address the phrase and terms referenced above. Defendant Scarpello interprets and understands the terms and phrases which

are the subject of this interrogatory in accordance with the definitions provided by the Texas Election Code and, if no definition is provided, then the general meaning of such terms.

In the absence of further guidance from the Secretary of State, the phrase is confusing because it references a previous address, but then contemplates that the individual is “presently” living there. It is unclear what “fixed” means in the context of “fixed place of habitation.” Defendant Scarpello interprets the words “habitation” and “inhabits” should be used with their usual definition, meaning the place where a person is staying or living. Defendant Scarpello interprets the phrase “inhabits the place at the time of designation” means that the individual who is attempting to register to vote and has designated a particular place as their residence for purposes of registering to vote in the jurisdiction where that “place” is located. Defendant Scarpello interprets that “intends to remain” means that when the person designates a particular place as their residence for purposes of registering to vote, that they have an intention of remaining at that place for some unspecified period of time.

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VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL SCARPELLO, who, being by me first duly sworn, deposed and stated as follows:

My name is Michael Scarpello. I am over 21 years of age and have never been convicted of any felony or crime of moral turpitude. I have reviewed the foregoing answers to the foregoing interrogatories propounded to me in Civil Action No. 1:21-CV-00546-LY, which is pending in the United States District Court for the Western District of Texas, Austin Division. Except where I have stated that my answer is based upon information and belief, the assertions of fact contained in my answers are within my personal knowledge and are true and correct.

Further Affiant sayeth not.


Michael Scarpello

SUBSCRIBED AND SWORN TO BEFORE ME on the 18th day of November, 2021, to certify which witness my hand and seal of office.


Notary Public, State of Texas



**IN THE UNITED STATES DISTRICT COURT
FOR THE 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, et
al.,

Defendants.

Civil Action No: 1:21-cv-00546-LY

**DEFENDANT LISA WISE'S AMENDED RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

PROPOUNDING PARTY: PLAINTIFFS TEXAS STATE LULAC AND VOTO LATINO

RESPONDING PARTY: **DEFENDANT LISA WISE**

SET NUMBER: **ONE**

Pursuant to Federal Rule of Civil Procedure 33, Defendant Lisa Wise, in her official capacity as the El Paso County Elections Administrator (“Defendant”), responds as follows to Plaintiffs Texas State LULAC and Voto Latino’s (“Plaintiffs”) First Set of Interrogatories (“Interrogatories”).

1. These responses and objections are made solely for the purpose of and in relation to this matter. Defendant's responses herein are based only upon the information and documentation that is presently available and known to Defendant. It is possible that further investigation, discovery, analysis, legal research, and/or preparation may result in ascertainment of additional documentation or provide additional meaning to currently known factual conclusions

and legal contentions, all of which may result in the modification of these objections and responses. Accordingly, Defendant reserves the right to amend and/or supplement her responses and objections at a later time and to make additional objections that may become apparent. By this statement, however, Defendant does not agree to or adopt any duty to supplement beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules, or any applicable rule or order.

2. The following General Responses and Objections apply to each Interrogatory propounded by Plaintiffs and are incorporated by reference into each of the specific Interrogatory responses with the same force and effect as if set forth in full therein.

GENERAL RESPONSES.

3. Defendant reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to the Interrogatories but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery in this matter.

4. Defendant will not respond to Interrogatories that Defendant or any other party to this litigation deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Texas law, Federal Rule of Civil Procedure 26(c)(7), or Federal Rule of Evidence 501. Under appropriate circumstances, Defendant may agree to respond to such Interrogatories upon the entry of, and subject to, an appropriate protective order against the unauthorized use or disclosure of such information.

5. Defendant reserves all objections or other questions as to the competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of this response and any document or thing identified or provided in response to the Interrogatories.

6. Defendant will not construe the Interrogatories as an attempt to impose discovery

obligations on Defendant beyond those authorized by the Federal Rules of Civil Procedure. Defendant will not undertake discovery obligations beyond those authorized by the Federal Rules of Civil Procedure or the applicable Local Rules.

7. Defendant reserves the right to object on any ground at any time to such other or supplemental interrogatories as Plaintiffs may at any time propound involving or relating to the subject matter of these Interrogatories.

GENERAL OBJECTIONS

8. Defendant objects to all Definitions, Instructions, and Interrogatories inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Interrogatory on the ground that such enlargement, expansion, or alteration renders said Interrogatory vague, ambiguous, unintelligible, overly broad, unduly burdensome, and uncertain.

9. Defendant objects to all Definitions, Instructions, and Interrogatories inclusive, insofar as they seek information protected by the attorney-client privilege, the work product doctrine, the common interest or joint defense privilege, or any other applicable privilege or protection from discovery. Such information or documents shall not be produced in response to the Interrogatories and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such documents or information or documents or of any work product immunity that may attach thereto.

10. Defendant objects to all Definitions, Instructions, and Interrogatories inclusive, to the extent they seek information protected from disclosure pursuant to Texas law or Federal Rule of Evidence 501. Such information shall not be provided in response to the Interrogatories, and any inadvertent production thereof shall not be deemed a waiver of any privilege or right with respect to such information.

11. Defendant objects to Definition 2 to the extent it defines “Communication” to include “oral” transfers of information.

12. Defendant objects to Definition 6 to the extent that such definitions render any Request overly broad or unduly burdensome, seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence, or impose obligations and demands on Defendants beyond those contemplated by the Federal Rules of Civil Procedure, the applicable Civil Local Rules, or any other applicable rules or orders.

13. Defendant objects to Definition 10 to the extent that it defines “relating to,” “regarding,” or “concurring” to include “their cognates” as overly broad. Defendant shall interpret the terms “relating to,” “regarding,” or “concurring” in accordance with their plain meaning.

14. Defendant objects to Definition 12 to the extent it defines “Voter” to mean “all persons who may properly register to vote in Texas by the close of discovery in this case.” This definition is vague and ambiguous in that the close of discovery is not yet set in this case. Defendant will interpret “Voter” to mean any registered or eligible voter as of the date of this response.

15. Defendant objects to Definition 13 to the extent it defines “You” and “your” to include “employees,” “staff,” “agents,” and “representatives” of Defendant’s office. Defendant will interpret “You” to mean Defendant Lisa Wise.

16. Defendant objects to Instruction 14 to the extent it seeks to require Defendant to identify anything other than the specific claim of privilege or work product being made and the grounds for such claim. Defendant objects to Instruction 14 to the extent this instruction seeks to impose an obligation to provide supplemental information greater than that required by the Federal

Rules of Civil Procedure.

17. Defendant objects to Instruction 18 that the Interrogatories are continuing, to the extent said instruction seeks unilaterally to impose an obligation to provide supplemental information greater than that required by the Federal Rules of Civil Procedure and would subject Defendant to unreasonable and undue annoyance, oppression, burden, and expense.

18. Defendant objects to Instruction 19 to the extent that it seeks to impose an obligation to provide supplemental information greater than that required by the Federal Rules of Civil Procedure. Defendant also objects to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, or any applicable privilege or protection.

19. Defendant objects to Instruction 21 to the extent it requires Defendant to identify anything other than the specific claim of privilege being made and the grounds for such claim. Such instructions to “provide both a description of the basis of the privilege and all information necessary for Plaintiffs to assess the claim of privilege” would subject Defendant to unreasonable and undue annoyance, oppression, burden, and expense, and seek information protected from discovery by privilege and the work product doctrine.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES.

Without waiving or limiting in any manner any of the foregoing General Objections, but rather incorporating them into each of the following responses to the extent applicable, Defendant responds to the specific interrogatories of Plaintiffs’ Interrogatories as follows:

INTERROGATORY NO. 1:

Identify and describe all of El Paso County’s and the State’s interests served by SB 1111 and how SB 1111 serves each interest.

RESPONSE TO INTERROGATORY NO. 1:

Subject to the foregoing general objections, Defendant responds that SB 1111 does not

serve El Paso County's interests. Specifically, SB 1111 may suppress lawful voter turnout and its enforcement will impose unnecessary administrative burdens on El Paso County.

INTERROGATORY NO. 2:

State and describe El Paso County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

RESPONSE TO INTERROGATORY NO. 2:

Subject to the foregoing general objections, Defendant responds that Defendant follows the guidance issued by the Texas Secretary of State (SOS) to ensure that voters can (i) register to vote and (ii) remain registered to vote. Specifically, Defendant follows SOS Election Advisory No. 2021-10, issued on August 31, 2021, titled "NEW LAW: SB 1111 (2021, Regular Session) Address Confirmation Process and Forms ("Advisory 2021-10"). Under Texas Election Code Section 13.002, if a voter submits a voter registration form with a valid registration address, El Paso County will process the voter's registration form. 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, Defendant will follow Advisory 2021-10 and mail Form 17-4, titled Notice to Confirm Voter Registration Address by Providing Documentation ("address confirmation form"), to the voter.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the SOS guidance Defendant relies on to ensure that voters can (i) register to vote and (ii) remain registered to vote and documents EPC0000014-17 for Form 17-4, titled Notice to Confirm Voter Registration Address by Providing Documentation.

INTERROGATORY NO. 3:

State and describe any issues, difficulties, or problems that have occurred in El Paso County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

RESPONSE TO INTERROGATORY NO. 3:

Defendant further objects to this Interrogatory on the grounds that it is vague and ambiguous with respect to the term “voter file” as this term requires subjective judgment on the part of Defendant and her attorneys. Defendant will interpret “voter file” to mean the actual records in Defendant’s possession for an individual voter. Defendant also objects to the extent this Interrogatory is overly broad and unduly burdensome as it is not limited to a relevant period of time.

Subject to the foregoing general and specific objections, Defendant responds that El Paso County does not accept voter registration forms that the voter registrar has reason to believe lists a post office box.

INTERROGATORY NO. 4:

State and describe how, consistent with the requirements of SB 1111, a college student who considers El Paso County their home, but temporarily relocated to another county or state to attend college, would register to vote in El Paso County.

RESPONSE TO INTERROGATORY NO. 4:

Subject to the foregoing general objections, Defendant responds that, consistent with the requirements of SB 1111 and in accordance with Advisory 2021-10, all voter registrations with a valid residential address located in El Paso County that are submitted to the El Paso County registrar are processed in the same way. Under Texas Election Code Section 13.002, Defendant

will process a voter registration form with a valid registration address.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the SOS guidance Defendant relies on to process voter registrations.

INTERROGATORY NO. 5:

State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in El Paso County in response to the new requirements of SB 1111.

RESPONSE TO INTERROGATORY NO. 5:

Defendant objects to this Interrogatory on the grounds that it is vague and ambiguous with respect to the term “election administration” as this term is not defined and requires the subjective judgment on the part of Defendant and her attorneys. Defendant shall interpret “election administration” to mean Defendant’s duties in her official capacity as the El Paso County Elections Administrator.

Subject to the foregoing general and specific objections, Defendant responds that under SB 1111 and in accordance with Advisory 2021-10, if Defendant has reason to believe that a voter’s residence address is a post office box or similar location that does not correspond to a residence, Defendant shall mail Form 17-4, titled Notice to Confirm Voter Registration Address by Providing Documentation (“address confirmation form”), to the voter. The voter’s response to the address confirmation form must document the voter’s residence by providing a photocopy of certain documentation that corresponds to the voter’s residence address. The voter must submit the first document, beginning with Subdivision (1) and continuing through Subdivision (6), listed in Texas Election Code Section 15.054 that corresponds to their residence, as defined by Section 1.015 of the Texas Election Code.

If a voter's registration is challenged on the grounds that they are registered at a commercial post office box address or similar location that does not correspond to a residence, Defendant shall mail Form 17-4, titled Notice to Confirm Voter Registration Address by Providing Documentation ("address confirmation form"), to the voter. The voter's response to the address confirmation form must document the voter's residence by providing a photocopy of certain documentation that corresponds to the voter's residence address. The voter must submit the first document, beginning with Subdivision (1) and continuing through Subdivision (6), listed in Texas Election Code Section 15.054 that corresponds to their residence, as defined by Section 1.015 of the Texas Election Code.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the SOS guidance explaining how Defendant's policies or practices related to voter registration, voter roll maintenance, or election administration will change in El Paso County in response to the new requirements of SB 1111.

INTERROGATORY NO. 6:

State and explain your definition of the phrase "establish residence for the purpose of influencing the outcome of a certain election," as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms "establish residence," "for the purpose of," and "influencing the outcome of a certain election" to mean.

RESPONSE TO INTERROGATORY NO. 6:

Subject to the foregoing general objections, Defendant responds as follows: the term "residence" is defined under Section 1.015(a) of the Texas Election Code to mean "domicile" or "one's home and fixed place of habitation to which one intends to return after any temporary absence." Defendant does not determine what the terms "establish residence," "for the purpose

of,” and “influencing the outcome of a certain election” mean. To the extent these terms are defined, Defendant’s understanding of these terms is consistent with Advisory 2021-10.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the documents that are sufficient to show Defendant’s understanding of the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” as used in SB 1111.

INTERROGATORY NO. 7:

State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, amending Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

RESPONSE TO INTERROGATORY NO. 7:

Subject to the foregoing general objections, Defendant responds as follows: the term “residence” is defined under Section 1.015(a) of the Texas Election Code to mean “domicile” or “one’s home and fixed place of habitation to which one intends to return after any temporary absence.” Defendant does not determine what the terms “establish a residence” and “inhabited” mean. To the extent these terms are defined, Defendant’s understanding of these terms is consistent with Advisory 2021-10.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the documents that are sufficient to show Defendant’s understanding of the terms “establish a residence” and “inhabited” as used in SB 1111, as such records are maintained in the ordinary course of business.

INTERROGATORY NO. 8:

State and explain your definition of the phrase “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,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” to mean.

RESPONSE TO INTERROGATORY NO. 8:

Defendant further objects to this Interrogatory on the grounds that it is vague and ambiguous with respect to the terms “inhabit” and “intends to remain” as these terms are not defined and require the subjective judgment on the part of Defendant and her attorneys.

Subject to the foregoing general and specific objections, Defendant responds as follows: the term “residence” is defined under Section 1.015(a) of the Texas Election Code to mean “domicile” or “one’s home and fixed place of habitation to which one intends to return after any temporary absence.” Defendant does not determine what the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” mean. To the extent these terms are defined, Defendant’s understanding of these terms is consistent with Advisory 2021-10. Under Advisory 2021-10, Defendant understands the term “designate” to mean the residence address listed by a voter in a voter registration form or on an address confirmation form.

Pursuant to Rule 33(d), Defendant refers Plaintiffs to previously produced documents EPC0000008-12 for the documents that are sufficient to show Defendant’s understanding of the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time

of designation,” and “intends to remain” as used in SB 1111.

Dated: December 1, 2021

Respectfully submitted,

/s/ Orion Armon

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**Admitted pro hac vice*

*Attorneys for Lisa Wise, in her official
capacity as the El Paso County Elections
Administrator*

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2021, Defendant Lisa Wise's Amended Objections and Responses to Plaintiffs' First Set of Interrogatories was served upon each attorney of record.

/s/ Orion Armon

Orion Armon (CO SBN 34923)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE 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, et al**

Defendants.

§
§
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§

Case No: 1:21-CV-546

**DEFENDANT YVONNE RAMÓN'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO: Plaintiffs, Texas State LULAC and Voto Latino, by and through their attorneys of record:

Kathryn E. Yukevich
ELIAS LAW GROUP LLP
10 G St. NE, Ste. 600
Washington, DC 20002
kyukevich@elias.law

Defendant, Yvonne Ramón, makes these Objections and Responses to Plaintiffs' Interrogatories pursuant to the Federal Rules of Civil Procedure.

Respectfully submitted,

RICARDO RODRIGUEZ, JR.
CRIMINAL DISTRICT ATTORNEY
HIDALGO COUNTY, TEXAS

/s/ Josephine Ramirez-Solis
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ATTORNEY FOR DEFENDANT
YVONNE RAMÓN

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Defendant Yvonne Ramón's Objections and Responses to Plaintiffs' Interrogatories has been served in accordance with the Federal Rules of Civil Procedure on November 18, 2021, to the following:

VIA EMAIL:

Kathryn E. Yukevich
ELIAS LAW GROUP LLP
10 G St. NE, Ste. 600
Washington, DC 20002
kyukevich@elias.law

/s/ Josephine Ramirez-Solis
Josephine Ramirez-Solis

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Responses to Interrogatories

INTERROGATORY NO. 1.

Identify and describe all of Hidalgo County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

Response: Defendant objects to this request to the extent Yvonne Ramon is not the appropriate party to respond to inquiries on behalf of the State of Texas. Subject to and without waiving said objection, as the Elections Administrator for the County of Hidalgo, SB 1111 amends provisions of the Texas Election Code which includes modifications to the definition of "residence" as well as the process to be used for address confirmations including corresponding forms provided by the Texas Secretary of State.

INTERROGATORY NO. 2:

State and describe Hidalgo County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

Response: Upon receipt of a voter application, whether it is a new application or a change or a replacement, the Hidalgo County Elections Department processes all submissions according to the Texas Election Code and regulations and advisories promulgated by the Texas Secretary of State.

INTERROGATORY NO. 3:

State and describe any issues, difficulties, or problems that have occurred in Hidalgo County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

Response: Upon receipt of an application, whether it is a new registration or change of address, a determination is made as to whether or not the address identified by the voter can be assigned to a precinct within the County. Address confirmation notices are sent to the voter in accordance with the Texas Election Code, if necessary. In the event the voter does not respond to a confirmation notice, the voter is placed on the suspense list and may vote after completing a Statement of Residence in the form prescribed by the Texas Secretary of State.

INTERROGATORY NO. 4:

State and describe how, consistent with the requirements of SB 1111, a college student who considers Hidalgo County their home, but temporarily relocated to another county or state to attend college, would register to vote in Hidalgo County.

Response: Defendant objects to this request to the extent this interrogatory asks for a legal conclusion in asking Defendant to interpret and apply the statute to facts over which this Defendant has insufficient knowledge and/or information. Subject to and without waiving said objection, upon submission of a voter application, the Hidalgo County Elections Department processes all new voter registrations and changes of address with the information provided by the voter. The voter provides the information and must make the determination as to their residence in accordance with the requirements of SB 1111.

INTERROGATORY NO. 5:

State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Hidalgo County in response to the new requirements of SB 1111.

Response: The Hidalgo County Elections Department will continue to follow the requirements of the Texas Election Code and other applicable law, as well as guidance from the Texas Secretary of State. The Secretary of State has promulgated new forms for the address confirmation notice and address confirmation response.

INTERROGATORY NO. 6:

State and explain your definition of the phrase “establish residence for the purpose of influencing the outcome of a certain election,” as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to mean.

Response: Defendant objects to this request to the extent this interrogatory asks for a legal conclusion in asking Defendant to interpret and apply the statute to facts over which this Defendant has insufficient knowledge and/or information. Subject to and without waiving said objection, Defendant would refer to the definition provided in Section 1 of SB 1111.

INTERROGATORY NO. 7:

State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

Response: Defendant objects to this request to the extent this interrogatory asks for a legal conclusion in asking Defendant to interpret and apply the statute to facts over which this Defendant

has insufficient knowledge and/or information. Subject to and without waiving said objection, Defendant would refer to the definition provided in Section 1 of SB 1111.

INTERROGATORY NO. 8:

State and explain your definition of the phrase “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,” as used in Section 1 of SB 1111, adding section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “designate,” “previous residence,” “fixed place of habitation,” “inhabits the place at the time of designation,” and “intends to remain” to mean.

Response: Defendant objects to this request to the extent this interrogatory asks for a legal conclusion in asking Defendant to interpret and apply the statute to facts over which this Defendant has insufficient knowledge and/or information. Subject to and without waiving said objection, Defendant would refer to the definition provided in Section 1 of SB 1111.

VERIFICATION

I, Yvonne Ramón, verify that I have read the foregoing Defendant Yvonne Ramón's Responses and Objections to Plaintiffs' First Set of Interrogatories and that the answers contained therein are true and correct to the best of my information, knowledge, and belief.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on November 18, 2021



Yvonne Ramón

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IN THE UNITED STATES DISTRICT COURT
FOR THE 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 NO. 1:21-cv-546

INTERVENOR-DEFENDANT TERRIE PENDLEY'S OBJECTIONS AND ANSWERS
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Intervenor-Defendant Terrie Pendley hereby serves her Objections and Answers to
Plaintiffs' First Set of Interrogatories.

Respectfully submitted,

/s/Chad Ennis

CHAD ENNIS

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Attorney for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of November, 2021 a true and correct copy of the foregoing Intervenor-Defendant Terrie Pendley's Objections and Answers to Plaintiffs' First Set of Interrogatories was served via electronic mail upon all counsel of record.

/s/Chad Ennis
CHAD ENNIS

GENERAL OBJECTIONS

Intervenor-Defendant Pendley objects to Plaintiffs' definitions and instructions as vague and overbroad to the extent they exceed the requirements of the Federal Rules of Civil Procedure, this Court's Local Rules, and to the extent that they could be interpreted to require the disclosure of information that is exempt from discovery or privileged. Intervenor-Defendant responds to these Interrogatories pursuant to their meaning as written, subject to and without waiving any of the foregoing general objections, and as required by the Federal Rules of Civil Procedure.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1. Identify and describe all of Real County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

ANSWER: Intervenor-Defendant objects to the Interrogatory in that it calls for knowledge beyond Real County's in that it asks for the State's interests. Defendant is unaware of the knowledge of the State and cannot speculate as to its interests. Subject to the foregoing objection, Defendant responds that: SB 1111 prevents voter fraud by ensuring that voter's register in the location and precinct where they reside. It is in Real County's interest that elections are secure and that people who are not eligible to vote in Real County are not able to do so. SB 1111 lessens the likelihood that people who are not residents of Real County can vote in Real County elections. SB 1111 lowers the risk of nonresidents voting by requiring each voter to supply his physical address.

INTERROGATORY NO. 2. State and describe Real County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

ANSWER: Real County follows the procedures set forth in the Texas Election Code as further described in Advisory Number 2021-10 from the Texas Secretary of State. A person who has no address and attempts to register without an address and is sent a Notice of Address Confirmation and can utilize the affidavit provisions of Section 15.054(b) of the Texas Election Code. The voter can file an affidavit and provide a concise description of the location of the voter's residence and can be registered to vote using that location and can remain registered to vote. If a voter follows the procedure, then the statement is accepted; Real County does not investigate whether the transient voter moves frequently.

INTERROGATORY NO. 3. State and describe any issues, difficulties, or problems that have occurred in Real County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

ANSWER: Intervenor-Defendant objects to the Interrogatory because it is vague as to what is meant by "issues" and the difference, if any, between a post office box and a commercial post office box. Subject to the foregoing objection and to the extent the Interrogatory is understood, Intervenor-Defendant responds that: Intervenor-Defendant is not aware of any issues, difficulties, or problems that have occurred related to voters in Real County using only a post office box as a residence.

INTERROGATORY NO. 4. State and describe how, consistent with the requirements of SB 1111, a college student who considers Real County their home, but temporarily relocated to another county or state to attend college, would register to vote in Real County.

ANSWER: A college student who considers Real County her residence under Section 1.015 of the Texas Election Code, but who temporarily resides outside the county to attend college

would be permitted to register to vote in Real County by providing a physical address in Real County when registering to vote and filling out the applicable voter registration forms.

INTERROGATORY NO. 5. State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Real County in response to the new requirements of SB 1111.

ANSWER: Real County has always required a physical address from a registrant. Our office will not make changes to our voter registration, voter roll maintenance, or election administration policies or procedures due to SB 1111 because we have required voters to register using a physical address all along. To the extent that SB 1111 requires additional documentation and proof of residence when registering, we will follow the Texas Election Code. Real County will also utilize the new forms for Voter Registration listed in Advisory Number 2021-10 from the Texas Secretary of State.

INTERROGATORY NO. 6. State and explain your definition of the phrase “establish residence for the purpose of influencing the outcome of a certain election,” as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to mean.

ANSWER: Defendant objects to this request on the grounds that it calls for a legal conclusion on the interpretation of statutory language. Subject to the foregoing, Defendants responds that: Defendant understands the phrase “establish residence for the purpose of influencing the outcome of a certain election,” “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to have the meaning defined by the Texas Election

Code as interpreted by Texas courts and as set forth in Advisory Number 2021-10 from the Texas Secretary of State.

INTERROGATORY NO. 7. State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

ANSWER: Intervenor-Defendant objects to this request on the grounds that it calls for a legal conclusion on the interpretation of statutory language. Subject to the foregoing, Intervenor-Defendant responds that: Intervenor-Defendant understands the phrase “a person may not establish a residence at any place the person has not inhabited,” “establish a residence,” and “inhabited” to have the meaning defined by the Texas Election Code as interpreted by Texas courts and as set forth in Advisory Number 2021-10 from the Texas Secretary of State.

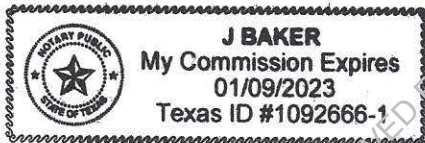
STATE OF TEXAS §
 §
 COUNTY OF Reel §

VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared Terrie Pendley, who being by me duly sworn upon her oath deposed and said she has read the foregoing interrogatories objections and answers and that the statements contained therein are within her personal knowledge are true and correct.

Terrie Pendley
 TERRIE PENDLEY

SUBSCRIBED AND SWORN TO BEFORE ME, J Baker this 19
 day of November, 2021, to certify which, witness my hand and seal of office.



J Baker
 NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE 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 NO. 1:21-cv-546

INTERVENOR-DEFENDANT LUPE TORRES' OBJECTIONS AND ANSWERS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES

Intervenor-Defendant Lupe Torres hereby serves his Objections and Answers to Plaintiffs'
First Set of Interrogatories.

Respectfully submitted,

/s/Chad Ennis

CHAD ENNIS

Texas Bar No. 24045834

cennis@texaspolicy.com

ROBERT HENNEKE

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CHANCE WELDON

Texas Bar No. 24076767

cweldon@texaspolicy.com

TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
Phone: (512) 472-2700
Fax: (512) 472-2728

Attorney for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2021 a true and correct copy of the foregoing Intervenor-Defendant Lupe Torres' Objections and Answers to Plaintiffs' First Set of Interrogatories was served via electronic mail upon all counsel of record:

/s/Chad Ennis

CHAD ENNIS

GENERAL OBJECTIONS

Intervenor-Defendant Torres object to Plaintiffs' definitions and instructions as vague and overbroad to the extent they exceed the requirements of the Federal Rules of Civil Procedure, this Court's Local Rules, and to the extent that they could be interpreted to require the disclosure of information that is exempt from discovery or privileged. Intervenor-Defendant responds to these Interrogatories pursuant to their meaning as written, subject to and without waiving any of the foregoing general objections, and as required by the Federal Rules of Civil Procedure.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1. Identify and describe all of Medina County's and the State's interests served by SB 1111 and how SB 1111 serves each interest.

ANSWER: Defendant objects to the Interrogatory in that it calls for knowledge beyond Medina County's in that it asks for the State's interests. Defendant is unaware of the knowledge of the State and cannot speculate as to its interests. Subject to the foregoing objection, Defendant responds that: SB 1111 prevents voter fraud by ensuring that voter's register in the location and precinct where they reside. It is in Medina County's interest that elections are secure and that people who are not eligible to vote in Medina County are not able to do so. SB 1111 lessens the likelihood that people who are not residents of Medina County can vote in Medina County elections. SB 1111 lowers the risk of nonresidents voting by requiring each voter to supply his physical address.

INTERROGATORY NO. 2. State and describe Medina County's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

ANSWER: Medina County follows the procedures set forth in the Texas Election Code as further described by applicable guidance from the Texas Secretary of State. A person who has no address and attempts to register without an address and is sent a Notice of Address Confirmation and can utilize the affidavit provisions of Section 15.054(b) of the Texas Election Code. The voter can file an affidavit and provide a concise description of the location of the voter's residence and can be registered to vote using that location and can remain registered to vote. If a voter follows the procedure, then the statement is accepted; Medina County does not investigate whether the transient voter moves frequently.

INTERROGATORY NO. 3. State and describe any issues, difficulties, or problems that have occurred in Medina County related to voters whose residency address in the voter file is either a post office box or a commercial post office box.

ANSWER: Intervenor-Defendant objects to the Interrogatory because it is vague as to what is meant by "issues" and the difference, if any, between a post office box and a commercial post office box. Subject to the foregoing objection and to the extent the Interrogatory is understood, Intervenor-Defendant responds that: Intervenor-Defendant is not aware of any attempts to register to vote in Medina County using only a post office box as a residence.

INTERROGATORY NO. 4. State and describe how, consistent with the requirements of SB 1111, a college student who considers Medina County their home, but temporarily relocated to another county or state to attend college, would register to vote in Medina County.

ANSWER: A college student who considers Medina County her residence under Section 1.015 of the Texas Election Code, but who temporarily resides outside the county to attend college would be permitted to register to vote in Medina County by providing a physical address in Medina County when registering to vote and filling out the applicable voter registration forms.

INTERROGATORY NO. 5. State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration will change in Medina County in response to the new requirements of SB 1111.

ANSWER: Medina County has always required a physical address from a registrant. Our office will not make changes to our voter registration, voter roll maintenance, or election administration policies or procedures due to SB 1111 because we have required voters to register using a physical address all along. To the extent that SB 1111 requires additional documentation and proof of residence when registering, we will follow the Texas Election Code. Medina County will also utilize the new forms for Voter Registration listed in applicable guidance from the Texas Secretary of State.

INTERROGATORY NO. 6. State and explain your definition of the phrase “establish residence for the purpose of influencing the outcome of a certain election,” as used in Section 1 of SB 1111, amending Section 1.015(b) of the Texas Election Code. In your answer, please specify what you understand the terms “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to mean.

ANSWER: Intervenor-Defendant objects to this request on the grounds that it calls for a legal conclusion on the interpretation of statutory language. Subject to the foregoing, Intervenor-Defendant responds that: Intervenor-Defendant understands the phrase “establish residence for the purpose of influencing the outcome of a certain election,” “establish residence,” “for the purpose of,” and “influencing the outcome of a certain election” to have the meaning defined by the Texas Election Code as interpreted by Texas courts and as set forth by applicable guidance from the Texas Secretary of State.

INTERROGATORY NO. 7. State and explain your definition of the phrase “a person may not establish a residence at any place the person has not inhabited,” as used in Section 1 of SB 1111, adding Section 1.015(f) of the Texas Election Code. In particular, explain what you understand the terms “establish a residence” and “inhabited” to mean.

ANSWER: Defendant objects to this request on the grounds that it calls for a legal conclusion on the interpretation of statutory language. Subject to the foregoing, Defendants responds that: Defendant understand the phrase “a person may not establish a residence at any place the person has not inhabited,” “establish a residence,” and “inhabited” to have the meaning defined by the Texas Election Code as interpreted by Texas courts and as set forth in Advisory Number 2021-10 from the Texas Secretary of State.

RETRIEVED FROM DEMOCRACYDOCKET.COM

STATE OF TEXAS §
 §
COUNTY OF MEDINA §

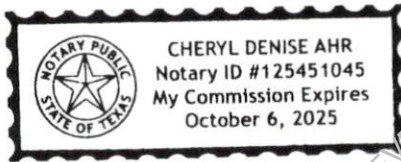
VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared Lupe Torres, who being by me duly sworn upon his oath deposed and said he has read the foregoing interrogatories objections and answers and that the statements contained therein are within his personal knowledge are true and correct.

Lupe C. Torres

LUPE TORRES

SUBSCRIBED AND SWORN TO BEFORE ME, Lupe Torres this 18
day of November, 2021, to certify which, witness my hand and seal of office.



Cheryl Denise AHR
NOTARY PUBLIC

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.

INTERVENOR ATTORNEY GENERAL KEN PAXTON'S RESPONSE AND
OBJECTIONS TO PLAINTIFFS' FIRST SET OF REQUESTS FOR
INTERROGATORIES

TO: Plaintiffs Texas State LULAC, et al., by and through its attorneys of record, Uzoma N. Nkwonta, Melinda K. Johnson, ELIAS LAW GROUP LLP 10 G Street NE, Suite 600 Washington, D.C. 20002; mjohnson@elias.law; unkwonta@elias.law.

Ken Paxton, in his official capacity as the Texas Attorney General (Defendant), hereby serves Objections and Responses to the Plaintiffs' First Request for Production, pursuant to the Federal Rules of Civil Procedure.

Dated: April 15, 2022

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

Respectfully submitted.

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

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

/s/ Eric A. Hudson

ERIC A. HUDSON
Senior Special Counsel
Texas Bar No. 24059977

KATHLEEN HUNKER
Special Counsel
Texas Bar No. 24118415

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

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

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, 2022, the attached Defendant's Objections and Responses Plaintiffs' First Set of Interrogatory Requests was served on opposing counsel via electronic mail.

/s/ Eric A. Hudson

Eric A. Hudson
Counsel for Intervenor-Defendant Ken
Paxton, in his official capacity as Texas
Attorney General

RETRIEVED FROM DEMOCRACYDOCKET.COM

RESPONSES

INTERROGATORY NO. 1. Identify and describe all of the State's interests served by the changes SB 1111 made to the Election Code and how SB 1111's amendments to the Election Code serve each interest.

RESPONSE:

Defendant objects because this Request amounts to a blockbuster interrogatory that calls for a narrative account that marshals the entirety of its defense of the case. Such requests are improper. *See Grynberg v. Total S.A.*, No. 03-cv-0128-WYD-BNB, 2006 WL 1186836, *6 (D. Colo. May 3, 2006). This interrogatory improperly calls for the OAG to prepare Plaintiffs' case. *See* 8B Wright, Miller & Marcus, Fed. Prac. & Proc. § 2174 (3d ed. 2013) (Explaining that "a party cannot ordinarily be forced to prepare its opponent's case.).

Defendant further objects to this request to the extent that it may assume the existence and truth of unverified facts and allegations. In responding to any such Request, Plaintiff does not assume or admit that the facts stated, implied, or assumed within the Request are true or accurate, and responses made to any Request containing such assumptions and allegations shall not be construed as an admission that any definition, assumption, or statement contained in the Request is either factually or legally binding on Plaintiff.

Defendant objects to this Request that, due to their broad scope, could be construed as seeking information that is protected by either (1) the attorney/client privilege; (2) the attorney work product doctrine; (3) the consulting expert privilege; (4) investigative privilege; (5) party communication privilege; (6) witness statement privilege; (7) deliberative process privilege; or (8) any other privilege or exemption from discovery. Plaintiff's responses shall neither waive nor prejudice any objections it may herein or later assert, including, but not limited to, objections as to admissibility of any information or category of information at trial.

Defendant further objects to Plaintiffs' definitions of the terms "you," "your," and "Attorney General," and to the names of specific individuals to the extent they attempt to impose rules or requirements that are inconsistent with the Federal Rules of Civil Procedure. Defendant is responding with information known to, or within the possession, custody, or control of Defendant. Defendant is not responding for other agencies, boards, bureaus, commissions, or other independent executive or legislative departments of the State of Texas. Defendant further objects to the requests for production, definitions, and instructions to the extent they extend to on-parties or require Defendant to answer for non-parties. Defendant further objects to Plaintiffs' definition of "you," "your," and "Attorney General" as overly broad, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. The Office of the Attorney General has over 4,000 employees, thousands of whom are uninvolved with this matter. Moreover, this lawsuit concerns enforcement attorneys and investigators for OAG acting in an official governmental capacity. Accordingly, Defendant objects to all requests with the terms "you," "your," and "Attorney General" as overbroad, unduly burdensome, and not calculated to lead to admissible evidence.

Subject to the foregoing, the State has numerous interests served by the changes to SB 1111. Those interests can be found in the legislative record. *See* OAG-000001-000848; 000857-862. Additionally, interests such as preventing fraud, maintaining election uniformity, facilitating election administration, and avoiding unfair election impacts are all substantial state interests served by SB1111. Discovery is on-going, and OAG reserves the right to supplement this response based upon any later discovered facts or evidence.

INTERROGATORY NO. 2. State and describe the State's policy and procedure for ensuring that transient voters, including those voters who reside at a different address daily, weekly, or monthly, can (i) register to vote and (ii) remain registered to vote.

RESPONSE:

Defendant objects because this Request amounts to a blockbuster interrogatory that calls for a narrative account that marshals the entirety of its defense of the case. Such requests are improper. *See Grynberg v. Total S.A.*, No. 03-cv-0128-WYD-BNB, 2006 WL 1186836, *6 (D. Colo. May 3, 2006). This interrogatory improperly calls for the OAG to prepare Plaintiffs' case. *See* 8B Wright, Miller & Marcus, Fed. Prac. & Proc. § 2174 (3d ed. 2013) (Explaining that "a party cannot ordinarily be forced to prepare its opponent's case.).

Defendant further objects to this request to the extent that it may assume the existence and truth of unverified facts and allegations. In responding to any such Request, Plaintiff does not assume or admit that the facts stated, implied, or assumed within the Request are true or accurate, and responses made to any Request containing such assumptions and allegations shall not be construed as an admission that any definition, assumption, or statement contained in the Request is either factually or legally binding on Plaintiff.

Defendant objects to this Request that, due to their broad scope, could be construed as seeking information that is protected by either (1) the attorney/client privilege; (2) the attorney work product doctrine; (3) the consulting expert privilege; (4) investigative privilege; (5) party communication privilege; (6) witness statement privilege; (7) deliberative process privilege; or (8) any other privilege or exemption from discovery. Plaintiff's responses shall neither waive nor prejudice any objections it may herein or later assert, including, but not limited to, objections as to admissibility of any information or category of information at trial.

Defendant further objects to Plaintiffs' definitions of the terms "you," "your," and "Attorney General," and to the names of specific individuals to the extent they attempt to impose rules or requirements that are inconsistent with the Federal Rules of Civil Procedure. Defendant is responding with information known to, or within the possession, custody, or control of Defendant. Defendant is not responding for other agencies, boards, bureaus, commissions, or other independent executive or legislative departments of the State of Texas. Defendant further objects to the requests for production, definitions, and instructions to the extent they extend to on-parties or require Defendant to answer for non-parties. Defendant further objects to Plaintiffs' definition of "you," "your," and "Attorney General" as overly broad, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. The Office of the Attorney General has over 4,000 employees, thousands of whom are uninvolved with this matter. Moreover, this lawsuit concerns enforcement attorneys and investigators for OAG acting in an official governmental capacity. Accordingly, Defendant objects to

all requests with the terms “you,” “your,” and “Attorney General” as overbroad, unduly burdensome, and not calculated to lead to admissible evidence.

Subject to the foregoing, the State requires county elections administrators, voter registrars, and other local election officials to comply with the requirements of the Texas Election Code, which include provisions permitting transient voters to register to vote. Discovery is on-going, and OAG reserves the right to supplement this response based upon any later discovered facts or evidence.

INTERROGATORY NO. 3. State and describe any issues, incidents, difficulties, problems, or violations of any provision of State law that the State has experienced related to voters whose residency address in the voter file is either a post office box or a commercial post office box and how SB 1111 would have alleviated or prevented each enumerated issue, incident, difficulty, problem, or violation of State law.

RESPONSE:

Defendant objects because this Request amounts to a blockbuster interrogatory that calls for a narrative account that marshals the entirety of its defense of the case. Such requests are improper. *See Grynberg v. Total S.A.*, No. 03-cv-0128-WYD-BNB, 2006 WL 1186836, *6 (D. Colo. May 3, 2006). This interrogatory improperly calls for the OAG to prepare Plaintiffs’ case. *See* 8B Wright, Miller & Marcus, Fed. Prac. & Proc. § 2174 (3d ed. 2013) (Explaining that “a party cannot ordinarily be forced to prepare its opponent’s case.”).

Additionally, this Request is facially overbroad. the requirement describe in detail. “A discovery request can be overly broad or unduly burdensome on its face, in which case the proponent of discovery bears the burden of establishing its relevance.” *Harford Mut. Ins. Companies v. Agean, Inc.*, No. 1:09CV461, 2011 WL 2295036, at *7 (M.D.N.C. June 8, 2011).

Defendant further objects to this request to the extent that it may assume the existence and truth of unverified facts and allegations. In responding to any such Request, Plaintiff does not assume or admit that the facts stated, implied, or assumed within the Request are true or accurate, and responses made to any Request containing such assumptions and allegations shall not be construed as an admission that any definition, assumption, or statement contained in the Request is either factually or legally binding on Plaintiff.

Defendant objects to this Request that, due to their broad scope, could be construed as seeking information that is protected by either (1) the attorney/client privilege; (2) the attorney work product doctrine; (3) the consulting expert privilege; (4) investigative privilege; (5) party communication privilege; (6) witness statement privilege; (7) deliberative process privilege; or (8) any other privilege or exemption from discovery. Plaintiff’s responses shall neither waive nor prejudice any objections it may herein or later assert, including, but not limited to, objections as to admissibility of any information or category of information at trial.

Defendant further objects to Plaintiffs’ definitions of the terms “you,” “your,” and “Attorney General,” and to the names of specific individuals to the extent they attempt to impose rules or requirements that are inconsistent with the Federal Rules of Civil Procedure. Defendant is responding with information known to, or within the possession, custody, or control of Defendant. Defendant is not responding for other agencies, boards, bureaus, commissions, or other independent executive or

legislative departments of the State of Texas. Defendant further objects to the requests for production, definitions, and instructions to the extent they extend to on-parties or require Defendant to answer for non-parties. Defendant further objects to Plaintiffs' definition of "you," "your," and "Attorney General" as overly broad, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. The Office of the Attorney General has over 4,000 employees, thousands of whom are uninvolved with this matter. Moreover, this lawsuit concerns enforcement attorneys and investigators for OAG acting in an official governmental capacity. Accordingly, Defendant objects to all requests with the terms "you," "your," and "Attorney General" as overbroad, unduly burdensome, and not calculated to lead to admissible evidence.

Subject to the foregoing, the examples Plaintiff seeks are available in the legislative record, *see* OAG-000001-000848; 000857-862, as well as documents produced through the discovery process. For example, OAG-000849 expressly references an example of 4,800 voters who are registered to vote and who are using a private UPS store in Houston as their residence. Discovery is on-going, and OAG reserves the right to supplement this response based upon any later discovered facts or evidence.

INTERROGATORY NO. 4. State and describe how policies or practices related to voter registration, voter roll maintenance, or election administration, including activities carried out by the Secretary of State, will change in response to the new residency requirements of SB 1111.

RESPONSE:

Defendant objects because this Request amounts to a blockbuster interrogatory that calls for a narrative account of its defense of the case. Such requests are improper. *See Grynberg v. Total S.A.*, No. 03-cv-0128-WYD-BNB, 2006 WL 1186836, *6 (D. Colo. May 3, 2006). This interrogatory improperly calls for the OAG to prepare Plaintiffs' case. *See* 8B Wright, Miller & Marcus, Fed. Prac. & Proc. § 2174 (3d ed. 2013) (Explaining that "a party cannot ordinarily be forced to prepare its opponent's case.).

Additionally, this Request is facially overbroad. the requirement describe in detail. "A discovery request can be overly broad or unduly burdensome on its face, in which case the proponent of discovery bears the burden of establishing its relevance." *Harford Mut. Ins. Companies v. Agean, Inc.*, No. 1:09CV461, 2011 WL 2295036, at *7 (M.D.N.C. June 8, 2011). Here, Plaintiffs are seeking a full review of tangential impacts Plaintiffs imply will flow from changes in SB 1111. That information is neither relevant nor proportional to the needs of this case.

Defendant further objects to this request to the extent that it may assume the existence and truth of unverified facts and allegations. In responding to any such Request, Plaintiff does not assume or admit that the facts stated, implied, or assumed within the Request are true or accurate, and responses made to any Request containing such assumptions and allegations shall not be construed as an admission that any definition, assumption, or statement contained in the Request is either factually or legally binding on Plaintiff.

Defendant objects to this Request that, due to their broad scope, could be construed as seeking information that is protected by either (1) the attorney/client privilege; (2) the attorney work product doctrine; (3) the consulting expert privilege; (4) investigative privilege; (5) party communication privilege; (6) witness statement privilege; (7) deliberative process privilege; or (8) any other privilege or exemption from discovery. Plaintiff's responses shall neither waive nor prejudice any objections it

may herein or later assert, including, but not limited to, objections as to admissibility of any information or category of information at trial.

Defendant further objects to Plaintiffs' definitions of the terms "you," "your," and "Attorney General," and to the names of specific individuals to the extent they attempt to impose rules or requirements that are inconsistent with the Federal Rules of Civil Procedure. Defendant is responding with information known to, or within the possession, custody, or control of Defendant. Defendant is not responding for other agencies, boards, bureaus, commissions, or other independent executive or legislative departments of the State of Texas. Defendant further objects to the requests for production, definitions, and instructions to the extent they extend to on-parties or require Defendant to answer for non-parties. Defendant further objects to Plaintiffs' definition of "you," "your," and "Attorney General" as overly broad, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. The Office of the Attorney General has over 4,000 employees, thousands of whom are uninvolved with this matter. Moreover, this lawsuit concerns enforcement attorneys and investigators for OAG acting in an official governmental capacity. Accordingly, Defendant objects to all requests with the terms "you," "your," and "Attorney General" as overbroad, unduly burdensome, and not calculated to lead to admissible evidence.

Subject to the foregoing, Defendant refers Plaintiffs to OAG-000853-000862, the Texas Secretary of State's Election Advisory concerning SB-1111. Additionally, the State of Texas does not implement SB 1111, so the proper source for information on impacts from SB 1111 would come from County Elections Administrators, several of whom have been deposed concerning implementation of SB 1111. Discovery is on-going, and OAG reserves the right to supplement this response based upon any later discovered facts or evidence.

Please complete sections by printing LEGIBLY. If you have any questions about how to fill out this application, please call your local voter registrar. Please visit the Texas Secretary of State website, www.sos.state.tx.us, and for additional election information visit www.votetexas.gov. Este formulario está disponible en español. Favor de llamar a su registrador de votantes local para conseguir una versión en español.

Qualifications

- You must register to vote in the county in which you reside.
- You must be a citizen of the United States.
- You must be at least 17 years and 10 months old to register, and you must be 18 years of age by Election Day.
- You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.
- You must not have been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

Ingram 30(b)(6)
Exhibit D
(4-29-22)
WWW.DIGITALEVIDENCEGROUP.COM

1 THESE QUESTIONS MUST BE COMPLETED BEFORE PROCEEDING (Check one)

☐ New Application ☐ Change of Address, Name, or Other Information ☐ Request for a Replacement Card

Are you a United States Citizen? ☐ Yes ☐ No Will you be 18 years of age on or before election day? ☐ Yes ☐ No

If you checked 'No' in response to either of the above, do not complete this form.

Are you interested in serving as an election worker? ☐ Yes ☐ No

2	Last Name Include Suffix if any (Jr, Sr, III)	First Name	Middle Name (If any)	Former Name (if any)
3	Residence Address: Street Address and Apartment Number. If none, describe where you live. (Do not include P.O. Box, Rural Rt. or Business Address)		City	TEXAS
			County	Zip Code
4	Mailing Address: Street Address and Apartment Number. (If mail cannot be delivered to your residence address.)		City	State
				Zip Code

5 City and County of Former Residence in Texas

6	Date of Birth: (mm/dd/yyyy)	7	Gender (Optional)	8	Telephone Number (Optional) Include Area Code
	<input type="text"/>		<input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="text"/>

9 Texas Driver's License No. or Texas Personal I.D. No.
(Issued by the Department of Public Safety)

If no Texas Driver's License or Personal Identification, give last 4 digits of your Social Security Number

XXX-XX-

☐ I have not been issued a Texas Driver's License/Personal Identification Number or Social Security Number.

10 I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to one year in jail, a fine up to \$4,000, or both. Please read all three statements to affirm before signing.

- I am a resident of this county and a U.S. citizen;
- I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and
- I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

X

Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.

Date: _____

FOR VOLUNTEER DEPUTY REGISTRAR USE ONLY

Deputy Number	Application must be delivered to Voter Registrar no later than 5 days after receipt
Signature of Volunteer Deputy Registrar	Date

REGISTRATION RECEIPT

Name of Applicant/Applicant's Agent (if applicable)	Receipt No.:
Name of Volunteer Deputy Registrar	Deputy No.:
Signature of Volunteer Deputy Registrar	Date:

You should receive your Voter Registration Certificate within **30 days**. Please keep this receipt until you receive your Voter Registration Certificate from the voter registrar.

App. 362

Print

Reset

Ingram 30(b)(6)
Exhibit E
(4-29-22)
WWW.DIGITALEVIDENCEGROUP.COM

SB 1111 and the Address Confirmation Process

Election Law Seminar
September 2021

9/7/2021

Texas Secretary of State Elections Division

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Topics

- Residence Defined
- Challenges to Residency
- Address Confirmation Process
 - Standard Address Confirmation
 - Address Confirmation Requiring Documentation

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RESIDENCE DEFINED

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Residence

- Defined in Section 1.015 of the Texas Election Code
- Modified by Senate Bill 1111 (2021 Regular Session)

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Residence Defined

- (a) "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.

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What this means for Voter Registrars?

- Common Law is still relevant.
- Courts will evaluate residency disputes in light of case law AND new language in Section 1.015.
- Change in statute may affect how you answer voter questions.
- Voter Registrars will continue to evaluate what is on the face of a voter registration application.

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CHALLENGES TO RESIDENCY

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What happens if a person's residence is challenged?

- Two Scenarios
 - Candidacy
 - Voter Registration

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Challenge for Candidacy

- Filing authority will review what is on the face of the application. If the listed address is within the applicable territory and the candidate has lived there the required amount of time, the filing authority will take no action.
- If a person believes the listed address is not the actual residence of the voter, this challenge may only be resolved in court.

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Challenge to Voter Registration

- **Challenge to Residency by Voter Registrar**
 - 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 voter's current residence.

Sec. 15.051(a)

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Challenge to Voter Registration

- **Challenge to Residency by Another Voter**

- A person may submit statement alleging grounds for challenge
- If the sworn statement alleges
 - a ground based on residency, and
 - is filed on or before the 75th day before the date of the general election for state and county officers
- VR is required to promptly deliver to challenged voter a confirmation notice under Section 15.051. (Standard Notice of Address Confirmation)

Sec. 16.0921

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Challenge to Voter Registration

- **Residency**

- If challenged voter fails to submit a response, registrar must enter challenged voter's name on the suspense list.
- The challenged voter is not removed from the list of registered voters.
- **NOTE:** If challenge is filed with the VR after the 75th day before the general election for state and county officers, VR shall NOT deliver a confirmation notice until after the date of the election.

Sec. 16.0921 TEC

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ADDRESS CONFIRMATION PROCESS

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Address Confirmation Process

- If the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the voter's current residence.
- The registrar shall include an official confirmation notice response form with each confirmation notice delivered to a voter.
- The confirmation notice shall be sent by forwardable mail.

Section 15.051

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Address Confirmation Notice/Form

- The contents of the Address Confirmation form **MUST** include:
 - a statement that, if the voter fails to submit to the registrar a written, signed response confirming the voter's current residence on or before the 30th day after the date the confirmation notice is mailed, the voter must submit a statement of residence before the voter may be accepted for voting in an election held after that deadline.
 - a warning that the voter's registration is subject to cancellation if the voter fails to complete these actions before November 30 following the second general election for state and county officers that occurs after the date the confirmation notice is mailed.
 - a statement that the voter must include all of the required information on the official confirmation notice response form.

Section 15.052

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Address Confirmation Form

- The official confirmation notice response form must:
 - provide spaces for the voter to include all of the information that a person **must include in an application to register to vote under Section 13.002**;
 - **describe the requirements of Section 15.054, provide a space for the voter to indicate if the voter is exempt from those requirements, and provide a space to indicate the reason for an exemption, if any;**
 - **provide the definition of residence under Section 1.015;** and
 - be **postage prepaid** and **preaddressed for delivery to the voter registrar**
- The 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

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Address Confirmation Form

- The response must contain:
 - all of the information that a person must include in an application to register to vote under Section 13.002;
 - a sworn affirmation of the voter's current residence as defined by Section 1.015; and
 - if the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, evidence of the voter's residence address as required by Section 15.054 or an indication that the voter is exempt from those requirements.

Section 15.052

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Documentation for Address Confirmation Purposes

- If the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, a voter must provide evidence of the voter's residence address as required by Section 15.054 or an indication that the voter is exempt from those requirements.

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Required Documentation for Certain Address Confirmations

- A voter's residence may be documented by providing a photocopy of the first document in the following list that corresponds to the voter's residence under Section 1.015:
 1. A driver's license issued to the voter by the Department of Public Safety **that has not expired**;
NOTE: #1 may not be submitted by a voter who holds a commercial driver's license under Subchapter C, Chapter 522, Transportation Code.
 2. A personal identification card issued to the voter by the Department of Public Safety **that has not expired**;
 3. A license to carry a concealed handgun issued to the voter by the Department of Public Safety **that has not expired**;
 4. An appraisal district document showing the address the voter claims as a homestead in this state (***cannot be appraisal for a commercial property***);
 5. A utility bill addressed to the voter's residence address; or
 6. 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.

Section 15.054

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Required Documentation for Certain Address Confirmations

- A voter whose residence in this state has no address may document residence under Section 15.054 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.

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Required Documentation for Certain Address Confirmations

- The requirement to submit documentation for this type of address confirmation does **NOT** apply to:
 - a voter who is a member of the armed forces of the United States or the spouse or a dependent of a member;
 - a voter enrolled as a full-time student who lives on campus at an institution of higher education;
 - a voter whose address is confidential under Subchapter C, Chapter 56, Code of Criminal Procedure;
 - a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse under Section 521.121, Transportation Code; or
 - a peace officer whose driver's license omits the officer's actual residence address under Section 521.1211, Transportation Code.

Section 15.052

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Two Address Confirmation Notices

Standard Notice of Address Confirmation

- Used for the regular address confirmation process.
- SOS will revise existing letter and address confirmation response document to include new language.
- New forms will be available prior to September 1.
- Response document must be postage-paid.

OR

Notice to Confirm Voter Registration Address by Providing Documentation

- Used when a voter's registration is challenged based on commercial or "impossible" address.
- Used if the VR has knowledge that the address used falls under a commercial or "impossible" address.
- SOS will prescribe new form and new response document.
- Response documents **must include postage-paid envelope** to return required documentation, if applicable.

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Revisions to Forms

- **Standard Notice of Address Confirmation**

– Will now include:

- Definition of residence under Section 1.015 (SB 1111)
- Affirmation statement for the voter to complete (SB 1111)
- ***Additional information about updating residence address via Texas Online.***

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Revisions to Forms

- **Notice to Confirm Voter Registration Address by Providing Documentation**

– Will include:

- Definition of residence under Section 1.015 (SB 1111)
- Affirmation statement for the voter to complete (SB 1111)
- List of requirements for submitting required documentation (SB 1111)
- Explanation of possible exemptions (SB 1111)
- Postage-paid envelope to return required documentation

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Actions Upon Receiving Response

- Upon receiving a response from a voter, the registrar shall act on the response in accordance with Section 13.072 and retain the response on file with the voter's registration application.

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FREQUENTLY ASKED QUESTIONS

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1. Why are you including information about updates via Texas Online on the revised Address Confirmation Notices?

- The new address confirmation notice will include information about how to update your address via Texas Online 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 an Address Confirmation Notice.

NOTE: SB 1 (87th Leg. 2C.S. 2021) will extend online voter registration updates to voters moving between two different counties. This will take effect later this year.

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

- If a voter doesn't return the required documentation or does not 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.

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3. Is there a separate “suspense” designation for the two different address confirmation notices?

- 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.

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4. 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?

- 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.

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5. 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?

- 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.

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6. 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?

- 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 Address Confirmation, the voter would be placed on suspense.

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7. 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?

- No. There is no requirement to proactively search for these addresses. However, if a voter's registration is challenged on these grounds or the voter registrar becomes aware of registration at a possible commercial post office box, they must send the address confirmation notice to these voters.

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Questions?

elections@sos.texas.gov

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NOTICE TO CONFIRM VOTER REGISTRATION ADDRESS

This office has received information indicating that your current residence is different from the residence on your registration record.

If our information is incorrect, return the postage-free response form to confirm your current address. If you have moved:

- within the county or precinct in which you are registered, you need to change your address to your new residence. If you have moved within the county you may update your address online at www.texas.gov instead of sending in the postage-free response form.
- outside the county in which you are registered, complete the response form, and we will forward it to the county of your new residence so you can vote in your new county 30 days from the day the response form is received.

Please complete the response form and return it to my office within 30 days. If your response indicates that you have moved within the county, your updated registration will become effective 30 days from the day the response form is received. You will be issued a new voting certificate and will be able to vote in your new precinct. If you have moved to another county, your response form will be forwarded to the voter registrar of your new county and your registration will be canceled in this county. If you do not respond at all to this notice, your registration will be canceled if you have not confirmed your address either by completing the response form or confirming your address when voting before November 30 following the second general election for state and county officers that occurs after the date the confirmation notice is mailed.

Sec. 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. (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.

If you have any questions about your registration status, please call my office at _____.

Signature of Voter Registrar

County of _____

Print

Reset

AVISO Y CONFIRMACIÓN DE DOMICILIO PARA EFECTOS DE INSCRIPCIÓN DE VOTANTES

Se ha informado a esta oficina que usted se cambió a una dirección distinta a la que aparece en el registro de votantes. Si esto no es verdad de todas maneras devuelva el formulario adjunto para confirmar su dirección actual. Si el cambio tuvo lugar:

- dentro del mismo condado o precinto donde ya está inscrito/a, hay que indicar el cambio de domicilio. Si usted se ha mudado dentro del condado, puede actualizar su dirección en línea en www.texas.gov en vez de enviar el formulario de respuesta sin franqueo postal.
- fuera del condado en el que está registrado, complete el formulario de respuesta y lo enviaremos al condado de su nueva residencia para que pueda votar en su nuevo condado 30 días después de recibir el formulario de respuesta.

Sírvase llenar el formulario adjunto y devolverlo a esta oficina dentro de 30 días. Si su respuesta indica que la mudanza tuvo lugar dentro del mismo condado, la información actualizada entrará en vigor a los 30 días de haberse recibido el formulario. Entonces se le expedirá un nuevo certificado de votante y podrá votar en el nuevo precinto. Si se cambió a otro condado, enviaremos su respuesta al registrador de votantes de su nuevo condado y se cancelará su inscripción en este condado. Su inscripción será cancelada si no ha confirmado su domicilio llenando el formulario adjunto o llenando el formulario apropiado en las urnas electorales cuando vaya a votar; cualesquier acción deberá cumplirse antes del 30 de noviembre después de la segunda elección general para oficiales estatales y del condado, que se celebre después que se le envíe este aviso de confirmación.

Sec. 1.015 RESIDENCIA (a) En este código, "residencia" significa el domicilio, es decir, el hogar de uno y el lugar fijo de habitación del cual uno pretende regresar después de una ausencia temporal. (b) Una persona no puede establecer la residencia con el propósito de influir en el resultado de una cierta elección. (c) Una persona no pierde su residencia al irse de su hogar para ir a otro lugar sólo con fines temporales. (d) Una persona no adquiere la residencia en un lugar del cual la persona ha venido sólo con fines temporales y sin la intención de hacer de ese lugar el hogar de la persona. (e) Una persona que es un presidiario en una institución penal o que es un presidiario involuntario en un hospital o en una institución caritativa, no adquiere, mientras que un presidiario, la residencia de ese lugar donde la institución está ubicada. (f) Una persona no puede establecer su residencia en ningún lugar que la persona no haya habitado. Una persona no puede designar una residencia anterior como su hogar o su lugar fijo de habitación a menos que la persona habite ese lugar en el momento de la designación y tiene la intención de permanecer ahí.

En caso de preguntas sobre el estado de su inscripción, sírvase llamar a estas oficinas marcando el _____.

Firma del/de la Registrador(a) de Votantes

Condado de _____

Imprimir

Limpiar

App. 380

Notice to Confirm Voter Registration Address by Providing Documentation

If you are receiving this notice, the residence address on your voter registration application has been identified as a commercial post office box or similar location that does not correspond to a residence. The purpose of this notice is to confirm that the address you provided to the voter registrar is indeed a residential address.

You must provide proof that the address where you registered to vote is your residence. Proof of residence must be provided by submitting a photocopy of the **first** document you possess on the list below that corresponds to your residence address. You must also complete and sign the information contained on the reverse of this form.

If your residence has no address, you must submit a concise description of the location of your residence to the voter registrar in the Residence Address box provided on the reverse. By signing the completed form on the reverse, you swear or affirm that this is a concise description of your residence and that your residence has no address.

Please place the completed form and include the photocopy of the proof of residence in the included postage-paid envelope that will be sent to the voter registrar. **Certain voters are exempt from providing proof of residence. See below for additional information.**

For questions about this form or the requirements to submit documentation, please contact your county voter registrar.

What Documents Can I Submit to Prove that My Address is a Residential Address?

1. **A driver's license issued to the voter by the Department of Public Safety that has not expired** or, if the voter has notified the department of a change of address under Section 521.054, Transportation Code, an affidavit from the voter stating the new address contained in the notification;
NOTE: If you hold a commercial driver's license under Subchapter C, Chapter 522, Transportation Code, use another document from this list.
2. **A personal identification card issued to the voter by the Department of Public Safety that has not expired** or, if the voter has notified the department of a change of address under Section 521.054, Transportation Code, an affidavit from the voter stating the new address contained in the notification;
3. **A license to carry a concealed handgun issued to the voter by the Department of Public Safety that has not expired** or, if the voter has notified the department of a change of address under Section 411.181, Government Code, an affidavit from the voter stating the new address contained in the notification;
4. **An appraisal district document showing the address that the voter claims as a homestead in this state;**
5. **A utility bill addressed to the voter's residence address; OR**
6. **An official tax document or Texas Department of Motor Vehicles document showing the registration address of a vehicle the voter owns.**

Voters that are Exempt from the Requirement to Provide a Photocopy of Proof of Residence

The following individuals are exempt from providing proof of residence with this notice. If you are exempt, please check the space next to the reason you are exempt from providing proof of residence with this notice and return to the voter registrar. You **MUST** meet one of the criteria listed below to be considered exempt from the requirement.

1. ☐ I am a member of the armed forces of the United States or the spouse or dependent of a member.
2. ☐ I am enrolled as a full-time student who lives on campus at an institution of higher education.
3. ☐ I am a voter whose address is confidential under Subchapter C, Chapter 56, Code of Criminal Procedure.
4. ☐ I am a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse under Section 521.121, Transportation Code.
5. ☐ I am a peace officer whose driver's license omits my actual residence address under Section 521.1211, Transportation Code.

X

Date: / /

Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by a Witness and Date.

Notice to Confirm Voter Registration Address by Providing Documentation

Please place this completed form along with your photocopy of the required proof of residence in the included postage-paid envelope and mail to your county voter registrar.

If you are exempt from this requirement as indicated on the reverse, you do not need to complete the information below. You must indicate your grounds for exemption on the reverse and return the completed form to the county voter registrar.

Please complete this form by printing LEGIBLY. If you have any questions about how to fill out this form, please call your local voter registrar. Circle Yes or No for <u>BOTH</u> questions. 1. Are you a United States Citizen? Yes No 2. Will you be 18 years of age on or before Election Day? Yes No If you circled "No" in response to either question above, do not complete this form.			
Last Name Include suffix if any (Jr., Sr., III)		First Name	
Middle Name (if any)		Former Name	
Residence Address: Street Address and Apartment Number, City, State and Zip Code (If none, give a concise description of where you live. <u>Do not</u> include a P.O. Box or Rural Rt.)			
Mailing Address: Address, City, State and Zip Code If mail cannot be delivered to your residence address			Telephone Number (Optional) Include Area Code
Date of Birth: month, day, year <div style="display: flex; justify-content: space-around;"> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> </div>		Texas Driver's License No. or Texas Personal I.D. No. (Issued by the Department of Public Safety) <div style="display: flex; justify-content: space-around;"> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> <div><input type="text"/></div> </div>	
Gender (Optional) Male <input type="checkbox"/> Female <input type="checkbox"/>		If no Texas Driver's License or Personal I.D. Number, give last 4 digits of your Social Security Number XXX-XX <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
		<input type="checkbox"/> I have not been issued a Texas Driver's License/Personal Identification Number or Social Security Number.	
I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to one year in jail, a fine up to \$4,000, or both. Please read all <u>five</u> statements to affirm before signing. <ul style="list-style-type: none"> I am a resident of this county and a U.S. Citizen; I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote; My residence address as listed above meets the definition of residence as defined by Section 1.015, Texas Election Code and listed below. <p style="margin-left: 20px;">Sec. 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. (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.</p> If my residence has no address, I swear that the concise description given above accurately describes where I live. 			
<div style="font-size: 48px; font-weight: bold; line-height: 1;">X</div>		Date: / /	
Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by a Witness and Date.			

Print

Reset

AVISO PARA CONFIRMAR LA DIRECCIÓN DE REGISTRO DE VOTANTES PROPORCIONANDO DOCUMENTACIÓN

Si usted está recibiendo este aviso, la dirección de residencia en su solicitud de registro de votante ha sido identificada como un apartado de correos comercial o una ubicación similar que no corresponde a una residencia. El propósito de este aviso es confirmar que la dirección que proporcionó al registrador de votantes es de hecho una dirección residencial.

Usted debe proporcionar prueba de que la dirección donde se registró para votar es su residencia. La prueba de residencia debe ser proporcionada enviando una fotocopia del **primer** documento que posea en la lista a continuación que corresponde a su dirección de residencia. También debe completar y firmar la información contenida en el reverso de este formulario.

Si su residencia no tiene dirección, debe presentar una descripción concisa de la ubicación de su residencia al registrador de votantes en el recuadro de Dirección de Residencia provisto en el reverso. Al firmar el formulario completado en el reverso, usted jura o afirma que esta es una descripción concisa de su residencia y que su residencia no tiene dirección.

Por favor, coloque el formulario completo e incluya la fotocopia del comprobante de residencia en el sobre con franqueo pagado incluido que se enviará al registrador de votantes. **Ciertos votantes están exentos de proporcionar prueba de residencia. Consulte a continuación para obtener información adicional.**

Si tiene preguntas sobre este formulario o los requisitos para presentar documentación, comuníquese con el registrador de votantes de su condado.

¿Qué Documentos Puedo Presentar Para Probar Que Mi Dirección Es Una Dirección Residencial?

1. **Una licencia de conducir emitida al votante por el Departamento de Seguridad Pública que no haya expirado** o, si el votante ha notificado al departamento un cambio de dirección bajo la Sección 521.054, Código de Transporte, una declaración jurada del votante indicando la nueva dirección contenida en la notificación;
NOTA: Si tiene una licencia de conducir comercial bajo el Subcapítulo C, Capítulo 522, Código de Transporte, use otro documento de esta lista.
2. **Una tarjeta de identificación personal emitida al votante por el Departamento de Seguridad Pública que no haya expirado** o, si el votante ha notificado al departamento un cambio de dirección bajo la Sección 521.054, Código de Transporte, una declaración jurada del votante indicando la nueva dirección contenida en la notificación;
3. **Una licencia para llevar un arma de mano oculta emitida al votante por el Departamento de Seguridad Pública que no haya expirado** o, si el votante ha notificado al departamento un cambio de dirección bajo la Sección 411.181, Código de Gobierno, una declaración jurada del votante indicando la nueva dirección contenida en la notificación;
4. **Un documento de tasación del distrito que muestra la dirección que el votante reclama como vivienda en este estado;**
5. **Una factura de servicios públicos dirigida a la dirección de residencia del votante; O**
6. **Un documento oficial de impuestos o un documento del Departamento de Vehículos Motorizados de Texas que muestra la dirección de registro de un vehículo que el votante posee.**

Votantes que Están Exentos del Requisito de Proporcionar Una Fotocopia del Comprobante de Residencia

Las siguientes personas están exentas de proporcionar prueba de residencia con este aviso. Si usted está exento, por favor marque el espacio al lado de la razón por la cual está exento de proveer prueba de residencia con este aviso y devuélvalo al registrador de votantes. Usted DEBE cumplir con uno de los criterios enumerados a continuación para ser considerado exento del requisito.

6. ☐ Soy miembro de las fuerzas armadas de los Estados Unidos o cónyuge o dependiente de un miembro.
7. ☐ Estoy matriculado como estudiante de tiempo completo que vive en el campus de una institución de educación superior.
8. ☐ Soy un votante cuya dirección es confidencial bajo el Subcapítulo C, Capítulo 56, Código de Procedimiento Penal.
9. ☐ Soy un juez federal, juez estatal o cónyuge de un juez federal o estatal cuya licencia de conducir incluye la dirección de un tribunal bajo la Sección 521.121, Código de Transporte.
10. ☐ Soy un oficial de la paz cuya licencia de conducir omite mi dirección de residencia real según la Sección 521.1211, Código de Transporte.

X

Fecha: / /

Firma del Solicitante o Agente y Relación con el Solicitante o Nombre Impreso del Solicitante si lo Firma un Testigo y Fecha. **App. 383**

AVISO PARA CONFIRMAR LA DIRECCIÓN DE REGISTRO DE VOTANTES PROPORCIONANDO DOCUMENTACIÓN

Por favor, coloque este formulario completo junto con su fotocopia de la prueba de residencia requerida en el sobre con franqueo pagado incluido y envíelo por correo al registrador de votantes de su condado.

Si está exento de este requisito, tal y como se indica en el reverso, no es necesario que complete la información que aparece a continuación. Debe indicar sus motivos de exención en el reverso y devolver el formulario completado al registrador de votantes del condado.

Por favor, complete este formulario con letra de molde LEGIBLE. Si tiene alguna duda sobre cómo completar este formulario, llame a su registrador de votantes local. Haga un círculo alrededor del 'sí' o el 'no' para CADA pregunta. 1. ¿Es usted ciudadano de los Estados Unidos? Sí No 2. ¿Tendrá 18 años cumplidos antes o el día de la elección? Sí No Si contestó 'No' a cualquiera de las preguntas anteriores, no complete este formulario.			
Apellido: Incluya el sufijo si lo hay (Jr., Sr., III)		Su nombre de pila	Segundo Nombre (si aplica) Nombre Anterior
Domicilio: Calle y número de apartamento, Ciudad, Estado y Código Postal (A falta de estos datos, describa la localidad de su residencia. <u>No</u> incluya su apartado postal ni su ruta rural.)			
Dirección Postal: Dirección, Ciudad, Estado y Código Postal Si el correo no puede ser entregado en su dirección de residencia.			Número de Teléfono (Optativo) Incluya código de área
Fecha de Nacimiento: mes, día, año □ □ □ □ □ □ □ □		No. de licencia de conducir de Texas o No. de identificación personal de Texas (Expedido por el Departamento de Seguridad Pública) □ □ □ □ □ □ □ □ XXX-XX	
Sexo (Optativo) Masculino Femenino <input type="checkbox"/> <input type="checkbox"/>		Si no tiene licencia de conducir de Texas o No. de identificación personal, proporcione los 4 últimos dígitos de su número de Seguro Social □ □ □ □	
<input type="checkbox"/> No se me ha emitido una licencia de conducir de Texas/número de identificación personal o un número de seguro social			
Entiendo que dar información falsa para obtener un registro de votante es perjurio, y un crimen bajo la ley estatal y federal. La condena por este delito puede resultar en encarcelamiento de hasta un año de cárcel, una multa de hasta \$4,000, o ambas cosas. Por favor, lea las cinco declaraciones para afirmarlas antes de firmar. <ul style="list-style-type: none">Soy residente de este condado y ciudadano estadounidense;no he sido finalmente condenado por un delito grave, o si soy un delincuente, he purgado mi pena por completo, incluyendo cualquier plazo de encarcelamiento, libertad condicional, supervisión, período de libertad condicional, o he sido indultado; yno he sido determinado por un fallo final de un tribunal que ejerce la jurisdicción testamentaria que estoy totalmente incapacitado mentalmente o parcialmente incapacitado mentalmente sin derecho a votoMi dirección de residencia, tal y como se enumera anteriormente, cumple con la definición de residencia tal y como se define en la Sección 1.015 del Código Electoral de Texas y se indica a continuación. Sec. 1.015. RESIDENCIA (a) En este código, "residencia" significa el domicilio, es decir, el hogar de uno y el lugar fijo de habitación del cual uno pretende regresar después de una ausencia temporal. (b) Una persona no puede establecer la residencia con el propósito de influir en el resultado de una cierta elección. (c) Una persona no pierde su residencia al irse de su hogar para ir a otro lugar sólo con fines temporales. (d) Una persona no adquiere la residencia en un lugar del cual la persona ha venido sólo con fines temporales y sin la intención de hacer de ese lugar el hogar de la persona. (e) Una persona que es un presidiario en una institución penal o que es un presidiario involuntario en un hospital o en una institución caritativa, no adquiere, mientras que un presidiario, la residencia de ese lugar donde la institución está ubicada. (f) Una persona no puede establecer su residencia en ningún lugar que la persona no haya habitado. Una persona no puede designar una residencia anterior como su hogar o su lugar de habitación a menos que la persona habite ese lugar en el momento de la designación y tiene la intención de permanecer ahí. <input type="checkbox"/> Si mi residencia no tiene dirección, juro que la descripción dada anteriormente describe con precisión dónde vivo.			
X		Fecha: / /	
Firma del Solicitante o Agente y Relación con el Solicitante o Nombre Impreso del Solicitante si lo Firma un Testigo y Fecha.			

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Limpiar

Chris Dodge

From: Charles Pinney
Sent: Friday, August 27, 2021 9:37 AM
To: amonk@co.jefferson.tx.us
Subject: Re: SB1111 - college students (EI Response)

Hello,

The residency definitions in SB 1111 do not modify the ability of a college student to select whether their residence will be at their parents house where they lived before attending college or whether their residence will be at the location where they are physically located during their time as a student.

Election Code 1.015(c) and (d) provide that a person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only, and 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. That language was not amended by SB 1111.

In the case of college students, the location at which they register will depend on whether their intent is to establish residence at the location where they are attending school, or whether they intend to remain at that location for temporary purposes only and intend to maintain residence at their parent's home during the duration of their time in college.

Please let us know if you have any other questions about this issue or anything else relating to the election. You can reach us at Elections@sos.texas.gov or 1-800-252-8683, or you can visit our website at sos.state.tx.us/elections/index.shtml.

Thanks,

Chuck Pinney

Attorney -- Elections Division
 Office of the Texas Secretary of State
 1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
 1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.texas.gov/elections



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Alicia Monk <amonk@co.jefferson.tx.us>
Sent: Monday, August 23, 2021 1:24 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: SB1111 - college students

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Will there be any change for college students who chose to stay registered at their parents address but live in a different city for school? The wording of SB1111 indicates they will not be able to keep their voter registration at their parents/primary address.

Is this correct?

Please advise.

Best,



Alicia Monk
Voter Registration Supervisor
Jefferson County Tax Office
P: (409) 835-8683 F: (409)784-5848

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Chris Dodge

From: Heidi Martinez
Sent: Friday, January 21, 2022 9:08 AM
To: chauser@rockwallcountytexas.com
Cc: Elections Internet
Subject: SB1111 college students (EI Response)

Thank you for your inquiry.

No, Senate Bill 1111 does not affect a voter's eligibility to vote by mail. For additional information regarding Senate Bill 1111, please see our advisory here: [No. 2021-10](#) - NEW LAW: SB 1111 (2021, Regular Session) Address Confirmation Process and Forms

Please also see this question and answer below addressed in the advisory referenced above:

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.

For additional information regarding the grounds for voting by mail, please see our advisory here: [No 2021-24](#) - Informal Application for Ballot by Mail (ABBM)

We hope this information will be helpful to you.

Heidi Martinez
Staff Attorney – Elections Division
Office of the Texas Secretary of State
1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701
1.800.252.VOTE (8683)
elections@sos.texas.gov | www.sos.state.tx.us/elections

For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

From: Charisa Hauser <chauser@rockwallcountytexas.com>
Sent: Tuesday, January 18, 2022 2:53 PM
To: Elections Internet <Elections@sos.texas.gov>
Subject: SB1111 college students

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Hello,

Does the SB1111 residency changes affect college students and their ability to vote by absentee?

Charisa Hauser

Charisa Hauser
Senior Registration Clerk
www.rockwallvotes.com

Rockwall County Elections
915 Whitmore Dr., Ste. D
Rockwall, Tx 75087
972-204-6200 Office
972-204-6209 Fax



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