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**TABLE OF CONTENTS**

TABLE OF CONTENTS.....iii

INDEX OF AUTHORITIES.....iv

STATEMENT OF GROUNDS & UNDISPUTED FACTS..... 1

    I. Voter Registration Procedures in Texas ..... 1

    II. Vote.org approaches certain Texas County Officials in 2018. .... 4

    III. Texas Secretary of State issues guidance to counties. .... 6

    IV. Texas passes its latest “cleanup bill,” HB 3107..... 7

    V. Plaintiff sues County Defendants..... 8

    VI. Challenged Causes of Action..... 9

    VII. Defendants Paxton and Garza’s Grounds for Summary Judgment..... 9

STATEMENT OF THE ISSUES..... 9

STANDARD OF REVIEW ..... 10

ARGUMENT & AUTHORITIES ..... 10

    I. Plaintiff does not have standing. .... 10

        A. The entirety of Plaintiff’s alleged harm stems from events in 2018..... 12

        B. Plaintiff’s injury is self-inflicted..... 13

        C. Plaintiff has no statutory standing to assert a claim under Section 1983..... 14

    II. HB 3107 is constitutional under *Anderson-Burdick*. .... 16

        A. The right to vote is not implicated by this lawsuit..... 17

        B. The burden, if any, of complying with HB 3107 survives *Anderson-Burdick* scrutiny..... 18

            1. Texans are not required to vote by fax..... 19

            2. Texas’s compelling interest in election security makes it necessary to require a signature at registration. .... 21

            3. HB 3107 upholds voters’ faith in the electoral process and ensures eligible voters are registered accurately..... 23

    III. Plaintiff has no meritorious claim under Section 1971..... 24

CONCLUSION..... 25

CERTIFICATE OF SERVICE ..... 27

## INDEX OF AUTHORITIES

### Cases

<i>Alexander v. Sandoval</i> , 532 U.S. 275 (2001) .....	25
<i>Anderson v. Celebrezze</i> , 460 U.S. 780 (1983) .....	16, 17, 18
<i>Anderson v. Liberty Lobby</i> , 477 U.S. 242 (1986) .....	10
<i>Ass'n of Cmty. Orgs. For Reform Now v. Fowler</i> , 178 F.3d 350 (5th Cir. 1999) .....	13
<i>Blankenship v. Blackwell</i> , 341 F. Supp. 2d 911 (S.D. Ohio 2004) .....	20
<i>Blum v. Yaretsky</i> , 457 U.S. 991 (1982) .....	15
<i>Boudreaux v. Swift Transp. Co.</i> , 402 F.3d 536 (5th Cir. 2005) .....	10
<i>Brnovich v. Democratic Nat'l Comm.</i> , 141 S. Ct. 2321 (2021) .....	21
<i>Broyles v. Texas</i> , 618 F. Supp. 2d 661 (S.D. Tex. 2009), <i>aff'd</i> , 381 F. App'x 370 (5th Cir. 2010) .....	25
<i>Burdick v. Takushi</i> , 504 U.S. 428 (1992) .....	16, 21, 23
<i>Celotex Corp. v. Catrett</i> , 477 U.S. 317 (1986) .....	10
<i>Clapper v. Amnesty Int'l USA</i> , 568 U.S. 398 (2013) .....	10, 11, 13
<i>Clingman v. Beaver</i> , 544 U.S. 581 (2005) .....	22
<i>Conn v. Gabbert</i> , 526 U.S. 286 (1999) .....	14
<i>Coon v. Ledbetter</i> , 780 F.2d 1158 (5th Cir. 1986) .....	14, 16
<i>Crawford v. Marion Cty. Election Bd.</i> , 553 U.S. 181 (2008) .....	18, 22, 23
<i>Danos v. Jones</i> , 652 F.3d 577 (5th Cir. 2011) .....	14
<i>Dep't of Commerce v. U.S. House of Representatives</i> , 525 U.S. 316 (1999) .....	11, 13
<i>Diaz v. Cobb</i> , 435 F. Supp. 2d 1206 (S.D. Fla. 2006) .....	25
<i>Esshaki v. Whitmer</i> , 813 F. App'x 170 (6th Cir. 2020) .....	22
<i>Eu v. S.F. Cty. Democratic Cent. Comm.</i> , 489 U.S. 214 (1989) .....	21
<i>Havens Realty Corp. v. Coleman</i> , 455 U.S. 363 (1982) .....	11

*Howlette v. City of Richmond*,  
 485 F. Supp. 17 (E.D. Va. 1978)..... 25

*Husted v. A. Philip Randolph Inst.*,  
 138 S. Ct. 1833 (2018) ..... 21, 23

*Ind. Democratic Party v. Rokita*,  
 458 F. Supp. 2d 775 (S.D. Ind. 2006)..... 25

*Keystone Driller Co. v. Gen. Excavator Co.*,  
 290 U.S. 240 (1993) ..... 20

*League of Women Voters of Nassau Cty. v. Nassau Cty. Bd. of Sup’rs*,  
 737 F.2d 155 (2d Cir. 1984) ..... 16

*Lexmark Int’l, Inc. v. Static Control Components, Inc.*,  
 572 U.S. 118 (2014) ..... 14

*Lujan v. Defs. of Wildlife*,  
 504 U.S. 555 (1992) ..... 10, 11

*McDonald v. Bd. of Election Comm’rs of Chi.*,  
 394 U.S. 802 (1969) ..... 17, 18

*Mi Familia Vota v. Abbott*,  
 497 F. Supp. 3d 195 (W.D. Tex. 2020) ..... 12, 13

*NAACP v. City of Kyle*,  
 626 F.3d 233 (5th Cir. 2010)..... 11, 12, 19

*Nat’l Federation of the Blind of Tex., Inc. v. Abbott*,  
 647 F.3d 202 (5th Cir. 2011)..... 15

*Org. for Black Struggle v. Ashcroft*,  
 No. 2:20-CV-04184-BCW, 2021 WL 1318011, (W.D. Mo. March 9, 2021)..... 25

*Richardson v. Tex. Sec’y of State*,  
 978 F.3d 220 (5th Cir. 2020)..... 19, 21, 22

*Storer v. Brown*,  
 415 U.S. 724 (1974) ..... 16, 17

*Tex. Democratic Party v. Abbott (TDP I)*,  
 961 F.3d 389 (5th Cir. 2020) ..... 17

*Tex. Democratic Party v. Abbott (TDP II)*,  
 978 F.3d 168 (5th Cir. 2020)..... 18

*Tex. Democratic Party v. Hughs*,  
 474 F. Supp. 3d 849 (W.D. Tex. 2020), *rev’d and remanded*, 860 F. App’x 874 (5th Cir. 2021) ... 15

*Tex. Democratic Party v. Hughs*,  
 860 F. App’x 874 (5th Cir. 2021) ..... 7

*Tex. Indep. Party v. Kirk*,  
 84 F.3d 178 (5th Cir. 1996)..... 21

*Thompson v. Devine*,  
 976 F.3d 610 (6th Cir. 2020)..... 21

*United States v. Ward*,  
 345 F.2d 857, 862 (5th Cir. 1965) ..... 25

*Veasey v. Perry*,  
 29 F. Supp. 3d 896 (S.D. Tex. 2014) ..... 15

*Vieth v. Pennsylvania*,  
 188 F. Supp. 2d 532 (M.D. Pa. 2002)..... 15

*Voting for Am., Inc. v. Steen*,  
 732 F.3d 382 (5th Cir. 2013)..... 17, 21, 23  
*Warth v. Seldin*,  
 422 U.S. 490 (1975)..... 14, 15

**Statutes**

42 U.S.C. § 1983..... 14  
 52 U.S.C. § 20501..... 23  
 52 U.S.C. § 10101(a)(2)(B)..... 25  
 Act of May 27, 2013, 83rd Leg., R.S., ch. 1178 (S.B. 910), § 3, 2013 Tex. Gen. Laws 2923,  
 2923–24. .... 3  
 Act of May 28, 2021, 87th Leg., R.S., ch. 711 (H.B. 3107) ..... 7,8  
 Tex. Elec. Code § 13.002..... 1  
 Tex. Elec. Code § 13.002(a)..... 1, 19  
 Tex. Elec. Code § 13.002(b) ..... 3  
 Tex. Elec. Code § 13.038..... 2  
 Tex. Elec. Code § 13.041 ..... 2  
 Tex. Elec. Code § 13.073..... 7, 25  
 Tex. Elec. Code § 13.143(d-2) ..... 1  
 Tex. Elec. Code § 13.143(d)(2) ..... 3, 8  
 Tex. Elec. Code § 20.001 ..... 2, 18, 19  
 Tex. Elec. Code § 20.031 ..... 1  
 Tex. Elec. Code § 20.035 ..... 1  
 Tex. Elec. Code § 87.027..... 4

**Other Authorities**

David P. Currie, *Misunderstanding Standing*, 1981 Sup. Ct. Rev. 41, 45..... 14

**Rules**

Fed. R. Civ. P. 56(a) ..... 10

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE JASON K. PULLIAM:

Intervenor-Defendant Ken Paxton, in his official capacity as Attorney General of Texas, and Remi Garza, in his official capacity as Cameron County Elections Administrator, respectfully move the Court for summary judgment. Intervenor-Defendant Paxton joins in full the Motion for Summary Judgment filed by Intervenor Defendants Lupe Torres and Terrie Pendley as to Issues 1 and 2 and the arguments that Plaintiff has no private cause of action under Section 1971 and, in the alternative, no meritorious claim under Section 1971 both as pleaded and after considering the evidence at the summary-judgment stage.

## STATEMENT OF GROUNDS & UNDISPUTED FACTS

### I. Voter Registration Procedures in Texas

1. To register to vote in Texas, applicants need only fill out and submit an application form to a voter registrar that satisfies Section 13.002 of the Texas Election Code—namely, that it is “in writing and signed by the applicant.” Tex. Elec. Code §§ 13.002; 13.143(d-2). Under the Election Code, any “person desiring to register to vote” can submit his or her application to the county registrar by personal delivery, by mail, or by fax machine. Tex. Elec. Code § 13.002(a). If the person needs assistance, the applicant may appoint an agent to submit the application on the person’s behalf pursuant to Section 13.003. Further, the Election Code designates certain government offices to act as “voter registration agencies,” including the Department of Public Safety (DPS), the Health and Human Services Commission, and public libraries. *Id.* § 20.001. Each of these offices “shall provide a voter registration application form to each” qualified individual “in connection with the person’s application for initial services” and “any recertification, renewal, or change of address, unless the person declines in writing.” *Id.* at § 20.031. If the voter utilizes the service, then the office “shall deliver to the voter registrar . . . each completed registration application.” *Id.* § 20.035. In some counties, upwards of 75 percent of registrants will choose this option. Callanen Dep. at 92:17–93:14, Appx. 167–68.

2. To facilitate this process, Texas has adopted a series of policies aimed at ensuring that eligible voters have both easy access to application forms and the means of submitting them. Appx. 199–203, 217:2–233:8. For instance, Texas permits counties to appoint volunteer deputy registrars, who have the power to not only distribute application forms in the community but also accept them on the county’s behalf. Tex. Elec. Code §§ 13.038, 13.041. According to Defendant Bruce Elfant, the Travis County Tax Assessor-Collector, Travis County currently has around 2,500 volunteer deputy registrars that work with his office, who will go “anywhere where there’s more than a few people gathered,” so that residents may have the opportunity to register to vote where it is convenient to them, such a coffee shop, movie theater, or local event. Elfant Dep. 414:14–21, 421:20–21, 424:3–22, Appx. 326, 328.

3. The State also ensures access to voter application forms should Texans wish to register on their own initiative. County election officials distribute voter registration applications to groups in their communities to facilitate registration. Appx. 161–62, 68:6–69:12. The Texas Secretary of State provides a copy of the application form on its website, which registrants may fill out and print. *Request for Voter Registration Applications*, TEXAS SECRETARY OF STATE, <https://www.sos.state.tx.us/elections/voter/reqvr.shtml> (last visited March 24, 2022); Ex. A, Texas Voter Registration Application, Appx. 1. The Secretary of State will also mail registrants a postage-paid application form upon request, as will their county registrar. Ex. B, Screenshot from [sos.state.tx.us](https://www.sos.state.tx.us), Appx. 2.

4. Texas’s voter registration program has proven successful. For example, in Travis County, 97 percent of eligible residents were registered in the lead up to November 2020 election. Appx. 329, 425:16–427:9.

5. To improve access to voter registration, the Texas Legislature enacted Senate Bill 910 in 2013, which allowed prospective voters to submit a registration application by facsimile so long as the hard copy of the application was sent by mail to the county registrar within four days of the fax

transmission. Act of May 27, 2013, 83rd Leg., R.S., ch. 1178 (S.B. 910), § 3, 2013 Tex. Gen. Laws 2923, 2923–24. SB 910 did not alter Texas’s longstanding requirement that voters provide an original, wet signature on the hard copy submitted by mail. Tex. Elec. Code § 13.002(b) (“A registration application must be in writing and signed by the applicant.”). Instead, the point of the “provision was to allow [the registrant] to hold their place in line, to hold their effective date, but to follow it up with the original signed copy of the voter registration application” in the next four business days. Ingram Dep. 95:15–20, Appx. 399; Tex. Elec. Code § 13.143(d)(2) (“For purposes of determining the effective date of a registration, an application submitted by . . . telephonic facsimile machine is considered to be submitted to the registrar on the date the transmission is received by the registrar . . .”).

6. When SB 910 was adopted, there was no doubt as to its interpretation nor any suggestion that the new law conflicted with the original, wet signature requirement of § 13.002. *See* Appx. 287, 257:6–8; Lopez Dep. 104:8–22, Appx. 509; Appx. 292, 277:16–21. The Secretary of State is aware of no county that read SB 910 to permit imaged signatures before 2018, and the Secretary’s annual training to election officials every year since SB 910 was passed instructed election officials on this requirement. Appx. 509, 104:8–22. The four County Defendants<sup>1</sup> have testified similarly. Appx. 165, 82:14–83:14; Appx. 166, 87:5–10; Appx. 500, 65:1–66:8; Appx. 508, 97:7–98:1; Appx. 291–92, 276:16–277:14; Garza Dep. 147:11–148:17, 155:5–21, Appx. 371, 373.

7. A physical signature guarantees that registrants attest to meeting the qualifications to vote. Ingram Dep. 159:7–160:11, 172:12–173:7 176:8–177:6. Also, with the registration signature on file, early voting ballot boards and signature verification committees may compare a signature at the time of registration with later signatures given during the electoral process if the authenticity of the

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<sup>1</sup> For the sake of brevity, this term will refer collectively to County Defendants Jacquelyn Callanen, in her official capacity as the Bexar County Elections Administrator; Bruce Elfant, in his official capacity as the Travis County Tax Assessor-Collector; Remi Garza, in his official capacity as the Cameron County Elections Administrator; and Michael Scarpello, in his official capacity as the Dallas County Elections Administrator.

registration or corresponding ballot is in question. Tex. Elec. Code § 87.027; Appx. 173, 113:12–114:10; Appx. 417, 161:3–8; Appx. 420, 179:14–20; Appx. 422, 188:7–18; Scarpello Dep. 84:3–85:1, Appx. 539; Appx. 363, 116:1–12; Tex. Sec’y of State, Election Advisory No. 2022-08 (Jan. 28, 2022), *available at* [sos.texas.gov/elections/laws/advisory2022-08.shtml](https://sos.texas.gov/elections/laws/advisory2022-08.shtml). Registration files at the county are subject to investigation by Texas authorities investigating election-related offenses related to signature misappropriation. Appx. 175–76, 124:21–125:9; Appx. 430, 219:6–220:18; Ex. G, OAG Public Filings & Indictments at pp. 6, 10, Appx. 20, 24.

## II. **Vote.org approaches certain Texas County Officials in 2018.**

8. Founded in 2016, Plaintiff Vote.org is a 501(c)(3) nonprofit, voting registration and get-out-the-vote technology platform that seeks to push internet-based voter registration options. Hailey Dep. 28:6–29:7, Appx. 61; 46:23–47:10, Appx. 66. The users of its web applications are not considered to be members of the organization itself. Appx. 63, 35:6–8; Appx. 79, 101:15–24. In 2018, Plaintiff thought it had found a loophole to circumvent Texas’s refusal to adopt online voter registration, and it developed a web application that allowed prospective registrants to input their information into embedded fields and upload an electronic image of their signature. Appx. 66, 47:11–48:15; Appx. 67, 53:13–22; Appx. 72–73, 72:11–74:4. The web application would then transpose the information and signature file onto a voter registration application form and transmit the application form to Plaintiff’s fax vendor, who would transmit via fax to the county voter registrar. Another third-party vendor would then mail a printed version of the application to the county voter registrar. Appx. 66–67, 49:5–50:13. Before developing this application, Plaintiff did not use any facsimile technology to facilitate the registration of voters in Texas. Appx. 73, 75:3–9.

9. In the fall of 2018, Plaintiff’s employees approached an undisclosed number of election officials at the county level in Texas to see where it could turn on its web application. Ex. E, Vote.org Email 1, Appx. 8; Appx. 74, 78:5–79:2. Plaintiff’s CEO, Andrea Hailey, acknowledged that there was “some confusion among different election officials” and that “some election

administrators interpreted the law in different ways” Appx. 74, 80:4–10; Appx. 77, 92:11–24; Appx. 86–87, 129:24–131:7; Appx. 114–15, 241:7–242:11. According to Plaintiff, the meetings identified a number of “favorable counties . . . who want[ed] to use the e-sign tool[.]” Appx. 110, 223:3–16. These “favorable counties” include the four County Defendants. Appx. 111–12, 129:24–130:4.

10. Plaintiff’s representatives, however, did not disclose to all the counties when securing their approval that the applications Plaintiff would be sending them would not contain a wet signature. Appx. 213, 275:21–276:11; Appx. 498, 59:16–60:16; Appx. 263, 161:22–162:21; Appx. 370, 141:10–20. In addition, a number of counties Plaintiff approached informed Plaintiff that the county would not participate in utilizing its web application because they did not view the technology as a valid method of voter registration. Appx. 74, 80:11–16; Appx. 77, 92:11–93:11; Appx. 99, 181:5–10. A representative from Dallas County, who worked in election administrations there for a decade, testified that what Plaintiff wanted to accomplish in 2018 was illegal, made him uncomfortable, and could cause voters to be disenfranchised. Appx. 500, 65:1–66:8; Appx. 509, 102:21–103:21; Appx. 511, 110:18–111:1. Despite the documented confusion among county officials, Plaintiff made no effort to contact the Texas Secretary of State prior to launch of its e-sign tool to determine its compliance with the Election Code. Appx. 98, 177:5–12.

11. Plaintiff also ran into technical problems that compromised users’ registration applications. Approximately 15 percent of the applications submitted through Plaintiff to Dallas County contained signature lines that were blank, blacked out, illegible, or otherwise of such poor quality that they could not be accepted. Appx. 512, 114:8–17. The other counties experienced similar problems during the rollout of Plaintiff’s “pilot project.” Ex. C, Voter Registration Application from Cameron County, Appx. 4; Appx. 71–72, 68:4–71:19, Appx. 98, 174:20–175:6; Appx. 262–63, 160:2–161:21; Appx. 497, 56:16–20; Appx. 498, 58:15–60:8; Appx. 512, 113:22–114:7; Appx. 370, 142:4–14. The Travis County Tax Assessor-Collector’s office, which had been working with Plaintiff to facilitate the fax transmissions, informed Plaintiff that many of the signatures were

“poor . . . , some blank, and some blacked out” and that “[t]his is a real problem and [the office is] concerned about proceeding until this is cleared up.” Ex. D, Travis County Emails, Appx. 5; Appx. 262–63 160:2–161:21. To top it off, Plaintiff’s “pilot program” failed to transfer all of the applications to county election officials via fax, including *at least* 259 applications in Dallas County. Appx. 515, 125:17–126:21. Plaintiff’s CEO admits that their engineering team will need to “fix” the issues with imaged signatures before their web application can be used again. Appx. 72, 71:20–72:8.

12. Texans using Plaintiff’s web application were not informed that they were being asked to participate in a “pilot project” and that their registration applications might be subject to rejection by county officials due to the lack of an original, wet signature. Appx. 99, 180:11–181:4. Nor were Texans informed that Plaintiff had reason to suspect that its program violated Texas law. Appx. 99, 181:5–14. Without a valid signature, an election administrator may consider the registration application void. Appx. 537, 74:20–75:4. Indeed, Dallas County deemed every single application submitted by Vote.org incomplete due to the lack of an original, wet signature as soon as they started arriving, even before the Secretary of State issued a statement. Appx. 513, 117:2–21. The Bexar County Election Administrator also testified that she had decided to return the registration applications independent of her later conversations with the Secretary of State’s Office because the applications had no original, wet signatures. Appx. 214, 280:4–281:2.

### **III. Texas Secretary of State issues guidance to counties.**

13. Shortly after the fax transmissions from voters came in with deficient, imaged signatures, the Cameron County Elections Administrator, Remi Garza, sought clarification from the Secretary of State to ascertain if the voter registration applications submitted through Plaintiff’s technology complied with the Election Code. Appx. 370, 143:21–144:22; Appx. 424–25, 196:17–197:7. Because the applications lacked an original, wet signature, the Secretary’s Office advised Garza that they did not. Appx. 426, 202:13–203:1. Prospective voters seeking to register using Plaintiff’s e-sign technology were given the opportunity to cure the deficiencies in their applications after receiving

a “notice of incomplete” pursuant to the Election Code. *See* Tex. Elec. Code § 13.073; Appx. 426, 202:13–203:1; Appx. 206, 248:3–7; Appx. 514–15, 124:17–125:7.

14. Secretary of State Rolando Pablos issued a statement shortly thereafter clarifying the requirements under the law stating that online voter registration is not available in Texas. Ex. H, Secretary Pablos Statement, Appx. 52.<sup>2</sup> Each of the county election administrators/tax assessor-collectors who received Plaintiff’s applications were consulted about the proper application of the registration law, which required sending notices of incompleteness. Appx. 52; Appx. 425–26, 200:2–203:3.

15. After the Secretary issued the guidance related to voter registration applications, Plaintiff notified the users of its web application that their registrations would not be processed unless action was taken to correct the signature errors. Ex. F, Vote.org Email to Users, Appx. 11; Appx. 137, 330:17–22; Appx. 137, 332:10–19. In its notice, Plaintiff stated that it was “truly deeply sorry for this inconvenience.” Appx. 11.

#### **IV. Texas passes its latest “cleanup bill,” HB 3107.**

16. During the 2021 Legislative Session, Texas passed House Bill 3107, a “cleanup” measure intended to clarify several provisions of the Texas Election Code, but which was not intended to make any substantive changes to Texas election law. Act of May 28, 2021, 87th Leg., R.S., ch. 711 (H.B. 3107); Appx. 398, 92:4–13; Appx. 399, 96:6–97:19; Appx. 163, 75:13–77:1. Section 14 of HB 3107 affirmed that an original, wet signature is required on applications submitted via mail or personal delivery, regardless of whether a copy was previously submitted via fax. *See* Tex. Elec.

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<sup>2</sup>The Texas Democratic Party, Democratic Senatorial Campaign Committee, and Democratic Congressional Campaign Committee sued the Secretary of State asserting the same legal claims present in this challenge. *Tex. Democratic Party v. Hughs*, 860 F. App’x 874, 875–76 (5th Cir. 2021). The Fifth Circuit concluded that the Secretary lacked a sufficient enforcement connection to the wet signature rule under the *Ex parte Young* exception to sovereign immunity and the case was dismissed. *Id.* at 879.

Code § 13.143(d-2).<sup>3</sup>

17. Neither HB 3107 nor SB 910 changed the longstanding requirement that voter registration applications submitted by mail and personal delivery must contain an original, wet signature—they merely added the opportunity for applicants to set their registration date as the date they fax a copy to their county voter registrar. Appx. 401, 102:3–103:12.

**V. Plaintiff sues County Defendants.**

18. After HB 3107 was enacted in 2021, Plaintiff sued the four “favorable” counties. CEO Hailey characterizes Plaintiff’s “biggest injury” as allegedly not being able to use its technology “in the most streamlined way”—that it was “wasted technology”—and the time and resources spent in developing the e-sign tool. Appx. 81, 108:9–109:11; Appx. 128, 295:23–296:3. These injuries are confined to operating expenses in 2018, and were not incurred in response to the passage of HB 3107 in 2021. Appx. 82, 110:14–111:3; Appx. 83, 115:13–116:8. Plaintiff’s web application has been turned off in Texas since October 2018. Appx. 70, 62:14–19; Appx. 72, 70:1–21; Appx. 75, 83:13–84:2.

19. Plaintiff has not produced a breakdown of expenses attributable to not being able to use its technology “in the most streamlined way” or of expenses spent to develop the e-sign tool. What it has produced are its expenses for the years 2018 to 2021, which were \$10,407,038 (2018); \$3,224,329 (2019); \$14,261,934 (2020); and, \$1,798,671 (2021) and the projected budget for 2022 is \$5,979,009. Ex. I, Annual Budgets, Appx. 559–60.

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<sup>3</sup> Section 14’s language reads:

For a registration application submitted by telephonic facsimile machine to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

Act of May 28, 2021, 87th Leg., R.S., ch. 711, § 14 (H.B. 3107).

## VI. Challenged Causes of Action

Defendants Paxton and Garza challenge both causes included in the Complaint: Count I, Violation of Section 1971 of the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B), and Count II, U.S. Const. Amends. I, XIV; 42 U.S.C. § 1983, asserting an undue burden on the right to vote. ECF 1 at pp. 11–12.

## VII. Defendants Paxton and Garza’s Grounds for Summary Judgment

The Court does not have subject-matter jurisdiction over any of Plaintiff’s claims because Plaintiff lacks Article III standing, as it has no concrete injury and Defendants do not cause Plaintiff’s alleged injury. Further, Plaintiff has no private cause of action under 52 U.S.C. § 10101(a)(2)(B) because the statute authorizes only the Attorney General to bring suit. Plaintiff also lacks statutory standing to sue on behalf of voters under 42 U.S.C. § 1983. The Court need not proceed to the merits for these reasons, but if it does, HB 3107 must be upheld as constitutional under *Anderson-Burdick* because Plaintiff’s suit does not implicate the right to vote and because the burden, if any, under HB 3107 is minimal and significantly outweighed by Texas’s compelling state interests. Finally, HB 3107 does not violate 52 U.S.C. § 10101(a)(2)(B) because signature requirements are material and no voter is denied the right to vote for a defect in signature.

### STATEMENT OF THE ISSUES

1. Whether Plaintiff, a nonprofit organization, has standing to assert claims regarding voting rights of parties who are not members of Plaintiff’s organization and are not before the Court.
2. Whether Plaintiff has a constitutional right to submit electronic voter registration applications on behalf of its users by applying an imaged signature to the hard copy required to be mailed to the respective county registrar.
3. Whether the burden, if any, posed by HB 3107 is constitutional under *Anderson-Burdick* scrutiny when several alternatives to facsimile registration exist for registrants to choose from.
4. Whether Plaintiff has a cause of action under Section 1971 or the Civil Rights Act when

the statute contains no private right of action and the complaint contains no allegation of racial discrimination.

5. Whether the requirement to physically sign a voter registration form that is mailed after being faxed to the respective county official violates the materiality provision of Section 1971.

### STANDARD OF REVIEW

A “court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). The mere existence of some factual dispute will not defeat summary judgment unless that factual dispute is material to an issue affecting the outcome of the case. *Anderson v. Liberty Lobby*, 477 U.S. 242, 247–49 (1986). Movants “must demonstrate the absence of a genuine issue of material fact,” but need not “negate the elements of the nonmovant’s case.” *Id.*; *Boudreaux v. Swift Transp. Co.*, 402 F.3d 536, 540 (5th Cir. 2005).

### ARGUMENT & AUTHORITIES

#### I. Plaintiff does not have standing.

At its core, Plaintiff’s claim is that it has a constitutional entitlement to use any technological method it wants to help Texans register to vote. Standing requires (1) an injury in fact; (2) that the injury be fairly traceable to the alleged wrongful conduct of the defendant; and (3) redressability. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). Because Plaintiff seeks prospective relief, it must establish an “imminent” future injury. *Id.* at 564. The Supreme Court has “repeatedly reiterated that threatened injury must be certainly impending to constitute injury in fact.” *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013) (quotation omitted). “[F]uture injury to others is irrelevant; plaintiffs seeking injunctive relief must show a continuing or threatened future injury to themselves.” *Id.* at 721. Plaintiff does not assert associational standing on behalf of any members of its organization because the organization does not have members—it therefore can only assert standing based on injuries to the organization, but for the following reasons Plaintiff’s claims do

not satisfy the Article III standing threshold. ECF 70 at 3; Appx. 63, 35:6–8; Appx. 79, 101:15–24.

An organization lacks organizational standing unless it satisfies the same Article III requirements applicable to individuals: injury in fact, causation, and redressability. *See NAACP v. City of Kyle*, 626 F.3d 233, 237 (5th Cir. 2010) (citing *Lujan*, 504 U.S. at 560–61). In an appropriate case, an organization can establish an injury in fact by showing that the challenged law conflicts with the organization’s mission and “perceptibly impair[s]” its activities. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). At the summary-judgment stage, mere allegations of injury are insufficient and the “plaintiff must establish that there exists no genuine issue of material fact as to justiciability or the merits.” *Dep’t of Commerce v. U.S. House of Representatives*, 525 U.S. 316, 329 (1999) (citing *Lujan v. Nat’l Wildlife Federation*, 497 U.S. 871, 884 (1990)). A plaintiff “cannot manufacture standing by choosing to make expenditures based on” an alleged harm that does not itself qualify as an injury in fact. *Clapper*, 568 U.S. at 402. Even if the showing necessary for an injury in fact is slight, “[n]ot every diversion of resources to counteract the defendant’s conduct . . . establishes an injury in fact.” *City of Kyle*, 626 F.3d at 238.

Plaintiff has suffered no concrete injury caused by the Defendants’ enforcement of HB 3107 because it did not divert resources in response to HB 3107 and there is no conflict with its mission for the reasons stated in OAG’s Motion to Dismiss and for Judgment on the Pleadings, ECF 53 at pp. 5–6; instead, Plaintiff’s alleged harm is the “wasted technology” it developed, and turned off, in Texas *years* before the passage of HB 3107. Appx. 70, 62:14–19; Appx. 72, 70:1–21; Appx. 75, 83:13–84:2; Appx. 81, 108:9–109:11; Appx. 82, 113:2–23; Appx. 128, 295:23–296:3; *see Havens Realty Corp.*, 455 U.S. at 379. Further, Plaintiff’s claims that eligible voters will be injured by HB 3107 are not cognizable in the absence of members or the voters as parties to this suit themselves because Plaintiff has no personal stake in the rights it seeks to vindicate. Plaintiff has not and cannot name a single Texan injured by Defendants by HB 3107.

**A. The entirety of Plaintiff's alleged harm stems from events in 2018.**

Plaintiff's CEO admits that the e-sign function of Plaintiff's web application has been turned off since 2018 and all expenses Plaintiff incurred in developing and rolling out the application happened before any County Defendant took an allegedly illegal act against it. Appx. 70, 62:14–19; Appx. 72, 70:1–21; Appx. 75, 83:13–84:2. Therefore, there cannot possibly be any aspect of HB 3107, passed in 2021, that “perceptibly impairs” Plaintiff's future operations for standing purposes. *See City of Kyle*, 626 F.3d at 237. In *Mi Familia Vota*, this Court found that the organization claiming standing had suffered a sufficient injury in fact because the Governor's allegedly unlawful conduct in issuing executive orders during the pandemic was the cause of the plaintiff's injury and that the Court could redress this injury by enjoining those orders. 497 F. Supp. 3d at 209–10. Here, however, HB 3107 was passed in 2021 and it has not been shown to cause any diversion of resources on Plaintiff's part—in fact, the opposite is true because Plaintiff has chosen to keep its application turned off and in compliance with current voter registration law in Texas. Appx. 70, 62:14–19; Appx. 72, 70:1–21; Appx. 75, 83:13–84:2. As a result, Plaintiff suffers no injury from passage of HB 3107 allowing it to claim standing.

Plaintiff also has not suffered an injury that caused it to divert resources from any readily-identifiable routine activities. *See City of Kyle*, 626 F.3d at 238–39. In *City of Kyle*, the Fifth Circuit held that an association of home builders lacked organizational standing based on its assertion that it undertook efforts to influence local zoning ordinances, which was no different from its routine activities. *See id.* Here, Plaintiff began in 2016 and it did not have a routine practice of offering its e-sign tool to voters in Texas at any point in time. Appx. 61, 28:6–29:7; Appx. 66, 46:23–47:10; Appx. 72-3, 72:11–74:4; Appx. 73, 75:3–9. The assumption of these costs was not a diversion from any identifiable routine activities and therefore cannot form the basis for standing. *See City of Kyle*, 626 F.3d at 238.

Plaintiff has not and cannot show that it diverted resources in response to HB 3107.

Plaintiff did not provide a budget or breakdown of expenditures specific to Texas during discovery. *See* ECF 106 at 2–3 (ordering that the OAG may move to strike any documents relied on by Plaintiff during motions for summary judgment that were not disclosed during discovery). However, it did provide a nationwide budget, which showed the following breakdown of expenditures: \$10,407,038 (2018); \$3,224,329 (2019); \$14,261,934 (2020); and, \$1,798,671 (2021). Ex. I, Appx. 559–60. Plaintiff’s annual expenditures in 2021 *decreased* by 87.4 % percent from what they were in 2020. No evidence has been disclosed during discovery about Plaintiff’s actual expenditures in 2022, but Plaintiff did produce a proposed budget that estimated \$5,979,009 in expenditures. Appx. 559. Notably, 2022 is a midterm election year, so Plaintiff’s proposed budget for 2022 would still only equal 57.45% of its expenditures during the last midterm election in 2018. *See id.* With no other evidence in the record about expenditures in response to HB 3107, and with both actual and proposed midterm election expenditures significantly decreasing *after* passage of HB 3107 in 2021, Plaintiff cannot show a sufficient diversion resources for standing. *See Dep’t of Commerce*, 525 U.S. at 329.

**B. Plaintiff’s injury is self-inflicted.**

Causation does not exist when the injury is “self-inflicted” and plaintiffs may not “manufacture standing” by incurring costs in the absence of any governmental harm. *Clapper*, 568 U.S. at 402; *Mi Familia Vota v. Abbott*, 497 F. Supp. 3d 195, 208 (W.D. Tex. 2020) (quoting *Ass’n of Cmty. Orgs. For Reform Now v. Fowler*, 178 F.3d 350, 358 (5th Cir. 1999)). The testimony in this case shows that Plaintiff’s application did not comply with the Election Code. Appx. 74, 78:5–79:2. Plaintiff admittedly had every indication that its technology would cause “confusion,” since several counties rejected their proposal to integrate their web application into their registration operations. Appx. 74, 80:4–10; Appx. 77, 92:11–24; Appx. 86–87, 129:24–131:7; 98, 177:5–12; Appx. 114–15, 241:7–242:11. Plaintiff avoided seeking out Secretary of State guidance on this issue. Appx. 189, 177:5–12. Not only does this evidence show that Plaintiff’s harm, if any, is self-inflicted, the greater

harm was to the voters whose registrations were gambled as part of Plaintiff's "pilot program" and to whom Plaintiff had to apologize and notify of the need to cure applications. Appx. 11. The Secretary of State's representative testified that Plaintiff was "putting these voters' right to vote and their eligibility – their registration to vote in jeopardy because of their actions[.]" Appx. 425, 197:17–198:20. The Dallas County representative similarly testified that he believed voters could be disenfranchised by Plaintiff's actions. Appx. 511, 110:18–111:1. The harm to the voters, and Plaintiff's own harm, was caused by its own negligence and cannot form any basis for its standing.

**C. Plaintiff has no statutory standing to assert a claim under Section 1983.**

Even if Plaintiff had Article III standing, it would lack statutory standing. Prudential requirements mandate dismissal when a party fails to assert a cause of action regarding its own, personal rights. *See Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 128 n.4 (2014); *Danos v. Jones*, 652 F.3d 577, 582 (5th Cir. 2011). Section 1983 provides a cause of action only when the plaintiff suffers "the deprivation of any rights, privileges, or immunities secured by the Constitution and laws." 42 U.S.C. § 1983. It does not provide a cause of action to plaintiffs claiming an injury based on the violation of a third party's rights. *See Coon v. Ledbetter*, 780 F.2d 1158, 1160 (5th Cir. 1986) ("[L]ike all persons who claim a deprivation of constitutional rights, [plaintiffs] were required to prove some violation of their personal rights.").

Section 1983 "incorporates, but without exceptions, the Court's 'prudential' principle that the plaintiff may not assert the rights of third parties." David P. Currie, *Misunderstanding Standing*, 1981 Sup. Ct. Rev. 41, 45. When "[t]he alleged rights at issue" belong to a third party, rather than the plaintiff, the plaintiff lacks statutory standing, regardless of whether the plaintiff has suffered his own injury. *Danos*, 652 F.3d at 582; *see also Conn v. Gabbert*, 526 U.S. 286, 292–93 (1999) (quoting *Warth v. Seldin*, 422 U.S. 490, 499 (1975)) (holding that a lawyer "clearly had no standing" to bring a § 1983 claim for an injury he suffered as a result of "the alleged infringement of the rights of his client" because a plaintiff "generally must assert his own legal rights and interests, and cannot rest

his claim to relief on the legal rights or interests of third parties”).

Here, all of Plaintiff’s claims depend on the right to vote. ECF 1 ¶¶ 25, 29, 35–36. But Plaintiff is an artificial entity without voting rights. Appx. 61, 28:6–29:7; Appx. 66, 46:23–47:10. Plaintiff claims it suffered injury in having to expend resources to comply with the law, but this injury is different in kind from that necessary to establish standing in a voting rights case. “[A] plaintiff who has been subject to injurious conduct of one kind [does not] possess by virtue of that injury the necessary stake in litigating conduct of another kind, although similar, to which he has not been subject.” *Nat’l Federation of the Blind of Tex., Inc. v. Abbott*, 647 F.3d 202, 209 (5th Cir. 2011) (quoting *Blum v. Yaretsky*, 457 U.S. 991, 999 (1982)); cf. *Vieth v. Pennsylvania*, 188 F. Supp. 2d 532, 546 (M.D. Pa. 2002) (“It goes without saying that political parties, although the principal players in the political process, do not have the right to vote.”). Plaintiff is necessarily asserting the rights of third parties and therefore cannot sue under § 1983. Because this follows from the statute itself, Plaintiff cannot invoke any prudential exceptions. See *Warth v. Seldin*, 422 U.S. 490, 514 (1975).

The Court should not rely on *Texas Democratic Party v. Hughs* (TDP) to analyze the statutory standing question in this case. 474 F. Supp. 3d 849, 856 (W.D. Tex. 2020), *rev’d and remanded*, 860 F. App’x 874 (5th Cir. 2021). TDP found that organizations could establish standing on behalf of their members who suffered an alleged constitutional harm, not that Section 1983 standing was proper for injuries to the organization itself. *Id.*; see also *Veasey v. Perry*, 29 F. Supp. 3d 896, 907 (S.D. Tex. 2014) (“As observed, however, **associational**<sup>4</sup> standing allows enforcement of the individual member’s rights.”) (emphasis added). This argument thus depends on Plaintiff asserting that its members suffer a harm of constitutional proportions, which it has not done, and whatever the impact of HB 3107 on Plaintiff’s finances, these harms are not actionable under Section 1983 because Plaintiff does not have members and there is no harm to personal voting rights, since

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<sup>4</sup> Movants do not concede that associational standing also allows an organization statutory standing under Section 1983.

Plaintiff is an artificial organization that does not vote. Appx. 79, 101:3–24. *See Coon v. Ledbetter*, 780 F.2d 1158, 1160 (5th Cir. 1986); *see also League of Women Voters of Nassau Cty. v. Nassau Cty. Bd. of Sup'rs*, 737 F.2d 155, 160 (2d Cir. 1984) (holding that organization does not have standing to sue under Section 1983 for violations of the personal constitutional rights of others).

Having no voting rights of its own and having no members whose voting rights could have been infringed, Plaintiff has no standing to sue under Section 1983.

## II. **HB 3107 is constitutional under *Anderson-Burdick*.**

Nothing in the summary judgment evidence shows that Plaintiff—an artificial entity—is a voter whose constitutional right to cast a ballot in a Texas election is being infringed. What Plaintiff is asserting is a constitutional right to impose its preferred form of voter registration technology on the State of Texas. ECF 1 ¶¶ 18–20. Summary judgment is warranted because Plaintiff has no cause of action a federal court may entertain. But even if Plaintiff's claims did not suffer this fatal flaw, they would suffer another; the burden they allege is minimal and outweighed by Texas's important regulatory interests.

“Common sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections; ‘as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes.’ *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (quoting *Storer v. Brown*, 415 U.S. 724, 730 (1974)). In deciding whether an election regulation is constitutional, courts must balance “the character and magnitude of the asserted injury” to the rights the plaintiff seeks to vindicate against “the precise interests put forward by the State as justifications” for the challenged rule, all while taking into consideration “the extent to which those interests make it necessary to burden the plaintiff's rights.” *Id.* at 434 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). When a state election law imposes only “reasonable, nondiscriminatory restrictions” upon the First and Fourteenth Amendment rights of voters, “the state's important

regulatory interests are generally sufficient to justify” the restrictions. *Anderson*, 460 U.S. at 788. The State, after all, has considerable power “to engage in ‘substantial regulation of elections’ to ensure that elections are well run. *Voting for Am., Inc. v. Steen*, 732 F.3d 382, 394 (5th Cir. 2013) (quoting *Storer*, 415 U.S. at 730).

HB 3107 does not encroach on the right to vote whatsoever, and even if it did, the law survives *Anderson-Burdick* review because any burden is miniscule. The Constitution does not include a freestanding right to for individuals to register to vote in whatever manner they or Plaintiff deem most convenient.

**A. The right to vote is not implicated by this lawsuit.**

Plaintiff’s constitutional claim fails here because the organization does not possess a right to cast a ballot in Texas, and therefore no evidence shows that Plaintiff is burdened in the constitutional sense—effectively, Plaintiff has no cause of action. When considering a challenge to the limited availability of absentee ballots, the Supreme Court distinguished “the right to vote” from the “claimed right to receive absentee ballots.” *McDonald v. Bd. of Election Comm’rs of Chi.*, 394 U.S. 802, 807 (1969). It concluded that the plaintiffs’ inability to vote by mail did not implicate the right to vote because it did not “preclude[ the plaintiffs] from voting” via other methods. *Id.* at 808. Similarly, the Fifth Circuit has applied this reasoning in the context of *Anderson-Burdick* scrutiny to find that the fundamental right to vote is not implicated by a Texas law that makes age-based distinctions on who may receive and vote by absentee mail ballot as of right. *Tex. Democratic Party v. Abbott (TDP I)*, 961 F.3d 389, 404 (5th Cir. 2020) (quoting *McDonald*, 394 U.S. at 808 n.7). This is so, the Court said, because the “right to vote is not ‘at stake’” if Texas is not prohibiting a plaintiff “from voting by all other means” and where “plaintiffs are welcome and permitted to vote.” *Id.*<sup>5</sup>

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<sup>5</sup> The merits panel that heard later decided the issues in *TDP I* stated that it was not deciding whether *Anderson-Burdick* scrutiny applies the Twenty-Sixth Amendment challenge asserted in that case and left the issue for the district court to decide. *Tex. Democratic Party v. Abbott (TDP II)*, 978 F.3d 168, 194 (5th Cir. 2020).

The same reasoning applies here. The fax provision of HB 3107 adds to the procedures already available for Texans to register to vote, it does not take anything away from anybody. *See McDonald*, 394 U.S. at 807; *Tex. League of United Latin Am. Citizens v. Hughs*, 978 F.3d 136, 144 (5th Cir. 2020) (“Indeed, one strains to see how [the proclamation] burdens voting at all” seeing how it “is part of the Governor's expansion of opportunities to cast an absentee ballot in Texas well beyond the stricter confines of the Election Code.”); *cf. Tex. Democratic Party v. Abbott (TDP II)*, 978 F.3d 168, 190–91 (5th Cir. 2020) (“an election law abridges a person’s right to vote for the purposes of the Twenty-Sixth Amendment only if it makes voting more difficult for that person than it was before the law was enacted or enforced”). As set forth at length in Undisputed Facts ¶¶ 1–3, *supra*, Texas provides voters with multiple methods by which to register to vote, and registering via a telephonic facsimile machine is but one of many. *See also* Appx. 138, 335:5–18; 336:7–337:5; Bryant Dep. 114:1–11, 142:19–143:15, Appx. 466, 473. Based on the availability of several avenues for Texans who seek to vote, the Court should conclude that the fundamental right to vote is not implicated by Plaintiff’s claims and uphold HB 3107 as constitutional on this ground alone.

**B. The burden, if any, of complying with HB 3107 survives *Anderson-Burdick* scrutiny.**

When the challenged election procedure is reasonable and nondiscriminatory, the State’s important regulatory interests are generally sufficient to justify the burden, if any, on the voter. *Anderson*, 460 U.S. at 788. When analyzing the burden, the Court must take care to distinguish the burden of compliance from the consequence of noncompliance with the election provision. *Cranford v. Marion Cty. Election Bd.*, 553 U.S. 181, 198 (2008) (analyzing the burden on voters of obtaining identification rather than the consequence of attempting to vote without identification). The Supreme Court has always analyzed “the magnitude of burdens . . . categorically and [has] not consider[ed] the peculiar circumstances of individual voters or candidates.” *Id.* at 206. Plaintiff cannot show voters are categorically burdened by the availability of registration by fax with hard-

copy confirmation.

**1. Texans are not required to vote by fax.**

HB 3107 does not cause an extra burden on voters, but rather enlarges the procedures available for voter registration by including a fax option in addition to the options that are already available, such as through DPS, designated assistants, direct mail, deputy registrars, designated voter registration agencies, and personal delivery. Tex. Elec. Code §§ 13.002(a), 13.003, 20.001. Even if this Court were to consider fax registration in a vacuum instead of as one option among many, which it should not do, the burden imposed is justified by compelling state interests in ensuring election security. *See Richardson v. Tex. Sec’y of State*, 978 F.3d 220, 224–25 (5th Cir. 2020) (“To further its compelling interest in safeguarding the integrity of the election process, Texas conditions the vote-by-mail privilege on compliance with various safeguards. One of those, at issue here, is signature verification.”).

Elfant testified that 97% of people of voting age are registered to vote in Travis County. Appx. 329, 425:16–427:9. Callanen, as one example, stated that she makes all of the several methods of registration available to her constituents to the greatest degree possible so that they have ample opportunity to register, such as having approximately 2,000 deputy registrars to help. Appx. 199–203, 217:2–233:8. If HB 3107 posed any serious burden to any person wanting to register, Defendants could not have had this level of success. Far from being a “severe” burden requiring the State’s interest to be narrowly tailored to the harm it seeks to prevent, HB 3107’s fax provision imposes a minimal burden by requiring a registrant to physically sign the original application instead of applying an imaged signature, or resort to one of the myriad of alternative options. *See Richardson*, 978 F.3d at 240.

Plaintiff’s CEO and expert both concede the availability of several forms of registration outside of fax submission. Appx. 138, 335:5–18, 336:7–337:5; Appx. 466, 114:1–11; Appx. 473, 142:19–143:15. Yet Plaintiff’s expert admits that her analysis only assessed the burden under the

fax provision of HB 3107 and she did not account for the several other ways available to registrants that might alleviate any supposed burden. Appx. 473, 142:19–143:15. Indeed, Plaintiff’s expert testified that it is easier to locate a printer than it is to locate a fax machine. Appx. 475, 151:7–11.

Further, any burden on voters’ rights was caused by Plaintiff itself. It was Plaintiff, not the counties or the State, that inserted confusion and possible disenfranchisement into the registration process. Ex. C, Appx. 4; Appx. 71-2, 68:4–71:19; Appx. 500, 65:1–66:8; Appx. 509, 102:21–103:21; Appx. 511, 110:18–111:1. The evidence shows that:

- Plaintiff deliberately targeted “favorable counties” that it believed it could talk into using its platform while acknowledging that several counties did not accept Plaintiff’s interpretation of the code. Appx. 74, 80:11–16; Appx. 77, 92:11–93:11.
- Plaintiff refused to seek clarification from the Secretary of State. Appx. 98, 177:5–12; Appx. 110, 223:3–16.
- Plaintiff withheld from users that they were part of a “pilot project” that used their applications as ingredients in Plaintiff’s experiment to see if its software worked, which it did not. Appx. 4; Appx. 71–72, 68:4–71:19; Appx. 184–85, 160:17–161:21; Appx. 497, 56:16–20; Appx. 498, 58:15–60:8; Appx. 512, 113:22–114:7; Appx. 370, 142:4–14.

In sum, Plaintiff was responsible for disrupting the County Defendants’ registration machinery, and Plaintiff was responsible for the resulting uncertainty as to whether any of its users had actually registered. Plaintiff stacked the dynamite and Plaintiff lit the fuse; this lawsuit is its attempt to blame the Defendants for the damage and debris. *See Blankenship v. Blackwell*, 341 F. Supp. 2d 911, 924 (S.D. Ohio 2004) (quoting *Keystone Driller Co. v. Gen. Excavator Co.*, 290 U.S. 240, 245 (1993)) (doctrine of unclean hands barred plaintiff from seeking equitable relief, not “as a punishment but rather to further ‘the advancement of right and justice’”).

**2. Texas’s compelling interest in election security makes it necessary to require a signature at registration.**

“Texas ‘indisputably has a compelling interest in preserving the integrity of its election process.’” *Richardson*, 978 F.3d at 239 (quoting *Eu v. S.F. Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989)). HB 3107 imposes only minimal, non-discriminatory burdens if any, and the statute is therefore subject to relaxed scrutiny and Texas need only point to a “legitimate state interest[]” to justify HB 3107 under *Anderson-Burdick* scrutiny. See *Burdick*, 504 U.S. at 434; *Tex. Indep. Party v. Kirk*, 84 F.3d 178, 184 (5th Cir. 1996). First, HB 3107 helps maintain accurate voting rolls and combat the use of fraudulent signatures. Appx. 175–76, 124:21–125:9; Appx. 430, 219:6–220:18; Ex. G at pp. 6, 10, Appx. 20, 24; see *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2340 (2021).

One strong and entirely legitimate state interest is the prevention of fraud. Fraud can affect the outcome of a close election, and fraudulent votes dilute the right of citizens to cast ballots that carry appropriate weight. Fraud can also undermine public confidence in the fairness of elections and the perceived legitimacy of the announced outcome.

*Id.* Inaccuracies in voter registration are a serious problem: “It has been estimated that 24 million voter registrations in the United States—about one in eight—are either invalid or significantly inaccurate.” See *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833, 1838 (2018). “Any corruption in voter registration affects a state’s paramount obligation to ensure the integrity of the voting process and threatens the public’s right to democratic government.” *Steen*, 732 F.3d at 394. Accordingly, Texas has a weighty “interest in preventing voter registration fraud,” *id.* at 394–95, and other conduct that frustrates the operation of the electoral process by inserting confusion and disruption as Plaintiffs did to the County Defendants.

When statutes that are duly enacted by the Texas Legislature require physical signatures as a part of the electoral process, federal courts err under *Anderson-Burdick* if they rewrite those statutes to compel allowance of signatures by electronic means, even in the midst of a global pandemic. See *Thompson v. Devine*, 976 F.3d 610, 620 (6th Cir. 2020); *Essbaki v. Whitmer*, 813 F. App’x 170, 172

(6th Cir. 2020) (citing *Clingman v. Beaver*, 544 U.S. 581, 586 (2005)). And the Fifth Circuit has recently found that Texas’s statutory scheme allowing for the comparison of a voter’s signature on the carrier envelope for a mail-in ballot against a voter’s signature on the mail-in ballot application passes the constitutional test under *Anderson-Burdick. Richardson*, 978 F.3d at 238 (citing *Crawford*, 553 U.S. at 239 (Breyer, J., dissenting)). The Fifth Circuit noted that both the opinion for the Court and Justice Breyer’s dissent in *Crawford* agree that a “requirement that voters ‘sign their names so their signatures can be compared with those on file’” and the counting of “a provisional ballot . . . if the state ‘determines that his signature matches the one on his voter registration form’” are not unconstitutionally burdensome. *Id.* (quoting *Crawford*, 553 U.S. at 197 (plurality op.), 239 (Breyer, J., dissenting)). If the signature comparison scheme is constitutional, it stands to reason that requiring a signature at the time of registration—in the first instance—is also constitutional because the burden is nondiscriminatory and minimal, and the requirement serves the important regulatory interests of the State in preventing fraud in the electoral process. *See id.* at 239–40. The Texas Secretary of State has advised Defendants that signature verification committees or early voting ballot boards may look to a voter’s “past signatures on file with the early voting clerk or voter registrar” if the authenticity of signatures comes into question. Tex. Sec’y of State, Election Advisory No. 2022-08 (Jan. 28, 2022), *available at* [sos.texas.gov/elections/laws/advisory2022-08.shtml](https://sos.texas.gov/elections/laws/advisory2022-08.shtml).

To achieve its interest in securing the election, Texas investigates alleged voter fraud by analyzing signatures on voter registration records with the assistance of county election administrators—movants are not asserting a hypothetical state interest in this regard. Appx. 175, 124:21–125:9; Appx. 430, 219:6–220:18; Appx. 20, 24. Without good exemplars of a person’s physical signature, authorities could not achieve indictments against defendants accused of using false signatures of others to perpetrate election fraud through mail ballots. Appx. 20; *see Richardson*, 978 F.3d at 238.

Plaintiff may take the position that its use of imaged signatures serves all of these purposes the same as a written signature would, but the evidence in this case proves that notion dubious—Plaintiff’s software produced images of signatures that were in many cases illegible and which the county officials viewed as unacceptable. Appx. 4–5; Appx. 262-3, 160:2–161:21; Appx. 184, 160:17–161:21; Appx. 497, 56:16–20; Appx. 498, 58:15–60:8; Appx. 512, 113:22–114:7; Appx. 370, 142:4–14. Plaintiff’s suggestion that Texas accepting signatures on an electronic pad via DPS is equivalent to its users submitting imaged signatures is a mischaracterization because DPS does not utilize “imaged signatures” to facilitate registration. Appx. 390, 59:19–60:2, Appx. 391, 61:19–62:12. The signature is captured by an electronic pad controlled by DPS in front of a state official inside of a state run facility. *Id.* Even Plaintiff’s own expert admits that this methodology is more secure than permitting digital signatures in an online setting. Appx. 466, 114:1–11. On these facts, Plaintiff is unable to carry its summary judgment burden to demonstrate that the State’s interests in preventing the proliferation of fraudulent signatures in voter registration is not served by HB 3107’s signature requirement. *See Crawford*, 553 U.S. at 202–03 (citing *Burdick*, 504 U.S. at 439).

**3. HB 3107 upholds voters’ faith in the electoral process and ensures eligible voters are registered accurately.**

Texas also has compelling interests in ensuring accuracy of its registration rolls and maintaining voter confidence in its electoral system. *E.g., Husted*, 138 S. Ct. at 1864 n.\* (Sotomayor, J., dissenting) (citing 52 U.S.C. § 20501); *Steen*, 732 F.3d at 394. Plaintiff does not appear to challenge the requirement that all voter registration applications submitted by mail contain a wet signature; instead, it appears to only challenge the requirement that applications submitted by both fax *and* mail contain a wet signature. ECF 1 at 6. Facsimiles are prone to transmission errors that can cause the image to fail to transmit either entirely or partially, or result in an illegible image. Appx. 372, 149:1–150:1. These problems can occur for any number of reasons, including busy or interrupted telephone lines, human error, improperly loaded paper, empty ink cartridges, and any number of

other problems. *Id.*

When a voter registration application arrives by mail, and the county has no record of previously receiving it by fax due to a transmission problem, it is treated as a new voter registration application submitted by mail. Appx. 369, 139:2-13, Appx. 372, 150:16–151:1. It is undisputed in this matter that voter registration applications submitted solely via mail require a wet signature. *See* Appx. 369, 137:9–12. The wet signature requirement serves a practical purpose because an eligible voter will still be registered by mail when their fax failed due to a transmission error – but only if the mailed copy contains a wet signature.

These problems aren't hypothetical. Dallas, Travis, and Bexar Counties experienced problems with legibility of the faxes Plaintiff sent. Appx. 4; Appx. 71–72, 68:4–71:19, Appx. 98, 174:20–175:6; Appx. 262–63, 160:2–161:21; Appx. 497, 56:16–20; Appx. 498, 58:15–60:8; Appx. 512, 113:22–114:7; Appx. 370, 142:4–14. Approximately 15 percent of the applications submitted by Plaintiff to Dallas County contained signature lines that were blank, blacked out, illegible, or otherwise of such poor quality that they could not be accepted. Appx. 512, 114:8–17. Dallas County also did not receive, at a minimum, 259 applications that should have been faxed to them by Plaintiff. Appx. 515, 125:17–126:21. All of these voters would be registered by mail had the copy of their applications arriving by mail contained a wet signature. Maintaining an electoral system that allows the loss of 15 percent of registration applications would severely harm voters' faith in a working democracy—yet that is the result Plaintiff seeks by this suit. *See Steen*, 732 F.3d at 394.

### **III. Plaintiff has no meritorious claim under Section 1971.**

Plaintiff's claims under 52 U.S.C. § 10101(a)(2)(B) (Section 1971 of the Civil Rights Act of 1964) fail for all of the reasons articulated in OAG's Motion to Dismiss, ECF 53 at pp. 10–14, which he respectfully asks the Court to reconsider, and for the reasons articulated in County-Intervenor's Motion for Summary Judgment, which he joins in full. The Court should find that Section 1971 does not create a private cause of action for Plaintiff because its language allows only

the Attorney General to bring suit and because the Supreme Court's reframing of the requirement to find a private cause of action in *Alexander v. Sandoval*, 532 U.S. 275, 287 (2001), requires dismissal. The Court should also find that Plaintiff failed to state a claim for which relief may be granted because the Complaint does not allege that HB 3107 is racially discriminatory. See *Broyles v. Texas*, 618 F. Supp. 2d 661, 697 (S.D. Tex. 2009), *aff'd*, 381 F. App'x 370 (5th Cir. 2010) (quoting *Ind. Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 839 (S.D. Ind. 2006)).

Should the Court instead find that it must reach the merits of Plaintiff's Section 1971 claim, the evidence establishes as a matter of law that HB 3107's signature requirement is material, see Section II, *supra*, just as other courts have found. *Org. for Black Struggle v. Ashcroft*, No. 2:20-CV-04184-BCW, 2021 WL 1318011, at \*5 (W.D. Mo. March 9, 2021) (signature is material to voter qualification); *Howlette v. City of Richmond*, 485 F. Supp. 17, 22-23 (E.D. Va. 1978); see also *Diaz v. Cobb*, 435 F. Supp. 2d 1206, 1211 (S.D. Fla. 2006) (check boxes regarding felon, citizen, and mental-incapacitation status are material). Additionally, however, the provision is material to ascertaining the qualification of the voter because any person who refuses to subject themselves to Texas's common-sense fraud prevention measures by refusing to sign is disqualified from registering to vote, and because a defect in signature does not result in "denial" of the right to vote under Section 1971—the registrant is given the chance to correct the signature defect within 10 days to preserve the same effective date. 52 U.S.C. § 10101(a)(2)(B); Tex. Elec. Code § 13.073; see *United States v. Ward*, 345 F.2d 857, 862 (5th Cir. 1965); Appx. 426, 202:13-203:1.

## CONCLUSION

Defendants Paxton and Garza request that the Court grant this Motion for Summary Judgment and enter a judgment dismissing all of Plaintiff's claims.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

GRANT DORFMAN  
Deputy First Assistant Attorney General

SHAWN COWLES  
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON  
Chief, General Litigation Division

*/s/ Cory Scanlon*  
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/s/ Daniel N. Lopez

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COMMISSIONERS COURT –

CIVIL LEGAL DIVISION

1100 EAST MONROE STREET

BROWNSVILLE, TEXAS 78520

TELEPHONE: (956) 550-1345

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**ATTORNEYS FOR DEFENDANT REMI  
GARZA**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2022 a true and correct copy of the foregoing document has been sent by electronic notification to all counsel of record through ECF by the United States District Court, Western District of Texas, Austin Division.

/s/ Cory Scanlon

CORY A. SCANLON

Assistant Attorney General



F	Vote.org email to users	11 - 14
G	Office of the Attorney General's public filings and indictments	15 - 51
H	Secretary Pablos Statement	52 - 53
I	Vote.org Budgets	559 - 560
	Deposition of Andrea Hailey, February 10, 2022	54 - 144
	Deposition of Jacquelyn Callanen, February 2, 2022	145 - 222
	Deposition of Bruce Elfant, by and through his designees Gretchen Nagy and Bruce Elfant, February 9, 2022	223 - 334
	Deposition of Remi Garza, March 4, 2022	335 - 375
	Deposition of Keith Ingram, March 4, 2022	376 - 436
	Deposition of Dr. Lisa Bryant, February 7, 2022	437 - 483
	Deposition of Rivelino Lopez, February 11, 2022	484 - 518
	Deposition of Michael Scarpello, February 11, 2022	519 - 558

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INCLEMENT WEATHER NOTICE: Due to impending inclement weather, the Texas Secretary of State's offices will be closed on Thursday, February 3rd, 2022. Staff remain available by phone and e-mail, and electronic filing and searching are available on SOSDirect 24/7. Electronic filing is also available via SOSUpload 24/7.

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

# Request for Voter Registration Applications

En Español

To be eligible to register in Texas, you must:

- be a U.S. citizen;
- be a resident of the county;
- be 18 years old (you may register at 17 years and 10 months);
- not a convicted felon (unless a person's sentence is completed, including any probation or parole)
- not declared mentally incapacitated by a court of law



For more information, please read the [Voter Registration in Texas](#) pamphlet.

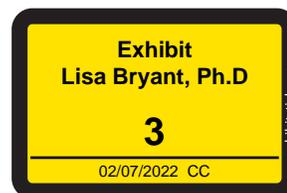
## Am I Registered to Vote?

Can't remember if you've registered in the past? Please feel free to use our [Texas Voter Information Website](#) that not only confirms whether you are registered or not, but will even allow you to search for your polling place location prior to an election. The service is easy to use. All you need is a Texas Driver's license to get started. If you know that you have not registered to vote then please use the [Informal Online Application](#) service which is displayed to the right.

## Informal Online Application

You may fill out a [voter registration application online](#), print it and mail it **to the voter registrar in your county of residence.** **You are not registered until you have filled out the online application, printed it, and mailed it to your local County Voter Registrar.** The County Voter Registrar's address can be found at the top of the online outputted voter registration application once you have submitted

APPX. 2



 <p><u>Am I Registered to Vote?</u></p>	<p>your information from the fill-in-the blanks screen.</p>  <p><u>Informal Online</u> <u>Voter Registration Application</u></p>
---	--

## Other Voter Registration Application Methods

- You may request a postage-paid application by filling out this form so that a voter registration application can be mailed to you.
- You may request a postage-paid application from your voter registrar, so that a voter registration application can be mailed to you. You must mail the voter registration application to the voter registrar in your county of residence. Voter registration applications are also available at many post offices, libraries, Texas Department of Public Safety offices, and Texas Health and Human Services Commission offices throughout the state.
- For Harris County Residents Only Voter Registration Application - Vietnamese (PDF) **Must be mailed in a stamped envelope**
- For Harris County Residents Only Voter Registration Application - Chinese (PDF) **Must be mailed in a stamped envelope**
- Request an Application for a Ballot by Mail

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### Voter Registration Application

Before completing this form, review the General, Application, and State specific instructions.

Application previously submitted by fax at 22 Sep 2018 16:54 CDT

Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years old on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No If you checked "No" in response to either of these questions, do not complete form. (Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)		This space for office use only. 2150462705/13132186			
1	Mr. Miss Ms. Mrs.	Last Name	First Name	Middle Name(s)	(Suffix)
2	Home Address		Apt. or Lot #	City/Town	State Zip Code
3	Address Where You Get Your Mail If Different From Above			City/Town	State Zip Code
4	Date of Birth Month Day Year	5	Telephone Number (optional)	6 ID Number - (See item 6 in the instructions for your state)	
7	Choice of Party (see item 7 in the instructions for your State) No party	8	Race or Ethnic Group (see item 8 in the instructions for your State)		
9	I have reviewed my state's instructions and I swear/affirm that: ■ I am a United States citizen. ■ I meet the eligibility requirements of my state and subscribe to its oath required. ■ The information I have provided is the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.			Please sign full name (or put mark) ▲ Date: 9 / 22 / 2018 Month Day Year	

If you are registering to vote for the first time: please refer to the application instructions for information on submitting copies of valid identification documents with this form.

**Please fill out the sections below if they apply to you.**

If this application is for a change of name, what was your name before you changed it?

A	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	Suffix
---	-------------------	-----------	------------	----------------	--------

If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

B	Street (or route and box number)	Apt. or Lot #	City/Town/County	State	Zip Code
---	----------------------------------	---------------	------------------	-------	----------

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C	■ Write in the names of the crossroads (or streets) nearest to where you live. ■ Draw an X to show where you live. ■ Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.		NORTH ↑ 
	Example Public School ●	Route #2 ● Grocery Store Woodchuck Road X	

If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D	
---	--

**Mail this application to the address provided for your State.**

Cameron County





**From:** Gretchen Nagy  
**Sent:** Tuesday, September 25, 2018 11:41 AM  
**To:** Raven Brooks <raven@vote.org>  
**Cc:** Sarah Jackel <sarah@vote.org>  
**Subject:** RE: [CAUTION EXTERNAL] Meeting with Vote.org in person (Thursday)

I needed to check in with you.

We have some applications with exceptionally poor signatures, some blank, and some blacked out. This is a real problem and I'm concerned about proceeding until this is cleared up.

I'm around today until 5 with a meeting here and there.

Gretchen

---

**From:** Raven Brooks [<mailto:raven@vote.org>]  
**Sent:** Thursday, September 20, 2018 6:57 PM  
**To:** Gretchen Nagy <[Gretchen.Nagy@traviscountytexas.gov](mailto:Gretchen.Nagy@traviscountytexas.gov)>  
**Cc:** Sarah Jackel <[sarah@vote.org](mailto:sarah@vote.org)>  
**Subject:** Re: [CAUTION EXTERNAL] Meeting with Vote.org in person (Thursday)

Hi Gretchen,

There were two that went out last night to (512) 854-9075 which is the clerk's number. Is it possible to go grab those from that department? If not then we can manually resubmit them.

On Thu, Sep 20, 2018 at 4:42 PM, Raven Brooks <[raven@vote.org](mailto:raven@vote.org)> wrote:

Noooo, it was raining pretty good for a while too!

That was NOT the number we had so we will correct it and resubmit anything that might have gone through.

On Thu, Sep 20, 2018 at 2:33 PM, Gretchen Nagy <[Gretchen.Nagy@traviscountytexas.gov](mailto:Gretchen.Nagy@traviscountytexas.gov)> wrote:

Thank you for coming by today. It was nice to visit with you.

We mentioned to Monica that you had sent 1 fax last night but she had not received it. We want to ensure that you have the right number for us. It is 512-854-4840.



We'll talk soon...Gretchen

p.s. the game has not been cancelled yet!!

---

**From:** Sarah Jackel [mailto:[sarah@vote.org](mailto:sarah@vote.org)]

**Sent:** Wednesday, September 19, 2018 3:45 PM

**To:** Gretchen Nagy <[Gretchen.Nagy@traviscountytx.gov](mailto:Gretchen.Nagy@traviscountytx.gov)>

**Cc:** Raven Brooks <[raven@vote.org](mailto:raven@vote.org)>

**Subject:** Re: [CAUTION EXTERNAL] Meeting with Vote.org in person (Thursday)

**CAUTION:** This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

---

Yes, my fault entirely. I see now that I mistakenly said Wednesday in one of the emails we exchanged. Glad to hear Thursday will work! See you tomorrow.

On Wed, Sep 19, 2018 at 1:40 PM, Gretchen Nagy <[Gretchen.Nagy@traviscountytx.gov](mailto:Gretchen.Nagy@traviscountytx.gov)> wrote:

I went back through the chain and found a Wednesday and Thursday. And tomorrow also works....gretchen

---

**From:** Sarah Jackel [mailto:[sarah@vote.org](mailto:sarah@vote.org)]

**Sent:** Wednesday, September 19, 2018 3:39 PM

**To:** Gretchen Nagy <[Gretchen.Nagy@traviscountytx.gov](mailto:Gretchen.Nagy@traviscountytx.gov)>

**Cc:** Raven Brooks <[raven@vote.org](mailto:raven@vote.org)>; Monica Johns <[Monica.Johns@traviscountytx.gov](mailto:Monica.Johns@traviscountytx.gov)>

**Subject:** Re: [CAUTION EXTERNAL] Meeting with Vote.org in person (Thursday)

**CAUTION:** This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

---

Great! Thanks for the introduction. And, Monica, it's a pleasure to meet you.

My apologies for the confusion, but we were planning to come by for the visit tomorrow at 3:00. Does that work for you all?

Sarah

On Wed, Sep 19, 2018 at 1:31 PM, Gretchen Nagy

<[Gretchen.Nagy@traviscountytx.gov](mailto:Gretchen.Nagy@traviscountytx.gov)> wrote:

Thank you, Sarah, for the update. I'm including in this email our Office Manager who will be managing this.

Are you coming by our office today?

Gretchen

---

**From:** Sarah Jackel [mailto:[sarah@vote.org](mailto:sarah@vote.org)]  
**Sent:** Wednesday, September 19, 2018 3:29 PM  
**To:** Gretchen Nagy <[Gretchen.Nagy@traviscountytexas.gov](mailto:Gretchen.Nagy@traviscountytexas.gov)>  
**Cc:** Raven Brooks <[raven@vote.org](mailto:raven@vote.org)>  
**Subject:** Re: [CAUTION EXTERNAL] Meeting with Vote.org in person (Thursday)

**CAUTION:** This email is from OUTSIDE Travis County. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.

Hi Gretchen,

Just wanted to follow up on our conversation from last week and let you know that we are planning to deploy our fax tool in Travis County later this evening. So, you can expect to start receiving faxes as early as tonight.

You should also begin receiving mailed copies of the forms submitted by fax starting a day or two after the faxes start coming in -- so probably this Friday or Monday. As we discussed, the mailed copies will be sent to you in batches and will include the following notation at the top of each form: "Application Submitted by Fax on [date]."

If you have any questions or if anything comes up as we start to roll this out, please do not hesitate to contact Raven or me by email or on our cell phones:

Sarah: 917-304-0534  
Raven: 415-378-4691

Thanks again for all your help in getting this off the ground.

All the best,  
Sarah

On Tue, Sep 18, 2018 at 10:10 AM, Gretchen Nagy  
<[Gretchen.Nagy@traviscountytexas.gov](mailto:Gretchen.Nagy@traviscountytexas.gov)> wrote:

I'll be here...

Our office is located at [5501 Airport Blvd.](#) Enter the double doors towards the South of the building and go into the Tax Office which is to the right. You do not have to stand in line. Go straight to our VR counter and the staff will let me know that you are here.

---

**From:** Magdalen Sangiolo  
**Sent:** Friday, February 22, 2019 2:03 PM CST  
**To:** [Redacted] Privileged  
**CC:** Sarah Jackel; Debra Cleaver  
**Subject:** Re: ok, now my brain is working again

**Privileged**

Debra asked Sarah and I to circle back with you about your follow up questions.

The rough cost for the OVR work is \$2M and we included this in the doc that further explains the work.

And, here's some wise words from Sarah about opinion letters from the AG/ SoS:

At this point we've only rolled out our esign tool in states where the election code expressly allows people to submit their voter reg forms or absentee ballot requests by fax, so we haven't gotten to the point where we felt we needed something from the state (apart from the advice we get from outside counsel). In states that permit submission by fax, the tool isn't really controversial (fax is by definition not a "wet" signature, and our tool uses fax to transmit the forms and applies applicants' actual signatures), and the state/local officials in those states have generally responded positively. The one exception being Texas, where we did clear what we were doing with local officials before launching, and then the SoS tried to take the outlandish position that "copy" means "original." Oh, Texas. Bless their hearts.

Let us know what other questions you have!

Thanks,  
Magdalen

On Fri, Feb 22, 2019 at 3:01 PM Magdalen Sangiolo <[magdalen@vote.org](mailto:magdalen@vote.org)> wrote:  
Hi all,

I've attached two documents to provide more details on the initiatives we've been discussing -- one on the ballot information for local elections and the other on OVR for all.

We're happy to answer questions via email or hop on a call.

Also, Debra had a great conversation [Redacted] Privileged over coffee this morning so thank you for suggesting they get together in DC!

Best,  
Magdalen



**APPX. 8**

On Wed, Feb 20, 2019 at 10:18 PM Debra Cleaver <[debra@vote.org](mailto:debra@vote.org)> wrote:  
hey friends.

awesome chatting today. mag is making some light edits to our ballot data proposal and will send your way.

i'd also like to engage a bit with you all on our more substantive work around electronic signatures and voter reg. here is the very, very short version:

1. to register to vote online you need a driver's license
2. driver's license attainment has dropped every single year, across every age cohort, since 1983
3. 20 years ago 75% of 18 year olds had their driver's licenses
4. as of 2014, less than 50% of 18 year olds had driver's licenses
5. if you don't have a license, or don't live in an OVR state, you need to print and mail a paper form
6. home printer ownership has been in the low single digits since 2011, which is the last time hewlett packard was willing to publish stats on this (i read their annual report to find this)
7. what we have now is a perfect storm of inaccessibility. we've already gone past the tipping point: the majority of 18 year olds can't register to vote online.
8. lyft, uber, and other ride share programs have further accelerated the decline of driver's license attainment. they've had a statistically significant impact in key metro areas. i've seen estimates as high as 2-3%
9. autonomous vehicles will have a further impact
10. realistically, we could be looking at 25% of 18 year olds having their driver's licenses by 2028.
11. that, my friends, would be a total clusterfuck
12. the solution is simple: OVR for all, meaning that all 50 states should let everyone register to vote online whether or not they have a driver's license
13. the short term solution is our "esign" work, in which we capture folks signatures by having them take a pic of their manual signature, programmatically attach it to a form, and fax it in in the handful of states that will accept faxed forms. we can also programmatically print and mail
14. at the same time, sarah is about to staff up with legislative campaigners to encourage states to move away from manual or "wet" signatures on voting forms, and toward parity with the definition of signature used in commercial code.

this is a ten year project, meaning we have about 10 years to solve this before all hell breaks loose. on the bright side, we've been working on this since 2015, and have already established precedent for our esign solution in at least 15 states. (including texas, and we can tell you lots of fun stories about that)

this is potentially transformational, and it's also necessary.

if you'll have it, we'd like to send you a proposal on that.

oh, and we'll manage the polling place data project as well. we can add that one to our general dev work tab :)

**also this email got long! apologies for that.** we should hop on another call to discuss this work (if you're up for it). it's more most important project, and the one that will have the greatest impact on turnout overall.

thanks!  
debra

--  
Debra Cleaver  
Founder, Vote.org  
[debra@vote.org](mailto:debra@vote.org)  
text me: 917-882-0405

--  
Magdalen Sangiolo  
Operations and Programs, Vote.org

--  
Magdalen Sangiolo  
Operations and Programs, Vote.org



Dear \*|FNAME|\*

Our records show that you recently used the Vote.org voter registration tool to prepare and submit a Texas voter registration form. If this is the case, we have some bad news: the Texas Secretary of State might reject your form, and you might need to register to vote again. **The voter registration deadline is October 9, 2018.**

First, check your registration status here: <https://teamrv-mvp.sos.texas.gov/MVP/mvp.do>. If this website says you are registered to vote then you can stop here.

If this website says you are not registered to vote or your status is incomplete, you have a few options:

1. Our partners at Register2Vote.org have already mailed you a pre-filled voter registration form and a stamped envelope. Simply sign and date this form and return it to your county clerk in the provided envelope.
2. If you don't want to wait for this form to arrive, you can prepare a new voter registration form with Vote.org, and then print, sign, and mail this form to your county clerk. You can access our voter registration tool here: <https://register.vote.org>
3. If you don't want to use the Vote.org tool, you can prepare a new voter registration form using the Texas state website. You will need to print, sign, and mail this form to your county clerk. You can access this website here: <https://webservices.sos.state.tx.us/vrapp/index.asp>
4. Finally, the Texas Secretary of State has told us that they will mail a "Notice of Incomplete Registration" to you. If this form arrives, please



sign it and mail it back.

Vote.org is truly, deeply, sorry for this inconvenience. When we built a tool that allowed you, a Texas citizen, to submit a voter registration form by fax and then by mail, we did not anticipate any issues with the Texas Secretary of State.

The Texas SOS has taken the remarkable position that when the Texas Election Code authorizes applicants to submit their voter registration application by fax with a copy followed up by mail, what it actually *means* is that the applicant must submit an application with an *original* signature. We disagree with this interpretation. The Election Code -- like any law -- speaks for itself. The Secretary of State does not have the authority to say that copy actually means original. The language of the statute authorizing Texans to submit their applications by fax with a copy by mail is below.

**In the meantime we encourage you to contact Secretary of State's office and suggest that they build an online voter registration system. Online voter registration already exists in 38 other states and the District of Columbia. Online voter registration reduces election administration costs while increasing voter registration rates. It saves taxpayer money, reduces human error, and helps modernize and secure our election systems.**

**You can email them at [elections@sos.texas.gov](mailto:elections@sos.texas.gov) or call them toll free at 1-800-252-8683.**

Sincerely,

The Vote.org Team

P.S. You can read more about this in the Houston Chronicle's piece titled

**"Texas rejects 2,400 voter registrations as Oct 9 deadline looms."**

P.P.S. Here's the relevant sections of the **Texas Election Code** if you're interested.

Sec. 13.002. APPLICATION REQUIRED. (a) A person desiring to register to vote must submit an application to the registrar of the county in which the person resides. Except as provided by Subsection (e), an application must be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Sections 13.143(d) and (d-2).

(b) A registration application must be in writing and signed by the applicant.

...

Sec. 13.143. EFFECTIVE DATE OF REGISTRATION; PERIOD OF EFFECTIVENESS.

For purposes of determining the effective date of a registration, an application submitted by:

- (1) mail is considered to be submitted to the registrar on the date it is placed with postage prepaid and properly addressed in the United States mail; or
- (2) telephonic facsimile machine is considered to be submitted to the registrar on the date the transmission is received by the registrar, subject to Subsection (d-2).

(d-1) The date indicated by the post office cancellation mark is considered to be the date the application was placed in the mail unless proven otherwise.

(d-2) For a registration application submitted by telephonic facsimile machine to be effective, a copy of the registration application must be submitted by mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

\*|IFNOT:ARCHIVE\_PAGE|\* \*|LIST:DESCRIPTION|\*

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D372-1565155-00

FILED  
TARRANT COUNTY  
5/2/2019 2:12 PM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 1565155

THE STATE OF TEXAS	§	IN THE 372 <sup>nd</sup> JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
LAURA PARRA	§	TARRANT COUNTY, TEXAS

STATE'S NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL

COMES NOW the State of Texas, by and through her Assistant Attorney General, and presents this, the State's Notice of Appearance and Designation of Counsel, and would show the following:

I.

Pursuant to Section 273.01 of the Texas Election Code, the Attorney General has statewide prosecution authority over election offenses in the State of Texas.

II.

The State designates Assistant Attorney General Angela Goodwin as lead counsel, joining co-counsel Assistant Attorney General Jonathan White, who has already filed an appearance in this case. The undersigned respectfully requests that her designation as lead counsel in the above cause be noted in the official record, by the filing of this document, and that communications regarding settings and scheduling be directed to her.

Respectfully submitted,

/s/ Angela Goodwin  
ANGELA GOODWIN  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 08172100



P.O. Box 12548, Capitol Station  
Austin, TX 78711-2548  
(512) 936-0805 (direct)  
(512) (fax)  
angela.goodwin@oag.texas.gov

**CERTIFICATE OF SERVICE**

I, Angela Goodwin, certify that on May 2, 2019, a true and correct copy of the above document was forwarded to the following counsel or parties of record via e-filing and electronic mail:

Bruce Anton  
2311 Cedar Springs Rd, Ste 250  
Dallas, Tx 75201  
214-468-8100  
Fax 214-468-8104  
BA@udashenanton.com

---

/s/ [Angela Goodwin](#)  
Angela Goodwin

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CAUSE NO. 1565155

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	297 <sup>TH</sup> JUDICIAL DISTRICT
	§	
LAURA PARRA	§	TARRANT COUNTY, TEXAS

**STATE'S NOTICE OF APPEARANCE OF COUNSEL**

COMES NOW, the State of Texas and files this, the State's Notice of Appearance of Counsel, and respectfully shows the following:

Pursuant to Texas Election Code Section 273.021, which authorizes prosecution of election offenses by the Attorney General, the State designates Assistant Attorney General Jonathan White as lead prosecutor in the above cause. The undersigned respectfully requests that his appearance as attorney for the State be noted on the docket sheet, and that a copy of all future correspondence, orders, and pleadings be forwarded to counsel at the e-mail address listed in the signature block below.

Respectfully submitted,

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 24054475  
P. O. Box 12548, Capitol Station, MC 48-2  
Austin, Texas 78711  
(512) 475-2547 (direct)  
(512) 370-9723 (fax)  
jonathan.white@oag.texas.gov

**SERVICE TO THE DEFENDANT**

I do hereby certify that as of October 18, 2018 there is no Counsel of record for the Defendant yet assigned in this case.

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General

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FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

DEC 12 2018

TIME 10:21  
BY [Signature] DEPUTY

NO. 1565155D

THE STATE OF TEXAS § IN THE 372ND JUDICIAL  
VS. § DISTRICT COURT OF  
LAURA PARRA § TARRANT COUNTY, TEXAS

**ORDER OF THE COURT**

The attorneys in the case are ordered that they will not make public statements nor answer any questions about the case to the press. The Defendant shall follow these same instructions. No other officer of the Court is permitted to make any statements or disclose any evidence in the case not first released in open court prior to trial or other final disposition.

Any violation of the above rules as they pertain to the parties affected by this ORDER or their counsel will result in imposition of sanctions as appropriate under law.

SO ORDERED AND SIGNED on this the 12<sup>th</sup> day of December, 2018.

Scott Wisch, Presiding Judge  
372nd Judicial District Court  
Tarrant County, Texas



A CERTIFIED COPY  
ATTEST: 10/18/2018  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Brendan Sobczak

# DIRECT

NAME LAURA PARRA

RACE White SEX Female AGE 24 DOB  
10/19/1993

CASE NO. 1565155

CID NO. 0929240

OFFENSE PROVIDING FAL INFO ON VOTING  
APPLICATION  
OFFENSE DATE 2/2/2016

I.P. STATE OF TEXAS

AGENCY ATTORNEY GENERAL'S OFFICE AUSTIN  
297th DISTRICT COURT

## THE STATE OF TEXAS VS. LAURA PARRA

**INDICTMENT NO: 1565155**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT LAURA PARRA, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 2ND DAY OF FEBRUARY 2016, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, VENANCIA GARCIA, THAT WAS NOT IN FACT THE SIGNATURE OF VENANCIA GARCIA, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

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AGAINST THE PEACE AND DIGNITY OF THE STATE.

Foreman of the Grand Jury

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

OCT 10 2018

TIME 9:30  
BY RB DEPUTY

D372-1565155-00

FILED  
TARRANT COUNTY  
12/2/2019 10:30 AM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 1565155

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
vs.	§	372 <sup>nd</sup> JUDICIAL DISTRICT
	§	
LAURA PARRA	§	TARRANT COUNTY, TEXAS

**MOTION FOR PERMISSION TO TRAVEL OUTSIDE THE STATE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LAURA PARRA, defendant in the above numbered and entitled cause, and files this motion to travel outside the state and for same would respectfully show the court as follows:

I.

Defendant requests permission to travel to Tarimoro Guanajuato, Mexico. The trip is scheduled for December 20, 2019 to January 5, 2020. While in Mexico she will be staying with family. Defendant is not considered a flight risk. For these reasons, defendant requests that she be allowed to travel outside the state from December 20, 2019 to January 5, 2020.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, defendant requests permission to be allowed to go to Tarimoro Guanajuato, Mexico, from December 20, 2019 to January 5, 2020.

MOTION FOR PERMISSION TO TRAVEL  
OUTSIDE THE STATE - Page 1

Respectfully submitted,

/s/ Bruce Anton

BRUCE ANTON

State Bar No. 01274700

2311 Cedar Springs #250

Dallas, Texas 75201

ba@udashenanton.com

214/468-8100

214/468-8104 fax

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of November, 2019, a true and correct copy of the above and foregoing motion to travel was served on Angela Goodwin, Assistant Attorney General, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548.

/s/ Bruce Anton

BRUCE ANTON

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CAUSE NO. 1565155

STATE OF TEXAS

vs.

LAURA PARRA

§ IN THE DISTRICT COURT  
§  
§ 372<sup>nd</sup> JUDICIAL DISTRICT  
§  
§ TARRANT COUNTY, TEXAS

**ORDER**

On this date came on to be heard defendant's motion for permission to be allowed to travel to Tarimoro Guanajuato, Mexico from December 20, 2019 to January 5, 2020 and the court hereby GRANTS/DENIES said motion.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE PRESIDING

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CDC1-1565416-00

FILED  
TARRANT COUNTY  
10/23/2018 3:14 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. CDC1-1565416-00**

**THE STATE OF TEXAS** § **IN THE DISTRICT COURT**  
§  
**VS.** § **CRIMINAL DISTRICT COURT 1**  
§  
**LETICIA SANCHEZ** § **TARRANT COUNTY, TEXAS**

**STATE’S NOTICE OF INTENT TO INTRODUCE EVIDENCE PURSUANT  
TO TEXAS RULES OF EVIDENCE 404(b), 609(f) AND ARTICLE 37.07  
CODE OF CRIMINAL PROCEDURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW** the State of Texas, by and through her Assistant Attorney General, and proffers, pursuant to Rules 609(f) and 404(b) of the Texas Rules of Evidence and Article 37.07 of the Code of Criminal Procedure, notice of the following convictions, adjudications, extraneous counts, bad acts, or acts:

1. **Engaging in Organized Criminal Activity** (P.C. 71.02) On or about and between January 2015 and March 2016<sup>1</sup>, in Tarrant County, Texas, Leticia Sanchez, hereinafter “Defendant,” did then and there, with the intent to establish, maintain, or participate in a combination, the combination consisting of Leticia Sanchez, San Juana Ledezma, Claudia Ledezma, Maria Rosa Solis, Leticia Sanchez Tepichin, Laura Parra, Stuart Clegg, and others, who collaborated in carrying on the hereinafter described criminal activity, commit the counts of forgery (P.C. 32.21) and tampering with a governmental record (P.C. 37.10), or did conspire to commit forgery and tampering with a governmental record by agreeing with each other that they would engage in conduct that constituted those offenses, and Leticia Sanchez performed overt acts in pursuance of the agreement, namely (1) obtaining, and directing others to obtain, signatures from elderly voters under false pretenses and/or by intimidation; (2) directing members of the combination to cause innocent or non-responsible third parties at the voters’ addresses to forge signatures of voters who were incapacitated or not physically present at the time; (3) personally forging signatures of voters on applications for ballot by mail (hereinafter, “applications”); (4) maintaining a file of voters’ applications from previous years, many of them obtained by the foregoing methods; (5) submitting those applications in 2015, using a fax machine belonging to Salvador Espino (d/b/a Reunion Title, now Sendera Title) to Tarrant County

<sup>1</sup> Although the vote harvesting organization (with membership changes over time) can be traced back to at least 2012, the State will focus primarily on predicate offenses occurring in 2015-2016.

elections; (6) fraudulently altering the applications and submitting them again by fax in 2016 to Tarrant County, without the knowledge of the voters, generating fraudulent mail ballots that the voters did not request; (6) after an upset voter, Anita Garay, had gone to Espino's office to find out why Sanchez had caused her signature to be forged on an application for the 2015 Fort Worth city council election, and Garay had found out that Sanchez used the fax machine/copier at Espino's office to fax her application to elections, confronting Garay by going to her home the next day and attempting to intimidate the voter by threatening to involve Sanchez's attorney; (7) ensuring votes were cast for the candidates she was paid to support by offering "assistance" to voters she and members of her crew had signed up for mail ballots, and then marking the ballots for the candidates of her choice without the consent or knowledge of the voters; (8) distributing payments to San Juana Ledezma, Claudia Ledezma, Maria Rosa Solis, Laura Parra, and others for engaging in the foregoing activities, from funds received from Stuart Clegg; and (9) after learning that state police investigators were in Tarrant County interviewing voters and members of her vote harvesting group, sending or directing Leticia Sanchez Tepichin to send the following text message/s to the vote harvesting crew conveying a message from Sanchez and Stuart Clegg to not cooperate with investigators: "Hola hay un grupo de personas malintencionadas investigando nuestro trabajo nos indica nuestro jefe el señor Stuart que no les demos ningún tipo de información que sólo le demos el teléfono de...el abogado que está cargo de este asunto. Si alguna persona les ha contactado les ha hecho algún tipo de preguntas favor de avisarnos inmediatamente para hacerle saber a abogado...Avisen inmediatamente."

2. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez committed the offense of Illegal Voting by marking the ballot of Dominicia Barela without her consent. While purporting to "assist" the voter in filling out her ballot, Sanchez distracted the voter by talking only about the Presidential race, while marking votes for the down-ballot candidates Sanchez was paid to support, without the voter's knowledge or consent. The ballot was voted in the same signature pattern (a unique pattern of votes marked for candidates Sanchez was paid to support, and undervotes for all other candidates) as all other ballots Sanchez "assisted."
3. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez committed the offense of Illegal Voting by marking the ballot of Florentino Torel for the down-ballot candidates Sanchez was paid to support, without the voter's knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Sanchez "assisted."
4. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez committed the offense of Illegal Voting by marking the ballot of Rachel Martinez for the down-ballot candidates Sanchez was paid to support, without the voter's knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Sanchez "assisted."
5. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or

attempt to aid *San Juana Ledezma* in marking the ballot of Camerina Gonzalez without her consent, specifically: While purporting to “assist” the voter, who only wanted to vote in the Presidential race, Ledezma marked votes for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”

6. **Illegal Voting** (E.C. 64.012(a)(4)). On or about February 29, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* in marking the ballot of Hermelinda Delarosa for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”
7. **Illegal Voting** (E.C. 64.012(a)(4)). On or about February 29, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* in marking the ballot of Sara Reyna Segoviano for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”
8. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* in marking the ballot of Santiago Martinez, Sr. for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”
9. **Illegal Voting** (E.C. 64.012(a)(4)). On or about March 1, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* in marking the ballot of Frances Martinez for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”
10. **Illegal Voting** (E.C. 64.012(a)(4)). On or about February 29, 2016 in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* in marking the ballot of Eloise Maldonado for the down-ballot candidates that she and Leticia Sanchez were paid to support, without the voter’s knowledge or consent. The ballot was voted in the same signature pattern as all other ballots Ledezma and Sanchez “assisted.”
11. **Illegal Voting** (E.C. 64.012(a)(4)) (at least 18 counts). On or about and between the dates of February 25, 2016 and March 1, 2016, Leticia Sanchez did commit or did knowingly solicit, encourage, direct, aid, or attempt to aid *San Juana Ledezma* to commit the offense of illegal voting, in marking the ballots of voters for the candidates she was paid to support without the consent or knowledge of the voters. At least 18 ballots were voted in substantially the same signature pattern as the previously alleged ballots that Sanchez and

Ledezma illegally voted for the candidates they were paid to support.

12. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (198 total counts). On or about and between the dates of January 15, 2016 and February 19, 2016, in Tarrant County, Texas, Leticia Sanchez committed at least 66 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot, by using mail ballot applications that she and Leticia Sanchez Tepichin had previously obtained from elderly voters (including applications obtained originally under false pretenses, and some by forgery) in 2015 for the May 2015 Fort Worth city council election, and altering them without the voters' knowledge or consent, by selecting "annual application" and "Democratic Party" and submitting them in 2016 by fax to Tarrant County Elections, so that each application purported to be a request by the voters to receive ballots by mail for the Democratic Party for elections occurring in 2016, when in fact the following voters had not made, and were completely unaware of, such request:

Arista, Enrique; Arista, Maria; Balderas, Jose; Barela, Dominicia; Baros, Maria; Becerra, Lydia; Bosquez, Manuel; Camacho, Gloria; Cantu, Librado; Castillo, Pedro; Delgado, Francis; Dominguez, Hijino; Echevarria, Concepcion; Echevarria, Mike; Escamilla, Enrique; Flores, Daniel; Garay, Anita; Garcia, Ana; Garcia, Delfino; Garcia, Jesse; Garcia, Jose; Garcia, Maria; Garcia, Mary; Garza, Josefa; Garza, Ramon; Guevara, Jose; Guevara, Maria; Gutierrez, Jose; Gutierrez, Manuela; Hermelinda, Maria; Hernandez, Maria; Iglesias, Adelina; Juarez, Valentina; Liquez, Angelina; Lopez, Enriqueta; Maldonado, Eloise; Malfinez, Josephine; Martinez, Rachel; Martinez, Santiago; Medrano, Arturo; Medrano, Mary; Mendez, Juan; Montalvo, Florentino; Montalvo, Francisca; Oropeza, Salvador; Ortega, Epifania; Paredes, Mary; Pena, Joe; Pena, Jose; Pena, Rosalinda; Ramos, Efrain; Ramos, Paulina; Rodriguez, Elva; Romero, Alicia; Rosales, Bruno; Rosas, Juanita; Salas, Carolina; Salazar, Benigno; Sandoval, Lino; Sandoval, Lydia; Serrano, Jose; Valle, Guadalupe; Vasquez, Florence; Vela, Alfaro; Villareal, Mary; Zarate, Francisco.

13. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (30 Total Counts). On or about and between the dates of January 15, 2016 and February 19, 2016, in Tarrant County, Texas, Leticia Sanchez did commit, with the assistance of *Leticia Sanchez Tepichin*, at least 10 counts of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot, by using mail ballot applications previously obtained from elderly voters in 2015 for the May 2015 Fort Worth city council election, and altering them without the voters' knowledge or consent, by selecting "annual application" and "Democratic Party" and submitting them in 2016 by fax to Tarrant County Elections, so that each application purported to be a request by the voters to receive ballots by mail for the Democratic Party for elections occurring in 2016, when in fact the

following voters had not made, and were completely unaware of, such request:  
 Alvarez, Rigoberto; Guerra, Hortensia; Guerra, Rafael; Iglesias, Jose;  
 Medrano, Dora; Molina, Luis; Moreno, Martha; Pena, Ofelia; Pena,  
 Yolanda; Perez, Lorenzo.

14. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (18 total counts). On or about and between the dates of January 15, 2016 and February 19, 2016 in Tarrant County, Texas, Leticia Sanchez committed at least 6 counts of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot by forging voter signatures and submitting mail ballot applications for the following elderly voters to Tarrant County Elections:  
 Manuela Gutierrez, Jose Guevara, Maria Barajas, Jesus Barajas, Maria Bernal, and Jose Delara.
15. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (9 counts total). On or about and between the dates of January 15, 2016 and February 19, 2016 in Tarrant County, Texas, Leticia Sanchez committed or did knowingly solicit, encourage, direct, aid, or attempt to aid *Leticia Sanchez Tepichin* to commit at least 3 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot by forging voter signatures and submitting mail ballot applications for Bernal Francisco, Juan Cruz, and Daniel Tovar to Tarrant County Elections.
16. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (6 counts total). On or about January 22, 2016 and January 25, 2016 in Tarrant County, Texas, Leticia Sanchez committed or did knowingly commit or solicit, encourage, direct, aid, or attempt to aid *Maria Rosa Solis* to commit at least 2 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot by forging voter signatures and submitting mail ballot applications for Jose Tovar and Maria Zarate to Tarrant County Elections.
17. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (3 counts total). On or about February 10, 2016 and February 19, 2016 in Tarrant County, Texas, Leticia Sanchez committed or did knowingly commit or did solicit, encourage, direct, aid, or attempt to aid *Laura Parra* to commit at least 1 count each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot by forging signatures and submitting a mail ballot applications Venancia Garcia of the following voters to Tarrant County Elections:
18. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (6 counts total). On or about February 10, 2016 and February 19, 2016 in Tarrant County, Texas, Leticia Sanchez committed or did knowingly commit or did

cause another to commit at least 2 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot by forging signatures and submitting mail ballot applications collected by *Laura Dominguez* for Bertha Ruiz and Juan Velazquez to Tarrant County Elections.

19. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (9 counts total). On or about January 25, 2016 in Tarrant County, Texas, Leticia Sanchez did commit at least 3 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot, by causing/directing a non-responsible third party at the voter's residence to commit the above offenses by forging the signatures of Delfino Garcia, Maria Uranga, and Mario Rivera on a mail ballot application, before Sanchez submitted the fraudulent applications to Tarrant County Elections.
20. **Forgery** (P.C. 32.21), **Tampering with a Governmental Record** (P.C. 37.10(a)(2)), and **False Statement on Application** (E.C. 84.0041) (24 counts total). On or about and between February 2, 2016 and February 17, 2016, in Tarrant County, Texas, Leticia Sanchez did knowingly solicit, encourage, and direct her vote harvesting crew members, *Leticia Sanchez Tepichin, San Juana Ledezma, Claudia Ledezma, Maria Rosa Solis, Laura Parra, and Laura Dominguez*, to commit at least 8 counts each of forgery, tampering with a governmental record, and providing false information on an application for an early voting ballot, by instructing them to direct or cause non-responsible third parties at the voters' residences to commit the above offenses by having them forge the signatures of unavailable voters on mail ballot applications, before Sanchez collected the fraudulent applications for the following voters from her crew members and submitted them to Tarrant County Elections:
- a. S.J. Ledezma: Ruben Rodriguez;
  - b. C. Ledezma: Mario Nunez;
  - c. Solis: Gregory Presas, Joe Rios, and John Rodriguez;
  - d. Parra: Mary Cervantez; and
  - e. Dominguez: Arnulfo Ortega and Eva Molina.

Respectfully submitted,

/s/ Jonathan White  
Jonathan White  
Assistant Attorney General  
Criminal Prosecutions Division  
P.O. Box 12548  
Austin, TX 78711-2548  
Phone: (512) 475-2547  
Fax: (512) 370-9723  
State Bar No. 24054475

**CERTIFICATE OF SERVICE**

I, Jonathan White, certify that a copy of this document will be served on Defendant's attorney of record, if any, as of October 23, 2018, via e-file.

/s/ Jonathan White

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D372-1565416-00

FILED  
TARRANT COUNTY  
5/2/2019 1:43 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 1565416**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 372<sup>nd</sup> JUDICIAL</b>
	<b>§</b>	
<b>VS.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
	<b>§</b>	
<b>LETICIA SANCHEZ</b>	<b>§</b>	<b>TARRANT COUNTY, TEXAS</b>

**STATE’S NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL**

COMES NOW the State of Texas, by and through her Assistant Attorney General, and presents this, the State’s Notice of Appearance and Designation of Counsel, and would show the following:

I.

Pursuant to Section 273.01 of the Texas Election Code, the Attorney General has statewide prosecution authority over election offenses in the State of Texas.

II.

The State designates Assistant Attorney General Angela Goodwin as lead counsel, joining co-counsel Assistant Attorney General Jonathan White, who has already filed an appearance in this case. The undersigned respectfully requests that her designation as lead counsel in the above cause be noted in the official record, by the filing of this document, and that communications regarding settings and scheduling be directed to her.

Respectfully submitted,

/s/ Angela Goodwin  
ANGELA GOODWIN  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 08172100

P.O. Box 12548, Capitol Station  
Austin, TX 78711-2548  
(512) 936-0805 (direct)  
(512) (fax)  
angela.goodwin@oag.texas.gov

**CERTIFICATE OF SERVICE**

I, Angela Goodwin, certify that on May 2, 2019, a true and correct copy of the above document was forwarded to the following counsel or parties of record via e-filing and electronic mail:

Terri Moore  
300 Burnett Street, Ste 160  
Fort Worth, Tx 76102  
817-877-4700  
moore@terrimoorelaw.com

---

/s/ Angela Goodwin  
Angela Goodwin

RETRIEVED FROM DEMOCRACYDOCKET.COM

CDC1-1565416-00

FILED  
TARRANT COUNTY  
10/18/2018 10:02 AM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 1565416

THE STATE OF TEXAS

§  
§  
§  
§  
§

IN THE DISTRICT COURT

VS.

CRIMINAL DISTRICT COURT 1

LETICIA SANCHEZ

TARRANT COUNTY, TEXAS

STATE'S NOTICE OF APPEARANCE OF COUNSEL

COMES NOW, the State of Texas and files this, the State's Notice of Appearance of Counsel, and respectfully shows the following:

Pursuant to Texas Election Code Section 273.021, which authorizes prosecution of election offenses by the Attorney General, the State designates Assistant Attorney General Jonathan White as lead prosecutor in the above cause. The undersigned respectfully requests that his appearance as attorney for the State be noted on the docket sheet, and that a copy of all future correspondence, orders, and pleadings be forwarded to counsel at the e-mail address listed in the signature block below.

Respectfully submitted,

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 24054475  
P. O. Box 12548, Capitol Station, MC 48-2  
Austin, Texas 78711  
(512) 475-2547 (direct)  
(512) 370-9723 (fax)  
jonathan.white@oag.texas.gov

**SERVICE TO THE DEFENDANT**

I do hereby certify that as of October 18, 2018 there is no Counsel of record for the Defendant yet assigned in this case.

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General

RETRIEVED FROM DEMOCRACYDOCKET.COM

THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

DEC 12 2018

NO. 1565416D

FILED  
TIME \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

THE STATE OF TEXAS           §     IN THE 372ND JUDICIAL  
VS.                                 §     DISTRICT COURT OF  
LETICIA SANCHEZ             §     TARRANT COUNTY, TEXAS

**ORDER OF THE COURT**

The attorneys in the case are ordered that they will not make public statements nor answer any questions about the case to the press. The Defendant shall follow these same instructions. No other officer of the Court is permitted to make any statements or disclose any evidence in the case not first released in open court prior to trial or other final disposition.

Any violation of the above rules as they pertain to the parties affected by this ORDER or their counsel will result in imposition of sanctions as appropriate under law.

SO ORDERED AND SIGNED on this the 12<sup>th</sup> day of December,  
2018.

Scott Wisch, Presiding Judge  
372nd Judicial District Court  
Tarrant County, Texas



NAME LETICIA SANCHEZ

OFFENSE ILLEGAL VOTING

RACE White SEX Female AGE 57 DOB  
11/4/1960

OFFENSE DATE 3/1/2016

CASE NO. 1565416

I.P. STATE OF TEXAS

CID NO. 0929310

AGENCY ATTORNEY GENERAL'S OFFICE AUSTIN

CRIMINAL DISTRICT COURT NO. 1

**THE STATE OF TEXAS VS. LETICIA SANCHEZ**

**INDICTMENT NO: 1565416**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT LETICIA SANCHEZ, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 1ST DAY OF MARCH 2016, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE MARK DELFINO GARCIA'S BALLOT WITHOUT HIS CONSENT,

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY DELFINO GARCIA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT DELFINO GARCIA HAD NOT MADE SUCH REQUEST,

COUNT THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY DOMINICIA BARELA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT DOMINICIA BARELA HAD NOT MADE SUCH REQUEST,

COUNT FOUR: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY ANITA GARAY TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT ANITA GARAY HAD NOT MADE SUCH REQUEST,



LETICIA SANCHEZ  
1565416  
Page 2 of 4

COUNT FIVE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 15TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT FALSIFIED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY CARMEN SILVA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT CARMEN SILVA HAD NOT MADE SUCH REQUEST,

COUNT SIX: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY MANUELA GUTIERREZ TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT MANUELA GUTIERREZ HAD NOT MADE SUCH REQUEST,

COUNT SEVEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY ELVA RODRIGUEZ TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT ELVA RODRIGUEZ HAD NOT MADE SUCH REQUEST,

COUNT EIGHT: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 19TH DAY OF FEBRUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, MARIA BERNAL, THAT WAS NOT IN FACT THE SIGNATURE OF MARIA BERNAL, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT NINE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY SANTIAGO MARTINEZ TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT SANTIAGO MARTINEZ HAD NOT MADE SUCH REQUEST,

COUNT TEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY



LETICIA SANCHEZ  
1565416  
Page 3 of 4

VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY JESSE AGUIRRE TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT JESSE AGUIRRE HAD NOT MADE SUCH REQUEST,

COUNT ELEVEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY PEDRO CASTILLO TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT PEDRO CASTILLO HAD NOT MADE SUCH REQUEST,

COUNT TWELVE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 19TH DAY OF FEBRUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, JULIA BETANCOURT, THAT WAS NOT IN FACT THE SIGNATURE OF JULIA BETANCOURT, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT THIRTEEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 22ND DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, JOSE DELARA, THAT WAS NOT IN FACT THE SIGNATURE OF JOSE DELARA, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT FOURTEEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY LINO SANDOVAL TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT LINO SANDOVAL HAD NOT MADE SUCH REQUEST,

COUNT FIFTEEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY LYDIA SANDOVAL TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT LYDIA SANDOVAL HAD NOT MADE SUCH REQUEST,

COUNT SIXTEEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE



A CERTIFIED COPY  
ATTEST: 10/18/2018  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Brendan Sobczak

LETICIA SANCHEZ  
1565416  
Page 4 of 4

COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY MATILDE FELIPE TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT MATILDE FELIPE HAD NOT MADE SUCH REQUEST,

COUNT SEVENTEEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT ALTERED AND SUBMITTED AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY MARIA GARCIA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT MARIA GARCIA HAD NOT MADE SUCH REQUEST,

RETRIEVED FROM DEMOCRACYDOCKET.COM

AGAINST THE PEACE AND DIGNITY OF THE STATE.

*Yenera Orlas*  
Foreman of the Grand Jury

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY TEXAS

OCT 10 2018

TIME 9:30  
BY *UB* DEPUTY

D372-1565413-00

FILED  
TARRANT COUNTY  
5/2/2019 2:02 PM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 1565413

THE STATE OF TEXAS	§	IN THE 372 <sup>nd</sup> JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
MARIA ROSA SOLIS	§	TARRANT COUNTY, TEXAS

**STATE'S NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL**

COMES NOW the State of Texas, by and through her Assistant Attorney General, and presents this, the State's Notice of Appearance and Designation of Counsel, and would show the following:

I.

Pursuant to Section 273.01 of the Texas Election Code, the Attorney General has statewide prosecution authority over election offenses in the State of Texas.

II.

The State designates Assistant Attorney General Angela Goodwin as lead counsel, joining co-counsel Assistant Attorney General Jonathan White, who has already filed an appearance in this case. The undersigned respectfully requests that her designation as lead counsel in the above cause be noted in the official record, by the filing of this document, and that communications regarding settings and scheduling be directed to her.

Respectfully submitted,

/s/ Angela Goodwin  
ANGELA GOODWIN  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 08172100

P.O. Box 12548, Capitol Station  
Austin, TX 78711-2548  
(512) 936-0805 (direct)  
(512) 370-9941 (fax)  
angela.goodwin@oag.texas.gov

**CERTIFICATE OF SERVICE**

I, Angela Goodwin, certify that on May 2, 2019, a true and correct copy of the above document was forwarded to the following counsel or parties of record via e-filing and electronic mail:

Scott Brown  
3100 W 7<sup>th</sup> St, Ste 420  
Fort Worth, Tx 76107  
817-336-5600  
Fax 817-336-5610  
SB@scottbrownlawyer.com

---

/s/ Angela Goodwin  
Angela Goodwin

DEC 12 2018

NO. 1565413D

TIME 10:21  
BY [Signature] DEPUTY

THE STATE OF TEXAS           §     IN THE 372ND JUDICIAL  
VS.                                 §     DISTRICT COURT OF  
MARIA ROSA SOLIS           §     TARRANT COUNTY, TEXAS

**ORDER OF THE COURT**

The attorneys in the case are ordered that they will not make public statements nor answer any questions about the case to the press. The Defendant shall follow these same instructions. No other officer of the Court is permitted to make any statements or disclose any evidence in the case not first released in open court prior to trial or other final disposition.

Any violation of the above rules as they pertain to the parties affected by this ORDER or their counsel will result in imposition of sanctions as appropriate under law.

SO ORDERED AND SIGNED on this the 12<sup>th</sup> day of December,  
2018.

[Signature]

Scott Wisch, Presiding Judge  
372nd Judicial District Court  
Tarrant County, Texas



A CERTIFIED COPY  
ATTEST: 10/18/2018  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Brendan Sobczak

# DIRECT

NAME MARIA ROSA SOLIS

RACE White SEX Female AGE 40 DOB  
5/29/1978

CASE NO. 1565413

CID NO. 0929307

OFFENSE PROVIDING FAL INFO ON VOTING  
APPLICATION

OFFENSE DATE 1/25/2016

I.P. STATE OF TEXAS

AGENCY ATTORNEY GENERAL'S OFFICE AUSTIN

372nd DISTRICT COURT

## THE STATE OF TEXAS VS. MARIA ROSA SOLIS

**INDICTMENT NO: 1565413**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT MARIA ROSA SOLIS, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 25TH DAY OF JANUARY 2016, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, MARIA ZARATE, THAT WAS NOT IN FACT THE SIGNATURE OF MARIA ZARATE, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, JOSE TOVAR, THAT WAS NOT IN FACT THE SIGNATURE OF JOSE TOVAR, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Foreman of the Grand Jury

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

OCT 10 2018

TIME 9:30  
BY LS DEPUTY

D372-1565415-00

FILED  
TARRANT COUNTY  
5/2/2019 1:56 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 1565415**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 372<sup>nd</sup> JUDICIAL</b>
	<b>§</b>	
<b>VS.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
	<b>§</b>	
<b>LETICIA SANCHEZ TEPICHIN</b>	<b>§</b>	<b>TARRANT COUNTY, TEXAS</b>

**STATE’S NOTICE OF APPEARANCE AND DESIGNATION OF COUNSEL**

COMES NOW the State of Texas, by and through her Assistant Attorney General, and presents this, the State’s Notice of Appearance and Designation of Counsel, and would show the following:

I.

Pursuant to Section 273.01 of the Texas Election Code, the Attorney General has statewide prosecution authority over election offenses in the State of Texas.

II.

The State designates Assistant Attorney General Angela Goodwin as lead counsel, joining co-counsel Assistant Attorney General Jonathan White, who has already filed an appearance in this case. The undersigned respectfully requests that her designation as lead counsel in the above cause be noted in the official record, by the filing of this document, and that communications regarding settings and scheduling be directed to her.

Respectfully submitted,

/s/ Angela Goodwin  
ANGELA GOODWIN  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 08172100

P.O. Box 12548, Capitol Station  
Austin, TX 78711-2548  
(512) 936-0805 (direct)  
(512) (fax)  
angela.goodwin@oag.texas.gov

**CERTIFICATE OF SERVICE**

I, Angela Goodwin, certify that on May 2, 2019, a true and correct copy of the above document was forwarded to the following counsel or parties of record via e-filing and electronic mail:

Greg Westfall  
1701 River Run, Ste 801  
Fort Worth, Tx 76107  
817-928-4222  
greg@westfallsellers.com

---

/s/ Angela Goodwin  
Angela Goodwin

RETRIEVED FROM DEMOCRACYDOCKET.COM

CAUSE NO. 1565415

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	432 <sup>ND</sup> JUDICIAL DISTRICT
	§	
LETICIA SANCHEZ TEPICHIN	§	TARRANT COUNTY, TEXAS

STATE'S NOTICE OF APPEARANCE OF COUNSEL

COMES NOW, the State of Texas and files this, the State's Notice of Appearance of Counsel, and respectfully shows the following:

Pursuant to Texas Election Code Section 273.021, which authorizes prosecution of election offenses by the Attorney General, the State designates Assistant Attorney General Jonathan White as lead prosecutor in the above cause. The undersigned respectfully requests that his appearance as attorney for the State be noted on the docket sheet, and that a copy of all future correspondence, orders, and pleadings be forwarded to counsel at the e-mail address listed in the signature block below.

Respectfully submitted,

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General  
Criminal Prosecutions Division  
State Bar No. 24054475  
P. O. Box 12548, Capitol Station, MC 48-2  
Austin, Texas 78711  
(512) 475-2547 (direct)  
(512) 370-9723 (fax)  
jonathan.white@oag.texas.gov

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing pleading was served on October 18, 2018 via email, fax, or electronic filing on Counsel for the Defendant:

Greg Westfall  
1701 River Run, Suite 801  
Ft. Worth, TX 76107  
(817) 928-4222 phone  
(817) 385-6715 fax  
greg@westfallsellers.com

/s/ Jonathan White  
JONATHAN WHITE  
Assistant Attorney General

RETRIEVED FROM DEMOCRACYDOCKET.COM

DEC 12 2018

NO. 1565415D

TIME 10:21  
BY [Signature] DEPUTY

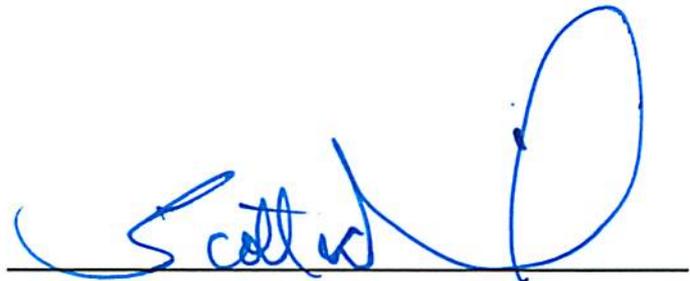
THE STATE OF TEXAS           §     IN THE 372ND JUDICIAL  
VS.                               §     DISTRICT COURT OF  
LETICIA SANCHEZ TEPICHIN   §     TARRANT COUNTY, TEXAS

**ORDER OF THE COURT**

The attorneys in the case are ordered that they will not make public statements nor answer any questions about the case to the press. The Defendant shall follow these same instructions. No other officer of the Court is permitted to make any statements or disclose any evidence in the case not first released in open court prior to trial or other final disposition.

Any violation of the above rules as they pertain to the parties affected by this ORDER or their counsel will result in imposition of sanctions as appropriate under law.

SO ORDERED AND SIGNED on this the 12<sup>th</sup> day of December,  
2018.



Scott Wisch, Presiding Judge  
372nd Judicial District Court  
Tarrant County, Texas



# DIRECT

NAME LETICIA SANCHEZ TEPICHIN

RACE White SEX Female AGE 39 DOB  
7/25/1979

CASE NO. 1565415

CID NO. 0929309

OFFENSE PROVIDING FAL INFO ON VOTING  
APPLICATION

OFFENSE DATE 2/19/2016

I.P. STATE OF TEXAS

AGENCY ATTORNEY GENERAL'S OFFICE AUSTIN

432nd DISTRICT COURT

## THE STATE OF TEXAS VS. LETICIA SANCHEZ TEPICHIN

**INDICTMENT NO: 1565415**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, DULY ELECTED, TRIED, EMPANELED, SWORN, AND CHARGED TO INQUIRE OF OFFENSES COMMITTED IN TARRANT COUNTY, IN THE STATE OF TEXAS, UPON THEIR OATHS, DO PRESENT IN AND TO THE 432nd DISTRICT COURT, OF THE SAID COUNTY

THAT LETICIA SANCHEZ TEPICHIN, HEREINAFTER CALLED DEFENDANT, ON OR ABOUT THE 19TH DAY OF FEBRUARY 2016, IN THE COUNTY OF TARRANT, STATE OF TEXAS, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, JUAN CRUZ, THAT WAS NOT IN FACT THE SIGNATURE OF JUAN CRUZ, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 19TH DAY OF FEBRUARY 2016, DID THEN AND THERE KNOWINGLY PROVIDE FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT PROVIDED A SIGNATURE THAT PURPORTED TO BE THE SIGNATURE OF A VOTER, FRANCISCO BERNAL, THAT WAS NOT IN FACT THE SIGNATURE OF FRANCISCO BERNAL, ON AN APPLICATION FOR AN EARLY VOTING BALLOT,

COUNT THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY OFELIA PENA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT OFELIA PENA HAD NOT MADE SUCH REQUEST,

COUNT FOUR: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA



LETICIA SANCHEZ TEPICHIN  
1565415  
Page 2 of 3

SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY YOLANDA PENA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT YOLANDA PENA HAD NOT MADE SUCH REQUEST,

COUNT FIVE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY BALDOMERO PENA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT BALDOMERO PENA HAD NOT MADE SUCH REQUEST,

COUNT SIX: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY ADRIAN JIMENEZ TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT ADRIAN JIMENEZ HAD NOT MADE SUCH REQUEST,

COUNT SEVEN: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 2ND DAY OF FEBRUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY NICOLAS RIVAS TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT NICOLAS RIVAS HAD NOT MADE SUCH REQUEST,

COUNT EIGHT: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO



A CERTIFIED COPY  
ATTEST: 10/18/2018  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: ls/ Brendan Sobczak

LETICIA SANCHEZ TEPICHIN  
1565415  
Page 3 of 3

BE A REQUEST BY JOSE IGLESIAS TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT JOSE IGLESIAS HAD NOT MADE SUCH REQUEST,

COUNT NINE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 25TH DAY OF JANUARY 2016, DID THEN AND THERE KNOWINGLY SOLICIT, ENCOURAGE, DIRECT, AID, OR ATTEMPT TO AID LETICIA SANCHEZ IN PROVIDING FALSE INFORMATION ON AN APPLICATION FOR AN EARLY VOTING BALLOT, SPECIFICALLY: DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID LETICIA SANCHEZ IN ALTERING AND SUBMITTING AN APPLICATION FOR EARLY VOTING BALLOT SO THAT IT PURPORTED TO BE A REQUEST BY HORTENSIA GUERRA TO RECEIVE BALLOTS BY MAIL FOR THE DEMOCRATIC PARTY FOR ELECTIONS OCCURRING IN 2016, WHEN IN FACT HORTENSIA GUERRA HAD NOT MADE SUCH REQUEST,

RETRIEVED FROM DEMOCRACYDOCKET.COM

AGAINST THE PEACE AND DIGNITY OF THE STATE.

*Manuwa Oulles*  
Foreman of the Grand Jury

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

OCT 10 2018

TIME 9:30  
BY LS DEPUTY



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

## Secretary Pablos Reminds Texans To Exercise Caution When Registering To Vote

Like 0 Tweet Share 2



October 4, 2018  
Contact: Sam Taylor  
512-463-6116

**AUSTIN** – Texas Secretary of State Rolando Pablos today issued the following statement and guidance to Texas voters regarding voter registration websites that purport to assist voters in registering to vote online in the State of Texas:

"We remind all eligible Texas voters that online voter registration is not available in the State of Texas. Any web site that misleadingly claims to assist voters in registering to vote online by simply submitting a digital signature is not authorized to do so. All Texas voters should be extremely cautious when handing over personal and sensitive information to any unknown third party. I urge voters to always visit **VoteTexas.gov** for accurate information about registering to vote and voting in Texas. My office is committed to ensuring all Texans understand proper and legal procedures for registering to vote, and that all Texans who are eligible have the opportunity to submit valid registrations ahead of next week's October 9th deadline."

To verify your registration status, voters can visit the Texas Secretary of State's "[Am I Registered?](#)" tool.

Eligible Texans who are not already registered to vote may complete and print a [voter registration application here](#), request an application from their [county elections administrator](#), or obtain a voter registration application from, for example, a nearby public library. Once completed and signed, eligible Texas voters should submit the application to the [county voter registrar](#) in their county of residence. Completed voter registration applications must be postmarked by October 9th, 2018 in order to be accepted.

For a registration submitted to the county voter registrar by fax, a hard copy of the registration application must be received by the registrar within four business days after the faxed application is received.

If you have moved to a new address within the same county or have changed your name while remaining in the same county as your current registration, you can [update your information online](#).



Texas voters who have been affected or displaced by Hurricane Harvey can [learn more about voting issues for Texas Harvey evacuees here.](#)

For more information regarding voter registration, polling locations, and identification requirements for voting, visit [www.votetexas.gov](http://www.votetexas.gov).

###

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FY 2022 Proposed Budget  
Vote.org

FY 2022 Budget Summary	2022 Budget	2021 Budget	2020 Actuals	2019 Actuals
Total Revenue	\$6,288,000	\$1,092,258	\$18,699,601.12	\$1,150,667.73
Total Expenses	\$5,979,009	\$1,798,671	\$14,261,934.39	\$3,224,329.39
Excess Revenue over Total Expenses	\$308,991	(\$706,413)	\$4,437,666.73	(\$2,073,661.66)

	TOTAL	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
<b>Income</b>					
4010 Foundation Grants	\$1,850,000.00	\$200,000.00	\$1,000,000.00	\$325,000.00	\$325,000.00
4020 Major Donors	\$1,440,000.00	\$240,000.00	\$200,000.00	\$500,000.00	\$500,000.00
4025 Grassroots Donors	\$2,092,000.00	\$332,000.00	\$560,000.00	\$600,000.00	\$600,000.00
4057 SaaS Revenue	\$295,000.00	\$78,000.00	\$77,000.00	\$70,000.00	\$70,000.00
4030 Corporate Contributions	\$600,000.00	\$100,000.00	\$100,000.00	\$200,000.00	\$200,000.00
4055 Merchandise Sales	\$11,000.00	\$500.00	\$500.00	\$5,000.00	\$5,000.00
<b>Total Income</b>	<b>\$6,288,000.00</b>	<b>\$950,500.00</b>	<b>\$1,937,500.00</b>	<b>\$1,700,000.00</b>	<b>\$1,700,000.00</b>
<b>Expenses</b>					
5000 Cost of Goods	\$140,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00
6000 Personnel	\$2,395,679.03	\$467,269.59	\$564,062.35	\$683,018.20	\$681,328.89
7000 Program	\$2,587,815.00	\$536,300.00	\$1,116,955.00	\$669,280.00	\$265,280.00
8000 Professional Fees	\$601,557.50	\$246,500.00	\$134,200.00	\$122,197.50	\$98,660.00
9000 Operations	\$253,957.32	\$48,065.58	\$65,840.58	\$48,065.58	\$91,985.58
<b>Total Expenses</b>	<b>\$5,979,008.85</b>	<b>\$1,333,135.17</b>	<b>\$1,916,057.93</b>	<b>\$1,557,561.28</b>	<b>\$1,172,254.47</b>

NOTES: The Program budget provides for a GOTV program in New Jersey and Virginia. Tactics include radio, billboards, food trucks, and an HBCU influence program. These expenses will not be incurred unless our fundraising target is met.

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## FY 2020 Budget

Vote.org

FY 2020 Budget Summary	2020 Budget	2019 Actuals	2018 Actuals		
<b>Total Revenue</b>	<b>\$26,105,000</b>	\$1,150,667.73	\$11,743,331		
<b>Total Expenses</b>	<b>\$25,991,770</b>	\$3,224,329.39	\$10,407,038		
<b>Excess Revenue over Total Expenses</b>	<b>\$113,231</b>	(\$2,073,661.66)	\$1,336,293		

	TOTAL	First Quarter	Second Quarter	Third Quarter	Fourth Quarter
<b>Revenue</b>					
Individual Contributions: Major Donors*	\$14,700,000	\$200,000	\$500,000	\$14,000,000	\$0.00
Institutional Donors*	\$9,990,000	\$100,000	\$2,000,000	\$7,890,000	\$0.00
Individual Contributions: Grassroots Donors	\$1,150,000	\$200,000	\$400,000	\$550,000	\$0.00
SaaS Revenue	\$250,000	\$10,000	\$130,000	\$100,000	\$10,000
Merchandise Sales	\$15,000	\$4,000	\$4,000	\$6,000	\$1,000
Election Day Holiday	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Revenue</b>	<b>\$26,105,000</b>	\$514,000	\$3,034,000	\$22,546,000	\$11,000
<b>Operating Expenses</b>					
Personnel (Admin Fees, Benefits, Payroll Taxes, Salaries & Wages, Workers Co	\$1,491,100	\$372,775	\$372,775	\$372,775	\$372,775
Staff Related (Computer Equipment + Hardware, Recruiting, Team Retreats, etc)	\$142,463	\$50,463	\$50,000	\$25,000	\$17,000
Engineering	\$796,400	\$100,000	\$250,200	\$250,200	\$196,000
Communications	\$123,709	\$30,927.25	\$30,927.25	\$30,927.25	\$30,927.25
Subtotal:	\$2,553,672	\$554,165	\$703,902	\$678,902	\$616,702
<b>General and Administrative Expenses</b>					
Fundraising	\$82,898	\$20,724.50	\$20,724.50	\$20,724.50	\$20,724.50
Legal	\$36,633	\$9,158.25	\$9,158.25	\$9,158.25	\$9,158.25
Office Expenses	\$59,441	\$14,860.25	\$14,860.25	\$14,860.25	\$14,860.25
Professional Fees (Bookkeeping, Auditing, etc.)	\$68,364	\$17,091	\$17,091	\$17,091	\$17,091
Other and uncategorized	\$27,095	\$6,773.75	\$6,773.75	\$6,773.75	\$6,773.75
Subtotal:	\$274,431	\$68,607.75	\$68,607.75	\$68,607.75	\$68,607.75
<b>Program Expenses</b>					
GOTV: Out-of-Home Advertising	\$10,995,856	\$0.00	\$0.00	\$10,995,856	\$0.00
GOTV: Campus Engagement	\$8,337,811	\$0.00	\$0.00	\$8,337,811	\$0.00
GOTV: P2P SMS	\$2,925,000	\$0.00	\$1,400,000	\$1,462,500	\$62,500
GOTV: Program Design & Evaluation	\$295,000	\$10,000	\$142,500	\$142,500	\$0.00
GOTV: OPT IN SMS	\$210,000	\$75,000	\$75,000	\$50,000	\$10,000
GOTV: Other	\$400,000	\$0.00	\$200,000	\$200,000	\$0.00
Subtotal Program:	\$23,163,667	\$85,000.00	\$1,817,500.00	\$21,188,667	\$72,500.00
<b>Total Expenses</b>	<b>\$25,991,770</b>	\$707,773	\$2,590,010	\$21,936,177	\$757,810

\*Vote.org is fortunate to have five revenue sources. This diverse revenue portfolio makes our organization more sustainable by reducing our independence on a single individual or institution. The income from grassroots donors, SaaS tools, and merchandise sales covers Vote.org's operating and general and administrative expenses. Any income the organization raises from major and institutional donors will support our GOTV program expenses. We plan to raise \$11-24 million from major and institutional donors, which we anticipate reaching in the third quarter of 2020. If we make our goal, we will run a GOTV program in 11 swing states in the third quarter. GOTV program expenses will only be incurred if we reach our fundraising target.



2

1 ORAL AND VIDEOTAPED DEPOSITION OF  
 2 VOTE.ORG, BY AND THROUGH ANDREA HAILEY  
 3 PURSUANT TO RULE 30(B)(6), produced as a  
 4 witness at the instance of the INTERVENOR-  
 5 DEFENDANT, and duly sworn, was taken in the  
 6 above-styled and numbered cause on February  
 7 10, 2022, from 9:03 a.m. to 6:23 p.m., before  
 8 Brian Christopher, Online Notary Public in and  
 9 for the State of Texas, reported remotely by  
 10 electronic reporting and transcription,  
 11 pursuant to the Federal Rules of Civil  
 12 Procedure and the provisions stated on the  
 13 record or attached hereto.  
 14  
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 24  
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4

1  
 2 EFENDANT REMI GARZA, in his official  
 3 capacity as the Cameron County Elections  
 4 Administrator:  
 5  
 6 Cameron Count District Attorney  
 7 1100 E. Monroe Street  
 8 Brownsville, TX 78520  
 9 Phone:(956) 544-0849  
 10 By: DANIEL LOPEZ  
 11 daniel.n.lopez@co.cameron.tx.us  
 12  
 13 FOR THE INTERVENOR-DEFENDANT TERRIE PENDLEY, in her  
 14 official capacity as Real County Tax  
 15 Assessor-Collector, and LUPE TORRES, in his  
 16 official capacity as Medina County Elections  
 17 Administrator  
 18  
 19 Texas Public Policy Foundation  
 20 901 Congress Avenue  
 21 Austin, TX 78701  
 22 Phone: (512) 472-2700  
 23 By: MUNERA AL\_FUHAID  
 24 mal-fuhaid@texaspolicy.com  
 25

3

1 APPEARANCES  
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 10  
 11 and  
 12  
 13 JOSHUA HARRIS  
 14 jharris@elias.law  
 15 FOR THE INTERVENOR-DEFENDANT KEN PAXTON, in his  
 16 official capacity as the Attorney General of Texas:  
 17  
 18 Office of the Attorney General  
 19 P.O. Box 12548, Capitol Station  
 20 Austin, TX 78711-2548  
 21 Phone:(512) 463-2120  
 22 By: CORY SCANLON  
 23 cory.scanlon@oag.texas.gov  
 24  
 25 JOHNATHAN STONE  
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 and  
 KATHLEEN HUNKER  
 kathleen.hunker@oag.texas.gov  
 FOR THE DEFENDANT BRUCE ELFANT, in his official  
 capacity as the Travis County Tax Assessor-  
 Collector:  
 Travis County Attorney's Office  
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 Austin, TX 78701  
 Phone:(512) 854-9415  
 By: CYNTHIA VEIDT  
 cynthia.veidt@traviscountytexas.gov

5

1 INDEX

	Page
2	
3 Stipulations . . . . .	2
4 Appearances. . . . .	3
5 Proceedings. . . . .	7
6 Examination by Mr. Scanlon . . . . .	8
7 Reporter's Certification . . . . .	360
8	
9	
10 EXHIBITS	
11 No. Description	Page
12 1 Notice. . . . .	14
13 2 First Amended Response to State's	
14 Interrogatories . . . . .	271
15 3 Plaintiffs Amended Responses to States Request for	
16 Production. . . . .	251
17 4 Medium Article. . . . .	145
18 5 Email. . . . .	77
19 6 Tax Office Emails . . . . .	191
20 7 Press Release . . . . .	284
21 8 87(R) HB 3107 - Engrossed version. . . . .	Not Referenced
22 9 Texas Democratic Party Complaint. . . . .	144
23 10 About Vote.org - What is Vote.org . . . . .	311
24 11 Email. . . . .	Not Referenced
25 12 Vote.org Letter . . . . .	330

6

1 13 Email. . . . . Not Referenced  
2 14 FY 2021 Six-Month Proposed Budget. . Not Referenced  
3 15 FY 2022 Proposed Budget. . . . . Not Referenced  
4 16 FY 2021 Budget . . . . . Not Referenced  
5 17 2021 Budget vs. Actuals. . . . . Not Referenced  
6 18 2020 Budget vs. Actuals. . . . . Not Referenced  
7 19 2018 and 2019 Expenses . . . . . Not Referenced  
8 20 FY 2019 Budget . . . . . Not Referenced  
9 21 2019 Budget vs. Actuals. . . . . Not Referenced  
10 22 Votes: TX HB3107. . . . . 125  
11 23 Request for Voter Registration . . Not Referenced  
12 24 Complaint. . . . . 46  
13 25 Voter Registration Application . . . . . 68  
14 26 Texas Voter Registration Application . . . . . 65  
15 27 Register to Vote in Texas - Vote.org . . . . . 63  
16  
17  
18  
19  
20  
21  
22  
23  
24  
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1 but we will be joined later by Kathleen  
2 Hunker, as well.  
3 MS. AL-FUHAID: Good morning.  
4 Munera Al-Fuhaid representing  
5 Intervenor Defendants Terry Pendley, in her  
6 official capacity as Rio County Tax Assessor-  
7 Collector and Lupe Torres as Madina -- in his  
8 official capacity as Medina County Elections  
9 Administrator.  
10 MS. VEIDT: Cynthia Veidt  
11 representing Defendant Bruce Elfant, Travis  
12 County Tax Assessor-Collector.  
13 THE REPORTER: Ms. Hailey, would you  
14 raise your right hand, please?  
15 ANDREA HAILEY,  
16 having been first duly sworn, testified as  
17 follows:  
18 THE REPORTER: You may proceed.  
19 DIRECT EXAMINATION  
20 BY MR. SCANLON:  
21 Q. Good morning, Ms. Hailey. How are  
22 you doing today?  
23 A. Good. How are you?  
24 Q. I'm good. Thank you for asking.  
25 My name's Cory Scanlon. I work for

1 THURSDAY, FEBRUARY 10, 2022  
2 PROCEEDINGS  
3 THE REPORTER: We are on the record.  
4 Today's date is February the 10th, 2022. The  
5 time is 9:03 a.m.  
6 This is the videotape deposition of  
7 Vote.org through their corporate  
8 representative, Andrea Hailey, in the matter  
9 of Vote.org versus Jacquelyn Callanen, et al,  
10 and it is being conducted remotely.  
11 My name is Brian Christopher with  
12 Integrity Legal Support Solutions located at  
13 P.O. Box 245, Manchaca, Texas 78652.  
14 Would all Counsel please introduce  
15 themselves beginning with Plaintiff's Counsel?  
16 MR. NKWONTA: Good morning.  
17 This is Uzoma Nkwonta on behalf of  
18 Plaintiff, Vote.org, and I am joined by Mr.  
19 Joshua Harris from the law firm of Elias Law  
20 Group.  
21 MR. SCANLON: Good morning.  
22 This is Cory Scanlon on behalf of  
23 Intervenor Ken Paxton, Office of the Attorney  
24 General. I'm joined today by my colleague,  
25 Jonathan Stone, and she's not logged in yet

9

1 the Attorney General's Office.  
2 You understand that we have  
3 intervened as a Defendant in this lawsuit to  
4 defend the constitutionality of the challenged  
5 statute? Does that all sound correct to you?  
6 A. Uh-huh, yes.  
7 Q. Okay, and have you ever been deposed  
8 before?  
9 A. No.  
10 Q. Have you ever been involved in a  
11 lawsuit, and I'll guess I'll start within your  
12 capacity as the CEO of Vote.org?  
13 A. No.  
14 Q. Have you ever been involved in any  
15 lawsuits personally?  
16 A. Yes.  
17 Q. Okay, and what were those lawsuits?  
18 A. A lawsuit about a horse in Indiana  
19 that my family owned when I was a junior  
20 rider. I think I had just turned 18.  
21 Q. Okay, were you the plaintiff or  
22 defendant in that lawsuit?  
23 A. Defendant.  
24 Q. And I don't want to go too into it  
25 but was it just a property, I guess, dispute

<p style="text-align: right;">10</p> <p>1 basically?</p> <p>2 A. A lease, a horse lease, and the</p> <p>3 arguments over the horse being leased out.</p> <p>4 Q. Okay, thank you.</p> <p>5 So, I guess, since not having been</p> <p>6 deposed but being involved in a lawsuit, you</p> <p>7 may have some familiarity with kind of how a</p> <p>8 deposition works and I'm sure your counsel has</p> <p>9 explained to you it's basically a sworn</p> <p>10 testimony as if you were testifying in a</p> <p>11 courtroom that is given under oath.</p> <p>12 Do you understand all that?</p> <p>13 A. Yes.</p> <p>14 Q. So, with that, a lot of the things</p> <p>15 we like to cover upfront is just the fact that</p> <p>16 we're going to be taking a record. So,</p> <p>17 there's some things we like to cover and</p> <p>18 there's kind of an extended list of things</p> <p>19 regarding Zoom depositions about making a</p> <p>20 clean record. So, it helps if when I'm asking</p> <p>21 a question if you wait until I'm finished</p> <p>22 asking before you respond, and I will do my</p> <p>23 best to not talk over you as well.</p> <p>24 Sometimes it's a little difficult</p> <p>25 when we, you know, kind of get ahead of</p>	<p style="text-align: right;">12</p> <p>1 A. No.</p> <p>2 Q. And you understand that you are here</p> <p>3 as the corporate representative on behalf of</p> <p>4 Vote.org, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you understand that your</p> <p>7 testimony is basically the same as if the</p> <p>8 corporation were testifying itself, right?</p> <p>9 A. Yes.</p> <p>10 Q. With that, I'm going to --</p> <p>11 (Phone ringing.)</p> <p>12 Was that your phone, Ms. Hailey?</p> <p>13 A. A phone call came over my computer.</p> <p>14 Q. Oh, okay.</p> <p>15 I'm glad that happened actually</p> <p>16 because I'm missing this in my outline but I</p> <p>17 do need to -- because this is over Zoom, I</p> <p>18 just need to ask, I guess, where are you</p> <p>19 physically located right now?</p> <p>20 A. I'm in Indianapolis, Indiana.</p> <p>21 Q. Okay, and are you in a residence</p> <p>22 there?</p> <p>23 A. Yeah, this is my house.</p> <p>24 Q. Okay, is there anybody else located</p> <p>25 in the room with you right now?</p>
<p style="text-align: right;">11</p> <p>1 ourselves but can we agree that we will make</p> <p>2 our best effort to not, I guess, talk over</p> <p>3 each other so that a clean record can be made?</p> <p>4 A. Absolutely.</p> <p>5 Q. Great.</p> <p>6 If I ask a question that you do not</p> <p>7 understand, can you agree to ask me to clarify</p> <p>8 the question?</p> <p>9 A. Yes.</p> <p>10 Q. And if I ask a question and you</p> <p>11 provide an answer, is it safe for me to assume</p> <p>12 that you understood the question that I was</p> <p>13 asking?</p> <p>14 A. Yes.</p> <p>15 Q. So, another thing that will probably</p> <p>16 happen today is if I ask a question that your</p> <p>17 counsel deems objectionable, he will make an</p> <p>18 objection, and then unless he instructs you</p> <p>19 not to answer the question, you will still</p> <p>20 answer the question.</p> <p>21 Does that sound okay?</p> <p>22 A. It sounds okay.</p> <p>23 Q. Is there any reason that you would</p> <p>24 be unable to testify today with full and</p> <p>25 honest answers?</p>	<p style="text-align: right;">13</p> <p>1 A. No.</p> <p>2 Q. you have any papers or documents in</p> <p>3 front of you?</p> <p>4 A. No.</p> <p>5 Q. Okay, and can you agree with me that</p> <p>6 you won't refer to any other documents or</p> <p>7 papers while we're on the record and you're</p> <p>8 answering questions?</p> <p>9 A. Yes, absolutely.</p> <p>10 Q. Are there any -- other than the</p> <p>11 device that you're using to take this</p> <p>12 deposition, are there any other electronic</p> <p>13 devices in the room with you or nearby?</p> <p>14 A. The light that I have for lighting.</p> <p>15 The TV that's behind me. I need to figure out</p> <p>16 how to turn my phone coming over the computer</p> <p>17 off. So, let me do that.</p> <p>18 Q. Okay, and is your cell phone on you</p> <p>19 or nearby?</p> <p>20 (No response.)</p> <p>21 Are you all hearing me okay?</p> <p>22 A. Yeah, can you hear me?</p> <p>23 Q. Yes, I think I cut out for just a</p> <p>24 minute there but it looks like we're okay.</p> <p>25 Okay.</p>

14

1 Is your cell phone nearby you or on  
 2 you?  
 3 A. Yes.  
 4 Q. Okay, and can you just agree that  
 5 while we're on the record and you're answering  
 6 questions, you won't refer to your cell phone,  
 7 you know, during the course of providing your  
 8 answers?  
 9 A. Yes, I just turned it off.  
 10 Q. Okay, thank you.  
 11 Okay, I'll go ahead -- and again,  
 12 I'm going to pull up Exhibit 1, which is the  
 13 Deposition Notice, and I'll go ahead and turn  
 14 Screen Share on as long as that's enabled.  
 15 (Exhibit 1 marked.)  
 16 BY MR. SCANLON:  
 17 Q. Okay, Ms. Hailey, are you seeing the  
 18 document that I've turned on Screen Share?  
 19 A. Yes, I can see it.  
 20 Q. And do you recognize this document?  
 21 A. I do.  
 22 Q. Have you read it?  
 23 A. I have.  
 24 Q. And scrolling down the Notice  
 25 Provisions to the exhibit where it says,

16

1 thing. That also is an option.  
 2 MR. SCANLON: I'm fine with that.  
 3 Yeah. So, if she wants to pull it up from the  
 4 chat and read it --  
 5 MR. HARRIS: Sorry, I didn't mean to  
 6 mess up your record, Cory.  
 7 MR. SCANLON: Oh, no. That's okay.  
 8 I actually think that's a pretty good idea.  
 9 THE WITNESS: Okay.  
 10 So, what you're saying is I can just  
 11 here in the chat and pull it up?  
 12 BY MR. SCANLON:  
 13 Q. Yes, if you want to pull the PDF up  
 14 on your end so we have an understanding we're  
 15 both looking at Exhibit 1, I'm fine with that.  
 16 A. Okay.  
 17 BY MR. NKWONTA: And Cory, before  
 18 Ms. Hailey provides her answer, I will note  
 19 that we've served objections to this notice  
 20 and we'd serve objections to some of these  
 21 topics. So, her answer is still subject to  
 22 our objections as we have noted, and out of  
 23 response to the agreement we sent  
 24 (indiscernible).  
 25 MR. SCANLON: Okay, and I'm sorry,

15

1 "TOPICS FOR EXAMINATION."  
 2 Have you read all these topics?  
 3 A. Yes.  
 4 Q. And are you prepared to testify as  
 5 to each of these topics? Just let me know if  
 6 you want me to scroll up or down.  
 7 MR. HARRIS: Cory, is there a way  
 8 that she can actually control going up and  
 9 down on the exhibit herself if she preferred  
 10 to do that? I think we should clarify that  
 11 before we look at some of these other exhibits  
 12 as well.  
 13 MR. SCANLON: That's a good  
 14 question. I've actually never had a witness  
 15 ask that but that would be helpful.  
 16 Is there a way to do that, Brian?  
 17 THE REPORTER: Yes, the witness can  
 18 go up to View Options and request remote  
 19 control, and then you can provide her remote  
 20 control of the document.  
 21 MR. HARRIS: Or she could also click  
 22 on the actual exhibit in the chat link and  
 23 then she would have a separate window to pop  
 24 up so that she can actually view that and not  
 25 necessarily have to do the whole control

17

1 guys.  
 2 Which one of you-all is defending  
 3 the depo today just so I'm clear?  
 4 MR. NKWONTA: I am.  
 5 MR. SCANLON: Okay.  
 6 THE WITNESS: Sorry, everyone. I  
 7 keep clicking to open, but -- oh, there it  
 8 goes. Okay.  
 9 MS. VEIDT: Not to interrupt, but I  
 10 don't believe we got a copy of the objections.  
 11 Can you make sure those were sent  
 12 out to everyone?  
 13 MR. SCANLON: If you-all want, I can  
 14 drop those into the chat.  
 15 MS. VEIDT: Great, that would be  
 16 awesome. Thank you.  
 17 MR. NKWONTA: Yeah, we can send that  
 18 out by email as well.  
 19 MS. VEIDT: Thank you.  
 20 (Pause in proceedings.)  
 21 THE WITNESS: Okay, I've read it and  
 22 I do recognize but I think you guys have  
 23 already brought up that there are some places  
 24 where we've objected, and the last, you know,  
 25 one here says "number of voters Vote.org has

18

1 registered in Texas." Vote.org provides tools  
 2 for voters to register themselves but I'm  
 3 happy to speak all about those tools.  
 4 BY MR. SCANLON:  
 5 Q. Okay, and we'll clarify what the  
 6 objections are and where we're going to go  
 7 from there. I just want to make sure you've  
 8 had a chance to look over those topics and  
 9 you're prepared to discuss them with me today.  
 10 A. I am.  
 11 Q. Okay, great. And can you please let  
 12 me know what you've done to prepare for  
 13 today's deposition?  
 14 A. Yes, I've had conversations with my  
 15 attorneys. I've had conversations with, you  
 16 know, our technical team at Vote.org and spent  
 17 a lot of hours trying to make sure that I know  
 18 as much as possible to answer your questions  
 19 today.  
 20 Q. Okay, and I don't want to obviously  
 21 to ask you about any conversations you had  
 22 with your attorney but when it comes to the  
 23 deposition, about how many times did you meet  
 24 to discuss the deposition with your attorneys?  
 25 A. I guess I wasn't counting but I

19

1 guess off the top of my head maybe somewhere  
 2 definitely over four times.  
 3 Q. Okay, was it more than five times?  
 4 A. I mean, I wasn't counting. I  
 5 definitely -- we had a few Zoom meetings. If  
 6 I had questions, I made phone calls. And  
 7 then, we'd -- you know, my schedule's insane  
 8 so I would jump on a Zoom for a couple hours,  
 9 jump off, come back on. So --  
 10 Q. Right.  
 11 A. I don't want to give the wrong  
 12 answer, sorry.  
 13 Q. Okay. No, that's fine. I  
 14 definitely understand that kind of workflow  
 15 arrangement.  
 16 Can I ask when you had meetings  
 17 about how long they lasted?  
 18 A. Yeah, sure. I mean, I tried to  
 19 block off blocks. I work better if I can  
 20 focus for a period of time. So, you know, I  
 21 would say like two hours at a time, something  
 22 like that to make sure that I can really kind  
 23 of get into the meat and not get distracted.  
 24 Q. Other than documents that were  
 25 provided to you by your attorneys, did you

20

1 review of any Vote.org's documents in  
 2 preparation for today's deposition?  
 3 A. Yeah, I mean, well, in preparation  
 4 in general, we compiled everything that we  
 5 possibly could of Vote.org that pertains to  
 6 any of these issues and then gave them over to  
 7 our attorneys, and you know, tried to give  
 8 them a comprehensive look at anything having  
 9 to do with the topics we're going to discuss  
 10 today. So, I've gone through a lot of  
 11 Vote.org materials to make sure that we have  
 12 everything so we can sit here and discuss it  
 13 all in its totality.  
 14 Q. Okay, and what were, I guess, the  
 15 different categories of those documents coming  
 16 from Vote.org that you reviewed?  
 17 A. Oh, um --  
 18 BY MR. NKWONTA: I'll object to  
 19 that, Cory, because that starts to get into  
 20 attorney work product. You're now asking the  
 21 witness to identify the types of documents  
 22 that they reviewed which was at the direction  
 23 of counsel.  
 24 MR. SCANLON: Okay, I --  
 25 MR. NKWONTA: If you want to

21

1 rephrase your question, I think there may be  
 2 another way to get to what you're trying to  
 3 get at.  
 4 BY MR. SCANLON:  
 5 Q. Sure, and again, I'm not trying to  
 6 ask for any documents that were provided to  
 7 you by your attorneys. I am only asking about  
 8 the documents that came from Vote.org.  
 9 Do you understand that?  
 10 A. Okay, I, you know, have reviewed  
 11 everything from emails to, you know, anything  
 12 I could find that would possibly give me a  
 13 little bit more information on our program.  
 14 We are a fully remote organization. So, I  
 15 really spent a lot of time looking at old  
 16 emails or our budgets or, you know, anything  
 17 that I could take a deeper look at to make  
 18 sure that I fully have everything from 2018  
 19 forward.  
 20 Q. Sure. Did you review any letter  
 21 that Vote.org wrote to any outside entities,  
 22 whether they were governmental or private  
 23 entities?  
 24 BY MR. NKWONTA: Objection: Again,  
 25 I think this potentially goes into work

22	<p>1 product and I would instruct the witness to</p> <p>2 only answer to the extent that what you</p> <p>3 reviewed was not at the direction of counsel</p> <p>4 or was not provided by counsel.</p> <p>5 A. Yeah, I mean, everything that I</p> <p>6 really spent a lot of time reviewing were</p> <p>7 documents that I had reviewed with counsel. A</p> <p>8 good portion of my time in review was spent</p> <p>9 going over documents specifically with my</p> <p>10 counsel. So, it's hard for me to pick out all</p> <p>11 on my own which ones might have been, you</p> <p>12 know, most important today.</p> <p>13 Q. Okay, and I'm going to object to the</p> <p>14 question being non-responsive. I just have to</p> <p>15 do that if I feel like, you know, we're not</p> <p>16 really on the same page about what I'm</p> <p>17 actually asking for.</p> <p>18 So, I did not actually ask for</p> <p>19 anything that would call for a privilege</p> <p>20 objection. What I was asking was if there</p> <p>21 were any letters by Vote.org or to Vote.org</p> <p>22 that you reviewed that were with any</p> <p>23 governmental or outside agencies, and I'm not</p> <p>24 including your counsel in that. I can preface</p> <p>25 every question I ask to say that it was not</p>	24	<p>1 wanted to know if Vote.org had any</p> <p>2 communications via letter that you would have</p> <p>3 reviewed.</p> <p>4 A. I don't think I can off the top of</p> <p>5 my head recall reviewing like a letter. I</p> <p>6 definitely have reviewed -- you know, I think</p> <p>7 we handed everything over to our firm and then</p> <p>8 I reviewed everything that I thought would be</p> <p>9 relevant to today. In that is a ton of emails</p> <p>10 and a ton of documents, but not necessarily a</p> <p>11 letter from any government agency.</p> <p>12 Q. Okay, okay. Just kind of briefly --</p> <p>13 taking a step back here, I want to go a little</p> <p>14 bit over your background. So, I understand</p> <p>15 you are the CEO of Vote.org.</p> <p>16 How long have you held that</p> <p>17 position?</p> <p>18 A. I've held the position for -- let's</p> <p>19 see, I took the position in like October of</p> <p>20 2019.</p> <p>21 Q. Did you work with Vote.org before</p> <p>22 you took that position?</p> <p>23 A. Yes, I was on the board of Vote.org</p> <p>24 before stepping in as CEO.</p> <p>25 Q. Okay, and when did you become part</p>
23	<p>1 between you and your attorney but I just want</p> <p>2 to make sure it's clear for the record none of</p> <p>3 my questions today to you will be about</p> <p>4 materials related to attorney work product or</p> <p>5 attorney-client communications. So, I just</p> <p>6 want to make sure we're clear on the record</p> <p>7 for that.</p> <p>8 And I guess, that was kind of a long</p> <p>9 statement I made but did you understand the</p> <p>10 question?</p> <p>11 A. I think so. I think the question</p> <p>12 you're asking is you're trying to find out if</p> <p>13 there's any governmental agency that I</p> <p>14 reviewed before coming here that I did not</p> <p>15 talk to my lawyers about.</p> <p>16 Q. No. So, I'm asking about letters</p> <p>17 that are in Vote.org's possession that you may</p> <p>18 have reviewed that were either to outside</p> <p>19 governmental organizations or outside private</p> <p>20 organizations.</p> <p>21 A. I reviewed a lot of emails that have</p> <p>22 gone back and forth.</p> <p>23 Is that what you mean by letter?</p> <p>24 Q. I remember you had testified earlier</p> <p>25 about emails. So, I appreciate that. I just</p>	25	<p>1 of the board of Vote.org?</p> <p>2 A. I think I became part of the board</p> <p>3 in January of 2018.</p> <p>4 Q. Okay. Before 2018, did you work for</p> <p>5 Vote.org?</p> <p>6 A. No.</p> <p>7 Q. And what did you do before 2018 for</p> <p>8 work?</p> <p>9 A. 2018, I was founder of an</p> <p>10 organization called Civic Engagement Fund.</p> <p>11 Q. Okay, and about how long did you</p> <p>12 work with Civic Engagement Fund?</p> <p>13 A. From 2016 until 2018, and then</p> <p>14 Vote.org in 2019.</p> <p>15 Q. Okay. When you became part of the</p> <p>16 board of Vote.org, what was your title?</p> <p>17 A. Just board member.</p> <p>18 Oh, my title at work?</p> <p>19 Q. Yes.</p> <p>20 A. Founder.</p> <p>21 Q. Okay. So, I understand a founder to</p> <p>22 be somebody who, you know, was there at the</p> <p>23 inception of the organization.</p> <p>24 Is that how you understand that?</p> <p>25 A. Yes.</p>

26

1 Q. Okay, and when was Vote.org founded?  
 2 A. Oh, sorry. I was founder of Civic  
 3 Engagement Fund.  
 4 Q. Oh, okay. I'm sorry. Mixed that  
 5 up.  
 6 A. I was founder of Civic Engagement  
 7 Fund and then I stepped onto the board of  
 8 Vote.org and then eventually stepped into the  
 9 CEO position of Vote.org. While I was on the  
 10 board of Vote.org, I was just a board member.  
 11 I think they voted on me maybe at the end of  
 12 2017 and then I stepped in as a new board  
 13 member January of 2018.  
 14 Q. Prior to 2016, did you work at any  
 15 other companies?  
 16 A. Yes, I've consulted for the Martin  
 17 Luther King Memorial Foundation. I consulted  
 18 for doing youth philanthropy for the  
 19 Smithsonian African American History Museum.  
 20 I -- oh my gosh, I'm old.  
 21 How much do you want?  
 22 Q. We don't have to go too far back.  
 23 Can you just tell me when you went  
 24 to college?  
 25 A. Yeah, I went to college -- I

27

1 graduated from high school in '99 and so --  
 2 Q. Okay, and where did you attend  
 3 college?  
 4 A. Skidmore College and then  
 5 Q. And what was your -- I'm sorry, I  
 6 didn't mean to interrupt you.  
 7 A. Skidmore College and then I  
 8 transferred to George Washington University in  
 9 D.C.  
 10 Q. Okay. What was your degree in at  
 11 George Washington?  
 12 A. Political Science.  
 13 Q. Did you attend any graduate-level  
 14 degree programs?  
 15 A. Yeah, two years of law school.  
 16 Q. Okay. Which law school?  
 17 A. Mississippi College.  
 18 Q. And have you ever practiced law?  
 19 A. Oh, no. No, no, no.  
 20 Q. Okay, and I know law school's  
 21 normally three years, but sometimes people can  
 22 find alternate paths to practice. So, that's  
 23 always something we want to make sure we talk  
 24 about.  
 25 A. Don't tell my parents.

28

1 Q. Okay. So, I guess, we've gone over  
 2 kind of the topics I want to talk about today.  
 3 So, I'll start with -- I guess, topic one is  
 4 kind of generally Vote.org's organization and  
 5 mission.  
 6 What do you understand Vote.org's  
 7 mission to be?  
 8 A. Our mission is to strengthen U.S.  
 9 democracy and we do that by simplifying  
 10 political engagement using technology.  
 11 Q. And what is the current, I guess,  
 12 organizational structure of Vote.org? I know  
 13 you mentioned that you have a board and I know  
 14 that you are the CEO, which is considered an  
 15 officer position, but can you tell me a little  
 16 bit more about the structure?  
 17 A. Yeah, sure.  
 18 Can you clarify for me what you mean  
 19 by the structure? And sorry to -- is it like  
 20 the board structure or the fact that we're a  
 21 nonprofit? What --  
 22 Q. Sure, we'll start with the board.  
 23 How is the board structured?  
 24 A. The board, we have five board  
 25 members. You know, I think it's a pretty

29

1 basic 501(c)(3) board structure, board chair,  
 2 vice chair, treasurer, secretary, and new  
 3 board member.  
 4 Q. Okay. As a 501(c), you do not have  
 5 shareholders, correct?  
 6 A. That's right. No shareholders,  
 7 we're a nonprofit.  
 8 Q. And besides the board, does Vote.org  
 9 have officers that are considered part of the  
 10 leadership structure of the organization?  
 11 A. I guess, I would be technically the  
 12 only officer. Well, we have had a COO and  
 13 we're currently hiring a COO. So, then it  
 14 would be CEO, COO, yeah, and then a handful of  
 15 staff.  
 16 Q. Have you had a COO in the past?  
 17 A. We have, yes.  
 18 Q. But that was not considered, I  
 19 guess, formally an officer position?  
 20 A. I don't know the -- is there a  
 21 technical thing that we'd have to do to  
 22 qualify a COO as an officer, I'm not sure but  
 23 I think the leadership of Vote.org is  
 24 considered to be the CEO and COO.  
 25 Q. Okay. Does Vote.org have charter

<p style="text-align: right;">30</p> <p>1 documents, like bylaws, or anything like that?</p> <p>2 A. We do.</p> <p>3 Q. What are those documents if you</p> <p>4 don't mind just explaining those very quickly?</p> <p>5 A. I mean, we have our board bylaws. I</p> <p>6 mean, I think that's it. I think it's the</p> <p>7 board by law and structure. The board's</p> <p>8 responsible for financial oversight and for,</p> <p>9 you know, both fiscal and organizational</p> <p>10 oversight.</p> <p>11 I mean, is there a question about</p> <p>12 the bylaws?</p> <p>13 Q. No, I'm just wondering -- I'm</p> <p>14 actually not too familiar with how 501(c) are</p> <p>15 structured. So, I'm just making sure I</p> <p>16 understand. As a 501(c), are you required to</p> <p>17 file like a founding document in a certain</p> <p>18 state?</p> <p>19 A. Yes, we are required to file a</p> <p>20 document, you know, where we're headquartered</p> <p>21 and then we're required to produce a 990 that</p> <p>22 we produce every year.</p> <p>23 Q. Right.</p> <p>24 And you're headquartered in</p> <p>25 California, correct?</p>	<p style="text-align: right;">32</p> <p>1 A. We've always been a remote</p> <p>2 organization. I think there was a shared</p> <p>3 space, like a WeWork space, where the previous</p> <p>4 CEO liked to go in but I think, yeah, we've</p> <p>5 always been a remote organization.</p> <p>6 Q. What year was Vote.org founded?</p> <p>7 A. 2016.</p> <p>8 Q. I don't know why I always thought it</p> <p>9 went back further. It just kind of seems like</p> <p>10 a household name to me. But is there an</p> <p>11 advisory council with Vote.org?</p> <p>12 A. We don't have an advisory council.</p> <p>13 I'd love to have one. I think that, you know,</p> <p>14 we're a start-up organization and, you know,</p> <p>15 our brand has grown and scaled tremendously</p> <p>16 but at the end of the day, you know, we're a</p> <p>17 start-up and we have our board but so far</p> <p>18 don't have a full advisory board.</p> <p>19 Q. Would you consider that you, as the</p> <p>20 CEO, manage the organization, or does the</p> <p>21 board also manage the organization?</p> <p>22 A. I mean, I think we have different</p> <p>23 roles and responsibilities in management in</p> <p>24 the organization. I think the board is, you</p> <p>25 know, responsible for fiscal oversight and for</p>
<p style="text-align: right;">31</p> <p>1 A. Yes, we are. We're headquartered in</p> <p>2 California. We are a fully remote</p> <p>3 organization. So, our team is actually</p> <p>4 everywhere, like I'm in Indiana. That's where</p> <p>5 I'm from and live. We have people all over</p> <p>6 the country which works well for us because</p> <p>7 we're in all 50 states.</p> <p>8 Q. Sure. Does Vote.org have a physical</p> <p>9 headquarters or -- I know you said it's fully</p> <p>10 remote so I just want to make sure I clarify</p> <p>11 that.</p> <p>12 A. No, we have a P.O. Box, we don't</p> <p>13 have an office. We have our remote workplace.</p> <p>14 Q. Okay, and your employees are located</p> <p>15 in maybe not every state but let's just say</p> <p>16 throughout different states in the Union?</p> <p>17 A. Oh, yeah. Ohio, Indiana, Florida,</p> <p>18 New York, California. Everybody works</p> <p>19 remotely so when we recruit, we're looking for</p> <p>20 the best candidates from, you know, anywhere</p> <p>21 anybody wants to live and I think that working</p> <p>22 remote kind of suits our team.</p> <p>23 Q. Has Vote.org always been fully</p> <p>24 remote or was there a time when you had maybe</p> <p>25 a physical place where you did business?</p>	<p style="text-align: right;">33</p> <p>1 governance. I'm responsible for, you know,</p> <p>2 things like making sure that our, you know,</p> <p>3 people can access the tools that they need,</p> <p>4 that the platform is up to date, sustain that</p> <p>5 the staff is healthy and happy, and you know,</p> <p>6 I think those are more of the concerns,</p> <p>7 fundraising, communications, all that for</p> <p>8 Vote.org. So, I would say that Vote.org is</p> <p>9 managed by both a board and a CEO in the sense</p> <p>10 that we all have roles and responsibilities to</p> <p>11 make sure that the organization's as healthy</p> <p>12 as possible.</p> <p>13 Q. Sure, and would consider that donors</p> <p>14 to Vote.org might have some similarity to</p> <p>15 shareholders like in a corporation?</p> <p>16 A. I mean, no.</p> <p>17 MR. NKWONTA: Object to form.</p> <p>18 BY MR. SCANLON:</p> <p>19 Q. I guess I'll clarify. Do Vote.org's</p> <p>20 donors, I guess, do they comprise any sort of</p> <p>21 the organizational structure or how do they</p> <p>22 fit in?</p> <p>23 A. Well, I mean, we're a nonprofit.</p> <p>24 BY MR. NKWONTA: Same objection.</p> <p>25 THE WITNESS: We're a nonprofit.</p>

34

1 So, our mission is to strengthen U.S.  
 2 democracy and particularly, to work in  
 3 communities of color and among young people to  
 4 increase participation and increase access to  
 5 elections. And so, our donors are people who  
 6 are philanthropic in nature and also care  
 7 about U.S. democracy. I think that they're  
 8 definitely not making any money, they're  
 9 giving money away to a 501(c)(3). So, it's  
 10 pretty different than a company -- I would say  
 11 that other than sharing our values and caring  
 12 about our mission, that's the extent of the  
 13 relationship with Vote.org.  
 14 BY MR. SCANLON:  
 15 Q. Do any donors have influence at  
 16 least on you or on the board?  
 17 A. I think it's really important to be  
 18 mission-centric and to find people who align  
 19 with your mission but one of the things I'm  
 20 most proud of at Vote.org is being able to  
 21 build out a really diverse base of support  
 22 including grassroots. There's no one person  
 23 or mechanism who would have outweighed  
 24 influence on Vote.org. Matter of fact, I  
 25 think that would be counter to what we're

35

1 trying to do. I think our goal is to make  
 2 sure that we're as accessible as possible and  
 3 that we remain a trusted source for people to,  
 4 you know, go look up what's happening in their  
 5 state and how they can participate.  
 6 Q. Sure, and Vote.org considers itself  
 7 to be a nonpartisan organization, correct?  
 8 A. Yes.  
 9 Q. Do any donations ever come in from  
 10 organizations that are partisan?  
 11 A. From organizations that are  
 12 partisan?  
 13 Q. Yes, let's say -- and I'll rephrase  
 14 that question, actually. I can strike that.  
 15 Does Vote.org take any donations  
 16 from any organizations that have a certain  
 17 ideology, say an organization like the NAACP,  
 18 something like that?  
 19 A. Do we have donations from an  
 20 organization like the NAACP? Is that the  
 21 question?  
 22 Q. Yes.  
 23 A. No.  
 24 MR. NKWONTA: I'm sorry. Before you  
 25 want to answer that, Ms. Hailey, Cory, I want

36

1 to object to extent that you're asking whether  
 2 the NAACP is a donor. As we've stated in our  
 3 discovery responses, the identification of  
 4 donors and adults who associate with Vote.org  
 5 is protected by the First Amendment but to the  
 6 extent you're just asking -- I couldn't tell  
 7 whether you're asking specifically about the  
 8 NAACP as an entity or you're just asking in  
 9 general whether these organizations that  
 10 donate to Vote.org. So, I want to clarify  
 11 your question and assert that privilege  
 12 objection to the extent you're asking about  
 13 specific individuals or organizations.  
 14 MR. SCANLON: I believe I was just  
 15 using it as an example but, you know, I would  
 16 just ask that you try to keep the speaking  
 17 objections to a minimum. If you're going to  
 18 instruct her not to answer on the basis of  
 19 privilege, just please make that clear for the  
 20 record.  
 21 MR. NKWONTA: I'm not instructing  
 22 her not to answer. I'm actually trying to  
 23 clarify because I think they may answer  
 24 depending on the scope of your question and it  
 25 wasn't clear whether you were asking about

37

1 just the NAACP or organizations in general.  
 2 MR. SCANLON: I mean, objections, I  
 3 think, to clarify a question are improper. If  
 4 she doesn't understand the question, she can  
 5 ask but I would just ask that you not, you  
 6 know, make a speaking objection under the  
 7 rules.  
 8 MR. NKWONTA: Well, I will instruct  
 9 her not to answer and you can rephrase your  
 10 question.  
 11 MR. SCANLON: Okay.  
 12 BY MR. SCANLON:  
 13 Q. So, the question was are there any  
 14 ideologically oriented groups that donate to  
 15 Vote.org.  
 16 A. Ideology. Well, Vote.org has tools  
 17 that people can use and different  
 18 organizations can use to register or, you  
 19 know, depending on the state, that people can  
 20 use to access for their own programs. People,  
 21 you know -- registrations, stuff like that.  
 22 So, those tools are tools that then for us  
 23 cost and so, you know, some organizations,  
 24 quite frankly, with a whole wide array of  
 25 organizations believe in people being able to

<p style="text-align: right;">38</p> <p>1 participate in elections and particularly want  2 their people who they're sending emails out to  3 or who are coming to their website or  4 something like that to be able to participate.  5 So, we have what's called like a tool embed  6 you can put on your site or you can send to  7 your email list or something like that, and we  8 do receive resources for people to take those  9 tools and use them for their own programs.  10 And I do think that that would range a pretty  11 far wide scope of people with different  12 beliefs and ideologies many of whom I suppose  13 wouldn't all like each other but they all come  14 to Vote.org.  15 Q. Are there any organizations that are  16 affiliated with the Republican party that  17 donate to Vote.org?  18 A. Can you clarify on affiliated? Does  19 that mean any conservative-leaning  20 organization or does it mean like a particular  21 vendor how's that?  22 Q. How would you define it?  23 A. Well, it's your question.  24 MR. NKWONTA: Object to form.  25 THE WITNESS: Tell me what you would</p>	<p style="text-align: right;">40</p> <p>1 they're kind of paying for services.  2 MR. SCANLON: Yeah, I guess, I was  3 going to object as nonresponsive and I don't  4 mean to cut you off but yeah, the question  5 was, you know, what about donations.  6 BY MR. SCANLON:  7 Q. I understand different organizations  8 might use your tools but is that the same  9 thing as a donation?  10 A. I guess as far as, you know, if  11 we're not talking about tools, which do go  12 into, that's our 501(c)(3) budget in tool  13 usage, then out of our -- do you mean like our  14 major donors of above a certain level and do  15 they have an ideological bent as individuals?  16 Q. Yes.  17 A. We don't have a lot of  18 organizational entities that are donating to  19 Vote.org. I think part of that is that we're  20 a start-up and so even though our brand is  21 ubiquitous with voters, we're still working  22 our way through larger infrastructure but I  23 think, you know, our largest donors that are  24 on our 990, would that be helpful?  25 Q. Yes.</p>
<p style="text-align: right;">39</p> <p>1 like and I'll answer it.  2 BY MR. SCANLON:  3 Q. Sure. I mean, you mentioned  4 conservative-leaning organizations. Do any of  5 those organizations donate to Vote.org?  6 A. I think, yes, in the sense that  7 there are conservative organizations that use  8 our toolset. So, again, we have people who  9 purchase our toolset or who give in exchange  10 for being able to use the different toolsets,  11 and have like a fresh embed on their site or  12 an embed that will then allow them to track  13 who they're getting to participate. So, there  14 are organizations that are pretty wide-ranging  15 number of organizations that use, you know  16 that use our tools. I think that we've had  17 over, I mean, we had a really large number of  18 organizations that use our tools. I think  19 we're probably known as one of the best in  20 class for building tools. We have a great  21 tech team and because of that, a lot of  22 different organizations are attracted to using  23 our embeds and things like that. I guess,  24 that would be, I don't know if you want to  25 consider that in the realm of donation or if</p>	<p style="text-align: right;">41</p> <p>1 A. That would be like, you know,  2 Silicon Valley Foundation, Southern Poverty  3 Law Center, those would be like in the top 2.  4 I can look at the 990 and pull what the next  5 three would be but we send to be supported by  6 family foundations. Southern Poverty Law  7 Center would be probably the largest  8 organization. The rest of it is then  9 individual base and then grassroots base.  10 Q. Does any organization with the word  11 Democratic Party in its name donate to  12 Vote.org?  13 A. No.  14 MR. NKWONTA: Objection: That's  15 privileged and that goes to the Topics No. 2  16 and 3, which we've objected to.  17 MR. SCANLON: She opened the door.  18 She's naming organizations that have donated  19 to Vote.org.  20 MR. NKWONTA: She named  21 organizations that are on the 990.  22 BY MR. SCANLON:  23 Q. And your testimony was that there's  24 no Democratic Party organization that donates  25 to Vote.org?</p>

42

1 MR. NKWONTA: Objection. Again,  
 2 it's privileged. I instructed the witness not  
 3 to answer.  
 4 MR. SCANLON: I believe she already  
 5 said no.  
 6 BY MR. SCANLON:  
 7 Q. So, going from that, is there any  
 8 organization with the name republican party  
 9 that donates to Vote.org?  
 10 BY MR. NKWONTA: Objection:  
 11 Instructing the witness not to answer,  
 12 privileged.  
 13 MR. SCANLON: I'd like to go ahead  
 14 and certify these questions for the record,  
 15 and we are probably going to take a break at  
 16 some point to get Judge Bemporad on the phone  
 17 to resolve this issue because I do believe  
 18 she's opened the door and you are preventing  
 19 her from answering questions that relate to,  
 20 you know, questions she's actually opened the  
 21 door to but we're going to move on for right  
 22 now.  
 23 MR. NKWONTA: Well, can we discuss  
 24 on the record because I want to make sure, off  
 25 the record, I mean, because I want to make

43

1 sure we both have the same understanding as to  
 2 what she actually said and make sure there's  
 3 actually a dispute here about what she opened  
 4 the door to and what she didn't open the door  
 5 to.  
 6 MR. SCANLON: I'd like to continue  
 7 the questioning. We can move on to a  
 8 different but I do want to certify these  
 9 questions.  
 10 BY MR. SCANLON:  
 11 A. Well, I can be clear that the 990,  
 12 the reason why I said 990 is that that's a  
 13 matter of public record. So, it's literally  
 14 posted to our website. It's something that  
 15 we're required, you know, to turn into the  
 16 state. It's something that is open to the  
 17 public, like literally anyone in Texas or in  
 18 California or Indiana can access our 990 at  
 19 any time. So, what I was giving you -- and  
 20 the 990 requires you to name your largest  
 21 contributors. So, what I was giving you was  
 22 kind of a like, you know, shortcut to doing  
 23 that so you wouldn't have to go back and look  
 24 at the 990 yourself.  
 25 Q. Okay. Assume for this next

44

1 question, hypothetical, okay? Let's say that  
 2 -- and I'm not asking you whether this  
 3 organization has or has not donated. Let's  
 4 say the Democratic Party of Texas wants to  
 5 make a \$100,000 donation to Vote.org.  
 6 What is your response when something  
 7 like that happens as CEO?  
 8 A. Well, I mean, our goal is to remain  
 9 -- our number one goal at Vote.org, the way we  
 10 believe in strengthening U.S. democracy is to  
 11 remain a nonpartisan organization and to  
 12 remain a trusted resource for voters. So, my  
 13 first thought always when it comes to anything  
 14 that Vote.org's involved is sort of, what  
 15 would -- "How do we remain open to all  
 16 voters?" I think, part of our secret sauce at  
 17 Vote.org is that we don't have -- it's not  
 18 like when we send somebody a message about  
 19 their election or anything like that, we don't  
 20 push anybody one way or another and that's why  
 21 so many people use our platform. It's really  
 22 about the voter and what the voter wants and  
 23 needs, which is mostly information about how  
 24 to participate. And if I were to do, you know  
 25 -- we were to organizationally take a step

45

1 that would then make voters feel like we were  
 2 a partisan organization, I would have not done  
 3 a very good job.  
 4 Q. So, you would turn down the  
 5 \$100,000?  
 6 A. Most likely.  
 7 Q. I want to actually go ahead and skip  
 8 down to Topic 10, and this is the topic that  
 9 deals with your web-based registration app.  
 10 A. Is this Exhibit 10.  
 11 Q. No, actually Topic No. 10 that was -  
 12 -  
 13 A. Oh, on the other -- sorry.  
 14 Q. So, I'll just first ask this. When  
 15 someone goes onto Vote.org and wants to  
 16 register to vote, the app that's at issue in  
 17 this lawsuit allows them to fill out, I guess,  
 18 an internet-based form; is that correct?  
 19 A. I'm sorry, I'm reading Topic 10.  
 20 Q. Okay.  
 21 A. Yeah.  
 22 (Witness reading to herself.)  
 23 Okay, I'm ready for your question.  
 24 Q. Actually, I think I'll go ahead and  
 25 pull up the complaint, which is -- hope I can

<p style="text-align: right;">46</p> <p>1 get back to the complaint. Give me just a  2 second. It looks like I did not include the  3 complaint as an exhibit. So, I'm going to go  4 ahead and do that now, and that'll be Exhibit  5 24, I believe.  6 (Exhibit 24 marked.)  7 A. Okay.  8 MR. SCANLON: Can we go ahead and go  9 off the record for just a second?  10 THE WITNESS: Yeah, are you talking  11 to me, or is that the lawyers?  12 MR. SCANLON: Yeah, that's --  13 THE REPORTER: Is everyone in  14 agreement?  15 (No audible response.)  16 THE REPORTER: Yes, okay.  17 We're going off the record. The  18 time is 9:52 a.m.  19 (Recess taken.)  20 THE REPORTER: We're back on the  21 record. The time is 9:53 a.m.  22 BY MR. SCANLON:  23 Q. So, Ms. Hailey, I've got Exhibit 24  24 pulled up, which is the complaint, and I'm  25 looking at Paragraph 27 where it starts to get</p>	<p style="text-align: right;">48</p> <p>1 they lived in, Texas, and then been able to  2 use our e-sign tool, and what the e-sign tool  3 allowed people to do was the voter could go  4 and say that they would like to initiate their  5 voter registration process.  6 They would then, you know, fill out  7 a form that included, you know, their name and  8 address and all of the relevant information,  9 and then they could take a photo of their  10 signature and upload that photo to their form,  11 and then they were able to send their form in.  12 And it was a pretty streamlined way of voters  13 being able to participate and to register in  14 election. Those, they would then, you know,  15 get turned in.  16 Q. Okay, can I pause there? So, we  17 talked about, I guess, the form that someone  18 fills out and if I ask whether that's an HTML  19 form, do you know what that means?  20 A. Yes, but yeah.  21 Q. What's your understanding of that  22 just for the record?  23 A. I mean -- I guess our HTML would  24 just be the ability to, you know, have a form  25 that's up, you know -- PDF. We're</p>
<p style="text-align: right;">47</p> <p>1 into 2018. You deployed a web application to  2 assist voters with completing their  3 registrations forms. Did I read that  4 correctly?  5 A. I apologize, where are you? You're  6 right at --  7 Q. Paragraph 27.  8 A. 27, okay.  9 (Witness reading to herself.)  10 Yeah, that's what it says.  11 Q. So, I guess, can you tell me a  12 little bit more, just like what are the steps  13 that, when someone logs into Vote.org, that  14 they go through to utilize this application?  15 A. The application in, like the steps  16 that they would go through in 2018?  17 Q. Yes.  18 A. Okay. So, what we have at Vote.org  19 are workflows on the backend, and our  20 technical team builds them, that work for  21 every state because as you know, every state  22 has different laws so our workflows have to be  23 built differently. What a voter would have  24 experienced in 2018 is that they would have  25 come to the site, clicked on the state that</p>	<p style="text-align: right;">49</p> <p>1 essentially, like, a form that -- a PDF that  2 can be uploaded.  3 Q. Right.  4 (Simultaneous speakers.)  5 Q. Yeah, I'm sorry. I'm not doing a  6 good job of asking these questions but what I  7 mean is it's not like when you go to the  8 website you download like a PD -- a separate  9 PDF, right, that you fill out? That's not  10 what Vote.org's tool is?  11 A. Well, you can. The e-sign tool that  12 we're talking about though that existed in  13 2018 was basically the same form that exists  14 now. Voters had the option of like they could  15 download the PDF, you know, fill it out,  16 download it and print it out at home and then  17 they could like send it in themselves, or they  18 had the option to use the e-sign tool and then  19 what the e-sign tool would allow for was the  20 voter could, you know, fill out their form,  21 upload the photograph of their signature to  22 the form, and then they could say that they  23 wanted, you know, they could initiate the  24 process to send their form out.  25 And what that would do on the</p>

50

1 backend was it would automatically send the  
 2 form to HelloSign, which is a faxing service  
 3 that would fax their form, and then on the  
 4 other end, it would deliver their form to a  
 5 vendor who could then mail their form in for  
 6 them. So, basically, they were, you know, it  
 7 cut out several steps along the process. They  
 8 didn't have to like go find a printer or go to  
 9 Kinko's or, you know, drive somewhere or go  
 10 find a stamp, an envelope, and all of those  
 11 things but now and then, voters could if they  
 12 wanted to go the longer way around and  
 13 download it themselves.

14 Q. Sure, I'll go ahead and take this  
 15 down.

16 When I ask the question about HTML,  
 17 I guess, what I was getting at, because it may  
 18 not necessarily be HTML, but the form that a  
 19 person fills out for the e-sign tool, is  
 20 actually embedded fields within the website,  
 21 within the webpage itself, right?

22 A. Sorry, can you say that again? I  
 23 want to make sure -- I'm not, you know, the --  
 24 I'm not the technical expert. So, could you  
 25 say it again?

52

1 information, download the form, print it out,  
 2 sign it yourself, find a fax machine, fax it  
 3 in, find a like, post office and letter and  
 4 stamp, and send it in. You could do all those  
 5 things yourself but since we saw a major  
 6 blocker, especially for younger people in the  
 7 sense that they didn't have, you know, they  
 8 don't have as much access to printer ownership  
 9 in general.

10 So, the e-sign tool was a really  
 11 streamlined way to be able to do all of those  
 12 things, take all those actions that you can  
 13 take independently but we able to initiate it  
 14 yourself without having to like drive to  
 15 Kinko's or drive to the post office or gather  
 16 a stamp or any of those things or have a  
 17 printer at home. And so can do -- you had  
 18 both options but the e-sign tool was like a  
 19 piloted tool that we were really excited about  
 20 because here, we finally had something that  
 21 like people could just get through the process  
 22 and they could do it from their smartphones or  
 23 they could do it from their house and they  
 24 didn't have to, you know, take all of these --  
 25 all the extra, go through all those extra

51

1 Q. Sure, and you know, I guess, what  
 2 I'm getting at is you go to a website, right?  
 3 Vote.org.

4 A. Yeah.

5 Q. Under the website.

6 A. Yeah.

7 Q. And when you click into the e-tool,  
 8 I know that you said there's an option to  
 9 download the PDF, fill that out, print it out,  
 10 and everything, but that's not what the e-tool  
 11 does, right? Instead, you have fields where  
 12 people populate the information that would go  
 13 in the form. Is that accurate?

14 A. Right. So, you could -- you can do  
 15 either. What we were solving for is that we  
 16 found that say half of millennials, and  
 17 remembering that millennials are now like 40  
 18 years old, the first millennial, right, don't  
 19 have printers anymore in this country and  
 20 we're seeing, you know, year after year large  
 21 drop-offs in the number of people in  
 22 households that had printers accessible.

23 So, what we were trying to solve for  
 24 is the fact that like, you know, yeah, we have  
 25 the option that you could go in, type your

53

1 hurdles.

2 MR. SCANLON: Objection,  
 3 nonresponsive.

4 BY MR. SCANLON:

5 Q. And I can appreciate that you, you  
 6 know, have a lot of excitement about your work  
 7 and this tool but all I was asking was about  
 8 the actual fields, have the information that  
 9 you fill out on the web form. That's what it  
 10 does though, right?

11 A. Yeah, the voter fills out their  
 12 information on the form.

13 Q. Okay. And now, when that happens,  
 14 they're also, I guess, given the option -- and  
 15 I'm assuming you have instructions underneath  
 16 those fields that basically say take a picture  
 17 of your signature and upload the file to the  
 18 webpage. Is that how it works?

19 A. It's -- It would say to take a photo  
 20 of your signature and then they could upload  
 21 their photo, the photo of the signature, and  
 22 it would go on their form.

23 Q. Okay, and the e-tool takes the  
 24 information and the file with the signature,  
 25 combines that, and then generates an

<p style="text-align: right;">54</p> <p>1 application with an imaged signature, correct?  2 A. Well, I mean, I would say that the  3 tool -- like the voter's going on, they're  4 using the tool, they're putting in their  5 information, they take a photo of their --  6 their signature, they upload the photo, and  7 then they, you know, press the button to  8 initiate the process for it to be sent out.  9 So, that's -- that's how I would describe it.  10 I don't know if we're missing each other or if  11 that's the --  12 (Simultaneous speakers.)  13 Q. No that's -- that -- yeah, that  14 sounds like what I had described. So, I think  15 our understanding is the same.  16 When the -- so, I guess, just to  17 drill down on this just a little bit more, the  18 person saves the image file to their phone,  19 correct, and then would upload that through  20 the -- I guess, you have mobile technology  21 that allows someone to do this easily on a  22 smartphone?  23 A. You could do this on a smartphone,  24 on your iPad, on your desktop, on your like,  25 you know, any kind of, really any kind of</p>	<p style="text-align: right;">56</p> <p>1 on the -- to put on the form to make sure  2 you're fully registered. So, you could -- I  3 don't -- yeah, I mean, why would you -- you  4 wouldn't --  5 Q. Is there --  6 A. -- match your form.  7 Q. I guess is there any way to verify  8 that the person who is filling out the form  9 and putting the signature is actually the  10 person who that information applies to?  11 A. Yeah. I mean, it would be their  12 name. Like that's their signature. That  13 would be their name.  14 So if I'm Andrea Hailey and I was  15 sitting in Texas and I filled it out and I  16 gave my address and then I put the address --  17 my, you know, took a photo of my -- a photo of  18 my signature and then uploaded it to the form,  19 you could see that it's Andrea Hailey and then  20 Andrea Hailey, you know, on the -- on the  21 signature.  22 Q. Does the e -- webpage include, I  23 guess, the required oath that's included on a  24 Texas registration form?  25 A. Does it include the required oath</p>
<p style="text-align: right;">55</p> <p>1 device that you want, mobile accessible and  2 desktop accessible, which, I think, is part of  3 how we get to open it out to a, you know,  4 broad number of people.  5 Q. Okay, and besides the voter -- the  6 person registering -- that's trying to  7 register, filling out the fields, uploading  8 their picture, is there anything else they do  9 before the application goes out?  10 A. Yeah, they have -- there's -- they  11 have to agree to send it out, you know. So,  12 it is a -- you know, in 2018, on the e-sign  13 function, they would have to say that they  14 wanted to send it out. That's the -- that was  15 how that function worked.  16 Q. Okay. Is there a guarantee that the  17 person who takes the picture of the signature  18 is the same person that that signature applies  19 to?  20 A. "Guarantee that the person who takes  21 the photo of the signature." I don't know --  22 I mean, if you're registering at your, you  23 know, home address and you're wanting your  24 signature to be on the form, then you would  25 take a photo of your -- your signature to put</p>	<p style="text-align: right;">57</p> <p>1 that's on a Texas registration form?  2 Q. Yes. Before a voter fills out a  3 registration form, there is a required  4 attestation that basically says that  5 everything that they're putting in the form is  6 true.  7 Is there anything like that that's  8 included on the e-sign?  9 A. On the e-sign, I believe so. We  10 should go back and look at the e-sign form.  11 Q. Okay. And are there any documents  12 that show that, as far as what the e-sign  13 represents?  14 A. Yeah, I mean, I think we could -- we  15 should go back and look at it with exact, you  16 know, 2018 -- I don't know the answer off the  17 top of my head.  18 Q. Okay. When the person --  19 A. You have to -- each user does have  20 to verify that what they're saying is, you  21 know, true on everything on our site, so --  22 but we can go back and look.  23 Q. Do you know what that language is,  24 off the top of your head?  25 A. No, I don't off the top of my head.</p>

58

1 Q. What would be the best way for us to  
 2 determine what that language says?  
 3 A. I can -- I mean, we can go look it  
 4 up maybe at a break or something.  
 5 Q. Okay. That would be helpful, I  
 6 think. I appreciate that.  
 7 When a person takes a picture of the  
 8 signature, do you know what kind of file the  
 9 website uses? Does it matter if it's a JPEG,  
 10 for instance?  
 11 A. I mean, they're taking a photo --  
 12 usually they're taking a photo with the phone  
 13 and uploading it, so I can -- I can find out  
 14 how that -- our engineers talk a lot about  
 15 pixels and, you know, that sort of thing, but  
 16 I can get --  
 17 Q. Okay.  
 18 A. -- specific language in for you.  
 19 Q. Actually, I need to add another  
 20 exhibit. I can do this real quick. We don't  
 21 need to go off the record, but just a moment.  
 22 THE WITNESS: Could we take a short  
 23 break while you do that? Would that --  
 24 MR. SCANLON: Oh, actually, yeah.  
 25 Absolutely. Let's go ahead and do that.

60

1 of what it looks like when the person visits  
 2 the webpage?  
 3 A. Credit card? When you visit our  
 4 website, like when you come to the -- there's  
 5 a couple of ways that you can end up coming to  
 6 a Vote.org webpage. You could, you know, just  
 7 literally go to the domain, Vote.org, and then  
 8 when you go there, you go to your state. You  
 9 click the state, then it says, you know, would  
 10 you, you know, what are you wanting? Are you  
 11 wanting to know what the rules are in your  
 12 state or are you wanting -- like it asks you  
 13 kind of what your -- what your action --  
 14 you're looking for.  
 15 It -- you go to that, to one of the  
 16 tools, and one of the tools will look like  
 17 that; a little square embed. Now that embed  
 18 can also be used, say, on any website. So  
 19 that's where you get into somebody has user  
 20 tools, then what they will see automatically  
 21 is a -- an embed form. But it looks -- the  
 22 form itself is the same whether somebody is  
 23 bringing it on their site or whether it's on  
 24 our site, if that makes any sense.  
 25 And then that form is just, you

59

1 Does 10 minutes sound okay to  
 2 everybody?  
 3 THE WITNESS: Sounds perfect.  
 4 MR. SCANLON: Thank you.  
 5 THE REPORTER: We're going off the  
 6 record. The time is 10:09 a.m.  
 7 (Recess taken.)  
 8 THE REPORTER: We're back on the  
 9 record. The time is 10:21 a.m.  
 10 BY MR. SCANLON:  
 11 Q. Hey, Ms. Hailey, did you have a  
 12 chance to speak with your attorney on the  
 13 break?  
 14 A. I did.  
 15 Q. Okay. We were talking about, I  
 16 guess just to follow up on something we were  
 17 discussing earlier, the fields that are  
 18 included on the web form for the e -- e-  
 19 signature app, correct?  
 20 A. We were talking about that earlier,  
 21 yes.  
 22 Q. So is this kind of like when you buy  
 23 something with a credit card and that, you  
 24 know, you've got the little boxes where the  
 25 person puts in the information, is that kind

61

1 know, your name, what -- it's state specific,  
 2 so whatever is required in your state for you  
 3 to enter into those fields appears there. I  
 4 mean, it's pretty -- our forms are pretty  
 5 straightforward and, you know, they're pretty  
 6 simple because, you know, the goal it to just  
 7 make the processes streamlined as - as  
 8 possible.  
 9 Q. Okay. And that's -- I guess kind of -- I  
 10 mean, not exactly what I was asking. I think  
 11 what -- what I'm trying to get at is when the  
 12 person goes to the webpage, they're basically  
 13 just putting information onto what you called  
 14 the "embed," and then that populates the  
 15 actual voter registration application, right?  
 16 A. Yeah. It depends -- it depends on  
 17 what state you're in. So 'cause we're in all  
 18 --  
 19 Q. When --  
 20 A. -- all 50 states so those forms are  
 21 going to be kind of different. Some forms --  
 22 some places you would then, like, it'll just  
 23 take you to the PDF and you download, you  
 24 know, the download the PDF. And you can fill  
 25 it out.

62	<p>1 Or some places you can fill out all 2 the information right there and it'll, you 3 know, and it -- yeah, and then that's -- or it 4 just depends on the workflow for -- for each 5 state how, you know, how it presents. 6 Q. Okay. And I understand you have 7 different programs for every state. Can we 8 have an agreement that if I'm asking you, you 9 know, kind of what the website does, what it 10 looks like, that we will just be talking about 11 Texas? 12 A. Yeah, sure. Okay. That makes it 13 easier. 14 Q. And I know this might be difficult 15 because, as I understand it, if you're trying 16 to use Vote.org's web -- webpage for Texas 17 today, that e-sign tool is not -- not 18 available, right? 19 A. Exactly right. 20 Q. Like it wouldn't look the same way 21 as it does today as it did in 2018, right? 22 A. That's correct. 23 Q. Okay. I actually -- so I put some 24 new exhibits in the chat and I actually have 25 one more to add. So give it just a moment for</p>	64	<p>1 A. Yeah. I believe -- I believe so. 2 You know, I haven't -- I haven't personally 3 gone through the -- the, you know, e-sign in 4 in a number of years, but it's fairly -- like 5 this is our design, so I can't imagine it 6 wouldn't look radically different from this. 7 Q. Okay. And just while we're looking 8 at this, you've got some information here in 9 some links, but if I was using the e-signature 10 app in 2018, would there be something, you 11 know, below this area where you would click to 12 upload your signature file? 13 A. Um. 14 Q. Where would it be? I guess it might 15 be in the embed? 16 A. Yeah. It would -- it would -- you'd 17 go through -- you'd go through the workflow 18 and then it would say, you know, to -- you'd 19 put your information in and it would say, 20 "Continue." You need to take a photo of your, 21 you know, signature and then you'd be able to 22 upload that to the -- to the form. 23 Q. Okay. So you would populate the 24 information, hit continue, and then you would 25 be taken to a new page where it would explain</p>
63	<p>1 that. This might help our conversation. 2 I saved it and I'm going to drop it 3 in again. It's in the chat and I'm now going 4 to go ahead and screen share what we marked as 5 Exhibit 27. 6 (Exhibit 27 marked.) 7 A. Okay. And I can open that at the 8 same time, right, or no? 9 Q. Yes. 10 A. Okay. 11 Q. Are you able to view Exhibit 27? 12 A. Yep, I can see it. 13 Q. So I'll represent to you that this 14 is what comes up when we go to your website 15 right now, so it's -- do you see where my 16 cursor is right now? 17 A. Right, yeah. 18 Q. So would this area be what you refer 19 to as the "embed?" 20 A. Right, yes. 21 Q. Okay. And is what it looks like 22 when someone was using the e-signature tool? 23 Did it look similar to this in that they were 24 filling in the information that would 25 populated into the -- the voter's application?</p>	65	<p>1 the signature process? 2 A. Yes. 3 Q. Okay, perfect. Let's see if this 4 works. So -- 5 A. And honestly, I would want to -- I 6 would want to really -- look, if it's a step- 7 by-step detail of everything that was exactly 8 how it looked in 2018, I'd want to, you know, 9 I'd want to take a look at that. 10 Q. Okay. If you want to clarify, you 11 know, your response later, that's perfectly 12 fine. So -- on that topic. 13 (Exhibit 26 marked.) 14 BY MR. SCANLON: 15 Q. So I'd now point up what we marked 16 as Exhibit 26. And I'll represent to you that 17 this is a registration application form that 18 you can pull from the Secretary of State 19 website. Does that seem correct to you? 20 A. That this is the form that you can 21 pull from the Secretary of State's website, is 22 that what you ask? 23 Q. Yes, ma'am. 24 A. Yeah, yes. 25 Q. Okay. And do you see where under</p>

66

1 Field 10, where it says that "I understand  
 2 that giving false information to procure voter  
 3 registration is a perjury, and a crime under  
 4 state and federal law."  
 5 A. Yes, I see that.  
 6 Q. And is this information included --  
 7 or was this information included in the e-  
 8 signature tool?  
 9 A. I'd have -- I'd have to go back and  
 10 look, but we do have language, you know,  
 11 around, you know, people presenting accurate  
 12 and full information.  
 13 Q. Okay. And did you have a chance to  
 14 determine an answer to that on the last break,  
 15 as we discussed on the record?  
 16 A. No, sorry. I didn't know -- I was  
 17 thinking -- I didn't know you wanted it on  
 18 that particular break. I just --  
 19 Q. That's okay. We can do it later.  
 20 A. Okay.  
 21 Q. I just to make sure we -- we have it  
 22 once -- before we conclude the deposition  
 23 really is all I would ask.  
 24 But for right now, you're saying you  
 25 don't know if this exact language was included

68

1 through those extra steps of going to a post  
 2 office or going to Kinko's or something like  
 3 that.  
 4 Q. Okay. Can I go ahead and pull up  
 5 what we sent as Exhibit 25?  
 6 (Exhibit 25 marked.)  
 7 A. Okay.  
 8 Q. Ms. Hailey, do you recognize this  
 9 document?  
 10 A. I mean, this specific registration,  
 11 I don't necessarily know, but this form --  
 12 like voter registration -- looks like a voter  
 13 registration application.  
 14 Q. And do you see at the top where it  
 15 has this box that says, "Application  
 16 previously submitted by fax at 22 Sep 2018,  
 17 16:54 CDT?"  
 18 A. I do see that, yes.  
 19 Q. And did Vote.org through the e-  
 20 signature application affix this notation to  
 21 the top of a voter's registration form?  
 22 A. I wouldn't know the answer to that.  
 23 I -- I don't know the answer to that question.  
 24 Q. Is this another one where you can  
 25 find out the answer possibly on a break?

67

1 on the e-signature tool?  
 2 A. I would have to review -- I'd have  
 3 to review the document from 2018, you know,  
 4 before guaranteeing using the exact languaging  
 5 around, you know, around -- around that  
 6 statement, so.  
 7 Q. Okay.  
 8 A. I wouldn't say the wrong thing.  
 9 Q. I'll go ahead and take this down for  
 10 now.  
 11 Okay. And we talked a little bit  
 12 about the process that happens once the user  
 13 is done with that interface, so I believe you  
 14 testified -- and correct me, if I'm wrong --  
 15 that Vote.org takes that digital information  
 16 then sends it to a fax machine contractor?  
 17 A. Well, it's an automatic process, so  
 18 the voter is able to say that they want to,  
 19 you know, send out their form and it  
 20 automatically goes to HelloFax, which, you  
 21 know, is a digital faxing service, and faxes  
 22 it out, and then to print vendor, who is able  
 23 to print and mail the form out.  
 24 Q. Okay.  
 25 A. So the voter doesn't have to go

69

1 A. I mean, I think I -- what we could  
 2 do is -- is this in something that we've  
 3 already --  
 4 Q. This is part of the production in  
 5 this case.  
 6 A. Okay.  
 7 Q. And it's from Cameron County. I can  
 8 represent that to you.  
 9 A. Yeah, could we -- if there are a ton  
 10 of, you know, process questions, we could --  
 11 we could notate them all down and then make  
 12 sure that, you know, we get all the answers  
 13 that -- that you're looking for.  
 14 Q. Yes. I just wanted to make sure I  
 15 know whether Vote.org or any of the vendors  
 16 that it utilized in the -- in the e-signature  
 17 process puts this notation at the top of the  
 18 registration forms that are in the record.  
 19 A. Okay. Yeah, I mean, we'll do our  
 20 best to -- to find out. Is there anyone who's  
 21 tracking all the different -- because that's  
 22 the second one, so I just -- I know we have  
 23 seven hours today, so I'm trying to think well  
 24 how do we organize all these questions so that  
 25 we can figure out how we get the answers.

<p style="text-align: right;">70</p> <p>1 Q. Well, I'll make sure we loop back  2 with you before we conclude today, but I'm  3 sure your counsel can help you. I don't want  4 to intrude too much on that, but we do -- I  5 just want to know the answer to that.  6 Does this form look familiar in  7 terms of as a sample of what the e-signature  8 app would generate on the back end?  9 A. Yeah, I mean, it looks -- it looks -  10 - it looks familiar. You know, for me, we  11 have to shut off the e-sign, you know, feature  12 -- a few years back now, so we haven't really  13 been working with the e-sign feature  14 unfortunately, but this looks like a voter  15 registration application form --  16 Q. And this --  17 A. Uh-huh.  18 Q. I'm sorry. I didn't mean to cut you  19 off.  20 A. That's okay. I was probably just,  21 you know, like mumbling, so go ahead. What's  22 your question?  23 Q. Sure. So this box here in the  24 middle of the page where it says, "Sign full  25 name," do you see on the left-hand side of</p>	<p style="text-align: right;">72</p> <p>1 in and fix. You know, but our pilot program,  2 basically we can't use it, and so we haven't  3 gone back in to -- to do more engineering  4 work, but I spoke with our vice president of  5 technology and he assures me that if we're  6 willing to dedicate a little bit of  7 engineering time to it, but it's not something  8 that's a very difficult fix.  9 Q. Okay. And we may come back, so I'll  10 take this down for now.  11 You're aware the law that's being  12 challenged in this case requires that when a  13 application is submitted by fax, it is then  14 required to be mailed out. I mean, we  15 discussed that as part of your process,  16 correct?  17 A. Yes.  18 Q. Do you know how long that law has  19 been in effect?  20 A. That if you fax something out, that  21 you also have to mail it? How long that law  22 has been in effect?  23 Q. Yes.  24 A. No, could you tell me?  25 Q. Well, I'm asking if you know, but I</p>
<p style="text-align: right;">71</p> <p>1 this box where there is a -- kind of a shaded  2 area with what looks to be a signature inside  3 of it?  4 A. Yes.  5 Q. And was that a common, I guess,  6 occurrence with the forms that people would  7 use with the e-signature app?  8 A. Well, I do know that some of the  9 forms have like darkness in the signature,  10 which is something, you know, we were running  11 a pilot project here, and so something that  12 our engineers are like really eager to work  13 on. I think a few forms did have darkness and  14 that there was, you know, some -- some, you  15 know, some -- some issue with that, but I  16 think that's something that can easily be  17 solved with a little bit of engineering time.  18 It just hasn't been worth the time for us now  19 to do it because we can't use the feature.  20 Q. Okay. And you mentioned that this  21 is part of the pilot program, so at that time  22 when these applications were going out, is  23 this something that you anticipated?  24 A. No. You know, I think it's  25 something that we would like to be able to dig</p>	<p style="text-align: right;">73</p> <p>1 guess what I'm getting at is was this  2 requirement in place before you developed the  3 e-signature app?  4 A. Oh, yeah. The requirement that you  5 have to both fax -- like fax and mail  6 something out, and that's why, I think, it was  7 the perfect place for us to use technology to  8 streamline that process. Because now you have  9 things like HelloFax or other digital services  10 that voters can use, and so basically they can  11 now initiate that process -- or they could  12 initiate that process through the, you know,  13 site and it would do it for them, so that way  14 we could be, you know, we could offer a  15 service so the voter could be in compliance  16 with that law, but they wouldn't have to be  17 inconvenience -- again, like get in their car,  18 drive to a Kinko's, fax it out. Most people  19 don't have fax machines in their houses, most  20 people don't have printers in their house, and  21 then, like, go to a post office, find a stamp  22 and all of, you know, then get it to their  23 county official like that. This was a way for  24 the voter being able to actually have some  25 ease in the process and then the automation</p>

74

1 could take care of everything and do that for  
 2 the vote, which we thought -- we thought was  
 3 really exciting and, you know, would hope that  
 4 everybody would be excited about.  
 5 Q. Did Vote.org have a compliance  
 6 program in place? Maybe "compliance program"  
 7 is not the right word I'm looking for here,  
 8 but I'll strike that.  
 9 Did Vote.org have a program where it  
 10 utilized this fax provision to help people  
 11 register before developing the e-signature  
 12 app?  
 13 A. Can you say that again? I'm sorry.  
 14 Q. Sure. Did Vote.org assist voters in  
 15 registering using the fax method before  
 16 developing the e-signature app?  
 17 A. So Vote.org doesn't register voters.  
 18 Voters who are eligible come to Vote.org and  
 19 then they can initiate their registration  
 20 process using our tools. We provide the tools  
 21 and information for what you need to, you  
 22 know, what you need to do in the State of  
 23 Texas and we developed the e-sign. We didn't  
 24 -- we didn't use -- we didn't have fax before  
 25 developing the e-sign tool, and that e-sign

75

1 tool then, you know, allowed voters to go  
 2 through that process in a streamlined way.  
 3 Q. So just to clarify, Vote.org didn't  
 4 utilize the fax -- fax function before -- in  
 5 Texas before developing the e-signature  
 6 program?  
 7 A. Well, we had to build -- so we had  
 8 to build the fax technology and build the fax  
 9 technology, you know, to workflow for Texas.  
 10 So that's the, you know, and then as soon as  
 11 we had the capability and we thought, you  
 12 know, we talked to people on the ground and  
 13 then, you know, had that, you know, capability  
 14 to do it, then we turned on the tool and then,  
 15 you know, subsequently had to turn off the  
 16 tool.  
 17 Q. Do you use the technology for any  
 18 other state?  
 19 A. For e-sign?  
 20 Q. Yes.  
 21 A. Yes. We do. There's a handful of  
 22 states where we can use the, you know, e-sign,  
 23 or we have used the e-sign feature. I'd have  
 24 to -- yeah.  
 25 Q. So can you name any specific

76

1 examples of what states those are?  
 2 A. I believe the e-sign tool has been  
 3 turned on for periods of time in Kansas. I  
 4 believe that the e-sign tool has been turned  
 5 on in DC. And I'd have to, you know, I'd have  
 6 to look to see other states. I know that  
 7 there's a handful of states where the e-sign  
 8 tool is an effective tool.  
 9 Q. Okay. Is Vote.org involved in any  
 10 litigation over this issue in any other state?  
 11 A. No.  
 12 MR. NKWONTA: Objection. It goes  
 13 beyond the scope of the topics. You may  
 14 answer, Andrea.  
 15 THE WITNESS: No.  
 16 BY MR. SCANLON:  
 17 Q. What efforts did Vote.org take to  
 18 ensure that the web app would comply with the  
 19 Texas Election Code prior to the launch?  
 20 A. Oh, I know that Vote.org consulted  
 21 with attorneys. I know that Vote.org, our  
 22 general counsel at the time went to Texas and  
 23 made sure that election officials, you know,  
 24 could, you know, process -- process forms  
 25 should a volume of forms come in this manner.

77

1 I know that, you know, we spent a lot of time  
 2 staffing -- I think what people don't realize  
 3 how small we truly are. And so we spent a ton  
 4 of staff time in conversation, you know,  
 5 developing the tool -- engineering time  
 6 developing the tool, our general counsel  
 7 spoke, you know, was consulted. I know that  
 8 she consulted attorneys. I know that a good  
 9 amount of effort was put in to make sure that  
 10 we could bring this technology to Texas in a  
 11 way that would be compliant with all the  
 12 requirements in Texas.  
 13 Q. I want to bring up another exhibit  
 14 that was shared. This is going to be Exhibit  
 15 5.  
 16 (Exhibit 5 marked.)  
 17 BY MR. SCANLON:  
 18 Q. Have you seen this document before,  
 19 Ms. Hailey?  
 20 A. No -- maybe? I've seen a lot of  
 21 documents, but I can take two seconds. I'll  
 22 read it and I can let you know.  
 23 Q. Sure. And we'll just start with the  
 24 top portion here.  
 25 A. Okay. Yes, I've read it.

<p style="text-align: right;">78</p> <p>1 Q. Okay. So this mentions that  2 Vote.org talks to some local officials,  3 correct?  4 A. Yes.  5 Q. Before launching. Which local  6 officials did Vote.org talk to?  7 A. I know that Vote.org -- two members  8 from Vote.org went to Texas to speak with  9 election administration officials to make  10 sure. I think the main concern, you know, one  11 of the concerns is Vote.org receives a high  12 amount of volume in general at process sites.  13 So like if -- if somebody, you know, you want  14 to make sure that you're talking to people on  15 the ground and newly partnering with election  16 administration officials in states to make  17 sure that if a lot of people were to use the  18 tool, can they literally, you know, process  19 that? If they're getting a lot of faxes at  20 once, something like that. So it's really to,  21 you know, we want to make sure that we don't,  22 you know, we don't overwhelm anyone and we  23 don't have any issues. I think that --  24 Q. Sure. So which local officials did  25 Vote.org meet with?</p>	<p style="text-align: right;">80</p> <p>1 something like that, and so the counties that  2 -- that said that they could handle it, are  3 the ones we ended up running the pilot with.  4 I know that there was, you know,  5 some confusion among different election  6 officials. There was some people that --  7 that, you know, were and weren't clear and so  8 I think this is the -- where we launched the  9 pilot is the -- are the people that were  10 willing to run the pilot.  11 Q. How did Vote.org ensure that only  12 residents of the pilot program utilized the  13 web app?  14 A. Well, we didn't turn it on in  15 counties that didn't, you know, that -- that  16 didn't want to participate.  17 Q. So what would happen if someone went  18 to Vote.org to use the web app and they live  19 in Pecos County or whatever, and they went  20 through the process?  21 A. It wouldn't be an option for them.  22 Like they wouldn't be able to go through  23 Vote.org because of the county they lived in.  24 Q. Okay. So how does that work? Is it  25 when they put in their address, it just --</p>
<p style="text-align: right;">79</p> <p>1 A. I believe we met with officials in  2 every county that used the tool.  3 Q. And which counties were those? Were  4 those only the counties involved in this  5 lawsuit?  6 A. That's right.  7 Q. Did you meet with anyone in Harris  8 County?  9 A. You know, at this time I was on the  10 board of Vote.org and not internal with  11 Vote.org, so I would need to go back and look  12 to see if they met with somebody in Harris  13 County.  14 Q. Okay. We'll need to get an answer  15 to that, also.  16 A. I can tell you that they met with,  17 you know, several election officials and the,  18 you know, counties. Remember, it's a pilot  19 project that we were launching. We wanted to  20 see if this was something that was going to be  21 really helpful and be of service to the voters  22 of Texas. So, you know, again, it's to  23 everybody's advantage to make sure that  24 there's, you know, conversations in advance of  25 sending a lot of faxes into an office or</p>	<p style="text-align: right;">81</p> <p>1 they get a notification that the web app won't  2 work?  3 A. Well, we can turn on the feature,  4 only -- we can turn it on in counties. We can  5 turn it on in specific, you know, much like  6 our states national work. We can turn it on  7 in the state and not another state. So for  8 the pilot what we did is we turned it on for  9 residents that were coming through the site  10 that were, you know, in those counties.  11 Q. So does that work through the IP  12 address? In other words, like if someone is  13 in a non-pilot county and they log into the  14 webpage, it's just not even -- it doesn't  15 populate on their computer?  16 A. I think it's address-based, so we're  17 able to --  18 Q. Okay.  19 A. -- kind of be address-based. You  20 know, if you're, you know, a resident of that  21 -- if your address is within a specific  22 county, then your workflow would look  23 different.  24 Q. And I mentioned IP address, but  25 you're talking about physical address?</p>

82

1 A. Yeah, 'cause I'm not really sure on  
 2 the, you know, -- your -- your -- your IP --  
 3 IP address -- I mean, I am not a, you know, --  
 4 your -- your physical address that you enter  
 5 in a form is what's going to determine your  
 6 workflow at Vote.org.  
 7 Q. Sure and I --  
 8 A. And actually your IP should, you  
 9 know, would be there, but I don't know the  
 10 answer to your IP question, but I can tell you  
 11 that when somebody enters in their, like,  
 12 actual address --  
 13 Q. Okay.  
 14 A. -- but it would only take them  
 15 through a workflow that works and not in that  
 16 -- at that address.  
 17 Q. That makes sense. I only ask  
 18 because I remember one time I went to  
 19 Australia and I couldn't pull up Netflix on my  
 20 computer because it was disabled based on the  
 21 IP address, so that's my only familiarity with  
 22 how IP addresses can block you.  
 23 But anyway, looking at this email,  
 24 it also says that there's some wise words from  
 25 Sarah about opinion letters from the AG/SOS,

84

1 would be thrown out and Vote.org immediately  
 2 shut off the tool.  
 3 Q. Okay. Let me back up actually. So  
 4 this part says the rough costs for OVR work --  
 5 and I'm assuming "OVR" means online voter  
 6 registration?  
 7 A. Yeah. I think that's fair to  
 8 assume.  
 9 Q. And then it says \$2 million. Does  
 10 that \$2 million apply nationwide, or is that  
 11 referring to Texas specifically?  
 12 A. I don't know. I would assume that  
 13 would mean nationwide, but I don't know the  
 14 answer.  
 15 Q. Based on the amount, though, you  
 16 think it's likely that this was a nationwide  
 17 budget?  
 18 A. I honestly don't -- I don't know,  
 19 but that seems like a large number to me.  
 20 Q. Okay. We -- if you need to also  
 21 find this information out on a break, we would  
 22 like to ensure we do that.  
 23 Did Vote.org look into getting an AG  
 24 opinion from the State of Texas?  
 25 A. I mean, again, I'm not -- I wasn't

83

1 and is Sarah referring to Sarah Jackal, who's  
 2 in the Cc line here?  
 3 A. Yes.  
 4 Q. And is she the general counsel of  
 5 Vote.org?  
 6 A. She was at that time.  
 7 Q. What does she -- is her role with  
 8 Vote.org now?  
 9 A. She doesn't have one.  
 10 Q. Okay. Why is that?  
 11 A. She left Vote.org to work at another  
 12 civic organization.  
 13 Q. Okay. What did Vote.org do in terms  
 14 of looking at opinion letters from the AG/SOS  
 15 -- and when I say, "AG/SOS," we can agree that  
 16 means Attorney General/Secretary of State?  
 17 A. And your question is what did  
 18 Vote.org do?  
 19 Q. Yes.  
 20 A. Well, I think when the Secretary of  
 21 State, you know, in 2018 made a statement that  
 22 --that the word "copy" actually meant original  
 23 and would require the wet signature and not a  
 24 copy of the signature, and that any, you know,  
 25 registrations process through the e-sign pool

85

1 privy to all of Sarah's conversations, but I  
 2 know that Vote.org specifically spoke to  
 3 several county election officials and that, in  
 4 general, we are all -- we always try to work  
 5 with, like, both state and county officials to  
 6 make sure that we're, you know, that we're  
 7 operating in the best way possible since I  
 8 think everybody has the same goal of serving  
 9 the voters.  
 10 Q. What was Vote.org's -- what were  
 11 Vote.org's efforts to work with the State of  
 12 Texas in rolling out this project, other than  
 13 your meetings/communications with county  
 14 officials?  
 15 A. I, you know, I'd have to look.  
 16 Again, I'm not sure everything that was done,  
 17 but in general, you know, we work with  
 18 officials across the state in every state we  
 19 go into to make sure that what we're doing is  
 20 serving the interest of the voters because  
 21 that's the goal is to get everybody through a  
 22 process that's from start to finish, and where  
 23 people can participate in elections.  
 24 So I do know that, you know, two  
 25 members of our team went to the State of

<p style="text-align: right;">86</p> <p>1 Texas, that they went on the ground that they  2 spent a lot of time going to different areas  3 of Texas, you know, trying to get the pilot up  4 and started in a way that would be, you know,  5 deemed partnership with everybody in the state  6 so that, again, the goal is, you know, not to  7 have anything that causes any problem, because  8 our main goal is our mission, which is to  9 serve the voter from start to finish. So  10 anything that jeopardizes the voters' ability  11 to participate is a big, you know, would be a  12 big problem for us.</p> <p>13 So I think we spent a lot of time  14 talking to people in various offices to see  15 who had the capability for us to run this  16 pilot and who, you know, who was interested in  17 the pilot as a way that would simplify, like,  18 both election officials on the ground and for  19 the voter.</p> <p>20 MS. SCANLON: I'm going to object to  21 non-responsive. The only question I asked  22 was: What were Vote.org's efforts to contact  23 the state level officials prior to the launch  24 of the web app?</p> <p>25 MR. NKWONTA: Objection. Asked and</p>	<p style="text-align: right;">88</p> <p>1 was probably a good portion of the contact,  2 but again, I would say that our goal is to  3 work with both state and county level people  4 to make sure that we're running programs that  5 get the voter from, you know, all the way  6 through the process and all the way to the  7 ballot box.</p> <p>8 Q. Did you speak with -- did you or  9 anybody else from Vote.org speak with Keith  10 Ingram at Secretary of State?</p> <p>11 A. I -- I don't know that off the top  12 of my head.</p> <p>13 Q. Ms. Hailey, I'm going back to the  14 topics for examination and one of these topics  15 specifically refers to communications with any  16 Texas election official regarding HB3107  17 and/or the supposed "wet signature" rule.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Topic 12 --</p> <p>21 MR. NKWONTA: I'm going to object.  22 Sorry to interrupt, Cory. I want to just  23 reassert the objection that we've asserted to  24 Topic No. 11. That's the one you're referring  25 to and as we stated --</p>
<p style="text-align: right;">87</p> <p>1 answered.</p> <p>2 THE WITNESS: I think I've said  3 everything I, you know, know about our  4 efforts. We also did send out, you know, I  5 think we spoke about our efforts in our email.  6 We had comms. around our efforts. I know we  7 spent time on the ground in Texas. Those are  8 all the things that I know to be true about  9 our time. And again --</p> <p>10 BY MR. SCANLON:  11 Q. Your prior answer included  12 information about the only officials that you  13 contacted in rolling out the web app -- prior  14 to rolling out the web app.</p> <p>15 A. I wouldn't say that. I mean, I  16 would say, I'm, you know, what I have express  17 knowledge of is -- is the, you know, time and  18 effort that they spent going from county to  19 county. I think that our -- for us -- that,  20 you know, it was -- it's really important that  21 the voter experience is a good one. That  22 won't happen if, say, somebody doesn't have  23 their fax machine, you know, working or  24 something like that.</p> <p>25 And so I think that -- I think that</p>	<p style="text-align: right;">89</p> <p>1 MR. SCANLON: I'm going to ask that  2 you not interrupt my deposition. If you have  3 an objection you can note it and move on. You  4 are doing improper speaking objections.</p> <p>5 MR. NKWONTA: Okay. Well, I will  6 finish --</p> <p>7 MR. SCANLON: Your objection is  8 noted.</p> <p>9 MR. NKWONTA: I'll finish noting my  10 objection. We are standing on our objection  11 to Topic No. 11.</p> <p>12 MR. SCANLON: Your objection is  13 noted.</p> <p>14 BY MR. SCANLON:  15 Q. Ms. Hailey, do you see Topic No. 12  16 where it says, "Communications with any person  17 at the office of Secretary of State regarding  18 HB3107 and/or the supposed wet signature  19 rule?"</p> <p>20 A. Yes.</p> <p>21 Q. Did you talk -- or anybody else  22 talk, at Vote.org, talk with Keith Ingram at  23 Secretary of State?</p> <p>24 A. I -- I -- I have not spoken with  25 Keith -- Keith Ingram at the Secretary of</p>

90

1 State's Office.

2 Q. Anybody from Vote.org?

3 A. If we're speaking about former

4 employees, I don't -- I'm not sure.

5 Q. Ms. Hailey, do you remember earlier

6 we had a discussion about how you speak for

7 the organization in this deposition?

8 A. Yes.

9 Q. Okay. So, you know, respectfully

10 that means that we need to know this

11 information on behalf of Vote.org, did anybody

12 contact anybody at the Secretary of State

13 prior to the roll out of the web app?

14 A. I don't know the answer, so I can't

15 make one up for you.

16 Q. Okay. This is another topic we will

17 ask to follow up on during a break. If you

18 can talk to someone within your organization

19 to get the answers, please do so.

20 Okay. I'm going to go back to this

21 email.

22 Local officials, so you're aware

23 that Sarah and one other person -- do we know

24 who that other person is?

25 A. Yes.

92

1 say?

2 A. I -- I -- I don't know which offices

3 they pulled their car up in front of, but I --

4 I know that they were looking to see if

5 people, you know, were interested in our pilot

6 and if they could process, should a high

7 volume of registrations come through a fax,

8 like, could -- could -- would that be

9 processed and would people be able in the

10 counties to use that.

11 Q. Okay. And you are not aware of

12 which counties or what all the counties were

13 that they went to?

14 A. Well, I know that at the time there

15 was some confusion over -- like, in 2018, you

16 know, over the languaging that was in the, you

17 know, what -- what -- what constitutes a copy,

18 what doesn't and that a lot of election

19 administrators themselves were confused, and

20 so they went to several different counties.

21 Some people were in a, you know, in confusion

22 and weren't sure. Other places, felt like

23 they had a clear interpretation and wanted to

24 participate in the pilot.

25 And other people, you know, I think

91

1 Q. Who is that?

2 A. Raven Brooks.

3 Q. Sarah Jackal and Raven Brooks

4 visited a number of county officials during

5 the roll out process, correct?

6 A. Yes.

7 Q. They visited officials in Travis

8 County, correct?

9 A. I believe, yeah, they visited

10 officials in several different counties across

11 Texas.

12 Q. Do you know which office with Travis

13 County they visited with?

14 A. No, not off the top of my head.

15 Q. Would it have been the Tax Assessor-

16 Collector's Office?

17 A. I don't know that answer off the top

18 of my head.

19 Q. But you were attempting to, you

20 know, -- or they were attempting to talk with

21 whoever is in charge of voter registrations,

22 right?

23 A. That's right.

24 Q. They weren't just going to the

25 county offices generally. Is that fair to

93

1 one of the counties that, you know, was going

2 back and forth about whether they should

3 participate. So I think they went to, you

4 know, the counties that I'm most familiar with

5 are the counties that actually went ahead and

6 ran the pilot because that was us, you know,

7 testing our -- the e-sign program and how well

8 it runs, and so that's the part that I'm most

9 familiar with. But I know that they went to

10 counties that did not end up using the e-sign

11 tool.

12 Q. Okay. I'm still on Exhibit 5.

13 Scroll down a little bit further in the chain.

14 And this appears to be an email from Debra

15 Cleaver. Can you tell me who Debra Cleaver

16 is?

17 A. Yes. She's a former CEO of

18 Vote.org.

19 Q. Was she the CEO before you became

20 the CEO?

21 A. Yes.

22 Q. Did she hold any other titles with

23 Vote.org?

24 A. That was her title.

25 Q. Okay. So do you remember getting

94

1 this email before?  
 2 A. Let me take a second and read that.  
 3 Q. Sure.  
 4 A. Okay. Yes, I've seen this and I've  
 5 read it.  
 6 Q. Do you remember getting this email  
 7 from Debra?  
 8 A. Oh, no. I wouldn't have gotten this  
 9 from Debra because I wasn't CEO at the time.  
 10 This was before -- this was before me. But I  
 11 --  
 12 Q. Okay. You were on the board at that  
 13 time? I'm sorry. I didn't mean to cut you  
 14 off.  
 15 A. Yeah, I was on the board at that  
 16 time.  
 17 Q. So this -- but this wasn't -- we  
 18 don't know whether this was addressed to you  
 19 based on the data in this document, correct?  
 20 A. Yeah, can you go up? Does it say --  
 21 Q. It just says, "Hey, friends." Do  
 22 you know possibly who she was referring to?  
 23 A. I don't.  
 24 Q. Would this have been to other  
 25 employees with Vote.org?

95

1 A. It could be, yeah. She's referring  
 2 -- Mag is an employee of Vote.org.  
 3 Q. And what does Mag do?  
 4 A. Mag at the time was, like, an  
 5 operations assistant --  
 6 Q. Okay.  
 7 A. -- so she did operational work.  
 8 Q. Okay. I just want to ask about No.  
 9 14 on this, which says, "Sarah is about to  
 10 staff up at the legislative campaigners."  
 11 Are you aware of a legislative  
 12 campaigning program within Vote.org?  
 13 A. No --  
 14 MR. NKWONTA: Objection. Beyond the  
 15 scope of notice. You may answer to this send  
 16 email.  
 17 THE WITNESS: A legislative  
 18 campaign, like I don't think this ever  
 19 happened. Sarah didn't staff up. But you  
 20 know, I think we have, in general in the last  
 21 year, done some work around, you know, hoping  
 22 for federal voting rights legislation on  
 23 Capitol Hill in DC, so that's something that  
 24 we, you know, educate our grass roots about,  
 25 but --

96

1 BY MR. SCANLON:  
 2 Q. I'm sorry. And those efforts are  
 3 targeted at the US Congress?  
 4 A. Yeah, I mean, we -- well, they're  
 5 really voter education efforts where we had,  
 6 you know, we put out the John Booth's Voting  
 7 Rights Act was up, how people could  
 8 participate and call their members of Congress  
 9 to say that they were in favor of John Booth's  
 10 Voting Rights Act.  
 11 Q. Did you have -- were there any  
 12 lobbying efforts targeted at the Texas  
 13 Legislature?  
 14 A. No.  
 15 MR. NKWONTA: Objection. Beyond the  
 16 scope.  
 17 You may answer.  
 18 THE WITNESS: No. I don't believe  
 19 so. I don't think that Vote.org ever had the  
 20 ability to do anything like that. Sarah was,  
 21 you know, the only person in that General  
 22 Counsel's Office.  
 23 BY MR. SCANLON:  
 24 Q. Okay. And then on the last page,  
 25 the paragraph at the top, I kind of cut it

97

1 off, but it looks like this is part of 14.  
 2 "This is a 10-year project. We have  
 3 10 years to solve this before all hell breaks  
 4 loose. On the bright side, we've been working  
 5 on this since 2015 and have already  
 6 established precedent for our e-sign solution  
 7 in at least 15 states, including Texas and we  
 8 can tell you lots of fun stories about that."  
 9 Did I read that accurately?  
 10 A. Yes.  
 11 Q. So when she says "fun stories about  
 12 Texas," can you tell me about what your  
 13 knowledge is of that?  
 14 A. No. I mean, she speaks in  
 15 hyperbole, so that's -- that's just how she  
 16 speaks. I -- I-- there's -- I don't think  
 17 that there's -- I think here she's trying to  
 18 sound interesting to who she's writing to.  
 19 Q. Okay. So when she says she has fun  
 20 stories about Texas around February 20 of  
 21 2019, you don't know what she was referring  
 22 to?  
 23 A. No. I'm guessing that she's  
 24 referring to going on the ground in Texas.  
 25 Like, if I had to guess, it's be going on the

<p style="text-align: right;">98</p> <p>1 ground in Texas, everybody having like a lot                  2 of confusion, different counties wanting to                  3 engage, but then not engaged, and then not a                  4 lot of clarity around, you know, around the                  5 web, you know, around whether the technology -                  6 - something that counties wanted to engage in,                  7 and that is my guess about, you know, her use                  8 of the term, "fun stories."                  9 But I can't guess. She speaks in a                  10 lot of, you know, she's just speaking in                  11 hyperbole. I think she's, you know, probably                  12 wanting to look for, you know, look for people                  13 to have an interest in what she's talking                  14 about.                  15 A lot of times, these facts and                  16 figures, like, you know, driver's license                  17 obtainment has dropped every single year.                  18 That's true, but like it's hard to, you know,                  19 keep people interested or printer home                  20 ownership has decreased by a certain                  21 percentage. Or what does like the future of                  22 automation mean for people having driver's                  23 licenses and how will this all affect our                  24 democracy?                  25 Like we all enjoy discussing this at</p>	<p style="text-align: right;">100</p> <p>1 know, other entity. I know we sent emails                  2 out. I think, you know, we produced all those                  3 like to grass roots telling people what's                  4 happening and that.                  5 So the extent that somebody received                  6 those, I don't know, but yeah, I think that                  7 would be the bulk of the work would be ten                  8 voters initiate the process, ten would be                  9 streamlined for them, I can officials process                  10 the paperwork on the other end would be the                  11 big questions that we probably would have been                  12 trying to answer.                  13 Q. Okay. And you mentioned "grass                  14 roots" organizations, I think?                  15 A. Not organizations. That's just how                  16 I refer to, you know, are users. We have 39                  17 million users that came through the platform                  18 in, say, 20 -- 2020. So our users would be --                  19 that would be the way of talking about that.                  20 For us that's like a -- that's a -- I use                  21 that, I guess it's on a technical term, but I                  22 use it interchangeably. It's the wider                  23 audience that uses and engages with Vote.org.                  24 Q. Okay. We can move on to Topic 3.                  25 And I'll go ahead and at this time pull up our</p>
<p style="text-align: right;">99</p> <p>1 Vote.org all the time, but I don't know that                  2 that's the case everywhere. And I think she's                  3 using a hyperbole there to -- to -- to try to                  4 keep interest.                  5 Q. Okay. I want to go on to Topic 2                  6 now. I mean, we've skipped around a little                  7 bit, but basically in connection with this                  8 lawsuit or in connection with your efforts to,                  9 you know, have the e-sign to work, we talked                  10 about the Rightfax company that you use and                  11 print shop. I don't need to know the name of                  12 that print shop, but were there any other                  13 entities that Vote.org communicated with in                  14 its efforts specifically related to the Texas                  15 and the wet signature rule?                  16 A. I mean, so from the platform                  17 perspective, it would just be the voter                  18 initiating the process and then the automated                  19 process, like, executing with the different                  20 vendors. From the, you know, making sure we                  21 want to turn on this tool in certain areas,                  22 there would be conversations, you know, with                  23 county official to run the pilot. Anyone else                  24 in conversation, I know that there -- I can't                  25 think of -- I can't think of a specific, you</p>	<p style="text-align: right;">101</p> <p>1 -- your responses to our interrogatories,                  2 which is Exhibit 2.                  3 And just very quickly, I want to                  4 specif -- at this time just go to                  5 Interrogatory No. 16, so we ask: "Please                  6 state whether Vote.org is a membership                  7 organization."                  8 The answer: "Vote.org does not                  9 currently have members who pay dues or elect                  10 board representatives."                  11 Did I read that correctly?                  12 A. Yes.                  13 Q. And is that still true and accurate?                  14 A. Yes.                  15 Q. How would Vote.org characterize its                  16 relationship with the users that try to use                  17 the e-sign platform?                  18 A. How to characterize the                  19 relationship?                  20 Q. But those people would not be                  21 considered "members" of Vote.org. Is that                  22 fair to say?                  23 A. Users, anyone coming through                  24 Vote.org's platform is a user. You know, we -                  25 - so like I said, in the last election, we had</p>

<p style="text-align: right;">102</p> <p>1 39 million people who came through the  2 platform using it for voting information. In  3 Texas we would -- people coming through the  4 platform, we would call "users," just like,  5 you know, every other state. We have some  6 users that opt in. When somebody goes through  7 our platform, they can opt in to having  8 increased correspondence with Vote.org, so  9 when, you know, because all of our -- all of  10 our apps, all of our stuff is voter basic, so  11 it's really about like what does the voter  12 need and what information are they looking for  13 on the site. If they want to opt in to  14 increase communications because they want to  15 know -- have notifications around, you know,  16 if it gets close to election time, they want  17 to be notified like early voting started, or  18 get out it -- it's time to get out and vote or  19 something like that. We can -- users can opt  20 in and receive those alerts from us.  21 They can also opt in and receive,  22 you know, more of like updates more recently  23 about like what's happening in your state, you  24 know, what are the rules you need to  25 participate in this election or something like</p>	<p style="text-align: right;">104</p> <p>1 semantics. What's -- can -- what -- can you  2 ask me the question again?  3 Q. Well, like let's say Jimmy  4 John's, for instance, I don't know if you have  5 a Jimmy John's in -- where you are, but they  6 sell sandwiches, and, you know, people who go  7 and eat there can sign up for email alerts or  8 something like that. So would you agree with  9 me that those people who are customers are  10 not, you know, shareholders in Jimmy John's as  11 a corporation. Right?  12 A. Unless they -- a shareholder eats at  13 Jimmy John's I guess. But --  14 Q. Sure.  15 A. -- yeah, our -- I would say that  16 Vote.org has users -- are user-based, you  17 know, relies on us for trusted voting election  18 information in a non-partisan manner. They  19 engage with us in several different ways,  20 whether it's registration or looking up, you  21 know, what's happening in their state or  22 opting into our election alerts or -- yeah,  23 those are primarily the ways that they engage.  24 Some ask for further correspondence  25 with Vote.org around, you know, around</p>
<p style="text-align: right;">103</p> <p>1 that? So we have some users that, you know,  2 that come more passively to the -- to the  3 platform, we have other users that opt in to,  4 you know, opt in to increased -- an increased  5 conversation with Vote.org, and then we have,  6 you know, users that use us to initiate their  7 registration process, we have users that use  8 us to look up their state-based information  9 and, you know, and then our election alert  10 users that participate.  11 That's -- that's -- I think, you  12 know, probably like any tech company, we talk  13 about, you know, we talk about users, user  14 experience, user experience on the platform.  15 Q. Okay. Well, we talked about  16 how Vote.org is 501(c)(3). Right?  17 A. Yes.  18 Q. So for that legal status the  19 users are not considered members, correct?  20 A. Yeah, our -- our users are  21 considered users of the platform. I mean --  22 Q. Like customers would for a  23 corporation. Right?  24 A. I'm sorry, I think I'm now  25 getting a little lost in our -- in our</p>	<p style="text-align: right;">105</p> <p>1 elections, election experience, all of that,  2 you know. And separate from our platform we  3 also have, you know, an election alerts  4 program that sends text messages and things  5 like that kind of elections just to let  6 people, you know, know what's happening.  7 But, yeah, I would say that our  8 users are definitely, you know, it's their  9 Vote.org experience, I think that that's why  10 we have, you know, so many people who keep  11 coming back and using our platform because  12 they know it's going to be accurate and that  13 it's going to give a streamlined way of  14 participating, whatever the most simple way is  15 to participate from start-to-finish, that's  16 why we created Vote.org and I think that's why  17 we have -- I think that's why we're the  18 largest platform in the nation when it comes  19 to civic tech.  20 Q. Did the people that had their  21 application sent back for incompleteness as  22 alleged in this case do they still use  23 Vote.org?  24 A. That's a great question. I don't  25 know.</p>

106

1 Q. I think now might be a good time to  
 2 actually take a break. I know you all -- but  
 3 we can go off the record if everyone's okay  
 4 with that.  
 5 A. Yeah.  
 6 MR. NKWONTA: It's fine with us.  
 7 MR. SCANLON: I mean I guess I'll  
 8 take --  
 9 THE REPORTER: We're going off the  
 10 record. The time is 11:21 a.m.  
 11 (Recess taken.)  
 12 THE REPORTER: We're back on the  
 13 record. The time is 11:32 a.m.  
 14 BY MR. SCANLON:  
 15 Q. Okay. Ms. Hailey, I'm going to move  
 16 on to Topic 4 now, the factual basis for any  
 17 contention that Vote.org has alleged it  
 18 suffered an injury as a result of HB 3107.  
 19 And you understand that when I say HB 3107 I'm  
 20 talking about the bill that was passed that  
 21 included basically what Vote.org has referred  
 22 to as the wet signature rule codified. Right?  
 23 A. Right.  
 24 Q. So if I say HB 3107 or wet signature  
 25 rule, can we have an agreement that I'm

108

1 time, to let me know. And you did a good job  
 2 of doing that the first time we went on break.  
 3 But I just have to caveat that if there is a  
 4 question that's been asked, that we get an  
 5 answer to the question before we go on the  
 6 break. Is that fair?  
 7 A. Yeah, that's fair.  
 8 Q. Thank you. Okay.  
 9 So going back to HB 3107, what would  
 10 you characterize the injury that Vote.org has  
 11 suffered as a result of that bill?  
 12 A. I think that the biggest injury is  
 13 that we can't carry forth our mission of  
 14 serving the voters the most streamlined way  
 15 possible. Our mission at Vote.org is to  
 16 strengthen US democracy by creating technology  
 17 that makes the process to participate in  
 18 elections accessible to voters. And so with  
 19 the rule, you know, it's now very clear that  
 20 we can't use our e-sign tool in Texas, which I  
 21 believe is probably one of the most innovative  
 22 tools that we have, and if scaled can serve,  
 23 you know, Texans -- many Texans all throughout  
 24 the state.  
 25 Q. Are there any other base -- bases

107

1 talking about the same thing basically? I  
 2 know it's a little confusing but the only  
 3 issue in this case is that portion of HB 3107  
 4 that has the fax provision basically.  
 5 A. Well, would that include -- if you  
 6 say that, would that include when the  
 7 Secretary of State in 2018 made the statement  
 8 that a copy wasn't an original because then --  
 9 Q. I'll clarify if we're talking about  
 10 the statement from 2018, because I am going to  
 11 ask questions about that, but when I say HB  
 12 3107 or the wet signature rule I'm just  
 13 talking about -- I guess that's probably not a  
 14 good idea really because the wet signature  
 15 rule was part of the advisory I guess. So  
 16 let's just say if I'm talking about HB 3107,  
 17 it's the wet signature rule codified, the  
 18 provision that's at issue in this case.  
 19 A. Okay. Yes.  
 20 Q. Okay. Another thing I wanted to  
 21 make sure I brought up that I forgot earlier  
 22 was -- and this is supposed to be part of my  
 23 check list, but we've already taken a couple  
 24 of breaks already, but I just wanted to let  
 25 you know if -- if you need a break at any

109

1 for the injury that you're alleging in this  
 2 suit?  
 3 A. Yeah, I think, you know, the time,  
 4 energy, resources it takes our team,  
 5 especially a small team, to go ahead and build  
 6 a full work flow for Texas, to build a tool  
 7 that we then can't use, the time and energy,  
 8 you know, that was spent that we had to  
 9 develop it and spend time on the ground to --  
 10 the fact that we can't like now use this  
 11 technology to serve voters in the state.  
 12 One of the big things for us is  
 13 constantly -- again, like I said before, we're  
 14 a small team internally so that means that we  
 15 have to spend a pretty large amount of time  
 16 discussing Texas and trying to figure out what  
 17 we, you know, what we -- what ways we can  
 18 serve the voters in Texas. When we can't use  
 19 the e-sign tool then we have to try to think  
 20 of -- our mission doesn't really change, we  
 21 still have to, you know, do our best to -- to  
 22 just be innovative and think about other ways  
 23 that we can serve the voters and get them from  
 24 the process, you know, from start-to-finish,  
 25 you know, through the -- through the voting

<p style="text-align: right;">110</p> <p>1 process.</p> <p>2       So I would say that the biggest</p> <p>3 thing for us is the time of staff, energy of</p> <p>4 staff, resourcing of -- of, you know, having</p> <p>5 to have these conversations, having to take on</p> <p>6 extra expenses to make sure that our work</p> <p>7 flows are, you know, compliant with Texas,</p> <p>8 then developing technology that ultimately</p> <p>9 can't be used, and then trying to come back to</p> <p>10 it on a pretty consistent basis to figure out</p> <p>11 if there are other things that we can engage</p> <p>12 in that will -- that we can scale that will</p> <p>13 serve voters.</p> <p>14     Q. Okay. And the -- the web app, or</p> <p>15 the e-sign app that was -- that was developed</p> <p>16 for the whole country. Right?</p> <p>17     A. No, our e-sign work flow for Texas</p> <p>18 was developed for Texas because Texas has both</p> <p>19 the fax and the requirement to, you know, have</p> <p>20 to -- by print and mail, so that is -- that's</p> <p>21 -- that is for Texas.</p> <p>22     Q. I see. What percentage of your</p> <p>23 operating budget does that project constitute?</p> <p>24     A. I would say that, you know, we'd</p> <p>25 have to go back to look at 2018, but I think</p>	<p style="text-align: right;">112</p> <p>1 of information, but I guess I would just ask,</p> <p>2 if possible, if we can just focus kind of on</p> <p>3 the specific question that I ask. So the</p> <p>4 question I asked was is there a percentage</p> <p>5 that you can attach to your operations focused</p> <p>6 on the web app in Texas?</p> <p>7     A. A percentage of the budget? Off the</p> <p>8 top of my head I'd have to go look, but I</p> <p>9 think that the biggest thing, again, is just</p> <p>10 the time it takes to take about half the team,</p> <p>11 have half the engineers developing technology</p> <p>12 that they can't use and then being, you know,</p> <p>13 taken away from actually doing our job, which</p> <p>14 is to serve voters.</p> <p>15       I think that that is -- that's</p> <p>16 probably the biggest cost to Vote.org is just</p> <p>17 having to spend so much time and engineering</p> <p>18 developing technology that can no longer be</p> <p>19 used, or turned on. That -- that is the</p> <p>20 biggest -- that's the biggest problem.</p> <p>21       And, you know, continuous</p> <p>22 conversations and confusion over -- over when</p> <p>23 we might be able to turn, you know, turn on</p> <p>24 the -- the e-sign tool, which now as a result</p> <p>25 of the bill that was just passed, we now know</p>
<p style="text-align: right;">111</p> <p>1 the biggest thing at this point is that we</p> <p>2 could turn on the technology but now because</p> <p>3 of the bill we can't. So I think that that,</p> <p>4 you know, the biggest issue is really just the</p> <p>5 fact that we can't use it to serve voters or</p> <p>6 to serve our mission. And now we're going to</p> <p>7 have think about, you know, what other ways we</p> <p>8 can come up with to do that.</p> <p>9       But we already developed new</p> <p>10 technology once for Texas, and now we're going</p> <p>11 to have to do that again, or try to work with</p> <p>12 people to find other ways to get voters</p> <p>13 through the easiest, you know, process</p> <p>14 possible. About over half of our users are,</p> <p>15 you know, under -- are 35 and under, so that</p> <p>16 means that we're constantly trying to think</p> <p>17 about ways that people that participate in a,</p> <p>18 you know, innovative way using --</p> <p>19     Q. Well --</p> <p>20     A. -- smartphones and things like</p> <p>21 that.</p> <p>22       MR. SCANLON: And I'll just object</p> <p>23 as non-responsive.</p> <p>24 BY MR. SCANLON:</p> <p>25     Q. Ms. Hailey, you're giving me a lot</p>	<p style="text-align: right;">113</p> <p>1 is an impossibility.</p> <p>2     Q. Is it your position that any law</p> <p>3 that prevents Vote.org from registering voters</p> <p>4 in the most convenient way possible is a harm</p> <p>5 to Vote.org?</p> <p>6     A. Well, yeah, our job is to build</p> <p>7 technology that makes it accessible for</p> <p>8 voters, you know, it increases accessibility</p> <p>9 for voters so that they don't have to go</p> <p>10 through a series of steps. We know that when</p> <p>11 somebody drops, you know, has to go through a</p> <p>12 series of steps, that you're more likely to</p> <p>13 get drop off.</p> <p>14       And so, yeah, I think the harm is</p> <p>15 not being able to use a tool that works and</p> <p>16 that specifically gets voters through the</p> <p>17 process in a streamlined way where they can</p> <p>18 have an experience through their cell phone or</p> <p>19 any other tablet or device they want to use</p> <p>20 and to be able to, you know, access their --</p> <p>21 their -- or initiate their registration using</p> <p>22 our tool. I think that that is the, you know,</p> <p>23 that is -- that is the big harm.</p> <p>24       What we'd like to do is be able to</p> <p>25 use the tool to serve voters at the end of the</p>

114

1 day. We built it for Texas, we're excited  
 2 about it for Texas, we -- our pilot project we  
 3 consider to be a success and -- and we'd like  
 4 to see at scale.  
 5 Q. So that's a yes?  
 6 MR. NKWONTA: Object to form.  
 7 THE WITNESS: I'm sorry?  
 8 BY MR. SCANLON:  
 9 Q. That's a yes for the question that I  
 10 asked?  
 11 A. What was your question again?  
 12 Q. So anything that doesn't allow  
 13 Vote.org to use the most convenient technology  
 14 to register to vote causes Vote.org a harm?  
 15 A. No, I mean I wouldn't --  
 16 MR. NKWONTA: Objection, asked and  
 17 answered.  
 18 THE WITNESS: Yeah, I wouldn't  
 19 phrase it that way. I think the harm here is  
 20 developing technology, having election  
 21 administrators like the technology, find it  
 22 useful, find it easy to get voters through the  
 23 process, increase accessibility and then have  
 24 to shut all of that down before, you know,  
 25 being able to use it. I think that's the

116

1 lots of new technology I think that there are  
 2 moments where, you know, we'll make changes,  
 3 and if we were able to scale it, we would get  
 4 better and better at the service we provide to  
 5 and our engineers would spend more time on  
 6 that tool. But, yeah, we had to create, you  
 7 know, create the tool before talking to people  
 8 about using the tool.  
 9 Q. Okay. Is it also your position that  
 10 any law that prevents Vote.org -- actually,  
 11 strike that question.  
 12 Are there I guess specific projects  
 13 you can identify that Vote.org had to put on  
 14 hold or curtail in response to HB 3107?  
 15 A. Yeah, I mean I think that as a  
 16 result of HB 3107 basically what's in that  
 17 bill as it applies to the, you know, wet  
 18 signature rule, is that we can never turn on  
 19 our feature again. But like essentially the  
 20 work load that we built is, you know, is lost.  
 21 I think it makes it really clear that -- that  
 22 -- that now we're unable to use any of that  
 23 technology in Texas, and that -- that is  
 24 really the, you know, the biggest -- one of  
 25 our biggest issue is just now we've lost the

115

1 harm.  
 2 But it's not really so much about  
 3 Vote.org or us in particular, it's about our  
 4 mission to serve voters and how voters are  
 5 able to participate in elections. And here I  
 6 would think that literally everyone on this  
 7 call would be really excited about people  
 8 participating in elections and having, you  
 9 know, barriers to entry like streamlined, so I  
 10 think that for us it's really about the fact  
 11 that we can't fulfill our mission.  
 12 BY MR. SCANLON:  
 13 Q. So you talked about all the time  
 14 and, you know, effort you had to spend in  
 15 developing the technology before it launched.  
 16 Right?  
 17 A. Yes.  
 18 Q. Before you launched the pilot  
 19 program. Right?  
 20 A. Yes.  
 21 Q. And that was all done before you  
 22 contacted anybody at the county level to talk  
 23 about the roll out, correct?  
 24 A. Well, yeah, I mean we would have --  
 25 of course when we rolled it out with -- with

117

1 ability, it's all sitting there, we could turn  
 2 it on, the but bill clearly tells us that we  
 3 can't.  
 4 Q. Other than the e-sign function in  
 5 the web app are there any specific projects  
 6 that Vote.org had to put on hold due to the  
 7 issues causes by not being able to turn it on  
 8 as you put it?  
 9 A. Well, I mean that -- for us that is,  
 10 you know, our project is -- is to get voters  
 11 through our platform in the most streamlined  
 12 way possible. I think that what it does is  
 13 because we are a small staff we do have to  
 14 spend time, but we have a large user base in  
 15 Texas, we do have to spend time now trying to  
 16 figure out new ways to get people through the  
 17 most streamlined, you know, streamlined way  
 18 possible to participate in elections.  
 19 So that means we'll be spending time  
 20 doing, you know, anything we can to help  
 21 service voters in the state of Texas. It  
 22 means that our team has to come up -- it's  
 23 kind of like having a great solution to  
 24 something and then saying, you know, you have  
 25 to just start all over again, figure out

118	<p>1 something, you know, figure out something  2 else. And then knowing that that's sitting  3 right there and not being able to literally  4 just turn it on, knowing that it works,  5 knowing that county election officials also  6 appreciated the, you know, this tool, I think  7 that's tough.</p> <p>8 It means that we'll have to go and  9 try to find partners and try to find other  10 people who can help us come up with new  11 innovative ways to serve voters. It means  12 every like little bit of time, energy and  13 resources spent out in the past is totally  14 lost and it ultimately means that it just gets  15 harder and harder to serve voters in the state  16 of Texas for no real great reason that I can  17 see.</p> <p>18 So, yeah, I do think that, you know,  19 the bill directly caused Vote.org the ability  20 to reach voters and the ability to -- now  21 we'll have to try to come up with other ways.  22 Our mission won't change, we will stay true to  23 what we do, we'll develop technology to  24 simplify political engagement, but now we'll  25 got back to the drawing board and everything</p>	120
119	<p>1 we did before is lost.</p> <p>2 MR. SCANLON: Okay. Objection, non-  3 responsive.</p> <p>4 BY MR. SCANLON:</p> <p>5 Q. And I'm probably doing a bad job of  6 asking the question, but I'm just wondering,  7 other than the e-signature app were there any  8 other projects that were impacted because of  9 what happened with HB 3107?</p> <p>10 A. Maybe what we need to get at is just  11 what is -- what are you kind of defining as a  12 project?</p> <p>13 Q. Anything that's not -- that  14 constitutes Vote.org's operations that doesn't  15 have to do with the online e-signature app.</p> <p>16 A. Yeah, it's really just that I'll  17 have to take staff time to try to come up with  18 something, we'll try to come up with a new way  19 to serve voters in Texas. So that means our  20 engineers, our partnerships people, our  21 operations people, it means that we will, you  22 know, go back to the drawing board on what we  23 can -- what we can create next that will  24 simplify political engagement.</p> <p>25 Outside of that, you know, that --</p>	121

122

1 is much more time consuming, and then  
 2 developing out those partnerships and then  
 3 getting people to do that, and then getting  
 4 people to participate on the ground with that  
 5 so that they can go to their neighbor's house  
 6 and get a, you know, use a printer and, you  
 7 know, do it via Nextdoor, all of that takes a  
 8 tremendous amount of time, energy, thought,  
 9 creativity.

10 And again, our team is -- is -- is  
 11 small and so I mean about half our team --  
 12 with what I just described could eat up about  
 13 half of our team just to pull off that kind of  
 14 a partnership. So which is, you know,  
 15 something that -- that we're currently doing  
 16 to try to make sure that voters still have  
 17 access to what it is they need to -- to  
 18 participate.

19 But a much, you know, easier thing  
 20 to do, it would only take one person a few  
 21 moments to turn on -- turn back on the tool  
 22 versus an entire team now trying to think  
 23 creatively about what platforms people use,  
 24 knowing there's high usage on the Nextdoor in  
 25 Texas, having people at Nextdoor volunteer to

123

1 use their printers, having us sending out  
 2 messages telling people, Your election's  
 3 coming up, don't forget, like that -- that's a  
 4 lot. So, yeah, that probably, you know,  
 5 quantifying it in a number, you know, is -- I  
 6 can tell you it takes up like an unbelievable  
 7 amount of our team, you know, our team  
 8 capacity.

9 So, but again, I mean it's our  
 10 mission, it's what we're here for, it's what  
 11 we do, so our job is to, you know, no matter  
 12 what come up with ways to serve the voters and  
 13 make sure that people have access to what they  
 14 need to participate, it does seem that turning  
 15 on the tool and using that would be an easier  
 16 way, assuming that the county and Secretary of  
 17 State all agree that people should have access  
 18 to vote.

19 MR. SCANLON: Objection, non-  
 20 responsive.

21 BY MR. SCANLON:

22 Q. I am going to go ahead and move on  
 23 now. We're going to look back at Exhibit 24,  
 24 the complaint. And there's one paragraph I  
 25 just want to go over real quick.

124

1 So in Paragraph 20 it states,  
 2 "Section 14 of HB 3107 - the Wet Signature  
 3 Rule - is simply a codification of the rule  
 4 that Secretary Pablos devised in 2018. It  
 5 continues to prevent Vote.org from making full  
 6 use of one of its most effective tools: the e-  
 7 signature function of its voter registration  
 8 web application." And I'll pause there.

9 So you would agree with me, right,  
 10 that the codification comes from the  
 11 legislature and not just Secretary Pablos.  
 12 Right?

13 A. I mean HB 3107 was passed in the  
 14 legislature.

15 Q. Do you know how many votes it got in  
 16 the legislature?

17 A. I don't know that off the top of my  
 18 head. I think why we phrased it, you know,  
 19 that this is the codification, it's because in  
 20 2018 the Secretary of State made a statement  
 21 saying that -- that, a, you know, a copy was -  
 22 - really meant an original, and original is a  
 23 wet signature, and that's when we had to shut  
 24 down our form and then essentially the state  
 25 legislature came in and codified that

125

1 statement so now there's no confusion about,  
 2 you know, what, you know, whether this tool  
 3 can be used or not. It can't.

4 In 2018 I think there was a fair  
 5 amount of - of confusion until the Secretary  
 6 of State made that statement and that  
 7 statement, you know, explicitly said that a  
 8 copy really meant -- that the law that said a  
 9 copy really meant original and so therefore an  
 10 original has like a wet, you know, has a wet  
 11 signature. I -- I think that the codification  
 12 of, you know, of this is now like pretty --  
 13 now it's pretty clear for counties that you  
 14 can't use a wet signature.

15 (Exhibit 22 marked.)

16 BY MR. SCANLON:

17 Q. Okay. And I've pulled up Exhibit  
 18 22. Do you recognize -- well, I guess let's  
 19 just go through this, I'll represent to you  
 20 that this is from the legislative resources  
 21 that are online. And do you see at the top  
 22 where it says, Votes Texas HB 3107?

23 A. Yes, I see that.

24 Q. Okay. And do you see in the upper  
 25 row here the date of the last vote on this was

126	<p>1 May 28, 2021.</p> <p>2 A. Yeah, I see that.</p> <p>3 Q. And in the Yea column we have 146</p> <p>4 votes, correct?</p> <p>5 A. Yes, I see that.</p> <p>6 Q. Zero Nays, two abstentions, two no</p> <p>7 vote, I think that's what NV stands for, but</p> <p>8 you would agree with me that this was</p> <p>9 essentially unanimously passed in the</p> <p>10 legislature. Right?</p> <p>11 A. Well, I would agree that 146 people</p> <p>12 voted Yea, yeah.</p> <p>13 Q. And zero voted Nay.</p> <p>14 A. Yes.</p> <p>15 Q. Going back to the complaint real</p> <p>16 quick in Paragraph 20, this next sentence, you</p> <p>17 said Vote.org -- when I say you I'm either</p> <p>18 referring to Vote.org or you personally but,</p> <p>19 "No longer able to use features of its web</p> <p>20 application that it created specifically for</p> <p>21 Texas, Vote.org has been force to divert</p> <p>22 resources from its general nationwide</p> <p>23 operations - as well as its specific programs</p> <p>24 in other states - to redesign its Texas voter</p> <p>25 registration in GOTV programs," which I</p>	128
127	<p>1 through the e-sign and successfully register</p> <p>2 to vote?</p> <p>3 Q. In Texas, yes.</p> <p>4 A. In Texas. I mean this is -- it's</p> <p>5 like a yes and no because, yes, we were doing</p> <p>6 the pilot and people were able to successfully</p> <p>7 use the technology, and then, no, because the</p> <p>8 Secretary of State issued a statement saying</p> <p>9 that voters who use our e-sign technology</p> <p>10 would have their registrations thrown out, and</p> <p>11 so we shut off the, you know, we shut off the</p> <p>12 e-sign tool and then for people who had</p> <p>13 already, you know, used it, I'm assuming a</p> <p>14 certain -- I know that the Secretary of State</p> <p>15 issued, you know, issued notices to people who</p> <p>16 used it, you know, had already gone through</p> <p>17 that process.</p> <p>18 Q. And that was in the 2018 cycle,</p> <p>19 correct?</p> <p>20 A. That's right.</p> <p>21 Q. Was Vote.org ever able to do it in</p> <p>22 the 2016 cycle?</p> <p>23 A. No, Vote.org -- see Vote.org was</p> <p>24 founded in 2016, so --</p> <p>25 Q. Okay.</p>	129
127	<p>1 understand to mean Get Out To Vote programs,</p> <p>2 "and utilize more expensive (and less</p> <p>3 effective) means of achieving its voter</p> <p>4 registration goals in the state." Did I read</p> <p>5 that correctly?</p> <p>6 A. That's correct.</p> <p>7 Q. And I know we've talked about this</p> <p>8 quite a bit already, but when you use the term</p> <p>9 full use, was there a time that Vote.org was</p> <p>10 able to help people register to vote using the</p> <p>11 digital signature technology successfully in</p> <p>12 Texas?</p> <p>13 A. Well, Vote.org provides the tools so</p> <p>14 that people can initiate the process to</p> <p>15 register to vote. Your question is was there</p> <p>16 a time when making -- I'm sorry, I'm reading</p> <p>17 and hearing your question at the same time.</p> <p>18 Can you repeat that?</p> <p>19 Q. Oh, it's okay. I can -- I can</p> <p>20 repeat it. Was there a time when Vote.org</p> <p>21 using the e-signature app had users use that</p> <p>22 app to successfully register to vote?</p> <p>23 A. Was there a time -- so I just want</p> <p>24 to repeat it to make sure, was there a time</p> <p>25 when using our app people were able to go</p>	<p>1 A. , you know, this -- this pilot was</p> <p>2 a, you know, 28 -- 2018 pilot.</p> <p>3 Q. How - how many people registered</p> <p>4 using this program --</p> <p>5 A. Over 2,000.</p> <p>6 Q. -- the pilot program?</p> <p>7 A. Over 2,000.</p> <p>8 Q. Over 2,000?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And that was only in the</p> <p>11 jurisdictions that Vote.org targeted, correct?</p> <p>12 A. I guess I would say is like that was</p> <p>13 in the jurisdictions where we had the e-sign</p> <p>14 tool turned on. So people would go to our</p> <p>15 site to register, we have, you know, we have a</p> <p>16 high number user base and so we already have a</p> <p>17 high volume of traffic across the nation, in</p> <p>18 Texas we have a high volume of traffic that</p> <p>19 comes into the site. So it would be like</p> <p>20 where we turned on the tool to service that,</p> <p>21 you know, service that traffic.</p> <p>22 Q. And of the 2,000 -- well, I'll</p> <p>23 strike that.</p> <p>24 Let's ask -- so that -- the</p> <p>25 jurisdictions that the tool was turned on, did</p>

130

1 that include -- that includes Travis County,  
 2 correct?  
 3 A. That includes all the counties that  
 4 are in this lawsuit.  
 5 Q. Did it also include Harris County?  
 6 A. I don't believe so.  
 7 Q. Okay. So it would only include  
 8 Travis, Bexar County, Dallas County and  
 9 Cameron County, correct?  
 10 A. Yeah, the -- the counties named in  
 11 the lawsuit.  
 12 Q. Okay. Is there a reason why it  
 13 didn't include Harris County? Did Vote.org  
 14 look at Harris County for this pilot program?  
 15 A. Yeah, we looked at several counties  
 16 for the pilot program. I think the biggest  
 17 thing is just having election administrators  
 18 who wanted to run the pilot.  
 19 Q. Well, why did they not want to run  
 20 the pilot?  
 21 A. I think because there was a lot of  
 22 confusion in 2018 before the Secretary of  
 23 State's statement, you know, so some election  
 24 administrators interpreted the law in  
 25 different, you know, in different ways. And

131

1 so anyone who isn't a part -- wasn't a part of  
 2 the pilot, we had people who, you know,  
 3 counties that didn't want to participate or  
 4 where it was like, you know, it wasn't clear  
 5 to them if the, you know, new technology would  
 6 be something that they wanted to participate  
 7 in.  
 8 Q. But it was clear once the Secretary  
 9 of State basically gave the public statement,  
 10 correct?  
 11 A. Yeah, when the Secretary of State  
 12 gave the public statement just to avoid any,  
 13 you know, any issue, we went ahead and just  
 14 turned off the tool.  
 15 Q. Could you have gotten clarity from  
 16 the Secretary of State prior to the launch?  
 17 A. I think that, you know, the  
 18 Secretary of State certainly made themselves  
 19 clear in that statement, and so we quickly,  
 20 you know, we quickly turned the tool off.  
 21 Like I said before, we really want to partner  
 22 with state officials and county officials to  
 23 make sure that our technology is, you know, is  
 24 working to serve the voter. Obviously any  
 25 situation that would end up with a voter not,

132

1 you know, having their registration thrown out  
 2 or something like that, that's our worst  
 3 nightmare. We don't want that to happen.  
 4 MR. SCANLON: Okay. Objection, non-  
 5 responsive.  
 6 BY MR. SCANLON:  
 7 Q. So was any advice sought from the  
 8 Secretary of State prior to the launch? I  
 9 mean you talked about you had the counties and  
 10 they were in dispute as to interpretation  
 11 about this provision. Would it not have made  
 12 sense to get some kind of communication  
 13 officially from the Secretary of State to  
 14 clear this up to make sure that you didn't  
 15 waste money rolling out a tool that was not  
 16 going to be compliant with the Texas law?  
 17 A. I think we rolled out a tool that we  
 18 believed that we believed -- we talked to, you  
 19 know, general counsel, talked to our  
 20 attorneys, I think everyone believed it to  
 21 be -- I think everybody believed a copy meant  
 22 a copy, not an original wet signature, and  
 23 so -- and that's how the law read at the time,  
 24 so I don't -- I don't think on the Vote.org  
 25 side we had a lack of clarity.

133

1 Q. Well, Ms. Hailey, I mean you said  
 2 everyone thought that it -- that a copy meant  
 3 that you didn't have to mail in the signed  
 4 copy, but you just said that there were  
 5 election administrators who didn't want to  
 6 participate in this program. Right?  
 7 A. Yeah, I do think there are election  
 8 administrators that -- look, any time there's  
 9 innovation and technology there are people who  
 10 feel comfortable or don't feel comfortable or  
 11 push back or not. We felt after consulting,  
 12 you know, with our counsel that -- that the  
 13 law didn't say anything about a wet signature.  
 14 But I think that you have -- you have a lot  
 15 of -- a lot of people in Texas who had a lot  
 16 of, you know, different varying perspectives.  
 17 And so I can respect that.  
 18 And then you asked this question  
 19 earlier because you were trying to get at an  
 20 exact, you know, an exact moment with the, you  
 21 know, where a conversation with the Secretary  
 22 of State's office, and like I said, our  
 23 general counsel at the time, Sarah Jackel led  
 24 that, and she's no longer here, but so all I  
 25 can tell you is that they did everything they

134

1 thought possible to be in partnership with  
 2 the state and with the county election  
 3 officials.  
 4 I think they were really concerned  
 5 about can people receive faxes or not, and do  
 6 they have, you know, the ability if we get a  
 7 high volume of traffic to use, you know, to be  
 8 able to -- to process that. And I think, you  
 9 know, so I think on Vote.org's side it seemed  
 10 like the reading and interpretation was  
 11 straightforward. There seemed to be confusion  
 12 in Texas, the Secretary of State issued their,  
 13 you know, statement, we turned off the tool,  
 14 the tool continues to be off. We're really  
 15 sad about that because we think it works for  
 16 voters.  
 17 Q. Well, because Vote.org's opinion was  
 18 that they complied with the law, they went  
 19 ahead and rolled out the launch without  
 20 talking to the Secretary of State. Right?  
 21 A. Well, you can't make up things that  
 22 aren't there. Like there's nowhere in the law  
 23 that it said something about you need to have  
 24 a wet signature. So like, you know, you  
 25 can't -- you can't come up with issues that

136

1 that we were the best partner we possible  
 2 could be. That's certainly what we, you know,  
 3 what we try to do. I think that it's fair to  
 4 say that throughout Texas you have different  
 5 election administrators who had different, you  
 6 know, interpretations. I think that's  
 7 probably why the Secretary of State decided to  
 8 issue a clarifying statement.  
 9 Q. But prior to that statement coming  
 10 out Vote.org did not make any efforts to get  
 11 clarification from the Secretary of State; is  
 12 that correct?  
 13 A. Well, you keep asking the same  
 14 question over and over again.  
 15 Q. And you keep not answering it.  
 16 A. All I can -- because all I can tell  
 17 you are the conversations I'm aware of, and  
 18 like I said before, I think that that question  
 19 when you asked it before was one where we  
 20 could go back and look, but now we're  
 21 revisiting it again. So I don't know every  
 22 conversation that Sarah Jackel had, but I'm  
 23 telling you every single conversation I know  
 24 about.  
 25 Q. Well, what about Vote.org's

135

1 you don't, you know, that like literally  
 2 aren't - aren't -- aren't there to go, you  
 3 know, so I think that that's the -- I think  
 4 that -- that's the thing here.  
 5 MR. SCANLON: I'm going to object as  
 6 non-responsive.  
 7 BY MR. SCANLON:  
 8 Q. You are not a lawyer, correct?  
 9 A. No, I'm not a lawyer.  
 10 Q. Okay. So when you say that  
 11 Vote.org, you know, rolled it out because that  
 12 was their opinion. Right? I mean that was --  
 13 that was Vote.org's view on the law was that  
 14 you did not have to sign a copy to mail in,  
 15 correct?  
 16 A. I think we conferred with our  
 17 counsel, you know, I think our general  
 18 counsel, our outside counsel and I think that  
 19 we felt like we were doing everything we could  
 20 be to be in partnership and be compliant. And  
 21 again, it's not that -- we're a tech forward  
 22 organization so we normally wouldn't be, you  
 23 know, like on the ground.  
 24 We spent time on the ground talking  
 25 to election administrators trying to make sure

137

1 compliance program? I mean Vote.org's aware  
 2 that many of -- I mean in your complaint, say  
 3 it's a cumbersome process, would it not make  
 4 sense for the organization to get coverage,  
 5 getting some kind of an opinion on -- on that  
 6 compliance when you -- when you knew that you  
 7 were talking to other counties where there was  
 8 a dispute about whether this could be  
 9 implemented or not.  
 10 A. Yeah, I mean we sought legal  
 11 counsel. I normally -- we normally wouldn't,  
 12 you know, spend -- I think that the confusion  
 13 on the ground, make sure that sought counsel  
 14 so that we can understand the exact, you know,  
 15 letter of the law. Which also, by the way,  
 16 takes time, energy, resources and costs money  
 17 for the organization, so --  
 18 Q. Sure. I can appreciate that. I'll  
 19 go ahead and move on to the next topic because  
 20 I do want to revisit that and we'll see if you  
 21 can find out any more information later in the  
 22 day. In  
 Paragraph 20, whi  
 23  
 24 specific programs in other states that this  
 paragraph refers to?  
 25  
 A. Well, I mean, again, it's hard, and

138

1 I know it's my job to effectively communicate  
 2 this, but any time multiple members of  
 3 Vote.org, which has a tiny team, we scale the  
 4 technology so that's why our technology is  
 5 big, but we are tiny. Any time that we are  
 6 spending, you know, trying to -- trying to  
 7 help voters of Texas navigate this environment  
 8 is the time that we're not spending in one of  
 9 the other, you know, 49 states.  
 10 I think that like Texas takes up  
 11 probably a disproportionate amount of time  
 12 because when things like this new law passed,  
 13 now our team's job is to do things like that,  
 14 you know, work with other platforms like  
 15 Nextdoor another places like I described  
 16 before to kind of try to come up with  
 17 innovative ways to continue to get voters to  
 18 be able to access the process in the most  
 19 streamlined way possible.  
 20 So it just -- yeah, I would say that  
 21 this -- it takes -- that takes time, energy  
 22 and resources that we're not spending  
 23 somewhere else. I think th --  
 24 Q. Okay. So there's no other specific  
 25 programs in other states that you can

140

1 here we have to continuously have -- I mean  
 2 here it doesn't seem like the perspective is  
 3 like how do we build a system that gets the  
 4 highest number of eligible voters to  
 5 participate, like how do we get people through  
 6 that.  
 7 Here it feels like we're kind of  
 8 playing a game of inches going back and forth  
 9 on -- on, you know, whether an image --  
 10 whether and image is acceptable or -- or not  
 11 because ultimately at the end of the day this  
 12 argument seems to be about whether or not you  
 13 want the majority of voters to be able to  
 14 participate or not. So, yeah, I mean it does  
 15 take away from all of those other programs.  
 16 They're -- they're -- I'd love to be  
 17 able to think about, you know, how to scale  
 18 programs in -- in states that are really  
 19 excited about voter participation. Here we're  
 20 really spending a lot of time trying to -- to  
 21 put the voter first and think about, okay, how  
 22 do they navigate this entire process. Whether  
 23 it's having to like fax and mail something in,  
 24 or whether it's, you know, them having to --  
 25 like what is -- like going through an

139

1 identify?  
 2 A. We have tons of --  
 3 Q. I'm just using the words that are in  
 4 your complaint, so.  
 5 A. I mean I could go through all of our  
 6 pro -- all of our programs in other states and  
 7 kind of what we do. We have everything from  
 8 HBCU programs to college programs to youth  
 9 influencer programs to election day as a  
 10 holiday, organizing companies, you know, to  
 11 get involved in giving, you know, time off to  
 12 vote and considering it a holiday.  
 13 We have, you know, work loads that  
 14 we're building for every single state. We  
 15 have technology that we're developing for  
 16 every single state and for, you know, to make  
 17 sure that voters can have a streamlined  
 18 process in other states. And there's one  
 19 state that continuously draws us back to not  
 20 being able to do some of that other innovative  
 21 work, and that's, you know, unfortunately the  
 22 state of Texas.  
 23 So we know that there are solutions  
 24 that can get voters through -- through the  
 25 process in an easier manner, but it seems like

141

1 individual voter's experience and taking it  
 2 all the way through to them making it to the  
 3 ballot box, what is the thing that will make  
 4 this process the most, you know, accessible to  
 5 them. And, yeah, that's something we're  
 6 constantly having to rethink in Texas.  
 7 MR. SCANLON: So I'll object, non-  
 8 responsive.  
 9 BY MR. SCANLON:  
 10 Q. You did provide, you know, some  
 11 specific examples of programs that you at  
 12 Vote.org does, and do you do those programs in  
 13 every state that you operate in?  
 14 A. We run different kinds of programs  
 15 in different states. So for instance like our  
 16 HBCU program there, you know, states that have  
 17 higher numbers of HBCUs then other states. So  
 18 we work wherever, you know, we think we can  
 19 create a program that will then go back to  
 20 like our mission of -- of working with young  
 21 people, working with communities of color,  
 22 strengthening US democracy through the ability  
 23 of like, you know, stream -- streamlining the  
 24 experience for political engagement.  
 25 So that's -- so we don't run -- the

142	<p>1 answer to your question is that we run  2 different programs in different states  3 depending on what's most effective in a  4 specific state.  5 Q. Okay. I'm going to go ahead and  6 take this exhibit down. Moving on to Topic 6,  7 we asked for some information about the  8 agreement you had with your attorney. And  9 again, I don't want to get into any kind of  10 privileged communications or anything like  11 that, we just want to get an idea for what the  12 fee arrangement is, and have you paid any fees  13 to your lawyers as of this date?  14 A. Well, do you mean the lawyers that  15 we had in --  16 Q. Just for this lawsuit.  17 A. No, we have not paid attorneys fees  18 yet.  19 Q. Okay. Are you planning on paying  20 fees in the future?  21 A. Well, attorneys fees are part of  22 what we're seeking here in our lawsuit.  23 Q. Okay. Does Vote.org get any  24 invoices for legal services provide in this  25 lawsuit?</p>	144
143	<p>1 A. We did not receive any invoices.  2 Q. Okay. Do you anticipate that you  3 will at a future date?  4 A. I hope to win a lawsuit.  5 Q. Sure. I'm just trying to get an  6 idea for maybe the amount of fees that you  7 might anticipate seeking in this lawsuit.  8 A. No, I anticipate -- honestly, I  9 anticipate winning this lawsuit because I  10 can't imagine -- I anticipate winning the  11 lawsuit, I anticipate attorney's fees being  12 paid through the lawsuit, and that's where my  13 expectation -- that's my hope here.  14 Q. Okay. I understand, as is every  15 litigant's hope. I'm just asking if you  16 know -- if you know at this time about a  17 dollar amount of what that would be.  18 A. I don't know off the top of my head  19 what -- what that would be.  20 Q. Okay. That's fine. It's just  21 something we kind of include in every  22 deposition.  23 A. That's a good point.  24 Q. I'll go to Topic 7 now which deals  25 with communications with outside entities</p>	145

146

1 A. I don't -- I haven't gone through  
 2 all her personal, you know, it looks like  
 3 she's got like 7 -- 479 followers on that and  
 4 -- and I'm not one of them. So I haven't gone  
 5 through her, you know, any of her personal  
 6 stuff or posts or anything like that so I  
 7 don't really know about her Medium -- her  
 8 Medium --  
 9 Q. Okay. Let me back up actually.  
 10 What -- can you tell me what happened, because  
 11 you said she was the former CEO but then you  
 12 became the CEO, can you tell me what happened  
 13 that caused that transition?  
 14 A. I mean I think that that's pretty  
 15 far from --  
 16 MR. NKWONTA: Object as outside the  
 17 scope of the notice. You may answer it.  
 18 THE WITNESS: Yeah, I think that's  
 19 pretty far from our wet signature rule  
 20 conversation. But, yeah, Debra Cleaver was  
 21 fired from Vote.org.  
 22 BY MR. SCANLON:  
 23 Q. Can you tell me why?  
 24 MR. NKWONTA: Object as outside the  
 25 scope of the notice, and it's -- if we keep

148

1 A. There wasn't any disagreement.  
 2 MR. NKWONTA: I'll object again as  
 3 outside the scope, and it's harassing. So  
 4 I'll instruct the witness not to answer. If  
 5 you want to ask a question that's specifically  
 6 related to the wet signature rule, I'll allow  
 7 that.  
 8 MR. SCANLON: Okay. We're going to  
 9 certify this question as well, and I just want  
 10 to make a note that the witness has been  
 11 instructed not to answer.  
 12 BY MR. SCANLON:  
 13 Q. Ms. Hailey, are you following your  
 14 counsel's advice not to answer the question?  
 15 A. Yes.  
 16 Q. And you understand that if we have  
 17 to go to a judge and get a ruling on this  
 18 issue, that you could be required to appear  
 19 for a deposition again?  
 20 A. Sure.  
 21 Q. Okay. So without us, you know,  
 22 going into depth on this article, I do have  
 23 some questions I want to ask on it. There's a  
 24 portion in here that says, Vote.org consulted  
 25 with county clerks. Let me see if I can find

147

1 going down this road, I'll instruct the  
 2 witness not to answer.  
 3 THE WITNESS: Yeah, I mean -- I like  
 4 -- it's your deposition, but it's about the  
 5 wet signature rule, so I, you know, discussing  
 6 the former CEO's employment -- like employment  
 7 law and the former CEO is not something I'd  
 8 like to do.  
 9 BY MR. SCANLON:  
 10 Q. Well, she was involved in the  
 11 efforts in Texas to get the -- the web app  
 12 going in 2018, wasn't she?  
 13 A. I think it was mostly driven by  
 14 Sarah Jackel, our general counsel, and Raven  
 15 Brooks, our Chief Operating Officer. But I'm  
 16 interested to read this article, if we --  
 17 Q. Well, I am taking a lot more time  
 18 than I anticipated, so I'm going to have to  
 19 start moving a little bit more quickly, Ms.  
 20 Hailey. I apologize for that. You're welcome  
 21 to read it when you like off the record. I  
 22 just want to know about what happened with the  
 23 transition because it seems like if there was  
 24 disagreement at that time, we're entitled to  
 25 ask about that.

149

1 that. Yes, so in this third paragraph on the  
 2 third page it says, "We rolled out this  
 3 upgrade in four counties." "Before turning on  
 4 the upgrade, our General Counsel and our COO  
 5 met with each of the county clerks in person  
 6 and let me them know to expect a large number  
 7 of faxed forms with hard copies following  
 8 within four business days. The tool has been  
 9 used 2400 times since launch." Did I read  
 10 that correctly?  
 11 A. That's correct.  
 12 Q. So they -- they met with county  
 13 clerks, correct?  
 14 A. Yes.  
 15 Q. Are you aware that in Texas, the  
 16 county clerk doesn't have any involvement with  
 17 election issues?  
 18 A. No. But, I mean, I think that Sarah  
 19 -- so I think what Debra writes, "We should be  
 20 really careful," obviously Sarah's -- I mean,  
 21 Debra's not an attorney. That's the reason  
 22 why we had, you know, Sarah Jackel and Raven  
 23 Brooks, you know, leading this work so I want  
 24 to go back to see exactly who they spoke with  
 25 because, as I said before, Debra's writing for

<p style="text-align: right;">150</p> <p>1 an audience that certainly isn't like a legal  2 audience. She's -- she's writing to try to  3 get attention around the program. So that I'd  4 want to like clarify, you know, exactly --  5 exactly what office somebody went to.  6 Q. Okay. I appreciate that. And, I  7 mean, in this article though, she was speaking  8 for Vote.org, right, when she's saying, you  9 know, "We" -- she says --  10 A. Well --  11 Q. -- "Vote.org ruled out the biggest  12 upgrade."  13 A. Well, what she --  14 Q. Is it your position she was only  15 speaking for herself?  16 A. I don't know. Again like I -- this  17 is -- I don't know about Debra's Medium  18 account, but if it's Debra's Medium account,  19 then that's probably -- that's her. Vote.org  20 has a Medium account so, you know, that --  21 that's my -- that's my guess here that this is  22 her, you know, this is Debra speaking as  23 herself versus using Vote.org's official  24 account so -- but again I wasn't aware she had  25 a Medium account.</p>	<p style="text-align: right;">152</p> <p>1 Q. Okay.  2 MR. SCANLON: I will ask for that  3 information later and we can get it after --  4 (Simultaneous speakers.)  5 MR. NKWONTA: -- after the  6 deposition.  7 MR. SCANLON: Okay. We'll do that.  8 THE REPORTER: I'm sorry, can you  9 repeat that? I did not get that last  10 statement from opposing counsel.  11 MR. NKWONTA: So are you asking me?  12 I said we -- I don't remember exactly what I  13 said, but I'll repeat my point. Mr. Scanlon  14 can -- can asked about -- for that  15 information. He can submit a formal request  16 and we will consider it and respond  17 accordingly.  18 MR. SCANLON: Yeah, I mean, we want  19 to make sure we make this request for the  20 record that we are formally requesting Debra  21 Cleaver's contact information from the  22 corporate representative for Vote.org. She  23 was a CEO of Vote.org at a critical time in  24 this lawsuit that is mentioned throughout the  25 Complaint and --</p>
<p style="text-align: right;">151</p> <p>1 Q. Has Ms. Cleaver been designated as a  2 person with relevant knowledge in this case?  3 A. Is that a question for me? Well, as  4 CEO, I've been designated as the person to  5 speak for Vote.org.  6 Q. Has Debra Cleaver been designated as  7 one of the witnesses in this case?  8 A. I don't know. I don't think so, no.  9 Q. Okay. Do you have contact  10 information for Debra Cleaver?  11 A. No, but I think the person -- the  12 people who led this effort, as Debra says  13 here, are Raven Brooks and Sarah Jackal so I -  14 - I find those two to be the strongest -- the  15 strongest people to tell you about any  16 conversations that happened when they went to  17 Texas, how they put together the program, what  18 they were interested in, you know, how they  19 were -- how they're building things out.  20 Those are the two strongest people with the  21 most information.  22 Q. Okay. Do you have Debra Cleaver's  23 contact information?  24 A. I do not but, you know, I'm sure we  25 can find it.</p>	<p style="text-align: right;">153</p> <p>1 MR. NKWONTA: Pursuant to what rule  2 are you requesting that information?  3 MR. SCANLON: This is -- needs to be  4 included in your request for disclosure so  5 under Rule 26.  6 MR. NKWONTA: Specifically, what  7 rule exactly?  8 MR. SCANLON: Rule 26, Rule 26(a).  9 So --  10 MR. NKWONTA: Which provision, 26(a)  11 what?  12 MR. SCANLON: Initial disclosures,  13 Rule 26(a). I don't have the rule book --  14 MR. NKWONTA: Right.  15 MR. SCANLON: -- in front of me  16 right now.  17 MR. NKWONTA: Because I'm not seeing  18 the actual rule that you're referring -- and  19 we can discuss this at another time. Continue  20 with the deposition.  21 MR. SCANLON: We need to do this on  22 the record.  23 MR. STONE: We're not going to  24 discuss it at another time, we're going to  25 discuss it right now.</p>

154

1 MR. NKWONTA: Okay. Then let's  
 2 discuss it right now.  
 3 So what is your justification for  
 4 making this request, under what -- under what  
 5 rule? Referring to specific language.  
 6 MR. SCANLON: I think we can take  
 7 care of this just -- if you have the contact  
 8 information for Ms. Cleaver and if you can  
 9 give that to us after lunch.  
 10 MR. NKWONTA: Well, I asked for a  
 11 formal question and your colleague said that  
 12 we're going to discuss it right now so let's  
 13 do that.  
 14 MR. STONE: Yeah, I mean, I'm happy  
 15 to. It's FRCP Rule 26(a)(1)(A)(i): "The name  
 16 and, if known, the address and telephone  
 17 number of each individual likely to have  
 18 discoverable information."  
 19 MR. NKWONTA: Finish the rest of the  
 20 sentence.  
 21 MR. STONE: "Along with the subjects  
 22 of that information, the disclosing party may  
 23 use to support its claims or defenses, unless  
 24 the use would be solely for impeachment."  
 25 MR. NKWONTA: Right. So the way I

156

1 understand Johnathan's concern --  
 2 MR. NKWONTA: Actually, we're going  
 3 ans -- we're going to ans -- so those  
 4 questions -- I understand your point. Those  
 5 questions -- that we've been keeping track of  
 6 them and we're going to try to -- we haven't  
 7 had a break long enough to actually try to run  
 8 this down. As -- as you know, we've like  
 9 five-minute, 10-minute breaks. We're not  
 10 stonewalling you on that.  
 11 If there's something that you think  
 12 we're required to provide to you under the  
 13 Rules, we're happy to go back and do what we -  
 14 - we need to do to get that information. So  
 15 that's why when you're asking for this contact  
 16 information on the spot, I'm asking you, you  
 17 know, it is something that -- that you're  
 18 saying we should have disclosed under a rule?  
 19 If it's not, then you're going to have to make  
 20 a request and we're going to have to consider  
 21 it.  
 22 MR. SCANLON: Okay.  
 23 MR. NKWONTA: But the Secretary of  
 24 State stuff, we're going to deal with and  
 25 we're going to try to handle that and get that

155

1 read that is you may have a right to that  
 2 information if we are going to use it for our  
 3 case, but if we are not, I don't understand  
 4 your position. And for the record, we don't  
 5 intend to use Ms. Cleaver to support any of  
 6 our claims in this case.  
 7 MR. SCANLON: Okay. I mean, we  
 8 still just want to have her contact  
 9 information. I think we can get that from  
 10 you, right? I mean --  
 11 MR. NKWONTA: I'm just asking just  
 12 send us a formal notice after. We'll consider  
 13 it and we'll respond. I'm not -- I'm not --  
 14 I'm not trying to be difficult. I just want -  
 15 - want a formal notice so that we're not  
 16 making these -- having these discussions in  
 17 the middle of a deposition.  
 18 MR. SCANLON: Well, I think the  
 19 worry is that, you know, we're going to get  
 20 stonewalled again like we have throughout the  
 21 entire course of this litigation with, you  
 22 know, not getting documents, not getting  
 23 answers to whether Vote.org even talked to the  
 24 Secretary of State. I mean, that's the way  
 25 that this litigation has been going. So I

157

1 information to you.  
 2 MR. SCANLON: Okay. I appreciate  
 3 that. I think we should probably just move  
 4 along for right now.  
 5 BY MR. SCANLON:  
 6 Q. I saw you laughing there, Mr. Hailey  
 7 [sic]. Is this funny to you?  
 8 A. Ms. Hailey but, no, it's not funny  
 9 to me. It's just, you know, kind of a nervous  
 10 reaction to everybody getting upset and  
 11 somebody chiming in and getting mad and so  
 12 that's a little bit of a nervous reaction.  
 13 Q. Okay. I'll take no offense to that  
 14 then.  
 15 When you were coordinating with the  
 16 counties on the rollout of the web app, were  
 17 there any letters -- formal letters from the  
 18 county exchanged or anything like that to  
 19 Vote.org?  
 20 A. Any formal letters that the county  
 21 exchanged?  
 22 Q. Yes.  
 23 A. I believe there were -- I believe  
 24 there were some emails that went back and  
 25 forth like, you know, with any new technology,

<p style="text-align: right;">158</p> <p>1 there's a little bit of a -- I think right at  2 the beginning and maybe like the first day of  3 rollout, there was a glitch I think that got  4 fixed or solved pretty quickly so there was  5 some communication to make sure the whole  6 process was running smoothly. And, yeah, I do  7 think that there's some emails that went back  8 and forth.  9 Q. Okay. Have those emails been  10 provided in this case yet?  11 A. Uh-huh, yeah.  12 Q. Okay. Do you know if Debra Cleaver  13 has written any other articles on this topic?  14 A. I don't think so. I mean, it was  15 2018 so I think that probably, you know, just  16 -- just in 2018. Right now it's kind of not a  17 topic because the tool shut off.  18 Q. Okay. So you understand -- I know  19 we kind of talked about how your stance was  20 that a copy doesn't require a wet signature,  21 right?  22 A. Yeah.  23 Q. But you understand that the law now  24 that's been amended does require a wet ink  25 signature for all intents and purposes?</p>	<p style="text-align: right;">160</p> <p>1 candidly don't know if that was produced so  2 I'm just asking on the record if, you know,  3 either you or somebody else with Vote.org went  4 back to look for this information from public  5 blog posts that are responsive to our request  6 regarding HB 3107.  7 A. You're asking about if -- if when HB  8 3107 was passed, did we -- did we like a  9 statement on a Medium post or something like  10 that?  11 Q. Well, not just when it was posted,  12 but anything addressing the wet signature rule  13 in Texas that -- either before or after HB  14 3107 was passed.  15 A. Yeah, we produced every conversation  16 we've had about HB 3107 and any email or any -  17 - anything like, you know, I don't think that,  18 you know, I don't know that it -- like when  19 you think about a blog post or something like  20 that, I don't know that every voter  21 understands the difference between the wet,  22 you know, what the wet signature rule is or  23 something like that so I wouldn't necessarily  24 -- I'm not sure it makes for like great public  25 comms., but I do think, you know, but we did</p>
<p style="text-align: right;">159</p> <p>1 A. Yes. Yeah.  2 Q. For the copy? Okay.  3 A. I think that's why it was amended,  4 right?  5 Q. I couldn't tell you that  6 necessarily. I mean, it was amended. But I  7 guess what I'm trying to get at -- well, let  8 me back up.  9 So with this Medium article, you  10 said Vote.org has an account on here, correct?  11 A. Yeah, Vote.org has its own Medium  12 account.  13 Q. And did Vote.org make any posts on  14 the Medium account regarding HB 3107?  15 A. Well, quite frankly, we're pretty  16 understaffed so I haven't really made good use  17 of the account. I think probably just maybe a  18 post in my tenure as CEO because, to be  19 honest, we just don't have a big enough team  20 and my time -- I can't -- I don't have a lot  21 of time to spend writing unfortunately.  22 Q. Okay. And that's -- that's  23 understandable. It's just that we -- I think  24 we asked for information like public  25 statements that Vote.org has given. I have --</p>	<p style="text-align: right;">161</p> <p>1 provide everything that we have said.  2 Q. Okay. In the public, you know, like  3 forum whether it's blog posts or op-ed pieces  4 similar to this?  5 A. Yeah. To be quite frank -- like  6 straightforward with you, again we're -- we're  7 a pretty small organization and if I had more  8 time or more comms. support, I would, you  9 know, I would have more things to say or  10 issue. But as it is, our --  11 Q. Okay. And, I'm sorry, that -- I  12 mean, that's fair. That's not necessarily my  13 question.  14 A. Okay.  15 Q. I'm just wanting to know about the  16 statements that have already been made, you  17 know, what's out there as far as what Vote.org  18 -- Vote.org has put in the public sphere.  19 A. Yeah, you have everything we put in  20 the public sphere. And I don't think that  21 we've put anything in the public sphere that  22 we wouldn't have, you know, produced.  23 Q. Okay. Going to topic 9, which is  24 related to Vote.org's activities relating to  25 voter registration, get-out-the-vote efforts,</p>

162

1 election administration in Texas, policies,  
 2 protocols, practices, memoranda, or training  
 3 or guidance materials created and/or  
 4 implemented in connection with these  
 5 activities, we've -- we've talked about many  
 6 of these already.  
 7 Are we -- we're currently in the  
 8 2022 election cycle, correct?  
 9 A. Correct.  
 10 Q. Is Vote.org engaged in efforts  
 11 related to voter registration in Texas for  
 12 your get-out-the-vote activities for this  
 13 cycle?  
 14 A. We have two things at Vote.org and  
 15 I'm trying to get to the heart as quickly as  
 16 possible of what you're -- what you're asking  
 17 me for here. We have a platform and then we  
 18 have kind of our get-out-the-vote operations  
 19 and so sometimes those things overlap and  
 20 sometimes those things are -- are -- are  
 21 different.  
 22 So your question was like are we  
 23 currently planning to do work in general in  
 24 Texas?  
 25 Q. Yes.

164

1 and mail where somebody could have their, you  
 2 know, a form printed out and sent to them, but  
 3 we currently don't have the resourcing for the  
 4 midterm election cycle.  
 5 Q. Okay. So there's no mail, I guess,  
 6 campaign right now for voters in Texas through  
 7 Vote.org?  
 8 A. No. I mean, that -- it just -- it  
 9 costs -- that we just haven't -- but I can't,  
 10 you know, I can't say that that doesn't mean  
 11 that the cycle -- we wouldn't participate. A  
 12 good chunk of our, you know, budgets come in  
 13 later in the election cycle than I would like.  
 14 Q. Okay. And besides registration,  
 15 does Vote.org have any activities either  
 16 ongoing right now or planned for the 2022  
 17 election cycle in Texas?  
 18 A. Same sort of answer there. Yeah,  
 19 there are things that we'd like to be able to  
 20 do. We'd like to be able to do PSAs about  
 21 voting, telling people when the election is,  
 22 you know, billboards with the election date on  
 23 it, really marketing the idea of voting and  
 24 participation in general and we'd love to be  
 25 able to do, you know, those things in Texas.

163

1 A. Yeah.  
 2 Q. For this cycle.  
 3 A. For this cycle, we have a platform  
 4 that's available. Any Texan can come to the  
 5 site like right now. You could go to the site  
 6 and initiate your -- your voter registration  
 7 process. And then outside of that, we have  
 8 our election reminders, which are part of our  
 9 get-out-the-vote where we'll, you know, send  
 10 people reminders and tell them that the  
 11 election is coming. And, of course, we  
 12 provide information on the site that sh --  
 13 that tells people, you know, what they need to  
 14 participate in elections so people can go to  
 15 the site and read that and have, you know, the  
 16 rules for every state. So that will continue  
 17 in Texas and in all 50 states for this  
 18 election cycle.  
 19 Q. Are you doing any mail out of  
 20 applications to help people to register  
 21 through the mail?  
 22 A. We currently don't have the, you  
 23 know -- I would -- I would like to. I think  
 24 that if we have, you know, resourcing  
 25 available, we could, you know, do our print

165

1 Again a lot of that is, you know, is budget  
 2 dependent and so, you know, I'll know -- I'll  
 3 know soon hopefully how, you know, what kind  
 4 of programs we'll be able to run. We also,  
 5 you know, have our campus and youth programs  
 6 and digital integration with like different  
 7 companies or partners. We do have Texas  
 8 companies as the partner in our election-day-  
 9 off program to give time off so that people  
 10 can vote, things like that. So we'll keep  
 11 that in the background and -- going and then  
 12 I'll -- I'll have more specifics about what  
 13 this election cycle would look like probably  
 14 closer to the election itself.  
 15 Q. Okay. Just want to finish with this  
 16 topic real quick and then we can break for  
 17 lunch. I know we're a little bit past what we  
 18 said.  
 19 But has Vote.org done any outreach -  
 20 - I mean, you mentioned PSAs -- during this  
 21 cycle to educate voters on HB 3107  
 22 specifically?  
 23 A. No, we haven't done any, you know,  
 24 PSAs or anything like that. I mean, for us,  
 25 the -- the way to make it the easiest, I

<p style="text-align: right;">166</p> <p>1 think, for the voters is to keep the tool shut  2 off so then they don't have to worry about the  3 difference between, you know, a copy or an  4 original or wet signature or this or that so  5 we kind of just take them through the process.  6 I think the point is to try to make it so they  7 don't have to know all, you know, all of the  8 details. I'm trying to think if we, you know,  9 sent out an email to voters in Texas. I can  10 take a look to see if there have been any, you  11 know, emails. Sometimes when -- especially in  12 an environment like the last couple of year  13 we're in the middle of a pandemic and other  14 things, as things change or rules change or  15 the 400 voter suppression bills that we saw  16 crisscross the nation, we will sometimes let  17 our users know if, you know, something has  18 changed. If we can, we try to change it  19 through the workflow, but if there are things  20 that are really substantial differences in  21 their voting experience, sometimes we also  22 send out emails. So I can -- I can go back  23 and look to see if we sent an email.  24 Q. Okay. That's -- that's okay, I  25 think.</p>	<p style="text-align: right;">168</p> <p>1 across several states have been rapidly  2 changing in places so we do some voter  3 education work at times around that depending  4 on, you know, what's needed. But if we can  5 handle things on the, you know, workflow front  6 so that voters can just have a streamlined  7 process, we do that. But our PSAs are  8 normally like, you know, like radio and TV  9 PSAs that would be like "Go out and vote in  10 November," like "Get excited." It's usually  11 trying to create excitement marketing buy-in  12 for the idea of voting, not specific  13 necessarily to, you know --  14 Q. The steps.  15 A. Yeah.  16 Q. Sorry. Yeah. Okay. Does Vote.org  17 have, I guess, a direct assist operation with  18 voters outside of using the web app?  19 A. When you say, "Direct assist," you  20 mean -- what does that mean?  21 Q. Do they ever do like in-person, you  22 know, voting registration stands that kind of  23 thing or, you know, out in like an area with  24 high foot traffic?  25 A. We're really a tech -- a tech-</p>
<p style="text-align: right;">167</p> <p>1 We said that -- I guess you didn't  2 want to like give too much detailed  3 information on the wet signature rule so you  4 haven't really done, I guess, PSAs that are  5 geared around what a person needs to do to  6 comply with that and that would kind of make  7 sense because you have to utilize a fax  8 machine, right?  9 A. Can you ask your question again?  10 I'm sorry.  11 Q. Yeah. So I'm just -- I'm just  12 making sure I understood what you had  13 testified to earlier because you talked about  14 PSAs -- and I'm sorry if I'm asking the same  15 question again, but doing the PSAs or the  16 public, you know, notifications to the general  17 public about the wet signature rule or HB 3107  18 and what its effects have been, I guess I was  19 wondering if Vote.org is doing anything like  20 that in the current election cycle.  21 A. We usually -- when we do PSAs, it's  22 usually telling people like the election date  23 and go out and vote. It's usually in our like  24 get-out-the-vote portion of things. I think  25 that -- and, you know, again like things</p>	<p style="text-align: right;">169</p> <p>1 forward company so --  2 Q. Right.  3 A. And again like very few staff so we  4 don't have the, you know, capacity to kind of  5 be like, full boots on the ground, you know,  6 kind of entity, but what we do is just provide  7 the technology and tools that people need to  8 be able to, you know, participate. But, yeah,  9 there's -- we're -- we're a pretty tiny staff  10 so we're not -- we don't have some on the  11 ground operation. I'm trying to think if  12 we've ever put a person on the -- it would be  13 really -- a really rare thing for Vote.org, we  14 -- we -- anywhere in the nation to do that.  15 We just provide the tools.  16 Q. Okay.  17 MR. SCANLON: I think with that,  18 let's go ahead and break for lunch. I  19 apologize. I know you all are almost at 2:00  20 p.m. on the East Coast.  21 Would we want to maybe take a longer  22 lunch break to kind of facilitate maybe  23 collecting some information or how would you  24 all like to handle that?  25 Oh, I'm sorry, do we need to go off</p>

170

1 the record?

2 THE WITNESS: Oh, yeah.

3 THE REPORTER: We can do so. We're

4 off the record. The time is 12:50 p.m.

5 (Recess taken.)

6 THE REPORTER: We're back on the

7 record. The time is 12:52 p.m.

8 MR. SCANLON: So we had a brief

9 conversation off the record about what

10 questions we would like to have answered

11 possibly when we come back from the break.

12 Earlier in this deposition, I requested

13 information on whether the notation at the top

14 of Exhibit 25, which was a notation that said

15 it was a fax transmiss -- transmission,

16 whether that was put on there by Vote.org or

17 whether that was done by one of the vendors

18 that Vote.org utilizes with the web app.

19 The other thing I really wanted to

20 follow up on was whether anyone with Vote.org

21 contacted anybody from the Secretary of

22 State's Office prior to the rollout of the web

23 app in the counties that are parties to this

24 lawsuit.

25 We also asked a question about the

172

1 down almost all of those with the exception of

2 the county offices or all the county offices

3 that Vote.org spoke to. We will stand on our

4 objection to topic 11 and we will present a

5 witness to talk about communications with

6 defendant officials and intervenor defendants.

7 And then as for Debra Cleaver, we've

8 already discussed that. I'm not giving a

9 final official answer now, but we will request

10 that you send us a formal request because it's

11 not one of the topics.

12 MR. SCANLON: Can you tell me what

13 the objection was to Topic 11 again?

14 MR. NKWONTA: The objection was that

15 it was overly broad, included information that

16 was not related to any claim or defense

17 because we are suing the specific counties in

18 this case and not reasonably limited in time

19 and scope.

20 And we agreed to designate witnesses

21 that -- or a witness that would provide

22 testimony regarding communications with the

23 election officials that are named as

24 defendants or with the intervenors since

25 they're now part of case -- the intervenor

171

1 oath that appears on a standard voter

2 registration form and whether any language

3 like that is included with the web app when

4 the person signs up for it with the

5 understanding that that may require going

6 into, you know, prior versions of the website

7 because the website no longer has the e-

8 signature tool.

9 I also want to know all of the

10 county officials that were contacted regarding

11 the rollout of the web app, which county

12 offices those contacts were made through

13 because there was some confusion about whether

14 this was the County Clerk's Office or, you

15 know, the office that is in charge of voter

16 registration, whatever the name of that office

17 would be.

18 We also are requesting the contact

19 information for Debra Cleaver of Vote.org.

20 And I think that's all for right

21 now, but there may be more that arise in the

22 afternoon's questioning.

23 MR. NKWONTA: And for the sake of

24 clarity to make sure we're on the same page

25 what our objections are, I believe we can run

173

1 counties that are --

2 And that was in our original

3 objection and I think that was in our -- our

4 supplemental response to your revised 30(b)(6)

5 notice.

6 MR. SCANLON: Okay. And just as a

7 head's up, we may seek to contact Judge

8 Bemporad just to get a ruling on that

9 objection in order to get answers to that

10 question. His local policies say that he can

11 be contacted during a deposition if -- if his

12 attention is required on a deposition, but we

13 can discuss the particulars of that later.

14 MR. NKWONTA: Fair enough. And

15 understand that the objection to topic No. 11

16 is not an instruction not to answer. It's --

17 it's a -- it's an instruction to answer to the

18 extent that she knows. The objection is that

19 she shouldn't be required to -- to gather

20 information and answer on behalf of Vote.org

21 about every communication with every county in

22 Texas, so that's the limitation. But you can

23 still ask her and she can still answer based

24 on what she knows.

25 MR. SCANLON: Okay.

174

1 MR. NKWONTA: So that's my  
 2 instruction to answer.  
 3 MR. SCANLON: Thank you for  
 4 clarifying that. I appreciate it. I think  
 5 that should be it for now if we're ready to go  
 6 back off the record.  
 7 THE REPORTER: We're going off the  
 8 record. The time is 12:57 p.m.  
 9 (Recess taken.)  
 10 THE REPORTER: We are back on the  
 11 record. The time is 2:02 p.m.  
 12 MR. SCANLON: Hello, Ms. Hailey.  
 13 BY MR. SCANLON:  
 14 Q. Over the break, we had asked I guess  
 15 you to kind of see if you could get some  
 16 response to some of the questions we asked  
 17 earlier. Were you able to track the  
 18 information down?  
 19 A. Yes.  
 20 Q. Okay. I'll go ahead and start with  
 21 our question about -- just a second here.  
 22 Okay. Exhibit -- the question I had about  
 23 Exhibit 25, which was a copy of the fax. I'll  
 24 go ahead and screen share Exhibit 25 right  
 25 now.

176

1 -- when they go through the e-sign process.  
 2 Q. Okay.  
 3 A. I can add even more clarity to that  
 4 down the road.  
 5 Q. Okay. Does the user see a picture  
 6 of what this will look like before they -- the  
 7 -- the -- the full application before they  
 8 send the e-signature application?  
 9 A. Yes.  
 10 Q. Okay. And how does that happen, is  
 11 that with a popup?  
 12 A. Not a -- not a popup I don't think.  
 13 I think they can -- it takes you -- I think  
 14 there's a button that would take you to, you  
 15 know, review your application so that's --  
 16 that's probably how they see it. And I can  
 17 talk to our engineer to get like a line by  
 18 line on how they see it.  
 19 Q. Okay. Is that who you talked to  
 20 during the break, your engineer?  
 21 A. Yes.  
 22 Q. And what is his name?  
 23 A. Jake --  
 24 Q. Or -- I'm sorry, it could be --  
 25 could be her. I don't think you specified

175

1 Were you able to tell whether this  
 2 notation at the top of this form was applied  
 3 by Vote.org or one of the entities that it  
 4 contracted with to do the e-sign app?  
 5 A. Yes. It was applied by Vote.org.  
 6 It's in the code.  
 7 Q. Okay.  
 8 A. And a voter can see -- see that  
 9 before they -- before they send. So when they  
 10 see the registration application, they see  
 11 that at the top.  
 12 Q. So they see this basically before  
 13 they send or they just see the notation at the  
 14 top?  
 15 A. I believe they can see -- the -- the  
 16 portion you're talking about that's affixed to  
 17 the form, I believe they can see that.  
 18 Q. Okay. So the part where it says,  
 19 "Application previously submitted by fax at 22  
 20 Sep 2018 16:24 CDT," when do they -- when does  
 21 the user see that in the process that we  
 22 discussed earlier?  
 23 A. I'd have to -- I'd have to go back  
 24 again, but I know that that's put on there by  
 25 Vote.org and that the user sees that at -- at

177

1 gender. I'm sorry, being a sexist again.  
 2 A. Jake Levine.  
 3 Q. Jake Levine. Okay. So we talked  
 4 about the fax notation.  
 5 We also wanted to follow up on who,  
 6 if anybody, at the Texas Secretary of State's  
 7 Office was contacted by Vote.org prior to the  
 8 launch of the web app?  
 9 A. No one was contacted prior to the  
 10 launch of the web app. They went to counties  
 11 and talked to different counties before the  
 12 launch of the web app.  
 13 Q. Okay. And do you know, are there  
 14 any counties that were contacted other than  
 15 the counties that are named parties to this  
 16 lawsuit?  
 17 A. Yes.  
 18 MR. NKWONTA: Objection. Beyond of  
 19 scope of topic 11, but you may answer to the  
 20 extent that you know, Andrea.  
 21 THE WITNESS: Yes, there are other  
 22 counties. This is, you know, the counties  
 23 that are -- that ran the pilot are the  
 24 counties in the lawsuit, but there were other  
 25 counties contacted that -- that Sarah, you

178

1 know, went to -- to have conversations about  
 2 running the pilot.  
 3 BY MR. SCANLON:  
 4 Q. And can you specify which other  
 5 counties other than the ones that are parties  
 6 to this suit who were contacted?  
 7 MR. NKWONTA: Same objection.  
 8 THE WITNESS: Yeah, I don't know all  
 9 the counties off the top of my head because  
 10 you have a lot of counties in Texas, but I  
 11 know that, you know, for a pilot, our goal  
 12 would be to run it as -- in a, you know, in a  
 13 number of places so that we could really see  
 14 if this is something that we could scale and  
 15 that, you know, was having a good user  
 16 experience. So did speak to -- to several  
 17 counties. I'm not aware of all of the  
 18 counties we spoke to, but certainly aware of  
 19 the ones we ran the pilot.  
 20 MR. SCANLON: Okay.  
 21 BY MR. SCANLON:  
 22 Q. And that's okay if you don't  
 23 remember all of them, but I'm asking if there  
 24 are any other counties that you can tell me  
 25 that you know were contacted?

180

1 to find out.  
 2 Q. Okay. Okay. You said you wanted to  
 3 see if the pilot would scale, correct?  
 4 A. Yes.  
 5 Q. And what do you mean by that?  
 6 A. You know, it would be our goal to be  
 7 able to provide the service for all Texans,  
 8 you know, period. So ideally we tested, you  
 9 know, we have a small pilot, but ideally we'd  
 10 love to have e-sign available statewide.  
 11 Q. Were users of the e-app made aware  
 12 that this was a pilot program before they  
 13 submitted their information to become  
 14 registered?  
 15 A. I mean, I don't -- I can't speak to  
 16 a specific user's awareness, but I don't think  
 17 so. I can't -- not that I know of because, I  
 18 mean, what we did is we just turned on the  
 19 tool in certain counties, so then any user  
 20 coming to Vote.org who was in one of those  
 21 counties would have this as an option in their  
 22 workflow that they could use, but I don't  
 23 think that anybody would -- would have, you  
 24 know, because it was a pilot, but a pilot of  
 25 like, you know, a great workflow that we could

179

1 Q. Yeah, I know we contacted --  
 2 MR. NKWONTA: Same objection  
 3 (indiscernible).  
 4 THE WITNESS: Yeah. I know we  
 5 contacted Harris County as well.  
 6 MR. SCANLON: Okay.  
 7 BY MR. SCANLON:  
 8 Q. Any other ones?  
 9 A. I don't know --  
 10 MR. NKWONTA: Same objection.  
 11 A. -- any other ones off the top of my  
 12 head, no, I don't, but those are the ones I'm  
 13 aware of.  
 14 MR. NKWONTA: Do you want to just  
 15 agree to a standing objection, Cory?  
 16 MR. SCANLON: I'm fine with that,  
 17 yeah.  
 18 (Simultaneous speakers.)  
 19 BY MR. SCANLON:  
 20 Q. So you said Harris County, but you  
 21 are not aware of other counties?  
 22 A. Well, we -- I know that there were  
 23 other counties. I think you had some  
 24 questions that concerned that one so I just  
 25 went back and took a look on the break and --

181

1 take people through. So we wouldn't have said  
 2 -- I can't think of anything that we would  
 3 have said up front. We would have just said  
 4 do you want to use e-sign?  
 5 Q. Okay. For the -- I guess at that  
 6 time when you were doing the rollout, there  
 7 was -- there were -- had been counties that  
 8 you contacted that did not want to adopt the  
 9 pilot program, correct?  
 10 A. That's right.  
 11 Q. Was any voter who submitted their  
 12 application at e-sign in the pilot counties  
 13 made aware that that had happened?  
 14 A. No, probably not.  
 15 Q. We also had -- actually strike that.  
 16 I think I'll take that up when we talk about  
 17 the production.  
 18 We asked if you were able to get the  
 19 contact information for Debra Cleaver.  
 20 A. I don't have it on me.  
 21 Q. Is Debra Cleaver's number saved in  
 22 your cell phone?  
 23 A. It might be. We haven't spoken in  
 24 years.  
 25 Q. Can you pull your cell phone up and

<p style="text-align: right;">182</p> <p>1 see if you have that number to give me right 2 now? 3 A. Well, my cell phone's off. 4 MR. NKWONTA: Objection. 5 BY MR. SCANLON: 6 Q. Is it possible for you to turn it on 7 and provide us with that phone number from 8 your contacts list? 9 A. I could turn my phone on and search. 10 Again I haven't spoken to Debra in years. 11 Q. I understand. I'm not -- 12 MR. NKWONTA: I'll object. 13 Q. -- asking you to -- 14 MR. NKWONTA: I'm objecting to that, 15 Cory. That's not an appropriate question so 16 I'm objecting to that. 17 MR. SCANLON: Understand. Are you 18 instructing her not to comply or to help us 19 out here? 20 MR. NKWONTA: I'm instructing her to 21 answer questions, not to follow orders to 22 conduct searches. 23 MR. SCANLON: Well, we asked for the 24 contact information and it seems like it's 25 very easily within her reach to give that to</p>	<p style="text-align: right;">184</p> <p>1 and look at your contacts list to see if you 2 have that information? 3 MR. NKWONTA: Objection. It's not 4 an appropriate question. You can ask 5 questions, not give instruction. 6 MR. SCANLON: I'm just asking her if 7 she can do that. 8 MR. NKWONTA: Do you want to discuss 9 off the record? Because I feel like we're 10 going in circles here. 11 MR. SCANLON: I want to know if 12 she's refusing to -- she doesn't have to 13 comply with my request. I'm not -- like you 14 said, I'm not saying it in the form of a 15 question, but I, you know, if -- candidly, if 16 you guys are not going to provide us with this 17 information when it's within a finger's grasp, 18 I want that to be on the record. 19 MR. NKWONTA: You may ask her then. 20 THE WITNESS: I don't have Debra's 21 contact information in front of me. 22 BY MR. SCANLON: 23 Q. Is it on your phone? 24 A. I don't know because I haven't 25 searched. I haven't spoken to Debra in</p>
<p style="text-align: right;">183</p> <p>1 us. I don't really see the issue here. 2 MR. NKWONTA: Welcome to ask if she 3 has the contact information. 4 MR. SCANLON: She said she could 5 look and see if she does. 6 Can we just take a moment to do 7 that? To do that, if we need to go off the 8 record, I'm fine to do that, but we -- we do 9 want to ask for Ms. Cleaver's contact 10 information. 11 BY MR. SCANLON: 12 Q. Is that okay, Ms. Hailey? 13 A. Any contacts, you know, I don't have 14 any contact in front of me for -- for Debra. 15 I also haven't spoken to Debra in years and I 16 can't like verify her, you know, current 17 contact information. 18 Q. That's okay. I'm not asking you to 19 reach out to her to contact her. We just want 20 to see if that information can be provided to 21 us. 22 A. Again I don't have Debra's contact 23 information sitting in front of me and I don't 24 know it off the top of my head. 25 Q. Can you please turn your phone on</p>	<p style="text-align: right;">185</p> <p>1 literally years. 2 Q. Will you please look at your phone 3 to tell me what her contact information is? 4 A. Like I said, I'm not sure what her 5 contact information is. I'm not sure if it's 6 on my phone or not. We haven't spoken in 7 years. I don't know her most up-to-date 8 contact info and that's -- and I don't know 9 have it sitting in front of me. 10 Q. So for the record, you're not 11 willing to check your phone to see if you can 12 provide us with this phone number? 13 A. I don't have Debra's contact 14 information in front of me. 15 MR. SCANLON: Objection. 16 Nonresponsive. 17 Q. Ms. Hailey, I'm just asking for her 18 phone number, if you have it on your phone. I 19 think you -- your lawyer's right, we are kind 20 of going around in circles, but definitely 21 need this and I just -- I'd hate to have to 22 call a judge to say that, you know, they 23 literally can just look at their phone to give 24 us this contact information and they're not 25 willing to do it. So please think about it</p>

186

1 and see if, you know, we can get this phone  
 2 number. I'm saying please. I want to make  
 3 sure I'm asking nicely. I'm not trying to --  
 4 but quite honestly, Debra Cleaver is a very  
 5 relevant witness in this case.  
 6 BY MR. SCANLON:  
 7 Q. She was the CEO before you, she was  
 8 the CEO at the time of the rollout. I mean,  
 9 is that fair to say?  
 10 MR. NKWONTA: I'll assert the same  
 11 objection to the previous question just to  
 12 preserve it and I'll request again to send us  
 13 a formal request and we can consider it.  
 14 MR. SCANLON: All right. So you're  
 15 on the record as saying you want me to send  
 16 you a formal written request for a phone  
 17 number that this witness likely has on her  
 18 phone but is just not willing to check to  
 19 verify if that's true or not?  
 20 MR. NKWONTA: I don't know if the  
 21 witness has it on her phone. I want you to  
 22 send us a formal request of any follow up --  
 23 MR. SCANLON: Because she's refusing  
 24 to even look at her phone to tell us that --  
 25 whether she has the number, right?

187

1 MR. NKWONTA: The witness is not  
 2 required to search her phone because you asked  
 3 her. And if you want to take it to the Judge,  
 4 by all means please do.  
 5 MR. SCANLON: Okay. I just want to  
 6 make sure we certify this question as relevant  
 7 for the record.  
 8 BY MR. SCANLON:  
 9 Q. Okay. Topic 11 is communications  
 10 with the election officials. As we were  
 11 discussing, Vote.org contacted these counties.  
 12 I believe you stated earlier that email  
 13 communications were produced between Vote.org  
 14 and the counties that were contacted although  
 15 you stated that there were other counties that  
 16 you are not currently aware of that have been  
 17 contacted.  
 18 So my question is: have all of the  
 19 communications with the counties you contacted  
 20 concerning the rollout of the web app been  
 21 produced?  
 22 A. Yeah, everything we have. I mean, I  
 23 think that there are counties, you know, like  
 24 I said Sarah Jackel, our general counsel at  
 25 the time, Raven Brooks, who was our COO, led

188

1 this work and they went to Texas so I don't  
 2 have every, you know, every conversation they  
 3 had while on the ground in Texas, but we have  
 4 produced everything that we have that, you  
 5 know, is in our files and emails.  
 6 Q. Have those folks' email accounts  
 7 been searched?  
 8 A. Yes.  
 9 Q. Okay. Do you know if those were  
 10 produced to Real and Medina Counties and not  
 11 the State?  
 12 A. I don't know. I mean --  
 13 MR. NKWONTA: Is that question for  
 14 me or for Ms. Hailey?  
 15 MR. SCANLON: If you -- yeah, Uzoma  
 16 if you have -- pinch hitting a line on that.  
 17 We can talk about it because --  
 18 MR. NKWONTA: Sure. I believe that  
 19 the productions that we have made have gone  
 20 out to all parties. I can verify and double-  
 21 check, but I believe that we sent the  
 22 production to those people.  
 23 MR. SCANLON: Okay. I appreciate  
 24 that because if we do have those, I -- I have  
 25 not seen them so I just want to make sure that

189

1 we have all of those communications.  
 2 MR. NKWONTA: I'm not going get --  
 3 I'm not representing that those communications  
 4 exist or that there are such communications.  
 5 I can't make that representation as I sit  
 6 here, but the only thing I'm representing is  
 7 that I think you should have whatever we  
 8 produced to all counties that have served us  
 9 discovery request.  
 10 MR. SCANLON: Okay. And I'm sure  
 11 we'll -- we can follow up once this is over.  
 12 BY MR. SCANLON:  
 13 Q. We talked about whether Vote.org was  
 14 contacting the County Clerk's Office. I think  
 15 that actually might have been something we  
 16 asked you to look into also.  
 17 Do you know the specific office that  
 18 the counties -- where the rollout was done, do  
 19 you know which specific office was contacted?  
 20 A. I don't know which specific office  
 21 was contacted. I think again we would -- we  
 22 need to talk to where they -- each person, you  
 23 know, drove to.  
 24 Q. Okay. Were you given any assurances  
 25 that the rollout would be compliant with the

<p style="text-align: right;">190</p> <p>1 Texas Election Code prior to Secretary Pablo's 2 contacting Vote.org? 3 A. Yeah. I mean, our general counsel, 4 Sarah, felt that she read the law and, you 5 know, and that it -- that we were compliant 6 with the law and I think then talked with all 7 election officials who felt it was compliant 8 and that, you know, that was the work that she 9 did. 10 Q. Were you given any assurances by any 11 county official about whether that was 12 compliant? 13 A. Well, yeah. I mean, I think county 14 officials who participated felt that like they 15 wouldn't participate in something people 16 didn't think was, you know, compliant. Yeah, 17 I think the counties -- the county officials 18 were -- from what I know, they decided to 19 participate. 20 Q. Did they tell you this in writing? 21 A. I would have to go back and 22 explicitly look for that, you know, to see if 23 -- in writing. But we didn't run a pilot 24 anywhere where we didn't have an election -- 25 county election official who agreed to it. We</p>	<p style="text-align: right;">192</p> <p>1 Q. Okay. If you want, I'll go ahead 2 and drop them all in now. I don't think it 3 should take too long to download. 4 A. Thank you. 5 Q. That's no problem. 6 A. Great. So Exhibit 6, yeah. 7 Q. This is going to be Exhibit 6. So 8 this is an email chain and I'm going to I 9 guess start from basically the bottom. So we 10 can see in the to/from fields here, this is 11 from Bruce Elfant to Gretchen Nagy both from 12 Travis County. So I'll go ahead and scroll up 13 from here. So here's an email from Jeremy 14 Smith. 15 Do you know who Jeremy Smith is? 16 A. I do, yes. 17 Q. Who is he? 18 A. He was a -- he's a -- yeah, he's 19 somebody who was a contractor of Vote.org. 20 Q. So he was not an employee of 21 Vote.org, but he was a contractor? 22 A. No, he was not an employee. I can 23 go look to see if he was a volunteer or if he 24 was a contractor, but he's not definitely -- 25 he's not a Vote.org employee.</p>
<p style="text-align: right;">191</p> <p>1 wouldn't want to do that because again it's 2 not so much about Vote.org but was kind of 3 about the voters and how the voters can 4 participate. So having a county that doesn't 5 want to participate and then running something 6 like that would be totally counter to our 7 mission as what we're trying to accomplish. 8 Q. Right. So there were no instances 9 with any of the counties where voters' 10 applications were faxed in without notifying 11 the county first? 12 A. We wouldn't do that, no. 13 Q. Okay. I have an exhibit pulled up, 14 I'm not referring to it so I'm going to take 15 that down. 16 (Exhibit 6 marked.) 17 By Mr. SCANLON: 18 Q. Okay. But I actually am going to 19 pull up an exhibit now. Pulling up Exhibit 6 20 now, which was from an email that was produced 21 from Travis County. 22 A. You know what? All the exhibits 23 aren't up in my chat anymore. 24 Q. Oh, did you happen to log out? 25 A. Yeah.</p>	<p style="text-align: right;">193</p> <p>1 Q. Okay. Do you know what kind of work 2 he did for Vote.org? 3 A. Yes. He was in Texas. Jeremy came 4 out of like the military. He's like West 5 Point guy who was in Texas who wanted to be 6 involved in work and then -- he now has a -- 7 he now has a -- is a founder of a civic tech 8 organization literally called Civitech in 9 Texas. 10 Q. And just to kind of drill down, did 11 he have an agreement to do certain kind of 12 work for Vote.org? 13 A. I don't know if he had a formal 14 agreement. I can go back and look. 15 Q. That's okay. But we know here in 16 September of 2018, he sent an email to Bruce 17 Elfant, Gretchen Nagy. 18 He copied two people we talked about 19 earlier, Sarah Jackel and raven@Vote.org and I 20 believe this is Raven Stone, correct? 21 A. Raven Brooks. 22 Q. Raven Brooks. Okay. My apologies. 23 And it says, "Bruce/Gretchen, Vote.org will 24 have to establish here on Thursday this week. 25 Is there any possibility we could meet with</p>

<p style="text-align: right;">194</p> <p>1 someone from our office to map out the way 2 ahead?"</p> <p>3 So was he, I guess, acting on behalf 4 of Vote.org when he sent this email to notify 5 Bruce Elfant and Gretchen Nagy that your 6 office was going to have two staffers come to 7 their office?</p> <p>8 A. I don't know if he was working on 9 behalf of Vote.org. I would say that he was 10 like had heard about the e-sign program. If 11 I, you know, now I'm kind of trying to 12 reconstruct conversation, I don't know, but I 13 think he heard about the e-sign program and 14 was excited. I wouldn't say that he was -- 15 was representing the organization any way 16 though.</p> <p>17 Q. So how would he know that Sarah and 18 Raven were going to go to the Travis County 19 office?</p> <p>20 A. Well, my guess is that Sarah at some 21 point contacted Jeremy, but I am not -- I 22 don't have all that information on Sarah and 23 Jeremy's like how they to each other, so I 24 could -- what I could do is, you know, I could 25 always go back and try to reconstruct that.</p>	<p style="text-align: right;">196</p> <p>1 don't think he was in the Army during this 2 time frame.</p> <p>3 Q. Okay. Yet I have a military 4 background myself and I did ROTC here at the 5 University of Texas. When you say that he had 6 just gotten out of school, I -- I know that 7 West Pointers have a five-year commitment so 8 that would mean that he 9 would -- if he had just graduated, he would 10 very likely be a member of the armed forces, 11 probably the Army.</p> <p>12 A. A good question. I'm not sure -- I 13 mean, for me, what I probably categorized him 14 as in my head is young because I'm like -- my 15 children have graduated and, you know, a long 16 time ago, decades older, so I think that -- I 17 think in my mind he seemed like, you know, 18 like a -- kind of younger, excited person so 19 that's probably -- so I 20 don't -- so five years out for me would still 21 sound -- seem pretty -- pretty recent.</p> <p>22 Q. Okay.</p> <p>23 A. But I -- but I don't know the answer 24 to your question, the question is that is I'm 25 not -- I'm not sure so I'm sorry.</p>
<p style="text-align: right;">195</p> <p>1 But I know that -- I know that in -- during 2 this period of time, I think he was maybe like 3 not that far out of school, really excited 4 about, you know, excited about voting and 5 voter initiatives, somehow was in contact with 6 somebody from our staff and so that's he knew 7 that two people were coming in. But, yeah, I 8 wish I had more, you know, more there. But I 9 do know that, you know, he and Sarah stayed in 10 touch all throughout this process.</p> <p>11 Q. Okay. And I guess you might have 12 hinted at this, but -- so to your knowledge, 13 Jeremy Smith was someone who was local to 14 Travis County or Central Texas?</p> <p>15 A. Yeah, I think Jeremy lives in Texas.</p> <p>16 Q. But as far as being a contractor, do 17 you know what, I guess, his occupation was? I 18 think you said he went to West Point, correct?</p> <p>19 A. Yeah, he went to West Point. I'm 20 pretty sure, like one of the military kind of 21 -- yeah, I think it was West Point. And what 22 his -- what was your question?</p> <p>23 Q. Well, was he in the Army during this 24 time frame?</p> <p>25 A. No, I don't think so. He had -- I</p>	<p style="text-align: right;">197</p> <p>1 Q. That's okay. I mean, it sounds like 2 you knew he went to West Point so he probably 3 did his time in the Army.</p> <p>4 Do you know what kind of work he did 5 in the Army?</p> <p>6 A. I don't. I think at some point he 7 was a frog. I really don't -- I really don't 8 know. I really don't know.</p> <p>9 Q. Okay. That's fair. And I guess 10 where he -- do you know if he was involved in 11 any kind of political group in the area?</p> <p>12 A. I don't think so, not that I know 13 of. He had something called -- he started 14 something and I don't know if he started by 15 here at this point or not, but he started 16 something called "Register2Vote" and we're 17 Vote.org, you know, so I think his was like 18 Register with the number 2 Vote.org. So he 19 had, you know -- and I think his was like a 20 nonprofit. And then he was interested in, you 21 know, working with Vote.org. I know that this 22 is like, you know, part of Civitech sphere is 23 his passion so I'm not -- if he was working 24 with anyone, it was probably like his 25 Register2Vote thing that he founded.</p>

<p style="text-align: right;">198</p> <p>1 Q. Okay. And was he helping you all 2 sort of coordinate the -- the rollout at this 3 time? 4 A. Well, it looks like he was, you 5 know, helping. I think Sarah would have more 6 insight into that but, yeah, I think he knew 7 about the register program, the e-sign program 8 and it looks like he -- and I know he was in 9 Texas on the ground so, you know, I'm making 10 some educated guesses here as to, you know, as 11 to what his -- what his interest was. 12 Q. Sure. But in any case, he sent this 13 email to say that Sarah and Raven were going 14 to meet with Bruce and Gretchen. 15 (Cough.) 16 Excuse me. 17 Did Sarah and Raven report back to 18 you on this meeting? Or maybe not you, but -- 19 because I guess you were the CEO at the time, 20 right? 21 A. That's right. And Sarah loved this 22 work. Like this was Sarah's, you know, Sarah 23 was the lead on this work in Texas. 24 Q. Can you tell me anything about what 25 they might have said once they were finished</p>	<p style="text-align: right;">200</p> <p>1 Gretchen Nagy? 2 A. Have I personally as Andrea Hailey? 3 No, I have not. 4 Q. Okay. So they had a conversation 5 and she let her know that she could start 6 receiving faxes. 7 Is that kind of the gist you get 8 from this first paragraph here? 9 A. Yeah, that's what I would ascertain. 10 Q. So is it fair to say at that point, 11 the County had kind of said, you know, yes, we 12 want to help you with the -- or we want to 13 participate, maybe is a better word, in the 14 pilot program? 15 A. Yeah, that's what I would assume. 16 Q. Would they have done that in writing 17 to Vote.org? 18 A. I don't -- I think it's -- looks 19 like what they've done here is -- I mean, what 20 I would assume from this, you know, without -- 21 it's to Sarah so without asking Sarah, but -- 22 is that they had a conversation that happened 23 on the ground in Texas and then this was the 24 follow up to that, you know, conversation. 25 And the conversation was most likely about</p>
<p style="text-align: right;">199</p> <p>1 with this meeting, you know, what -- what kind 2 of plans were made for how to do the rollout? 3 A. I don't know. My understanding is, 4 you know, that they had conversations with 5 different election officials and people were 6 open to running the pilot, then got to work 7 running the pilot. I think there was 8 conversation around if there was any bugs, you 9 know, like any bugs in the system and some 10 fixes that occurred and then I think that's -- 11 I think that's it. So my guess is their 12 conversations really, you know, constituted -- 13 were like around can you take faxes? Can you 14 take a high number of faxes? Can you, you 15 know, do you want to participate in this pilot 16 program? And 17 that's, you know, I think that -- I think 18 that's the -- probably the meat and bones of 19 what people were discussing and talking about. 20 Q. Okay. Here, we have an email from 21 Sarah to Gretchen asking to come by Wednesday, 22 September 18th. I don't think I have any 23 questions on that. Okay. So this email is 24 from Sarah to Gretchen. 25 By the way, did you ever meet</p>	<p style="text-align: right;">201</p> <p>1 faxes and the pilot program and how we thought 2 this could be easy for voters and easy for 3 election officials. They said yes, and then 4 we started to -- this email looks like it's 5 the beginning of telling them, hey, we're 6 going to go ahead and turn it on, just to give 7 them the awareness faxes would be coming in. 8 So I don't think that it's likely that there's 9 a whole bunch of other conversation outside of 10 that like do you want to participate? Yes. 11 Okay, cool. We're turning on, you know, we're 12 turning on the tool. 13 Q. So it's somewhat unofficial, I 14 guess? 15 A. Well, I mean, I think an election 16 administrator's word can -- can be -- I think 17 you can take that, you know, as a -- as they 18 are, you know, condoning it. Then I think if 19 you see an email like this, I mean, obviously 20 all the participants in here knew that the 21 tool was being turned on. 22 Q. Sure. And I guess when I think of 23 something like a decision-making process and 24 if an official wants to memorialize it, my 25 thinking is there would be some kind of letter</p>

202

1 to sort of capture that.  
 2 To your awareness, does any such  
 3 letter exist?  
 4 A. Not to my awareness right now, but I  
 5 -- I don't know each election administrations  
 6 in Texas official's process and why genuinely  
 7 -- generally would give out in this, you know,  
 8 but, yeah, I mean, not to my -- not to my  
 9 awareness is there any additional language.  
 10 Q. Are you aware of any letters like  
 11 that for any of the other counties that agreed  
 12 to participate in your pilot program?  
 13 A. I'm not -- no, I'm not aware. I  
 14 mean, I think -- but what I'm aware of are the  
 15 email conversations and -- that have gone back  
 16 and forth, which you have all of as well, but  
 17 I'm not -- I'm not aware of somebody -- I  
 18 think that -- I am not aware of anybody giving  
 19 -- giving us like a -- here is a -- when you  
 20 say that, I'm kind of like imaging an award of  
 21 some sort like a -- I haven't, you know, I  
 22 don't -- I haven't seen anything outside of  
 23 emails and then recognition that, yes, we're  
 24 turning on the tool, and then the tool going  
 25 on and then fixes to the tool.

203

1 Q. Okay. And, yeah, I think that's  
 2 normal. I just think coming from a government  
 3 background, we always want to --  
 4 A. Yes.  
 5 Q. -- be kind of formal so I was just  
 6 wondering if you were aware of something like  
 7 that being in your files. But if you're not  
 8 aware of any, we can move on, I think.  
 9 So I guess would it be fair to say  
 10 that pretty much all of this business was  
 11 conducted over email like when decisions would  
 12 be made?  
 13 A. I think that's fair to say I think  
 14 in person, in an email. I think some of the  
 15 emails reference a phone call, you know, so I  
 16 think it's -- it would be fair to say that  
 17 that's probably how the majority of this  
 18 occurred.  
 19 Q. Okay. And I'm going to scroll up  
 20 here a little bit. So Raven emailed Gretchen  
 21 to say that, "There were two going out last  
 22 night to this clerk's number. Is it possible  
 23 to grab those from that department? If not,  
 24 then we can manually resubmit them."  
 25 Do you know what she's referring to

204

1 when she says the "clerk's number"?  
 2 A. No. I mean, let's see, it says,  
 3 "Two that went out last" -- "clerk's number.  
 4 Is it possible to grab those from that  
 5 department?" I don't know what Raven was  
 6 referring to.  
 7 Q. But was it Vote.org's -- I'm sorry,  
 8 were you speaking?  
 9 A. No.  
 10 Q. Okay. Was it Vote.org's practice  
 11 during this rollout to send only a few  
 12 applications at a time to see if they were  
 13 received before sending maybe more  
 14 applications like in a batch?  
 15 A. I think it was -- it was Vote.org's  
 16 practice to send in batches and how those  
 17 batches came into the counties, you know,  
 18 would matter, like be dependent on like how  
 19 much traffic was at our, you know, was getting  
 20 to the site. So I don't know about this  
 21 particular time period. I'm seeing that it's  
 22 like 7:00 o'clock at night so that could mean  
 23 that, you know, a couple of applications came  
 24 through during that period of time. So the  
 25 batch could be smaller or larger depending on

205

1 the amount of traffic happening at the time.  
 2 Q. Okay. On page 13 of this document,  
 3 there's an email where Gretchen says, "I  
 4 needed to check in with you. We have some  
 5 applications with exceptionally pool  
 6 signatures." I'm assuming she meant to write  
 7 poor, but I can't say for sure. "Some blank,  
 8 and some blacked out. This is a real  
 9 problem and I'm concerned about proceeding  
 10 until this is cleared up."  
 11 Was Vote.org aware of this problem  
 12 when it arose via Gretchen's email?  
 13 A. No. I think that -- I think when --  
 14 I'm -- I -- I think we became aware of it when  
 15 we were notified of it and then worked to fix  
 16 it. That's -- and that's some of what we  
 17 discussed earlier today with the, you know,  
 18 the -- the darkening of the image and things  
 19 like that.  
 20 Q. Okay. What was the fix that ended  
 21 up happening with this batch in Travis County?  
 22 A. The fix is a technical fix, just  
 23 making sure that when people take a photo of  
 24 their signature, that that photo is, you know  
 25 -- photos can really vary depending on like

<p style="text-align: right;">206</p> <p>1 what camera somebody's using, what phone  2 they're using, what their -- and especially  3 back then. I feel like our cameras on our  4 phones are a lot nicer now. But depending on  5 that, that can have, you know, effects on the  6 image. So I think on the back end, our  7 engineers were working on making sure that --  8 that was, you know, that -- that all the  9 signatures were as clear as possible. And  10 that's some of the work that we loved to be  11 able to continue to do. I've been told that  12 it's an engineering fix. It just takes a  13 little bit of time and energy for them to  14 spend more time developing right now so it  15 makes sense to develop.</p> <p>16 Q. When these problems came up and the  17 engineers were working on a fix, did Vote.org  18 communicate this to the user whose application  19 this applied to?</p> <p>20 A. Yeah. So the idea was being, you  21 know, was that if your signature wasn't clear  22 or there was a problem with your camera, that  23 you would get notified so that you could  24 reupload an image, and then the -- the fix is  25 better, you know, the people that Vote.org</p>	<p style="text-align: right;">208</p> <p>1 notifying Vote.org like in this instance that  2 there was a problem with the application, did  3 those specific users get a notification?  4 A. Most likely. I mean, all of the  5 people who used the e-sign tool ended up  6 receiving a notification from Vote.org because  7 it was a pretty short window of time here  8 before the Secretary of State issued his  9 statement saying that any registration that  10 came through e-sign would be thrown out and so  11 at that point, everyone received notification  12 that there could, you know, that -- that their  13 application -- their voter registration may  14 not -- may not have gone through. So  15 eventually every user received that.</p> <p>16 MR. SCANLON: Again objection,  17 nonresponsive. I'm aware of the notifications  18 that went out when Secretary Pablo made his  19 announcement, but I'm -- I'm talking about  20 this specific, I guess, issue that Gretchen  21 raised.</p> <p>22 BY MR. SCANLON:  23 Q. And I know you said most likely, but  24 do you know for sure one way or another if the  25 user was notified when there were these</p>
<p style="text-align: right;">207</p> <p>1 worked on and then would love to continue to  2 work on is the ability to -- to have the  3 technology recognized to an even higher degree  4 and be able to, you know, kick back -- kick  5 back the image to people so that they could  6 reupload it if they didn't upload it correctly  7 or if they used a camera or device that  8 wasn't, you know, didn't present like the  9 clearest image.</p> <p>10 Q. So you said the user would receive a  11 notification if this happened.  12 Who prepared those notifications?</p> <p>13 A. No one prepared them. It's just on  14 the site, like the technology can see if you  15 took a good image and so what they need to  16 spend more time fixing and working on is the  17 ability to -- to automatically -- so that the  18 technology itself recognizes, hey, invalid,  19 you know, your -- your -- your cam -- photo  20 didn't upload correctly. Please try again.</p> <p>21 MR. SCANLON: Okay. Sorry. So  22 objection nonresponsive. I was actually  23 talking about something different.</p> <p>24 BY MR. SCANLON:  25 Q. So when -- when the counties were</p>	<p style="text-align: right;">209</p> <p>1 problems raised in the early phases of the  2 rollout, not later when the Secretary of State  3 made his announcement?  4 A. If you're talking about the image  5 itself? Some users were notified right away  6 if their image didn't, you know, didn't upload  7 properly or come across as clear and they were  8 asked to then like reupload their image. What  9 you're kind of getting at -- what's a little  10 bit difficult to explain is the technology on  11 the backend self-scans and it gets better and  12 better at that so -- and we get better and  13 better at building. If you make it too  14 extreme when you're building it, then it'll  15 just kick back every single user's signature.  16 And then if you make it a little more  17 responsive, it'll make it so that -- or like a  18 little less extreme, it'll make it so that  19 ideally only the users whose images don't, you  20 know, line up -- look, you know, get the  21 notifications. So, yes, some users received  22 notifications that they needed to redo their  23 signature. In this particular case with this  24 email on September 25th, I'd have to try to go  25 back and see if I could, you know, figure out</p>

210	<p>1 if any notifications were sent out, you know,                  2 on the -- on the 25th, but that would --                  3 that'd probably answer -- could get as close                  4 as I could to answering that question.                  5 Q. Okay. I think I do want to make                  6 sure we follow up on that question.                  7 If I'm understanding you right, the                  8 -- you had to kind of -- make sure the                  9 technology was engineered right to capture the                  10 signature in a way that would be accepted by                  11 the county clerks or the county offices that                  12 handle the registrations, right?                  13 A. That's right. Yeah.                  14 Q. Okay. I'm sorry, I think you might                  15 have cut out there for a second. I don't know                  16 if the court reporter got your answer.                  17 A. Oh, okay. Yes.                  18 Q. Okay. So this says that Sarah then                  19 called Gretchen to look into this.                  20 Are you aware of what they talked                  21 about on the phone call?                  22 A. I'm just aware that there were a few                  23 bugs right at the beginning and that they got                  24 worked out so -- and I'd have to ask Sarah for                  25 the, you know, exact language that she used in</p>	212	<p>1 batch of, you know, a couple of people, you                  2 know, what they received. But in general,                  3 people -- if the technology couldn't read                  4 their signature or something like that, they                  5 received something automatically. If our                  6 technology read it and read it as, you know, a                  7 valid, you know, valid all the way through,                  8 but on their end, they couldn't see it, I'd                  9 have to go ask, you know, Sarah what they, you                  10 know, what they did. It sounds here like this                  11 is a really small number so I'm guessing it                  12 was a quick fix, but we would never like                  13 leave a voter just out there not knowing, you                  14 know, if -- if we felt that our technology was                  15 responsible for an issue so I can find out for                  16 you.                  17 Q. Okay. Going up here, there's this                  18 longer email from a woman named Charla Welch.                  19 Do you know who Charla Welch is?                  20 A. I don't.                  21 Q. Okay. It looks like here she writes                  22 about a meeting at Eastside Tavern with Raven                  23 and Sarah, who are in Austin with a busy                  24 meeting schedule, and they wanted to connect                  25 everyone. So Charla writes that, "Raven is a</p>
211	<p>1 that call.                  2 Q. Okay. And when you say that they                  3 were worked out, did that mean that the County                  4 would decide to accept the application?                  5 A. No. I -- I think it means that I                  6 know we made tweaks to some of our technology                  7 to make sure that the issue didn't exist                  8 anymore.                  9 Q. Okay. But you're not aware whether                  10 Vote.org notified that users -- notified that                  11 user about the issue with the - the                  12 application at that time?                  13 A. I mean, what would be normal at                  14 Vote.org is that if -- if we're aware of any                  15 issue, you know, with a potential voter's                  16 registration, like our mission is to get                  17 people, you know, all the way through having                  18 open access to their election from the moment                  19 they begin their engagement all the way to the                  20 time that they make it to the ballot box. So                  21 if we're aware -- generally at Vote.org if                  22 we're aware that there is an issue, we -- we                  23 do send notifications and so I would -- I'd                  24 have to go back and see if -- on the specific                  25 date around these -- it looks like a small</p>	213	<p>1 dear friend and what they are announcing                  2 should interest anyone who registers voters in                  3 Travis County. Please be discrete should you                  4 forward this message. Thanks and hope to                  5 connect with you all next weekend for some                  6 Fair Maps advocacy."                  7 Did I read that correctly?                  8 A. You did, yeah.                  9 Q. So were you aware that Raven and                  10 Sarah had a relationship with this woman                  11 Charla Welch?                  12 A. No. I don't know Charla Welch.                  13 Q. Does Vote.org know what the nature                  14 of that relationship was?                  15 A. No. My guess is --                  16 MR. NKWONTA: Objection. Outside                  17 the scope of the notice. You may answer it.                  18 THE WITNESS: No. My guess is a                  19 personal one. It looks like they were meeting                  20 up like a tavern after hours so I don't know                  21 who -- like I don't know who Charla Welch is                  22 and I don't know the nature of the                  23 relationship.                  24 BY MR. SCANLON:                  25 Q. Were you aware of this event that</p>

<p style="text-align: right;">214</p> <p>1 Raven and Sarah were going to be speaking at?  2 A. No.  3 Q. Can you tell me a little bit more  4 about when Raven and Sarah were out meeting  5 with the counties and it says they had a busy  6 meeting scheduled, what other kind of  7 activities were they doing to facilitate the  8 rollout?  9 A. Oh, yeah. Well, I mean, I know they  10 were literally driving from county to county  11 trying to get, you know, people to participate  12 with the pilot so I think they put in a lot of  13 driving time and that that was, you know, what  14 they were meeting about that's pretty much  15 there. What kept them busy was just trying to  16 get as many counties as possible to  17 participate.  18 Q. So this meeting was to help them  19 meet with people from the County?  20 A. No, I don't think so. This is like  21 -- it says 7:30 to 9:00 p.m. so this looks  22 like after-hours drinks with friends. If I'm  23 -- to me, that's what that looks like.  24 "Who work in civic engagement or  25 elections, and we'll tell you why we're in</p>	<p style="text-align: right;">216</p> <p>1 exactly they were doing hanging out at this  2 tavern, you know, at 7:00 to 9:00. They  3 certainly weren't inviting board members to  4 hang out. So I -- I think that they were, you  5 know, most of our work is online. We're  6 sitting behind computers at home so it sounds  7 like they're excited to be in Texas and wanted  8 to have a good time. What I would read from  9 this is they wanted to have a good time,  10 invite a whole bunch of people and be able to  11 say they were doing cool work in the state and  12 they were excited about not being behind their  13 desk in their apartment. But I'd have to ask  14 Sarah or Raven specifically. It looks like  15 this person is a friend which -- and so it  16 looks like they organized to hang out.  17 Q. Would it be fair to say that Raven  18 and Sarah were there to announce the rollout  19 of the new web app to friends?  20 A. I don't know. That sounds -- I  21 mean, it sounds a little formal. I think this  22 was like -- this looks like --  23 Q. I mean, that's what she wrote so I  24 just wanted to see what your thoughts were on  25 that.</p>
<p style="text-align: right;">215</p> <p>1 town over drinks and BBQ." Honestly, it  2 sounds like they were trying to meet up --  3 honestly it sounds like they were trying to  4 meet up and hang out, but I don't -- that  5 looks like after-hours work to me, or not  6 work.  7 Q. Okay. So Raven and Sarah wouldn't  8 have been going there to represent Vote.org  9 for any business purpose for Vote.org?  10 A. Oh, well, here we go. It says,  11 "Raven is a dear friend," so I could guess  12 here that Charla Welch is a friend of Raven's  13 and they went out for drinks. And it looks  14 like what they were trying to say is that  15 like, they'll tell you about this, you know,  16 e-sign program while we're out at drinks.  17 Q. Okay. I mean, it said that they  18 were making an announcement.  19 So do people normally go out for  20 drinks and make announcements with their  21 friends?  22 A. I mean, I'm not sure how to answer  23 that. Like I've for sure announced things  24 over drinks with friends, but I think -- it's  25 hard for me to be able to get into the -- what</p>	<p style="text-align: right;">217</p> <p>1 A. Yeah. This seems like something --  2 MR. NKWONTA: Objection. Asked and  3 answered.  4 THE WITNESS: Yeah. This seems like  5 something they did after hours hanging out,  6 telling people they were doing exciting, cool  7 work in the state. That's -- that's what it  8 looks like to me. I think you can, you know,  9 to get more out of it, I'd really have to ask  10 them -- I'd have to ask Sarah, you know, like  11 what'd you guys do? My guess is there's not  12 like a lot of real interesting there there.  13 Q. And I'm not, you know, suggesting  14 there necessarily is, but I'm trying to find  15 out, you know, says they were there to make an  16 announcement. And then this part of the  17 paragraph says, "Please be discrete should you  18 forward this message." Were Raven and Sarah  19 trying to be discrete about the rollout?  20 A. No, because I think we like  21 literally put in emails to thousands of people  22 about the fact that we had this great new e-  23 sign technology so I don't think they were  24 trying to be -- this sounds like they were  25 getting together with friends for drinks</p>

218	<p>1 afterwards and said like, don't forward this                  2 message all around, because they wanted to                  3 hang out and be able to -- I don't know. But                  4 I -- I don't think they wanted this forwarded                  5 wide about being at Eastside Tavern from 7:30                  6 to 9:00, but as far as like, you know, our e-                  7 sign tool, our e-sign tool is something we're                  8 really proud of so it's not something we like                  9 hide. As you can see from all the discussions                  10 today, I think I even said I was like a little                  11 over -- over-excited about it. I think -- I                  12 don't think anybody was trying to hide the                  13 tool.                  14 Q. Okay. And are you familiar with the                  15 Texas Progressive Action Network?                  16 A. I am not.                  17 Q. By the way, have you ever traveled                  18 to Travis County?                  19 A. What all -- which -- what are all                  20 the towns in Travis County?                  21 Q. Oh, that's where Austin is.                  22 A. I've been to Austin. I've been to                  23 ACL.                  24 Q. Oh, okay. Not for Vote.org                  25 business?</p>	220	<p>1 there are any emails or anything that I see,                  2 but it's not like there was -- like the League                  3 of Women Voters wouldn't have been -- I think                  4 the -- the rollout is sounding like a little                  5 more, you know, dramatic than it is. It's                  6 really kind of like us turning on the tool                  7 because we don't have huge comms. capabilities                  8 or huge like, you know, ability to do a lot of                  9 -- a lot more formalized thing. This                  10 would -- like a rollout would have been us                  11 talking to election administrators, making                  12 sure that it was okay to turn on the tool and                  13 then us turning on the tool, getting excited                  14 about it and yelling that wherever we could.                  15 Q. I want to look at this other email                  16 from Charla Welch and it's to Stephanie                  17 Swanson.                  18 Do you know who Stephanie Swanson                  19 is?                  20 A. I don't.                  21 Q. Do you know who Valerie Street is?                  22 A. I don't.                  23 Q. Okay. Well -- and the subject says,                  24 "Invite to an intimate Vote.org event                  25 tomorrow." Did I read that correctly?</p>
219	<p>1 A. No. Just to enjoy ACL.                  2 Q. Okay. I too like to enjoy ACL when                  3 they have a good lineup.                  4 A. It is so good.                  5 Q. Does Vote.org work at all with the                  6 League of Women Voters in Texas?                  7 A. Vote.org -- no, not like directly                  8 with the League of Women Voters in Texas. I                  9 think when Vote.org started, it -- there was a                  10 researcher from League of Women Voters who                  11 participated with Vote.org. And then, you                  12 know, in our current capacity, we don't -- we                  13 don't really have any direct work with the                  14 League of Women Voters.                  15 Q. But you're aware of their work in                  16 Texas?                  17 A. I'm aware of their work nationally.                  18 I can't like drill down to what their --                  19 League of Women Voters in Texas specifically                  20 is up to.                  21 Q. Does the League of Women Voters, to                  22 your knowledge, have any involvement in the                  23 rollout of the web app in Texas?                  24 A. I don't know the answer to that                  25 question. I can try to look up and see if</p>	221	<p>1 A. It does say that.                  2 Q. So, I mean, I -- I know you said you                  3 don't know who this is, but clearly she's                  4 writing a lot about Vote.org and your plans                  5 and we'll go through and see if -- if you                  6 think any of this is inaccurate, but Charla                  7 Welch writes, "So this is pretty much a game                  8 changer... Vote dot org has this tool already                  9 deployed:" as of September 20th, 2018.                  10 Did I read that correctly?                  11 A. Yeah.                  12 Q. And was that true at the time that                  13 the tool was already deployed as of that date?                  14 A. I'd have to look at what the date                  15 actually was that it was turned on. And this                  16 is -- was this specific to Travis County?                  17 Q. I think this is specif -- well,                  18 we'll read through. I think it's specific to                  19 Texas. So it says, "For Texas, in certain" --                  20 all caps -- "FAVORABLE counties, they have                  21 added a new feature. Instead of printing out                  22 your voter registration form and mailing it                  23 within four days (as required by law) a vote-                  24 applicant can," quote, "submit by fax," end                  25 quote, "(the other option under the law).</p>

222	<p>1 Vote.org has created a system where the</p> <p>2 registration form is sent to a local print</p> <p>3 shop and they are responsible for mailing it</p> <p>4 to the county clerk. No VDR required."</p> <p>5 Did I read all of that correctly?</p> <p>6 A. Yeah, that's what it says.</p> <p>7 Q. And is any part of that inaccurate</p> <p>8 as to what Vote.org's tool, web app does?</p> <p>9 A. Let's see. What is she -- what is</p> <p>10 "VDR," what is she talking about? VDR.</p> <p>11 Q. I was going to ask you that</p> <p>12 actually.</p> <p>13 A. Yeah. Well, yeah. I mean, she's</p> <p>14 got the basic idea here, which is just that</p> <p>15 voters can go to the website, they can</p> <p>16 initiate a process where they use our tool to</p> <p>17 be able to send a fax out themselves and to</p> <p>18 have their copy sent to</p> <p>19 a, you know, sent to a printer and that</p> <p>20 printer then sends it in for them. So, I mean</p> <p>21 -- or they -- the voter sends it in when</p> <p>22 they're able to initiate that process through</p> <p>23 Vote.org. So I think so. I think this here -</p> <p>24 - this is from Charla -- that Charla Welch so</p> <p>25 this is seems like it's just a friend of</p>	224	<p>1 A. No. We weren't able to run the</p> <p>2 pilot in Harris, so.</p> <p>3 Q. And do you -- what happened with</p> <p>4 Harris County, I guess, to where you were not</p> <p>5 running the pilot there?</p> <p>6 A. I don't know. They said they didn't</p> <p>7 want to, you know, participate so -- again I</p> <p>8 don't know what their internal reasoning was.</p> <p>9 Q. Can you tell me who communicated</p> <p>10 that to Vote.org?</p> <p>11 A. I think Sarah would know exactly who</p> <p>12 -- who they spoke with in -- in Harris and I</p> <p>13 can go back and see if I can find it in her</p> <p>14 email. But, you know, she spoke to them and</p> <p>15 they weren't interested in running the pilot.</p> <p>16 Q. Okay. So in addition to whether</p> <p>17 Vote.org notified those voters we talked about</p> <p>18 and then as far as who in Harris County</p> <p>19 communicated with Sarah that they did not want</p> <p>20 to run the pilot, those are things I'm going</p> <p>21 to ask that we try to follow up on after a</p> <p>22 break.</p> <p>23 MR. NKWONTA: I'll object to that,</p> <p>24 Cory, because of our objection to topic No.</p> <p>25 11. That we will not be following up on who</p>
223	<p>1 Raven's who's excited. And I don't know what</p> <p>2 that last sentence is supposed to mean.</p> <p>3 Q. Okay. So she talks about favorable</p> <p>4 counties.</p> <p>5 Do you know where there are</p> <p>6 favorable counties as far as Vote.org is</p> <p>7 concerned?</p> <p>8 A. Favorable to Vote.org would be</p> <p>9 anybody who wants to run it. Like favorable</p> <p>10 would be any county that wants to use the e-</p> <p>11 sign tool, that, you know, for us, our main</p> <p>12 concern is can somebody use it, can they</p> <p>13 process it, can, you know, and ideally again</p> <p>14 we'd be able to put this in every county in</p> <p>15 the State of Texas. That would be like our</p> <p>16 end goal there.</p> <p>17 Q. Okay. So she writes further, "As</p> <p>18 for the favorable counties, they are on their</p> <p>19 Texas tour now. They've got the nod in Harris</p> <p>20 and Travis; they are in Bexar this morning</p> <p>21 and DFW tomorrow."</p> <p>22 Did I read that correctly?</p> <p>23 A. You read that correctly.</p> <p>24 Q. And is that true that you got the</p> <p>25 nod in Harris and Travis?</p>	225	<p>1 specifically in Harris County or do any</p> <p>2 additional research on that.</p> <p>3 MR. SCANLON: Okay. So you are, I</p> <p>4 guess, not going to respond to that request.</p> <p>5 MR. NKWONTA: No. She's free to</p> <p>6 answer to the extent that she knows, but we're</p> <p>7 going to stand on our objection to that topic,</p> <p>8 which is limited to the Defendants in this</p> <p>9 lawsuit. It's not an instruction not to</p> <p>10 answer.</p> <p>11 MR. SCANLON: Okay.</p> <p>12 THE WITNESS: Yeah, I -- I -- I</p> <p>13 don't know. I -- I just know she spoke to</p> <p>14 Harris and they didn't want to run the pilot.</p> <p>15 BY MR. SCANLON:</p> <p>16 Q. But you can find that information</p> <p>17 out, right, as to who she communicated with?</p> <p>18 A. Maybe. I -- I don't know. I can go</p> <p>19 back and look and see if there's, you know,</p> <p>20 email correspondence or -- I don't know if</p> <p>21 they went, you know, I know they went to some</p> <p>22 of these counties so I don't know if they</p> <p>23 walked in and had conversations and it just --</p> <p>24 the people like who they met with said no, and</p> <p>25 that was it or, you know, I -- I can try to</p>

226	<p>1 find out to the best of my ability, but I -- I                  2 don't think they, you know, I think they just                  3 didn't want to participate in the pilot.                  4 Q. Okay. So the -- the second sentence                  5 here, it's accurate maybe for Travis County,                  6 but not for Harris. Would that be fair to                  7 say?                  8 A. Yeah, I think so. I mean, it's                  9 accurate in that -- in Travis County, we ran                  10 the pilot program and in Har -- if that's what                  11 she means by got the nod, and then Harris --                  12 but it's inaccurate to say that we ran the                  13 pilot in Harris because we didn't.                  14 Q. Okay. And then she writes that,                  15 "They are getting the blessing of the county                  16 clerk staff so they can fly under the SOS                  17 radar between now and Oct. 9th."                  18 Did I read that correctly?                  19 A. You did.                  20 Q. So when she says that Sarah and --                  21 well, I'm assuming this was Sarah and Raven                  22 talking to county clerk staff, did you                  23 understand that to be the correct office of                  24 the county for implementing the -- turning on                  25 the web app?</p>	228
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227	<p>1 A. No. But again I think it's                  2 important to remember here this is like a                  3 friend of Raven's emailing their friends so                  4 this isn't like somebody at Vote.org emailing.                  5 It's not Sarah emailing who specifically she                  6 spoke to. This sounds like it's that person                  7 they went out for -- to drinks with sending an                  8 email out.                  9 Q. So, I mean, this person wouldn't                  10 have this information if she didn't talk with                  11 her -- her dear friend, Raven, right?                  12 A. Yeah, yeah, I get that. I just                  13 don't, you know, know how -- like this                  14 person's background or anything else and so                  15 how technical they're being or not being or                  16 like what their language, you know, language                  17 is. Obviously if this email were coming from                  18 our general counsel of Vote.org, that                  19 would, you know, I would -- I would look at                  20 the language even a little bit more than like                  21 a friend of a friend at -- at drinks who's                  22 emailing people out. But, yeah, obviously                  23 they're -- this person is a -- is a friend of                  24 Raven's, but I don't know that I -- just like                  25 how they said we were in Harris when we</p>	229
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<p style="text-align: right;">230</p> <p>1 registered in the State of Texas in 2018. I'd 2 have to go look it up. That's something I'm 3 sure we could find pretty quick. 4 Q. Okay. And I have to go back 5 actually. She says, "In those eight counties" 6 -- and they have targeted eight counties, is 7 that accurate that Vote.org was trying to 8 target eight specific counties? 9 A. No. I think we were trying to run 10 the pilot in counties where people were open 11 to running the pilot. Like I said -- 12 (Computer sound) 13 -- Vote.org would be to be 14 statewide. The best thing for us would be if 15 we were in every county. 16 Q. So we know that Vote.org approached 17 Travis, Dallas, Bexar, Cameron and Harris and 18 that's, I believe, five so if this is correct, 19 that would mean there would be three more. 20 Does it -- do you think that there 21 were -- or does that sound accurate that there 22 were three other counties that the pilot 23 program was floated in? 24 A. I know they spent a couple -- 25 MR. NKWONTA: Objection. Same</p>	<p style="text-align: right;">232</p> <p>1 my head. That's information Sarah would 2 certainly know. 3 MR. SCANLON: Okay. 4 BY MR. SCANLON: 5 Q. Is it possible for you to find out 6 without contacting Sarah? 7 A. No, I don't think so unless I could 8 go back and, you know, unless it's in an email 9 somewhere, but I think we've sent every 10 relevant email. 11 Q. Okay. She says that the other tool 12 is mapthevote.us. Are you familiar with that? 13 A. I vaguely remember hearing that 14 name. I don't have any familiarity with it, 15 but I do remember hearing that name. 16 Q. Okay. Do you know who Cinde 17 Weatherby is? 18 A. I don't. Yeah, I don't know. 19 Is that -- is this in response to 20 Charla's email? Because it looks like what 21 she did is send it out to like her friend 22 group. 23 Q. That looks like that's probably 24 correct. 25 A. So that's probably what we're</p>
<p style="text-align: right;">231</p> <p>1 objection as to the scope of topic 11. And 2 we'll just -- if you agree, that will be a 3 standing objection and you can proceed. 4 MR. SCANLON: Okay. Agreed. 5 MR. NKWONTA: And sorry, by the - 6 by the scope of topic, to make sure it's put 7 on the record, the standing objection is that 8 we've objected to providing a 30(b)(6) witness 9 to speak about communications with counties 10 outside the counties that have been named as 11 defendants or intervenors. So we'll agree 12 that's a standing objection and you can 13 proceed. 14 THE WITNESS: I know they went to, 15 you know, that they drove to different 16 counties. I know they tried to, you know, ask 17 people if they could run the pilot in those 18 counties. Some counties said yes, some 19 counties said no. And then we ran the pilot. 20 That's our -- 21 MR. SCANLON: I remember -- yeah, I 22 remember you saying that. I'm just trying to 23 see if you know what the other three counties 24 are. 25 THE WITNESS: I don't off the top of</p>	<p style="text-align: right;">233</p> <p>1 getting here. We're kind of into like friends 2 -- friends of friends. 3 Q. Well, we found out yesterday that 4 Cinde Weatherby is actually a partner with 5 Travis County Tax (indiscernible) and she's 6 also -- I believe if we scroll up, you might 7 be able to see what I'm talking about. 8 MS. VEIDT: I'm going to make a 9 quick objection on the mischaracterization of 10 Bruce and Gretchen's testimony as to what the 11 relationship is with Cinde Weatherby. 12 MR. SCANLON: I'm sorry about that, 13 Cindy. Let's just look at this email. 14 I'll withdraw that question. 15 BY MR. SCANLON: 16 Q. So this is an email between Cinde 17 Weatherby and Bruce Elfant with a person named 18 Grace Chimene copied. Does that look 19 accurate? 20 A. Yeah, that looks accurate. 21 Q. And do you know any of those people? 22 A. I don't. 23 Q. You don't know who Bruce Elfant is? 24 A. I don't. 25 Q. You're not aware that he's one of</p>

234

1 the Defendants that you're suing?  
 2 A. Oh, well, I mean, I was looking at  
 3 the like counties. I think it was like the --  
 4 the counties. I'm not suing -- nobody's suing  
 5 Bruce Elfant in like his personal capacity.  
 6 Q. Okay. But he is named as a  
 7 defendant in the lawsuit. You would agree  
 8 with me, right?  
 9 A. Yes.  
 10 Q. Okay. So we look at this email, the  
 11 signature says, "Cinde Weatherby, Voting  
 12 Rights/Election Law Issue Chair, League of  
 13 Women Voters of Texas." Did I read that  
 14 correctly?  
 15 A. Yeah.  
 16 Q. And you said that you had some  
 17 familiarity with League of Women Voters  
 18 nationally, but not in the State of Texas. Is  
 19 that accurate?  
 20 A. That's correct.  
 21 Q. So if we go through this email, I  
 22 think that -- yeah, we can go through this  
 23 one. So Cinde is writing, "Here's the full  
 24 email chain that we discussed today. You know  
 25 how much you and the League wants to have

235

1 online voter registration. I'm very sensitive  
 2 to things like this that may be damaging. The  
 3 person forwarding this to us (Charla Welch)  
 4 chooses not to believe me when I've indicated  
 5 it isn't permitted. Be sure to begin your  
 6 read at the bottom and work up. Words like  
 7 'intimate,' 'be discrete,' 'under the radar of  
 8 SOS.' They do say they have the approval of  
 9 Travis and Harris County to do this. [Of  
 10 course, the email says they worked with the  
 11 Travis & Harris County Clerks on this -- aou  
 12 and I know they" are -- "have nothing to do  
 13 with VR.]"  
 14 Did I read all that correctly?  
 15 A. You did.  
 16 Q. So would you agree with me that when  
 17 Cinde wrote this email to Mr. Elfant, she was  
 18 expressing concern about what Charla Welch was  
 19 saying and how she characterized the Vote.org  
 20 app?  
 21 A. Yeah, I -- I would say that. It  
 22 sounds like, you know, Charla Welch wrote like  
 23 a pretty, you know, hyperbolic letter and  
 24 Cinde Weatherby is reacting here to Charla  
 25 Welch's email.

236

1 Q. And you testified earlier that, you  
 2 know, it may have been hyperbolic, but  
 3 basically what Charla wrote in her email kind  
 4 of captured the way that the Vote.org app  
 5 works, right?  
 6 A. I think there are lots of things in  
 7 Charla's email I disagree with though, you  
 8 know? Like I -- I think what she was saying  
 9 about where we have a tool on and off is  
 10 wrong, how she characterized the work that we  
 11 were doing is wrong, how she characterized  
 12 the, you know, the, you know, our rollout is  
 13 wrong. So I -- I -- on the very specific  
 14 function of like how does the e-sign tool  
 15 work, I think that she did an okay job  
 16 describing how the tool works, but I wouldn't,  
 17 you know, and Charla Welch definitely is not  
 18 on staff or anything like that on Vote.org so  
 19 I wouldn't -- yeah, I wouldn't say that that's  
 20 -- that would be how Vote.org would correspond  
 21 with anyone.  
 22 MR. SCANLON: Objection,  
 23 nonresponsive.  
 24 BY MR. SCANLON:  
 25 Q. I'm just going to move down.

237

1 There's a little -- and I may be doing this a  
 2 lot, but there's more of a thread between  
 3 Cinde and Charla it looks like.  
 4 So there was another email from  
 5 Charla Welch. "Thanks for your feedback. As  
 6 an attorney, I was concerned as well. I spoke  
 7 directly with Vote.org's GC this week. They  
 8 are compliant with the law. When you submit  
 9 your application," quote, "by fax," end  
 10 quote, "on their site, it generates a paper  
 11 copy of the application, which a local print  
 12 shop then prints and mails to the respective  
 13 county clerk. They had meetings this week  
 14 with those counties that they thought would be  
 15 amenable to such a process so those mailing  
 16 would not be rejected. That's why they are  
 17 only live in certain counties.  
 18 "Yes, they are hoping to get this  
 19 accomplished under the radar of the Secretary  
 20 of State who has not been modernizing voter  
 21 registration processes, which is out of  
 22 alignment with the other 49 states (17 of  
 23 which have same day registration)."  
 24 Did I read that correctly?  
 25 A. You read that correctly.

<p style="text-align: right;">238</p> <p>1 Q. So for a second time, Charla said 2 that Vote.org is trying to fly under the radar 3 of the Secretary of State's Office, correct? 4 A. Yes, for a second time Charla Welch 5 said that. 6 Q. And she also testified that, you 7 know, she spoke directly with Vote.org's GC 8 and that would be Sarah, correct? 9 A. That'd be Sarah, yes. 10 Q. In response, it looks like Cinde 11 Weatherby writes, "There is no," quote, 12 "getting under the radar of the Secretary of 13 State," end quote. 14 Let me stop there. 15 Do you agree with that statement? 16 A. Yeah. I mean, I don't think anybody 17 was trying to be especially sneaky here. Like 18 I said, we sent emails out saying that launch, 19 you know, saying that our e-sign tool existed. 20 We wanted the voters to know about it is 21 possible. So I don't think that there -- there 22 was anything, you know, excessively sneaky 23 here. I think that Charla Welch doesn't 24 represent Vote.org or Vote.org's views. And, 25 yeah -- and I don't know -- there are</p>	<p style="text-align: right;">240</p> <p>1 to Mr. Elfant and it looks like it's an AOL 2 account. 3 Do you have any information on why 4 that would be sent to a private account? 5 A. Well, Cinde doesn't work at Vote.org 6 or have anything to do with Vote.org and 7 neither does Bruce or neither does Grace and 8 so I don't -- I don't know why all of them are 9 using, you know, a private account, but 10 obviously none of these people are Vote.org 11 people. 12 Q. But I guess what do you make of it, 13 the fact that there's multiple people saying, 14 you know, it looks what Vote.org is trying to 15 do is kind of in secret or under the radar of 16 the Secretary of State? 17 A. I think people are gossipy, you 18 know, so I think that people were -- there was 19 a new innovation, a new tool, a new thing 20 created, people -- all of -- all across the 21 sphere talking about it and I think that 22 they're coming to their, you know, own 23 conclusions without full information. I think 24 we've seen that they didn't have full 25 information as they're corresponding back and</p>
<p style="text-align: right;">239</p> <p>1 inaccuracies all throughout her emails. 2 Q. But Cinde also wrote, "The Vote.org 3 GC is incorrect about compliance." 4 Did I read that correctly? 5 A. You did. 6 Q. She also asked, "Could you forward 7 the contact info you used?" 8 Would it be safe to assume that 9 Cinde might have wanted to talk with Sarah 10 about compliance? 11 A. Sounds that way. 12 MR. NKWONTA: Objection. Calls for 13 speculation. 14 BY MR. SCANLON: 15 Q. Are you aware of whether Cinde 16 contacted Sarah? 17 A. I don't know. 18 Q. Cinde also writes, "It is this kind 19 of misinformation that disenfranchised people 20 as much as state laws." 21 Did I read that correctly? 22 A. Yes. 23 Q. Going back to this email I mentioned 24 from 25 Cinde Weatherby, this is from a gmail account</p>	<p style="text-align: right;">241</p> <p>1 forth. It all -- it looks like it all started 2 with the invitation to go get drinks and kind 3 of went from there. So I -- I don't really -- 4 I don't really -- I don't -- what was the 5 exact question? I'm sorry, I want to make 6 sure I answer it. 7 Q. It was pretty broad. I just asked 8 what did you make of, you know, the fact that, 9 you know, it seemed like some people were 10 saying that Vote.org was trying to do things 11 in this way. Just wanted to make sure I got 12 your impression of that. 13 A. Yeah, I think they were all just 14 talking about, you know, what was happening 15 and the fact that there was this new tool and 16 that everybody had, you know, their opinion on 17 it. I think it's kind of representative of 18 the fact that in 2018 before the Secretary of 19 State made like a clarifying, you know, 20 statement, that people were interpreting the 21 law in different ways. And I think you're 22 seeing that play out it looks like among 23 different leaders of organizations and things 24 in the state. And so, you know, and you saw 25 that with election officials as well and so</p>

242	<p>1 then you see the Secretary of State make the                  2 clarifying comment. And then now we have a                  3 law that has codified the Secretary of State                  4 comment and so now, you know, the e-sign tool                  5 is turned off permanently. But this all looks                  6 like just the conversations people were having                  7 at the time representative of the fact that                  8 there's new technology and everybody -- much                  9 like new technology that's launched anywhere                  10 is arguing over, you know, what they -- what                  11 they -think of it.</p> <p>12 Q. Okay. Did Vote.org have any                  13 concerns at that time when you were going                  14 through the rollout process that impressions                  15 like that would be detrimental to the -- to                  16 the company, the organization?</p> <p>17 A. No. I think Vote.org at the time                  18 thought it worked with local election                  19 officials that people would be excited about                  20 this technology, that it'll provide, you know,                  21 forms that are much easier and clearer to                  22 read, that it'll provide voters with a more                  23 streamlined experience and that this is a way                  24 for people to not have to take all of those                  25 extra burdens and steps that they have to take</p>	244
243	<p>1 in Texas, you know, to -- to participate, so                  2 they don't have to drive to Kinko's anymore                  3 because technology allows for something to be                  4 faxed in without have to drive to Kinko's or,                  5 you know, you don't have to go see if your                  6 neighbor has a printer anymore or things like                  7 that. Like I -- I think that -- yeah, I think                  8 that Vote.org really was focused on what is                  9 the best experience for the voter and then,                  10 you know, what is the best experience for                  11 election officials and then how do we pilot                  12 this technology and then how do we ultimately,                  13 you know, roll it out statewide.</p> <p>14 MR. SCANLON: Objection,                  15 nonresponsive.</p> <p>16 We've talked about that. I can take                  17 this down now.</p> <p>18 BY MR. SCANLON:</p> <p>19 Q. Do you know when you got -- when                  20 Vote.org got notification that the rollout                  21 could proceed or the tool could be turned on?</p> <p>22 A. I think -- I think maybe different -                  23 - well, I should look, but I think depends on                  24 the county and then I think, you know, once                  25 the county said they wanted to participate in</p>	245

<p style="text-align: right;">246</p> <p>1 mail-in applications were going to come, those 2 applications would not have a wet signature on 3 them. 4 A. Yeah, because remember the statute 5 said to have -- it's a copy, you know, a copy 6 of the signature and so, yeah, I don't think - 7 - I don't think any -- the people who worked 8 in the pilot believed that to mean a -- like 9 original of a signature. 10 Q. So you're certain that that was 11 clarified with each county where the app went 12 live? 13 A. Yeah. I mean, the technology itself 14 is built on that. There's no way our tech 15 platform would have a wet signature. 16 Q. Well, that's not actually what I 17 asked. 18 I'm asking if that aspect that the 19 mail -- mail-in applications would not have a 20 wet signature on them, if that was, you know, 21 made explicitly clear to the county officials 22 that Vote.org was working with? 23 A. I believe so. I mean, we had to 24 talk about pixilation of the, you know, 25 digital image and things like that to make</p>	<p style="text-align: right;">248</p> <p>1 A. HelloFax. We used a service called 2 HelloFax. 3 Q. Okay. 4 A. And so -- and I -- I don't know all 5 the intricacies of HelloFax's system. But 6 these are all things that a voter could go 7 and, you know, find on their own if they -- if 8 they want to. What our service did was when 9 they pressed the button, it automatically like 10 integrated these things so they could send it 11 out themselves. 12 Q. Okay. And I guess I'm wondering if 13 you have any explanation for why -- it seemed 14 like, based on what we read in the emails, the 15 counties were receiving these in batches. 16 Does that sound right to you? 17 A. That sounds -- yeah. I mean, I -- I 18 don't know what every, you know, everybody's 19 necessarily refers to when they are referring, 20 you know, I think different people mean 21 different things when they're referring to 22 batches, but I would have to ask the people at 23 like HelloFax what, you know, how they -- how 24 they fax out their -- I'm not familiar with 25 all of their technology.</p>
<p style="text-align: right;">247</p> <p>1 them work on the forms. And the bugs we had 2 to fix in the early days were exactly, you 3 know, about making sure that the quality of 4 the images, you know, were good when people 5 uploaded them. 6 Q. Okay. Did Vote.org have the 7 applications ready to go when they were -- 8 before they were submitted? 9 A. No. 10 Q. So if I -- if I remember right, you 11 testified that when users get -- go on the 12 website, that's the time at which it goes to 13 the fax company and then it goes to the print 14 shop, right? 15 A. Yeah, I use -- so a voter has to 16 come to the site, go to Texas. They have to 17 then go and put their information in so we 18 wouldn't be able to have something like ready 19 because they'd have to go in, initiate the 20 process, put their info in and then they 21 select to send out their information. So 22 that's -- that's how all that technology -- 23 that's how that works. 24 Q. Did RightFax send these fax 25 applications in batches?</p>	<p style="text-align: right;">249</p> <p>1 Q. Okay. Because it seems like if a 2 user goes on and then goes through the 3 process, that there would just be kind of like 4 a steady flow of applications being sent, but 5 I think what we've talked about is that 6 instead they were kind of coming in batches. 7 So I'm just kind of wondering if there's 8 somewhere where there's a bottleneck in the 9 process that you're aware of. 10 A. Not that I'm aware of. It goes 11 straight out, you know, from the -- once a 12 voter initiates the process, it goes to 13 HelloFax and the printer. So that's, you 14 know, then -- then anything would be on the 15 HelloFax's In or Printer's In. But I think 16 sometimes -- I don't know if everybody's using 17 the, like, most technical term when they're 18 saying batches or not. 19 Q. Okay. 20 A. But if it came in from HelloFax, 21 that's something that would be happening on -- 22 on their end. 23 Q. Okay. I'm going to move to another 24 topic now. I think we've been going for over 25 an hour and a half, so it may be a good time</p>

<p style="text-align: right;">250</p> <p>1 for a break, if everyone would like.</p> <p>2 MR. SCANLON: And can I just ask the</p> <p>3 court reporter for a time check, please?</p> <p>4 THE REPORTER: Yes. We have been</p> <p>5 going for five hours and three minutes.</p> <p>6 MR. SCANLON: Okay. Well, I guess</p> <p>7 we can go off the record, if that's okay.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 MR. NKWONTA: Can we take at least</p> <p>10 about at least a ten minute break because I'm</p> <p>11 needing to reboot my computer.</p> <p>12 MR. SCANLON: Yes. Yes, we can do</p> <p>13 ten minutes. We'll come back at 3:45.</p> <p>14 THE REPORTER: We're going off the</p> <p>15 record at 3:35 p.m.</p> <p>16 (Recess taken)</p> <p>17 THE REPORTER: We are back on the</p> <p>18 record. The time is 3:53 p.m.</p> <p>19 BY MR. SCANLON:</p> <p>20 Q. Ms. Hailey, I'm going to --</p> <p>21 THE REPORTER: Ms. Hailey, you're</p> <p>22 on mute.</p> <p>23 THE WITNESS: All right, here I am.</p> <p>24 Can you hear me?</p> <p>25 MR. SCANLON: I can.</p>	<p style="text-align: right;">252</p> <p>1 pursuant to an objection?</p> <p>2 MR. NKWONTA: Objection. Calls for</p> <p>3 a legal conclusion.</p> <p>4 THE WITNESS: Yeah, I wouldn't -- I</p> <p>5 wouldn't, I don't think, be able to answer</p> <p>6 that question --</p> <p>7 MR. SCANLON: I'll rephrase.</p> <p>8 BY MR. SCANLON:</p> <p>9 Q. Has Vote.org produced everything</p> <p>10 within its control that is responsive to this</p> <p>11 request?</p> <p>12 A. Yes, we've produced everything</p> <p>13 that's within our control, period, yeah.</p> <p>14 Q. Okay. For Request No. 2, it says we</p> <p>15 need "copies of all documents that were</p> <p>16 identified and/or used in preparing Responses</p> <p>17 to the Interrogatories." Do you know what I</p> <p>18 am referring to when I say the</p> <p>19 Interrogatories?</p> <p>20 A. The Interrogatories are the series</p> <p>21 of questions that you sent over, correct?</p> <p>22 Q. Correct. Did you rely on any</p> <p>23 documents in putting together your responses</p> <p>24 to the Interrogatories?</p> <p>25 A. It says, "Please produce copies of</p>
<p style="text-align: right;">251</p> <p>1 (Exhibit 3 marked.)</p> <p>2 BY MR. SCANLON:</p> <p>3 Q. Ms. Hailey, I'm going to now go to</p> <p>4 Exhibit 3, which is Vote.org's responses to</p> <p>5 our Request for Production, and share that.</p> <p>6 Have you seen this document before?</p> <p>7 I'll start at the top.</p> <p>8 A. Yeah.</p> <p>9 Q. And can you describe for the record</p> <p>10 what this document is?</p> <p>11 A. This is -- these are our responses</p> <p>12 to the - the questions he sent over to us.</p> <p>13 Q. Okay. And specifically our request</p> <p>14 to have Vote.org produce documents, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. I'm going to try to hit these</p> <p>17 as quickly as I can, but I do need to know,</p> <p>18 for Request for Production, No. 1, it's</p> <p>19 listed, you know, URLs that were brought up in</p> <p>20 the complaint, and it says, "Without waiving</p> <p>21 General Objections, Plaintiff Vote.org directs</p> <p>22 the State to the following documents, which</p> <p>23 are publicly available."</p> <p>24 I just need to know for this</p> <p>25 Request, have any documents been withheld</p>	<p style="text-align: right;">253</p> <p>1 all documents you have identified or used in</p> <p>2 preparing your responses to any of" -- well,</p> <p>3 did we rely -- I'm sorry, I don't understand</p> <p>4 the question.</p> <p>5 Is it did we rely on -- on -- on</p> <p>6 documents to answer the Interrogatories?</p> <p>7 Q. Yes, ma'am.</p> <p>8 A. Yeah, I mean we answered the</p> <p>9 Interrogatories to the best of our knowledge</p> <p>10 at, you know, Vote.org and anything that we</p> <p>11 have on our internal file systems, and</p> <p>12 anything that we had knowledge of at all, we -</p> <p>13 - we gave all that to our counsel.</p> <p>14 MR. SCANLON: Objection,</p> <p>15 nonresponsive.</p> <p>16 BY MR. SCANLON:</p> <p>17 Q. So did you rely on any of Vote.org's</p> <p>18 documents when you were putting together the</p> <p>19 responses to the Interrogatories?</p> <p>20 MR. NKWONTA: Objection to form.</p> <p>21 THE WITNESS: Well, I mean, we -- we</p> <p>22 relied on everything that we had within any</p> <p>23 file system at Vote.org to make sure we were</p> <p>24 answering to the best of our ability.</p> <p>25 BY MR. SCANLON:</p>

254

1 Q. So did you rely on every document  
 2 that's been produced in this case when you  
 3 were, you know, compiling your responses to  
 4 the Interrogatories?  
 5 A. I mean, I -- I suppose. I mean, we  
 6 -- we produced everything we possibly could  
 7 and then answered the, you know, and then  
 8 responded to the best of our ability.  
 9 Q. Okay. And, again, you see in the  
 10 response here where it says that there's an  
 11 objection to the request "as outside the scope  
 12 of the State's limited intervention." And you  
 13 incorporate "objections set forth in  
 14 Plaintiff's Motion for a Protective Order." I  
 15 know that's lawyer talk, but I need to know,  
 16 is Vote.org not producing any documents  
 17 because of this objection?  
 18 MR. NKWONTA: Objection. Calls for  
 19 a legal conclusion.  
 20 MR. SCANLON: I just want to state  
 21 for the record Federal Rule of Civil Procedure  
 22 34(b)(2)(C) requires that any objections that  
 23 are asserted in a response to a Request for  
 24 Production state whether the Respondent to  
 25 these requests is withholding documents

255

1 pursuant to the objection.  
 2 BY MR. SCANLON:  
 3 Q. So with that in mind, I'll just go  
 4 back and ask you, Ms. Hailey, are any  
 5 documents that are responsive to this request  
 6 being held back because of the objection?  
 7 MR. NKWONTA: Objection. Calls for  
 8 a legal conclusion.  
 9 THE WITNESS: Yeah, I'm -- I'm not -  
 10 - we're not really trying to -- I'm not aware  
 11 of anything that we're holding back. I mean,  
 12 I don't -- we definitely went through every  
 13 single request and then produced anything that  
 14 is within our, you know, that we have at  
 15 Vote.org.  
 16 BY MR. SCANLON:  
 17 Q. Will you agree to -- with me to work  
 18 with your lawyer to amend your responses to  
 19 these Requests for Productions -- Request for  
 20 Productions to comply with the Rule of Civil  
 21 Procedure?  
 22 A. Well, you know, I take the -- we  
 23 definitely take the advisement of our counsel,  
 24 and work with our counsel to determine what  
 25 the -- I -- I don't know all the rules of

256

1 Civil Procedure but I am working under the  
 2 understanding that they do.  
 3 Q. Okay. I guess while we're on the  
 4 record, I'll just ask opposing counsel if we  
 5 can agree to do that.  
 6 MR. NKWONTA: We'll certainly take a  
 7 look. Are these original responses or the  
 8 amended responses? I know that we've sent a  
 9 couple rounds of responses. We sent some  
 10 amended responses after the hearing.  
 11 MR. SCANLON: Is it a fair point  
 12 that these are the amended?  
 13 MR. NKWONTA: Just a second. Do you  
 14 mind scrolling -- I'm sorry, what exhibit  
 15 number is this?  
 16 MR. SCANLON: This is Exhibit 3.  
 17 MR. NKWONTA: We'll -- we'll  
 18 certainly take a look and amend. I don't want  
 19 to take up -- or we can go off the record if  
 20 you want to discuss something. I don't want  
 21 to take up more time of the deposition.  
 22 MR. SCANLON: I -- if we can have an  
 23 agreement that an amendment will be made to  
 24 state whether -- for each objection, documents  
 25 are withheld or not, I think that should solve

257

1 the problem, and I -- I won't have to spend too  
 2 much time on this, as I was planning to.  
 3 MR. NKWONTA: Yes, we can certainly  
 4 -- we can certainly agree to amend to clarify  
 5 that. I think there's some -- our amended  
 6 responses also stated that we were standing on  
 7 our 2403(b) objection, which there's some  
 8 theory there, so that -- that absolves us of  
 9 some duty to also having to search if you're  
 10 correct. So I think we'll clarify and we'll  
 11 supplement.  
 12 MR. SCANLON: Okay. Thank you.  
 13 With that in mind, I'll go ahead and proceed.  
 14 I just want to go through 4 and 5.  
 15 BY MR. SCANLON:  
 16 Q. There are requests for documents  
 17 that show a diversion of resources. And,  
 18 again, there's an objection as to the scope of  
 19 our intervention. I guess I'll just ask, have  
 20 you searched for financial documents like  
 21 invoices and receipts that show your  
 22 expenditures, you know, within the period  
 23 that's outlined in the complaint?  
 24 A. I think we looked through all our  
 25 budgets, yeah.

258

1 Q. Okay. And we've got several  
 2 exhibits that are budgetary Excel  
 3 spreadsheets. Are those the documents you're  
 4 referring to?  
 5 A. Most likely, yeah. I'm guessing  
 6 that --the exhibits, that you haven't opened  
 7 all your exhibits in the chat and I'm guessing  
 8 you're -- some of them are, I see that you've  
 9 got, and some budgets here.  
 10 Q. Okay. Moving on. I mean, that's a  
 11 similar request. Did you -- under Request for  
 12 Production No. 5, if you're familiar with  
 13 that, did you search for any other documents  
 14 that tended to show the expenditures of  
 15 Vote.org besides the budget documents that  
 16 were produced?  
 17 A. You know, I -- I think we definitely  
 18 have a good idea of, you know -- yeah, I mean,  
 19 of all of our different budgets at Vote.org.  
 20 What are you -- you're asking me if I've  
 21 searched for anything else that's under my  
 22 control -- under Vote.org's control for  
 23 documents in our possession, custody or  
 24 control related to the expenditures that  
 25 Vote.org has foregone.

259

1 I mean, part of the biggest thing  
 2 for us is, again, the human capital of being  
 3 such a small team, and then putting so much  
 4 time and energy and resources into even the  
 5 one state. So I think that that, you know, I  
 6 think that there's a lot there beyond, even,  
 7 some of the documents that were requested is  
 8 here.  
 9 Q. Are your employees hourly or do they  
 10 earn a yearly salary?  
 11 A. Our employees are salaried.  
 12 Q. Do you have any hourly employees?  
 13 A. We have consultants that are hourly.  
 14 Q. Okay. Would those kind of ex --  
 15 would any kind of expenditures like that kind  
 16 of tend to show, you know, the extra hours of  
 17 work that you're talking about?  
 18 A. I think really, like how much our  
 19 team, you know, of the internal team would  
 20 have to spend trying to, you know, discussing  
 21 taxes or how much, you know, when our, like,  
 22 only general counsel's -- it's not like we --  
 23 we don't have like a general counsel's office,  
 24 and our general counsel left to go be in  
 25 Texas. That's like the Vote.org general

260

1 counsel who then spends all their time one  
 2 state or, you know, if it's in, you know, our  
 3 -- an engineer, then it's going to be, like,  
 4 their entire time on a state. So it -- it's -  
 5 - we don't have a lot of -- we don't have a  
 6 lot of, like, duplicative people.  
 7 So I think us, the biggest thing is  
 8 purely the amount of -- amount staff time.  
 9 And there's, you know, yeah, additional time,  
 10 but I didn't put -- that would figure into  
 11 that as well. But our staff time and staff  
 12 resources means that we're not developing  
 13 things for other places or --  
 14 Q. Does Vote.org use time sheets to  
 15 capture the amount of hours its employees  
 16 work?  
 17 A. No, we don't use time sheets.  
 18 Q. Okay. Do you intend to supplement  
 19 the record with any additional documentation  
 20 of this sort before trial?  
 21 MR. NKWONTA: Objection. Calls for  
 22 a legal conclusion.  
 23 THE WITNESS: Yeah. I don't -- I  
 24 don't know.  
 25 BY MR. SCANLON:

261

1 Q. All right, at this time, you're not  
 2 aware of any documents of this nature that  
 3 you're going to rely on?  
 4 MR. NKWONTA: Same objection.  
 5 THE WITNESS: Yeah, I -- I -- I  
 6 probably don't -- I don't know what the, you  
 7 know, what we're going to rely on at trial.  
 8 BY MR. SCANLON:  
 9 Q. And No. 6 asked for non-privileged  
 10 communications among the officers and board of  
 11 directors related to Secretary of State  
 12 Pablos' response in paragraph 19. And we can  
 13 go to that, but I think you know what that  
 14 refers to.  
 15 We talked about earlier how  
 16 Secretary Pablos made an announcement and, you  
 17 know, that kind of caused Vote.org to have to  
 18 notify the users that this applied to. Is  
 19 that fair to say?  
 20 A. Yes.  
 21 Q. So were there communications among  
 22 Vote.org employees about how to respond to  
 23 that?  
 24 A. I have -- I'm not sure. I mean, it  
 25 would have been in our general counsel's

<p style="text-align: right;">262</p> <p>1 purview to, you know, come up with the  2 language to respond to voters and to, you  3 know, to receive the statement, which she did,  4 and shut off the tool, which would have, you  5 know, been her telling the tech team, turn it  6 off. And then, you know, that -- that would  7 have been her -- that would have been under  8 her purview.  9 Q. Would that have been through email?  10 A. May have been through email. It may  11 have been, you know, a phone call.  12 Q. Did you retrieve those emails to  13 respond to this RFP?  14 A. Oh, yeah. We retrieved every, you  15 know -- every email that, you know, that --  16 that pertains to any, you know, anything that  17 -- around e-sign.  18 Q. Okay. And I think we talked --  19 looking at RFP No. 10, we talked about efforts  20 to lobby members of the Texas Legislature, and  21 you said that there were no such efforts.  22 A. Yeah, I -- I'm not aware of lobby  23 efforts with the Texas legislature.  24 Q. Is it -- could you respond to this  25 by saying that you searched and that you found</p>	<p style="text-align: right;">264</p> <p>1 Legislature. So, you know, that's --  2 Q. And I guess specifically regarding  3 this Bill, right?  4 A. Specifically regarding this Bill, I  5 -- I -- I don't -- what -- I mean, I don't --  6 I'm not aware of an effort to lobby the, you  7 know, State Legislature.  8 Q. Okay. Has Vote.org attempted to  9 lobby any other State Legislatures, other than  10 Texas, regarding any kind of physical  11 signature requirements?  12 MR. NKWONTA: Objection. This is  13 beyond the -- the scope of the topics in the  14 30(b)(6) notice. You may answer, if you  15 remember that.  16 BY MR. SCANLON:  17 Q. And just for the record, I'm going  18 to note that the topics of the 30(b)(6) notice  19 do list the discovery responses and objections  20 related to this document that I have pulled  21 up. So we're just asking, you know, if you --  22 if you know, if you can answer.  23 MR. NKWONTA: Is this Request No. 11  24 or 12?  25 MR. SCANLON: This is -- I believe</p>
<p style="text-align: right;">263</p> <p>1 no documents, instead of objecting?  2 MR. NKWONTA: Objection. This calls  3 for a legal conclusion and obviously one of  4 the attorney responded.  5 THE WITNESS: Yeah. I mean, I think  6 that this would be something that our lawyers  7 would guide us on.  8 BY MR. SCANLON:  9 Q. I understand that, and I'm not  10 trying to get into your legal strategy, but we  11 -- we talked about how you said there was no  12 efforts to lobby the Texas Legislature.  13 Right?  14 A. Yes.  15 Q. So when that happens, I mean it's  16 very easy to just say that we searched and we  17 have no documents. So I'm asking why can't  18 that be done here?  19 A. Are you -- it sounds like you're  20 asking the lawyers though, and not me.  21 Q. I mean, if you're saying that you  22 looked and you have no responsive documents,  23 that's good enough for me. Is that accurate?  24 A. I -- I can tell you that I'm not  25 aware of efforts to lobby the Texas</p>	<p style="text-align: right;">265</p> <p>1 this is 11.  2 THE WITNESS: Are we going back and  3 looking at No. 11 here now?  4 BY MR. SCANLON:  5 Q. If you need to. I'm just wondering  6 if there were any efforts to lobby other  7 states than Texas regarding a similar physical  8 signature requirement, as stated in RFP 11?  9 A. So like -- like lobby for e-sign.  10 For our tool? So --  11 Q. Yes.  12 (Simultaneous speakers.)  13 A. -- he tool. For the fax -- like, to  14 be able to fax in information?  15 Q. Yes.  16 A. Not that I'm aware of. I mean, we  17 have other states where we -- where we can  18 fax in, you know, without any issue. Our  19 forms in several states have, you know, have -  20 - have the ability, you know, don't restrict  21 this ability, and we did do work, as I said  22 earlier, around, you know, federal voting  23 rights legislation. But we haven't had, you  24 know, the same reaction to our e-sign rule  25 that -- that Texas has had.</p>

<p style="text-align: right;">266</p> <p>1 Q. Okay. Going to 13, this is related  2 to communications from people in Texas who has  3 their registrations rejected or deemed  4 incomplete because the people used Vote.org's  5 app. Did any users of Vote.org's web tool  6 contact Vote.org to tell them that they had  7 problems with their registration?  8 A. I do think we had some users -- was  9 that? Oh, somebody else joined us.  10 I do think we had some users that  11 wrote, you know, that wrote to Vote.org when  12 we sent out the, you know, email to all users  13 saying that they may receive notification from  14 the Secretary of State's Office.  15 Q. Have those emails been produced?  16 A. I believe so.  17 Q. Are you certain?  18 A. Well, I say I believe so because  19 during the break, when we went back to get one  20 of your previous questions, I took a look to  21 see, of the, you know, of everyone who -- the  22 email blasts that went out to say about the  23 Secretary of State's notice, and then, you  24 know, we saw that somebody had -- somebody had  25 replied to that.</p>	<p style="text-align: right;">268</p> <p>1 that we could go, we've -- we've -- that  2 pertains to this, you know, we've provided.  3 So I guess I've seen a ton of documents.  4 Q. And it's not your contention to  5 withhold any documents --  6 A. No.  7 Q. -- of that nature?  8 MR. NKWONTA: Objection. Calls for  9 a legal conclusion.  10 MR. SCANLON:  11 Q. I'm sorry, was that a no?  12 A. Yeah, I mean --  13 MR. NKWONTA: Same objection.  14 THE WITNESS: I think Vote.org is  15 trying to -- to, you know, comply.  16 MR. SCANLON: I appreciate that.  17 MR. SCANLON:  18 Q. Okay, I want to cover really quickly  19 RFP No. 15. And it says, "All documents in  20 your possession, custody, or control related  21 to your contention that the 'Wet Signature  22 Rule' and/or HB3107 burdens the right to  23 vote."  24 And I will ask specifically on this.  25 You list the disclosures, the expert report,</p>
<p style="text-align: right;">267</p> <p>1 So I'm -- I don't, you know, I guess  2 I don't know off the top of my head. But I  3 went and looked at the -- on another question  4 you had, I looked at the break and then was  5 aware there was, you know, somebody who had  6 written back.  7 Q. Okay. And, again, Ms. Hailey, I'm  8 not trying to trip you up or anything. I'm  9 just trying to make sure we have all the  10 responsive information.  11 So can I ask, did somebody help you  12 when you did the email search to -- to get the  13 responsive documents --  14 A. Yes.  15 Q. -- other than your attorneys?  16 A. Yeah. I went to an engineer.  17 Q. And did you do a specific search for  18 emails that were from voters like we talked  19 about, that had contacted Vote.org after the -  20 - the -- the e-sign didn't work?  21 A. Yes.  22 Q. Okay. And your impression is that  23 those were produced but you're not certain?  24 A. Yeah. I mean, we -- we definitely -  25 - every -- every nook and cranny of Vote.org</p>	<p style="text-align: right;">269</p> <p>1 the County Intervenor's production, so  2 documents produced to the counties; the other  3 counties intervenors, Real and Medina County.  4 A. I don't want to interrupt you, but  5 some sound keeps coming in and out, so I don't  6 know if everybody's on mute or not. So can  7 you say what you were saying again?  8 Q. Sure. So I'm -- this one lists out  9 disclosures, expert report, the county  10 intervenor's production, which would be the  11 documents that you sent to Real and Medina  12 Counties. And my question is are there any  13 other documents that would show a burden on  14 the right to vote, to your knowledge?  15 MR. NKWONTA: Objection. Calls for  16 a legal conclusion.  17 THE WITNESS: So you -- yeah, I --  18 I'm not sure exactly what you're -- what  19 you're asking for.  20 BY MR. SCANLON:  21 Q. So this request is for documents  22 that show that the Wet Signature Rule and/or  23 HB3107 burdens the right to vote. Do you see  24 where it says that?  25 A. Yes. I mean, I don't -- I don't</p>

270	<p>1 know if you need --</p> <p>2 MR. NKWONTA: I'm sorry. I wasn't</p> <p>3 sure if there was a question there yet, but</p> <p>4 I'll object to the extent it calls for a legal</p> <p>5 conclusion.</p> <p>6 BY MR. SCANLON:</p> <p>7 Q. Are there any responsive documents</p> <p>8 that apply to this request that are not listed</p> <p>9 in this request -- in this response?</p> <p>10 MR. NKWONTA: Same objection.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 BY MR. SCANLON:</p> <p>13 Q. Have any documents been withhold --</p> <p>14 withheld pursuant to this request?</p> <p>15 MR. NKWONTA: Objection. Calls for</p> <p>16 a legal conclusion.</p> <p>17 MR. SCANLON: It's calling for the</p> <p>18 required information under Rule 34.</p> <p>19 MR. NKWONTA: Also a legal</p> <p>20 conclusion whether documents have been</p> <p>21 withheld subject to the privilege, or subject</p> <p>22 to a objection.</p> <p>23 MR. SCANLON: She can --</p> <p>24 BY MR. SCANLON:</p> <p>25 Q. You can answer if you know.</p>	272
271	<p>1 A. I don't know.</p> <p>2 Q. Did you do a search for documents</p> <p>3 related to this request?</p> <p>4 A. We did a search for, you know --</p> <p>5 yeah, for wet signatures and, you know, for</p> <p>6 anything that's Texas related, and we did --</p> <p>7 we did pretty, you know, extensive searches at</p> <p>8 Vote.org.</p> <p>9 Q. And in that search, what kind of</p> <p>10 documents were you looking for?</p> <p>11 A. I was looking for, you know,</p> <p>12 anything from -- that applied to any of the,</p> <p>13 you know, to the Bill, to the West Signature</p> <p>14 Rule, you know, to anything that could be</p> <p>15 relevant. I mean, it's kind of a large</p> <p>16 question, so we just tried to capture as much</p> <p>17 as possible.</p> <p>18 (Exhibit 2 marked.)</p> <p>19 BY MR. SCANLON:</p> <p>20 Q. Okay. I'm going to switch over now</p> <p>21 to the Interrogatories, to the Exhibit 2. And</p> <p>22 going up to the top of this page -- well, not</p> <p>23 the top but, do you remember seeing this</p> <p>24 document, Ms. Hailey?</p> <p>25 A. Yeah.</p>	273

274

1 Q. Are you still able to access that  
 2 information?  
 3 A. We are -- I don't know. I haven't,  
 4 like, tried to get back information from  
 5 HelloSign, but we would, you know, we would  
 6 have, like emails if somebody opted into our  
 7 text message alert. We would have, you know,  
 8 things like that. So the answer is, you know,  
 9 yes, maybe.  
 10 Q. Okay. And would that information  
 11 just be like stored on a server or something?  
 12 I mean, would it take a considerable amount of  
 13 work to retrieve that information?  
 14 A. I'd have to find out that answer for  
 15 you.  
 16 Q. Okay. When you were putting  
 17 together your response to this question, did  
 18 you just say, you know, with this first  
 19 amendment privilege that's listed here, that  
 20 you're not -- you're going to withhold that  
 21 information?  
 22 MR. NKWONTA: Objection. Calls for  
 23 a legal conclusion and this now implicates  
 24 work product.  
 25 BY MR. SCANLON:

275

1 Q. I'm just asking, did you try to get  
 2 this information to be able to respond?  
 3 MR. NKWONTA: Same objection. It  
 4 just calls for a legal conclusion and  
 5 implicates work product in terms to the  
 6 information she was asked to provide in order  
 7 to response to this Interrogatory.  
 8 BY MR. SCANLON:  
 9 Q. I didn't hear an instruction, so I  
 10 think you can answer if you know.  
 11 A. Well, I -- yeah. I mean, I -- we  
 12 put together all information that we could,  
 13 and -- and then brought that forward. But,  
 14 yeah, I didn't, you know, I -- I obviously  
 15 cleared it up earlier that I'm not a lawyer,  
 16 and so I didn't -- I didn't write specifically  
 17 the, you know, the answer that -- that you're  
 18 looking at here.  
 19 Q. Okay. But you verified these  
 20 responses. Right? According to this document  
 21 I have here?  
 22 A. Yes.  
 23 Q. "I, Andrea Hailey, have read the  
 24 foregoing responses and believe, based on  
 25 reasonable inquiry, that the statements

276

1 contained therein are true and correct," --  
 2 A. Yes.  
 3 Q. -- "to be best of my knowledge,  
 4 information and belief." Did I read that  
 5 correctly?  
 6 A. You did.  
 7 Q. "I verify under penalty of perjury  
 8 and pursuant to the laws of the State of Texas  
 9 that the preceding is true and correct." Did  
 10 I read that correctly?  
 11 A. Yes.  
 12 Q. With that in mind, you read the  
 13 response here and determined that it was  
 14 correct. Right?  
 15 MR. NKWONTA: Objection.  
 16 Mischaracterizes this document and the  
 17 response and calls for a legal conclusion.  
 18 These are objections, not responses.  
 19 MR. SCANLON: Why is there no  
 20 response? Isn't a response an answer?  
 21 MR. NKWONTA: No, there's a  
 22 distinction. These are objections, and the  
 23 objections are provided by the attorneys.  
 24 There's a distinction.  
 25 MR. SCANLON: Okay. I'm -- I'm

277

1 sorry, can you explain that to the rookie  
 2 lawyer on this deposition, that has never  
 3 heard that before?  
 4 MR. NKWONTA: Certainly. The -- the  
 5 -- the -- sworn verification is not to the  
 6 objections, it's not to the legal objections.  
 7 The witness has sworn -- the witness doesn't  
 8 swear to the legal objection.  
 9 MR. SCANLON: Okay. I understand  
 10 that, so --  
 11 MR. NKWONTA: And I'm just saying,  
 12 all we provided here for Interrogatory No. 1  
 13 are legal objections. The witness doesn't  
 14 swear -- so that's what I'm saying, that it  
 15 mischaracterizes the factual answer by  
 16 suggesting that she swore to an actual  
 17 response that was not a legal objection.  
 18 MR. SCANLON: So you're not  
 19 providing a response to this question based on  
 20 the objection; is that correct?  
 21 MR. NKWONTA: Objection. Calls for  
 22 a legal conclusion. I'm not sure if you're  
 23 asking me or Ms. Hailey.  
 24 MR. SCANLON: I'm sorry. I'm asking  
 25 you.

<p style="text-align: right;">278</p> <p>1 MR. NKWONTA: You're asking me.  2 Yes, we are not providing a response to  3 Interrogatory 1. We're standing on our  4 objection.  5 MR. SCANLON: Are you instructing  6 the witness not to answer the question in No.  7 1?  8 MR. NKWONTA: Which question? I --  9 I -- I think there was a question which I  10 objected to, that it calls for a legal  11 conclusion. I'm not instructing the witness  12 not to answer, but I'm not sure. Do you want  13 to read back the question?  14 MR. SCANLON: Okay.  15 BY MR. SCANLON:  16 Q. Can you identify and will you  17 identify each person you claim utilized the e-  18 signature function of Vote.org's web  19 application to register to vote in the State  20 of Texas by uploading an image of their  21 signature into the web application, as stated  22 in paragraph 18 of the original complaint?  23 MR. NKWONTA: You may answer, Ms.  24 Hailey, to the extent you know, subject to our  25 objection.</p>	<p style="text-align: right;">280</p> <p>1 A. An effort was made by Vote.org to go  2 through and gather any information we had  3 internally that is relevant to this lawsuit,  4 and then we gave all of that to counsel. And  5 then we went from -- went from there. And it  6 sounds like --  7 BY MR. SCANLON:  8 Q. So there -- there is a way to  9 determine who this Interrogatory applies to,  10 right? You can -- you can get the  11 information and you can provide it if you  12 wanted to. Right?  13 A. I don't know if I have all of the  14 information that, you know, that you're  15 looking for. We definitely have organized  16 everything that we possibly can at Vote.org in  17 our (indiscernable). So I -- I think that's -  18 - that's my -- that's my answer.  19 Q. Was there an effort by the engineer  20 to go in, get metadata or whatever the case  21 is, to identify who the people are that this  22 applies to?  23 A. I don't know.  24 Q. You don't know?  25 A. I mean, I don't -- our metadata is</p>
<p style="text-align: right;">279</p> <p>1 THE WITNESS: Yeah, I think -- I  2 think that's what the objection here is about.  3 Sorry if I'm -- you guys, if -- if you're  4 losing me. But it seems like they'd asked  5 that question, and the answer was we objected  6 that this is outside the scope of the State's  7 intervention.  8 And then you're asking me if I know  9 off the top of my head who all the appli --  10 applicants are who went through the e-sign  11 process. And I don't.  12 BY MR. SCANLON:  13 Q. Okay. But was any effort made to  14 gather that information?  15 MR. NKWONTA: Objection. Calls for  16 privilege and work product objection. Ms.  17 Hailey, I instruct you to answer only to the  18 extent you can do so without revealing  19 communications with counsel.  20 BY MR. SCANLON:  21 Q. And I just want to make sure I'm  22 clear. I'm not trying to ask about any  23 conversations with counsel. I'm just trying  24 to know, was an effort made to identify these  25 people by Vote.org?</p>	<p style="text-align: right;">281</p> <p>1 like the data that we, you know, that -- that,  2 if I think that you're using that term right,  3 is we can identify, like, unique users, so,  4 like how many unique users have come through  5 the site.  6 I'm not -- we're not necessarily storing the  7 data of every user.  8 We use like, you know, analytics to  9 be able to tell us how many people came to the  10 platform in 2020, or how many, you know,  11 unique users we have versus like, maybe --  12 maybe somebody came to the platform twice and  13 so I don't want to count that, because we're  14 looking at like user, you know, usage and  15 growth and things like that.  16 So we don't necessarily store all of  17 our user data and information and statistics,  18 and we have analytics, and it's usually the  19 analytics that show us, you know -- show us,  20 like, in aggregate, what something is.  21 Q. Okay. And you mentioned before,  22 when we were talking about the - the fax  23 vendor -- who was the fax vendor again?  24 A. HelloSign.  25 Q. HelloSign? That they may be able to</p>

<p style="text-align: right;">282</p> <p>1 help you just easily determine --</p> <p>2 A. Or, no, I --</p> <p>3 Q. -- who was able to --</p> <p>4 A. I don't know. I mean, again it's a</p> <p>5 -- like, it's like a tech integration, so it's</p> <p>6 not like I'm best friends with someone over at</p> <p>7 HelloSign. I would have to, like -- I -- I</p> <p>8 don't know to what extent HelloSign functions</p> <p>9 in that way or what their -- their back-end</p> <p>10 technology is like, or if they have, like,</p> <p>11 user agreements that they wouldn't, like, turn</p> <p>12 back over to me.</p> <p>13 I -- that's a -- I feel as -- like</p> <p>14 there's a lot of --</p> <p>15 Q. Sure. And I'm just asking if</p> <p>16 Vote.org attempted to get that information</p> <p>17 from them?</p> <p>18 A. From HelloSign?</p> <p>19 Q. As to the identities of the people</p> <p>20 who use the tool?</p> <p>21 A. I have not talked to anybody at</p> <p>22 HelloSign.</p> <p>23 Q. Did anyone from Vote.org talk to</p> <p>24 them?</p> <p>25 A. The people at HelloSign? I don't --</p>	<p style="text-align: right;">284</p> <p>1 A. (Reading Exhibit.) Okay.</p> <p>2 Q. So you mentioned that Secretary</p> <p>3 Pablos had notified, or sent a notification</p> <p>4 that applications would be rejected? Did I</p> <p>5 get that right?</p> <p>6 A. Made a statement -- and I'm assuming</p> <p>7 that the Secretary of State then took action,</p> <p>8 you know, that's reflective of, you know,</p> <p>9 other statements, but I -- I don't know.</p> <p>10 Q. Does this statement say anything</p> <p>11 about rejecting applications?</p> <p>12 A. No.</p> <p>13 Q. Okay. We may come back to this.</p> <p>14 I'm going to go back to the Interrogatories.</p> <p>15 It would have been smart to keep it open.</p> <p>16 Okay. Going on to Interrogatory No.</p> <p>17 2, this asks to identify every employee. So I</p> <p>18 guess, again, none of these Interrogatories</p> <p>19 have a response that you put down. Is that</p> <p>20 accurate, based on what we said before? And</p> <p>21 anyone feel free to correct me if that's</p> <p>22 wrong.</p> <p>23 A. Is that to -- zoom out for me.</p> <p>24 Q. Well, I just want to know were you</p> <p>25 asked to prepare a statement that was going to</p>
<p style="text-align: right;">283</p> <p>1 I don't think so.</p> <p>2 Q. Okay. And is there -- I think we --</p> <p>3 you already answered this earlier, but there's</p> <p>4 no way to determine whether any of those</p> <p>5 people were unable to register to vote? On</p> <p>6 your end.</p> <p>7 A. No, but, I mean, I'm -- I'm assuming</p> <p>8 that when the Secretary of State said that</p> <p>9 they were sending out notices, that they have,</p> <p>10 you know, like what those notices are. I'm</p> <p>11 making an assumption there, but I -- I don't</p> <p>12 know if they turned it over to everyone or a</p> <p>13 few people or all people. I think we just</p> <p>14 guessed that -- I don't know. The Secretary</p> <p>15 doesn't read us into that kind of information.</p> <p>16 (Exhibit 7 marked.)</p> <p>17 BY MR. SCANLON:</p> <p>18 Q. Okay. And you mentioned -- before I</p> <p>19 go further, I'm actually going to switch over</p> <p>20 to Exhibit 7. And you're familiar with this</p> <p>21 document, right? This is the press release</p> <p>22 that Secretary Pablos issued?</p> <p>23 A. No, I'd have to take an extra second</p> <p>24 to read it.</p> <p>25 Q. Okay. Go ahead.</p>	<p style="text-align: right;">285</p> <p>1 go in the response to this?</p> <p>2 MR. NKWONTA: I'll object. That</p> <p>3 calls for privilege and also calls for work</p> <p>4 product and I'll instruct Ms. Hailey not to</p> <p>5 answer that question.</p> <p>6 MR. SCANLON: I'll rephrase.</p> <p>7 I guess what was the purpose of</p> <p>8 verifying responses if there was no</p> <p>9 substantive answer that was going to be given.</p> <p>10 And, you know, I can pose that to Uzoma --</p> <p>11 MR. NKWONTA: I would have to look</p> <p>12 through the entire request and I can certainly</p> <p>13 get you an answer, you know, after this. But</p> <p>14 the rules are what the rules are.</p> <p>15 BY MR. SCANLON:</p> <p>16 Q. Do you know how big the team was</p> <p>17 that worked on developing the web app?</p> <p>18 A. Let's see. Just give me a second.</p> <p>19 I'm thinking of each person that was most</p> <p>20 likely there at the time. I mean, our team</p> <p>21 has never been bigger than 15 people. At our</p> <p>22 largest, Vote.org includes 15 people.</p> <p>23 Q. Does that include your engineers?</p> <p>24 A. Yeah.</p> <p>25 Q. Did your engineers develop the</p>

<p style="text-align: right;">286</p> <p>1 application on their own, or were they relying 2 on any independent contractors? 3 A. I'd have to ask them about their 4 own, you know, internal work flows, and if -- 5 and if they in 2018 brought any contractors 6 into that or -- or not. But our engineers 7 tend to be pretty proficient with what they 8 do. I'd have to -- I'd have to ask them if 9 there's anybody who assisted them. 10 Q. Before this, you didn't get any 11 information to respond to this -- before 12 today, you didn't seek out any information to 13 respond to this question? 14 A. Well, yes. I mean, we did. We've 15 organized everything at Vote.org, but what 16 you're asking me to do is to know that off the 17 top of my head to something the -- the team 18 objected to. So I didn't -- I don't think I 19 anticipated that this -- that we were going 20 over the answers to all the objections for 21 today. 22 Q. Okay. I -- I think I understand 23 now. So you're not sure exactly how many 24 people or whether independent contractors were 25 engaged to develop the web app?</p>	<p style="text-align: right;">288</p> <p>1 THE WITNESS: I mean, that's -- 2 that's not necessarily how I would -- how I 3 would say it. I think that -- I mean, I think 4 that if -- if we were in a -- I -- I think I'm 5 confused going down through all the 6 objections. 7 BY MR. SCANLON: 8 Q. I'm not trying to get into the 9 objections. I'm just asking if you know this 10 information. And you're telling me you don't 11 know. You don't know whether Vote.org hired 12 any independent contractors, you don't know 13 the size of the team that worked on the -- the 14 web app. So, I mean, you tell me. Is that 15 true or not? 16 A. No. So I believe that our engineers 17 developed e-sign, but there are times when our 18 engineers have asked for expertise on other, 19 you know, on other app developments that not, 20 you know, that isn't necessarily something 21 that, you know, right away comes to -- to my 22 attention as CEO. 23 And so I'm trying to be, I guess, 24 extra technical here, and maybe that's my 25 mistake in saying, you know, in not wanting to</p>
<p style="text-align: right;">287</p> <p>1 A. I just don't want to give you the 2 wrong answer, but we had a team of a handful 3 of engineers at Vote.org at the time. And 4 they're responsible for all, you know, 5 development of tools at the organization, and 6 they tend to be a pretty small but mighty 7 team. 8 Q. If I pulled up one of these budget 9 exhibits, would it show me how much money was 10 spent on independent contractors for that 11 purpose? 12 A. Possibly, yeah. I mean, I -- I 13 don't know that there were independent -- I 14 mean, our tech team is small but they're very 15 good, so I don't know -- I don't know -- yeah. 16 I don't know that -- that they weren't able to 17 develop e-sign working on it diligently 18 themselves. 19 Q. So I think what we've determined is 20 for a lot of this information, you're not able 21 to give a full response at this time. Is that 22 fair to say? 23 MR. NKWONTA: Objection. 24 Mischaracterizes the witness' testimony. You 25 may answer.</p>	<p style="text-align: right;">289</p> <p>1 say, like, I -don't -- I don't know who an 2 engineer on our team spoke to, I don't know if 3 they got another engineer to volunteer. 4 I can tell you that our engineering 5 team in 2018 would have been probably four 6 people so, you know, I think -- I think that's 7 the -- that's the thing, but what I don't -- 8 Q. Okay. 9 A. -- want to inadvertently not tell 10 you, like, there was an engineer that came for 11 us and volunteered their time, or something 12 like that, because we are like a pretty small 13 start-up. So we tend to, you know, we tend to 14 sometimes get people, especially if they have, 15 like, a skill set, to volunteer. 16 Q. I want to ask about Interrogatory 17 No. 3 now. We asked about paragraph 19 which 18 talks about Secretary Pablos, quote, 19 "claimed...that registration forms prepared 20 using Vote.org's web application were invalid 21 because they did not contain original, wet 22 signatures." 23 Did I read that correctly? 24 A. Yes, you read that. 25 Q. And does this refer to anything</p>

<p style="text-align: right;">290</p> <p>1 other than the press lease -- press release we  2 just went over, to your knowledge? Or  3 Vote.org's knowledge?  4 A. I think this refers to the fact that  5 Secretary of State said that, you know, the  6 language of the bill said -- or the language  7 of the statute said a copy, and then the  8 Secretary of State spoke to our, you know,  9 general counsel, and I -- I think at some  10 point said that is not a copy. It's a -- It's  11 a, you know, wet signature.  12 And that that's -- that anything  13 that's not a wet signature would be thrown  14 out. And I think our general counsel did not  15 see the words "wet signature" in any statute.  16 So I think that's what this was about. And I  17 think that's why the State legislature then  18 went and put into a statute, and why we're all  19 here today.  20 MR. SCANLON: Objection, non-responsive.  21 BY MR. SCANLON:  22 Q. Did Secretary Pablos contact  23 Vote.org directly?  24 A. I believe that it's, you know, that  25 -- well, do you mean the Secretary of State's</p>	<p style="text-align: right;">292</p> <p>1 Q. Was Debra Cleaver the CEO still at  2 that time?  3 A. Yes, she was.  4 Q. Do you remember about the date of  5 that call?  6 A. I think it was Oc -- you know, early  7 October when that call happened. I think  8 originally -- I think originally the -- I  9 think the call was -- again, Sarah would have  10 to speak to specifics but, you know, I think  11 it was fairly positive so -- but then I don't  12 know. I think at -- I think at some point,  13 you know, we were rolling out new technology  14 and everybody was trying to understand exactly  15 what that technology was and how it worked.  16 Q. When you - when you say that it was  17 a positive call, what gave you that  18 impression?  19 A. I think because -- I think when the  20 original technology was being rolled out and  21 it was a few days before the clarifying  22 statement, I don't think, in my recollection,  23 that there was any real alarm at Vote.org.  24 There were county officials that  25 were okay with it and there was a -- our</p>
<p style="text-align: right;">291</p> <p>1 Office or Secretary Pablos?  2 Q. Either.  3 A. Yeah, it's -- I think in -- right  4 before making their statement, our general  5 counsel spoke to the Secretary of State's  6 Office.  7 Q. Do you remember what that  8 communication was? Was it -- well, let me  9 strike that.  10 Did the Secretary of State's  11 Office communicate with you via email?  12 A. No. I believe they had a phone  13 conversation.  14 Q. Okay. Were you on that call?  15 A. I was not.  16 Q. Do you know what was discussed in  17 that call?  18 A. I don't know. You know, I'm  19 guessing the  20 e-sign tool was discussed in that call but,  21 you know, Sarah Jackel, our general counsel,  22 is the person who held the call.  23 Q. Did Sarah say anything to you about  24 this after the call?  25 A. No, she did not.</p>	<p style="text-align: right;">293</p> <p>1 general counsel speaking with the Secretary of  2 State's office and not seeming to say there's  3 some, you know, alarm.  4 For us, we're, you know, adverse to  5 having a voter have a bad experience, so if  6 there's alarm, then that would set off, you  7 know, us wanting to address it. I think that  8 the alarm came when we realized that the  9 Secretary of State was issuing a statement,  10 and we turned off the tool.  11 Q. So the statement came after the  12 phone call that you had with the Secretary of  13 State office?  14 A. That Sarah had, yes.  15 Q. And just to clarify, Sarah was  16 talking to Secretary Pablos or another member  17 of the office?  18 A. That I don't know, but I don't know  19 if Secretary Pablos -- I'm guessing it was --  20 I guess I shouldn't guess. But I'm assuming a  21 member of the office.  22 Q. Okay. But -- and you don't know the  23 name of that person?  24 A. I don't.  25 Q. Okay. So did -- do you know if</p>

<p style="text-align: right;">294</p> <p>1 during that call Sarah was told that there was  2 going to be some kind of press statement like  3 what was made?  4 A. I don't think so. I don't know, but  5 I don't think so. I think if there was a  6 statement coming, we would have shut off the  7 tool.  8 Q. Okay. And what did Vote.org do once  9 it found out about the statement? I guess I  10 should back up. How did Vote.org find out  11 about the statement?  12 A. I believe the news. And we shut off  13 the tool.  14 Q. Okay. Other than shutting off the  15 tool, did Vote.org do anything else to  16 respond?  17 A. Yeah. I mean, I think there was a  18 lot of conversation about, you know, about the  19 tool itself. Would it be able to be used in  20 the future? Is there anything, you know,  21 anything we can do?  22 You know, confusion over the  23 statement because that's not the way -- the  24 Secretary of State's interpretation is not the  25 interpretation, like, you know, discussing</p>	<p style="text-align: right;">296</p> <p>1 time, the wasted conversations, the wasted  2 staff. Like I said, you know, I think you're  3 getting an idea of how small we are.  4 So I think that that's -- that's,  5 you know, primarily -- primarily the expense  6 at that -- at that moment, is just dumping it.  7 Then I guess expense to, you know,  8 communications, you know, around the tool. I  9 think there are some reporters who reached  10 out, so then trying to talk about messaging,  11 around what we, you know, what we did.  12 So there was probably, you know,  13 comms. expense. But, really, it's like the  14 whole -- all of that takes -- it hits  15 different parts of Vote.org, whether it's RJC  16 or comms. or engineers.  17 I think the biggest expense was just  18 organizing all of that, organizing are own  19 response, talking to everybody about it, and -  20 and the fact that it just pretty much, you  21 know, it's right before an election, so I  22 think it just takes up, you know, our -- ours  23 team's time and energy.  24 Is there anything else we need to  25 do? Anybody else we need to talk to? It's</p>
<p style="text-align: right;">295</p> <p>1 things that were not in the original statute.  2 I think that there was, you know --  3 yeah, I think those are the main things that's  4 -- staff discussions, people wanting to know  5 why we aren't using the technology anymore. I  6 think that probably that is -- you know,  7 that's what happened then -- yeah.  8 Q. Was that -- anything that happened  9 with that the reason for Debra Cleaver's  10 termination?  11 A. No.  12 Q. So -- and we don't have to get into  13 it, but the termination was for completely  14 unrelated reasons to the Wet Signature Rule?  15 A. Yes.  16 Q. Okay. And you're still not going to  17 give me her phone number?  18 A. I don't have her phone number in  19 front of me.  20 Q. Do you know how much more expensive  21 Vote.org's operations were after Secretary  22 Pablos made the announcement?  23 A. I think the expense to us in that  24 moment is, again, like the wasted technology,  25 the wasted trips, the wasted human, you know,</p>	<p style="text-align: right;">297</p> <p>1 just an exhausting, you know, experience at  2 the staff level and so I think it's the staff  3 time. Like that probably takes up, like, half  4 of our team's time. And then they, you know,  5 and then just trashing something that we know  6 works and that serves voters.  7 Q. We talked a little bit about the  8 question in Interrogatory No. 4, about more  9 expensive and less effective means. and I  10 just want to ask how do you define less  11 effective?  12 A. Oh, like -- the example I gave,  13 that's the kind of thing that we would try to  14 think of, like, okay, can we partner? Who has  15 printers, since people don't have printers at  16 home. Can we -- like how -- who -- how do we  17 help connect voters?  18 We don't have printers. Primarily,  19 you know, because that primarily hits younger  20 voters in particular, since half of them, you  21 know, like -- I think it's something like 52  22 percent, somewhere in there, don't have  23 printers at home. So then our team gets busy  24 being, like, well, hey, who could do something  25 about this?</p>

298	<p>1 They're like NextDoor is a really</p> <p>2 popular app. And then we have to reach out to</p> <p>3 the NextDoor team, and then we have to ask</p> <p>4 them, hey, do you have the ability internally</p> <p>5 for you guys to, like, make it so that people</p> <p>6 in different neighborhoods can volunteer to</p> <p>7 print, you know, to let people come over and</p> <p>8 use their printer? And, you know, all of that</p> <p>9 is -- that's time, energy and resources, and -</p> <p>10 -and so we're constantly thinking of things,</p> <p>11 you know, like that.</p> <p>12 And that's less effective because</p> <p>13 that just is. Like, every time there's a</p> <p>14 barrier to, you know, there's another step</p> <p>15 someone has to take in the process, then</p> <p>16 you're going to get dropout, especially among</p> <p>17 younger voters, disabled voters, voters of</p> <p>18 color, and that drop-off happens.</p> <p>19 You know, like it's much more</p> <p>20 effective to be able to -- somebody to be able</p> <p>21 to initiate that process right there on their</p> <p>22 phone or at home or on their iPad or whatever</p> <p>23 it is they use, and be able to do that, than</p> <p>24 to, like -- even our -- even our solutions</p> <p>25 aren't great, right?</p>	300
299	<p>1 doing our jobs if everyone's forms were</p> <p>2 incomplete.</p> <p>3 Q. Going to No. 5, Interrogatory No. 5.</p> <p>4 Are there any communications with the -- with</p> <p>5 Texas election officials, whether it's at the</p> <p>6 state or county level that we have not already</p> <p>7 discussed?</p> <p>8 A. That we haven't already discussed.</p> <p>9 We discussed a lot of, you know, a lot of the</p> <p>10 communications. I think -- I think what</p> <p>11 you're -- you've seen are just kind of like</p> <p>12 the nature of the communications.</p> <p>13 I -- I don't -- I can't say that</p> <p>14 Sarah didn't, like -- as you know, she went to</p> <p>15 different, you know, county -- in different</p> <p>16 counties and had different conversations, and</p> <p>17 I don't know if all of her that -- all those</p> <p>18 conversations are --</p> <p>19 Q. Sure. After the press conf -- the</p> <p>20 press release came out, were there</p> <p>21 communications still going on with counties or</p> <p>22 the state that Vote.org was doing in relation</p> <p>23 to the Wet Signature Rule?</p> <p>24 A. Yeah, I mean, I'm sure -- we</p> <p>25 communicated that we were turning off the tool</p>	301
299	<p>1 Like now I'm assuming if somebody's</p> <p>2 on NextDoor or not, and then they find out if</p> <p>3 their neighbor has a printer or not, and if</p> <p>4 they can go over their print -- their</p> <p>5 neighbor's place to try to print something</p> <p>6 out, like that is way less effective than the</p> <p>7 literally two minutes it could take using, you</p> <p>8 know -- using the app or using somebody's</p> <p>9 smartphone, so I think --</p> <p>10 Q. Well, is there -- I'm sorry, I don't</p> <p>11 mean to cut you off, but is it -- I'm kind of</p> <p>12 running out of time here. Is it effective if</p> <p>13 you -- if they use the app and then their</p> <p>14 application gets returned as incomplete, and</p> <p>15 they have to go through another process to</p> <p>16 register?</p> <p>17 A. Yeah, we wouldn't want, you know,</p> <p>18 that -- that to happen. It would definitely -</p> <p>19 - we'd like to see a streamlined process where</p> <p>20 they could effectively use the e-sign tool and</p> <p>21 they could use our tool to complete their --</p> <p>22 complete their, you know, their registration</p> <p>23 and do it in, like two minutes.</p> <p>24 Now, obviously, we wouldn't want to</p> <p>25 see -- we wouldn't find it -- we wouldn't be</p>	<p>1 and, you know, effective immediately. I -- I</p> <p>2 think, yeah, so there would be communications</p> <p>3 like that.</p> <p>4 Q. Okay. Were there any communications</p> <p>5 with those folks either before or after HB3107</p> <p>6 was passed?</p> <p>7 A. No, because, you know, well first of</p> <p>8 all we're -- we're understaffed. But I would</p> <p>9 say that, you know, once HB3107 was passed,</p> <p>10 there's really no longer a question of whether</p> <p>11 we can turn back to the tool or not.</p> <p>12 We can't run anymore pilot programs,</p> <p>13 we can't scale a program, we can't, you know,</p> <p>14 serve voters in a way that would give them</p> <p>15 streamlined access. So there's -- there's not</p> <p>16 so much to talk about.</p> <p>17 Q. Okay. Going to No. 6, you'll</p> <p>18 forgive me if there's some more lawyer talk</p> <p>19 here, but the objection here is that it is too</p> <p>20 burdensome to calculate a dollar amount and</p> <p>21 expenses related to the redesign of the Wet</p> <p>22 Signature Rule. Do you think it's -- it's too</p> <p>23 burdensome to ascertain that information?</p> <p>24 A. So are you asking me basically if I</p> <p>25 agree with the objection?</p>

<p style="text-align: right;">302</p> <p>1 Q. In -- in essence, yes.</p> <p>2 MR. NKWONTA: Objection. Calls for</p> <p>3 a legal conclusion. You may answer.</p> <p>4 THE WITNESS: I agree with the</p> <p>5 objection.</p> <p>6 BY MR. SCANLON:</p> <p>7 Q. Do you intend to provide more</p> <p>8 information before trial as to your</p> <p>9 expenditures, your precise figures on this</p> <p>10 issue?</p> <p>11 MR. NKWONTA: Objection. Calls for</p> <p>12 a legal conclusion and seekd privileged</p> <p>13 information. Specifically work product.</p> <p>14 MR. SCANLON: I'm just asking if she</p> <p>15 plans to give more information later?</p> <p>16 MR. NKWONTA: Do -- what -- the</p> <p>17 question --</p> <p>18 MR. SCANLON: Without -- without any</p> <p>19 involvement of -- of counsel.</p> <p>20 THE WITNESS: I plan -- yeah, I</p> <p>21 think that Vote.org wants to, you know, show</p> <p>22 and demonstrate how spending so much time</p> <p>23 concerning the State of Texas when we have a</p> <p>24 really easy, simple tool that works.</p> <p>25 I think it's, you know, it's our</p>	<p style="text-align: right;">304</p> <p>1 could go to the site and they could say they</p> <p>2 don't have a printer and that they want a form</p> <p>3 mailed to them, and could have the form mailed</p> <p>4 to them for them to fill out that would have,</p> <p>5 you know, postage and the -- their election</p> <p>6 official's, you know, address. They could</p> <p>7 fill the form out themselves, like the PDF</p> <p>8 themselves, and -- and send it in. Right now,</p> <p>9 we're not running -- we're not running a</p> <p>10 print-and-mail program.</p> <p>11 Q. Has Vote.org ever had any complaints</p> <p>12 again -- against it to the California Attorney</p> <p>13 General?</p> <p>14 MR. NKWONTA: Objection. This is</p> <p>15 beyond the scope of the topics in the 30(b)(6)</p> <p>16 notice.</p> <p>17 BY MR. SCANLON:</p> <p>18 Q. Are you aware of any in your</p> <p>19 personal capacity?</p> <p>20 A. In my personal capacity? Can you</p> <p>21 guys, like, tell me the -- so am I here -- I'm</p> <p>22 here in my Vote.org capacity. Right? I'm not</p> <p>23 trying to be snide; I'm trying to make sure I</p> <p>24 understand what the -- what our rules are</p> <p>25 here.</p>
<p style="text-align: right;">303</p> <p>1 goal to show there's a tool, it works, you</p> <p>2 could use it, and we could be doing work, not</p> <p>3 spending so much time in Texas but paying</p> <p>4 attention to the other, you know, states that</p> <p>5 exist as well that we also have to serve.</p> <p>6 BY MR. SCANLON:</p> <p>7 Q. So do you intend to pur -- provide</p> <p>8 precise dollar figures later on without any</p> <p>9 prompting from counsel?</p> <p>10 A. I think I would talk to my counsel</p> <p>11 and --</p> <p>12 Q. Okay, fair enough.</p> <p>13 Can you go to No. 8 now? We want to</p> <p>14 ask, I guess, a little bit -- I want to ask a</p> <p>15 little bit more about the routine activities</p> <p>16 of Vote.org. Does Vote.org prepare mailers to</p> <p>17 send out? And I apologize if I asked you that</p> <p>18 already.</p> <p>19 A. Prepare mailers to send out. Are</p> <p>20 you talking about in -- and you're talking</p> <p>21 about in Texas, not --</p> <p>22 Q. Yes.</p> <p>23 A. -- other their state.</p> <p>24 In Texas, what we could -- I mean,</p> <p>25 we could, like, theoretically just -- somebody</p>	<p style="text-align: right;">305</p> <p>1 Q. Are you aware of any complaints to</p> <p>2 the California Attorney General's office</p> <p>3 directed at Vote.org?</p> <p>4 MR. NKWONTA: Same objection.</p> <p>5 Andrea, you may answer to the extent that you</p> <p>6 know personally. You're not answering on</p> <p>7 behalf of Vote -- Vote.org's behalf. And</p> <p>8 also, Corey, going for -- just to avoid me</p> <p>9 having to object repeatedly, can we have</p> <p>10 another standing objection under our 24 -- our</p> <p>11 rule 24 -- our section 2403 objection that is</p> <p>12 the basis of our protective order before the</p> <p>13 court to the extent that these questions also</p> <p>14 exceed that. And then we just have that</p> <p>15 standing objection.</p> <p>16 MR. SCANLON: Okay.</p> <p>17 THE WITNESS: So I have not seen a</p> <p>18 complaint sent to the California Attorney</p> <p>19 General.</p> <p>20 BY MR. SCANLON:</p> <p>21 Q. You haven't seen one.</p> <p>22 A. No.</p> <p>23 Q. Are you aware of one?</p> <p>24 A. No.</p> <p>25 Q. Do you know that there was a</p>

306

1 complaint against Vote.org?  
 2 MR. NKWONTA: Objection.  
 3 Foundation, and beyond the scope of the  
 4 notice.  
 5 THE WITNESS: No. I mean, I don't -  
 6 - I haven't -- I have not seen a complaint  
 7 filed against Vote.org.  
 8 BY MR. SCANLON:  
 9 Q. Do you know of any in the past five  
 10 years?  
 11 MR. NKWONTA: Objection. Asked and  
 12 answered, and beyond the scope of the 30(b)(6)  
 13 notice.  
 14 THE WITNESS: No, I have not. I  
 15 mean, I have not seen any complaint filed  
 16 against Vote.org.  
 17 BY MR. SCANLON:  
 18 Q. You have no knowledge of any AG  
 19 complaints against Vote.org?  
 20 A. Well, what is an AG complaint? Like  
 21 an AG writing us and asking for -- for --  
 22 saying that we, you know, that we have a  
 23 complaint? Or what -- what is a -- what do  
 24 you mean by that?  
 25 Q. Are you aware of any complaint

308

1 to worry about. I'm just trying to get her to  
 2 say that she doesn't have any knowledge of any  
 3 complaints.  
 4 MR. NKWONTA: I'm just telling you  
 5 that this is so far beyond the scope of -- of  
 6 the case and the 30(b)(6) notice that it's  
 7 bord -- bordering on harassment.  
 8 MR. SCANLON: I'm not here to harass  
 9 anybody, Ms. Hailey.  
 10 BY MR. SCANLON:  
 11 Q. I think we -- I mean, you mentioned  
 12 that you didn't want to talk about Debra  
 13 Cleaver. Is this the reason why?  
 14 A. Not -- no. I mean, there -- I don't  
 15 want to talk about a former CEO because our  
 16 transition was a couple of years ago. So,  
 17 yeah. No, it's not the reason why.  
 18 Q. And I think it was -- going back to  
 19 Interrogatory No. 8, we talked about how  
 20 Vote.org would not have had a routine practice  
 21 in Texas of using its e-signature tool prior  
 22 to the launch that we've discussed at length  
 23 today. Is that accurate?  
 24 A. Can you say that again?  
 25 Q. Vote.org would not have had a

307

1 submitted by any person to the California AG's  
 2 Office directed at Vote.org?  
 3 A. I'm not.  
 4 MR. NKWONTA: Objection again. This  
 5 is beyond the scope of the case and the  
 6 30(b)(6) notice.  
 7 BY MR. SCANLON:  
 8 Q. And you have no knowledge of that?  
 9 MR. NKWONTA: Same objection.  
 10 THE WITNESS: Like, I -- I have not  
 11 seen a complaint that has been filed against  
 12 Vote.org from, you know, with the California  
 13 Attorney General.  
 14 BY MR. SCANLON:  
 15 Q. Sure. You said that you haven't  
 16 seen it. Do you have any knowledge of any  
 17 complaint?  
 18 A. I don't have knowledge of a  
 19 complaint filed against Vote.org.  
 20 MR. NKWONTA: I didn't get a chance  
 21 to register an object, but I object to the  
 22 question as beyond the scope of the notice.  
 23 Corey, this is getting -- going nowhere.  
 24 MS. SCANLON: Well, if she doesn't  
 25 have any knowledge, she doesn't have anything

309

1 routine practice of using the e-signature app  
 2 in Texas prior to its launch that we've  
 3 discussed in 2018. Is that accurate?  
 4 A. That we wouldn't have -- what number  
 5 are we on?  
 6 Q. Number 8. This is related to  
 7 routine activities.  
 8 A. Okay. So what is it? that we  
 9 wouldn't have talked to someone before the  
 10 launch of our app?  
 11 Q. Correct? Or, no, that you wouldn't  
 12 -- you didn't have a -- the e-signature app  
 13 operating regularly in Texas prior to the 2018  
 14 launch.  
 15 A. No.  
 16 Q. Correct?  
 17 A. Correct.  
 18 Q. Okay. Going to No. 9, does Vote.org  
 19 keep track of the number of voters that it  
 20 assists in registering to vote?  
 21 A. Vote.org doesn't assist people in  
 22 registering to vote. People use our tools to  
 23 register to vote or to, you know, eligible  
 24 voters use our tool sets to facilitate, you  
 25 know, their process.

<p style="text-align: right;">310</p> <p>1 And when we keep track of it, we                  2 keep track of mostly start events. So that                  3 means somebody's initiated a process for our,                  4 you know, in our analytics. That's how we --                  5 that's how we track it.                  6 Q. Well, why do you keep saying that                  7 Vote.org doesn't assist voters in registering                  8 to vote?                  9 A. Because we're a tech company that                  10 produces tools that people can use to                  11 register, so I want to make sure that it's,                  12 you know, clear that people are using our                  13 tools, and that the voters themselves are                  14 typically initiating this process, not                  15 Vote.org.                  16 Q. So it's not a -- like a one-on-one                  17 interaction where you're, you know, maybe                  18 trying to persuade someone to register to                  19 vote. Is that fair to say?                  20 A. Users come to our site and they can                  21 -- there's a myriad of actions on the site.                  22 So it'd be like if they want to verify their                  23 registration, which is what we, you know,                  24 would recommend, people verify first their                  25 voter registration. If they're not</p>	<p style="text-align: right;">312</p> <p>1 2020, Vote.org ran the largest voter                  2 mobilization program in its history, making                  3 more than 650 million voter contacts among                  4 those traditionally underserved groups, as                  5 well as signing up over 1,000 companies to                  6 provide paid time-off to vote."                  7 And it says, "Over 39.4 million                  8 people sought deadlines, polling locations,                  9 and other essential voting information,                  10 leading to more than 4.2 million people                  11 registering to vote, helping over 3.4 million                  12 request mail ballots, and setting records                  13 across the board with its engagement."                  14 Did I read that correctly?                  15 A. You did.                  16 Q. So is it fair to say that you have                  17 data on how many people have used the tool                  18 that -- the tools that Vote.org supplies, and                  19 then go on to successfully register to vote,                  20 correct?                  21 A. Well, so I mean I think there's a                  22 difference between being in this, you know,                  23 deposition right now, and then what we, like,                  24 might say publicly, because like if you want                  25 to get into the technical aspects of it, and I</p>
<p style="text-align: right;">311</p> <p>1 registered, then they know it. And if they                  2 are registered, then they know it. And then                  3 they can use our tools, you know, if they need                  4 to.                  5 Q. Does Vote.org track voters who use                  6 their tools and have successfully registered?                  7 A. We cannot -- we can see the start                  8 events. We have to, like, wait until, you                  9 know, after an election cycle to be able to                  10 have a full understanding. Who made it all                  11 the way through the process (indiscernible)                  12 and who, you know, actually made it to the                  13 ballot box.                  14 Q. So for each election cycle, Vote.org                  15 keeps track of the number of people who use                  16 its tools, correct?                  17 A. Yes. We have -- we have analytics                  18 around how many people have come to the site                  19 and how many people have clicked on the                  20 different tools and started a process.                  21 (Exhibit 10 marked.)                  22 BY MR. SCANLON:                  23 Q. Okay. I'm going to bring up Exhibit                  24 10 now, on the screen. Let's just jump to the                  25 second paragraph right here. It says, "In</p>	<p style="text-align: right;">313</p> <p>1 want to make sure I'm a hundred percent                  2 accurate, what we're really seeing are start                  3 events. So I can tell you how many start                  4 events have happened.                  5 And now what you're referring to                  6 here is also like there's two different                  7 programs happening, like our get-out-the-vote,                  8 the 650 million voter contacts, separate from                  9 the site and everything we're talking about on                  10 the site right now.                  11 So that -- those are -- you have to                  12 think about it as, like, as two different                  13 entities: The site platform and then our get-                  14 out-the-vote work, where get-out-the-vote is,                  15 you know, all about like here's your -- we've                  16 got an upcoming election, you need to                  17 participate in your elections. That's where                  18 we, you know, market the idea of voting,                  19 whether that's like billboards or radio or                  20 text messages or things like that.                  21 Then the platform itself, we're able                  22 to see who has come to the platform, who has                  23 started an event. A state necessarily, like,                  24 turn over to us the information about who                  25 completed the process all the way through.</p>

<p style="text-align: right;">314</p> <p>1 Q. So how does Vote.org know that your                  2 efforts led to more than 4.2 million people                  3 being registered to vote?                  4 A. I mean, we know that we had that                  5 many, you know, start events coming through                  6 our site. So that, you know, again, how I                  7 might speak here in this deposition might be                  8 different than how I would, like, speak to the                  9 public because most people aren't going to                  10 know what a start event is or want to get into                  11 the intricacies of, like, how our forms work                  12 or when -- when the state receives something,                  13 or when we do hear back, you know, from the                  14 state, or how we compare that to the voter                  15 file at the end of the day to find out, you                  16 know did -- what percentage of people who                  17 start their events with Vote.org or -- like, I                  18 don't know. There's a lot of, like, technical                  19 things that -- that -- that we'd probably                  20 discuss here that I wouldn't discuss outwardly                  21 to, like, the average public.                  22 Q. Right. So is it fair to say that                  23 the leading to more than 4.2 million people                  24 being registered to vote, that you don't                  25 actually know that all those people went</p>	<p style="text-align: right;">316</p> <p>1 So if you look at Interrogatory No. 9, do you                  2 -- are you able to have that data specifically                  3 for Texas?                  4 A. (Reading document to self.) I want                  5 to be really careful here because I just do                  6 want to point out that Texas is one of those                  7 states that only the Secretary of State can                  8 register voters to vote. And so I don't want                  9 to -- I think some of the language is                  10 something that I wouldn't necessarily agree                  11 with.                  12 I would say that voters come to our                  13 site and use our tools who are eligible and                  14 they -- they initiate their voting, you know,                  15 their voter registration forms. Like, we are                  16 a tech -- tech company, we're a non-profit,                  17 where people use the tools themselves. So                  18 that's the -- I want to make that distinction,                  19 so I don't really -- I wouldn't -- I mean, not                  20 that I get to see this, but I wouldn't have                  21 written it that way.                  22 Q. And if the person doesn't use the                  23 tool and doesn't resort to any other                  24 resources, they will not become registered to                  25 vote, correct?</p>
<p style="text-align: right;">315</p> <p>1 successfully all the way through the process                  2 to become registered voters?                  3 A. I think, like, the - you know, the                  4 best thing to say is, like, 4.2 million people                  5 started -- started an event using our tools.                  6 Q. Okay. Thank you for that. So do                  7 you have the information for the start events,                  8 you know, for 2016?                  9 A. Yeah, I'm sure we have the numbers.                  10 Now, again, that's going to be like numbers in                  11 -- in aggregate. Some of that comes from --                  12 like -- like -- like our analytics would be in                  13 the aggregate. So I think -- but, yes, I                  14 think we would have the number of people who                  15 came to the site in 2016, or number of unique                  16 visits to the site in 2016.                  17 Q. Okay. And we've asked for the                  18 numbers that Plaintiff assisted -- and I                  19 understand -- I guess you don't consider that                  20 Vote.org assists voters in registering, but                  21 when you define it the way that you have in                  22 the start event, can you please tell us how                  23 many in 2016, how many in 2017 -- I'm sorry,                  24 I'm not screen-sharing right now.                  25 I went back to the Interrogatories.</p>	<p style="text-align: right;">317</p> <p>1 A. Well, I mean, you have lots of                  2 Texas, you know there's -- I -- I don't know                  3 every Texan -- what every Texan is using to --                  4 I don't understand that question, honestly.                  5 So can you ask it again?                  6 Q. Well, if -- if -- okay. If I'm an                  7 unregistered voter and I go to Vote.org to try                  8 to register to vote, and I go all the way                  9 through the process and become registered to                  10 vote, if not -- if -- if you take the fact of                  11 me going to Vote.org to try to register out of                  12 the equation, and I never took any other                  13 action on the side, I would not become a                  14 registered voter. Is that fair to say?                  15 A. Unless -- I mean, unless you                  16 registered -- you could register in a                  17 different manner.                  18 Q. So you need -- that wasn't my                  19 question, Ms. Hailey. I said if I only                  20 visited Vote.org and took no other action to                  21 try to register to vote, no going to the                  22 Secretary of State, no going to the county, no                  23 going to any government agency, I don't go to                  24 any other private organization. I'm only                  25 going to Vote.org.</p>

<p style="text-align: right;">318</p> <p>1 If not for me going through the 2 process that Vote.org provides, I would not 3 become registered to vote. Is that fair to 4 say? 5 A. I mean, you would be using our tools 6 to register yourself to vote. And our tools 7 are workflows -- we have the verify tool, the 8 registration tool, and a mail request tool. 9 And if you use those tools, you are initiating 10 your process on how to -- how to register. 11 Our job is to build the tool, and 12 the voters are using our tool, you know, to 13 register themselves to vote. 14 Q. So but for doing that process, I 15 would not be registered to vote, correct? If 16 I did not resort to any other registration 17 process. 18 MR. NKWONTA: Objection, asked and 19 answered. 20 MR. SCANLON: Well, she's not 21 answering it. 22 THE WITNESS: I -- I -- I truthfully 23 tried to answer your question in the most 24 straightforward way possible, which is, if you 25 are the voter and you use our tool to register</p>	<p style="text-align: right;">320</p> <p>1 here, we'll provide, you know, provide 2 information. 3 Q. Okay. And just for the record, 4 let's read the objections. It refers to that 5 we can't ask for this information under 6 limited intervention. It says you've not 7 produced information responsive to this 8 Interrogatory to another party. It says, 9 objects on the ground that this Interrogatory 10 seeks information that's not relevant, and 11 that the -- the request mischaracterizes the 12 work of Vote.org. Did I read all those 13 correctly? 14 A. You did. 15 Q. So it's mischaracterizing the work 16 of Vote.org to say that Vote.org assisted in 17 registering to vote people? 18 A. Yes. People registered themselves 19 to vote, and -- 20 Q. Okay, back up. That's not what I 21 asked. Plaintiff doesn't assist people in 22 registering to vote. 23 MR. NKWONTA: Would you allow the 24 witness to answer the question? Your 25 interrupting her quite a bit.</p>
<p style="text-align: right;">319</p> <p>1 to vote, then you are registering your, you 2 know, yourself to vote. You're using our tool 3 to register yourself to vote. 4 We build the tech on the back end, 5 we build the workflows, and the voters who 6 come to our site, go to the site and they 7 register themselves to vote. Like, there's -- 8 I'm -- I'm not in the background, like, typing 9 their information. They are registering 10 themselves to vote using a set of tech tools 11 that have been built. 12 BY MR. SCANLON: 13 Q. Okay. So do you keep statistics on 14 how many people used the tools in Texas during 15 the years that are listed? 16 A. I would -- yeah, I would be able to 17 have, like, in aggregate, how many people in 18 Texas come to our site, how many go on the 19 Texas, you know, what the numbers are. And 20 probably, you know, we -- we try to use people 21 who track analytics to be able to track, you 22 know, analytics on our -- on our site. 23 Q. Okay. And will you provide this 24 information? 25 A. I mean, so subject to the objection</p>	<p style="text-align: right;">321</p> <p>1 THE WITNESS: Yeah. What I said is 2 that the people -- I think we've kind of gone 3 over this a lot of times. We build the tools 4 and all the tech that somebody would need to - 5 - so that they can come and register 6 themselves to vote. 7 BY MR. SCANLON: 8 Q. And that's not assisting a person in 9 voting? 10 A. We build technology that people can 11 use -- 12 Q. Is that not assisting people in 13 voting? 14 A. The voter -- 15 Q. Is that not assisting people in 16 voting? 17 MR. NKWONTA: Objection. Can you 18 allow the witness to answer the question? 19 MR. SCANLON: She's not answering 20 the question. It's a yes or no question. 21 BY MR. SCANLON: 22 Q. Does the whole process that you just 23 explained in providing the tools for people to 24 register to vote, do you not consider that 25 registering to vote -- I mean, assisting a</p>

322

1 person in registering to vote, yes or no?  
 2 A. Have you -- have you seen the tools?  
 3 Have you used the Vote.org tools? Like, our  
 4 tools are built so that voters have a  
 5 streamlined process, which means they can go  
 6 on their phone, their iPad, their computer,  
 7 and register themselves to vote. I mean, they  
 8 fill out their --  
 9 MR. SCANLON: Objection. Non-  
 10 responsive. She's not answering the question,  
 11 Uzoma. This is a very straightforward  
 12 question.  
 13 THE WITNESS: Oh, my god.  
 14 MR. SCANLON: I'm asking her is what  
 15 Vote.org does considered assisting a person in  
 16 voting and it's a very simple yes or no  
 17 question.  
 18 MR. NKWONTA: Core -- Corey I under  
 19 --  
 20 MR. SCANLON: Can you instruct the  
 21 witness to answer this question yes or no.  
 22 MR. NKWONTA: Corey, I -- I  
 23 understand. People are getting pretty upset  
 24 and you're yelling at the witness. Do -- do  
 25 you want to go off the record for five

324

1 A. That process is that the voter is  
 2 registering themselves to vote.  
 3 Q. Vote.org does not assist then?  
 4 A. Vote.org does not do anything.  
 5 Vote.org has built the tech, a voter goes to  
 6 it and they register themselves to vote. That  
 7 is -- that is it. I think maybe what we're,  
 8 you know, arguing is just like the difference  
 9 in --  
 10 Q. I am simply -- Ms. Hailey, I am  
 11 simply asking, does Vote.org assist a person  
 12 in registering to vote?  
 13 MR. NKWONTA: If I can be helpful to  
 14 you -- and if you don't think I can, I'm --  
 15 I'll step aside. But if I can be helpful --  
 16 helpful here.  
 17 I wondering if the distinction is --  
 18 is -- that you all are caught up on is between  
 19 assisting in registering versus assisting in  
 20 applying, or assisting in submitting, or  
 21 assisting in fax. You know, that's just my  
 22 suggestion, just because I think we've got to  
 23 get past this impasse.  
 24 MR. SCANLON: We do have to get past  
 25 this, and she said that people register

323

1 minutes, just to --  
 2 MR. SCANLON: I do not want to go  
 3 off the record until I get an answer to this  
 4 question.  
 5 MR. NKWONTA: Well, we can stay on  
 6 the record, but the question's been asked and  
 7 answered, and I'm going to object to --  
 8 MR. SCANLON: She hasn't -- it  
 9 hasn't been answered. It hasn't been  
 10 answered. When was it answered?  
 11 THE WITNESS: I answered it like ten  
 12 times. Just now. I just didn't say what you  
 13 wanted me to say, but what I'm saying is  
 14 there's tool sets we build, the voters  
 15 register themselves to vote.  
 16 They go on their computer, they type  
 17 in their name, type in their address, they  
 18 type in their information, they use the tech  
 19 tools that we have built, and they do it  
 20 themselves. That's what I'm saying and I'm  
 21 saying it over and over and over again.  
 22 BY MR. SCANLON:  
 23 Q. Is that process not considered  
 24 Vote.org assisting a person in registering to  
 25 vote?

325

1 themselves. I do not dispute that.  
 2 BY MR. SCANLON:  
 3 Q. Does Vote.org assist the person in  
 4 registering themselves?  
 5 A. Vote.org builds technology, and the  
 6 person uses that technology to register  
 7 themselves. We are a techno -- like a civic  
 8 tech program. We build the technology; they  
 9 register themselves. So that is, like, how  
 10 I'm going to answer that question ten times  
 11 over again -- like 30 times over again.  
 12 People are using the technology  
 13 that's already built that's sitting there, and  
 14 they register themselves to vote using that  
 15 technology. We are not --  
 16 Q. Ma'am, all my question is asking is  
 17 Vote.org does not consider that to be  
 18 assisting a person in registering to vote.  
 19 You can answer it no. That's fine. You have  
 20 explained what you mean several times.  
 21 All I'm trying to say is: Does  
 22 Vote.org consider that assisting a person in  
 23 registering to vote?  
 24 MR. NKWONTA: Objection, asked and  
 25 answered.

326

1 BY MR. SCANLON:  
 2 Q. And you can answer that yes or no?  
 3 A. I mean, in the State of Texas -- and  
 4 we're mindful of every single state and  
 5 respectful of every single state. In the  
 6 State of Texas, what we've done is we build  
 7 technology that allows voters to increase  
 8 their access, and they can use that technology  
 9 to register themselves to vote. That is what  
 10 is happening there.  
 11 Q. Let's go over Interrogatory No. 11,  
 12 since you don't want to answer the question.  
 13 You mentioned that there were some  
 14 communications related to people that used the  
 15 tool and were not able to register to vote in  
 16 communicating with Vote.org, right? And that  
 17 you collected those communications.  
 18 A. Yeah. Well, during one of the  
 19 breaks, when I went back and spoke with, you  
 20 know, our engineer, it seems that there was  
 21 somebody who wrote to Vote.org during that  
 22 time. I think that person, you know, was  
 23 writing, like, you know, back to Vote.org  
 24 because, you know, I think they wanted to use  
 25 the e-sign tool.

327

1 MR. SCANLON: Objection, non-  
 2 responsive.  
 3 THE WITNESS: How -- what was your  
 4 question, if I missed it?  
 5 BY MR. SCANLON:  
 6 Q. Do you have the communications from  
 7 those people?  
 8 A. We would have the com -- you know,  
 9 if they proactively wrote Vote.org, saying  
 10 they were agitated they couldn't use the e-  
 11 sign, like, yeah, we would have that.  
 12 Q. And you have not produced that?  
 13 A. I don't think that we've not  
 14 produced it. I mean, I literally just went on  
 15 the break and tried to get everything I could  
 16 and heard that, you know, when I was back on  
 17 break and saying it now. So I -- I -- I know  
 18 we have produced, you know, everything under  
 19 the son that we could -- that we've been asked  
 20 to and that we have access to. And there's  
 21 nobody, like, holding --  
 22 MR. NKWONTA: Can we take a quick  
 23 five-minute break? We've been going for --  
 24 for quite a while, if that's fine with  
 25 everyone.

328

1 MR. SCANLON: That's fine with me.  
 2 THE WITNESS: That'd be great.  
 3 THE REPORTER: We're going off the  
 4 record. The time is 5:31 p.m.  
 5 (Recess taken.)  
 6 THE REPORTER: We're back on the  
 7 record. The time is 5:40 p.m.  
 8 BY MR. SCANLON:  
 9 Q. I'd like to move on to Topic No. 14,  
 10 which is Vote.org's knowledge and factual  
 11 basis for its contention that HB3107 burdens  
 12 the right to vote. Can you explain how the  
 13 fax provision in HB3107 burdens the right to  
 14 vote?  
 15 A. Yeah. Are you doing the screen-  
 16 share again, or do you want me to just go?  
 17 Q. I can pull that up, just so we're --  
 18 just so we have the -- well, we're just --  
 19 we're going to a new topic, so I'm done with  
 20 the Interrogatories.  
 21 A. Okay.  
 22 Q. And I don't have any --  
 23 A. Yeah, you know, like our job is to  
 24 strengthen U.S. democracy by getting everyone  
 25 who comes to our platform, you know, like

329

1 providing everybody access to tools. And so  
 2 when the law passed, it became really clear  
 3 we're never going to be able to turn on our e-  
 4 sign tool again, and we're never going to be  
 5 able to provide that streamlined experience  
 6 for voters in Texas.  
 7 And, you know, I think that every  
 8 time a voter has to go through another step or  
 9 one more thing they have to do to participate,  
 10 again, we know that that creates drop-off.  
 11 Every little thing along the way.  
 12 And so we created a streamlined  
 13 process where we believed there would be less  
 14 drop-off than the more antiquated, you know,  
 15 processes.  
 16 And that's because a good majority  
 17 of people like being able to use their phones,  
 18 use their tablets, and not necessarily, you  
 19 know, that most of the people -- a lot of  
 20 people don't have printers or access to  
 21 printers and people don't want to drive and go  
 22 to Kinkos, drive and go to the post office.  
 23 Or if somebody has multiple jobs or  
 24 is busy, or at school, or doesn't know how to  
 25 get postage, or all of those different things

<p style="text-align: right;">330</p> <p>1 that here's a tool that kind of solves a lot                  2 of hoops that people would otherwise have to                  3 jump through, that we can no longer, you know,                  4 that because of the law and the passages of                  5 the law, makes it pretty clear now in clear                  6 language that this tool can't be used.                  7 And because of that, you know,                  8 they'll -- they'll be, you know, I -- I think                  9 that we believe that that will lessen people's                  10 ability to participate.                  11 Q. But voters can still register                  12 without having to use a fax machine, though,                  13 right?                  14 A. That's right.                  15 (Exhibit 12 marked.)                  16 BY MR. SCANLON:                  17 Q. I'm going to bring up Exhibit 12                  18 now, which was the notification that was sent                  19 out. Are you familiar with this notification?                  20 A. You're not screen-sharing.                  21 Q. I'm sorry. Been a long day.                  22 A. Okay, yup. I've seen it.                  23 Q. Okay. And before I ask you                  24 questions about it, is Vote.org contending                  25 that the Constitution requires voters to be</p>	<p style="text-align: right;">332</p> <p>1 constitutional to vote by fax -- to register                  2 to vote by a fax machine?                  3 A. It's not for me to - to say. That's                  4 --                  5 Q. Well, these are the complaints that                  6 are made in your -- in your complaint, right?                  7 A. I don't think anyone said that it                  8 was a constitutionally guaranteed right to fax                  9 machine.                  10 Q. Okay. When reading this notice, on                  11 the second page it says, "Vote.org is truly                  12 deeply sorry for this inconvenience."                  13 Correct?                  14 A. Yes.                  15 Q. And that "we did not anticipate any                  16 issues with the Texas Secretary of State."                  17 Correct?                  18 A. Where -- oh, yeah. That says that,                  19 yup.                  20 Q. And you testified earlier that                  21 before the web app was launched, Vote.org did                  22 not make any attempts to contact the Secretary                  23 of State, correct?                  24 A. No. I mean, Vote.org, you know, the                  25 law, like explicitly said exactly what</p>
<p style="text-align: right;">331</p> <p>1 able to register by using a fax machine?                  2 MR. NKWONTA: Objection, calls for a                  3 legal conclusion.                  4 BY MR. SCANLON:                  5 Q. I just want to know what you think.                  6 Do you think the Constitution -- under the                  7 Constitution a person should be able to                  8 register to vote by using a fax machine?                  9 MR. NKWONTA: Objection, calls for -                  10 -                  11 MR. SCANLON: I'm not asking for a                  12 legal conclusion.                  13 BY MR. SCANLON:                  14 Q. I'm asking based on your                  15 understanding of the United States                  16 Constitution.                  17 MR. NKWONTA: That's a legal                  18 conclusion. You may answer, Andrea.                  19 THE WITNESS: I -- I think that                  20 would be my answer, which is I'm definitely                  21 not a constitutional expert, like the                  22 intersection of the Constitution and                  23 technology.                  24 BY MR. SCANLON:                  25 Q. So you're not saying that there's a</p>	<p style="text-align: right;">333</p> <p>1 Vote.org was doing, so we believed we were                  2 following to the letter of the law in Texas,                  3 so --                  4 MR. SCANLON: Objection, non-                  5 responsive.                  6 BY MR. SCANLON:                  7 Q. Did Vote.org -- I believe you                  8 testified to this already --                  9 A. Well, I wasn't finished answering.                  10 So, yeah, we didn't believe that we were doing                  11 anything that was -- you know, would be at                  12 odds with Texas law.                  13 Q. Did Vote.org contact the Secretary                  14 of State's office prior to the launch of the                  15 web app in 2018?                  16 A. No. Vote.org work -- worked with                  17 county officials prior to the launch of the                  18 web app, and mostly because they were looking                  19 to -- we were looking to work with county                  20 officials on piloting this program.                  21 Q. I want to go back to the complaint,                  22 Exhibit 9 -- or no, that's the wrong                  23 complaint. It's Exhibit 24, actually. And                  24 specifically under paragraph 36. This says --                  25 if we go down to the next page, "If the voter</p>

<p style="text-align: right;">334</p> <p>1 lacks access to a printer, then they must wait  2 for local officials or another third party to  3 provide a physical copy of the form for them  4 to sign."  5 Did I read that correctly?  6 A. Can you -- sorry, can you read it  7 again?  8 Q. "If the voter lacks access to a  9 printer, then they must wait for local  10 officials or another third party to provide a  11 physical copy of the form for them to sign."  12 A. Correct. That's what it says.  13 Q. Is that true?  14 A. Well, yeah, I mean, if you don't  15 have a printer, then you can't print out the,  16 you know, you can't print out your  17 application. You're going to have to find  18 some other way of, you know, getting it  19 printed, whether that's, you know, going  20 somewhere else or -- yeah, if you can't -- if  21 you can't print it out, then -- and you can't  22 use the e-sign tool, then you have a problem.  23 Q. But Vote.org doesn't contend that  24 the only way to register is if someone  25 physically mails a document to them while</p>	<p style="text-align: right;">336</p> <p>1 objection? Sorry.  2 MR. NKWONTA: It was to foundation,  3 but you may answer it.  4 THE WITNESS: And you're asking if  5 our expert said -- said what?  6 BY MR. SCANLON:  7 Q. Are you aware that your expert  8 testified that personal delivery of the form  9 is also allowed?  10 A. Yeah, personal delivery -- like  11 somebody -- you're saying somebody going into  12 their election official's office?  13 Q. Yes.  14 A. Yeah. Somebody can go into their  15 election official's office and -- and  16 register. Again, I think that that process is  17 one that takes a lot more time, energy,  18 resource, than being able to, you know, use  19 your smartphone.  20 Q. Or, you know, they could go to a  21 deputy voter registrar, correct?  22 A. Yes.  23 Q. And they can get a registration form  24 from a local government agency like the  25 library, correct?</p>
<p style="text-align: right;">335</p> <p>1 they're in their home; does it?  2 A. Sorry. To the -- Vote.org -- mailed  3 it to Vote.org from their home? Is that what  4 you're saying?  5 Q. No. I'm saying Vote.org doesn't  6 take the position that person has to  7 basically, you know, wait for a form to be  8 either personally delivered or delivered in  9 the mail in order for them to register to  10 vote, right?  11 A. No. I mean, there are -- there are  12 other ways people can register to vote. Those  13 ways are more time consuming and present more  14 hoops for the voter to jump through. But  15 there are, you know, multiple ways to  16 register.  17 Q. I'll just object to the non-  18 responsive portion of your answer.  19 You're aware that your expert  20 testified that personal delivery of the form  21 to the county registration authority is  22 permitted, correct?  23 A. Our expert?  24 MR. NKWONTA: Objection, foundation.  25 THE WITNESS: What was that</p>	<p style="text-align: right;">337</p> <p>1 A. Yes. I think there are several ways  2 for people in Texas to register, none of them  3 as streamlined as the tool we created, which  4 just makes it take less time and -- and energy  5 for -- for a voter to register themselves.  6 Q. Actually I think we're still on the  7 complaint. I should go back. Excuse me.  8 So we're still on paragraph 36. It  9 says, "For many voters -- such as those whose  10 local officials choose not to distribute  11 applications, who do not have access to the  12 registrar's office due to lack of  13 transportation, or who live in rural areas  14 outside the reach of third-party organizations  15 -- these options are insufficient and create  16 unnecessary barriers to the franchise."  17 Did I read that correctly?  18 A. Correct.  19 Q. So what evidence does Vote.org have  20 to show that counties are, you know, basically  21 not providing voter application -- voter  22 registration applications to their  23 constituents?  24 A. Oh, I don't think that's what  25 Vote.org is saying but, you know, you can go</p>

<p style="text-align: right;">338</p> <p>1 into an office. And what Vote.org is saying  2 is that, like, we know that for a lot of  3 voters, the biggest issues really are time, is  4 always cited as one of the largest issues to  5 participation. So we have come up with a  6 process that would streamline time.  7 We know transportation is always an  8 issue. Gas money is an issue, especially of  9 people, you know, coming from lower income  10 backgrounds. We know that that -- that can be  11 a barrier. We know that people with  12 disabilities can have a difficult time going  13 into an office.  14 So it's -- it's not that -- we're  15 not contending that an office wouldn't have a  16 form. We're saying that we've created a  17 streamlined process so that voters can  18 register themselves in a manner that is easier  19 than -- than -- for many Texans, than -- than  20 going into an office.  21 And I think -- yeah, so that's what  22 we're, you know, that's what we're trying to  23 say there.  24 Q. So it's a matter of maximizing  25 convenience for the voter.</p>	<p style="text-align: right;">340</p> <p>1 that there are many people who have had  2 difficulty obtaining the forms that they need  3 to participate. And so we're trying to make  4 that as accessible as possible with our tools.  5 MR. SCANLON: Objection, non-responsive.  6 BY MR. SCANLON:  7 Q. I'll ask the question again. What  8 evidence does Vote.org have that there are any  9 local official in Texas who choose not to  10 distribute applications, as it reads in  11 paragraph 36 of your complaint?  12 A. I think that there have been news  13 stories about people not -- not being able to  14 access forms in places that they should be  15 able to.  16 Q. Okay. Which -- which places were  17 people not able to access forms?  18 A. I don't recall off the top of my  19 head.  20 Q. This paragraph lists rural areas  21 outside the reach of third-party  22 organizations. Are voters in Travis, Bexar,  23 Dallas and Cameron County considered rural  24 counties?  25 A. Well, I think what -- what we're</p>
<p style="text-align: right;">339</p> <p>1 A. Well, I -- and yeah -- the exciting  2 thing is I think that's what everyone is --  3 should be really interested in, whether it's,  4 you know, the Secretary of State or every  5 single county. Like, people should be excited  6 about people participating in the democratic  7 process.  8 And so our goal is, again, to  9 strengthen U.S. democracy and to get as many  10 eligible voters as possible involved in civics  11 and in  12 participating, you know, in elections. And I  13 think that -- in a lot of ways, that's why  14 some of -- all of this is -- is confusing,  15 because I feel like that is something that  16 every entity here today should have as a goal.  17 Its' like administering elections in a way  18 where Americans can participate.  19 MR. SCANLON: Objection, non-responsive.  20 BY MR. SCANLON:  21 Q. Does Vote.org have any evidence to  22 show that local officials choose not to  23 distribute applications?  24 A. I think that for many, you know, I  25 think that in Texas in particular, I think</p>	<p style="text-align: right;">341</p> <p>1 probably talking about here is -- what  2 Vote.org wants to do is take this pilot and  3 scale it statewide. So Texas has many rural  4 areas and many rural voters, who are not able  5 to easily access, you know, their elections  6 processes.  7 And I think that any time there are  8 things like less hours available or offices  9 closing earlier, or -- or longer distances  10 that people have to travel, here we would be  11 able to serve, if we could turn our tool on.  12 We would be able to serve -- because we know  13 it works -- all of Texas, including rural  14 voters in Texas who, you know, would then be  15 able, right from where they live, to be able,  16 you know, to -- to register themselves to  17 vote. And that would be something that we  18 would consider really exciting. And currently  19 we can't do it as a result of the law.  20 MR. SCANLON: Objection, non-responsive.  21 BY MR. SCANLON:  22 Q. Are Travis, Bexar, Dallas and  23 Cameron County considered rural counties by  24 Vote.org?  25 A. I don't know. I -- I -- I don't</p>

<p style="text-align: right;">342</p> <p>1 know. I think our goal is, again -- because  2 there are lots of rural counties in Texas, our  3 goal would be to use our tools throughout the  4 entire state, if this law would not stop us  5 from doing so. So we seek to serve rural  6 voters in Texas -- well, every voter in Texas.  7 MR. SCANLON: Objection, non-responsive.  8 BY MR. SCANLON:  9 Q. Does Vote.org have any evidence of  10 voters who are living in rural areas that have  11 been unable to register or have had difficulty  12 in registering to vote?  13 A. I think, you know, you -- your rural  14 registration numbers versus population  15 probably, you know, speak for themselves. I  16 think that the -- I think voters, again, any  17 time a vote -- any time you take something  18 away that makes it easy for people to  19 participate or accessible for people to  20 participate, less people are going to  21 participate.  22 If you have a rural voter who could  23 use their smartphone in two minutes, you're  24 going to get higher participation rates than  25 if you have a rural voter that now has to</p>	<p style="text-align: right;">344</p> <p>1 whether everybody has their fax machine on and  2 ready to go at all times is really the, you  3 know, the biggest question usually.  4 And so, you know, I would want -- if  5 we were able to run this e-sign statewide,  6 would do the work to make sure that every, you  7 know, that the -- that the workflow could  8 happen. And we would talk to people and make  9 sure they had, you know, that their stuff was  10 ready and up to date and, you know, not like  11 the fax machine from The Office. You want  12 like a, you know, you want it up and going.  13 That's where, again, we would be thrilled to  14 undertake and do.  15 Q. So do you know whether the rural  16 counties in Texas have or don't have fax  17 machines, or are you just guessing?  18 A. Well, yeah, I don't -- I have not  19 been to every rural county office in Texas.  20 So as we sit here today on February 10th, am I  21 aware that every office has their fax machine?  22 I'm assuming that a lot of offices have fax  23 machines. If they didn't, that'd be something  24 that, you know, we'd want to discuss with  25 them. Maybe they would want to get a fax</p>
<p style="text-align: right;">343</p> <p>1 drive multiple hours to go into an office  2 somewhere, less people are going to do that.  3 Q. Do you have specific instances of  4 rural voters that you can identify that this  5 applies to?  6 A. I mean, I guess it would apply to  7 everyone who lives in a rural area. They  8 would be able to use this tool, and now they  9 can't.  10 Q. Are you aware if rural county  11 election offices have fax machines?  12 A. Yeah. I mean, I think that that  13 would be the work of -- of -- just like we did  14 with the pilot, the work of scaling would look  15 like talking to everybody and make sure that  16 fax machines, you know, were -- that their fax  17 machines were working and that their fax  18 machines were ready to take any amount of work  19 flow that would come through. That would work  20 that Vote.org would be really happy to do.  21 Q. And are you aware if rural counties  22 have the fax machines?  23 A. I -- I, you know, I believe most  24 offices in general, most government offices in  25 general have -- have fax machines. Now,</p>	<p style="text-align: right;">345</p> <p>1 machine, I don't know.  2 This seems like all work that we  3 could do if this law was struck down, but I  4 don't think it's -- it's, you know, overly  5 difficult for people to plug in their fax  6 machine.  7 Q. Have you personally been to any  8 rural counties in Texas?  9 A. In a personal capacity at any point  10 in my life?  11 Q. Or in your work with Vote.org?  12 A. My work with Vote.org, I haven't  13 really left my -- my house during the  14 pandemic, so I've just been here. But I would  15 welcome the opportunity to go to rural  16 counties in Texas and get them signed up on  17 our e-sign platform. That would be -- that  18 would be the, you know, honor of a lifetime.  19 So I would love to be able to have that  20 opportunity if this law didn't exist.  21 Q. In paragraph 45, it says that, "In  22 order to register, a voter must have access to  23 a printer (to print and sign the applications  24 form) or wait for their local officials or  25 another third party to provide a physical copy</p>

346	<p>1 of the form for them to sign -- and then must                  2 mail their original application form to their                  3 county registrar."                  4 Did I read that correctly?                  5 A. You did.                  6 Q. But again, as we talked about                  7 earlier, that's not entirely accurate, right?                  8 There are other options in order for a person                  9 to register to vote.                  10 A. Well, no, 'cause, look, you'd have                  11 to either print -- like it says here. You'd                  12 have to print the application. If you don't                  13 have a printer, then printing is out. You                  14 could go to your local official, like it says                  15 here.                  16 Or, you know, if --if a form was                  17 sent to you or something like that from                  18 another third party or then -- or brought to                  19 you by another third party, then I guess you                  20 could, you know, you could do it but, you --                  21 you -- I -- you'd have to -- you at some point                  22 have to be able to get the form to sign it.                  23 Q. Well, this says, "Or wait for their                  24 local officials." I mean, a person doesn't                  25 have to wait for a local official. They can</p>	348	<p>1 don't, I mean, I guess you're assuming that                  2 person has to go into an office and wait until                  3 someone addresses them or gives them a form.                  4 Is that what this paragraph in the complaint                  5 is saying?                  6 A. Are you asking my attorneys or are                  7 you asking --                  8 Q. Well, the complaint is your legal                  9 claims. I mean, I'm just trying to make sure                  10 I understand them.                  11 A. I'm just -- so you're asking about                  12 whether or not I -- I -- we mean go to an                  13 office or wait for an official or -- I mean, I                  14 suppose you could -- I don't know what we're                  15 saying anymore. Go and wait. You could --                  16 you could -- you have to find some means by                  17 which to print out your form, in a day and age                  18 where half of -- probably more now, because                  19 this is just the stats for millennials, that                  20 half of millennials don't have a printer.                  21 So people are going to have to,                  22 like, go and find that. It's a decrease among                  23 older people. I'm sure, you know, Gen Z is                  24 even more extreme. So it's just kind of like                  25 eventually we have to get to this place where</p>
347	<p>1 go to a local official, right?                  2 A. Sure, they could go to a local                  3 official's office. So you're --                  4 Q. So there are -- I mean, I'm just                  5 saying that there's -- there's other options                  6 than just waiting. I mean --                  7 A. Well, I guess we're getting caught                  8 up on, like, are you going to the office and                  9 then waiting for them to give you a form, or                  10 is that, you know, I mean, we're getting                  11 caught up on kind of just little things like,                  12 I -- I -- I think, here.                  13 But like they have to -- they have                  14 to get a physical form in their hand and be                  15 able to sign that form, you know, to -- to be                  16 able to -- to -- with a wet signature -- to                  17 put a wet signature on an application.                  18 Q. So unless they can -- I mean, I                  19 guess -- I am trying to be precise in the                  20 language because we're talking about the steps                  21 a person has to take to vote.                  22 But is it your understanding that                  23 for offices that make the forms available --                  24 and we don't have really any evidence, based                  25 on what we've discussed, to show that they</p>	349	<p>1 we're not requiring people to -- to, you know,                  2 print things out when the entire country is                  3 moving in a digital direction.                  4 So whether this word "wait" is the                  5 right word, I don't know. But it seems like a                  6 slower process than just being able to just                  7 use your smartphone and, you know, register                  8 yourself to vote.                  9 Q. You said 50 percent of young people                  10 don't have a printer?                  11 A. Well, millennials. So it's like                  12 either -- somewhere around 50, 52 percent,                  13 somewhere in there, of millennials don't have a                  14 printer at all. I'm assuming that for Gen --                  15 for the, you know, generations under that,                  16 that's even larger, but those -- that                  17 population makes up now the largest voting                  18 population in America.                  19 And so when you take millennials and                  20 Gen Z together, so -- and at the same time,                  21 printer ownership is declining among older                  22 American as well so, yeah, a lot of households                  23 do not have printers, and that is something                  24 that we tried to solve for.                  25 Q. And where do you get the information</p>

<p style="text-align: right;">350</p> <p>1 and those statistics?</p> <p>2 A. Well, you an -- Hewlett Packard has</p> <p>3 released some of their, you know, some of</p> <p>4 their reports. You can -- you can look up</p> <p>5 like consumer information just in general,</p> <p>6 about printer ownership in the U.S.</p> <p>7 Q. But Hewlett Packard provides the 52</p> <p>8 percent figure that you mentioned?</p> <p>9 A. I can go back and, you know, I'd</p> <p>10 have to -- I'd have to double-check, but I --</p> <p>11 I believe -- yeah, I mean, I'd have to source</p> <p>12 -- I'd have to source it. But, yeah, if you</p> <p>13 look -- between Hewlett Packard and different</p> <p>14 consumer reports, you can tell that -- and you</p> <p>15 don't have to take my word for it. I mean,</p> <p>16 you can go ask a handful of people that are in</p> <p>17 the younger generation and ask them if they</p> <p>18 have printers at home. And your -- the answer</p> <p>19 you're going to get is no. But do people have</p> <p>20 smartphones? Yes. Like everyone has a</p> <p>21 smartphone.</p> <p>22 Q. Has Vote.org sent any of its</p> <p>23 representatives to rural counties in Texas?</p> <p>24 A. Again, I don't know all of the</p> <p>25 counties that Sarah and Raven went to on their</p>	<p style="text-align: right;">352</p> <p>1 be open to working on the pi -- you know,</p> <p>2 running the pilot.</p> <p>3 Q. I'm going -- I still have the</p> <p>4 screen-share turned on to the complaint, and</p> <p>5 I'm looking at paragraph 29. Do you see where</p> <p>6 it says, "After much confusion and multiple</p> <p>7 conversations between county officials and</p> <p>8 Secretary Pablos, the Travis County Tax</p> <p>9 Assessor-Collector decided that he would</p> <p>10 accept the applications given the limited time</p> <p>11 remaining before the deadline," and I'll stop</p> <p>12 there.</p> <p>13 Did I read that correctly?</p> <p>14 A. Yeah. It says, "After much</p> <p>15 confusion and multiple conversations between</p> <p>16 county officials and Secretary Pablos, the</p> <p>17 Travis County Tax Assessor-Collector decided</p> <p>18 that he would accept the applications given</p> <p>19 the limited time remaining before the</p> <p>20 deadline, but would follow the new rule moving</p> <p>21 forward and reject any future applications</p> <p>22 without wet signatures."</p> <p>23 Q. Okay. And how did -- how does</p> <p>24 Vote.org know about the confusion and the</p> <p>25 conversations between county officials and</p>
<p style="text-align: right;">351</p> <p>1 trip to Texas. So that, you know, that is --</p> <p>2 that is a question. I know they went to</p> <p>3 several counties. I know that they worked</p> <p>4 with the counties that wanted to pilot the</p> <p>5 project.</p> <p>6 And Vote.org, if this law were not</p> <p>7 in place, we would be statewide with our e-</p> <p>8 sign platform, as we are with every other tool</p> <p>9 at Vote.org is accessible to, you know,</p> <p>10 throughout every single state. All of our</p> <p>11 tools are accessible statewide. There's no</p> <p>12 county, you know, county-by-county situation.</p> <p>13 It's like if we can -- if we can scale our</p> <p>14 tools, we absolutely will across an entire</p> <p>15 state.</p> <p>16 MR. SCANLON: Objection, non-</p> <p>17 responsive.</p> <p>18 BY MR. SCANLON:</p> <p>19 Q. The counties that Raven and Sarah</p> <p>20 went to, you testified that you don't know</p> <p>21 whether they were rural or not?</p> <p>22 A. I don't know all the counties that</p> <p>23 they traveled to. As I said, they were</p> <p>24 driving in a car in Texas and going pla --</p> <p>25 from county to county trying to see who would</p>	<p style="text-align: right;">353</p> <p>1 Secretary Pablos?</p> <p>2 A. I mean Vote.org had to have -- had</p> <p>3 to be able to work with counties to turn on or</p> <p>4 off the tool. So when, you know, a statement</p> <p>5 was made and that -- I mean, we would be aware</p> <p>6 of any confusion that anybody was having</p> <p>7 because we would be -- it would have an</p> <p>8 implication about on whether or not we could</p> <p>9 use our tool, you know, turn it on or off,</p> <p>10 whether -- whether we can make it accessible</p> <p>11 to voters.</p> <p>12 Q. I understand that part, but how</p> <p>13 would Vote.org know about the conversations</p> <p>14 between the county officials and Secretary</p> <p>15 Pablos?</p> <p>16 A. I mean, I'm assuming the county</p> <p>17 officials would say we're going to speak to</p> <p>18 the Secretary of State to get clarity. That's</p> <p>19 my -- that's my guess as to, you know, why,</p> <p>20 then, they would come back and say we believe,</p> <p>21 you know, the rule either reads one way or --</p> <p>22 or another.</p> <p>23 Q. So this statement about confusion</p> <p>24 and conversations is just a guess?</p> <p>25 A. Well, I -- I think that we can</p>

<p style="text-align: right;">354</p> <p>1 really clear the -- many election officials  2 across the State of Texas, you know, were not  3 sure how to interpret the rule, which is why  4 the Secretary of State ultimately made a  5 statement and why, now, the State Legislature  6 has decided to codify that into law.  7       So I think that it's only natural  8 that there are, you know, conversations going  9 back and forth. And then those conversations  10 about the implication on whether or not we  11 would turn the tool on or off.  12       MR. SCANLON: Objection, non-responsive.  13 BY MR. SCANLON:  14       Q. So just to clarify, this -- this one  15 line here is based on an assumption, right?  16 You don't ac -- Vote.org doesn't actually know  17 about conversations that were taking place  18 between the counties and the Secretary of  19 State, right?  20       A. I'm sure that the counties told us  21 that they were having conversations with the  22 Secretary of State's office. Again, I'm --  23       Q. Okay.  24       A. -- sure those conversations  25 happened.</p>	<p style="text-align: right;">356</p> <p>1 on or off.  2       Q. Okay.  3       A. Can we take a small break?  4       Q. Ms. Hailey, I think I'm actually  5 just about done. I'll just ask, do you --  6 have you understood all the questions that  7 I've asked today?  8       A. I mean, not all of them, but I think  9 I said which ones I didn't understand.  10       Q. Which questions did you not  11 understand?  12       A. Oh, I mean, we've been going, what,  13 seven hours? I -- I think that I said at the  14 time, like, you know, if I didn't understand  15 something, I said I just don't understand  16 this question. So it's probably in the  17 record.  18       Q. Well, we cleared it up?  19       A. Yeah.  20       Q. Okay. So you don't have any  21 questions that I've asked you that you did not  22 understand or ask me to clarify.  23       A. Right. I think I said I don't  24 understand to some of them, and we just left  25 it at that and moved on.</p>
<p style="text-align: right;">355</p> <p>1       Q. Do you remember what those  2 statements from the counties were?  3       A. I mean, that was probably Sarah, you  4 know, speaking directly with someone. It  5 seems to be the, you know, from reading the  6 emails, like, there's a lot of phone  7 conversations going back and forth.  8       Q. Do you have possession of any  9 written communications between the counties  10 and the Secretary?  11       A. Between the counties and the  12 Secretary. Wouldn't the counties have to turn  13 over that information?  14       Q. They could possibly, but I'm just  15 asking if Vote.org has possession of any of  16 those.  17       A. I don't think -- I don't think any  18 county would forward us their correspondence  19 with the Secretary of State.  20       Q. But this is your complaint against  21 the counties, correct?  22       A. Yes. This is -- we were aware of  23 conversations that were happening, to clarify  24 any confusion about whether or not this pilot  25 could be run and we sh -- could turn our tool</p>	<p style="text-align: right;">357</p> <p>1       Q. Okay.  2       A. I think there was, like, one towards  3 the end that that happened with, but I think  4 it's all there in the record.  5       Q. Do you remember what question that  6 was?  7       A. I don't.  8       MR. SCANLON: I'll go ahead and pass  9 the witness.  10       MR. NKWONTA: Can we take a very  11 brief five minute break. I know it's late.  12 We'll come back earlier if we can, but five  13 minutes tops.  14       MR. SCANLON: That's fine.  15       THE REPORTER: Okay, we're going  16 off the record. The time is 6:16 p.m.  17       (Recess taken.)  18       THE REPORTER: We're back on the  19 record. The time is 6:22 p.m.  20       MR. NKWONTA: We have no questions  21 at this time.  22       THE REPORTER: Anyone else?  23       (No response.)  24       THE REPORTER: Before we go off the  25 record --</p>

358

1 (Technical interruption.)  
 2 THE REPORTER: Before we go off the  
 3 record, may I ask for attorneys to state their  
 4 orders?  
 5 MS. VEIDT: We'll take a copy of the  
 6 transcript, but we don't need a rough and we  
 7 don't need a rush, and we don't need the  
 8 video.  
 9 MR. SCANLON: We'll take -- well,  
 10 we're already getting it, the rough, I guess.  
 11 MR. NKWONTA: We'll -- We'll take  
 12 the rough and the video. I don't believe we  
 13 need it rush. What's the time -- what's the  
 14 typical turnaround for you?  
 15 THE REPORTER: Typical turnaround  
 16 is two weeks.  
 17 MR. NKWONTA: Yes, we'll take that.  
 18 We'll take them standard time, the rough and  
 19 the video.  
 20 THE REPORTER: Thank you very much.  
 21 MS. AL-FUHAID: We don't need one.  
 22 We don't need a copy.  
 23 THE REPORTER: Thank you. With  
 24 that, we'll go ahead and conclude the  
 25 deposition. The time is 6:23 p.m.

360

1 UNITED STATES DISTRICT COURT  
 2 WESTERN DISTRICT OF TEXAS  
 3 AUSTIN DIVISION  
 4 VOTE.ORG, \*  
 Plaintiff \*  
 5 VS. \*  
 6 JACQUELYN CALLANEN, in \*  
 her official capacity \*  
 as the Bexar County \*  
 7 Elections Administrator, \*  
 BRUCE ELFANT, \*  
 8 in his official capacity \*  
 as the Travis County Tax \*  
 9 Assessor-Collector, \*  
 REMI GARZA, in his \* CIVIL ACTION NO.  
 10 official capacity as the \* 5:21-CV-00649-JKP-HJB  
 Cameron County Elections \*  
 11 Administrator, \*  
 MICHAEL SCARPELLO, in his \*  
 12 official capacity as the \*  
 Dallas County Elections \*  
 13 Administrator, \*  
 Defendants, \*  
 14 AND \*  
 15 KEN PAXTON, in his \*  
 16 official capacity as the \*  
 Attorney General of \*  
 17 Texas, \*  
 Intervenor-Defendant. \*

18 REPORTER'S CERTIFICATE  
 19 VOTE.ORG, BY AND THROUGH ANDREA HAILEY  
 PURSUANT TO RULE 30(B)(6)  
 20 FEBRUARY 10, 2022  
 21 I, Brian Christopher, Notary Public  
 in and for the State of Texas, hereby certify  
 22 to the following:  
 23 That the witness, ANDREA HAILEY, was  
 duly sworn by the officer and that the  
 24 transcript of the oral deposition is a true  
 record of the testimony given by the witness;  
 25

359

1 (Deposition adjourned at 3:59 p.m.)  
 2 (Pursuant to FRCP 30(e)(1),  
 3 signature was not requested.)  
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361

1 That the original deposition was  
 delivered to Cory Scanlon;  
 2  
 3 That a copy of this certificate was  
 served on all parties and/or the witness shown  
 herein on February 4, 2022;  
 4  
 5 I further certify that pursuant to  
 FRCP Rule 30(f)(1) that the signature of the  
 deponent was not requested by the deponent or  
 6 a party before the completion of the  
 deposition;  
 7  
 8 I further certify that I am neither  
 counsel for, related to, nor employed by any  
 of the parties in the action in which this  
 9 proceeding was taken, and further that I am  
 not financially or otherwise interested in the  
 10 outcome of the action.  
 11 Sworn to by me this 3rd day of  
 February, 2022.  
 12  
 13  
 14  
 15 Brian Christopher  
 Notary Public # 12206962  
 My Commission Expires 01/05/2025  
 16 Integrity Legal Support Solutions  
 PO Box 245  
 17 Manchaca, Texas 78652  
 (512) 320-8690  
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 25

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION  
-----X  
VOTE.ORG, :  
Plaintiff, :  
v. : Case No.:  
: 5:21-cv-649-JKP-HJB  
JACQUELYN CALLANEN, IN HER :  
OFFICIAL CAPACITY AS THE BEXAR :  
COUNTY ELECTIONS ADMINISTRATOR; :  
BRUCE ELFANT, IN HIS OFFICIAL :  
CAPACITY AS THE TRAVIS COUNTY TAX:  
ASSESSOR-COLLECTOR; REMI GARZA, :  
IN HIS OFFICIAL CAPACITY AS THE :  
CAMERON COUNTY ELECTIONS :  
ADMINISTRATOR; MICHAEL SCARPELLO, :  
IN HIS OFFICIAL CAPACITY AS THE :  
DALLAS COUNTY ELECTIONS :  
ADMINISTRATOR, :  
Defendants. :  
-----X  
CAPTION CONTINUED ON NEXT PAGE :  
-----X

Deposition of the Office of the Bexar County  
Elections Administrators by and through its  
designated representative, JACQUELYN CALLANEN  
Conducted Virtually  
Wednesday, February 2, 2022  
10:04 a.m. Central Time

Reported by: Matthew Goldstein, RMR, CRR

---

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

Page 3

A P P E A R A N C E S

1  
2 ON BEHALF OF THE PLAINTIFF, VOTE.ORG:  
3 KATHRYN E. YUKEVICH, ESQUIRE  
4 MEAGHAN MIXON, ESQUIRE  
5 NOAH BARON, ESQUIRE  
6 JOSHUA HARRIS, ESQUIRE  
7 ELIAS LAW GROUP LLP  
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9 Suite 600  
10 Washington, D.C. 20002  
11 202.968.4490  
12  
13 ON BEHALF OF THE DEFENDANT, JACQUELYN  
14 CALLANEN, IN HER OFFICIAL CAPACITY AS THE  
15 BEXAR COUNTY ELECTIONS ADMINISTRATOR:  
16 ROBERT GREEN, ESQUIRE  
17 BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY'S  
18 OFFICE  
19 101 W. Nueva  
20 7th Floor  
21 San Antonio, Texas 78201  
22

Page 2

1 -----X  
2 CONTINUED CAPTION FROM PAGE 1 :  
3 -----X  
4 and :  
5 KEN PAXTON, IN HIS OFFICIAL :  
6 CAPACITY AS ATTORNEY GENERAL :  
7 OF TEXAS, LUPE TORRES, IN THEIR :  
8 OFFICIAL CAPACITY AS MEDINA :  
9 COUNTY ELECTIONS ADMINISTRATOR; :  
10 TERRIE PENDLEY, IN HER OFFICIAL :  
11 CAPACITY AS REAL COUNTY TAX :  
12 ASSESSOR-COLLECTOR, :  
13 Intervenor-Defendants. :  
14 -----X  
15  
16 Deposition of JACQUELYN CALLANEN, conducted  
17 virtually:  
18 Pursuant to Notice, before Matthew Goldstein,  
19 RMR, CRR, Notary Public in and for the State of  
20 Maryland.  
21  
22

Page 4

A P P E A R A N C E S C O N T I N U E D

1  
2 ON BEHALF OF THE STATE INTERVENOR:  
3 KATHLEEN HUNKER, ESQUIRE  
4 JONATHAN STONE, ESQUIRE  
5 OFFICE OF TEXAS ATTORNEY GENERAL  
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7 Austin, Texas 78701  
8  
9 ON BEHALF OF THE DEFENDANT, REMI GARZA  
10 IN HIS OFFICIAL CAPACITY AS THE CAMERON  
11 COUNTY ELECTIONS ADMINISTRATOR;  
12 DANIEL LOPEZ, ESQUIRE  
13 CAMERON COUNTY COMMISSIONERS COURT - CIVIL  
14 LEGAL DIVISION, LITIGATION  
15 1100 E. Monroe Street  
16 Brownsville, Texas 78520  
17  
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19  
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22

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 5

1	APPEARANCES CONTINUED
2	ON BEHALF OF THE DEFENDANT, BRUCE ELFANT IN
3	HIS OFFICIAL CAPACITY AS THE TRAVIS COUNTY
4	TAX ASSESSOR-COLLECTOR:
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6	TRAVIS COUNTY ATTORNEY'S OFFICE
7	314 West 11th Street
8	5th Floor
9	Austin, Texas 78701
10	
11	ON BEHALF OF THE DEFENDANT, MICHAEL SCARPELLO
12	IN HIS OFFICIAL CAPACITY AS THE DALLAS
13	COUNTY ELECTIONS ADMINISTRATOR
14	BARBARA NICHOLAS, ESQUIRE
15	BENJAMIN STOOL, ESQUIRE
16	DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE
17	LB 19 Frank Crowley Courts Building
18	133 N Riverfront Boulevard
19	Dallas, Texas 75207
20	
21	
22	

Page 7

1	CONTENTS	
2	EXAMINATION OF JACQUELYN CALLANEN	PAGE
3	By MS. YUKEVICH	13
4	By MS. HUNKER	214
5	By MS. YUKEVICH	286
6	By MS. HUNKER	303
7		
8	E X H I B I T S	
9	(Attached)	
10	CALLANEN DEPOSITION EXHIBIT	PAGE
11	Exhibit A Plaintiff's Notice of Taking Deposition of Defendant Jacquelyn Callanen Pursuant to Federal Rule Of Civil Procedure 30(b)(6)	26
12		
13		
14	Exhibit B House Bill 3107	80
15	Exhibit D Defendant Bexar County Election Administrator Jacquelyn Callanen's Objections and Answers to Plaintiff's First Set of Interrogatories and First Set of Requests for Admissions	132
16		
17		
18		
19	Exhibit J Senate Bill 1	167
20	Exhibit I Secretary Pablos Reminds Texans To Exercise Caution When Registering To Vote Statement	178
21		
22	Exhibit G Excel Spreadsheet	182

Page 6

1	APPEARANCES CONTINUED
2	ON BEHALF OF THE DEFENDANTS, LUPE TORRES, IN
3	THEIR Official Capacity AS MEDINA COUNTY
4	ELECTIONS ADMINISTRATOR; TERRIE PENDLEY, IN
5	HER OFFICIAL CAPACITY AS REAL COUNTY TAX
6	ASSESSOR-COLLECTOR:
7	MUNERA AL-FUHAID, ESQUIRE
8	TEXAS PUBLIC POLICY FOUNDATION
9	901 Congress Avenue
10	Austin, Texas 78701
11	
12	ALSO PRESENT:
13	SARA BOLTIN - TRAVIS COUNTY
14	GRETCHEN NAGY - TRAVIS COUNTY
15	DANIEL HOLMSTOCK - VIDEOGRAPHER/EXHIBIT
16	TECHNICIAN
17	
18	
19	
20	
21	
22	

Page 8

1	E X H I B I T S, CONT	
2	(Attached)	
3	CALLANEN DEPOSITION EXHIBIT	PAGE
4	Exhibit E BEXAR0001 through BEXAR0009, Election Advisory No. 2021-09	201
5	Exhibit L Bexar County Texas Voter Registration Application Activity Report For Period including 01/01/10 to 12/31/21	203
6		
7	Exhibit M Bexar County Voter Registration Activity Report by Source From: 01/01/21 To: 12/31/21	206
8		
9	Exhibit N Codes	211
10	Exhibit I Intervenor-defendant Kex Paxton's Cross-notice of Intent to Take Oral and Videotaped Deposition of Jacquelyn Callanen, Pursuant to Rule 30(b)(6)	234
11		
12		
13	Exhibit 2 Election Code Title 2. Voter Qualifications and Registration Chapter 20. Voter Registration Agencies Subchapter A. General Provision	217
14		
15		
16	Exhibit 3 Secretary of State Website	224
17	Exhibit 4 Excel Spreadsheet	236
18	Exhibit 7 Defendant Bexar County Election Administrator Jacquelyn Callanen's Objections and Answers to Plaintiff's First Set of Interrogatories and First Set of Requests for Admissions	247
19		
20		
21		
22		

2 (Pages 5 to 8)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 9	Page 11
<p>1 EXHIBITS, CONT</p> <p>2 (Attached)</p> <p>3 CALLANEN DEPOSITION EXHIBIT PAGE</p> <p>4 Exhibit 8 Defendant Bexar County Election 258</p> <p style="padding-left: 40px;">Administrator Jacquelyn</p> <p>5 Callanen's Objections and</p> <p style="padding-left: 40px;">Responses to Plaintiffs' First</p> <p>6 Set of Requests for Production</p> <p>7 Exhibit 9 BEXAR0001 through BEXAR0009, 260</p> <p style="padding-left: 40px;">Election Advisory No. 2021-09</p> <p>8</p> <p>9</p> <p>10 -----TRANSCRIPT INFORMATION/REQUESTS-----</p> <p>11 DOCUMENT/DATA REQUESTS: (Page/Line)</p> <p>12 18 21</p> <p>13 19 3</p> <p>14 170 17</p> <p>15 205 17</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 following agreement, all parties to this</p> <p>2 deposition are appearing remotely and have agreed</p> <p>3 to the witness being sworn in remotely.</p> <p>4 Counsel, at this point, would you please</p> <p>5 introduce yourselves and whom you represent</p> <p>6 followed by the court reporter administering the</p> <p>7 oath.</p> <p>8 MS. YUKEVICH: Yeah, so I'll begin.</p> <p>9 My name is Kathryn Yukevich. I</p> <p>10 represent plaintiff, Vote.org.</p> <p>11 MR. GREEN: I'm Robert Green. I'm here</p> <p>12 with Bexar County elections administrator,</p> <p>13 Jacquelyn Callanen.</p> <p>14 MS. HUNKER: Kathleen Hunker. I am here</p> <p>15 representing the state intervenor along with my</p> <p>16 colleague Jonathan Stone.</p> <p>17 MS. AL-FUHAID: Munera Al-Fuhaid</p> <p>18 representing intervenor-defendants Real County and</p> <p>19 Medina County elections administrators.</p> <p>20 MS. VEIDT: Cynthia Veidt here with</p> <p>21 Bruce Elfant, Travis County vote registrar, tax</p> <p>22 assessor-collector. I'm here with my paralegal,</p>
Page 10	Page 12
<p>1 THE VIDEOGRAPHER: We are now on the</p> <p>2 record.</p> <p>3 This is Video Number 1 in the</p> <p>4 video-recorded deposition of Jacquelyn Callanen</p> <p>5 taken in the matter of Vote.org, Plaintiff, v.</p> <p>6 Jacquelyn Callanen, et al., Defendants.</p> <p>7 The case is pending before the United</p> <p>8 States District Court for the Western District of</p> <p>9 Texas, San Antonio Division.</p> <p>10 Case Number 5:21-cv-649.</p> <p>11 This deposition is being conducted by</p> <p>12 Zoom video remote conferencing.</p> <p>13 Today's date is February 2nd, 2022. The</p> <p>14 time on the video screen is 10:04 a.m. Central</p> <p>15 Standard Time.</p> <p>16 My name is Daniel Holmstock. I am the</p> <p>17 legal videographer and digital exhibit technician</p> <p>18 from Digital Evidence Group.</p> <p>19 Our court reporter today is Matthew</p> <p>20 Goldstein, also in association with Digital</p> <p>21 Evidence Group.</p> <p>22 And unless an objection is stated to the</p>	<p>1 Sara Boltin. And we may be joined by our</p> <p>2 representative for the office, Gretchen Nagy.</p> <p>3 MR. HARRIS: I'm Joshua Harris, counsel</p> <p>4 for plaintiff, Vote.org. And along with Kassi, I</p> <p>5 have my colleague Noah Baron and Meaghan Mixon on</p> <p>6 behalf of plaintiff as well.</p> <p>7 MS. NICHOLAS: Barbara Nicholas on</p> <p>8 behalf of defendant Michael Scarpello along with</p> <p>9 colleague Benjamin Stool.</p> <p>10 MR. LOPEZ: Daniel Lopez representing</p> <p>11 defendant Remi Garza. For the record, Mr. Garza</p> <p>12 may be joining us a little later.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

3 (Pages 9 to 12)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 13

1 PROCEEDINGS  
 2 Whereupon,  
 3 JACQUELYN CALLANEN,  
 4 being first duly sworn or affirmed to testify to  
 5 the truth, the whole truth, and nothing but the  
 6 truth, was examined and testified as follows:  
 7 EXAMINATION BY COUNSEL FOR THE PLAINTIFF  
 8 MS. YUKEVICH: Thank you so much, Matt.  
 9 BY MS. YUKEVICH:  
 10 Q. Good morning, Ms. Callanen.  
 11 How are you doing today?  
 12 A. Good morning.  
 13 MR. GREEN: Kassi, I'm sorry to  
 14 interrupt, but before we get going --  
 15 MS. YUKEVICH: That's okay.  
 16 MR. GREEN: -- do we want to get into  
 17 those stipulations we talked about regarding the  
 18 scope of the topics?  
 19 MS. YUKEVICH: Of course. Yeah.  
 20 BY MS. YUKEVICH:  
 21 Q. Ms. Callanen, I just wanted to flag --  
 22 and I'll flag upfront -- my name is Kassi

Page 15

1 make sense to go through some of the sort of  
 2 beginnings, and then we can discuss that  
 3 definition.  
 4 MR. GREEN: Sure.  
 5 BY MS. YUKEVICH:  
 6 Q. Okay. So like I said, Ms. Callanen, my  
 7 name is Kassi Yukevich. I represent Vote.org.  
 8 And I would just ask -- I know you have been sworn  
 9 in, but can you just state your full name for the  
 10 record.  
 11 A. Pardon me?  
 12 Q. Can you just state your full name for  
 13 the record.  
 14 A. Sure. Jacquelyn Faye Callanen.  
 15 Q. Great.  
 16 And are you able to hear me all right,  
 17 Ms. Callanen?  
 18 A. Yes, ma'am. Thank you.  
 19 Q. Of course. No problem.  
 20 And then can you just state your  
 21 business --  
 22 A. Pardon me. Please just call me Jackie.

Page 14

1 Yukevich. We have not met before. It's lovely to  
 2 meet you.  
 3 I represent plaintiff, Vote.org. And  
 4 Mr. Green is right. We have one stipulation that  
 5 we did want to make sure that we make clear on the  
 6 record.  
 7 And that was that of all the questions  
 8 that I plan to ask you today -- and we'll go over  
 9 a number of sort of things at the outset, but of  
 10 all the questions that I plan to ask you today,  
 11 I'm asking you about January 1st, 2016, onward.  
 12 So no need to go past in your answers January 1st,  
 13 2016.  
 14 A. Thank you.  
 15 Q. Of course.  
 16 MS. YUKEVICH: Anything else, Robert,  
 17 before we continue?  
 18 MR. GREEN: Do we want to talk about the  
 19 scope of "you" within the meaning of Topics 10 and  
 20 11 just referring to, you know, staff of the  
 21 elections office?  
 22 MS. YUKEVICH: Yeah. I think it would

Page 16

1 It's much easier.  
 2 Q. Okay. Thank you, Jackie. That's very  
 3 nice.  
 4 Jackie, would you please state your  
 5 business address for us.  
 6 A. Sure. It's the Elections Department,  
 7 1103 South Frio, F-R-I-O, Suite 100, San Antonio,  
 8 Texas 78207.  
 9 Q. Thank you.  
 10 So I'm going to talk just a little bit  
 11 about this deposition, ask you a few questions.  
 12 The questions -- if you have been deposed before  
 13 and if you've been deposed before virtually, these  
 14 might be familiar questions to you, but I will  
 15 just go through them at the beginning.  
 16 So my first question -- because  
 17 obviously we are virtual, we are not all  
 18 together -- did you bring anything with you to  
 19 your deposition today?  
 20 A. I have some materials that are on my  
 21 computer.  
 22 Q. Understood.

4 (Pages 13 to 16)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 17	Page 19
<p>1 What materials are those that you 2 brought?</p> <p>3 A. Some of the numbers on registrations and 4 things that happened. Some of the requests on the 5 2018 faxing with the need for us to get the wet 6 signatures. I have a couple of those documents 7 up.</p> <p>8 Q. I understand.</p> <p>9 Are those documents, Ms. Callanen -- or 10 your attorney might know the answer.</p> <p>11 Are those documents that we have been 12 provided, that plaintiffs have been provided in 13 the discovery process?</p> <p>14 A. I don't think so. I just received the 15 one last night, so...</p> <p>16 Q. Okay. So I would just ask that any 17 documents that you refer to in your deposition, 18 any documents that you brought with you, that you 19 provide them to us.</p> <p>20 A. Okay.</p> <p>21 DOCUMENT/DATA REQUESTED: 22</p>	<p>1 to do that right now obviously, Robert. After the 2 deposition is fine.</p> <p>3 DOCUMENT/DATA REQUESTED: 4 BY MS. YUKEVICH:</p> <p>5 Q. So many of these rules then, 6 Ms. Callanen -- or, Jackie, will likely be 7 familiar to you. But I -- and some are sort of 8 necessary given the fact that we're virtual.</p> <p>9 So given the ongoing COVID-19 pandemic, 10 I'm not in the room with you. As you know, your 11 deposition will be video recorded as we're all 12 participating today through -- remotely through 13 videoconferencing technology.</p> <p>14 But because the deposition is taking 15 place remotely, I'll just ask that you sort of do 16 your best to silence notifications on your 17 computer, to the extent that you can. I 18 understand that you might not be able to, but I 19 would just ask that you sort of do your best to do 20 that.</p> <p>21 I'll ask what address are you at right 22 now taking your deposition?</p>
Page 18	Page 20
<p>1 BY MS. YUKEVICH: 2 Q. Okay. So, Ms. Callanen, have you ever 3 been deposed before?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Okay. In how many cases would you say 6 you've been deposed?</p> <p>7 A. Oh, probably over ten.</p> <p>8 Q. Understood.</p> <p>9 Do you have the names of those cases 10 handy, by chance?</p> <p>11 A. I'm sorry. I don't.</p> <p>12 Q. That's all right.</p> <p>13 Would you be able to just provide them 14 to us after the deposition, the cases that you've 15 been deposed in?</p> <p>16 A. Yes. And Robert can pull them up 17 because we've had some just recently.</p> <p>18 MR. GREEN: I can help with that. And 19 we'll try to be as comprehensive as we can, but 20 there are a lot of them.</p> <p>21 MS. YUKEVICH: I understand. And, 22 again, no need -- that makes good sense. No need</p>	<p>1 A. At the address I just gave you, 2 1103 South Frio.</p> <p>3 Q. Understood.</p> <p>4 And how are you viewing the deposition? 5 Are you on a computer?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Okay. And do you have any -- and we 8 already talked about this, but you have documents 9 with you and they're electronic on your computer?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. And you'll just provide those documents 12 to us -- you'll just provide those documents to us 13 at the end of the deposition?</p> <p>14 A. Yes, ma'am.</p> <p>15 MS. YUKEVICH: And if you are referring 16 to any of those documents during the deposition, 17 Robert, I might ask that -- to the extent 18 necessary, that we enter those as exhibits during 19 the deposition. I would appreciate that.</p> <p>20 BY MS. YUKEVICH: 21 Q. And is anyone else in the room with you 22 right now, Jackie?</p>

5 (Pages 17 to 20)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 21	Page 23
<p>1 A. No, ma'am. No, ma'am.</p> <p>2 Q. Okay. Understood. Sorry. Some creepy</p> <p>3 questions I'm asking, but just to make sure.</p> <p>4 And so because we're taking your</p> <p>5 deposition remotely, I might not always be able to</p> <p>6 see you -- or, excuse me, to see what you have in</p> <p>7 front of you or if anyone comes into the room</p> <p>8 while you're testifying. But I will just ask</p> <p>9 that -- do you understand that it wouldn't be</p> <p>10 appropriate for your attorney or anyone else to</p> <p>11 tell you how to answer a particular question</p> <p>12 during the deposition?</p> <p>13 A. Correct. Yes, ma'am.</p> <p>14 Q. And do you agree that while you're</p> <p>15 testifying today, you won't exchange</p> <p>16 communications by text or e-mail about how to</p> <p>17 answer your questions that are being asked?</p> <p>18 A. Yes, ma'am, correct.</p> <p>19 Q. Okay. And I'll also just ask that your</p> <p>20 microphone remain on while we are recording. So I</p> <p>21 understand -- just that you don't mute yourself</p> <p>22 while we're on the record. And then in addition</p>	<p>1 And I will ask -- again, this is</p> <p>2 especially important because we're on a video</p> <p>3 call -- that you please just wait for me to finish</p> <p>4 my questions before you answer them for the sake</p> <p>5 of the court reporter. And it's especially</p> <p>6 important -- as you might have already been</p> <p>7 deposed via video before, but I found that the</p> <p>8 software sort of interrupts and will only pick up</p> <p>9 one voice at a time, so it's almost like</p> <p>10 impossible for the court reporter, if we're</p> <p>11 speaking over one another, to, you know, pick up</p> <p>12 both voices.</p> <p>13 A. Understood.</p> <p>14 Q. Does that make sense?</p> <p>15 A. Understood.</p> <p>16 Q. And so your answers today will be under</p> <p>17 oath, the oath you just took. And that means that</p> <p>18 you're swearing to their truthfulness and</p> <p>19 accuracy. And do you understand -- and that oath</p> <p>20 you took today has the same effect as if you were</p> <p>21 testifying in a court of law.</p> <p>22 Do you understand that?</p>
Page 22	Page 24
<p>1 to your microphone, my microphone and your</p> <p>2 attorney -- Mr. Green's, Robert's microphone will</p> <p>3 remain on during the deposition, but everyone else</p> <p>4 will be muted when we're not speaking.</p> <p>5 Does that make sense?</p> <p>6 A. Thank you.</p> <p>7 Q. Of course.</p> <p>8 So during the deposition, I will of</p> <p>9 course ask you questions. And as you answer them,</p> <p>10 the court reporter, as you know, will be taking</p> <p>11 down your answers and my questions. So that</p> <p>12 means, particularly because we are remote, that</p> <p>13 your answers need to be audible to ensure an</p> <p>14 accurate record of this deposition.</p> <p>15 So that means no nodding, no shaking</p> <p>16 your head. And to the extent that you can, and</p> <p>17 I'm sure that you're well practiced at this point,</p> <p>18 just avoid saying mm-hmm, uh-huh, and I will of</p> <p>19 course try to do the same.</p> <p>20 Does that make sense?</p> <p>21 A. Thank you. Yes.</p> <p>22 Q. Of course. Of course.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. So if my question is unclear to</p> <p>3 you at any point, and it's likely that that might</p> <p>4 happen more than once, please do just let me know</p> <p>5 that my question is not clear, and I will</p> <p>6 definitely try to clarify for you what I'm asking.</p> <p>7 If -- if you do answer a question, though, I will</p> <p>8 assume that you understood that question.</p> <p>9 Does that make sense?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And your attorney may object to</p> <p>12 some of my questions. It's totally possible. And</p> <p>13 those objections are for the judge to consider</p> <p>14 later. You still have to answer my questions</p> <p>15 unless you're specifically told by your lawyer not</p> <p>16 to answer.</p> <p>17 Does that make sense?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. And so after the deposition, the</p> <p>20 court reporter, Matt, who's here, will reduce your</p> <p>21 testimony to written form. So you'll get a</p> <p>22 written copy, and he'll provide you a transcript.</p>

6 (Pages 21 to 24)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 25	Page 27
<p>1 And you'll have the opportunity to read that 2 transcript for any inaccuracies and correct them. 3 Does that make sense? 4 A. Yes, ma'am. 5 Q. Okay. And, finally, if you need to take 6 a break at any point, please tell me. It is a bit 7 odder to ask for a break over video. I know that 8 we are all in different spaces. Please just ask. 9 I will do my very best to suggest breaks at 10 reasonable times. I do not expect, although I 11 cannot promise, that this deposition will take the 12 full seven hours, but that is the time that we 13 have set aside. I certainly don't expect that it 14 will take that long, but we will take breaks. 15 I will do my absolute best to suggest 16 them. And of course if you need one, just let me 17 know and we can take one whenever you need. 18 Does that make sense? 19 A. Thank you. Yes, ma'am. 20 Q. Of course. Of course. 21 So now I'm going to ask you a couple of 22 more questions before we get started.</p>	<p>1 MS. YUKEVICH: And I'll give it a 2 second. 3 BY MS. YUKEVICH: 4 Q. Have you seen this deposition notice 5 before? 6 A. Yes, ma'am. 7 Q. Okay. And do you understand that you're 8 appearing today pursuant to this deposition 9 notice? 10 A. Yes, ma'am. 11 Q. Okay. 12 MS. YUKEVICH: And I would just ask that 13 this be marked as Deposition Exhibit A, if that's 14 all right, Dan. I don't know if Dan needs to 15 confirm on the record. 16 THE VIDEOGRAPHER: No, I'm just 17 confirming that A is what it is. But, Counsel, 18 I'll ask kindly, when you are done with the 19 document, let me know so I can take it off the 20 screen share. 21 MS. YUKEVICH: Of course, yeah. We are 22 just going to go briefly through the document so</p>
Page 26	Page 28
<p>1 Is there anything that might impair your 2 ability to testify accurately today? 3 A. No, ma'am. 4 Q. Anything that might impair your ability 5 to testify truthfully? 6 A. No, ma'am. 7 Q. And have you taken any medication, 8 alcohol or drugs that might impair your ability to 9 testify today? 10 A. No, ma'am. 11 Q. I have to ask. 12 A. Unless coffee counts. 13 Q. No, coffee certainly does not count. 14 All right. 15 MS. YUKEVICH: So now I'll ask -- let me 16 pull up my list on my screen. So now I will just 17 ask Dan and Matthew, the court reporter, to please 18 mark what's been premarked as Exhibit A in the 19 folder. 20 (Callanen Deposition Exhibit A was 21 marked for identification and attached to the 22 transcript.)</p>	<p>1 that makes good sense. 2 BY MS. YUKEVICH: 3 Q. Okay. So you have been -- do you 4 understand that you've been designated to take 5 this deposition pursuant to Rule 30(b)(6) of the 6 Federal Rules of Civil Procedure? 7 Do you know what that means? 8 A. Sort of. 9 Q. Okay. So that means that the 10 testimony -- and it is sort of jargony, but that 11 means that the testimony that you give today is on 12 behalf of the Bexar County elections administrator 13 and the Bexar County elections administrators 14 office. 15 Does that make sense? 16 A. Thank you. Yes. 17 Q. Of course. 18 And this might be a good time to discuss 19 the scope of that word "you." So if you can go 20 to -- 21 MS. YUKEVICH: Dan, if you wouldn't mind 22 going to page 4, paragraph 15.</p>

7 (Pages 25 to 28)

Page 29

1 BY MS. YUKEVICH:  
 2 Q. Jackie, are you able to see  
 3 paragraph 15?  
 4 A. There we go. Thank you. Thank you for  
 5 whoever enlarged it, yes.  
 6 Q. Dan is great. He's going to be  
 7 really -- he's much better than I would be at this  
 8 type of thing.  
 9 So here we have paragraph 15. So would  
 10 you mind -- you can just read that paragraph.  
 11 Have you seen this paragraph before?  
 12 A. Yes, I have.  
 13 Q. So when we say "you" and "your" and when  
 14 I say them today, I am referring to you as the  
 15 Bexar County elections administrator and I am  
 16 referring to any of your former or current  
 17 employees, former or current election  
 18 administrators, and then your staff, anyone acting  
 19 on behalf of your office, so agents, consultants  
 20 and representatives.  
 21 Does that make sense?  
 22 A. Yes. The only one I was curious on was

Page 30

1 "future," but you have not highlighted that, so  
 2 I'm okay with that.  
 3 Q. It is -- yes, understood.  
 4 So when we are talking about your office  
 5 and so any policies of your office or you or those  
 6 type of things, that's what we're talking about  
 7 today.  
 8 Do you have any questions about that  
 9 definition or what I mean by the word "you"?  
 10 A. I'm good with that. Thank you.  
 11 Q. And so do you understand now that you're  
 12 being offered -- or I shouldn't say being  
 13 offered -- that you are designated by the office  
 14 of the Bexar County elections administrators as  
 15 its representative to testify regarding the topics  
 16 that we noticed --  
 17 A. Yes.  
 18 Q. -- in this deposition notice?  
 19 A. Yes, ma'am.  
 20 Q. I apologize.  
 21 Great.  
 22 MS. YUKEVICH: So would you mind, Dan,

Page 31

1 just going to the next page, page 5, it says  
 2 deposition topics.  
 3 BY MS. YUKEVICH:  
 4 Q. Okay. So, Jackie, have you seen these  
 5 deposition topics before?  
 6 A. Yes, ma'am. Yes, ma'am.  
 7 Q. Great.  
 8 And have you reviewed these topics?  
 9 A. Yes, ma'am.  
 10 Q. Okay. And are there any topics on this  
 11 list that you are unable testify to today?  
 12 A. I think it's number 7, the difficulties  
 13 or complaints. I don't know any of the actual  
 14 registrants on those, so I cannot do number 7.  
 15 Q. Okay.  
 16 MS. YUKEVICH: So, Robert, she's not --  
 17 BY MS. YUKEVICH:  
 18 Q. So you're unable -- you think that you  
 19 don't have any information about Topic Number 7 or  
 20 you don't understand yourself to be designated to  
 21 speak about Topic Number 7?  
 22 A. No, there would be no information from

Page 32

1 the registrants regarding the wet signature rule.  
 2 When this came up in 2018, these wet signature  
 3 questions came because the information was faxed  
 4 to us so we were not in contact with the people.  
 5 Q. Okay. So I will --  
 6 MS. YUKEVICH: So, Robert, I see that  
 7 you've -- are you able to speak to this issue? I  
 8 don't of course --  
 9 MR. GREEN: Well, I guess if I'm  
 10 understanding correctly, you know, the topic is  
 11 intended to designate any complaints that the  
 12 elections office has received as a result of what  
 13 you're describing as the wet signature rule.  
 14 And if I understand correctly what  
 15 Jackie is saying, it is that she isn't aware of  
 16 any complaints having been received, but that she  
 17 wouldn't necessarily be in contact with potential  
 18 registrants who fax an application. Unless they  
 19 reach out to complain or contact the office, she  
 20 might not know what difficulties the potential  
 21 registrants have.  
 22 MS. YUKEVICH: So why don't we go back

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 33	Page 35
<p>1 up to page -- the prior page, page 4. Can you</p> <p>2 zoom in on "Wet Signature Rule," paragraph 13.</p> <p>3 BY MS. YUKEVICH:</p> <p>4 Q. So when we refer to the "wet signature</p> <p>5 rule" in this deposition, if I ever say the "wet</p> <p>6 signature rule," what I'm looking for here is the</p> <p>7 requirement that voters must sign their</p> <p>8 applications with an original wet-ink signature.</p> <p>9 Does that make sense to you?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay.</p> <p>12 MS. YUKEVICH: So can we go back to that</p> <p>13 Topic 7.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. So this is difficulty -- the topic we're</p> <p>16 asking here is "Difficulties experienced by or</p> <p>17 complaints from potential registrants regarding</p> <p>18 the" -- I am blocked on my screen -- but</p> <p>19 "regarding the wet signature rule."</p> <p>20 So these are difficulties experienced by</p> <p>21 or complaints that you received from potential</p> <p>22 registrants regarding a wet-ink signature.</p>	<p>1 we will sort of -- we will get to that topic and</p> <p>2 we will sort of cross the bridge of sort of the</p> <p>3 scope of your knowledge.</p> <p>4 But I do want to be clear for the record</p> <p>5 that you are able to testify to each of these</p> <p>6 topics. Whether you have a lot of information or</p> <p>7 a little information, that you are testifying on</p> <p>8 behalf of the Bexar County elections</p> <p>9 administrators office for all of these topics.</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And -- understood. So -- thank</p> <p>12 you. I know that was -- thank you.</p> <p>13 So the next question I have is, can you</p> <p>14 tell me just briefly --</p> <p>15 MS. YUKEVICH: And we can take the</p> <p>16 document down now, Dan.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. Can you tell me just briefly what you</p> <p>19 did to prepare for today's deposition.</p> <p>20 A. I was specifically looking for -- excuse</p> <p>21 me.</p> <p>22 I was specifically -- started to look</p>
<p>Page 34</p> <p>1 And so my question here is, did you</p> <p>2 prepare to testify -- there is a difference</p> <p>3 between not having information about a particular</p> <p>4 topic on behalf of your office and preparing to</p> <p>5 testify.</p> <p>6 So my question is, did you prepare to</p> <p>7 testify about this topic?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And -- okay. So to be clear, so</p> <p>10 you are able to testify to this topic. Whether</p> <p>11 you have -- the information you have, whether or</p> <p>12 not -- you know, the sort of scope of the</p> <p>13 information that you have is one question, but you</p> <p>14 are able to testify to this topic, Topic 7, on</p> <p>15 behalf of the Bexar County elections</p> <p>16 administrator, you, and your office?</p> <p>17 A. I am able to make a statement that, as I</p> <p>18 prepared, I had no information to --</p> <p>19 Q. Understood.</p> <p>20 A. -- hand off. So if that's sufficient,</p> <p>21 then that's -- then I guess that means yes.</p> <p>22 Q. Understood. Okay. That makes sense and</p>	<p>Page 36</p> <p>1 for our 2018 information when we had the issue of</p> <p>2 voter registration cards being faxed in and then</p> <p>3 with no follow-up. So I did quite a bit of</p> <p>4 research into the 2018.</p> <p>5 And then for the remainder of a lot of</p> <p>6 that, I literally spent hours and hours going</p> <p>7 through our database trying to get something that</p> <p>8 is workable for you all. And, again, I hit a</p> <p>9 wall, so to speak.</p> <p>10 I mean -- I'm sorry. My terminology may</p> <p>11 not be quite proper, but I hit a wall. So I</p> <p>12 reached out to our vendor and I said, can you guys</p> <p>13 help? Can you find -- because the one case, I</p> <p>14 guess, that's in here was asking for information</p> <p>15 back to 2010, and I was really having trouble</p> <p>16 getting that information.</p> <p>17 But then I heard you say today that</p> <p>18 we're only going to be speaking to 2016 forward.</p> <p>19 And so I do have the information -- the vendor</p> <p>20 sent the information last night. So it was a</p> <p>21 little nerve-racking as they pulled this</p> <p>22 information, but that's the type of research I've</p>

9 (Pages 33 to 36)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 37	Page 39
<p>1 been doing.</p> <p>2 Q. Understood.</p> <p>3 And when you say that the vendor pulled</p> <p>4 information, what vendor are you talking about?</p> <p>5 What's the vendor's name?</p> <p>6 A. I'm talking about VOTEC.</p> <p>7 Q. VOTEC?</p> <p>8 A. V-O-T-E-C, yes.</p> <p>9 Q. And what does VOTEC do?</p> <p>10 A. May I digress a little bit just to give</p> <p>11 you a history of why we have VOTEC?</p> <p>12 Q. Sure. I'm happy to hear it, yeah.</p> <p>13 A. I don't want to go offline, but go back</p> <p>14 to 2002 when we had the meltdown in Florida, and</p> <p>15 things changed in the election world dramatically.</p> <p>16 And each of the states was ordered -- not</p> <p>17 recommended, they were ordered to have a statewide</p> <p>18 database.</p> <p>19 Prior to that, every county kept their</p> <p>20 own voter registration in however they had them.</p> <p>21 I mean, we had card files. We kept hard copies.</p> <p>22 But then in 2002, it was understood that you must</p>	<p>1 those top 30 counties -- we call ourselves the big</p> <p>2 boys. So the big boys had to go get an outside</p> <p>3 vendor so that all of our work product that we do</p> <p>4 here in the office -- I have a person that at</p> <p>5 night wraps all of that workload up and sends it</p> <p>6 up to the state overnight where it is processed,</p> <p>7 and then we bring it back and put it into our</p> <p>8 database. The database company is VOTEC.</p> <p>9 So we do all of our work product in</p> <p>10 VOTEC. We scan the documents in it. Every item</p> <p>11 of this election is held in VOTEC. And they're a</p> <p>12 company out of San Diego. And we've had VOTEC</p> <p>13 since 2011.</p> <p>14 When it first started in 2002, we had</p> <p>15 the company ES&amp;S, Election Systems &amp; Software.</p> <p>16 And as they moved or migrated more into the</p> <p>17 election equipment, the actual voting equipment,</p> <p>18 they stopped -- they called it mega profile, so</p> <p>19 they stopped that and we had time to find another</p> <p>20 vendor. We've been with VOTEC since 2011 and they</p> <p>21 handle that.</p> <p>22 So, again, offline counties refer to the</p>
<p>1 have a central statewide database.</p> <p>2 So Texas did what they called TEAM,</p> <p>3 Texas Election Administrative Management System,</p> <p>4 and we had that system. However, when Texas hit</p> <p>5 the on button for this statewide database, it</p> <p>6 crashed. The pipeline was not big enough. When</p> <p>7 the other people that are on this lawsuit -- Texas</p> <p>8 came up with a plan that said there are online</p> <p>9 counties and offline counties.</p> <p>10 Are you familiar with that?</p> <p>11 Q. I'm not. If you can explain what online</p> <p>12 counties and offline counties are, that would be</p> <p>13 great.</p> <p>14 A. Okay. In Texas, there are 254 counties,</p> <p>15 as you all know. So we hit the go button for TEAM</p> <p>16 and the system just came to a halt. It just</p> <p>17 absolutely came to a halt. And what -- what they</p> <p>18 figured out at that point was that the bandwidth</p> <p>19 was just not big enough. All 254 counties could</p> <p>20 not be using that system realtime, not live.</p> <p>21 So what they did is they took -- I want</p> <p>22 to say it's the top 15, top 30 counties. And</p>	<p>1 counties that have a separate vendor do their work</p> <p>2 process in-house and then send it up to the state</p> <p>3 to be processed. Because as you all know, we</p> <p>4 cannot register people to vote. We accept their</p> <p>5 applications, we process them, but we are not</p> <p>6 authorized to assign a voting registration number</p> <p>7 to them or to make that final call that they are</p> <p>8 registered to vote.</p> <p>9 Q. Thank you. That was a very helpful</p> <p>10 background and history. And please if you feel</p> <p>11 that I -- one of the questions that I ask today</p> <p>12 would benefit from that, please do feel free.</p> <p>13 So what -- so those documents in front</p> <p>14 of you, you spoke to VOTEC and they provided you</p> <p>15 with some documents back to the 2018 election; is</p> <p>16 that right?</p> <p>17 A. Again, because the one document asked</p> <p>18 for all the way back to 2010, they sent me what</p> <p>19 they had from 2010 literally through yesterday.</p> <p>20 Q. Okay.</p> <p>21 A. And it's broken down -- I'm looking at</p> <p>22 it now. It's broken down by years.</p>

10 (Pages 37 to 40)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 41	Page 43
<p>1 Q. And what information is on that</p> <p>2 document?</p> <p>3 A. Kassi, it lists the year and then TEAM.</p> <p>4 But, again, when the statewide system was set up,</p> <p>5 they came up with a number of codes for us to use</p> <p>6 so that we can process the voters and know, you</p> <p>7 know, where it came from. Did it come from public</p> <p>8 assistance? Did it come through the mail? Did it</p> <p>9 come from in person?</p> <p>10 So they've broken our registration work</p> <p>11 based on the codes that the Secretary of State has</p> <p>12 in their TEAM system, and that's what we use when</p> <p>13 we export our information at the end of the night.</p> <p>14 Q. I understand.</p> <p>15 And so when you're saying you have the</p> <p>16 numbers in front of you, are you talking about</p> <p>17 number of voters registered in each year? Is that</p> <p>18 the information you have in front of you?</p> <p>19 A. Yes. Yes, ma'am.</p> <p>20 Q. Okay. And any other information on that</p> <p>21 spreadsheet apart from the number of voters</p> <p>22 registered each year?</p>	<p>1 information. So it just I guess depends on how</p> <p>2 accurately you ask the question. I'm not the</p> <p>3 techie, but I have techies here. I did not</p> <p>4 involve them in this because I don't want anyone</p> <p>5 else in the staff to have to be involved right now</p> <p>6 because, gee, we have a primary going on and</p> <p>7 redistricting and election cards. So I did that</p> <p>8 research on my own, and I have those papers here.</p> <p>9 Q. Okay. Did you talk to anyone else about</p> <p>10 your deposition before you appeared today?</p> <p>11 A. Well, no -- that's a yes and no. I did</p> <p>12 speak with Randy in -- who was working for VOTEC.</p> <p>13 And he's -- I think he's in San Diego also. And I</p> <p>14 explained to him that this was coming up and the</p> <p>15 information that I was hoping that they could</p> <p>16 provide in a much easier form.</p> <p>17 So I did -- Randy Propp, P-R-O-P-P. So</p> <p>18 I spoke with Randy a couple of times. And he</p> <p>19 called last night after hours to say that they, in</p> <p>20 fact, generated this report. And I know he had to</p> <p>21 reach out to other people in his company because</p> <p>22 this was an unusual request.</p>
Page 42	Page 44
<p>1 A. No, ma'am.</p> <p>2 Q. Okay. That's helpful. Thank you.</p> <p>3 And did you review any other documents</p> <p>4 to prepare for today's deposition?</p> <p>5 A. Again, I was -- I went back and looked</p> <p>6 through some e-mails, but I did get -- as I said,</p> <p>7 before I hit the wall, I was looking for</p> <p>8 information in our system. And so, you know, I</p> <p>9 have some papers here that I printed off, again,</p> <p>10 which would address some of the information that I</p> <p>11 thought that, when we needed it, we could get to</p> <p>12 actually these pages that are in my hand. So I</p> <p>13 have these in front of me, and then I have</p> <p>14 spreadsheets on the computer and I have one e-mail</p> <p>15 pulled up.</p> <p>16 Q. Okay. And those documents that you just</p> <p>17 held up, it seems like you did a lot of work, what</p> <p>18 are those documents in front of you? Just a</p> <p>19 general --</p> <p>20 A. It's the general information that -- if</p> <p>21 you put a query into our software system, it goes</p> <p>22 through and generates and gives us back</p>	<p>1 Q. Understood.</p> <p>2 All the way back to 2010 was unusual,</p> <p>3 was that the --</p> <p>4 A. Yes, ma'am. And as he told me on the</p> <p>5 phone, we didn't join them until 2011 so of course</p> <p>6 they don't have any of that information. It stops</p> <p>7 right there.</p> <p>8 Q. Of course. And -- understood.</p> <p>9 And did you speak with your attorney</p> <p>10 about today's deposition? Please don't tell me</p> <p>11 anything that you talked about, but did you speak</p> <p>12 with your attorney about today's deposition?</p> <p>13 A. No, just in e-mails.</p> <p>14 Q. Okay. Understood.</p> <p>15 And about how much time did you spend</p> <p>16 preparing? I know you said you hit a wall.</p> <p>17 A. Hours and hours and hours.</p> <p>18 Q. Got it.</p> <p>19 A rough guess is fine if you -- so would</p> <p>20 it be more than ten?</p> <p>21 A. Oh, yes. I mean, because from the time</p> <p>22 the lawsuit came in and I looked at it, knowing</p>

11 (Pages 41 to 44)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 45	Page 47
<p>1 that there would be some information needed --</p> <p>2 yeah, I probably -- obviously more than 10, but</p> <p>3 probably closer to 30, 30 different hours.</p> <p>4 Q. Okay. Well, thank you for being so</p> <p>5 thorough in your preparation. I know that we all</p> <p>6 sort of really appreciate, you know, how seriously</p> <p>7 you're taking your duties. And I know that you</p> <p>8 are quite busy, so that effort is much</p> <p>9 appreciated.</p> <p>10 I think it might make good sense to take</p> <p>11 a short break now and go off the record just</p> <p>12 briefly. And then we can come back and talk about</p> <p>13 your background and duties of the office.</p> <p>14 Does that work for you?</p> <p>15 A. Sure. Thank you.</p> <p>16 THE VIDEOGRAPHER: The time is</p> <p>17 10:38 a.m. and we're going off the record.</p> <p>18 (Recess from the record.)</p> <p>19 THE VIDEOGRAPHER: The time is</p> <p>20 10:49 a.m. and we're back on the record.</p> <p>21 MS. YUKEVICH: So we are back on the</p> <p>22 record? I think that got interrupted for me.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Great. Thank you so much.</p> <p>3 So now I want to start with a topic that</p> <p>4 I am sure that you are very familiar with. I want</p> <p>5 to ask you a little bit about Bexar County, if</p> <p>6 that's okay.</p> <p>7 A. Sure.</p> <p>8 Q. So I have only ever lived in Dallas. I</p> <p>9 have never -- that is my full Texas residency</p> <p>10 experience. And so I was just hoping that you can</p> <p>11 tell me a little bit about Bexar County and the</p> <p>12 folks that live there. How big is it? You know,</p> <p>13 how long have you been there?</p> <p>14 A. Sure. It's now home. Bexar County is</p> <p>15 growing like all the other cities in Texas. I</p> <p>16 think our population is like 2.3 million people</p> <p>17 and it's expanding. And you would know that as</p> <p>18 you get on the freeways to drive to work. I think</p> <p>19 we're fast catching up with Dallas and Houston as</p> <p>20 far as the traffic.</p> <p>21 It's just delightful. As they always</p> <p>22 say about Bexar County or the city of San Antonio,</p>
Page 46	Page 48
<p>1 THE VIDEOGRAPHER: Yes, correct, we are</p> <p>2 back on the record.</p> <p>3 And whoever just joined, I don't know if</p> <p>4 you want to state your appearance for the record,</p> <p>5 but we are on the record.</p> <p>6 MS. YUKEVICH: Ben is from Dallas</p> <p>7 County. I'm not stating his appearance on the</p> <p>8 record, but so everyone knows he's not an</p> <p>9 interloper.</p> <p>10 BY MS. YUKEVICH:</p> <p>11 Q. So thank you so much. We're back on the</p> <p>12 record, Ms. Callanen.</p> <p>13 We got an e-mail with the documents you</p> <p>14 have in front of you from your lawyer. Thank you</p> <p>15 again so much for your diligence, much</p> <p>16 appreciated. I'm glad that we were able to just</p> <p>17 get those.</p> <p>18 I will ask that for the purposes of the</p> <p>19 deposition now, that you not refer to those</p> <p>20 documents until we've had just a chance to review</p> <p>21 them. And I'll let you know when that is.</p> <p>22 Is that all right with you?</p>	<p>1 it's the biggest little city in Texas where</p> <p>2 everyone sort of feels like they know each other,</p> <p>3 have history with each other, and they always say</p> <p>4 it's such a small world. It's a great place to</p> <p>5 live.</p> <p>6 Q. Good. I'm so glad. I love -- I love</p> <p>7 Texas. I have such a fondness for it.</p> <p>8 So can I ask -- you said that the city</p> <p>9 is growing. Do you know how many voters, either</p> <p>10 exactly or approximately, are registered to vote</p> <p>11 in Bexar County?</p> <p>12 A. I thought you'd ask that question. It's</p> <p>13 one of the things I check every day. Because</p> <p>14 obviously the voter registration rolls are a</p> <p>15 living document. They change daily. So when I</p> <p>16 came in this morning, we have 1,190,639 registered</p> <p>17 voters.</p> <p>18 Q. That's a lot of voters.</p> <p>19 A. It certainly is.</p> <p>20 Q. And do you get a lot of new voters?</p> <p>21 Have you seen an uptick in registrations?</p> <p>22 A. Absolutely. I mean, it is a living</p>

12 (Pages 45 to 48)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 49	Page 51
<p>1 document, but historically we see the biggest</p> <p>2 upticks, Kassi, when it's either the midterm</p> <p>3 elections or the general. It slows down in those</p> <p>4 odd number years.</p> <p>5 Q. Makes sense.</p> <p>6 Do you know if you get a lot of students</p> <p>7 registering to vote in Bexar County?</p> <p>8 A. That's going to be a tough question to</p> <p>9 answer. Yes, yes, we know there are active deputy</p> <p>10 voter registrars that work the campuses, but when</p> <p>11 they turn in the applications, there are not as</p> <p>12 many applications that are processed all the way</p> <p>13 through to get registered voters.</p> <p>14 For instance, one organization would</p> <p>15 send in 700 registered voter applications, but</p> <p>16 they didn't have an address on them so they were</p> <p>17 rejects. And just things like that. So I know</p> <p>18 there's a lot of activity going on.</p> <p>19 I can't speak to how many students we</p> <p>20 have. I can also just anecdotally tell you that</p> <p>21 for years we have had early voting and Election</p> <p>22 Day on campuses, and they're very poorly attended.</p>	<p>1 elections administrator, which is an appointed</p> <p>2 official, not elected, but brings both of those</p> <p>3 functions under one roof.</p> <p>4 And so, again, Bexar County has had an</p> <p>5 elections administrator, but you'll see a</p> <p>6 different model depending on what county you're</p> <p>7 speaking with or to. I do know that for the first</p> <p>8 time last year, we now have over 50 percent of the</p> <p>9 counties in Texas with EAs, or elections</p> <p>10 administrators.</p> <p>11 Q. Yeah.</p> <p>12 And so what are the -- so I know that</p> <p>13 you talked about those three offices. Are you</p> <p>14 responsible for -- what are some of the things</p> <p>15 that you're responsible for as elections</p> <p>16 administrator? For example, are you responsible</p> <p>17 for voter registration?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And what are your duties related to</p> <p>20 voter registration?</p> <p>21 A. We are the registrar for the county,</p> <p>22 which means that we process -- we collect, we</p>
Page 50	Page 52
<p>1 We only have the one that is picking up some</p> <p>2 following, but the other campuses are, again,</p> <p>3 poorly attended.</p> <p>4 Q. And what campus is the campus that's</p> <p>5 sort of picking up you said?</p> <p>6 A. UTSA.</p> <p>7 Q. Okay. And can you just talk generally</p> <p>8 about your responsibilities as the Bexar County</p> <p>9 elections administrator.</p> <p>10 A. Sure. I'd love to. Again, as I shared</p> <p>11 with you all -- and I don't want to go over other</p> <p>12 territory that you don't -- are not already aware</p> <p>13 of, but with the county having an election</p> <p>14 administrator, we are blessed literally with</p> <p>15 having both functions of a voter registrar and an</p> <p>16 elections director in one building.</p> <p>17 Texas has the ability for three</p> <p>18 different definitions of people to run their</p> <p>19 elections. Elections in Texas can be run by the</p> <p>20 elected official, the county clerk. Voter</p> <p>21 registration is under the tax assessor, another</p> <p>22 elected official. Or they may choose to have an</p>	<p>1 process, we go out and deputize people. We have</p> <p>2 quite a huge following on our deputy voter</p> <p>3 registrars. And so every person that chooses to</p> <p>4 register to vote, their application is handled in</p> <p>5 this office prior to being sent up to the state.</p> <p>6 So we -- I have a fantastic staff and</p> <p>7 they do a great job. That voter registration side</p> <p>8 of the house is also the side of the house that</p> <p>9 handles the provisional balloting after an</p> <p>10 election is over. So those are their two main</p> <p>11 functions on that side of the house.</p> <p>12 The second side of the house is the</p> <p>13 elections side. And the elections department</p> <p>14 obviously is tasked with holding every election.</p> <p>15 And that's the one piece -- when I say "every</p> <p>16 election," under the model of an elections</p> <p>17 administrator, we may not refuse to do an</p> <p>18 election.</p> <p>19 Now, a county clerk or a tax assessor,</p> <p>20 who has other duties, may refuse to do elections.</p> <p>21 And that means -- in Texas, in Bexar County here,</p> <p>22 we have 52 political subdivisions that -- we hold</p>

13 (Pages 49 to 52)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 53	Page 55
<p>1 their elections, from cities to schools to water 2 districts to SIDs to PIDs, and the list goes on. 3 But we handle those elections from start to 4 finish. 5 We do not take in applications for 6 people to be on the ballot. That's handled at the 7 local authority or it's handled at the parties. 8 But then we work in junction with those, under 9 contract, to execute their elections from start to 10 finish; the facilities, the personnel, the 11 training, the programming, the proofing. We print 12 all of our own ballots in-house. So from start to 13 finish, we're sort of Election 101. 14 Q. Thank you for that very thorough 15 response. 16 Can you just give me a general sense -- 17 you said you had a great staff. 18 Can you give me a general sense of the 19 structure of your office. 20 A. Okay. Kassi, I will tell you exactly 21 what -- when we interview people. First I'm going 22 to back up and say quickly, I taught third grade</p>	<p>1 need. 2 And those four must work in conjunction. 3 They have to be simultaneously working the same so 4 that -- they feed off each other, basically. And 5 so we have an office of 21 people, and we have 6 those four separate divisions. And so, again, I 7 have an amazing staff. 8 Q. Yeah. 9 And how many people work in the voter 10 registration silo? 11 A. Five. 12 Q. Five. 13 And do they ever -- does someone who 14 works in voter registration ever switch to 15 programming or ops or do they stay -- they do 16 voter registration and that's it? 17 A. They stay in voter registration. And 18 when we have a busy time, we do bring in temps, so 19 I want to make that point clear. 20 Q. How many temps do you -- sorry. I 21 apologize. Let me back up. 22 What do you qualify as a busy time?</p>
<p>Page 54</p> <p>1 for years, and so I sort of have that mentality 2 and I make it simple. This election office I need 3 you to visualize as a stepladder with four legs as 4 a stepladder. 5 And when the stepladder is open, as I 6 tell the staff, I'm balanced on top, so I can go 7 at any time. But one leg of that is the voter 8 registration side. They must process and keep and 9 put the voters in the right precincts, the 10 mapping, all of that. 11 And then we have -- you heard me say the 12 election side of the house. That's where I have a 13 trainer, the people that do the facilities, that 14 get the election officials. 15 And then we have the technical side, 16 which is the programming of the election, putting 17 it all together, printing the ballots, mailing out 18 the ballots. 19 And then the fourth leg of that is our 20 operations center where they get everything ready 21 to go to the field, prepare the kits for 22 everything that any of the election officials</p>	<p>Page 56</p> <p>1 A. We -- we have a need obviously when 2 we're in an active election to have more people 3 here answering the phones, doing the tasks, 4 helping with training, helping with the VR. And 5 so we work with a temp agency and we have 6 full-time temps. 7 Q. Okay. And when does that busy period 8 start for you, generally? 9 A. Again, I like your word "generally," 10 Kassi. If you look through the Texas election 11 code, we have a calendar that's put out that says 12 that you have six months to complete an election 13 from start to finish. That's their time frame. 14 However, it usually doesn't work out 15 that way. We're blessed if we have 90 days to 16 work on an election when they're called 17 back-to-back. And so, again, it depends on the 18 function. It depends on what type of election it 19 is. As I spoke to the voter registration being 20 higher in the even-numbered years, those are much 21 more widely attended elections. 22 In the odd number years, the percentage</p>

14 (Pages 53 to 56)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 57	Page 59
<p>1 of people that come out to vote is about 2 10 percent, 13 percent limit. But when we have 3 the even-numbered years, we're up in the 40s, 50s 4 and 60 percent.</p> <p>5 So based on the election and based on 6 the time, that's when we bring in the temps. So 7 there's no set standard. I wish I could give you 8 a set standard, but there is not one.</p> <p>9 Q. That's okay.</p> <p>10 Is it fair to say -- do you think that 11 October is your busiest voter registration months 12 in your even-numbered years?</p> <p>13 A. September. I would back you up one 14 month because voter registration closes a month 15 before the election, 30 days before.</p> <p>16 Q. Of course. Of course. It closes 17 30 days. That makes great sense.</p> <p>18 So September is your busiest voter 19 registration month?</p> <p>20 A. Yes, ma'am. Yes, ma'am.</p> <p>21 Q. Okay. And do you hire temps for voter 22 registration at that time, in September?</p>	<p>1 early voting, and then became a judge in early 2 voting. And then came into the office to assist 3 in preparing the election and sort of have stayed 4 ever since.</p> <p>5 Q. And when did you cycle out of teaching? 6 What was your first year as a clerk?</p> <p>7 A. My first year at elections was -- I 8 started in March of '96 for the primary election.</p> <p>9 Q. And what was the first year that you 10 were the Bexar County elections administrator?</p> <p>11 A. 2005.</p> <p>12 Q. So about how many elections would you 13 say that you have overseen as the Bexar County 14 elections administrator?</p> <p>15 A. I stopped counting. I haven't put the 16 last two years in, but it was at 427.</p> <p>17 Q. Wow. Lots of elections.</p> <p>18 And in addition -- so did you do 19 anything else before you were a third grade 20 teacher or is that the extent of your sort of 21 professional career?</p> <p>22 A. Yes, that's the extent. Just a mom.</p>
Page 58	Page 60
<p>1 A. Yes, ma'am.</p> <p>2 Q. About how many, would you say?</p> <p>3 A. Anywhere from 10 to 25.</p> <p>4 Q. Wow. Okay.</p> <p>5 How did you become the Bexar County 6 elections administrator?</p> <p>7 A. As you heard me say a little bit ago, I 8 was teaching third grade, literally teaching third 9 grade. And this was back in the mid '90s. And at 10 the school I was teaching at, there came across 11 this speaker that there was going to be an 12 elections held at the school and that the 13 elections department at that time needed people to 14 staff the poll sites.</p> <p>15 And so the school district I was with 16 said, if any of you have substitute days ready, 17 you can take off to assist in the elections. And 18 so that's what I did, and it felt really, really 19 good.</p> <p>20 And then as I cycled out of teaching, I 21 reached back out to that election department, and 22 I started working early voting, as a clerk in</p>	<p>1 Q. That's a hard job. And being a teacher 2 is a hard job. I was a teacher for a while.</p> <p>3 So have you had any formal training in 4 election administration?</p> <p>5 A. Yes, yes. There's a fantastic 6 organization called the Election Center. And it 7 is -- it was the only -- now there's two of them 8 that are nationally accredited organizations that 9 host -- from Auburn University that host training 10 for us. It takes a couple of years to go through. 11 The professors of Auburn University host it. And 12 then you graduate. And so we're all proud of 13 that.</p> <p>14 And much like from attorneys to the tax 15 assessors, the county clerks, we have to get those 16 CEUs every so many years. And we have to recycle 17 so we get our continuing education hours in every 18 three years. But the Election Center is just 19 unbelievably fantastic, and it's a great wealth of 20 information for us.</p> <p>21 Q. And so how many times have you gone to 22 the Election Center then?</p>

15 (Pages 57 to 60)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 61	Page 63
<p>1 A. Again, I graduated from them in 2005, 2 and then I was named elections administrator. 3 And, again, up until COVID, we would have annual 4 meetings that we would go to. And as I said, like 5 every three years, we would have to go for an 6 extended -- because we had to take a class. So it 7 was in time with that conference, but it would be 8 extended. So every three years we had to re-up, 9 so to speak.</p> <p>10 Q. Good to know. Makes sense.</p> <p>11 And what sort of topics do you discuss 12 at those conferences, those yearly conferences?</p> <p>13 A. Again, it's a set -- it's a set -- I'm 14 sorry. It's a set syllabus of 12 classes that you 15 must take, from historical to security to media to 16 buying -- doing your fiscal budgeting. There's 12 17 separate classes that you must pass.</p> <p>18 Q. Yeah.</p> <p>19 And those classes are for your initial 20 certification --</p> <p>21 A. Correct.</p> <p>22 Q. -- is that right, when you graduated in</p>	<p>1 people that I have to call and say, can you fix my 2 printer, the country basically, and the state, 3 moved to electronic poll books. Now, an 4 electronic poll book is -- they're either laptop 5 computers or they're tablets that hold the entire 6 database of your elections.</p> <p>7 And prior to poll books -- electronics 8 coming into it, everything was paper. We would 9 kill trees and trees and trees printing up the 10 voter registration list. And as you can imagine, 11 when we have a million people registered to vote, 12 that's a lot of trees.</p> <p>13 And so, again, the forward-thinking 14 people said, well, let's just use a laptop. And 15 so we load the database on a laptop. And when the 16 voter comes -- enters the poll site, the election 17 officials take their ID, look them up in the 18 laptop. And it will tell them whether they're an 19 active voter, whether they're a suspense voter and 20 they need to fill out some more information to 21 vote or if they're not registered at all.</p> <p>22 And the beauty of the poll books or</p>
Page 62	Page 64
<p>1 2005?</p> <p>2 A. Correct.</p> <p>3 Q. And then when you go back each year, 4 what kind of topics do you discuss?</p> <p>5 A. Again, they're more generalized because 6 obviously we have already graduated. And they 7 stay more on topic. As we go back, we meet with 8 the elections assistance commission. They bring 9 them in. And so we have talks on security. We 10 have talks on the -- basically what's coming down 11 the road as far as -- whether it's paper ballots, 12 if we should look at these systems. The poll book 13 situation, that's been relatively new. So we try 14 to stay on top of things and obviously work as 15 forward thinking so that we can not get too many 16 surprises as they come down the path.</p> <p>17 Q. Makes sense.</p> <p>18 What is the poll book situation?</p> <p>19 A. I'm sorry.</p> <p>20 Q. You're okay.</p> <p>21 A. Technology is our friend. And I mean 22 that. As much as I am the non-techie and I have</p>	<p>1 having that electronic is every poll site is 2 connected to each other. So that if Jackie 3 Callanen goes and votes here at the Bexar County 4 site and then I decide I'm going to go to Collins 5 Garden Library and vote, my record will already be 6 marked there that said, eh, she's already voted. 7 So it's up to the minute.</p> <p>8 And what this has allowed us to do -- 9 they've started to certify the poll book companies 10 in Texas. And if you have electronic poll books, 11 which -- again, some of the bigger counties do, 12 but it is an expense. It is -- you have to have 13 the budget for it. But if you have those, it's 14 allowed, again, some of the bigger counties, like 15 us, to go to what we call vote centers as opposed 16 to polling sites.</p> <p>17 And, again, I don't want to bore you 18 with the difference, but before -- and if you read 19 the election code, every voter on Election Day has 20 to go to their precinct. They have to vote where 21 they live, where they're registered. So it may be 22 at that local school where their children go, but</p>

16 (Pages 61 to 64)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 65	Page 67
<p>1 they have to get back there to that poll site.</p> <p>2 And everybody in this modern world has</p> <p>3 said, wait a minute. We see people that are</p> <p>4 racing to get off at work at 5 o'clock and they're</p> <p>5 racing to get back to their neighborhood so they</p> <p>6 can vote by seven.</p> <p>7 So a number of years ago Texas -- the</p> <p>8 legislature allowed us to have what's called vote</p> <p>9 center models. And a vote center is the exact</p> <p>10 same thing that Texas has had forever in early</p> <p>11 voting, where anyone can vote at any one of those</p> <p>12 open sites. But the only stipulation is they must</p> <p>13 be connected via their poll books so that we can</p> <p>14 mark that record of that person so that they</p> <p>15 cannot go somewhere else and vote.</p> <p>16 And the vote center model has just been</p> <p>17 enthusiastically embraced. And the way Texas</p> <p>18 rolled it out is they came out and said, okay,</p> <p>19 we'll do three county vote centers; a small,</p> <p>20 medium and large. And then the next session, they</p> <p>21 said, okay, we'll have six; small, medium and</p> <p>22 large. And it was just this last session where</p>	<p>1 A. Pardon me?</p> <p>2 Q. It's an electronic poll book?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 A. Sorry.</p> <p>6 Q. It's okay. It just happened to me.</p> <p>7 So can I ask -- what is your office's</p> <p>8 mission? Like how do you conceive of your</p> <p>9 office's mission?</p> <p>10 A. I just -- it's the best job you could</p> <p>11 ever have. The mission is our -- I mean, our</p> <p>12 number 1 thing is we're a democracy, plain and</p> <p>13 simple, and that's what we project. We project</p> <p>14 from integrity, but it is to facilitate every</p> <p>15 eligible person the right to vote, period.</p> <p>16 Q. So one of your goals -- is it fair to</p> <p>17 say that one of your goals is helping people to</p> <p>18 register to vote?</p> <p>19 A. Absolutely.</p> <p>20 Q. Is it one of your goals to make voting</p> <p>21 accessible?</p> <p>22 A. Absolutely.</p>
<p>Page 66</p> <p>1 they said, okay, it's such a success, that we're</p> <p>2 going to open it up to everyone.</p> <p>3 So at this point, I do not know how many</p> <p>4 are vote centers, but since the inception of our</p> <p>5 vote centers here, we -- you have to report back</p> <p>6 to the state on how your vote centers went. And</p> <p>7 the lowest we have ever had was a 40 percent --</p> <p>8 40 percent of our voters vote outside of their</p> <p>9 host precinct, which is fantastic. That means</p> <p>10 they're not racing home. They can vote where they</p> <p>11 work. They can vote at lunchtime. They can</p> <p>12 vote -- and that is just fantastic.</p> <p>13 So you need the poll book. And, again,</p> <p>14 that's why the state of Texas -- this will be the</p> <p>15 first year that they're going to certify the poll</p> <p>16 books to make sure that all of that is static so</p> <p>17 the state runs the same.</p> <p>18 So we're watching for those rules. And</p> <p>19 we use VOTEC for our poll books, and it's called</p> <p>20 VoteSafe. And I will tell you it's phenomenal.</p> <p>21 Q. And VoteSafe is an electronic poll book;</p> <p>22 right?</p>	<p>Page 68</p> <p>1 Q. And then it seems fair to say as well</p> <p>2 that another one of your goals is ensuring that</p> <p>3 voters are able to cast a ballot?</p> <p>4 A. Absolutely. A secure ballot, yes,</p> <p>5 ma'am.</p> <p>6 Q. Does your office distribute voter</p> <p>7 registration applications?</p> <p>8 A. Yes, ma'am. I'm only hesitating because</p> <p>9 of course this year we can't. We -- we don't have</p> <p>10 stock. The legislature changed one of the boxes</p> <p>11 on the voter registration card for a new card to</p> <p>12 start on January 1. And so we're still using our</p> <p>13 old stock. But because we have very little of</p> <p>14 that, we are not distributing cards as much as we</p> <p>15 could.</p> <p>16 And please understand in the state of</p> <p>17 Texas, if the principals at the school, if the</p> <p>18 libraries, if the League of Women Voters, any of</p> <p>19 those want voter registration cards, the state of</p> <p>20 Texas -- the Secretary of State's office provides</p> <p>21 those for free. And so we usually send people</p> <p>22 there.</p>

17 (Pages 65 to 68)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 69	Page 71
<p>1 But, yes, we've always given out voter 2 registration cards to organizations that come 3 in -- 4 Q. Okay. 5 A. -- you know, different groups. 6 Q. No, it's okay. 7 When you say "voter registration card," 8 just to make sure we're on the same page, is that 9 the same thing as a voter registration application 10 or is it different? 11 A. No -- yes, ma'am. I'm sorry. It is the 12 application, yes, ma'am. 13 Q. That's okay. 14 So I'll just understand as we go forward 15 that when you say "voter registration card," you 16 do mean a voter registration application. 17 A. Yes, yes. 18 Q. Okay. I just want to make sure we're on 19 the same page. 20 So you said that the state -- I don't 21 want to mischaracterize what you said. 22 So are you just running out of paper</p>	<p>1 Do you ever -- does your office or do 2 you ever proactively send voter registration 3 applications to an organization, or do you rely on 4 that organization to request an application? 5 A. Yes. They request them, yes, ma'am. 6 Q. And you've mentioned "the state" a few 7 times. I promise we're almost done with the 8 beginning portion of this. 9 But you have mentioned "the state" a few 10 times. And I am curious, how does your -- when 11 you say "the state," who do you mean? 12 A. The Secretary of State's office. 13 Q. And how does your office interact with 14 the Secretary of State's office? 15 A. Well, the Secretary of State's office is 16 the chief election officer for the state. And so 17 as far as interactions -- I mean, we get 18 advisories from them. We're getting a lot of them 19 now because the law has taken such new changes 20 from this SB1. 21 And, again, that's who we look to for 22 our supplies, for voter registration cards. It's</p>
Page 70	Page 72
<p>1 applications? Is that fair to say? 2 A. We will shortly. We still have some. 3 Again, in large counties and in budgeting, we -- 4 when the card changed on January 1st, we had in 5 stock 14,000 of the old cards, the ones that are 6 to be replaced January 1. And so we are using 7 those. 8 And, you know, we're giving them out as 9 we can with the idea that we're still trying to 10 not give the first one through the door our 14,000 11 cards because we know -- I don't want to say we're 12 rationing them, that's not the term, but we're 13 aware of our diminishing supply right now. 14 Q. And in your office, do you rely on 15 organizations or individuals to come in and 16 request paper applications? 17 A. Yes. We work with a number of 18 organizations that come in to do that, yes. 19 Q. And do you ever send out paper voter 20 registration applications without anyone asking? 21 A. I'm sorry. Would you repeat that again. 22 Q. Sure.</p>	<p>1 who we look to for our supplies for our 2 ballot-by-mail applications. It's who we look to 3 for our election worker handbooks, our 4 poll-watcher handbooks. These have always been in 5 great supply. And we just order them, and then 6 they send those down to us free of charge. So we 7 do interact and rely on them. 8 When we know -- as I said, in the 9 even-numbered years, we go to a vendor and do a 10 whole lot of printing on our own, which is, again, 11 why we still had like the surplus of the cards. 12 Q. Okay. And in the context specifically 13 of voter registration, how do you interact with 14 the Secretary of State's office as it relates to 15 voter registration specifically? 16 A. Again, that's a great thing. And just 17 as I sang the praises of the Election Center, the 18 Secretary of State hosts an annual meeting for the 19 election officials, meaning the elections 20 administrators and their staffs, once a year in 21 Austin where we are -- again, we sit for three 22 days and go through training with the newest and</p>

18 (Pages 69 to 72)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 73	Page 75
<p>1 the greatest of the laws.</p> <p>2 And Texas -- you can't hold me to it,</p> <p>3 but I want to say it was probably about four years</p> <p>4 ago or five years ago, they switched vendors on</p> <p>5 their statewide database. And so we are all still</p> <p>6 learning different pieces of that.</p> <p>7 So we interact with the state. We have</p> <p>8 our own assigned person for the voter registration</p> <p>9 side of the house that -- I think the state --</p> <p>10 much like I said we had our stepladder, I think</p> <p>11 they've done that also so that they have one</p> <p>12 person who's well versed on the offline counties.</p> <p>13 Because our interaction is a little bit different</p> <p>14 than the online counties.</p> <p>15 Q. Okay. And so you go to this training.</p> <p>16 Do you attend the training every year?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Do other folks from your office go with</p> <p>19 you or is it just you?</p> <p>20 A. Historically, I take my whole office. I</p> <p>21 take them all because it's important to me that</p> <p>22 they hear it firsthand.</p>	<p>1 passed in the legislative sessions; is that right?</p> <p>2 A. Yes. But, again, the only reason I'm</p> <p>3 hesitating is because, as you know, the</p> <p>4 legislative session was very taxing and there were</p> <p>5 three different sessions. And so when we went, we</p> <p>6 were only working through Session 1 and Session 2.</p> <p>7 Session 3 is the part that we're basically still</p> <p>8 working through because that was SB1.</p> <p>9 Q. Understood.</p> <p>10 So I want to switch gears a little bit</p> <p>11 now to talking about the piece of legislation that</p> <p>12 my clients are challenging in this lawsuit.</p> <p>13 Are you familiar with House Bill 3107?</p> <p>14 A. Yes, ma'am. That was the cleanup bill</p> <p>15 from the Secretary of State. That was the</p> <p>16 catchall one.</p> <p>17 Q. And so when you say "cleanup bill," what</p> <p>18 do you mean?</p> <p>19 A. Again, I'm not a lawyer, you all are.</p> <p>20 Q. That's okay.</p> <p>21 A. I only play one at work. I don't want</p> <p>22 to say it's unintended consequences, but sometimes</p>
Page 74	Page 76
<p>1 Q. And do some of the topics that you go</p> <p>2 over cover voter registration?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. They cover voter registration.</p> <p>5 And did you go this year?</p> <p>6 A. I'm trying to think because I -- because</p> <p>7 of COVID, I sort of lose track in there. They</p> <p>8 held it virtually for three days, so we were here</p> <p>9 in our training room on Zoom.</p> <p>10 Q. But you would -- I'm sorry. I</p> <p>11 apologize. Keep going. I didn't mean to</p> <p>12 interrupt you.</p> <p>13 A. No, that's -- it has been in person, in</p> <p>14 person, in person, but, again, with the COVID, it</p> <p>15 has cycled down to Zoom.</p> <p>16 Q. Understood.</p> <p>17 A. So we're looking forward to going this</p> <p>18 year.</p> <p>19 Q. Yes, I think everyone is looking forward</p> <p>20 to in-person events again.</p> <p>21 But you attended this year, for 2021, a</p> <p>22 virtual training on the new election laws that</p>	<p>1 the legislature will put something in to change</p> <p>2 the election law where it would have a domino</p> <p>3 effect, but nobody's ever looked at the domino</p> <p>4 effect. And then we get it and we raise our hands</p> <p>5 and say, what about this or what about that?</p> <p>6 And so the Secretary of State has what</p> <p>7 we always call the omnibus of the cleanup bill.</p> <p>8 And prior to the last couple of sessions, it never</p> <p>9 made it off the floor.</p> <p>10 And so we had a number of items that</p> <p>11 would just refine things a little bit so that we</p> <p>12 could have everybody doing the same thing, whether</p> <p>13 it was from a size of a county -- you know, there</p> <p>14 were things that if you had less than 10,000</p> <p>15 voters, you did this, and then if you had 50,000</p> <p>16 and 100,000 -- so they broke that up into bigger</p> <p>17 chunks so that it wasn't so -- so, yes, a cleanup</p> <p>18 bill is things that the Secretary of State has</p> <p>19 seen that needs to have further rules put to it.</p> <p>20 Q. Got it.</p> <p>21 And so it's your understanding that</p> <p>22 House Bill 3107 was this cleanup bill?</p>

19 (Pages 73 to 76)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 77	Page 79
<p>1 A. Yes.</p> <p>2 Q. And how did you learn that this was the</p> <p>3 Secretary of State's cleanup bill?</p> <p>4 A. Again, you will see, with Remi and some</p> <p>5 of the other ones that are on this -- because I</p> <p>6 said we had elections administrators and -- for</p> <p>7 many years we were in the minority, and it's just</p> <p>8 been in the last couple years where -- you heard</p> <p>9 me say that, well, finally we're over 50 percent.</p> <p>10 But for the longest time, there were only</p> <p>11 30 percent that had elections administrators.</p> <p>12 And so we formed an organization called</p> <p>13 the Texas Association of Elections Administrators.</p> <p>14 And we are quite active. And we are quite active</p> <p>15 with the legislature. And we're there to testify</p> <p>16 and we're there to fill out fiscal notes for them</p> <p>17 and we're very, very active.</p> <p>18 And so my cohorts, myself -- we had a</p> <p>19 preview of 3107. And like every other bill, you</p> <p>20 know, Tim Brown from the legislature would say,</p> <p>21 okay, look at this and what's going to be a fiscal</p> <p>22 note for you.</p>	<p>1 Q. Did anyone -- did anyone from the</p> <p>2 Secretary of State's office speak to you about the</p> <p>3 bill before it was passed?</p> <p>4 A. No, no.</p> <p>5 Q. Do you know if anyone from the Secretary</p> <p>6 of State's office spoke to the Texas Association</p> <p>7 of Election Administrators before the bill was</p> <p>8 passed?</p> <p>9 A. I'm sure, yes, ma'am. Like any</p> <p>10 organization, I mean, our -- you know, you have</p> <p>11 the pecking order of -- you've got your president</p> <p>12 and your secretary and everything. And then your</p> <p>13 past president becomes your legislative chair for</p> <p>14 that next legislative session. I mean, I served</p> <p>15 in it years ago when I was president, and then I</p> <p>16 was the legislative chair.</p> <p>17 And the legislative chair that we had</p> <p>18 this time was Chris Davis from Williamson County.</p> <p>19 And so I know that he would have been in direct</p> <p>20 contact with them. And then we also have a</p> <p>21 lobbyist, the TAEA has a lobbyist, Kerry Roberts.</p> <p>22 So we all felt comfortable that Chris and Kerry</p>
Page 78	Page 80
<p>1 So we knew it was coming. We knew it</p> <p>2 was presented. We had some of our association</p> <p>3 people up there testifying, writing letters, that</p> <p>4 kind of stuff. So we have a very active</p> <p>5 organization.</p> <p>6 Q. And did anyone of -- did anyone from the</p> <p>7 Secretary of State's office speak to you about</p> <p>8 House Bill 3107?</p> <p>9 A. After it was passed. After it was</p> <p>10 passed, we all received -- well, for instance,</p> <p>11 when we had our state seminar, the one that's in</p> <p>12 the summer where I said we all go to get educated,</p> <p>13 Keith Ingram, the director of the elections, went</p> <p>14 over -- he broke down and talked his way through</p> <p>15 what changes would be coming.</p> <p>16 And then we received those in advisory</p> <p>17 form. We were given Keith's interpretation or the</p> <p>18 Secretary of State's interpretation of 3107.</p> <p>19 Q. Okay.</p> <p>20 A. And it changed this section of the code</p> <p>21 and it changed this section of the code. So,</p> <p>22 yeah, we all worked with that.</p>	<p>1 were in communication.</p> <p>2 Q. Okay. And did you speak to any</p> <p>3 legislators about House Bill 3107?</p> <p>4 A. No, not -- no, I spoke to legislators on</p> <p>5 SB1, but not 3107.</p> <p>6 Q. We'll save that for another deposition.</p> <p>7 Okay. But not about 3107.</p> <p>8 MS. YUKEVICH: Dan, can you pull up what</p> <p>9 I marked as Exhibit B and I think will be marked</p> <p>10 as Deposition Exhibit B here as well.</p> <p>11 (Callanen Deposition Exhibit B was</p> <p>12 marked for identification and attached to the</p> <p>13 transcript.)</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. So do you recognize this document,</p> <p>16 Ms. Callanen?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. What is it?</p> <p>19 A. This is House Bill 3107.</p> <p>20 Q. Okay.</p> <p>21 MS. YUKEVICH: Dan, will you go to</p> <p>22 page -- and I apologize. I should have had this</p>

20 (Pages 77 to 80)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 81	Page 83
<p>1 pulled up. Will you go to page 8, please. Okay.</p> <p>2 BY MS. YUKEVICH:</p> <p>3 Q. And so do you understand, Jackie, that</p> <p>4 my client, Vote.org, is only challenging one</p> <p>5 provision of House Bill 3107?</p> <p>6 A. I understand by you telling me now, but,</p> <p>7 you know, I don't know what other workings are</p> <p>8 going on with Vote.org, so I'm just -- I know this</p> <p>9 one.</p> <p>10 Q. Got it.</p> <p>11 So -- but you understand that in this</p> <p>12 lawsuit -- so separate maybe from, you know, other</p> <p>13 things, but in this lawsuit, we've only challenged</p> <p>14 Section 14 of House Bill 3107?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And I want to make sure, before I</p> <p>17 ask you about the text of this section, that</p> <p>18 you're familiar with it. So will you just take a</p> <p>19 moment to review the highlighted text.</p> <p>20 MS. YUKEVICH: And, Dan, if you can zoom</p> <p>21 in on that highlighted text.</p> <p>22</p>	<p>1 had the four-day piece on them for a couple of</p> <p>2 years now, that they could fax things in and, you</p> <p>3 know, were -- dare I say, fax machines should go</p> <p>4 away. You know, technology is just moving in leap</p> <p>5 years. Yeah -- but, again, we have held them,</p> <p>6 waiting for that original wet signature to come</p> <p>7 in.</p> <p>8 Q. Okay. So when you say -- what do you</p> <p>9 understand the term "original signature" to mean</p> <p>10 in Section 14 here?</p> <p>11 A. Again, the original signature of the</p> <p>12 voter in ink on something that we have in our hand</p> <p>13 that we can scan into their record.</p> <p>14 Q. Understood. Okay.</p> <p>15 MS. YUKEVICH: We can pull this exhibit</p> <p>16 down now, Dan. Thank you.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. Did you take a position on House</p> <p>19 Bill 3107 as it was being considered by the Texas</p> <p>20 legislature?</p> <p>21 A. I did not take a position, but I did do</p> <p>22 a fiscal note.</p>
<p>Page 82</p> <p>1 BY MS. YUKEVICH:</p> <p>2 Q. And just let me know, Jackie, when</p> <p>3 you're done reading this section.</p> <p>4 (Witness peruses the exhibit.)</p> <p>5 THE WITNESS: Yes, ma'am.</p> <p>6 BY MS. YUKEVICH:</p> <p>7 Q. Okay. So before today --</p> <p>8 MS. YUKEVICH: And, Dan, we can take --</p> <p>9 actually, leave it up for a moment. I'm sorry.</p> <p>10 BY MS. YUKEVICH:</p> <p>11 Q. So, Jackie, before today, were you</p> <p>12 familiar with this provision of House Bill 3107?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. How were you familiar with</p> <p>15 Section 14 of House Bill 3107?</p> <p>16 A. Well, again, as I said, the advisories</p> <p>17 and obviously by going to class. And this</p> <p>18 provision on the fourth day, by receiving it --</p> <p>19 you heard me say before that they were sort of</p> <p>20 bringing the pieces together so that we had the</p> <p>21 same functions.</p> <p>22 And the ballot-by-mail applications have</p>	<p>Page 84</p> <p>1 Q. Okay. When you say you did a fiscal</p> <p>2 note, what is that process? What does that</p> <p>3 entail?</p> <p>4 A. Again, the LLB from the state sends out</p> <p>5 to, again, I think large, medium and small</p> <p>6 counties and asks them, if this passes, what's the</p> <p>7 ramifications for you all? What would you have to</p> <p>8 do? Would you need extra staff? Would you need</p> <p>9 extra supplies? Things like that.</p> <p>10 Q. And I don't want to interrupt you, but</p> <p>11 can you just tell me for the record what "LLB"</p> <p>12 refers to.</p> <p>13 A. It's the budget office.</p> <p>14 Q. Got it.</p> <p>15 And so you received from the LLB, from</p> <p>16 the budget office, a request for you to complete a</p> <p>17 fiscal note?</p> <p>18 A. Yes, ma'am. Yes, ma'am.</p> <p>19 Q. And did that fiscal note discuss -- I</p> <p>20 know that this is a big bill.</p> <p>21 Did that fiscal note discuss Section 14</p> <p>22 of House Bill 3107 at all?</p>

21 (Pages 81 to 84)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 85	Page 87
<p>1 A. No, ma'am. When we get those requests, 2 it's for the entire bill.</p> <p>3 Q. Okay. Did you consider Section 14 when 4 you were drafting your fiscal note?</p> <p>5 A. No, ma'am. No, ma'am.</p> <p>6 Q. Why not?</p> <p>7 A. Again, because we were already following 8 that same process for applications for ballots by 9 mail.</p> <p>10 Q. Okay. Why were you already following 11 that process for applications for ballots by mail?</p> <p>12 A. Again, because it had been passed by 13 prior legislative sessions that -- you know, that 14 that was the rule.</p> <p>15 Q. Okay.</p> <p>16 A. And so once we instituted that process, 17 then it was -- this Section 14 would have just 18 been an extension of a process that we already had 19 in place.</p> <p>20 Q. Okay. Do you remember what legislative 21 session you think that this was passed in?</p> <p>22 A. Don't hold me to it, Kassi, but I think</p>	<p>1 A. On the voter registration cards?</p> <p>2 Q. Yes. I apologize.</p> <p>3 On voter registration applications.</p> <p>4 A. Yes, ma'am. Yes, ma'am.</p> <p>5 Q. Okay. When did your office start doing 6 that, looking for wet-ink signatures?</p> <p>7 A. I want to say forever.</p> <p>8 Q. Okay.</p> <p>9 A. That process was there well before I 10 came.</p> <p>11 Q. Okay. Did anyone write or call you 12 about Section 14 of House Bill 3107?</p> <p>13 A. No, ma'am.</p> <p>14 Q. And can you tell me just what your 15 understanding is of the difference between a 16 wet-ink signature and an imaged signature.</p> <p>17 A. I -- I'm only stumbling here, Kassi, 18 because I've been made aware, based on the mail 19 room, the ABBMs, the mail ballot process --</p> <p>20 Q. Okay.</p> <p>21 A. -- that there are now computer-generated 22 signatures that are being placed on some of those</p>
<p>Page 86</p> <p>1 it was the second. I think it was because I don't 2 think it made it out of the first.</p> <p>3 Q. Oh, so you're talking about House 4 Bill 3107 --</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. -- being passed. So let me back up a 7 little bit.</p> <p>8 So you said that you were already 9 following the process of what Section 14 required 10 before House Bill 3107 was passed; is that right?</p> <p>11 A. Yes, ma'am, for another process that we 12 did in the office.</p> <p>13 Q. Okay. Are you talking -- when you say 14 the "process" of House Bill 3107 -- and, again, 15 I'm referring to Section 14 specifically here -- 16 are you talking about the four-day window? Is 17 that what you're talking about?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. What about checking for wet-ink 20 signatures? Were you already looking for wet-ink 21 signatures prior to the passage of House 22 Bill 3107?</p>	<p>Page 88</p> <p>1 documents. And obviously they do not count. And 2 so we need that wet, original signature. And --</p> <p>3 Q. You're talking about -- sorry. I don't 4 mean to interrupt. I just want to make sure that 5 we're clear for the record.</p> <p>6 You're talking about computer-generated 7 signatures going on absentee mail-in ballots?</p> <p>8 A. Yes, yes.</p> <p>9 Q. Okay. So I want to sort of just revisit 10 my original question, and it might be easier to 11 break it down.</p> <p>12 What is a -- what is a wet-ink 13 signature? Sorry. These -- and I apologize. 14 These questions might seem basic, but I just want 15 to be clear.</p> <p>16 What is a wet-ink signature?</p> <p>17 A. I don't know the legal definition of it, 18 but it's that person's signature in some sort of 19 indelible ink so that someone can't erase it or -- 20 that's what we're looking for.</p> <p>21 Q. Is it fair to say that a wet-ink 22 signature is when someone signs with a pen?</p>

22 (Pages 85 to 88)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 89	Page 91
<p>1 A. That's -- I think so, absolutely.</p> <p>2 Q. Okay. And what is -- what is an imaged</p> <p>3 signature?</p> <p>4 A. Those are the ones that we receive by</p> <p>5 fax. Because the faxes come in all in that same,</p> <p>6 you know, white paper and everything on it is</p> <p>7 black, so --</p> <p>8 Q. Okay.</p> <p>9 A. -- that's -- yeah.</p> <p>10 Q. So is it fair to say that an imaged</p> <p>11 signature is like a scan of a signature? Would</p> <p>12 you call that an imaged signature?</p> <p>13 A. I don't know. Okay. In what piece of</p> <p>14 the process are you asking that, Kassi?</p> <p>15 Q. I'm just asking sort of in general,</p> <p>16 because I want to make sure -- and again, this</p> <p>17 isn't supposed to be like a test or anything. I</p> <p>18 just want to make sure that when we're talking for</p> <p>19 the rest of this deposition, that we're using the</p> <p>20 same terms and we understand them to mean the same</p> <p>21 thing.</p> <p>22 So I think we can agree, right, that a</p>	<p>1 don't sign anything. I just type it out. What do</p> <p>2 you call that type of signature?</p> <p>3 A. A non-signature.</p> <p>4 Q. A non-signature.</p> <p>5 Okay. So when I say -- what about if</p> <p>6 you were to on your phone sign with your finger?</p> <p>7 Right. What would you call that type of</p> <p>8 signature?</p> <p>9 A. A digital signature.</p> <p>10 Q. Okay. So whether you're signing with a</p> <p>11 stylus or you're signing with your finger, you</p> <p>12 would call both of those a digital signature?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. So I will use -- and I will do my</p> <p>15 very best to use the phrase "digital signature" so</p> <p>16 we're on the same page. I might also use the term</p> <p>17 "imaged signature." And when I say "imaged</p> <p>18 signature," what I am thinking of is a signature</p> <p>19 where you sign with a stylus or where you sign</p> <p>20 with your finger on your phone or where -- I will</p> <p>21 ask you this: If I use my mouse, like my keyboard</p> <p>22 mouse to sign my name, like I used the arrow on my</p>
<p>Page 90</p> <p>1 wet-ink signature -- I think that we're on the</p> <p>2 same page here -- is when someone signs with a</p> <p>3 pen.</p> <p>4 And then so what is -- when you say --</p> <p>5 and, sorry, would you agree with me there? I saw</p> <p>6 you nod, so I want to make sure --</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. -- just for the record.</p> <p>9 And it starts to get tiresome a little</p> <p>10 bit, and I apologize for that.</p> <p>11 An imaged signature -- what would you</p> <p>12 call -- I'll try it this way.</p> <p>13 What would you call -- when you go to</p> <p>14 like the grocery store and you pick up the stylus</p> <p>15 and you sign that pad, what would you call that</p> <p>16 type of signature?</p> <p>17 A. That's a digital signature.</p> <p>18 Q. Okay. So you refer to that as a digital</p> <p>19 signature?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. And what about if I were to like</p> <p>22 type my name onto a Word document? Right. I</p>	<p>Page 92</p> <p>1 computer to sign my name, what would you call that</p> <p>2 type of signature?</p> <p>3 A. A digital signature.</p> <p>4 Q. A digital signature.</p> <p>5 So when I say "digital signature," I am</p> <p>6 referring to those types of signatures. And so I</p> <p>7 think that we are on the same page. And I will</p> <p>8 say when I say "imaged signature," I intend to use</p> <p>9 that as a synonym for "digital signature."</p> <p>10 But, please, if you are confused when I</p> <p>11 ask questions about these types of signatures,</p> <p>12 please interrupt me and just ask me to clarify.</p> <p>13 Okay?</p> <p>14 A. Thank you.</p> <p>15 Q. Of course. I want to make sure that</p> <p>16 we're on the same page.</p> <p>17 So can you describe for me just the</p> <p>18 voter registration process in Bexar County.</p> <p>19 A. Sure. I don't want to say it's</p> <p>20 convoluted, but our mission is to register as many</p> <p>21 eligible people as we can. And so obviously we</p> <p>22 can accept voter registration cards from various</p>

23 (Pages 89 to 92)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 93	Page 95
<p>1 organizations; from the voter themselves, from 2 naturalizations, but DPS, from Texas Online, 3 people mail their applications in to us. We try 4 and get as many applications processed so that the 5 voters can vote. That's our mission. That's our 6 goal. 7 And it's a constant, ongoing process. 8 Some -- some of those ways -- we do get 9 probably -- I want to say probably 75 percent of 10 our voters through DPS. And, again, that had 11 changed in the last couple of years because ten 12 years ago, when it was time to register to vote 13 and people voted -- registered at the Department 14 of Public Safety, they did it on a hard copy. 15 And so as we got down to the last days 16 to register to vote -- I mean, I would have to 17 send staff to the various DPS officers in Bexar 18 County and go pick up the cards. And we were just 19 really blessed whenever TEAM -- whenever the state 20 of Texas worked with DPS to do -- it's called auto 21 DPS where we now get that electronic file. And 22 that's -- again, that's the majority of our work</p>	<p>1 A. Yes, ma'am. Yes, ma'am. 2 Q. So do you -- sort of a wild story 3 thinking of you running around and collecting all 4 these paper applications from DPS in the sort of 5 days leading up to the deadline. 6 Do you get any paper applications from 7 DPS now? 8 A. No, ma'am. No, ma'am, but we have the 9 ability of reaching out to DPS if we have a 10 question. 11 Q. Okay. But all of the applications that 12 you receive come in online? 13 A. From DPS. 14 Q. From DPS. 15 A. And Texas Online, yes. 16 Q. And let me just distinguish. 17 So about 75 percent of your applications 18 come to you electronically through DPS? 19 A. Yes, ma'am. 20 Q. And what is Texas Online? 21 A. Again, it's -- we wish -- we worked so 22 hard and we've never been successful as an</p>
Page 94	Page 96
<p>1 and how we get the people. 2 Q. Okay. And so do you -- so that's 3 75 percent, roughly, of your voter registration 4 applications. 5 Where do the other 25 percent of your 6 voter registration applications come from? 7 A. Again, with our deputy voter registrars 8 that are out. They come by the mail. They come 9 from the high schools. Every school principal in 10 the state of Texas is a deputy voter registrar. 11 And the goal there is to register the 12 18-year-olds. 13 As I said, on the even-numbered years, 14 we see activity. The League of Women Voters is 15 just a fantastic organization, and we work very, 16 very closely with them. And so that's the 17 majority. 18 Q. Okay. So is it -- do those applications 19 that come from your deputy voter registrars, come 20 through the mall, come from high schools and come 21 from organizations like the League of Women Voters 22 generally come in on paper?</p>	<p>1 organization or just, again, personally to get 2 online voter registration. We want that 3 desperately. 4 And Texas Online is the platform, I 5 guess is the correct word, that the Secretary of 6 State's office has set up where someone may go and 7 complete a voter registration card, but then they 8 have to print it and sign that wet signature and 9 then mail it to their county so we can register 10 them to vote. 11 They've expanded Texas Online so that 12 when someone who is registered in Texas in another 13 county and moves to Bexar County -- you know, if 14 you moved down here from Dallas and you came down 15 here, Kassi, you would be able to go on Texas 16 Online. 17 You would change your application -- 18 because you already have your VUID number. You 19 have your Texas TDL. They ask for a small number 20 that's on everybody's TDL that they really don't 21 pay attention to so that it's a secure system. 22 And you can change your application.</p>

24 (Pages 93 to 96)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: right;">Page 97</p> <p>1 You can change your registration online if you've 2 already been a registered voter. There are 3 mechanisms to register somebody online, and 4 obviously we would love that.</p> <p>5 Q. Okay. Why would you like it if you had 6 online voter registration?</p> <p>7 A. For the reason that we wouldn't have to 8 hire 10 to 15 to 25 temps when it's a large year 9 and everyone decides to register to vote at the 10 last minute.</p> <p>11 Q. Fair.</p> <p>12 Any other reasons that you might like 13 online voter registration related to voters?</p> <p>14 A. Absolutely. And, again -- I have to 15 behave myself. I'm like, wait a minute, I taught 16 third grade. And when I taught third grade, the 17 goals of that was to teach cursive writing and 18 teach them to tell time. Okay.</p> <p>19 Those functions were -- you were a 20 success if you had those down. Well, how many 21 years ago did the school systems stop teaching 22 cursive writing? They don't do that anymore.</p>	<p style="text-align: right;">Page 99</p> <p>1 shopping on Amazon and I'm ready to send something 2 to someone, if I put in the address and they live 3 in an apartment, it won't let me pass until I put 4 in an apartment number. The system is smart 5 enough to know that that's an apartment building.</p> <p>6 Well, that would solve so much of our 7 back-and-forth with voters. And so it would just 8 be a blessing. So, I'm sorry, I rambled, but --</p> <p>9 Q. No, you're fine. How much -- you're 10 fine. This is all -- again, we really appreciate 11 how prepared you are for today and we really 12 appreciate your willingness to talk to me about 13 this stuff, stuff that might seem incredibly basic 14 to someone like you who has been doing this work 15 for so long. But it's still really helpful 16 information for all of us.</p> <p>17 Let me ask you this: How much time does 18 your staff spend on that back-and-forth with 19 voters about information on their voter 20 registration card?</p> <p>21 A. It would be hard to quantify, again, 22 because of differences in the size of the</p>
<p style="text-align: right;">Page 98</p> <p>1 They don't do that anymore. And so we are seeing 2 the ramifications of that.</p> <p>3 When someone fills out that hard copy, 4 we have -- oh, you'll find one of my staff 5 members -- two of my staff members of that group 6 of five, they'll have a voter registration card in 7 their hand, and they literally will walk around 8 the office asking someone, can you -- what is that 9 letter? What is that? What are they telling us? 10 What's the name of that street? Because we have 11 such a hard time deciphering -- and I don't want 12 to be disrespectful, but in some cases, we call it 13 chicken scratch. We can't make sense of it.</p> <p>14 If they do it online, we get it. We 15 don't have to send out that voter registration 16 card and -- because we couldn't tell a six from a 17 five to an eight, it comes back to us and then we 18 have to send out a confirmation card. It would 19 just clear up so much of the work of voter 20 registration, it would be a blessing. It really 21 would.</p> <p>22 Again, I joke that I know when I go</p>	<p style="text-align: right;">Page 100</p> <p>1 elections and the differences in the workload that 2 come in.</p> <p>3 Q. Okay.</p> <p>4 A. But it's -- it's an economy -- it's a 5 scope of economy. It just depends on where we 6 are.</p> <p>7 Q. Let me give you -- so let me try to be 8 more specific.</p> <p>9 So say in that September of 2020 and 10 thinking forward to September of 2022, about how 11 much time do you think that your staff spends on 12 those issues related to handwritten voter 13 registration cards?</p> <p>14 A. 2020 was huge. 2020 was unparalleled to 15 any -- anything we did. And, again, it's hard to 16 quantify. I mean, we had people that did nothing 17 but send out confirmation cards to try and get 18 that person registered to vote in the correct 19 precinct.</p> <p>20 I mean, we -- we would put in -- I don't 21 want to say -- like Forest. They'd say they lived 22 on Forest. Well, we didn't have a street named</p>

25 (Pages 97 to 100)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 101	Page 103
<p>1 Forest. We had -- it had an extension Forest 2 Grove, Forest Green, Forest whatever. It was 3 those issues. And I mean, we had two people 4 that -- that's all they did, was work those 5 problems, just work those problems so that we 6 could get these people registered to vote. 7 And in 2022 -- right now for the 8 primary, it's off to a slow start. Because it's 9 so early in the year and people are still dealing 10 with COVID, we haven't seen that huge uptick. 11 Right now I think I have like four temps brought 12 in. And the voter registration deadline was the 13 31st. 14 And so right now all they're doing is 15 putting the cards that did not meet the 16 deadline -- standing there physically putting them 17 in alpha order so that when that voter calls and 18 says, but I registered, they can go over there and 19 say, yes, we have it, but it didn't meet the 20 deadline. You didn't meet the January 31st. 21 Q. Understood. 22 About how many voter registration cards</p>	<p>1 voters did you get this month, the month of 2 January? 3 A. Okay. Can you hold on a second? 4 Q. Sure. 5 A. I literally have that because I come in 6 every day and I write down what our numbers were. 7 So who's good at math? 8 On January 4th, when we returned to the 9 office, we had 1,184,039 registered voters. And 10 yesterday, which was the 1st, we had 1,190,334. 11 So with all you math wizards, we're looking at 12 5,000, 5,000 in a month. 13 Q. So let me ask you this question then: 14 Do you expect that you'll get more voter 15 registration cards in the coming weeks? 16 A. Yes, yes. Again, it's always a living 17 document. We tell everybody, Kassi -- you know, 18 they'll call and say, is it too late? And our 19 canned phrase is, "It's never too late to register 20 to vote." It's never too late. Send it in and do 21 it now so you're ready for the next election. 22 Q. Sure.</p>
Page 102	Page 104
<p>1 do you think have those written issues where you 2 can't -- you know, you're not sure about the 3 address or you're not able to read something? 4 A. Probably -- I don't know. Again, just a 5 guess, but it's probably like 2 percent. But we 6 have noticed in the years that it was 1 percent 7 and it's sort of creeping up. Because now anyone 8 that's 18 and over and they haven't learned 9 cursive, we're running into those issues more 10 frequently. But it's not like this huge thing 11 that stops the train. 12 Q. About how many of the -- you said the 13 people have stacked up the voter registration 14 cards that didn't arrive on time. About how many, 15 just for this primary, would you say didn't arrive 16 on time? 17 A. We probably right now today -- because, 18 again, this is a living process because we'll 19 still get more -- I'd say we probably have about 20 200 to 250 out there in the tray right now. 21 Q. Okay. And about how many new voters did 22 you get -- and you may not know, but how many new</p>	<p>1 Do you ever encourage people who call -- 2 leading up to the voter registration deadline, do 3 you ever encourage people to like physically bring 4 in their voter registration application? 5 A. Yes, yes. 6 Q. Why do you do that? 7 A. Again, so they can meet the deadline and 8 that they can vote in that election that has 9 triggered them to say, I want to be registered to 10 vote. Because there's got to be some relation, 11 some event that the person themselves stands up 12 and says, oh, I want to go register to vote. 13 And so not knowing what those are, 14 whether it's a discussion with a family member, 15 whether it's, you know, a campaign, whether it's 16 candidates, we don't know what that event is. And 17 our goal is to make sure that if somebody is 18 really excited about this election and they want 19 to register to vote, well, we're going to try by 20 any means to make that happen. 21 Q. So I only have a few more questions on 22 this topic, and then I think it might make sense</p>

26 (Pages 101 to 104)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 105	Page 107
<p>1 to take a break for lunch, Jackie, if that makes 2 sense to you.</p> <p>3 A. That's fine. Thank you.</p> <p>4 Q. Of course. I want to -- I just want to 5 make sure that we're taking care of everybody.</p> <p>6 So can you go through with me just step 7 by step how when your office receives -- and I'm 8 going to start with paper voter registration 9 cards, like a physical hard copy.</p> <p>10 When your office receives a paper voter 11 registration card, what -- what do you do with it? 12 How do you process it?</p> <p>13 A. I feel like it's like -- it is -- it is 14 a process so let me start with -- here comes the 15 mailman in.</p> <p>16 Q. Great.</p> <p>17 A. And on certain days, they may bring 18 us -- we refer to them as buckets of mail where we 19 get hundreds. And the first process that's done 20 is that card is time-stamped. That's for proof 21 that it was delivered in our office on that day. 22 So you'll be hear- -- if you're in the office,</p>	<p>1 scanning them. It's clipping the signatures. And 2 then they wrap a paper around it that says this is 3 Batch 274 and they put it down with a rubber band. 4 And then another person is going to come, and then 5 they make sure that they now have to data-enter 6 that card.</p> <p>7 Now, they have to go through and 8 actually type that card into our database; name, 9 address, birth date, SSN, TDL, whatever is on that 10 card. Okay.</p> <p>11 Then it goes in a box. And, again -- 12 now, at the end of the day, that work product is 13 going to be all bundled up electronically and shot 14 up to the Secretary of State's office.</p> <p>15 And overnight they wash that against DPS 16 or SSN to say, yes, this is a real live person or 17 no. And then they assign the voter 18 registration -- the VUID, the voter unique 19 identifier. And then the next morning we come in 20 and we bring it and we suck that all back into our 21 database. Now the person is registered to vote. 22 And at that point, they get into a queue</p>
Page 106	Page 108
<p>1 you'll be deaf by the end of the day because all 2 you hear is thunk, thunk, thunk, you know, we do 3 that.</p> <p>4 And then those cards that have been 5 time-stamped are handed off, and we have a person 6 that does nothing but put a bar code on those. We 7 have little bar codes that we've printed. So we 8 know it's in the office. We know it's here.</p> <p>9 Once the bar code is on it, I have 10 another member who sits at a scanner, and they 11 scan both pieces of that voter registration card. 12 And they put them into -- we call them batches. 13 And so they'll put 25 in a batch.</p> <p>14 Now, when they scan the card, we scan 15 both sides of it. But at the same time, that 16 scanner is set up, Kassi, in such a way that we 17 refer -- it clips the signature. We make sure 18 that we get that voter's signature electronically. 19 Because -- I'll tell you why when we go later 20 down.</p> <p>21 Q. Sure.</p> <p>22 A. But it's putting the cards in. It's</p>	<p>1 that says, okay, depending on when and how many 2 and where, we'll send them their voter 3 registration card.</p> <p>4 But, now, when we send up those at 5 night, if they data-entered it -- and you just 6 heard me -- I don't want to say the word 7 "whining," but, yeah, I was whining about the 8 condition we get the cards in. If they mistyped 9 in a number on the TDL or if they've transposed a 10 number, that card the next morning is going to 11 come back to us. And it says "PSV," pending state 12 verification. And at that point, that voter is 13 not registered because they didn't get a VUID.</p> <p>14 So then the staff has to go back and 15 see, did they mistype it. God forbid, my staff is 16 not perfect on every one. So we go back and check 17 to make sure that there was no error on our part, 18 and then it would get sent back up the next night.</p> <p>19 But we work PSVs constantly. And that's 20 the bane of our existence, is when we get these 21 pending state verifications, which is why I was 22 whining a little bit ago that we really would like</p>

27 (Pages 105 to 108)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 109	Page 111
<p>1 online voter registration because we wouldn't have 2 as many of those coming back. 3 And that's sort of the life span of a 4 voter registration card. 5 Q. Okay. I want to just ask two questions, 6 first going back to the scanning process. 7 So you said that you scan both sides of 8 the voter registration cards. 9 A. Yes, ma'am. 10 Q. And you make sure that you capture in 11 that scan the voter's signature. 12 A. Yes, ma'am. 13 Q. Okay. Why do you capture the voter's 14 signature? 15 A. Okay. That leads us to another 16 function. 17 Q. Yes. 18 A. Okay. May I explain? 19 Q. Yeah. Yes. 20 A. It's going to -- 21 Q. Okay. 22 A. It's going to be a little detailed thing</p>	<p>1 any application for ballot by mail. It goes 2 through the same -- you know, time-stamp it, put a 3 label on it, scan it, clip the signature, and then 4 it's ready to be processed. 5 So we have a program that's called the 6 early ballot module where now our signature 7 verification committee and our early ballot board 8 have -- for this primary, there will be a Democrat 9 and a Republican. Each one of them will be 10 sitting in front of a computer. 11 And to accept the application -- accept 12 that mail ballot, when the mail ballot comes back 13 in after they voted it, we're going to do the same 14 thing. We're going to scan it. We're going to 15 time-stamp it. We're going to put a sticker on 16 it. We're going to scan both sides. It's going 17 to clip the signature. 18 So now we have the signature from Jackie 19 Callanen on her voter registration card, I have it 20 on the application, and I have it on the ballot. 21 And so the early ballot board and the signature 22 verification committee are sitting in front of a</p>
Page 110	Page 112
<p>1 that's going to -- okay. We capture their voter 2 registration signature. Okay. And, again, it 3 goes in our database. So if I have to look up 4 Jackie Callanen's signature, I go to my database. 5 I can click on it. I can see the date. I can see 6 when it came into our office. I can see the date 7 they were registered to vote, the address they 8 lived at, if they've changed -- I mean, we have 9 some people that there's numerous changes that 10 have been made. If they've moved from this 11 apartment and they moved away and they came back. 12 And so we have all of those captured. 13 Now, why is that important and why do we 14 do that? Because we have -- I think it's a more 15 secure system that we have for checking on our 16 mail ballot signatures, the applications on our 17 mail ballot signatures. 18 Again, because we have VOTEC and because 19 we're one of the larger counties, you've seen, in 20 3107, where -- you see references to a signature 21 verification committee or the early ballot board. 22 Well, we do the exact same function with</p>	<p>1 computer and it brings up Jackie Callanen and it 2 shows you those signatures, right one on top of 3 the other. 4 So the early ballot board can say, okay, 5 that's the same signature, click, and then it goes 6 away. And they do this in groups of 25. You 7 heard me say we put things in batches. And so 8 they have 25. 9 Now, again, the election law and the 10 legislation has changed based on the growth of the 11 ballot-by-mail process. And so what happened is 12 the legislature now has given us permission to 13 keep in that computer program the last six 14 signatures that we have from that voter, whether 15 it's on their voter registration card, whether 16 it's on a ballot, an application. 17 Because I'm here to tell you, as a 18 senior citizen, my signature looks different if I 19 sign it in the morning than if I sign it in the 20 afternoon. And I'm sure some of you nice young 21 people will say the same thing. It's not just for 22 senior citizens.</p>

28 (Pages 109 to 112)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 113	Page 115
<p>1 But, again, the legislature has looked 2 at it. They've heard us, that we need to be able 3 to look at different signatures to make sure, if 4 someone is having a bad day, that that is, in 5 fact, their signature. 6 So again, that was a long, rambled way 7 of why we're clipping signatures. 8 Q. No, I appreciate the explanation. 9 So when you clip those signatures, do 10 you compare -- when you're processing voter -- 11 sorry. Let me back up. Let me pause. 12 When you are processing voter 13 registration applications, do you compare that 14 signature -- like Jackie Callanen signed her voter 15 registration application. Do you compare that 16 signature to any other signatures or is that -- I 17 see you nodding so -- 18 A. I'm sorry. I'm not allowed to do that. 19 No, ma'am, we are not -- and this is a 20 piece -- we, the elections administrators, are not 21 an investigative body. Even if we see it, it's 22 like we are not an investigative body. The</p>	<p>1 A. Correct. 2 Q. -- is that correct? 3 A. Correct. 4 Q. You use that signature sometimes for 5 things that come later? 6 A. After. After, yes. 7 Q. And I'm sorry, when I say "you," it 8 is -- the early ballot board will sometimes use 9 that signature for things that come later; is that 10 right? 11 A. Correct. 12 Q. And the signature verification committee 13 will sometimes use that signature for things that 14 come later; correct? 15 A. Yes, ma'am. 16 Q. But you don't use that signature in 17 the -- 18 A. No. 19 Q. -- in the registration process? 20 A. No, ma'am. 21 Q. Okay. And then I want to just revisit 22 working PSVs.</p>
Page 114	Page 116
<p>1 election code is set up so it's the function of 2 the early ballot board. It's the function of the 3 signature verification committee. 4 And that's why we have signature rosters 5 and everyone signs in at the poll site. So that 6 if anybody wants to question, look, Jackie 7 Callanen signed in here, I know she wasn't there 8 that day, we actually will bring up that piece of 9 paper that Jackie Callanen signed at the poll site 10 and match it against what's in our database. 11 So it's there for a checks and balance, 12 but we are not the investigative body. So to 13 answer your question, Kassi, it's, no, another 14 authorized group has to bring up that question. 15 Q. I understand. 16 But when you get a voter registration 17 application -- just at the application level. We 18 have not requested a ballot by mail. We have not 19 voted. But when you get that application and you 20 see that signature, you don't use that signature 21 for anything as you're processing voter 22 registration applications --</p>	<p>1 When you say you are working a PSV, what 2 does that mean? 3 A. Again, it comes back the next day from 4 the Secretary of State's office basically saying 5 the information you sent us does not match. It's 6 either a birth date that -- could be the number is 7 transposed. It could be the Texas' driver's 8 license number is not assigned to that person. It 9 could be that they don't have either number, that 10 they put in their registration and they didn't 11 give us either number. They now check the box and 12 say, I don't have any of that information. So 13 those are all handled differently. 14 But, again, I keep saying I'm not the 15 techie, so I have no idea how the program is 16 written for the state, for the TEAM. So I don't 17 know what pieces they're looking for as it 18 automatically goes through their -- we call it a 19 live check. They send it up through their live 20 check. 21 And, again, I'm not privy to the way 22 that happens, but I just know the next day when we</p>

29 (Pages 113 to 116)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 117	Page 119
<p>1 get them back, they're marked as PSV, pending 2 state verification. And so then we have to look 3 at that again and figure it out. And, if not, we 4 have to send a card to that person asking for more 5 information. 6 Q. And you -- and I'm so sorry. We are 7 going to break in just one moment. I just want to 8 close this topic out. 9 You send a card in the mail to that 10 person; is that right? 11 A. Yes, ma'am. Yes, ma'am. It's called -- 12 Q. Do you ever -- I'm sorry. 13 A. It's called a confirmation card. 14 Q. And do you ever call that person to ask 15 for additional information? 16 A. If -- if we're lucky enough that they 17 put a phone number on that card. That box is 18 marked optional, and most people do not give us 19 that information. 20 Q. Okay. And your office is not required 21 to like call people if they miss, you know -- if 22 they have missing information on their voter</p>	<p>1 MS. YUKEVICH: Oh, yes. I apologize, 2 Dan. Let's go off the record. 3 THE VIDEOGRAPHER: The time is 4 12:15 p.m. We're going off the record. 5 (Recess from the record.) 6 THE VIDEOGRAPHER: The time is 1:02 p.m. 7 and we're back on the record. 8 BY MS. YUKEVICH: 9 Q. Hi, Jackie. How are you? Are you able 10 to hear me okay? 11 THE VIDEOGRAPHER: I believe you're 12 muted. Jackie, you're muted. 13 THE WITNESS: Sorry. 14 BY MS. YUKEVICH: 15 Q. No, no, you're fine. There you are. 16 A. Thank you for the break, much 17 appreciated. 18 Q. Of course. Of course. And, again, if 19 you need any breaks while we're going through the 20 rest of our topics, please just let me know and we 21 can take one whenever you need one. 22 Okay. So I wanted to jump back in with</p>
Page 118	Page 120
<p>1 registration card; is that right? 2 A. You're use of "required" is correct, 3 Kassi. We are not required. But the philosophy 4 in this office is it's the right thing to do. And 5 so you'll hear a lot of that, it's the right thing 6 to do. So if we have the means, we are going to 7 do it and reach out to them. 8 Q. Understood. 9 And, you know, when I use the word 10 "required," I am just trying to sort of suss out 11 which activities your office is undertaking on its 12 own and which activities you're required to do. 13 So I appreciate that clarification, and that makes 14 good sense to me. 15 I think it's a good time to break now. 16 How long, Jackie, would you like to break for 17 lunch? 18 THE VIDEOGRAPHER: Should I go off the 19 record? 20 THE WITNESS: It's up to you all. 21 THE VIDEOGRAPHER: Do you want to go off 22 the record first and then discuss it?</p>	<p>1 just a couple of additional questions about voter 2 registration cards before we move into a couple of 3 other areas. 4 A. Okay. 5 Q. I just wanted to clarify a little bit 6 about what happens when you send these voter 7 registration cards up to the state. 8 Does that sound good? 9 A. Sure. 10 Q. Okay. So when you send -- and, of 11 course, by "you," I mean your office, you and your 12 office -- send these voter registration cards up 13 to the state, do you send an image of the card or 14 do you type that information into a form to send 15 to the state? 16 A. They're taking the database that the 17 staff has typed in. They're -- I don't think they 18 get the images. We have the images here on our 19 server. 20 Q. Okay. And do you save an image of the 21 full voter registration card on your server? 22 A. Yes, ma'am, front and back.</p>

30 (Pages 117 to 120)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 121	Page 123
<p>1 Q. Okay. And how long do you keep those</p> <p>2 images?</p> <p>3 A. I think forever. I mean --</p> <p>4 Q. Okay. And when you send that form to</p> <p>5 the state that you've put in the database, does</p> <p>6 that form include a space for an image of the</p> <p>7 person's signature?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Okay. Do you ever send those signatures</p> <p>10 to the state?</p> <p>11 A. No, ma'am. No, ma'am.</p> <p>12 Q. And what do you do with the paper cards,</p> <p>13 the physical copies?</p> <p>14 A. The physical copy is stored here in our</p> <p>15 warehouse.</p> <p>16 Q. When -- I'm going to ask you a couple of</p> <p>17 questions about the physical copies.</p> <p>18 How long do you keep the physical copies</p> <p>19 in your office, in the space that you work?</p> <p>20 A. In the space that we work, before we</p> <p>21 send them to the warehouse?</p> <p>22 Q. Yes.</p>	<p>1 move that card to the warehouse; is that right?</p> <p>2 A. Yes, ma'am, but please understand we're</p> <p>3 in the same building.</p> <p>4 Q. Okay. So that was -- you anticipated my</p> <p>5 next question, is where is that warehouse located?</p> <p>6 A. Again, it's in the same building. We're</p> <p>7 blessed to all be under one roof. Six years ago,</p> <p>8 the county arranged for us to be under one roof.</p> <p>9 Prior to that, we were in three separate</p> <p>10 locations. The elections staff was in one</p> <p>11 building, voter registration in another, and the</p> <p>12 operations center was in a warehouse off-site.</p> <p>13 Q. And have you ever had any reason, after</p> <p>14 you've put a voter registration card in your</p> <p>15 warehouse, to go back and look at that card?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. What were those reasons?</p> <p>18 A. We've had a couple of inquiries on --</p> <p>19 they wanted to see the original voter registration</p> <p>20 card, if those happened to be investigations or</p> <p>21 something like that.</p> <p>22 But the main thing we do, Kassi, which,</p>
<p>Page 122</p> <p>1 A. They'll stay here until after that</p> <p>2 election. Whenever -- you know, by the time we</p> <p>3 finish the canvass, which is like 11 or 12 days</p> <p>4 past that election, then we have them go to the</p> <p>5 warehouse for storage.</p> <p>6 Q. And, again, to be clear, I'm referring</p> <p>7 to the voter registration cards.</p> <p>8 A. Understood. Yes, ma'am.</p> <p>9 Q. And if I were to register, say, in</p> <p>10 January of 2022, I registered January 1st, 2022,</p> <p>11 how long would you keep my physical registration</p> <p>12 card?</p> <p>13 A. Well, again, we'll keep it forever, but</p> <p>14 it stays in the front of the office through the</p> <p>15 March 1st primary until we get through the</p> <p>16 canvass. And then we'll move those to the back</p> <p>17 and then start over.</p> <p>18 Q. Okay. And when you say -- so as you</p> <p>19 move them to your warehouse -- is that right?</p> <p>20 After the March 1st primary, you moved my --</p> <p>21 someone registers January 1st. After the</p> <p>22 March 1st primary and after the canvass, you would</p>	<p>Page 124</p> <p>1 again, just warms my heart, is -- a lot of people</p> <p>2 want it for sentimental reasons. And so we do</p> <p>3 that for them. That's -- I don't want to say</p> <p>4 that's a big problem, but when we do our mass</p> <p>5 mail-outs, which we're going to do here soon --</p> <p>6 every two years everyone gets a new card. And we</p> <p>7 mail out those cards.</p> <p>8 And there's a number of those cards that</p> <p>9 we don't get back because we've found out that if</p> <p>10 a spouse has passed away, the remaining spouse</p> <p>11 keeps that card as a sentimental token, which is</p> <p>12 wonderful.</p> <p>13 Q. So apart from those sentimental reasons,</p> <p>14 have you -- you mentioned going back and looking</p> <p>15 at specific voter registration cards for the</p> <p>16 purpose of investigation; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And that's not your office doing</p> <p>19 those investigations; right?</p> <p>20 A. Correct, correct.</p> <p>21 Q. Okay. Can you give me an example of one</p> <p>22 of those times where you had to go back and look</p>

31 (Pages 121 to 124)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 125	Page 127
<p>1 at the voter registration card?</p> <p>2 A. Yes. In the past couple of years, we've</p> <p>3 had ongoing investigations with the Attorney</p> <p>4 General's Office. And they've sent us a list of</p> <p>5 registrants that they needed to see the actual</p> <p>6 registration card from. A number of the</p> <p>7 investigations were on deputy voter registrars and</p> <p>8 they wanted to see the registration cards that a</p> <p>9 particular person had turned in.</p> <p>10 And so, yes, for me -- I'm sorry to say</p> <p>11 we've had to do that and just bring all the boxes,</p> <p>12 you know -- we keep them in serialized numbers, so</p> <p>13 when somebody says, can you find this one, well,</p> <p>14 okay, it's going to be in one of those three</p> <p>15 boxes. And then at that point, it's literally</p> <p>16 going through the cards one by one to find the one</p> <p>17 they want.</p> <p>18 Q. Okay. And would you say those types of</p> <p>19 requests are relatively uncommon or --</p> <p>20 A. Absolutely. They are getting more</p> <p>21 common, but, I mean, we went years without anyone</p> <p>22 requesting.</p>	<p>1 they come back in with our import.</p> <p>2 Q. And when you get those 500 -- or I'll</p> <p>3 say when you get those records back from the state</p> <p>4 that came from DPS, do you receive an image of the</p> <p>5 voter's signature with that record?</p> <p>6 A. No, ma'am. No, ma'am.</p> <p>7 Q. Okay. So if someone registers through</p> <p>8 DPS -- okay. Let's walk through this. So one --</p> <p>9 sorry. Just one moment.</p> <p>10 So if someone registers through DPS,</p> <p>11 when does your office receive a signature from</p> <p>12 them that you can put on file?</p> <p>13 A. It comes in in a separate file. So that</p> <p>14 if we had to look at Jackie Callanen's, we'd have</p> <p>15 to go into another file to get that signature.</p> <p>16 When they come back to us, they're not attached</p> <p>17 like ours are. It's not like, okay, here's</p> <p>18 Jackie's record and here's her signature. It</p> <p>19 comes down and it's held in a different place.</p> <p>20 And I can't speak to that because, like</p> <p>21 I said, I'm just not computer literate, but it</p> <p>22 comes down into another batch. And if it's</p>
<p>Page 126</p> <p>1 Q. Understood.</p> <p>2 I'd like to move on from how you process</p> <p>3 paper voter registration applications and go</p> <p>4 forward with how you process voter registration</p> <p>5 applications that come from DPS specifically.</p> <p>6 Can you just walk me through -- in the</p> <p>7 same way that you walked me through the paper</p> <p>8 voter registration process, can you walk me</p> <p>9 through how you process voter registration</p> <p>10 applications that come from DPS.</p> <p>11 A. I'm only smiling, Kassi, because to me</p> <p>12 that's like magic.</p> <p>13 Q. Okay.</p> <p>14 A. We send our file up at night, as I said.</p> <p>15 And I'm just guessing, but let's say we send up</p> <p>16 100 records. When we bring the report back in, we</p> <p>17 may have 500 records in that same import that we</p> <p>18 bring back because they include the DPS in it.</p> <p>19 And so it comes up because the DPS records don't</p> <p>20 come directly to us. They go through the state so</p> <p>21 that the state can assign the VUID that we talked</p> <p>22 about, the voter registration number. And so then</p>	<p>Page 128</p> <p>1 needed, we can go into that other piece and find</p> <p>2 that signature.</p> <p>3 So we do get the signatures, I don't</p> <p>4 want to misrepresent that, but they're not</p> <p>5 attached. For instance, if I bring up a record --</p> <p>6 if I brought up Jackie Callanen's record right</p> <p>7 now, there would be one button that I could hit</p> <p>8 and I'd see the card with the actual signature on</p> <p>9 it. The image is there. But with DPS, we don't</p> <p>10 get that. You don't have that same record.</p> <p>11 Q. Okay. And that signature -- say someone</p> <p>12 registers through DPS, and you'd like to look at</p> <p>13 their signature, do you get that the same day you</p> <p>14 get that download from the state? The signature</p> <p>15 file, do you get it the same day that you</p> <p>16 download --</p> <p>17 A. Yes.</p> <p>18 Q. -- the information in the --</p> <p>19 A. Yes, we do. However, there is another</p> <p>20 option for us. When we're doing provisional</p> <p>21 ballots, when we're qualifying the provisional</p> <p>22 ballots and someone says they registered at DPS on</p>

32 (Pages 125 to 128)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 129	Page 131
<p>1 such-and-such a date, we have a -- I want to say 2 like a special hotline that -- we have a path to 3 them that we can send an Excel spreadsheet and 4 say, you know, Jackie Callanen said she registered 5 in the month of January, did she register to vote? 6 And at that point, they will answer us 7 within one or two days. And they will send us an 8 image of the actual card that the voter signed. 9 Because on their -- their request says, do you 10 want to be a registered voter, yes or no? And so 11 that's the information we need to qualify that 12 provisional voter because then we can say, here's 13 your card and you checked no. You're not a 14 register voter. So that's another step. 15 And those pieces don't come 16 automatically to us. We must go and request 17 those. 18 Q. And that's -- okay. I understand. 19 So when you're talking about that form 20 where a voter checks at the DMV, yes, I would like 21 to be a registered voter or, no, I don't want to 22 be a registered voter, that form that's sent to</p>	<p>1 I go re- -- when I re-up my driver's license. I 2 have not -- so I don't -- I can't speak to that 3 process if someone says they want to register to 4 vote. Because when they ask me when I go there, 5 I'm like, no, I'm already registered, and then 6 that's the end of that. I don't go through that 7 process to see what it would be. 8 Q. Okay. But you only -- when you get 9 voter registration applications back from DPS, 10 you -- your office has not had a hand in 11 determining whether that voter is eligible to 12 vote; is that correct? 13 A. That's correct. It's gone through the 14 screening for the Secretary of State. 15 Q. The process -- to make sure I'm clear -- 16 goes DPS to the Secretary of State, and then those 17 voters come to you already verified; is that 18 correct? 19 A. Correct, correct. They have their VUIDs 20 assigned. 21 Q. And you get a separate file -- when you 22 get that download with the VUID or the VUIDs, you</p>
Page 130	Page 132
<p>1 you, it's an electronic form; right? 2 A. Yes, yes. 3 Q. And when you're at the DMV -- I guess 4 just because we've used voter registration card to 5 mean paper voter registration application, I just 6 want to make sure I'm being precise here -- that 7 form is filled out electronically at the DMV; is 8 that correct? 9 A. I think so. I can't -- 10 Q. And so -- 11 A. I think so. I can't testify either way. 12 I'm not sure. 13 Q. Okay. And that's fair. 14 And I apologize. I grew up in 15 California so I will often say "DMV." When I say 16 "DMV" -- 17 A. That's fine. 18 Q. -- I do mean DPS, just to be clear. 19 Okay. And when a voter submits their 20 signature at DPS, when they sign, they sign an 21 electronic keypad; is that right? 22 A. Again, I can only speak for myself when</p>	<p>1 get a separate file with those voters' signatures? 2 A. Yes. 3 Q. And those are digital signatures that 4 you receive? 5 A. Yes. 6 Q. And so now I want to move on to some of 7 the uses that you sort of alluded to already for 8 signatures on voter registration applications. 9 MS. YUKEVICH: So would you mind, Dan, 10 just pulling up Exhibit D, what I've premarked as 11 Exhibit D. 12 (Callanen Deposition Exhibit D was 13 marked for identification and attached to the 14 transcript.) 15 MS. YUKEVICH: And then can you go to 16 page 5. And then can you zoom in on the response 17 to Interrogatory Number 2. 18 BY MS. YUKEVICH: 19 Q. So I know that's a lot of text, and I 20 apologize for not pre-highlighting. 21 But, Ms. Callanen, do you know what this 22 document is?</p>

33 (Pages 129 to 132)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 133	Page 135
<p>1 A. Yes, this response was written by Robert 2 Green. 3 Q. Okay. And have you seen this response 4 before? 5 A. Yes. 6 Q. Okay. And to this interrogatory -- so 7 just to be -- I want to take a look here. I want 8 to make sure that I start you at the right spot 9 here. 10 So you say here -- and it is the sixth 11 line down. And I apologize for -- where it 12 says -- it will start with "voter signatures 13 obtained from voter registration applications." 14 It's actually six, seven, eight -- it's the ninth 15 line down. 16 MS. YUKEVICH: Yeah, right where you're 17 at. 18 BY MS. YUKEVICH: 19 Q. So you say here -- and I just want to 20 read it out. This interrogatory asked you to 21 "State and describe the purpose...of a signature 22 on voter registration applications, including any</p>	<p>1 process to me earlier, but with paper -- and I 2 just want to walk through it again, so that I'm 3 clear. 4 When you have a paper voter registration 5 card, your office scans that paper voter 6 registration card and pulls off the signature; is 7 that correct? 8 A. Correct. 9 Q. Okay. And then you save that image that 10 you've pulled of the signature; is that right? 11 A. Yes. 12 Q. Okay. And then after a voter -- after a 13 voter is registered to vote, after they have here 14 submitted a ballot by mail, you will pull up an 15 image of that signature; is that right? 16 A. Yes. 17 Q. And you will compare it to the signature 18 on their ballot by mail, their mail-in ballot; is 19 that right? 20 A. Yes. 21 Q. Okay. And so you mentioned that you do 22 this on a computer; is that correct?</p>
Page 134	Page 136
<p>1 differences in the purpose [or] function of 2 wet-ink signatures compared to electronic," what 3 we have been using today -- "or imaged," what we 4 have been referring to today as digital 5 signatures. 6 So you say here that "voter signatures 7 obtained from voter registration applications are 8 sometimes used by county elections personnel to 9 verify voter identity." 10 I want to make sure what you meant here 11 is after a voter is registered to vote, that's 12 when you will -- 13 A. Right. 14 Q. -- use those signatures? 15 A. Right, the mail ballots. 16 Q. Okay. And then you go on to give 17 examples here, "such as by comparing that 18 signature to the voter's signature as it appears 19 on the carrier envelope used to submit a ballot by 20 mail." So I want to stop there at that phrase. 21 Okay. 22 And so you do this -- you described this</p>	<p>1 A. It's a computer program, yes. 2 Q. Okay. And is it your office that does 3 the comparing, or is it the early ballot board 4 that does it? 5 A. It's the early ballot board and the 6 signature verification committee, yes. 7 Q. Okay. And does your office -- your 8 office helps to facilitate that process; is that 9 right? 10 A. Correct. 11 Q. Okay. So -- and when they're going 12 through and doing that, do they do that for every 13 early ballot that they receive? 14 A. Mail ballot. 15 Q. Or excuse me, yes, I apologize. 16 A. Yes. 17 Q. Let me be clear. 18 They do that for every mail-in ballot 19 that they receive? 20 A. Yes, ma'am. 21 Q. And is that required by statute or is 22 that a choice that the Bexar County early ballot</p>

34 (Pages 133 to 136)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 137	Page 139
<p>1 board has made?</p> <p>2 A. I'm not sure how to answer that. It is</p> <p>3 a requirement that the early ballot board -- okay.</p> <p>4 In pre computer technology, the way the process</p> <p>5 worked is that the mail ballot application would</p> <p>6 come in. It was data-entered. They got their</p> <p>7 mail ballot. When it came back, the ballot was,</p> <p>8 you know, technically rubber-banded back-to-back</p> <p>9 with that application.</p> <p>10 Now, the signature verification</p> <p>11 committee would come in and sit in front of trays</p> <p>12 of ballots. And they literally would pick up one</p> <p>13 at a time. And whoever the person was, they would</p> <p>14 say, okay, I see that signature, that signature,</p> <p>15 yeah, I think they match. And then they would put</p> <p>16 it over on the other side to be opened. If they</p> <p>17 said no, it went on the other side.</p> <p>18 Well, again, with the advent of</p> <p>19 technology, we've stopped that. The early ballot</p> <p>20 board no longer touches the physical mail ballot</p> <p>21 because we've done -- I don't want to say the work</p> <p>22 for them, but we've clipped the signatures. And</p>	<p>1 I just want to make sure I'm understanding.</p> <p>2 So the early ballot board does not see</p> <p>3 the original signature, wet-ink signature of the</p> <p>4 voter, is that correct, from the voter</p> <p>5 registration application?</p> <p>6 A. They see the scanned copy.</p> <p>7 Q. Right.</p> <p>8 The early ballot board will only see the</p> <p>9 scan of the registered voter's signature; is that</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. And the early ballot board will also</p> <p>13 only see the scan of the ballot-by-mail signature;</p> <p>14 is that correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Thank you for clarifying.</p> <p>17 And they will also only see -- to the</p> <p>18 extent that your system has other signatures,</p> <p>19 we've sort of been talking about this as two</p> <p>20 signatures, the early ballot board will only ever</p> <p>21 see scans of signatures; is that correct?</p> <p>22 A. Correct.</p>
<p>Page 138</p> <p>1 so when they bring it up on their computer screen,</p> <p>2 both signatures are there on top of each other.</p> <p>3 So they can go back and they, you know,</p> <p>4 PR it. They say, yes, okay, I'm going to accept</p> <p>5 this one and they just check it and keep on going.</p> <p>6 So they're no longer using the physical part.</p> <p>7 But to answer your question, yes, it's</p> <p>8 required by statute that someone, somehow matches</p> <p>9 the signatures off the ABBM and the ballot. But</p> <p>10 what -- again, this SB1 -- what's changing now</p> <p>11 with SB1 is that they want to be able to match</p> <p>12 that signature to the voter registration card.</p> <p>13 So there's a difference there. Our</p> <p>14 program has -- again, as I said, we can keep the</p> <p>15 last six signatures. So we have that voter</p> <p>16 registration card embedded in that program so that</p> <p>17 the early ballot board can just click on it and</p> <p>18 see.</p> <p>19 Q. Okay. So that was a very helpful</p> <p>20 explanation. Thank you. I just want to clarify a</p> <p>21 couple things. And I understand that again</p> <p>22 sometimes my questions will seem pretty basic, but</p>	<p>Page 140</p> <p>1 Q. So I want to move on to the second --</p> <p>2 oh, before we move on from here. I'm sorry.</p> <p>3 So you'll do the signature matching</p> <p>4 with -- the early ballot board will do the</p> <p>5 signature review process with voters who submitted</p> <p>6 their voter registration applications on paper; is</p> <p>7 that correct?</p> <p>8 A. Correct.</p> <p>9 Q. And do they also do it with voters who</p> <p>10 submitted their voter registration applications</p> <p>11 through DPS?</p> <p>12 A. Occasionally.</p> <p>13 Q. Okay.</p> <p>14 A. Occasionally. They can ask.</p> <p>15 Q. Okay. So to be clear, the early ballot</p> <p>16 board will compare signatures from voter</p> <p>17 registration applications with signatures on</p> <p>18 ballots by mail; is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And does the early ballot board</p> <p>21 make a distinction between voters who vote by mail</p> <p>22 who registered on paper and voters who vote by</p>

35 (Pages 137 to 140)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: right;">Page 141</p> <p>1 mail who registered at DPS?</p> <p>2 A. No, they would not have that</p> <p>3 information.</p> <p>4 Q. Okay. So if someone votes -- if I</p> <p>5 registered to vote at -- and like I said,</p> <p>6 sometimes my questions can be confusing so I want</p> <p>7 to go back because I want to make sure that I'm</p> <p>8 asking you things in a way you understand.</p> <p>9 So if I registered to vote on paper</p> <p>10 voter registration application and I requested a</p> <p>11 ballot for vote by mail for any reason, right,</p> <p>12 because of a disability, because of age, and I</p> <p>13 signed that carrier envelope, my ballot by mail</p> <p>14 would go through this signature review process at</p> <p>15 the early ballot; right?</p> <p>16 A. Correct, correct. Yes, ma'am.</p> <p>17 Q. Okay. And if I registered to vote at</p> <p>18 DPS and then I requested a vote-by-mail ballot,</p> <p>19 my -- the same thing would happen. My</p> <p>20 vote-by-mail ballot would go through the same</p> <p>21 signature review process even though I registered</p> <p>22 to vote at DPS; is that right?</p>	<p style="text-align: right;">Page 143</p> <p>1 eight and ten signatures for.</p> <p>2 But it goes from the board member's</p> <p>3 questioning a signature to the presiding judge of</p> <p>4 the early ballot board room. And then they bring</p> <p>5 it to our staff to ask for -- I don't want to say</p> <p>6 clarification, but, you know, they'll come out and</p> <p>7 say, do you have anything else? Do you have any</p> <p>8 other signatures?</p> <p>9 And then that's when the staff is able,</p> <p>10 if they registered at DPS, to get that signature.</p> <p>11 Q. Sure. I understand. I just want to</p> <p>12 make sure that I'm being clear.</p> <p>13 When you're doing this first thing,</p> <p>14 comparing a voter's signature --</p> <p>15 I apologize. My dog might bark.</p> <p>16 When you're doing this -- let me start</p> <p>17 again.</p> <p>18 When you're comparing a voter's</p> <p>19 signature as it appears on the carrier envelope to</p> <p>20 other signatures on file, one of the signatures</p> <p>21 that you can use is the signature that the voter</p> <p>22 provided to DPS when they registered to vote; is</p>
<p style="text-align: right;">Page 142</p> <p>1 A. Correct. The ballot board -- if --</p> <p>2 okay. The people who are accepting and they're</p> <p>3 working in the ballot board, if they question a</p> <p>4 signature, then the ballot board person at the</p> <p>5 computer can bring up at least six signatures --</p> <p>6 you know, and some we don't have six signatures,</p> <p>7 we only have the two.</p> <p>8 If the two people cannot agree on the</p> <p>9 signature, that it matches or they can't find some</p> <p>10 commonality to it, then they turn that over to the</p> <p>11 presiding judge of the early ballot board. It</p> <p>12 does not come to us. We're here in a support</p> <p>13 role.</p> <p>14 And if the early ballot board presiding</p> <p>15 judge wants to see the further signatures, then</p> <p>16 they come out to us, to the staff. And then, like</p> <p>17 I said, we can get the DPS signature if that's</p> <p>18 necessary or however.</p> <p>19 Because, again, some of our people that</p> <p>20 register to vote, we only have -- they registered</p> <p>21 to vote, they sent in an ABBM, so we only have</p> <p>22 those few signatures. Some people we have six and</p>	<p style="text-align: right;">Page 144</p> <p>1 that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. I just wanted to make sure that I</p> <p>4 was clear.</p> <p>5 And sometimes the only signature that</p> <p>6 you have or the early ballot board has to compare</p> <p>7 the ballot-by-mail signature to is their DPS</p> <p>8 signature from when they registered to vote; is</p> <p>9 that correct?</p> <p>10 A. Well, that's a tough one to agree to.</p> <p>11 Because, again, the early ballot board is only</p> <p>12 matching the signature on the mail ballot</p> <p>13 application, the ABBM, to the returned ballot.</p> <p>14 It's when they have questions that they would</p> <p>15 compare to a voter registration certificate.</p> <p>16 So I want to differentiate that the</p> <p>17 ballot board is not comparing probably 90 percent</p> <p>18 of what comes through to them because they're</p> <p>19 checking the signature on the actual application</p> <p>20 and the actual returned mail ballot.</p> <p>21 It's when they're asking for something</p> <p>22 else to verify, to compare, to -- whatever words</p>

36 (Pages 141 to 144)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 145	Page 147
<p>1 you would like to use, that they ask for the voter 2 registration. And in some instances, because the 3 signatures are in there, the last six may be mail 4 ballot applications. They may be their mail 5 ballot from a previous election. 6 So, yeah, there's a differentiation 7 there. 8 Q. I understand. Okay. This is helpful. 9 Thank you for clarifying. 10 So when the early ballot board is doing 11 signature matching -- you know, when the early 12 ballot board sort of begins the signature matching 13 process, what they are comparing 90 percent of the 14 time is the signature on the application for a 15 mail-in ballot and the signature on the ballot 16 itself, the mail ballot. 90 percent of the time 17 that's what they're comparing -- 18 A. Correct. 19 Q. -- is that correct? 20 A. Correct. 21 Q. And sometimes the early ballot board can 22 look to other signatures; is that correct?</p>	<p>1 have a significant amount of experience with this 2 process; is that right? 3 A. Yes, ma'am. 4 Q. Okay. So -- and let me ask this then: 5 Voters -- when an application comes in requesting 6 a mail-in ballot, so an application for a mail-in 7 ballot comes into your office, does your staff 8 compare the signature on that application to the 9 voter registration form? 10 A. No, ma'am. 11 Q. Why not? 12 A. It's not required. And I think, you 13 know, you've just sort of walked us into one of 14 the loopholes, which is why SB1 is asking us to 15 match the signature to the voter registration card 16 now. That's part of the new procedure. 17 Because prior to that, they're accepting 18 that John Smith who put that application in for 19 that address and signed that ballot -- or signed 20 the application and then received the ballot and 21 signed it, that that's the same John Smith that's 22 registered. And they're just matching the</p>
<p>Page 146</p> <p>1 A. Correct. 2 Q. And that generally only happens when 3 there's a dispute; is that right? 4 A. I would say so. I mean, again, you have 5 to understand a lot of this is anecdotal because I 6 or my staff is not in that room as this process is 7 going on. There's a very, very separation of 8 duties. And so they have to come -- the presiding 9 judge has to come and ask us to do more research. 10 So I'm not privy to what the discussions 11 are, nor is my staff of why they're requesting it. 12 I just want that to be known that these are -- 13 we're in separate boxes, so to speak. 14 Q. I understand. I understand. 15 But your office helps to facilitate this 16 process; is that right? 17 A. Yes. 18 Q. Yeah. And you've run I think over 400 19 elections, we talked about earlier; is that right? 20 A. Yes, ma'am. 21 Q. So you have -- I understand that you are 22 not a member of the early ballot board, but you</p>	<p>Page 148</p> <p>1 signatures. So the landscape is going to change 2 here on this primary. 3 Q. Okay. And to be clear, just so I'm 4 clear, your understanding is that Senate Bill 1 5 now requires your office to compare the voter 6 registration signature to the ballot -- to the 7 absentee ballot application; is that right? 8 A. It's the ballot board's function. 9 Q. I understand. Okay. 10 MS. YUKEVICH: I'm sorry. Can we pause 11 for one just moment. We don't need to go off the 12 record, but I'm just going to go grab my dog. One 13 moment. 14 (Pause from the record.) 15 MS. YUKEVICH: I knew that would happen 16 at some point today. The UPS man arrived and 17 that's what happens. 18 BY MS. YUKEVICH: 19 Q. I apologize for my interruption, Jackie. 20 Okay. And now that -- do you know off 21 the top of your head which provision of SB1 22 requires you now to do that -- or requires the</p>

37 (Pages 145 to 148)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 149	Page 151
<p>1 early ballot board to do that?</p> <p>2 A. No. I know it's in there. I have my</p> <p>3 copy of SB1. I can go through it, but I don't</p> <p>4 know off the top of my head.</p> <p>5 Q. No, no, that's not necessary right now.</p> <p>6 Is it your understanding -- that's okay.</p> <p>7 It's a big bill.</p> <p>8 Is it your understanding that the early</p> <p>9 ballot board then will be able to compare the</p> <p>10 signatures that voters provide to DPS with the</p> <p>11 early ballot -- or I'm sorry -- mail ballot</p> <p>12 application?</p> <p>13 A. That's a great question, Kassi. And I</p> <p>14 can honestly say we have not had our first meeting</p> <p>15 with the early ballot board yet. That's going to</p> <p>16 come up next week. So we don't have those</p> <p>17 procedures in place yet. So I'm sorry. I just</p> <p>18 can't answer that right now.</p> <p>19 Q. That's all right.</p> <p>20 A. I apologize.</p> <p>21 Q. No, that's all right. That's okay.</p> <p>22 I guess what I would say is if you -- if</p>	<p>1 that's -- that that's what the early ballot board</p> <p>2 would use to compare the vote-by-mail application</p> <p>3 signature to?</p> <p>4 MS. HUNKER: Objection; speculation.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I'm sorry. I got lost</p> <p>7 when I heard -- can I answer? May I answer?</p> <p>8 BY MS. YUKEVICH:</p> <p>9 Q. Yes, you can answer.</p> <p>10 A. Oh.</p> <p>11 Q. It's okay. You can answer.</p> <p>12 A. Yes, at this point. But I just want to</p> <p>13 be clear that our way forward is as clear as mud.</p> <p>14 Because SB1 has a whole section in it that says if</p> <p>15 the ballot board does not agree on the signatures,</p> <p>16 that the voter themselves has the opportunity to</p> <p>17 come in and cure it. So, you know, we have to</p> <p>18 work our way through that part also.</p> <p>19 So, yes, we're going to have the scanned</p> <p>20 images, and, yes, the early ballot board may have</p> <p>21 a question. But as I said, we have not met with</p> <p>22 them yet to get this full procedure on what</p>
Page 150	Page 152
<p>1 you had to speculate -- if you had a voter who</p> <p>2 registered January 1st, 2022, at DPS and then</p> <p>3 requested a mail-in ballot, sent you a request for</p> <p>4 a mail-in ballot, and those are the only two</p> <p>5 signatures you have on file --</p> <p>6 (Dog barking interruption.)</p> <p>7 MS. YUKEVICH: I'm sorry. Someone is</p> <p>8 knocking at my door. Give me a moment.</p> <p>9 THE WITNESS: Don't worry about it.</p> <p>10 (Pause from the record.)</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. I knew it would happen eventually, a</p> <p>13 second time.</p> <p>14 A. That's okay, Kassi. But, Kassi, that's</p> <p>15 okay. It makes you human and it puts a smile on</p> <p>16 our face.</p> <p>17 Q. That's very sweet. He's very</p> <p>18 protective.</p> <p>19 So I'll just restate my question, to be</p> <p>20 clear for the deposition record.</p> <p>21 Is it your expectation that if the only</p> <p>22 signature on file was the DPS signature, that</p>	<p>1 happens if everyone says no, and it would be the</p> <p>2 ballot board saying we're going to reject this</p> <p>3 ballot. SB1 has come and put a number of layers</p> <p>4 in there so that the voter can come forward and --</p> <p>5 we use the term "cure it" so they can make it</p> <p>6 whole.</p> <p>7 Q. Understood.</p> <p>8 And just to make sure that I was --</p> <p>9 there was some barking in my house.</p> <p>10 To make sure it was clear earlier, the</p> <p>11 early ballot board has used DPS signatures for</p> <p>12 other functions in the past?</p> <p>13 A. Yes.</p> <p>14 Q. Including comparing signatures -- that's</p> <p>15 one of the signatures that they'd use to compare</p> <p>16 vote-by-mail signatures to?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. I want to move on.</p> <p>19 MS. YUKEVICH: We can unhighlight, Dan,</p> <p>20 if that's okay. And then I want to move on just</p> <p>21 to the next function here. It says here, "In some</p> <p>22 circumstances." Can we highlight this area. All</p>

38 (Pages 149 to 152)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: center;">Page 153</p> <p>1 of that -- the whole rest of the paragraph. Thank 2 you. 3 BY MS. YUKEVICH: 4 Q. You say here, "In some circumstances -- 5 "In some" -- "In some circumstances where a voter 6 mistakenly affixes their signature to a roster for 7 in-person voting on the line for another voter's 8 signature, a signature comparison can be used to 9 identify that error so that the voter whose 10 signature line was mistakenly filled may proceed 11 to cast a ballot." 12 Can I just ask you, do you -- how often 13 does this happen, to your knowledge? 14 A. A couple of times every election. 15 Q. Okay. And does it happen on paper poll 16 books or electronic poll books? 17 A. It's happened on both. But now that 18 we've been on electronic poll books for a while, 19 the voter is still signing their wet signature to 20 a paper copy. They do sign on a combination form. 21 And as I said, this happens regularly. And I hate 22 to have to admit to that.</p>	<p style="text-align: center;">Page 155</p> <p>1 obvious that this is the son. He's on the wrong 2 record. Go ahead and let the dad go ahead and 3 vote. And we follow through on some of those on 4 provisional ballots also. That's when we do use 5 that signature on Election Day. And they are 6 errors. It's not malicious. It's not anything. 7 It's just the junior, the second, the third, the 8 fourth, that they've just brought up the wrong 9 voter. 10 Q. I understand. 11 And you can use -- so just to be clear, 12 when a voter comes in to vote in Bexar County 13 before Election Day at a vote center, for example, 14 are they signing in on an electronic poll book or 15 are they signing in on a paper poll book? 16 A. In Bexar County right now, they're 17 signing in on a paper. 18 Q. So they sign a paper poll book? 19 A. Yes. 20 Q. Okay. 21 A. We did try -- when we first had the 22 electronic poll books, we did try the signature</p>
<p style="text-align: center;">Page 154</p> <p>1 But as a voter comes in, John Smith 2 comes in, well, John Smith hands in his driver's 3 license and they type it in. But maybe John Smith 4 doesn't have "junior" on his license, but he is in 5 fact junior. So they prepare -- mark his record. 6 He signs it now. He's now John Smith, Jr. He 7 votes. Everything is just fine. 8 Well, the following day, during early 9 voting or later on that day, John Smith shows up 10 to vote and he comes to a different location. He 11 presents himself to vote. And the election 12 official said, but you've already voted. Remember 13 I said how all the machines talk to each other? 14 Q. Yes. 15 A. So they say, you've already voted. 16 And he says, no, I have not voted. This 17 is my first time, you know. 18 And then they -- oh, that may be my son. 19 Maybe you put my son on my record. 20 And so then that's when we are comparing 21 signatures at that point. We will bring up the 22 signature. And it's like, yes, this is very</p>	<p style="text-align: center;">Page 156</p> <p>1 pads, but the voters complained so much. I think 2 this was prior to COVID and prior to everybody 3 signing in at Kmart, Walmart, HEB, on those little 4 pads. And so our voters did not like the 5 signature pads. 6 Q. Okay. 7 A. They said, that's not my signature. It 8 doesn't look like my signature. So we removed the 9 signature -- the electronic signature pads and we 10 went back to the hard copy combination form. 11 Q. Okay. And so you use a hard copy 12 combination form. So when you're comparing on 13 Election Day -- if something happens like this, 14 you're looking at a paper signature that a voter 15 has signed on a poll book; is that right? 16 A. Yes, ma'am. 17 Q. And then you're looking at scans of a 18 voter's signature to compare; is that correct? 19 A. Yes, ma'am. 20 Q. Okay. So when you receive -- okay. 21 What would you do if a voter submitted a 22 voter registration application without a</p>

39 (Pages 153 to 156)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 157	Page 159
<p>1 signature, on a paper voter registration 2 application without a signature? 3 MS. YUKEVICH: And we can take this 4 exhibit down. 5 THE WITNESS: Sure. If we get a card 6 that's not signed and we have a name and an 7 address, we will send them, again, another 8 confirmation card. And it explains that we don't 9 have sufficient information to register them, will 10 they please complete this and fill this in and get 11 it back to us. 12 BY MS. YUKEVICH: 13 Q. Okay. And what would you do if a voter 14 submitted a voter registration application on 15 paper with an imaged signature or a digital 16 signature on that piece of paper? 17 A. Again, we would reach out to them and 18 tell them that we need that wet signature. 19 Q. Okay. Does someone in your office 20 review signatures on paper voter registration 21 applications to make sure that they are wet-ink 22 signatures?</p>	<p>1 A. No, ma'am. 2 Q. Okay. And how much time do you think it 3 takes for them to do that review? 4 A. Probably ten seconds. 5 Q. Okay. Just like a quick look then? 6 A. Yes. 7 Q. Okay. Sorry. Just give me one moment. 8 Okay. We talked earlier about the use 9 of DPS signatures by the early ballot board. Are 10 you aware of any problems that the early ballot 11 board has ever had comparing early -- vote-by-mail 12 application -- or excuse me -- vote-by-mail ballot 13 signatures with DPS signatures? 14 A. Again, we're not in that room. We 15 hand -- we print out whatever we have, the 16 signature we have, and then we hand it over to the 17 presiding judges. And so I would have to say we 18 don't have any knowledge whether they use it to 19 accept it or not. 20 Q. Okay. 21 A. Again, that's a completely different 22 group of people.</p>
Page 158	Page 160
<p>1 A. I would like to think that all my data 2 processors, when they have a card in their hand -- 3 absolutely one of the things they check. Do we 4 have the name, the birth date, the address and is 5 it signed? 6 Q. Okay. 7 A. So -- 8 Q. And so you said that the people who do 9 this are your data processors? 10 A. Yes. 11 Q. How many of those do you have in your 12 office? 13 A. Five. There are five on the voter 14 registration side. 15 Q. Okay. And do they -- do you know how 16 they check to see if a signature is a wet-ink 17 signature versus a digital signature on a 18 registration application? 19 A. I would say it's just by experience. I 20 mean, they handle the cards, yes, ma'am. 21 Q. Okay. And so they haven't received any 22 formal training for that?</p>	<p>1 Q. Okay. But you're not aware of any -- 2 the early ballot board or the presiding judge has 3 never expressed a concern to you about using DPS 4 signatures in their review process? 5 A. No, ma'am. No, ma'am. 6 Q. Okay. So apart from your DPS 7 applications, have you ever received voter 8 registration applications with digital signatures 9 on them? 10 A. I mean, we did it one time in that 2018. 11 And they had digital signatures on them, and we 12 did not accept those. Those were rejected. 13 Q. Okay. 14 A. But that's the only time I can pinpoint. 15 Q. Okay. And we can get to that in a 16 second. 17 So how could you tell that the 18 signatures were -- in 2018, how could you tell 19 that those signatures were imaged signatures? 20 A. Well, again, that was, you know, a 21 different time and a different era, and they came 22 in all at once on a fax machine. And it was just</p>

40 (Pages 157 to 160)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 161	Page 163
<p>1 real obvious that these were digital signatures 2 because they almost looked identical. 3 Q. How do you mean, "they almost looked 4 identical"?</p> <p>5 A. I mean, they were -- there are programs, 6 software programs that will sign, like we've all 7 learned through COVID, that will -- you click on 8 it and it says this is your digital signature, 9 but, in fact, it is not your legal signature. So 10 there's a difference. And so it's just real 11 obvious when someone has used that program.</p> <p>12 Q. So like what you're saying is you've 13 seen signatures that look like it's not a signed 14 and scanned signature. It is a -- like a typed 15 signature?</p> <p>16 A. Right. I would use the term "embedded," 17 that it was just -- they had a program where they 18 said, okay, sign this, and it was signed.</p> <p>19 Q. And the signature is generated by the 20 computer program; that's what you're saying?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. Rather than like someone takes a</p>	<p>1 we're required to keep everything for 22 months, 2 and so we would not have those. If it's an 3 active, real, whatever phrase you want to put on 4 it, registration card, we do have those.</p> <p>5 Q. Ah, I understand. Okay.</p> <p>6 Before we sort of get into the details 7 of 2018, I do want to ask you just a couple of 8 questions in general that might seem like a bit of 9 a shift.</p> <p>10 But what do you understand the term 11 "voter fraud" to mean?</p> <p>12 A. That has a very broad -- you know, 13 basically voter fraud is basically someone who is 14 voting who is not eligible to vote, period.</p> <p>15 Q. Okay. Understood.</p> <p>16 And are you aware of any widespread 17 voter fraud in Bexar County?</p> <p>18 A. I don't want to say widespread, but I am 19 aware that it has occurred, yes, ma'am.</p> <p>20 Q. Okay. Can you -- when you say you're 21 aware that it's occurred, can you just explain 22 what you mean by that.</p>
Page 162	Page 164
<p>1 picture of their signature, uploads it to a 2 program and affixes it to a form?</p> <p>3 A. Right.</p> <p>4 Q. Okay. And you say you remember you 5 received these applications coming in in 2018 by 6 fax; right?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. Do you still have copies of those 9 voter registration applications?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Okay. So those wouldn't be -- you 12 mentioned that you keep the voter registration 13 application cards sort of indefinitely --</p> <p>14 A. Yes.</p> <p>15 Q. -- in your warehouse.</p> <p>16 Is there a reason that your office 17 didn't keep these voter registration applications?</p> <p>18 A. Again, because they were not accepted 19 and we've been told by the Secretary of State's 20 office that they were not valid, they went in with 21 the election records, as opposed to the voter 22 registration cards. And for election records,</p>	<p>1 A. We -- we know that our voters have 2 called us and had people knock on their doors and 3 intimidate them --</p> <p>4 Q. Okay.</p> <p>5 A. -- to -- you know.</p> <p>6 And our voters usually keep us informed 7 of -- if something doesn't feel right, then they 8 call us.</p> <p>9 Q. Okay. So your understanding -- or your 10 example that you can recall is someone knocking on 11 someone's door and intimidating them; is that a 12 fair characterization?</p> <p>13 A. Yes.</p> <p>14 And we also know that for -- our voters 15 who may be in nursing homes will receive a number 16 of applications that are all signed by the same 17 person. Someone has assisted them, meaning 18 someone has gone through the nursing home and the 19 same person has done everything, but, again, the 20 election code tells us that we cannot harm the 21 voter so we send a ballot to the voter. And then, 22 again, when the election is over, we turn those</p>

41 (Pages 161 to 164)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 165

1 records over for investigation.  
 2 Q. Okay. And so all of these instances of  
 3 sort of what you think of under this broad  
 4 umbrella you have turned over for investigation to  
 5 the state?  
 6 A. Yes.  
 7 Q. Okay. And did any of those instances  
 8 involve digital signatures?  
 9 A. Not to my knowledge, no.  
 10 Q. I want to talk just briefly about  
 11 signature verification committees. We talked a  
 12 lot about the early ballot board.  
 13 Can you just explain to me what a  
 14 signature verification committee is.  
 15 A. A signature verification committee is  
 16 the ones we've talked about. And, again, because  
 17 we now have the computerized early ballot board  
 18 module from VOTEC, the signature verification  
 19 committee, which are the group of people that are  
 20 tasked with matching the signatures of voters --  
 21 and, again, historically, if you had a signature  
 22 verification committee and an early ballot board,

Page 166

1 the signature verification committee would finish  
 2 its work and accept all these ballots and then  
 3 turn them over to the early ballot board because  
 4 the early ballot board's main function is to open  
 5 the mail ballot applications and prepare them for  
 6 tabulation.  
 7 Since we've moved to the module for  
 8 comparing the signatures, here in Bexar County and  
 9 I think in other counties that have this module,  
 10 there's no differentiation between the signature  
 11 verification committee and the early ballot board.  
 12 They work as one group.  
 13 We have the people that are in front of  
 14 the computers accepting the signatures. The early  
 15 ballot board people are in there. It's  
 16 simultaneous where before it was a separate  
 17 function based on, you know, size, economy, scale  
 18 and all of that. Now it's a single group that  
 19 work at the same time.  
 20 Q. Okay. So we talked a little bit about  
 21 Senate Bill 1 and some of the changes that were  
 22 made to like signature matching and signature

Page 167

1 verification, and I just wanted to speak to you  
 2 briefly about one signature-related provision.  
 3 MS. YUKEVICH: So, Dan, would you mind  
 4 pulling up Exhibit J.  
 5 (Callanen Deposition Exhibit J was  
 6 marked for identification and attached to the  
 7 transcript.)  
 8 BY MS. YUKEVICH:  
 9 Q. And would you mind -- Jackie, do you  
 10 know what this is?  
 11 A. Yes.  
 12 Q. Okay. What is it?  
 13 A. It's our dreaded SB1.  
 14 Q. Fair enough.  
 15 MS. YUKEVICH: Will you go to page 46,  
 16 please, Dan. Okay. And zoom in on the  
 17 highlighted provision here.  
 18 BY MS. YUKEVICH:  
 19 Q. Jackie, I just want to give you a minute  
 20 to read. This is part of Section 5.13 of Senate  
 21 Bill 1. I just want to give you a second to read  
 22 that.

Page 168

1 (Witness peruses the exhibit.)  
 2 THE WITNESS: Yes.  
 3 BY MS. YUKEVICH:  
 4 Q. Okay. Are you familiar with this  
 5 provision of Senate Bill 1?  
 6 A. I know it's there. We just had a WebEx  
 7 from the Secretary of State's office yesterday  
 8 afternoon where we were discussing this. And to  
 9 be honest, I have not finished it. I have it  
 10 brought up on my computer, the Secretary of  
 11 State's interpretations that we're to look at for  
 12 this.  
 13 Q. Okay.  
 14 A. So I'm aware of it, but I'm not versed  
 15 in it quite right.  
 16 Q. No, I understand.  
 17 I think my question here -- and just  
 18 tell me if you sort of know or don't know.  
 19 My question here is, just reading this  
 20 provision, it seems like it requires these two,  
 21 the Social Security number, driver's license  
 22 number information, to match and, if that

42 (Pages 165 to 168)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 169

1 information matches, then the signature is  
 2 presumed valid; is that right?  
 3 A. Yes, that's what this said. And that  
 4 made a lot of our heads explode at that point --  
 5 Q. Okay.  
 6 A. -- so we'll see.  
 7 Q. Okay. And so is it your  
 8 understanding -- I know you said that you had not  
 9 yet finished the webinar.  
 10 But is it your understanding that this  
 11 provision will reduce the need for signature  
 12 matching with early ballot boards and signature  
 13 verification committees?  
 14 A. That's how it appears. Like I said, I  
 15 can't quite speak to that yet.  
 16 Q. Understood.  
 17 MS. YUKEVICH: Can we go down -- you can  
 18 take this down, Dan.  
 19 THE WITNESS: This is from the webinar  
 20 yesterday. It's just yesterday afternoon when  
 21 they spoke to that.  
 22

Page 170

1 BY MS. YUKEVICH:  
 2 Q. Understood.  
 3 MS. YUKEVICH: Robert, would you mind  
 4 just after --  
 5 Q. I know that, Jackie, you're not relying  
 6 or referring to these right now.  
 7 MS. YUKEVICH: But would you mind  
 8 sending those as well when you get the chance?  
 9 MR. GREEN: Sure.  
 10 THE WITNESS: You want those from the  
 11 Secretary of State?  
 12 BY MS. YUKEVICH:  
 13 Q. Yes, to the extent -- yes.  
 14 MS. HUNKER: And if you could send me a  
 15 copy as well.  
 16 MR. GREEN: Of course, yes.  
 17 DOCUMENT/DATA REQUESTED:  
 18 MS. YUKEVICH: Can you zoom in on  
 19 Section (e) here. Just into (e) before it even  
 20 says 5.14. Yeah, lines 10 through 15. That's  
 21 perfect.  
 22

Page 171

1 BY MS. YUKEVICH:  
 2 Q. Jackie, I apologize. I didn't highlight  
 3 this section.  
 4 A. Okay.  
 5 Q. But would you mind reading this section  
 6 of Senate Bill 1 as well.  
 7 (Witness peruses the exhibit.)  
 8 BY MS. YUKEVICH:  
 9 Q. And just to make it clear for the  
 10 record --  
 11 A. Yeah. That's what we had talked about  
 12 before, yes.  
 13 Q. Okay. So this is the section that you  
 14 were referring to when we were talking about  
 15 Senate Bill 1, that's correct?  
 16 A. Yes. And also when I was speaking to  
 17 the procedure between the signature verification  
 18 and the early ballot board, where they can ask for  
 19 other signatures.  
 20 Q. Okay.  
 21 A. That part -- this is what speaks to that  
 22 part.

Page 172

1 Q. Okay. So this says now, "In making the  
 2 determination" -- I'll read it.  
 3 It says, "In making the determination  
 4 under Subsection (b)(2), to determine whether the  
 5 signatures are those of the voter, the board may  
 6 also compare the signatures with any known  
 7 signature" -- strikes "two or more signatures" --  
 8 "of the voter" -- striking "made within the  
 9 preceding six years and" -- "on file with the  
 10 county clerk or voter registrar."  
 11 A. Correct.  
 12 Q. And so my question to you is, this is  
 13 now saying can use any signature -- any known  
 14 signature on file with the county clerk or voter  
 15 registrar.  
 16 Does that include DPS signatures?  
 17 A. Yes.  
 18 Q. I don't have any more questions about  
 19 this document.  
 20 So I did want to jump in now to  
 21 something we referred to a couple of times  
 22 throughout the deposition, and we are coming to

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 173	Page 175
<p>1 sort of the end of the first round of my</p> <p>2 questioning.</p> <p>3 A. First round.</p> <p>4 Q. But I would just ask -- you've mentioned</p> <p>5 2018 a few times.</p> <p>6 My question is, when you refer to</p> <p>7 "2018," what are you referring to? What happened</p> <p>8 in 2018 related to signatures on voter</p> <p>9 registration applications?</p> <p>10 A. Again, there was an organization that</p> <p>11 was facilitating voter registration that had</p> <p>12 prefilled voter registration cards and had them</p> <p>13 signed and then faxed them in to the various</p> <p>14 counties.</p> <p>15 And that's when we were told by phone</p> <p>16 call -- don't have anything in writing -- by phone</p> <p>17 call that the Secretary of State had informed us</p> <p>18 that these were not eligible to register people to</p> <p>19 vote, that we had to have the original. I guess</p> <p>20 everybody speaks to the original.</p> <p>21 And the term "wet signature" has just</p> <p>22 sort of popped up in the last year or so. Prior</p>	<p>1 hate to use the term "buy-in," but so that we</p> <p>2 would have buy-in.</p> <p>3 And I know we spoke about it on online</p> <p>4 voter registration, that it would come in legibly</p> <p>5 and easy to process. So obviously we looked at it</p> <p>6 with great enthusiasm until we were told likewise,</p> <p>7 that we could not accept these.</p> <p>8 Q. So initially you thought that you could</p> <p>9 accept those voter registration applications; is</p> <p>10 that right?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. And what made you think that you</p> <p>13 could no longer accept those voter registration</p> <p>14 applications?</p> <p>15 A. The Secretary of State informed us that</p> <p>16 we could not accept them.</p> <p>17 Q. And you said you spoke to someone from</p> <p>18 the Secretary of State's office; is that right?</p> <p>19 A. Yes. It was a conference call kind of</p> <p>20 to the counties --</p> <p>21 Q. Okay.</p> <p>22 A. -- that this was being shared with.</p>
<p>Page 174</p> <p>1 to that, like I said, we were just using the term</p> <p>2 "original certificate."</p> <p>3 Q. Okay. Do you know -- do you know what</p> <p>4 organization those applications were being -- you</p> <p>5 say were helping to facilitate voter registration?</p> <p>6 Do you know what organization that was?</p> <p>7 A. No, ma'am. I didn't have the time, time</p> <p>8 to go back and find out. But, you know, if</p> <p>9 necessary, I will go find and dig --</p> <p>10 Q. That's okay.</p> <p>11 A. -- through my records.</p> <p>12 Q. No, that's okay.</p> <p>13 Do you remember ever speaking to anyone</p> <p>14 from that organization?</p> <p>15 A. Yes. One -- again, one of the people --</p> <p>16 they were not from the state of Texas, but a young</p> <p>17 woman came in to speak with us about this new and</p> <p>18 exciting program that was being launched in the</p> <p>19 state of Texas. And she was visiting the large</p> <p>20 counties or numerous counties to tell us to be on</p> <p>21 the lookout for this, that this was, you know, a</p> <p>22 new, exciting and, of course, with us and to -- I</p>	<p>Page 176</p> <p>1 Q. Okay. Do you remember who you spoke to</p> <p>2 from the Secretary of State's office?</p> <p>3 A. No.</p> <p>4 Q. It's totally okay.</p> <p>5 A. We talked to Keith. We talked to</p> <p>6 Christina.</p> <p>7 Q. Okay.</p> <p>8 A. So, again, I don't know what attorney it</p> <p>9 would have been because there were numerous</p> <p>10 attorneys that -- because obviously in their</p> <p>11 section, they have subject experts. And so they</p> <p>12 would have one person that may have been over the</p> <p>13 by-mail process and somebody else over</p> <p>14 registration, so...</p> <p>15 Q. But you recall talking to Keith Ingram</p> <p>16 about this process?</p> <p>17 A. I can't say personally, but I talk to</p> <p>18 Keith all the time.</p> <p>19 Q. Okay. And do you know -- what is</p> <p>20 Christina's last name just so we're talking about</p> <p>21 the same person?</p> <p>22 A. Christina Adkins, A-D-K-I-N-S.</p>

44 (Pages 173 to 176)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 177	Page 179
<p>1 Q. Okay. And do you remember -- I know 2 it's been a while, but do you remember what they 3 told you on that conference call about these voter 4 registration applications? 5 A. Well, again, that they weren't -- we use 6 the term "original." That if -- I think they had 7 said that they were working with the company and 8 if they would send us the original ones, then we 9 could register the people to vote. But we didn't 10 get any originals. We took those and held them in 11 a box so that we had them so that we could 12 double-check. 13 Q. And how could you -- when you say you 14 didn't get any originals, you mean you did not 15 receive applications with what you considered to 16 be original signatures; is that right? 17 A. Correct, correct. 18 Q. And when you received those 19 applications, did you -- did your office have all 20 of the information that it needed to send to the 21 state to determine if those folks were eligible to 22 vote in Bexar County?</p>	<p>1 BY MS. YUKEVICH: 2 Q. Do you -- 3 A. Change -- 4 (Inaudible.) 5 A. I'm sorry. 6 Q. That's okay. 7 Does this document look familiar to you? 8 MS. YUKEVICH: We can zoom out a little 9 bit, Dan. Yeah. 10 THE WITNESS: I'm sure we read it, 11 but -- yeah. 12 BY MS. YUKEVICH: 13 Q. Do you -- I bring it up to ask -- so 14 this document -- the title of the document is 15 "Secretary Pablos Reminds Texans to Exercise 16 Caution When Registering to Vote," and it's dated 17 October 4th, 2018. 18 And my question -- so the beginning of 19 the statement -- I won't read the whole thing. 20 The beginning of the statement reads, 21 "We remind all eligible Texas voters that online 22 voter registration is not available in the State</p>
<p>1 A. Yes. We would have had everything on 2 that application, yes. 3 Q. Did you send the information to the 4 state or -- 5 A. No. I mean, this happened in quick 6 succession from, you know, we were visited, we're 7 going to start this. And then they said, no, 8 we're not going to continue with this until we get 9 the original signatures. And so I obviously can't 10 attest to the fact, but I'm sure that the 11 Secretary of State's office was in contact with 12 the organization. 13 MS. YUKEVICH: Dan, can you bring up 14 Exhibit I. 15 (Callanen Deposition Exhibit I was 16 marked for identification and attached to the 17 transcript.) 18 BY MS. YUKEVICH: 19 Q. Jackie, are you able to see that okay? 20 MS. YUKEVICH: You can zoom in a little 21 bit just on the top. 22</p>	<p>1 of Texas." 2 It goes on to explain that "Any website 3 that...claims to assist voters in registering to 4 vote online...is not authorized to do so." 5 Do you remember Secretary Pablos making 6 this statement? 7 A. Again, I see it, so I know that it 8 happened, but my recollection more is on a 9 conference call discussing this. 10 Q. Okay. 11 A. We had always known that any document 12 that we had received that was faxed we could not 13 act on until we received the original. And the 14 original always had to reach us within four days. 15 We knew that people would fax in their 16 applications to us. And it acted not to register 17 them, but it acted as a placeholder that said, 18 yes, I met the deadline. And then it gave them an 19 additional four days. 20 And so, you know, I can honestly say I 21 don't remember reading this, but it may have been 22 one of the things that's coming through like, oh,</p>
Page 178	Page 180

45 (Pages 177 to 180)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 181	Page 183
<p>1 yeah, this is what this is about it. I already</p> <p>2 know it. I put it to the side. So I apologize.</p> <p>3 Q. No, no need to apologize. I was just</p> <p>4 curious if you remembered this statement.</p> <p>5 But you remember something similar being</p> <p>6 discussed on a conference call?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. And was there any explanation of</p> <p>9 the reason that the Secretary of State was making</p> <p>10 this announcement and calling you about these</p> <p>11 voter registration applications?</p> <p>12 A. No. I mean, other than the fact that it</p> <p>13 was a third party that it was coming from. It</p> <p>14 wasn't coming from post -- it wasn't coming from</p> <p>15 Kinkos in San Antonio. It was coming from an</p> <p>16 organization in California, I think. And so that</p> <p>17 made it more of a third party. We were on the</p> <p>18 lookout for that.</p> <p>19 And then as I said, we held them and if</p> <p>20 in four days we didn't get the original, then they</p> <p>21 weren't registered. And, again, because of this,</p> <p>22 then we put them in the election materials box.</p>	<p>1 A. It's in alpha order.</p> <p>2 Q. That's okay.</p> <p>3 MS. YUKEVICH: Can we pull up -- can we</p> <p>4 close this document for one moment. And can we</p> <p>5 pull up what we marked as Exhibit D again, the</p> <p>6 interrogatory responses. Okay. Can we move to</p> <p>7 the second page. The next page. I apologize.</p> <p>8 The next page. Okay. So here -- yeah, back there</p> <p>9 to Interrogatory Number 1.</p> <p>10 BY MS. YUKEVICH:</p> <p>11 Q. So one of the requests that we made was</p> <p>12 for your office, you and your office, to "Identify</p> <p>13 all individuals in Bexar County whose voter</p> <p>14 registration applications were rejected due to</p> <p>15 lack of a wet-ink signature," we've also been</p> <p>16 referring to it as an original signature, "from</p> <p>17 September...2018 to the present."</p> <p>18 A. That's what that list is? Okay.</p> <p>19 Q. That is my understanding, that that is</p> <p>20 what that list is, and I do want to ask you some</p> <p>21 questions about that document.</p> <p>22 A. Okay.</p>
<p>Page 182</p> <p>1 Q. Okay. Thank you.</p> <p>2 MS. YUKEVICH: I don't need this exhibit</p> <p>3 anymore.</p> <p>4 Okay. I'd also --</p> <p>5 Can we pull up now Exhibit -- what I</p> <p>6 premarked as Exhibit G,</p> <p>7 (Callanen Deposition Exhibit G was</p> <p>8 marked for identification and attached to the</p> <p>9 transcript.)</p> <p>10 THE VIDEOGRAPHER: You did say G;</p> <p>11 correct?</p> <p>12 MS. YUKEVICH: Yes, G as in good.</p> <p>13 THE VIDEOGRAPHER: It's an Excel file.</p> <p>14 Stand by.</p> <p>15 MS. YUKEVICH: Okay. Can we zoom in.</p> <p>16 BY MS. YUKEVICH:</p> <p>17 Q. I just wanted to ask you, Jackie, do you</p> <p>18 recognize this document?</p> <p>19 A. No. I mean, it's one of our documents</p> <p>20 that comes out of VEMACS, but I don't know what</p> <p>21 this is in reference to. I'm sorry.</p> <p>22 Q. Okay.</p>	<p>Page 184</p> <p>1 MS. YUKEVICH: If we can go back now and</p> <p>2 mark -- it's already been marked. I apologize.</p> <p>3 If we can go back now. Yes.</p> <p>4 BY MS. YUKEVICH:</p> <p>5 Q. So is it your understanding that that's</p> <p>6 what this list is?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay.</p> <p>9 MS. YUKEVICH: And can we go to the</p> <p>10 columns on the right-hand side. I think it's</p> <p>11 going to be -- yeah, keep going. Keep going.</p> <p>12 Okay. So where it says dates here. Okay.</p> <p>13 Perfect.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. Can you tell me what a "Reject Date" is?</p> <p>16 A. That's the date, again, that we had</p> <p>17 handled the application. And the reject date is</p> <p>18 the date that we sent the letter of reject.</p> <p>19 Q. And when you say "sent the letter of</p> <p>20 [rejection]," is that the follow-up card that you</p> <p>21 send when you receive an incomplete application or</p> <p>22 is that something else?</p>

46 (Pages 181 to 184)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 185	Page 187
<p>1 A. It could be either/or. It could be 2 either/or. 3 Q. When you say "either/or," what's the 4 "or"? 5 A. Well, again, most of those are -- they 6 were rejected because they were incomplete. They 7 didn't have a signature. Some -- if they didn't 8 put their birth date, they didn't put -- they 9 didn't check the boxes about, are you a citizen? 10 We have any and sundry reasons. 11 And this request -- when I put it into 12 my techie guy, it was asked just to bring up the 13 rejects for that date range. 14 Q. Okay. And a reject -- I just want to be 15 clear what "Reject Date" means. 16 Does this mean that, at this point, the 17 application was rejected such that that person 18 could not cure, or was it flagged as incomplete? 19 What is this date? 20 A. Again, probably, I don't know, 21 90 percent of our rejects, to use your word, are 22 all eligible to be cured. It just -- they needed</p>	<p>1 more information? Do you mean -- 2 A. Well, 2018. 3 Q. I'm sorry. Jackie, are you looking at a 4 document right now? 5 A. Yeah, I'm looking at the one I sent to 6 Robert and I think he sent it to you all -- 7 Q. Okay. 8 A. -- the 2018. 9 And it says, "Mail" and then 10 "Provisional." Let's see. Does it say -- 11 "Correction status," where we had to have 12 corrections, the TEAM, corrections, 13 reinstatements. So there's a number of categories 14 and codes that we use. 15 So, again, we may be able to look on 16 this and see -- like the address confirmation form 17 is the one that we refer to when we try and 18 qualify someone -- some information missing from a 19 voter registration card. We don't have a reject 20 letter. We don't have -- we have what's called a 21 confirmation card, which is another state-mandated 22 information. It's a three part that we send out.</p>
Page 186	Page 188
<p>1 to fill out completely, give us the missing 2 information, give us their signature. 3 The ones that cannot be cured are the 4 ones where they sent them in and they were 5 non-citizens, that they did not check the 6 citizenship box. And so we would reach out to 7 them again to say, you know, are you, in fact, a 8 citizen? And if we didn't hear back from them 9 within 30 days, then that reject was complete. 10 Q. Okay. Does this document include all 11 voters that were rejected or does it include just 12 voters that were rejected for a lack of signature? 13 A. I think -- the request I put in was for 14 the lack of signatures. 15 Q. Okay. 16 A. But now having this here -- and when I 17 actually had the vendor send in last night their 18 spreadsheet, we may be able to find out more 19 information if we matched these two documents. 20 Q. Okay. What do you mean that you might 21 be able to find out -- I'm trying to figure out, 22 what do you mean you might be able to find out</p>	<p>1 So one of the spreadsheets lists how 2 many confirmation cards we sent in that year. 3 And, again, this -- I don't know what the final 4 number was on this one spreadsheet that you have 5 up, but I think -- again, because we've gotten 6 some more information from VOTEC, we may be able 7 to cross-check. 8 Q. Okay. I've just forwarded to our 9 wonderful hot seater -- so I've just forwarded Dan 10 the documents that Robert sent to us, that your 11 lawyer sent to us today. 12 MS. YUKEVICH: I guess if we can get 13 those loaded in, Dan, because it seems like we 14 might want to go over them. 15 THE VIDEOGRAPHER: Yes, I am processing 16 right now. Stand by. 17 MS. YUKEVICH: No worries. Thank you. 18 BY MS. YUKEVICH: 19 Q. In the interim, though, I do just -- 20 what I'm trying to get at here -- and I apologize 21 if I'm not being clear. 22 What I'm trying to get at here is I'm</p>

47 (Pages 185 to 188)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: center;">Page 189</p> <p>1 trying to figure out what information this "Reject 2 Date" column provides. And maybe it's helpful to 3 look here at a specific line. 4 MS. YUKEVICH: So if we can highlight -- 5 sorry, Dan. I know you're doing two things at 6 once. If we can highlight line 4. 7 BY MS. YUKEVICH: 8 Q. So here I have -- there's a name. 9 There's an address. But I have a reject date of 10 March 18th, 2020, and a registered date of 11 August 17th, 2020. Does that -- 12 (Unintelligible cross-talk.) 13 A. -- sent the card, yes. 14 Q. So that means that they sent back in 15 their card or that they -- could they have sent 16 in -- 17 A. A new registration card? 18 Q. Uh-huh. Sorry, just -- 19 A. It could've been -- 20 Q. -- for the record, just let me -- I'll 21 finish my question. 22 A. I'm sorry.</p>	<p style="text-align: center;">Page 191</p> <p>1 Q. And if you don't receive it within that 2 30 days, those applications go in the election box 3 and then kept for 22 months and then they're 4 destroyed; is that right? 5 A. Correct, correct. And that voter still 6 has the opportunity to send in another fresh 7 registration. 8 Q. Okay. What happens to a -- I apologize. 9 What happens to a voter who sends their 10 confirmation card back to you 60 days after that 11 confirmation -- they receive that confirmation 12 card? 13 A. Again, we will process it. The 30-day 14 term is basically how our database times things. 15 The Secretary of State says that they have to 16 return the card to us within 30 days. So we mark 17 it that that's the reject date. And then there's 18 this internal calendar in there. 19 So it will say, okay -- then if we get 20 it back -- because the confirmation card looks 21 like -- it has exactly the same boxes as the voter 22 registration card. Then we can take that as a new</p>
<p style="text-align: center;">Page 190</p> <p>1 Q. No, no, you were okay. We are figuring 2 this out. 3 So does that mean that they sent a 4 confirmation card back, or could they have also 5 sent in a new voter registration application and 6 it been processed on that date? 7 A. Yes, to your question. If you can -- if 8 Dan can go back and I can get the name, I can look 9 up the record and see right now what they did. 10 Q. Okay. I don't think -- so I don't -- 11 yeah, so I don't think that's necessary to do 12 right now. 13 A. Okay. 14 Q. I guess what I am trying to figure out 15 here is "Reject Date" means -- what it means. And 16 it seems to me we're not sure -- let me ask this a 17 different way. 18 If you send a confirmation card to 19 someone who didn't have a signature on their voter 20 registration application, how long do they have to 21 send it back to you? 22 A. Thirty days.</p>	<p style="text-align: center;">Page 192</p> <p>1 registration card because it will have dropped 2 that from the database. 3 Because as I said, that internal 4 clock -- just like if we get a registration by 5 fax, if we put it in, it will keep the four-day 6 date for us if we get the card back. Otherwise it 7 will move that to another bucket. 8 Q. Okay. So you said -- 9 MS. YUKEVICH: Can we pull up -- we can 10 take this document down for the moment. And can 11 we pull up what I premarked as Exhibit D. Can we 12 go to -- yeah, this page right here. Can we zoom 13 in on Interrogatory Number 1. 14 BY MS. YUKEVICH: 15 Q. Okay. So you said here -- 16 MS. YUKEVICH: We can start highlighting 17 with "In accordance" and just that sentence. So 18 it's one, two, three, four, five, six lines down, 19 "In accordance with Texas law," and go until 20 "initial submission." 21 BY MS. YUKEVICH: 22 Q. So, Jackie, do you recognize this</p>

48 (Pages 189 to 192)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 193

1 interrogatory response?  
 2 A. Uh-huh. Yes, ma'am.  
 3 Q. This is your interrogatory response?  
 4 A. Yes, ma'am.  
 5 Q. Okay. So I just wanted to ask -- you  
 6 say here -- we just talked about what it means to  
 7 treat an application as incomplete. But you say  
 8 here that a voter who submits their application  
 9 "is provided an opportunity to submit the missing  
 10 information and, in most cases, have their  
 11 effective registration date relate back to their  
 12 initial submission."  
 13 What is your basis for that  
 14 understanding?  
 15 A. Again, that's the statute where we have,  
 16 on the confirmation card, a 30-day return status.  
 17 And then as I said, then if we don't get it within  
 18 30 days, anything after that is looked at as an  
 19 initial voter registration date.  
 20 Q. Okay. So if someone submits their  
 21 confirmation card within a week -- and just to be  
 22 clear, that's 30 days after you send it out to

Page 195

1 A. Yes, ma'am.  
 2 Q. Okay. So I do want to ask, in your  
 3 experience, how long does it take generally for a  
 4 voter to be notified that that information on  
 5 their voter application is missing?  
 6 A. Again, I hate to keep going back to it,  
 7 but, Kassi, it's an economy of scale. If we're in  
 8 a 2020 election where we have 100,000 people  
 9 registering to vote, it may take longer for us to  
 10 find -- to input that card to see that it is  
 11 missing information.  
 12 So, you know -- and if it's a regular  
 13 run-of-the-mill small election or, you know, in  
 14 between elections, we're going to process those  
 15 voter registration cards the day they come in. So  
 16 sometimes it's the day they come in, sometimes  
 17 it's going to be up to ten days afterwards as we  
 18 work through the backlog. And the date that  
 19 starts the 30-day clock for us is the date that we  
 20 handle it.  
 21 Q. And so if you receive -- the deadline  
 22 for a voter registration application this year was

Page 194

1 them; correct?  
 2 A. Correct.  
 3 Q. And you have to receive it back within  
 4 that 30 days; is that correct?  
 5 A. Yes, ma'am. Yes, ma'am.  
 6 Q. Okay. So you -- if you receive that  
 7 card back within seven days, the registration date  
 8 will date back to the initial processing date; is  
 9 that right?  
 10 A. Correct, yes, ma'am.  
 11 Q. The date you received the incomplete  
 12 voter registration application?  
 13 A. Yes, ma'am.  
 14 Q. But if it's outside that 30-day window,  
 15 your office will still process it; is that  
 16 correct?  
 17 A. Yes, ma'am.  
 18 Q. But it's not -- the date is like -- the  
 19 process date is the date you received the  
 20 confirmation --  
 21 A. Correct.  
 22 Q. -- card [inaudible].

Page 196

1 January 31st, 2022; is that correct?  
 2 A. Correct.  
 3 Q. So if you receive 2,000 voter  
 4 registration applications on January 31st, 2022,  
 5 and you're unable to input all of them that day,  
 6 is the effective date of registration still  
 7 January 31st, 2022?  
 8 A. Yes, ma'am. We backdate them into the  
 9 system.  
 10 Q. Okay. And that's why you stamp them --  
 11 and that's why, in the process, the first thing  
 12 you do when they come in is you time-stamp them?  
 13 A. Correct.  
 14 Q. When you are very busy in that lead-up  
 15 to 2020 -- it's a good example, so I want to the  
 16 stick with it.  
 17 When you are very busy in that lead-up  
 18 to 2020 and you get an incomplete voter  
 19 registration application, about how long does it  
 20 take you to notify a voter?  
 21 A. Again, the way the process works is if  
 22 they have a card and they're handling it and it's

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 197	Page 199
<p>1 missing something, okay, they've started the 2 process. So the card's in our system. We've 3 already scanned it. It's in our system. So 4 whenever it's an incomplete or something else 5 needs to be done, they just literally touch a 6 button on the computer and it will generate the 7 confirmation card. So they don't have to go back 8 and touch that record again. Our -- 9 Q. Okay. 10 A. -- system is smart enough to do that, I 11 guess is the term I want to use. 12 Q. Okay. 13 A. So it's more efficient that way. 14 Q. So the backlog is really -- is putting 15 voter registration applications into the system -- 16 excuse me -- into the system? 17 A. Correct. 18 Q. And then once you realize that you have 19 a voter registration application that's 20 incomplete, you click a button; is that right? 21 A. And it goes into that queue. 22 Q. And it goes into that queue.</p>	<p>1 difference, Kassi, is if we mail -- if we process 2 an application and we mail a voter registration 3 card, we mail it out, everything looks good, if 4 that card cannot be delivered, that card has to 5 come back to us. It cannot be forwarded. It's a 6 government document and we can't forward it. 7 But we use the confirmation cards 8 because they're more or less like a first-class 9 letter. So when we send that confirmation card, 10 it may take two jumps or whatever, it can be 11 forwarded to where that voter put that last 12 address. 13 And so I can't say, oh, they'll get it 14 in two days or four days because is it may -- we 15 send some applications -- I was going to say the 16 majority of them you'll see -- let's say a young 17 person registers to vote here, okay, and they live 18 in an apartment here. So we send the card there, 19 but they're no longer there because they moved off 20 to college. 21 So the card is going to come back to us, 22 but we're going to send a confirmation card to</p>
Page 198	Page 200
<p>1 And are those confirmation cards sent 2 out that day? 3 A. Again, they're usually batched, and we 4 do it at the end of the week. 5 Q. So you'll send those out on a Friday 6 generally? 7 A. Yes, ma'am. 8 Q. And do you do that even in the lead-up 9 to the voter registration deadline? 10 A. Yes. 11 Q. Okay. 12 A. Again, our goal is to get as many people 13 registered as are eligible. 14 Q. Of course. Of course. I am really 15 trying to walk through how the process works. 16 And so -- and so once you send out a 17 confirmation card, do you have a sense of how long 18 it takes for voters to receive that confirmation 19 card after it's dropped in the mail? 20 A. No, no. Because, again, sometimes we 21 may have the correct address, sometimes we may 22 not. And that's -- that's -- the distinct</p>	<p>1 that same bad address that can be forwarded. So 2 depending if they're -- like at Texas A&amp;M, they 3 can get it in a day, but if they're already back 4 on the East Coast, it's going to take days for it 5 to get there. So I can't say definitively, oh, 6 everybody gets it in two days or three days. 7 Q. Sure. 8 A. I don't know. 9 Q. Sure. 10 You would agree with me, though, that it 11 takes at least some number of days -- 12 A. Yes. 13 Q. -- whether it's two or four days, to get 14 that confirmation card to a voter? 15 And let's say you do have the correct 16 address because the error was a missing signature. 17 It takes a few days to get there, and then it will 18 take a few days to come back to you? 19 A. Correct. 20 Q. Okay. 21 MS. YUKEVICH: We can pull down this 22 interrogatory. Can we put up what I premarked as</p>

50 (Pages 197 to 200)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 201	Page 203
<p>1 Exhibit E, please.</p> <p>2 (Callanen Deposition Exhibit E was</p> <p>3 marked for identification and attached to the</p> <p>4 transcript.)</p> <p>5 BY MS. YUKEVICH:</p> <p>6 Q. Okay. Jackie, do you recognize this</p> <p>7 document?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. Can you just tell me what this</p> <p>10 document is.</p> <p>11 A. This is what we talked about earlier,</p> <p>12 how we get the advisories and -- you had asked how</p> <p>13 we got the direction on what's been passed in the</p> <p>14 legislation. And as I said, we're either in a</p> <p>15 conference or we get advisories. And this is a</p> <p>16 breakdown of things that were passed in the first</p> <p>17 regular session.</p> <p>18 Q. Okay.</p> <p>19 MS. YUKEVICH: And can we flip just to</p> <p>20 page -- can you flip to page 6, please, Dan.</p> <p>21 BY MS. YUKEVICH:</p> <p>22 Q. So at the top of this page, it says,</p>	<p>1 State in an ongoing process. So, yes, this is</p> <p>2 sort of our Bible and we pay attention to it.</p> <p>3 Q. Okay.</p> <p>4 MS. YUKEVICH: We can pull this document</p> <p>5 down.</p> <p>6 BY MS. YUKEVICH:</p> <p>7 Q. The last thing I wanted to ask you about</p> <p>8 is the documents that you sent this morning.</p> <p>9 MS. YUKEVICH: So we can just pull up --</p> <p>10 Dan, I know we didn't premark them. If you can</p> <p>11 just pull up whatever the first one is, I want to</p> <p>12 run through all three of them really briefly just</p> <p>13 so we know what they are.</p> <p>14 THE VIDEOGRAPHER: No problem. I have</p> <p>15 them as in parentheses 1 and parentheses 2. So</p> <p>16 I'm going to start with what was in parentheses 1.</p> <p>17 MS. YUKEVICH: Perfect. That's great.</p> <p>18 We have the same thing.</p> <p>19 (Callanen Deposition Exhibit L was</p> <p>20 marked for identification and attached to the</p> <p>21 transcript.)</p> <p>22</p>
<p>Page 202</p> <p>1 "House Bill 3107."</p> <p>2 Can you just tell me -- this is a</p> <p>3 breakdown of House Bill 3107?</p> <p>4 A. That's right. This is our cleanup bill.</p> <p>5 Q. And my only sort of question here is,</p> <p>6 how do you use this document?</p> <p>7 A. Do I really have to say? No, I'm sorry.</p> <p>8 Q. You can also -- a better question: Do</p> <p>9 you use this document?</p> <p>10 A. Yes, yes, ma'am.</p> <p>11 Q. How do you use it?</p> <p>12 A. I was being facetious there. There's so</p> <p>13 many changes in it. Some of the changes we</p> <p>14 literally will fall into because there's so much</p> <p>15 in here. We've changed processes. We've brought</p> <p>16 things, you know, forward. But it's just huge.</p> <p>17 And so sometimes we have to go back and,</p> <p>18 as I said, read this document that we're given on</p> <p>19 some nice highlighted -- and as I stated too, we</p> <p>20 just had another WebEx yesterday, which is, you</p> <p>21 know, the by-mail process is going on, and we're</p> <p>22 still getting directives from the Secretary of</p>	<p>Page 204</p> <p>1 BY MS. YUKEVICH:</p> <p>2 Q. Jackie, what is this document we're</p> <p>3 looking at? Can you explain to us what</p> <p>4 information is in here.</p> <p>5 A. This is one of the documents that I</p> <p>6 said -- when I started to poke around in our</p> <p>7 database on my own. And this one -- you can see</p> <p>8 at the top of it that I put the query in that I</p> <p>9 wanted everything that had happened from 2010</p> <p>10 through December 31st at the top. I had asked the</p> <p>11 system to go find me whatever we had done.</p> <p>12 And it gave me -- it broke everything</p> <p>13 down by the codes. The codes that are in here are</p> <p>14 the codes that we put everything in. The</p> <p>15 Secretary of State -- this is what TEAMS requires</p> <p>16 us -- when we say what kind of card we have, what</p> <p>17 application has come in.</p> <p>18 Q. Okay.</p> <p>19 A. So this is varied and sundry, and</p> <p>20 there's all different categories?</p> <p>21 Q. What is Code 5? Like just as an</p> <p>22 example, what is "Applications Coded 05"?</p>

51 (Pages 201 to 204)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 205	Page 207
<p>1 What does Code 05 stand for?</p> <p>2 A. You're going to have to bear with me so</p> <p>3 I can go get the definition.</p> <p>4 Q. Okay. Instead of that, what I might say</p> <p>5 here is -- it would be helpful --</p> <p>6 MS. YUKEVICH: Yes, Dan, we can mark</p> <p>7 this as Exhibit L. That would be great.</p> <p>8 BY MS. YUKEVICH:</p> <p>9 Q. What would be helpful here is if we can</p> <p>10 just get the code sheet that goes along with these</p> <p>11 documents. It seems like we have "Valid,"</p> <p>12 "Rejected," "Duplicate," "Change of Address,"</p> <p>13 "Change of Name." Those seem pretty</p> <p>14 self-explanatory. But if we can get the codes,</p> <p>15 like what 5 means, what 10 means, what 12 means --</p> <p>16 A. Right. Okay. Sounds good.</p> <p>17 DOCUMENT/DATA REQUESTED:</p> <p>18 BY MS. YUKEVICH:</p> <p>19 Q. Thank you.</p> <p>20 MS. YUKEVICH: And can we pull up the</p> <p>21 next document, the paren 2.</p> <p>22 THE VIDEOGRAPHER: Paren 2 will be</p>	<p>1 activity codes and their meanings on it, where</p> <p>2 this other one doesn't.</p> <p>3 Q. Okay. What is --</p> <p>4 A. I won't have to send you the list of</p> <p>5 agency codes because they're on this document.</p> <p>6 Q. Okay. So like "64" means DPS?</p> <p>7 A. Yes.</p> <p>8 Q. What does "additional" mean, "ADD"?</p> <p>9 A. Where are we?</p> <p>10 Q. The second column of this.</p> <p>11 A. Well, again, the additional -- if you</p> <p>12 see a "UPD," that means it's uploaded, it went,</p> <p>13 it's good. The "additional," if you look at the</p> <p>14 status on the other column, that's our dreaded</p> <p>15 PSVs.</p> <p>16 Q. Okay.</p> <p>17 A. That's the pending state verification,</p> <p>18 the ones that went up and came down. And I told</p> <p>19 you they don't have a VUID, and we have to reach</p> <p>20 out and figure out if it was our error or their</p> <p>21 error.</p> <p>22 Q. Okay. Sorry. Just to do -- like that</p>
<p>1 marked as Exhibit M.</p> <p>2 (Callanen Deposition Exhibit M was</p> <p>3 marked for identification and attached to the</p> <p>4 transcript.)</p> <p>5 MS. YUKEVICH: Great. This is</p> <p>6 Exhibit M.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. So the paren 2 here --</p> <p>9 A. Okay. Kassi, I'm going to interrupt</p> <p>10 because 05 is everything that comes through on the</p> <p>11 Texas Online.</p> <p>12 Q. Okay.</p> <p>13 A. And I will print this list off and get</p> <p>14 it to you.</p> <p>15 Q. Great.</p> <p>16 What is this document, Exhibit L [sic],</p> <p>17 that we're looking at?</p> <p>18 A. This is asking our database for the same</p> <p>19 thing, more detail. And this is just for one</p> <p>20 year. I ran this and it was just for one year.</p> <p>21 And it gives you the codes for it. Like "64" at</p> <p>22 the very top, that's DPS. So this has all the</p>	<p>1 first top row, I'm seeing "DPS," "additional,"</p> <p>2 "PSV," "68,258." So is that --</p> <p>3 A. For the entire year. This is for the</p> <p>4 entire calendar year of 2021.</p> <p>5 Q. Right.</p> <p>6 I guess I'm confused about how these --</p> <p>7 how applications that came from DPS would be</p> <p>8 flagged as PSV, pending state verification,</p> <p>9 because they come to you from the state.</p> <p>10 A. Right.</p> <p>11 Q. So how are these PSV? I'm just trying</p> <p>12 to understand what the document tells us.</p> <p>13 A. Yes, we understand that also. But this</p> <p>14 is -- again, the PSVs are when they come from DPS</p> <p>15 and they're matched against other documents. When</p> <p>16 they run that mix master at night and like Jackie</p> <p>17 Callanen appears at DPS, but Jackie Callanen is</p> <p>18 already a registered voter, they bounce that off</p> <p>19 the current registration because they are not</p> <p>20 going to assign a second VUID. So that's where</p> <p>21 that goes.</p> <p>22 So they're saying that out of all the</p>

52 (Pages 205 to 208)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 209	Page 211
<p>1 DPS that came, they had to match another 68 to see</p> <p>2 if, in fact, those people were already registered</p> <p>3 voters so that they didn't use up another VUID</p> <p>4 number.</p> <p>5 Does that make sense?</p> <p>6 Q. Yeah.</p> <p>7 A. We have people that go -- you know,</p> <p>8 again myself. We have to go, what, every four,</p> <p>9 six years to go get a new driver's license. So</p> <p>10 there are a number of times that when people show</p> <p>11 up at DPS and they'll say, do you want to be</p> <p>12 registered to vote?, they're like, oh, yeah, go</p> <p>13 ahead.</p> <p>14 So they're going to send that in as a</p> <p>15 new registration where, in fact, they've been</p> <p>16 registered for 20 years. And so the system goes,</p> <p>17 eh, you have to check something on this one. So</p> <p>18 that's why it gets kicked out.</p> <p>19 Q. Okay. Does this -- okay. I'm just --</p> <p>20 one moment.</p> <p>21 Okay. If you could just provide also</p> <p>22 the code for additional, update, duplicate, status</p>	<p>1 office and that big TEAM system.</p> <p>2 Q. Okay.</p> <p>3 A. Because for years, we never had all</p> <p>4 these anachronisms and codes. And life was much</p> <p>5 simpler when we all kept our own voter</p> <p>6 registration records in our own counties.</p> <p>7 Q. Okay.</p> <p>8 MS. YUKEVICH: Can we pull up the next</p> <p>9 exhibit, N, now, what will be marked as Exhibit N.</p> <p>10 (Callanen Deposition Exhibit N was</p> <p>11 marked for identification and attached to the</p> <p>12 transcript.)</p> <p>13 THE WITNESS: And there's your codes.</p> <p>14 Now, this is the one that I reached out to the</p> <p>15 vendor, and they returned it to me last night,</p> <p>16 late last night. And they have everything</p> <p>17 categorized by years. They ran -- so you can see</p> <p>18 2022, and it goes to February 1st.</p> <p>19 So in one month, we've done 31,667</p> <p>20 records touches, changed an address, updated an</p> <p>21 address, put in a birth date. Because even</p> <p>22 putting in the birth date, Kassi, that's again</p>
Page 210	Page 212
<p>1 and count, that would be helpful.</p> <p>2 I guess count is just the number, but</p> <p>3 what "ADD," "UPD," "DUP" stands for --</p> <p>4 A. Yes.</p> <p>5 Q. -- and what each -- what "PSV," "A,"</p> <p>6 "S," "NR," "C," "AP" -- we have lots to know, what</p> <p>7 this document is telling us.</p> <p>8 Out of curiosity, Jackie, when you</p> <p>9 pulled this spreadsheet together, what did you</p> <p>10 think it was like responsive to or helpful for?</p> <p>11 A. To be honest, when I pulled this</p> <p>12 together -- and I don't mean to offend, but I was</p> <p>13 like, damn, we have a lot of work, was my initial</p> <p>14 reaction. This is like good for the staff. If</p> <p>15 we've touched this many records in a year, good on</p> <p>16 them.</p> <p>17 So, you know, again, I'm not denigrating</p> <p>18 it by any stretch of the imagination.</p> <p>19 In light of this lawsuit -- I mean, this</p> <p>20 is -- we can always track everything. And I mean,</p> <p>21 to your point, we need to find out the codes. And</p> <p>22 the codes all come from the Secretary of State's</p>	<p>1 one -- you're too young, but the whole world was</p> <p>2 going to come crashing down in the year 2000 to</p> <p>3 Y2K.</p> <p>4 BY MS. YUKEVICH:</p> <p>5 Q. I remember.</p> <p>6 A. So the databases -- and when I spoke</p> <p>7 to -- when he had ES&amp;S make a profile, when people</p> <p>8 registered to vote prior to that time, they just</p> <p>9 put year of their birth. They didn't have to put</p> <p>10 the date and the month. They just put their year.</p> <p>11 So our database has -- oh, dear God, we</p> <p>12 probably have tens of thousands of people that</p> <p>13 just have their year. So when it was Y2K, they</p> <p>14 had to put digits in to convert it. So we have a</p> <p>15 lot of voters in our database that are 01/01 and</p> <p>16 their year of birth.</p> <p>17 Q. Okay. I understand.</p> <p>18 A. It's not as simple as them touching the</p> <p>19 record, by -- if they send in an application for</p> <p>20 ballot by mail, oh, look, we have their month and</p> <p>21 date so we're going to update their record.</p> <p>22 Q. Okay. But this document was just</p>

53 (Pages 209 to 212)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 213	Page 215
<p>1 intended to show like the volume of changes --</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. -- or newly processed registration</p> <p>4 applications based on like where they come from?</p> <p>5 A. Yes, and --</p> <p>6 Q. And from here --</p> <p>7 A. -- in answer to your requests.</p> <p>8 Q. I'm not sure if it was my request or the</p> <p>9 state's request, but I am seeing -- at least here</p> <p>10 from this document, you'd agree with me that the</p> <p>11 vast majority of the registrations are coming,</p> <p>12 similar to what you estimated, from DPS; is that</p> <p>13 right?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. I might have just a few more</p> <p>16 questions for you, Jackie, but I've been going for</p> <p>17 a while. I have -- I might just have a few more</p> <p>18 questions for you. I know the state has a few</p> <p>19 more questions for you. I might come back at the</p> <p>20 end with just some brief questions, but that is --</p> <p>21 you are almost done with me, I'll say.</p> <p>22 So I don't know -- Kathleen, if it makes</p>	<p>1 you?</p> <p>2 A. Fine. Thank you. Please call me</p> <p>3 Jackie.</p> <p>4 Q. Will do. And please call me Kathleen.</p> <p>5 A. Thank you.</p> <p>6 Q. So I'm here to ask you a few questions</p> <p>7 from the state intervenors. Normally we may have</p> <p>8 tried to schedule our own separate deposition, but</p> <p>9 because of the upcoming primary, I know how busy</p> <p>10 your office is, we kind of wanted to consolidate</p> <p>11 into a single day so you didn't have to break it</p> <p>12 up into multiple days into your time.</p> <p>13 A. Thank you.</p> <p>14 Q. No problem.</p> <p>15 We're going to ask you a few questions.</p> <p>16 While going through Zoom, as Kassi had mentioned,</p> <p>17 if you have any problems with the technology, you</p> <p>18 can't hear me, I freeze or something else goes</p> <p>19 wrong, can you please let me know?</p> <p>20 A. Absolutely. Thank you.</p> <p>21 Q. Excellent. And I will try to do the</p> <p>22 same.</p>
Page 214	Page 216
<p>1 sense to -- we can go off the record, talk about</p> <p>2 break and timing.</p> <p>3 THE VIDEOGRAPHER: All right. Stand by</p> <p>4 while we do that. The time is 2:47 p.m. We're</p> <p>5 going off the record.</p> <p>6 (Recess from the record.)</p> <p>7 THE VIDEOGRAPHER: The time is 3:01 p.m.</p> <p>8 and we're back on the record.</p> <p>9 MS. YUKEVICH: So I think -- Kathleen, I</p> <p>10 think we were waiting. I don't have any more</p> <p>11 questions at this point. I'm going to keep it</p> <p>12 open until the end of deposition, but --</p> <p>13 MS. HUNKER: Okay. You had hinted that</p> <p>14 you might have a few more, so I just wanted to</p> <p>15 give you a chance.</p> <p>16 MS. YUKEVICH: Oh, yes, I might have a</p> <p>17 few follow-up questions at the end, but I will</p> <p>18 hold off.</p> <p>19 MS. HUNKER: All right.</p> <p>20 EXAMINATION BY COUNSEL FOR THE STATE INTERVENOR</p> <p>21 BY MS. HUNKER:</p> <p>22 Q. Ms. Callanen, good afternoon. How are</p>	<p>1 Also, in the event you can't hear me --</p> <p>2 as I said, you're going to let me know, but if you</p> <p>3 do answer the question, I'm going to assume that</p> <p>4 you heard me correctly and that you understood the</p> <p>5 question. Is that fair?</p> <p>6 A. Thank you. Yes, ma'am.</p> <p>7 Q. Perfect.</p> <p>8 So I just want to touch on a few points</p> <p>9 that were raised in the previous discussion. And</p> <p>10 that's to clarify.</p> <p>11 You and Kassi spoke about complaints</p> <p>12 that you may have received regarding the</p> <p>13 wet-signature rule. And I believe you had said</p> <p>14 you have no record of receiving any complaints</p> <p>15 about the wet-signature rule.</p> <p>16 Am I correct in that understanding?</p> <p>17 A. Correct, correct.</p> <p>18 Q. Okay. So to clarify, you don't have any</p> <p>19 complaints about the wet-signature rule from an</p> <p>20 applicant in your records?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. So I also want to talk about</p>

54 (Pages 213 to 216)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 217	Page 219
<p>1 voter registration methods.</p> <p>2 Would you agree with me that Texans have</p> <p>3 multiple methods by which they can register to</p> <p>4 voter?</p> <p>5 A. Absolutely.</p> <p>6 Q. One of the ways a voter can register is</p> <p>7 by personal delivery; is that correct?</p> <p>8 A. Correct.</p> <p>9 Q. And they can also register by mail; is</p> <p>10 that also correct?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And can they submit the registration</p> <p>13 form through a fax machine?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. Texas, if I am correct, also</p> <p>16 designates a number of state agencies to act as a</p> <p>17 voter registration agency; is that correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 MS. HUNKER: Daniel, can you pull up</p> <p>20 Exhibit 2, please, which is the Texas Election</p> <p>21 Code Chapter 20.</p> <p>22 (Callanen Deposition Exhibit 2 was</p>	<p>1 Q. And the voter registration agency shall</p> <p>2 also provide a voter registration application form</p> <p>3 to these eligible Texans when they provide a</p> <p>4 service in connection with any recertification,</p> <p>5 renewal or change of address; is that also</p> <p>6 correct?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And a voter registration agency will</p> <p>9 provide a voter registration application form to</p> <p>10 an eligible Texan unless that person declines in</p> <p>11 writing to register to vote; is that correct?</p> <p>12 A. Yes, ma'am. But for us, I think, you</p> <p>13 know, it's word of mouth as opposed to in writing.</p> <p>14 Q. Okay.</p> <p>15 MS. HUNKER: You can pull that part</p> <p>16 down. Thank you, Daniel.</p> <p>17 BY MS. HUNKER:</p> <p>18 Q. So I want to talk a little bit about</p> <p>19 voter registration agencies and what agencies are</p> <p>20 included.</p> <p>21 The Health and Human Services</p> <p>22 Commission, is that a voter registration agency?</p>
<p>Page 218</p> <p>1 marked for identification and attached to the</p> <p>2 transcript.)</p> <p>3 THE VIDEOGRAPHER: Sorry. Zoom is</p> <p>4 saying shared, but it's not shared. Are you</p> <p>5 seeing my screen or no?</p> <p>6 MS. HUNKER: I do now.</p> <p>7 THE VIDEOGRAPHER: Okay. Very good.</p> <p>8 BY MS. HUNKER:</p> <p>9 Q. Jackie, do you see on the screen?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Excellent.</p> <p>12 MS. HUNKER: And can we scroll down to</p> <p>13 Section 20.031. It's the other page. It should</p> <p>14 also be highlighted. Perfect.</p> <p>15 BY MS. HUNKER:</p> <p>16 Q. Now, from my understanding of that</p> <p>17 section, a voter registration agency shall provide</p> <p>18 a voter registration application form to each</p> <p>19 person who is of voting age and a U.S. citizen in</p> <p>20 connection with the person's application for</p> <p>21 initial services; is that correct?</p> <p>22 A. Yes, ma'am.</p>	<p>Page 220</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. And what about the Department of Aging</p> <p>3 and Disability Services?</p> <p>4 A. I'm sure, yes, ma'am.</p> <p>5 Q. And what about the Department of</p> <p>6 Assistive and Rehabilitative Services?</p> <p>7 A. I would assume. I have no direct</p> <p>8 knowledge of that.</p> <p>9 Q. Okay. Are you aware that the Department</p> <p>10 of State Health Services is a voter registration</p> <p>11 agency?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Are you aware, of course, that the</p> <p>14 Department of Public Safety is a voter</p> <p>15 registration agency?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And would a voter registration agency</p> <p>18 also include public libraries?</p> <p>19 A. Absolutely.</p> <p>20 Q. Do they also include each marriage</p> <p>21 license office of the county clerk?</p> <p>22 A. Yeah, I would bet because that's name</p>

55 (Pages 217 to 220)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 221

1 changes I think that we get.  
 2 Q. And are you aware of any other agency or  
 3 department that may be designated as a voter  
 4 registration agency, to your knowledge?  
 5 A. I think the Social Security office is  
 6 designated as one.  
 7 Q. Okay. And a voter can go to any of  
 8 these agencies and be provided with a voter  
 9 registration application form; is that correct?  
 10 A. Yes, ma'am.  
 11 Q. Okay. And while there, the voter has  
 12 the opportunity to complete the form; is that also  
 13 correct?  
 14 A. Correct, yes, ma'am.  
 15 Q. And the voter can request assistance  
 16 from the agency employee while there?  
 17 A. Yes, ma'am.  
 18 Q. And the employee will review it for  
 19 completeness in the presence of the voter; is that  
 20 correct?  
 21 A. We hope so, yes, ma'am.  
 22 Q. And once complete, the voter has the

Page 223

1 County where they visit the high schools -- again,  
 2 this may be pre COVID and we'll get back to it.  
 3 But they actually go into the government classes  
 4 and they register them.  
 5 Q. Okay. So I just want to be clear.  
 6 So the principal or vice principal will  
 7 go and distribute forms, but then you also have  
 8 outside agencies --  
 9 A. Yes, ma'am.  
 10 Q. -- that come to the schools and do a  
 11 similar program?  
 12 A. Correct.  
 13 Q. And are you aware how frequently this  
 14 takes place?  
 15 A. Again, it becomes more intense when  
 16 there's an upcoming election. If things are quiet  
 17 and there's no scheduled election, it sort of  
 18 tapers off. So I can't speak to it any more than  
 19 that.  
 20 Q. And the requirements that the high  
 21 school distribute registration application forms,  
 22 that's in statute; correct?

Page 222

1 option of submitting the voter registration  
 2 application form to the agency; is that correct?  
 3 A. Yes, ma'am.  
 4 Q. And then the agency delivers the  
 5 completed form to the voter registrar of the  
 6 county in which the agency office is located; is  
 7 that correct?  
 8 A. Yes, ma'am.  
 9 Q. And you had mentioned this earlier, but  
 10 I want to go into a bit more detail.  
 11 The Texas election code also provides  
 12 for high school voter registration; is that  
 13 correct?  
 14 A. Yes, ma'am.  
 15 Q. Can you tell me a little bit about that  
 16 program?  
 17 A. Again, every principal in a high school  
 18 is designated as a deputy voter registrar. And  
 19 they're charged with making applications available  
 20 to their coming of age or 18-year-olds. But,  
 21 again, here anecdotally, the League of Women  
 22 Voters has a fantastic program here in Bexar

Page 224

1 A. Yes, ma'am.  
 2 Q. And so that's across the entire state?  
 3 A. Yes, ma'am.  
 4 Q. Are you aware if the League of Women  
 5 Voters also conducts this program across the state  
 6 or is it specific to Bexar County?  
 7 A. I know it's specific to Bexar County. I  
 8 can't speak to the rest of the state for them.  
 9 Q. That's fine.  
 10 And a voter can also request a voter  
 11 registration form; is that correct?  
 12 A. I'm sorry. I didn't hear the beginning.  
 13 Q. A voter can also request a voter  
 14 registration form; is that correct?  
 15 A. Oh, absolutely. We mail out quite a  
 16 few.  
 17 MS. HUNKER: Daniel, can you pull up  
 18 Exhibit 3, please.  
 19 (Callanen Deposition Exhibit 3 was  
 20 marked for identification and attached to the  
 21 transcript.)  
 22

56 (Pages 221 to 224)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 225

1 BY MS. HUNKER:  
 2 Q. Jackie, do you recognize this website?  
 3 A. Yes, ma'am.  
 4 Q. Can you please tell me what it is.  
 5 A. This is the Texas Online. This is as we  
 6 start the process.  
 7 Q. Thank you.  
 8 And if you notice, I have some  
 9 highlighted text that reads, "Informal Online  
 10 Application."  
 11 Do you see that?  
 12 A. Yes, ma'am.  
 13 Q. And you'd agree that a voter, through  
 14 this site, can download, fill in, print off a  
 15 voter registration application form?  
 16 A. Yes, ma'am.  
 17 Q. And you'd also agree that once a voter  
 18 has completed these steps, the voter can submit  
 19 the form to the registrar's office via mail or  
 20 personal delivery?  
 21 A. Correct.  
 22 Q. Scrolling down, you'll see additional

Page 227

1 correct?  
 2 A. Correct. Yes, ma'am.  
 3 Q. And just like before, the mail -- the  
 4 mailing would be free?  
 5 A. Absolutely. And that's in the RA.  
 6 Q. And voter registration applications are  
 7 also available at post offices, are they not?  
 8 A. I think so. I'm not sure. It's been a  
 9 long time since I've been in a post office.  
 10 Q. What about libraries?  
 11 A. I know they're available in libraries,  
 12 yes, ma'am.  
 13 Q. Okay. And they would be also available  
 14 at a bunch of different state agencies as well  
 15 like Department of Public Safety or Texas Health  
 16 and Human Services Commission, correct?  
 17 A. Yes, ma'am.  
 18 Q. So I want to talk a little bit about  
 19 Bexar County and your work with registered voters.  
 20 Because I will say last year I got to talk to a  
 21 lot of election administrators throughout Texas.  
 22 And one of the things that gets really driven home

Page 226

1 highlighted text. It says, "Other Voter  
 2 Registration Application Methods."  
 3 Do you see that?  
 4 A. Yes, ma'am.  
 5 Q. And you'd also agree then that a voter  
 6 may request a postage paid application from the  
 7 Secretary of State's office; is that right?  
 8 A. Yes.  
 9 Q. And that in such a scenario, the  
 10 registration application will be mailed to the  
 11 voter free of charge?  
 12 A. Yes, ma'am.  
 13 Q. And that the voter will be able to  
 14 resubmit the voter application, again free of  
 15 charge?  
 16 A. Yes, ma'am.  
 17 Q. And a voter may request a postage-paid  
 18 application from his or her voter registrar; is  
 19 that correct?  
 20 A. Correct.  
 21 Q. And in such a scenario, the registration  
 22 application will be mailed to the voter; is that

Page 228

1 is how much outreach you do to voters each year  
 2 throughout the election process. So I kind of  
 3 wanted to ask you about that.  
 4 So what type of outreach do you do to  
 5 Bexar County voters regarding voter registration?  
 6 A. It's like where do I start? Yes. I  
 7 mean, we'll go to neighborhood associations,  
 8 festivals. One of the most proud moments you'll  
 9 ever get, and it's very emotional, is we make sure  
 10 that we attend every naturalization that occurs in  
 11 Bexar County.  
 12 And if you ever -- if any of you ever  
 13 have a chance to attend one -- I get goose bumps  
 14 just talking about it. It's the best thing.  
 15 But, again, here in Bexar County --  
 16 Bexar County is -- you know, we like to party. We  
 17 have Fiesta and Martin Luther King drives, so  
 18 you'll see us attending all of those functions.  
 19 And we have a very robust deputy volunteer  
 20 registrar program where we do Zoom classes, we do  
 21 in-person classes.  
 22 And we have about 2,000 deputy voter

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: center;">Page 229</p> <p>1 registrars, which are able to help us to go to 2 different functions. If we're stretched to the 3 limit, we can pick up the phone. And we have a 4 cadre of people who are very willing to help us 5 get the word out. 6 Q. And who are these deputy registrars? 7 A. The deputy voter registrars are 8 registered voters in Bexar County who choose to 9 come to a class. It's a mandatory class. And 10 they have to take a test so that they understand 11 all of the rules of voter registration. And they 12 act on our behalf. 13 Now, their applications are different 14 than the registration applications you were just 15 talking about, Kathleen, because a deputy voter 16 registrar is one who's standing in front of the 17 voter and they get to look over their application 18 to make sure, to your point a minute ago, that it 19 is complete. 20 And then that voter registrar 21 hand-delivers it. The voter himself does not have 22 to do it. The deputy voter registrar brings the</p>	<p style="text-align: center;">Page 231</p> <p>1 A. Yes, ma'am. 2 Q. And do you know if other counties have a 3 similar number? 4 A. I -- I wouldn't know that. 5 Q. That's no problem. 6 You also mentioned the League of Women 7 Voters. I assume they also put on events to 8 register voters, not just in the high schools, but 9 elsewhere in Bexar County; is that correct? 10 A. Oh, absolutely. They're a very active 11 group. They're a great partner. 12 Q. Can you tell me a little bit about their 13 work, where they go typically to register voters. 14 A. Again, they will go to -- I want to say 15 they just always have a huge presence. I mean, 16 they'll go to large venues. I know they're most 17 active -- we have a part of town here, The Pearl, 18 if you've ever been here, which is a very centric 19 group where people go and like to relax and hang 20 out. And the League of Women Voters usually has a 21 table down there. That's one of their main -- 22 they'll go to the VFW functions. And like I said,</p>
<p style="text-align: center;">Page 230</p> <p>1 application into our office. 2 Now, there is a time limit. They're to 3 bring the applications to us within three days, 4 business days. Or in the instance of the 5 registration deadline that we just had on Monday, 6 if there's an election or -- an upcoming election, 7 they have one day to come into our office with any 8 application so that we can get those voters 9 registered to vote in a timely fashion. 10 Q. And do these deputy registrars often 11 attend the events where there's recruitment to 12 register to vote? 13 A. Absolutely, yes, ma'am. They'll go to 14 college campuses, again, wherever there's going to 15 be a readily -- readily pool of possible voters. 16 Q. And how many deputy registrars do you 17 have in Bexar County? 18 A. Right now we have close to 2,000. 19 Q. Is that typical? 20 A. Yes, ma'am. 21 Q. And when I say "Is that typical?," is 22 that typical for Bexar County?</p>	<p style="text-align: center;">Page 232</p> <p>1 one of their main functions here in Bexar County 2 is they are up close and personal with those high 3 school seniors. 4 Q. And do you know of any other 5 organizations that do similar type of outreach? 6 A. We have a couple organizations here. 7 Move.org does outreach I think on college 8 campuses. We've seen I think The Civil Rights 9 Project. I think they do registration. I know 10 there's an organization called Radical Registrars, 11 I don't know where they're located or -- but I 12 recognize that name. So there are a number of 13 groups. And of course then you look to the 14 Democratic and the Republican parties, and they 15 spend a lot of time registering people to vote. 16 Q. Do campaigns also work to register 17 voters? 18 A. I'm sure they do. But, again, to 19 register them, they're going to have to have an 20 active deputy voter registrar there. That's 21 why -- like I said, we have about 2,000 of them so 22 that they can have someone officially there. And</p>

58 (Pages 229 to 232)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 233	Page 235
<p>1 if they choose -- or if they can't get someone</p> <p>2 there, they have the registration cards obviously</p> <p>3 they can just hand to the people, and they can</p> <p>4 fill them out and mail them.</p> <p>5 Q. Okay. Would you agree with me that</p> <p>6 Texans have ample opportunity in which to register</p> <p>7 to vote?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. So you talked a little bit earlier about</p> <p>10 the form shortage that is occurring right now.</p> <p>11 A. Correct.</p> <p>12 Q. And I assume that this is an exception.</p> <p>13 This is not something that typically occurs.</p> <p>14 A. Yes, ma'am, it is an exception.</p> <p>15 Q. Is this part of the supply chain issue?</p> <p>16 A. It certainly -- I'm assuming it</p> <p>17 certainly is because we're trapped in that for our</p> <p>18 voter registration cards.</p> <p>19 Q. And you said you have a diminishing</p> <p>20 supply, but for the moment, you have enough; is</p> <p>21 that correct?</p> <p>22 A. Correct.</p>	<p>1 BY MS. HUNKER:</p> <p>2 Q. All right. Jackie, do you recognize</p> <p>3 this document?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. This is the cross-notice of deposition</p> <p>6 that the state intervenor sent out on Monday. If</p> <p>7 we scroll down, you'll notice there are a couple</p> <p>8 of topics.</p> <p>9 MS. HUNKER: Keep going. Okay.</p> <p>10 BY MS. HUNKER:</p> <p>11 Q. So the first topic is just the catchall,</p> <p>12 which is the topics that were raised by the</p> <p>13 plaintiff's organization and Kassi. And then if</p> <p>14 you see, there are a couple that we raised</p> <p>15 ourselves, the first being the number of voter</p> <p>16 registration applications you received each year</p> <p>17 from 2010 to 2022.</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And then if you look at number 3, it</p> <p>20 says, "The breakdown of how many registration</p> <p>21 applications were submitted each year."</p> <p>22 A. Yes, ma'am.</p>
<p>Page 234</p> <p>1 Q. And so you'll have enough applications</p> <p>2 for the next few months?</p> <p>3 A. Yes, because, again, the activity will</p> <p>4 taper off now that the registration deadline has</p> <p>5 passed for the primary. And so it will hit a</p> <p>6 slower season until we get into March, the end of</p> <p>7 March, as they start to get ready for the school</p> <p>8 district and city elections.</p> <p>9 Q. You also mentioned that you printed out</p> <p>10 a bunch of these forms yourself; is that right?</p> <p>11 Am I remembering that correctly?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Will you be trying to print out more</p> <p>14 applications if you run low?</p> <p>15 A. Absolutely, yes, ma'am.</p> <p>16 Q. Okay.</p> <p>17 MS. HUNKER: So I want to quickly bring</p> <p>18 up Exhibit 1.</p> <p>19 (Callanen Deposition Exhibit 1 was</p> <p>20 marked for identification and attached to the</p> <p>21 transcript.)</p> <p>22</p>	<p>Page 236</p> <p>1 MS. HUNKER: You can pull that down,</p> <p>2 Daniel.</p> <p>3 BY MS. HUNKER:</p> <p>4 Q. So I'm going to talk about those two</p> <p>5 topics right now.</p> <p>6 Before I begin, you had mentioned that</p> <p>7 you had a couple of documents that you were</p> <p>8 referencing earlier in the deposition. I just</p> <p>9 want to make sure that I have received all of the</p> <p>10 documents that you were looking at in regards to</p> <p>11 the number of voters who have registered to vote</p> <p>12 in Bexar County.</p> <p>13 A. Yes, I had forwarded three documents.</p> <p>14 Q. Okay.</p> <p>15 MS. HUNKER: So I guess can we pull up</p> <p>16 Exhibit Number 4.</p> <p>17 (Callanen Deposition Exhibit 4 was</p> <p>18 marked for identification and attached to the</p> <p>19 transcript.)</p> <p>20 BY MS. HUNKER:</p> <p>21 Q. Since I thought this was the clearest of</p> <p>22 them.</p>

59 (Pages 233 to 236)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 237	Page 239
<p>1 THE VIDEOGRAPHER: 4 is an Excel file.  2 Stand by.  3 BY MS. HUNKER:  4 Q. So, Jackie, do you recognize this  5 document?  6 A. Yes, ma'am.  7 Q. And do you recognize that this is the  8 Excel sheet that you sent to my office -- or that  9 your office sent to my office earlier in the  10 deposition?  11 A. Yes, ma'am.  12 Q. Okay.  13 A. This is in specific -- on your specific  14 request from 2010 --  15 Q. That's correct.  16 A. -- through today.  17 Q. So I just want to use this as a  18 reference and also ask you a couple of questions  19 based off of this document.  20 The first is, how many voter  21 registrations did you process in 2021?  22 A. If I go to this document and you look at</p>	<p>1 scale. On the even-numbered years, we will see  2 people put them in as placeholders. Not very  3 many. It's sort of their -- I hate to use the  4 phrase, but it's like their last-ditch effort to  5 get registered to vote before an impending  6 election.  7 Q. So I was going to talk about that later,  8 but we can quickly address it now.  9 You had mentioned the idea that a fax  10 machine application to register was equivalent to  11 a placeholder. Can you explain that a little bit.  12 A. Again, the statute -- the election code  13 tells us that if we receive a fax -- and now it's  14 even gone, through a lot of 3107 that Kassi  15 mentioned, for e-mailed applications, that if we  16 received them basically electronically, then they  17 meet the deadline; however, we must still have the  18 original wet-signature application in our  19 possession within four business days.  20 Q. Okay.  21 A. And so, again, people try and make that  22 last deadline.</p>
Page 238	Page 240
<p>1 this document, it said that we handled 261,988  2 documents.  3 Q. Okay. And can you tell me, based on  4 this Excel sheet, how many of them were through  5 mail?  6 A. Yes. That would be line 23. And it  7 said that we had 11,023.  8 Q. Okay. And in person?  9 A. Oh, there's -- in person is line 35, and  10 it's 3,665.  11 Q. Okay. And what about through fax  12 machine?  13 A. Let me find out where that one is. I'm  14 sorry. I just received this last night, so I'm  15 not as familiar with where things are from the  16 vendor. Does it say fax? I don't think we have a  17 breakdown for fax.  18 Q. Okay. If you could remember, and it's  19 all right if you do not, do you roughly know how  20 many fax voter registration applications you  21 receive each year?  22 A. Again, it becomes like an economy of</p>	<p>1 Q. So do you view this as a way of getting  2 voters that last extra shot of being able to  3 register to vote before an election?  4 A. Absolutely.  5 Q. Okay. Now, let's look at 2020.  6 A. 2020.  7 Q. This is a presidential year, so I assume  8 you have a lot more voter registrations than we  9 did the following year.  10 A. Sort of like double, yes, ma'am.  11 Q. Can you just please tell me how much  12 voter applications.  13 A. 2020 we had 487,361.  14 Q. Okay. And then applications that were  15 received through mail?  16 A. Almost 100,000; 99,321.  17 Q. Okay. And in person?  18 A. 32,005.  19 Q. And this was during the COVID-19  20 pandemic; correct?  21 A. Yes, ma'am.  22 Q. And so you have what looks to be an</p>

60 (Pages 237 to 240)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 241

1 incredibly high number of registration  
 2 applications despite the pandemic; is that a  
 3 fair --  
 4 A. Correct.  
 5 Q. -- that's a fair characterization?  
 6 A. Correct.  
 7 Q. And do you see a line that talks about  
 8 how many were received through fax, or is that  
 9 also not in this particular spread?  
 10 A. No, I see it up there. It's on line 2.  
 11 It says 10, but it's such a low number, I'm not  
 12 sure where they got that number from.  
 13 Q. Okay. Do you think that number is  
 14 accurate?  
 15 A. No.  
 16 Q. You do not.  
 17 A. No, I think it's low.  
 18 Q. Do you know roughly what the range is  
 19 you would anticipate since you think four is low?  
 20 I'm just trying to get a sense of scale.  
 21 A. I think four is low, but I think maybe  
 22 in 2020, between the primary and then the November

Page 243

1 Q. And what about through in person?  
 2 A. 16,290.  
 3 Q. So just to clarify, too, when you're  
 4 talking about in person, does that also count --  
 5 when a deputy registrar accepted the application,  
 6 would that be considered voting in person or would  
 7 that --  
 8 A. Yes, ma'am.  
 9 Q. It would.  
 10 So it includes individuals who went to  
 11 your office to deliver the application and also  
 12 includes those who were registered to vote with  
 13 the deputy registrar?  
 14 A. Yes. And it also includes a third  
 15 category of when we attended the naturalizations.  
 16 Q. Thank you.  
 17 I see that this document also lists the  
 18 number of applications received by fax as four. I  
 19 assume you think that is also incorrect?  
 20 A. Yes. Like I said, I don't know where  
 21 that came from. I'm sorry.  
 22 Q. No, that's no problem.

Page 242

1 election, I would say probably approximately about  
 2 100 total.  
 3 Q. So in a year that you received  
 4 487,000-plus applications to register to vote,  
 5 only about 100 of them, give or take, were done  
 6 through fax machine?  
 7 A. Yes, ma'am, that's what I'm...  
 8 Q. And forgive me for sometimes repeating  
 9 what you say. It's just I'm trying to get clarity  
 10 to the record.  
 11 A. That's okay.  
 12 MS. HUNKER: Let's scroll down to 2019.  
 13 BY MS. HUNKER:  
 14 Q. And then we'll do 2018 after that and  
 15 then we can move on to a new subject.  
 16 Okay. So for 2019, can you please tell  
 17 me how many people, based on the document,  
 18 registered to vote.  
 19 A. 240,513.  
 20 Q. Okay. And those who voted by mail?  
 21 A. Scroll back up, 24,039. So about  
 22 10 percent.

Page 244

1 And do you know roughly how many you  
 2 think you would have received that year?  
 3 A. This -- this would have been a much  
 4 smaller year. I mean, literally trying to think.  
 5 2019, the big election for that would have been  
 6 the city election. So probably for that I would  
 7 say 30 or 40 because that was a mayoral election  
 8 here in Bexar County.  
 9 Q. So of the 240,000-plus registrations to  
 10 vote you received in 2019, only about 30 to 40,  
 11 give or take, would have been through fax?  
 12 A. Yes, ma'am. That's my estimate.  
 13 Q. Okay. And let's look at 2018.  
 14 Can you please let me know how many  
 15 individuals applied to register to vote in 2018.  
 16 A. Again, this was a midterm election, and  
 17 it was 356,929.  
 18 Q. And how many of them registered to vote  
 19 by mail?  
 20 A. 44,937.  
 21 Q. And what about in person?  
 22 A. 39,760.

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 245	Page 247
<p>1 Q. And we can see where it says "fax"</p> <p>2 there, it has the number of five. I assume you</p> <p>3 believe that that is incorrect?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. I'm going to ask the same question I</p> <p>6 asked before, which is, do you have a rough</p> <p>7 approximation of how many you think you would have</p> <p>8 received through fax machine?</p> <p>9 A. No. For 2018 --</p> <p>10 Q. That's fine.</p> <p>11 A. -- I would say it would be anywhere</p> <p>12 between the 30 and 40 and the hundred, sort of</p> <p>13 halfway in between that.</p> <p>14 Q. Okay. Now, is it fair to say that the</p> <p>15 number of registration applications Bexar County</p> <p>16 has received has gone up over the last decade?</p> <p>17 A. Oh, yes, ma'am.</p> <p>18 Q. And has it gone up since 2018 as a</p> <p>19 general trend?</p> <p>20 A. Oh, yes, ma'am. Yes, ma'am.</p> <p>21 Q. So you would not have seen a decrease</p> <p>22 post -- actually, I'm going to strike that</p>	<p>1 BY MS. HUNKER:</p> <p>2 Q. And thank you very much for providing</p> <p>3 it. I do appreciate the effort you took prior to</p> <p>4 the deposition to secure the numbers.</p> <p>5 MS. HUNKER: Daniel, can you please put</p> <p>6 up Exhibit Number 7.</p> <p>7 (Callanen Deposition Exhibit 7 was</p> <p>8 marked for identification and attached to the</p> <p>9 transcript.)</p> <p>10 BY MS. HUNKER:</p> <p>11 Q. Do you recognize this document?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. This is the responses you had to the</p> <p>14 plaintiff's interrogatories; is that correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And we discussed -- you discussed this a</p> <p>17 bit with opposing counsel earlier during the</p> <p>18 deposition; is that correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. All right.</p> <p>21 MS. HUNKER: Can we go to response -- to</p> <p>22 Interrogatory Number 1.</p>
<p>1 question.</p> <p>2 Based on these numbers and the increase</p> <p>3 you described, there's no indication that voters</p> <p>4 are having a hard time to register since 2018; is</p> <p>5 that correct?</p> <p>6 A. Correct.</p> <p>7 And if I may, one of the things that I</p> <p>8 had forgotten when you were asking about our</p> <p>9 outreach is that we work with the realty company</p> <p>10 and with the Apartment Finders and we provide</p> <p>11 voter registration cards to them. And so they</p> <p>12 give that to our new voters and their new</p> <p>13 homeowners and their new apartment people so we</p> <p>14 could facilitate it that way also. I forgot that.</p> <p>15 Q. Thank you.</p> <p>16 I'm just quickly going through my notes</p> <p>17 for this section. Just hold on one second. I'm</p> <p>18 sorry.</p> <p>19 A. Uh-huh.</p> <p>20 MS. HUNKER: Okay. You can pull down</p> <p>21 this particular exhibit.</p> <p>22</p>	<p>1 THE WITNESS: Excuse me.</p> <p>2 BY MS. HUNKER:</p> <p>3 Q. Now, here at the start of the</p> <p>4 highlighted text, you say, "applications that lack</p> <p>5 a [wet signature] are not immediately rejected,</p> <p>6 but are treated as incomplete"; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And can you please explain that a little</p> <p>9 bit more.</p> <p>10 A. Well, again, when we treat them as</p> <p>11 incomplete, that triggers that other mailing to</p> <p>12 them that tells them what we need and that</p> <p>13 basically, we're sorry, we need you to fill out a</p> <p>14 completed voter registration card for us.</p> <p>15 Q. And so if it lacks a wet signature, it's</p> <p>16 not immediately rejected, there's an opportunity</p> <p>17 to cure; is that correct?</p> <p>18 A. Correct, yes, ma'am.</p> <p>19 Q. How do you contact voters about the</p> <p>20 defects?</p> <p>21 A. Again, through the mail, through the</p> <p>22 post office. I mean, we've received their</p>

62 (Pages 245 to 248)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 249	Page 251
<p>1 applications. Occasionally, and I want to say</p> <p>2 rarely, do we see personal information where a</p> <p>3 voter will leave us their phone number on their</p> <p>4 application. Those are all marked optional. And</p> <p>5 with the whole fear of identity theft, our voters</p> <p>6 have gotten very, very cautious. And so we're not</p> <p>7 seeing an awful lot of the phone numbers anymore.</p> <p>8 Q. So you would say the number of voters</p> <p>9 who have been putting the additional information</p> <p>10 has gone down in recent years?</p> <p>11 A. Correct.</p> <p>12 Q. But you do call when that information is</p> <p>13 provided?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if that is a common practice</p> <p>16 among counties?</p> <p>17 A. I can't speak to that, I'm sure.</p> <p>18 Q. Do you know if it's a recommended</p> <p>19 practice from the Secretary of State?</p> <p>20 A. I think it is recommended.</p> <p>21 Q. So a voter, if they receive a contact</p> <p>22 from your office telling them that their voter</p>	<p>1 Texas Election Code Section 13.002(b)."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. So I'm trying to get a sense of what</p> <p>5 that 730 entails.</p> <p>6 Does that include anybody who did not</p> <p>7 include proper signatures, so including</p> <p>8 individuals who did not include a signature at</p> <p>9 all?</p> <p>10 A. Yes, yes, ma'am.</p> <p>11 Q. So that number extends beyond those who</p> <p>12 fail to provide a wet signature or not limited to</p> <p>13 individuals who are --</p> <p>14 A. Yeah. Not limited to, yes, ma'am.</p> <p>15 Q. And these were the only registration</p> <p>16 applications between September 1st, 2018, and when</p> <p>17 you responded to the interrogatory that were</p> <p>18 designated as incomplete because of a failure to</p> <p>19 provide the signature; is that correct?</p> <p>20 A. To the best of our knowledge, yes.</p> <p>21 Q. So that 730 number, that would include</p> <p>22 applications that were submitted by mail?</p>
Page 250	Page 252
<p>1 registration application is incomplete, they then</p> <p>2 correct the information, does the registration</p> <p>3 application still date back to their original</p> <p>4 submission date?</p> <p>5 A. Yes, ma'am, if it's within the 30 days.</p> <p>6 Q. So if they respond within 30 days,</p> <p>7 there's no effect on the voter?</p> <p>8 A. Correct.</p> <p>9 Q. Would you agree that most voters are</p> <p>10 able to cure the defect in their voter</p> <p>11 registration application?</p> <p>12 A. I don't know. I'm sorry. I can't go</p> <p>13 one way or the other on that one.</p> <p>14 Q. That's --</p> <p>15 A. I have no way of knowing how many do or</p> <p>16 don't.</p> <p>17 Q. That's perfectly fine.</p> <p>18 Let's go a little bit further down into</p> <p>19 this response. And you'll see where you say, "730</p> <p>20 applicants whose registration applications were</p> <p>21 designated as incomplete during [the] period based</p> <p>22 on failure to provide the signature required by</p>	<p>1 A. All types. But I will say that, again,</p> <p>2 anecdotally, the majority of those are from the</p> <p>3 voter deputy -- the deputy voter registrars.</p> <p>4 They -- they check -- like the other things on the</p> <p>5 cards, and we get their applications back in with</p> <p>6 the no signatures. And we find that pretty</p> <p>7 frustrating since someone is actually right there</p> <p>8 and could have captured it, but...</p> <p>9 Q. So you would say most of them are from</p> <p>10 in-person voter registration applications?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And as stated before, these applicants</p> <p>13 would have had the option to cure once you</p> <p>14 notified them of the incomplete information?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And since you looked at these numbers,</p> <p>17 do you know if many of them did, in fact, cure the</p> <p>18 defect?</p> <p>19 A. Again, we didn't -- I didn't go back and</p> <p>20 do a match for match.</p> <p>21 Q. Okay.</p> <p>22 A. So I don't know. I can't answer that</p>

63 (Pages 249 to 252)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 253

1 one.

2 Q. All right.

3 MS. HUNKER: Let's move to Response

4 Numbers 2 and 3. We'll start with 2.

5 BY MS. HUNKER:

6 Q. Now, this interrogatory requested you to

7 state and describe the purpose and function of the

8 signature on voter registration applications,

9 including any differences in the purpose and

10 function of wet signature and compared to

11 electronic or imaged signatures.

12 Did I read the top of that correctly?

13 A. Yes, ma'am.

14 Q. You then provided several examples of

15 what you thought the purpose and function were at

16 the bottom.

17 And that is the highlighted text; is

18 that correct?

19 A. Yes, ma'am.

20 Q. You discussed this quite a bit with

21 opposing counsel, so I don't want to go into

22 detail.

Page 254

1 I just want to ask, is there anything

2 else besides what you listed that you want to add

3 today in regards to purpose and function?

4 A. No, no, I think we covered it.

5 MS. HUNKER: Let's move to number 3.

6 BY MS. HUNKER:

7 Q. And so this one asked you "Identify and

8 describe all of Bexar County's or the state's

9 interests served by Section 14 of HB3107 and how

10 Section 14 of HB3107 serves each interest."

11 Did I read that correctly?

12 A. Yes, ma'am.

13 Q. And you listed several examples on the

14 bottom in the highlighted text; is that correct?

15 A. Yes, ma'am.

16 Q. Do you still agree with the purpose --

17 that these are purposes and functions -- let me

18 strike that because I stated the question very

19 unclearly.

20 You still agree with the purpose and

21 functions you identify; correct?

22 A. Yes, ma'am.

Page 255

1 Q. Are there any other interests that you

2 can think of that is not stated in your response?

3 A. No, ma'am.

4 MS. HUNKER: Then let's turn to response

5 to Interrogatory Number 5. All right.

6 BY MS. HUNKER:

7 Q. The interrogatory requests you to state

8 and describe Bexar County's policies or procedures

9 concerning the review and processing of voter

10 registration applications with electronic or

11 imaged signatures both before and after the

12 enactment of Section 14 of HB3107.

13 Did I read that correctly?

14 A. Yes, ma'am.

15 Q. Can you please read the highlighted

16 text.

17 A. "This practice did not change following

18 the...date of HB3107."

19 Q. Okay. So you state that Bexar County's

20 practice did not change following the effective

21 date of HB3107; is that correct?

22 A. Yes, ma'am.

Page 256

1 Q. So prior to the effective date of

2 HB3107, voter registration applications submitted

3 with electronic or imaged signature that were not

4 accompanied by a so-called wet signature were

5 deemed incomplete; is that correct?

6 A. Correct.

7 Q. Okay. So the policy did not change from

8 before or after?

9 A. No, the policy didn't change, but the

10 language did. Because -- now as I said before,

11 now they're referred as "wet signatures," where

12 prior to that it was the "original."

13 Q. So the language changed, but the

14 substance stayed the same?

15 A. Correct.

16 Q. Okay. That reminds me.

17 You had described HB3107 as a cleanup

18 bill; is that right?

19 A. Yes, ma'am.

20 Q. And so as a cleanup bill, HB3107 would

21 have clarified the law; is that correct?

22 A. Correct.

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 257	Page 259
<p>1 Q. So if there was any questions or doubts 2 or people had perhaps not taken it at its -- I 3 guess as the text stated, this is a way of 4 clarifying it; is that right? 5 A. Yes, ma'am. 6 Q. Did you view Section 14 of HB3107 as a 7 clarification of a preexisting standard? 8 A. Yes. 9 Q. Thank you. 10 So just a quick question. 11 We had talked about -- a little bit 12 before about the 730 applicants that would have 13 been deemed incomplete because of lack of a 14 signature. You had mentioned that you did not 15 know how many would have been cured. 16 Is there a way that you would be able to 17 find that out, or is that information not 18 available to you? 19 A. I'm trying to figure it out. It would 20 be almost impossible for us to go back and find -- 21 I mean, we would have the names, but to go back 22 into the research records, that would be a huge</p>	<p>1 MS. HUNKER: And if we can go to 2 number 1. 3 BY MS. HUNKER: 4 Q. So you can see where you say, "Defendant 5 Callanen will produce a supplement as soon as 6 practicable containing appropriately redacted 7 documentation related to the 730 applicants whose 8 registration applications were designated as 9 incomplete from September 1, 2018, to the present 10 date based on a failure to provide the signature 11 required by Texas Election Code Section 13.002(b) 12 as interpreted by the Secretary of State"; is that 13 correct? 14 A. Yes, ma'am. 15 Q. Have you had the opportunity to 16 supplement yet? 17 A. No, ma'am. 18 Q. Okay. I just wanted to make sure that I 19 was not missing anything. 20 MS. HUNKER: And let's look at election 21 advisory -- I'm sorry. Let's look at Response 22 Number 3.</p>
<p>1 task, but -- 2 Q. Understood. 3 Would you be able to look to find out 4 how many individuals submitted their application 5 through fax machine for the years we had talked 6 about? 7 A. Again, no. I'm sorry. We wouldn't have 8 those. 9 Q. Okay. Then let's turn to the RFP 10 responses. 11 MS. HUNKER: I believe that's going to 12 be Exhibit Number 8. 13 (Callanen Deposition Exhibit 8 was 14 marked for identification and attached to the 15 transcript.) 16 BY MS. HUNKER: 17 Q. And do you recognize this document? 18 A. Yes, ma'am. 19 Q. So this is the responses you and your 20 counsel submitted in response to requests for 21 production; is that correct? 22 A. Yes, ma'am.</p>	<p>1 BY MS. HUNKER: 2 Q. And do you have an ETA on when that 3 supplementation will take place? 4 A. No, ma'am, I don't. 5 Q. All right. So in this request, you're 6 asked for any documents or communications received 7 from the offices of the Texas Secretary of State, 8 the Texas Attorney General, and any other state 9 entity regarding implementation or enforcement of 10 Section 14 of House Bill 3107, or House Bill 3107 11 in general. 12 As you can see in your response -- let 13 me first state, did I read that correctly? 14 A. Yes, ma'am. 15 Q. And as you can see in your response, you 16 offer nine pages of documents titled BEXAR0001 17 through BEXAR0009; is that correct? 18 A. I think so, yes, ma'am. 19 Q. Okay. We're going to pull that up. 20 MS. HUNKER: And that's going to be 21 Exhibit Number 9. 22 (Callanen Deposition Exhibit 9 was</p>

65 (Pages 257 to 260)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 261

1 marked for identification and attached to the  
 2 transcript.)  
 3 MS. HUNKER: If you can scroll down to  
 4 the highlighted text. I believe it's page 5 of 6.  
 5 BY MS. HUNKER:  
 6 Q. And so this is -- can you please --  
 7 before I start on the highlight text, what  
 8 document is this?  
 9 A. This is the Secretary of State's  
 10 interpretation or instructions for us on the 3107.  
 11 Q. So this is an election advisory; is that  
 12 correct?  
 13 A. Yes, ma'am.  
 14 Q. And these go out pretty regularly  
 15 throughout the year; is that correct?  
 16 A. As needed, yes, ma'am.  
 17 Q. Does this one focus on new bills that  
 18 were enacted through the course of the Texas  
 19 legislative sessions?  
 20 A. Yes. But, again, it's mainly for  
 21 clarification.  
 22 Q. Okay. Now, do you see the spot where it

Page 262

1 says, "House Bill 3107"?  
 2 A. Yes, ma'am.  
 3 Q. And can you please read the highlighted  
 4 text.  
 5 A. "Provides for a number of  
 6 non-substantive and minor substantive changes in  
 7 the Texas Election Code. The provisions affected  
 8 include the following changes."  
 9 Q. Do you agree that House Bill 3107 was  
 10 non-substantive and only had minor changes to the  
 11 election code?  
 12 A. Yes.  
 13 Q. All right. Thank you.  
 14 MS. HUNKER: You can take that document  
 15 down.  
 16 And if we can go back to the rogs, which  
 17 is Exhibit Number 7.  
 18 BY MS. HUNKER:  
 19 Q. While we're waiting for that to go up,  
 20 we had talked a little bit about you providing  
 21 supplementation for some of your requests for  
 22 production.

Page 263

1 Have you started the process of  
 2 gathering information for that supplementation?  
 3 A. No, I have not.  
 4 Q. Okay. Thank you.  
 5 MS. HUNKER: And if we can go down to  
 6 the response to Rog Number 7.  
 7 BY MS. HUNKER:  
 8 Q. So Interrogatory Number 7 asked you to  
 9 state the number of voter registration  
 10 applications Bexar County received from the  
 11 Department of Public Safety each year between the  
 12 years of 2016 and 2021.  
 13 Did I read that correctly?  
 14 A. Yes, ma'am.  
 15 Q. And I see that you provided a list of  
 16 numbers regarding the number of voter registration  
 17 applications that Bexar County received; is that  
 18 correct?  
 19 A. Correct.  
 20 Q. And are these numbers accurate?  
 21 A. Not based on what we received yesterday  
 22 from our vendor.

Page 264

1 Q. Okay.  
 2 A. Okay.  
 3 Q. So which one do you think would have the  
 4 most accurate information?  
 5 A. The information I received last night.  
 6 Q. Okay. So when we were looking at the  
 7 spreadsheet, that would be the appropriate  
 8 document to refer to?  
 9 A. Yes.  
 10 Q. Thank you.  
 11 MS. HUNKER: All right. You can put  
 12 that down. Thank you.  
 13 BY MS. HUNKER:  
 14 Q. In your personal life, have you used a  
 15 stylus to form a digital signature?  
 16 A. Yes, ma'am.  
 17 Q. Did it look the same as the signature  
 18 you used when you're writing in a pen?  
 19 A. Nowhere near.  
 20 Q. Would you say it's not as accurate as  
 21 the signature you use when you're writing in a  
 22 pen?

66 (Pages 261 to 264)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 265	Page 267
<p>1 A. That would be an accurate statement, 2 yes, ma'am.</p> <p>3 Q. Okay. And we talked a little bit 4 earlier about voting by mail. And so when a 5 person submits an ABBM, or an application to vote 6 by mail, they're providing a wet signature; is 7 that correct?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. And when they're actually submitting 10 their mail-in ballot, they're also providing a wet 11 signature; is that correct?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And you had mentioned that the mail-in 14 ballot would go to the signature verification 15 committee, assuming the county has one; is that 16 correct?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And does Bexar County have a signature 19 verification committee?</p> <p>20 A. We've combined it with the early ballot 21 board because we have the computerized system for 22 them now.</p>	<p>1 signatures would be on the carrier envelope or on 2 their ABBM. We didn't specifically go back to the 3 voter registration signature. 3107 states to go 4 back to the voter registration signature.</p> <p>5 Q. Okay. If the signatures do not match, 6 is that ballot rejected?</p> <p>7 A. The early ballot board, yes, ma'am.</p> <p>8 Q. So it's important that the signature 9 provided on the registration be as accurate as 10 possible; is that correct?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And would you agree with me that a wet 13 signature on the voter registration form, as 14 opposed to one done by stylus, is a more accurate 15 depiction of the one that would be on the 16 application to vote by mail and on the mail-in 17 ballot?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Thank you.</p> <p>20 So the early voting balloting board can 21 look at a variety of signatures, is that correct, 22 in addition to the registration form?</p>
Page 266	Page 268
<p>1 Q. Okay. And so the signature on the 2 mail-in ballot would appear either before the 3 signature verification committee or the early 4 voting ballot board?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And they look first to match the mail-in 7 ballot signature with the application to vote by 8 mail; is that correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And if that signature does not align, 11 they look to previous signatures that were given 12 by the voter?</p> <p>13 A. The presiding judge of that ballot board 14 does, yes, ma'am.</p> <p>15 Q. Okay. And that would include, in many 16 cases, the signature -- the signature that was 17 provided on the voter registration form; is that 18 correct?</p> <p>19 A. Yes, ma'am. 3107 has changed it in that 20 prior to that we were allowed to go back to the 21 six last signatures we had on file. And for 22 someone who was voting continuously by mail, those</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Which type of voters would not 3 have many other signatures by which the early 4 voting balloting board can compare?</p> <p>5 A. I mean, at first blush, it would be like 6 someone who's voted by mail for the first time, 7 who's just turned 65 and is eligible. That would 8 be one of the first things.</p> <p>9 Q. Do you think that would also include 10 college students who are applying to vote by mail 11 for the first time because they are now abroad or 12 away, out of state?</p> <p>13 A. Yes, that could, absolutely.</p> <p>14 Q. So would you agree with me that in the 15 case of a college student, it's more important 16 that the voter registration form have the most 17 accurate signature possible?</p> <p>18 A. Yes, I would say that for all 19 applications.</p> <p>20 Q. So DPS, does that allow you to capture a 21 signature through a stylus or a digital signature 22 as opposed to a wet signature?</p>

67 (Pages 265 to 268)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 269	Page 271
<p>1 A. Again, I don't know. I haven't been to 2 DPS recently.</p> <p>3 Q. All right. You had talked about earlier 4 the Texas Association of Election Administrators; 5 is that correct?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And are you a member?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. How long have you been a member?</p> <p>10 A. Since 2005.</p> <p>11 Q. And in your words, what is the purpose 12 of the Texas Association of Election 13 Administrators?</p> <p>14 A. Well, number 1, it's the sharing -- 15 number 1, it's our sharing of processes and being 16 able to talk with like-minded people. But we've 17 also earned the respect of the legislation and the 18 Secretary of State's office where they will 19 consult us and listen as we testify on various and 20 sundry options.</p> <p>21 Q. Would you agree that the Texas 22 Association of Election Administrators seeks to</p>	<p>1 Q. And the Texas Association of Election 2 Administrators wouldn't support legislation that 3 they thought burdened the right to vote; 4 correct --</p> <p>5 A. Right.</p> <p>6 Q. -- even if they might have to implement 7 it later on?</p> <p>8 A. Correct.</p> <p>9 Q. Are you familiar with Vote.org?</p> <p>10 A. Partially.</p> <p>11 Q. In what way?</p> <p>12 A. I seem to have been challenged or sued 13 by them in the past, dare I say. I don't know how 14 to say that diplomatically.</p> <p>15 Q. It's a good way to get acquainted with 16 someone, to get new friends.</p> <p>17 Are you familiar with the app that 18 Vote.org seeks to use to register voters?</p> <p>19 A. No, no. And, again, is Vote.org the 20 group that did the 2018 faxing of the applications 21 in? If that's who it is, then I've seen the end 22 result of that, but if they were not involved in</p>
Page 270	Page 272
<p>1 ensure that Texas elections are run smoothly and 2 successfully?</p> <p>3 A. That sounds nice, but I think each 4 county is different. And I think that that 5 statement lies at the Secretary of State's office 6 more than the Texas Association of Election 7 Administrators.</p> <p>8 Q. What about when they're advocating for 9 bills? Do you think then that they would be 10 trying to enact -- or push for legislation that 11 would help Texas elections run smoothly and 12 successfully?</p> <p>13 A. The easy answer would be yes, but 14 sometimes we are at odds with the people who are 15 making the laws. Sometimes our suggestions or 16 policies are not looked at as being helpful.</p> <p>17 Q. At the very least, you don't think that 18 the Texas Association of Election Administrators 19 would support legislation that made it, let's say, 20 harder for voters to register to vote?</p> <p>21 A. We would not support it, but if it 22 passed, we have to implement it.</p>	<p>1 this, then I'd have to say no.</p> <p>2 Q. I was not personally there so I could 3 not state for certain whether the applications you 4 received were them.</p> <p>5 A. Okay.</p> <p>6 Q. I can only say that in their complaint, 7 that they do talk about submitting applications in 8 2018.</p> <p>9 So you don't understand the technology 10 that was used?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Okay. And outside of the incident in 13 2018, assuming it was Vote.org, you haven't seen 14 individuals apply to vote in Bexar County using 15 the Vote.org app; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Have you had any communications with 18 Vote.org or a representative from Vote.org about 19 voter registration efforts?</p> <p>20 A. Does the serving of the lawsuit count?</p> <p>21 Q. Probably not.</p> <p>22 A. Okay. Then, Kassi [sic], I would say</p>

68 (Pages 269 to 272)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 273	Page 275
<p>1 no.</p> <p>2 Q. Have you had any communications with</p> <p>3 Vote.org or a representative from Vote.org about</p> <p>4 its voter registration app?</p> <p>5 A. No, ma'am.</p> <p>6 Q. And has Vote.org ever inquired as to how</p> <p>7 it could comply with the Texas election code when</p> <p>8 registering voters?</p> <p>9 A. I know that they have spoken up at the</p> <p>10 legislature, but -- when I've been up there, I</p> <p>11 know that they're participants. I can't speak to</p> <p>12 what their particular subjects were, but they are</p> <p>13 active. I will give them they are very active for</p> <p>14 all the right reasons.</p> <p>15 Q. I want to talk a little bit about what</p> <p>16 happened in 2018.</p> <p>17 You first mentioned that someone from an</p> <p>18 organization approached you; is that correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And what was that discussion about?</p> <p>21 A. Just that they -- it was -- it was a</p> <p>22 woman that came in, and, I'm sorry, I don't</p>	<p>1 about handwriting on people, but even in large</p> <p>2 elections when we get to the presidential, people</p> <p>3 will go to Texas Online as the window is closing</p> <p>4 for registration and they will apply, fill out the</p> <p>5 application.</p> <p>6 But whether the resolution on their</p> <p>7 computer is not set, they miss the button that</p> <p>8 says they have to print it and mail it in. So on</p> <p>9 our provisional ballots, you'll see a lot of</p> <p>10 people who will say, well, I registered at</p> <p>11 Texas.org, I registered at Texas Online.</p> <p>12 And we have to tell them, I'm sorry,</p> <p>13 that didn't happen, that you had to have printed</p> <p>14 that and mailed it in to us. Those are sort of</p> <p>15 tough conversations we have when people come in</p> <p>16 after we sent them the reject letter on the</p> <p>17 provisional. Because they were sure that they had</p> <p>18 registered to vote. And they were mainly from</p> <p>19 other states who have online voter registration.</p> <p>20 So it seemed intuitive to them.</p> <p>21 Q. So for Texas Online, the voter does have</p> <p>22 to submit a wet signature after they fill in the</p>
<p>Page 274</p> <p>1 remember her name, and was telling us basically</p> <p>2 about this win/win proposal that would help us,</p> <p>3 that there was this new venture, that this</p> <p>4 organization was going to assist in voter</p> <p>5 registration and that, again, we would get</p> <p>6 readable -- absolutely -- that it would be typed,</p> <p>7 readable applications.</p> <p>8 Which as -- you've heard me say before</p> <p>9 how some we're getting are not very readable, and</p> <p>10 that's why we've all been pushed for online voter</p> <p>11 registration for years. So for us it would have</p> <p>12 been a win/win situation. And so it was a very</p> <p>13 congenial conversation and a very congenial</p> <p>14 meeting because the possibilities were endless.</p> <p>15 Q. Quickly taking a tangent, you talked</p> <p>16 about Texas Online.</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. That was an option of being able to</p> <p>19 register to vote online?</p> <p>20 A. Correct, but it's -- Texas does not have</p> <p>21 online voter registration. And that's been -- I</p> <p>22 want to say the bane of our existence. I talk</p>	<p>Page 276</p> <p>1 information?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And did you assume, when you were</p> <p>4 talking to this representative, that the</p> <p>5 applications would be coming in with a wet</p> <p>6 signature?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. I assume then that the representative</p> <p>9 did not specify that the applications would be</p> <p>10 instead with a digital signature; is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay.</p> <p>13 A. And if I may add, Kathleen, when we</p> <p>14 spoke -- when I spoke to the person, I guess like</p> <p>15 we were the first contact they made when they had</p> <p>16 come into the state. And after they had spoken to</p> <p>17 us, they were going to go to Austin and talk to</p> <p>18 the Secretary of State's office about this.</p> <p>19 Q. Okay. But you knew, when they were</p> <p>20 talking about their program, that there would need</p> <p>21 to be a wet signature attached to these</p> <p>22 applications?</p>

69 (Pages 273 to 276)

Page 277

1 A. Yes, ma'am. That's been the policy.  
 2 Q. So that policy was not new.  
 3 A. It had not changed.  
 4 Q. So you received a bunch of applications;  
 5 is that correct?  
 6 A. Yes, ma'am.  
 7 Q. And they came in through the fax  
 8 machine?  
 9 A. Yes, ma'am.  
 10 Q. Now, you mentioned that all the  
 11 signatures looked alike; is that correct?  
 12 A. I won't say all.  
 13 Q. A lot of them?  
 14 A. A lot, yes, ma'am.  
 15 Q. In what way?  
 16 A. Again, I can't -- the closest thing I  
 17 can say, Kathleen, is that when we're all on the  
 18 computers and we hit the button at the top that  
 19 says "italics," it looks like it's a different  
 20 printing. And it's not your block letters, it's  
 21 not your Times Roman and all that kind of stuff.  
 22 But when you hit "italics," it just sort of shifts

Page 279

1 but, in fact, a font, would make it more inducive  
 2 to commit fraud had they been accepted?  
 3 A. Again -- I mean, again, I would love to  
 4 say yes, but I don't know that the system is set  
 5 up that way. If they were registered to vote,  
 6 again, and they voted in person, very rarely, and  
 7 I mean very rarely, do we match the signatures  
 8 from the people who voted in person to anything we  
 9 have on file in our voter registration database.  
 10 That's only if someone is challenged and we get  
 11 that signature.  
 12 Likewise, on the voting by mail. Prior  
 13 to SB1, the only signatures that had to match  
 14 would have been the signature on the ABBM and the  
 15 mail ballot application. And so the early ballot  
 16 board would have no reason to check the signature  
 17 that was on the voter registration card prior to  
 18 where we are now.  
 19 I'm sorry. That was a long-winded  
 20 answer.  
 21 Q. No, that's fine. I want you to be as  
 22 accurate as possible.

Page 278

1 it and you have more of letters that are in script  
 2 form.  
 3 Q. Okay. So this didn't even look like it  
 4 was a stylus signature -- or signature formed by a  
 5 stylus?  
 6 A. Correct.  
 7 Q. It looks like it was a type of font?  
 8 A. Correct.  
 9 Q. And I think you described this as the  
 10 signature looked embedded.  
 11 A. That was the phrase I used, yes, ma'am.  
 12 Q. Okay. In the event one of these  
 13 prospective voters had attempted to vote by mail,  
 14 do you think that those signatures would have been  
 15 useful as a comparison for the signature match  
 16 component?  
 17 A. Again, I can't speak to that. We would  
 18 have had that, but the early ballot board would be  
 19 the one that would need the signature on the  
 20 application and the mail ballot.  
 21 Q. Okay. Do you think that the fact that  
 22 they looked like they were not done by stylus,

Page 280

1 Do you think that the implications would  
 2 be strongest for vote by mail?  
 3 A. Yes, ma'am.  
 4 Q. So I'm a little confused regarding one  
 5 of the answers you provided opposing counsel  
 6 earlier in the deposition.  
 7 We had talked about how you anticipated  
 8 there was going to be a wet signature when these  
 9 applications were received; correct?  
 10 A. Correct.  
 11 Q. And you could tell pretty quickly that  
 12 they were not original wet signatures; correct?  
 13 A. Yes, ma'am.  
 14 Q. And so from that point, you knew you had  
 15 to reject those applications; is that correct?  
 16 A. Yes, ma'am.  
 17 Q. And so your phone call with the  
 18 Secretary of State was not dispositive on that  
 19 point; correct?  
 20 A. Correct.  
 21 Q. So you would have made that decision  
 22 before or in lieu -- or regardless of the

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 281	Page 283
<p>1 conversation with the Secretary of State?</p> <p>2 A. Yes.</p> <p>3 Q. So you mentioned that you joined the</p> <p>4 phone call or conference call with the Secretary</p> <p>5 of State's office.</p> <p>6 Do you know who was on the conference</p> <p>7 call?</p> <p>8 A. No, ma'am. I don't remember back that</p> <p>9 far.</p> <p>10 Q. That's fine.</p> <p>11 Was it just you or were there other</p> <p>12 counties on this conference call?</p> <p>13 A. There were other counties.</p> <p>14 Q. So this was not targeted directly at</p> <p>15 Bexar County; this was more of a general</p> <p>16 conversation?</p> <p>17 A. Correct.</p> <p>18 Q. All right. Jackie, do you mind if I</p> <p>19 take a quick five-minute break to review my notes</p> <p>20 to make sure I didn't miss anything? But I should</p> <p>21 be nearly done.</p> <p>22 A. No, that would be fine.</p>	<p>1 Section 14?</p> <p>2 A. I honestly don't know. I would really</p> <p>3 have to go back and look.</p> <p>4 Q. Okay. Would you -- if you did object to</p> <p>5 any of the language, would you have articulated</p> <p>6 that to the Texas Association of Election</p> <p>7 Administrators?</p> <p>8 A. Absolutely.</p> <p>9 Q. You had talked a little bit earlier with</p> <p>10 opposing counsel regarding possibility of fraud in</p> <p>11 Bexar County.</p> <p>12 I believe you mentioned that there were</p> <p>13 some instances, although you did not describe it</p> <p>14 as systematic; is that correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Would you agree that -- is your</p> <p>17 definition including all election misconduct or</p> <p>18 specifically the type of impersonation?</p> <p>19 A. Ours is mainly the by-mail process.</p> <p>20 Q. Okay. So you think that the biggest</p> <p>21 vulnerability for fraud comes from voting by mail?</p> <p>22 A. Anecdotally here in Bexar County, yes,</p>
<p>Page 282</p> <p>1 THE VIDEOGRAPHER: Stand by. The time</p> <p>2 is 4:11 p.m. We're going off the record.</p> <p>3 (Recess from the record.)</p> <p>4 THE VIDEOGRAPHER: The time is 4:16 p.m.</p> <p>5 and we're back on the record.</p> <p>6 BY MS. HUNKER:</p> <p>7 Q. Hello, Jackie. Did you have a good</p> <p>8 break?</p> <p>9 A. I got to answer a couple of e-mails.</p> <p>10 Q. So I have only a handful questions and</p> <p>11 then I'll be able to pass you off.</p> <p>12 So I just want to talk quickly a little</p> <p>13 bit about the passage of HB3107.</p> <p>14 Specifically, did you have a chance to</p> <p>15 see the language before the bill was passed?</p> <p>16 A. Yes. Many iterations of it, yes, ma'am.</p> <p>17 Q. And did you have any objections to the</p> <p>18 bill when it came before you?</p> <p>19 A. There were some. I would have to go</p> <p>20 back and look at my notes because we were active</p> <p>21 participants in this.</p> <p>22 Q. Were any of them in relation to</p>	<p>Page 284</p> <p>1 ma'am.</p> <p>2 Q. Okay.</p> <p>3 MS. HUNKER: I think that's all I have.</p> <p>4 I'm going to pass the witness.</p> <p>5 MR. GREEN: And, actually, just briefly,</p> <p>6 can I get one thing onto the record while we're</p> <p>7 still on?</p> <p>8 There were some questions about</p> <p>9 supplementation of discovery production. And I</p> <p>10 just wanted to point out on the record that we did</p> <p>11 serve a supplemental discovery response on all</p> <p>12 parties on December 17th. And I believe that that</p> <p>13 substantially completed our production as to</p> <p>14 RFP -- Plaintiff's RFP 1 and Interrogatory 1 in</p> <p>15 this case.</p> <p>16 So I just -- I know that I pestered</p> <p>17 Jackie for a lot of information over the last few</p> <p>18 months related to this case and others, and so she</p> <p>19 may not remember which request related to which</p> <p>20 case or which request, but I just wanted to get</p> <p>21 that on the record.</p> <p>22 MS. HUNKER: Thank you, Counsel.</p>

71 (Pages 281 to 284)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 285	Page 287
<p>1 Counsel, are you anticipating any</p> <p>2 additional supplementations?</p> <p>3 MR. GREEN: I think that we produced</p> <p>4 information that substantially completed our</p> <p>5 ability to identify the signature issues that led</p> <p>6 to applications being marked incomplete from</p> <p>7 January 1st, 2018, to present. So I don't</p> <p>8 anticipate that we're going to have further</p> <p>9 supplementation on that point beyond the</p> <p>10 spreadsheet that we sent around on December 17th.</p> <p>11 But, of course, we can discuss that further, if</p> <p>12 needed.</p> <p>13 MS. HUNKER: All right. Thank you.</p> <p>14 THE VIDEOGRAPHER: Is anybody else going</p> <p>15 to ask questions or are we completed?</p> <p>16 MS. YUKEVICH: I just have a few more</p> <p>17 questions, if you don't mind. It shouldn't take</p> <p>18 more than 10, 15 minutes.</p> <p>19 Sorry, Jackie, to keep you.</p> <p>20 THE WITNESS: My God.</p> <p>21 MS. YUKEVICH: I know. I'm back and I'm</p> <p>22 so sorry. But I promise it's much shorter than</p>	<p>1 Kathleen about how you at this point couldn't</p> <p>2 recall any complaints about wet signatures on</p> <p>3 voter registration applications; is that right?</p> <p>4 A. Right.</p> <p>5 Q. Okay. And I just want to be clear.</p> <p>6 How did you search for those complaints</p> <p>7 in your preparation for your deposition today?</p> <p>8 A. I spoke with my staff.</p> <p>9 Q. Okay.</p> <p>10 A. I spoke with my VR staff.</p> <p>11 Q. So you spoke with your voter</p> <p>12 registration staff before coming here today?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And how long were you those</p> <p>15 conversations, approximately?</p> <p>16 A. I mean, we probably sat in a room for</p> <p>17 about an hour.</p> <p>18 Q. Okay.</p> <p>19 A. And talked and laughed and said, do you</p> <p>20 remember if we did this or didn't do this? But</p> <p>21 nothing rose to the level to be a complaint. Yes,</p> <p>22 there was a lot of frustration on the part of the</p>
<p>Page 286</p> <p>1 our last --</p> <p>2 THE WITNESS: If I may, though, please,</p> <p>3 if we can wrap this up, Kassi. Because at 5:30, I</p> <p>4 have to meet with the state legislatures on a Zoom</p> <p>5 call on SB1.</p> <p>6 MS. YUKEVICH: Fair.</p> <p>7 THE WITNESS: So I can make that one;</p> <p>8 right?</p> <p>9 MS. YUKEVICH: Yes, yes, I anticipate --</p> <p>10 absolutely.</p> <p>11 THE WITNESS: Thank you. I just had to</p> <p>12 say that.</p> <p>13 MS. YUKEVICH: Of course. I understand.</p> <p>14 And you've been very generous with your time and</p> <p>15 so -- but I just want to go back through and ask a</p> <p>16 few questions.</p> <p>17 One was going to be about the</p> <p>18 supplemental production, Robert, so I think as</p> <p>19 long as we confirm that Kathleen has it.</p> <p>20 EXAMINATION BY COUNSEL FOR THE PLAINTIFF (CONT'D)</p> <p>21 BY MS. YUKEVICH:</p> <p>22 Q. My first question is, you talked to</p>	<p>Page 288</p> <p>1 VR processors on items that they had to deal with</p> <p>2 and interactions with some of the voters, but it</p> <p>3 didn't -- in my opinion, it didn't rise to the</p> <p>4 level of complaints.</p> <p>5 Q. Okay. Any frustrations related to the</p> <p>6 need to have a wet-ink signature come up in those</p> <p>7 conversations?</p> <p>8 A. No. Again, Kassi, it's more the</p> <p>9 frustration of when they had to make contact with</p> <p>10 a voter, no matter how or why. And mainly it was</p> <p>11 from the -- I don't want to be an ageist here, but</p> <p>12 it was from the younger generations who were more</p> <p>13 tech savvy and that they felt the frustration that</p> <p>14 they had to do everything the old-fashioned way,</p> <p>15 so to speak. But, again, it never -- we never got</p> <p>16 complaints in writing or it just didn't rise to</p> <p>17 that level.</p> <p>18 Q. Okay. But those -- to be clear, those</p> <p>19 concerns were coming into your office from voters</p> <p>20 about needing to sign.</p> <p>21 A. Yes. And not --</p> <p>22 Q. And those concerns -- I'm sorry --</p>

72 (Pages 285 to 288)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: center;">Page 289</p> <p>1 (Unintelligible cross talk.)</p> <p>2 A. And not tons. I'm sorry.</p> <p>3 Q. It's okay.</p> <p>4 And those concerns were about needing to</p> <p>5 sign a voter registration application --</p> <p>6 A. Yes.</p> <p>7 Q. -- a need to print it and sign it; is</p> <p>8 that right?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And you said -- do you keep written</p> <p>11 records when voters call into the office to</p> <p>12 complain about those types of issues?</p> <p>13 A. We keep written records, but, again,</p> <p>14 it's subjective to how the voter processor feels</p> <p>15 or what -- you know, what they're being told or</p> <p>16 how they're being spoken to, that kind of thing.</p> <p>17 I'm sorry to say that I've had to, in the past few</p> <p>18 years, give my processors permission, when someone</p> <p>19 will raise their voice and start using language at</p> <p>20 them, to tell them that they don't deserve to be</p> <p>21 spoken to like that and I'm ending the call.</p> <p>22 So, you know, I'll get -- I had to walk</p>	<p style="text-align: center;">Page 291</p> <p>1 written record of; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So I have just a few questions.</p> <p>4 I want to make sure that I remember to ask them</p> <p>5 all.</p> <p>6 Oh, the other thing is, you did mention,</p> <p>7 when you were talking to Kathleen, that you do</p> <p>8 send out individual voter registration</p> <p>9 applications to voters, printed voter registration</p> <p>10 applications to voters?</p> <p>11 A. Yes.</p> <p>12 Q. And do people call and ask for those?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And has -- do they ever provide -- do</p> <p>15 you keep a log of the reasons that people might</p> <p>16 call and ask for those applications to be sent to</p> <p>17 them?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Do you expect it's possible that many of</p> <p>20 those people don't have a printer, for example?</p> <p>21 A. Yes. I mean, I never thought about it.</p> <p>22 I never -- you know, if we -- and the other way we</p>
<p style="text-align: center;">Page 290</p> <p>1 away. They'll put the phone down and they had to</p> <p>2 walk away. But they don't write that down. I</p> <p>3 mean, that's just a -- it's allowing them to deal</p> <p>4 with getting rid of some stress or from some</p> <p>5 disrespect that came across the phone.</p> <p>6 Q. Sure. And if --</p> <p>7 A. But we don't track that. Maybe we</p> <p>8 should. Your suggestion. Should we start</p> <p>9 tracking that --</p> <p>10 Q. I want to be clear -- I'm not making any</p> <p>11 suggestions. I'm just trying to make sure that we</p> <p>12 exhausted our possibilities for search here. If,</p> <p>13 for example, someone calls your office and says,</p> <p>14 for example, I don't have a printer, it's the day</p> <p>15 before the voter registration, how am I supposed</p> <p>16 to register to vote?, that's not something that</p> <p>17 you would write down on like a log, for example.</p> <p>18 A. Correct, correct.</p> <p>19 Q. Someone would take that call; right?</p> <p>20 A. Yeah.</p> <p>21 Q. Someone would speak to that voter;</p> <p>22 right? But it's not something you would keep a</p>	<p style="text-align: center;">Page 292</p> <p>1 do it is if they call, we say, go to our website</p> <p>2 and download one.</p> <p>3 Q. So sometimes when people call and they</p> <p>4 ask for a voter registration application, your</p> <p>5 office directs them to download a voter</p> <p>6 registration application?</p> <p>7 A. Right. And when we get to that last day</p> <p>8 of registration, Kassi -- like January 31st, if we</p> <p>9 get those calls that you were just saying, you</p> <p>10 know, I need to register to vote, our suggestion</p> <p>11 to them is to go to our website, download it, fill</p> <p>12 it out and get it postmarked by close of business</p> <p>13 today because we accept the applications here in</p> <p>14 Texas if they've been postmarked by the day for</p> <p>15 registration.</p> <p>16 Q. Okay.</p> <p>17 A. So that's just a lot of back-and-forth</p> <p>18 with them.</p> <p>19 Q. Okay. And to be clear, you -- if we're</p> <p>20 reaching a point -- sorry. I just want to make</p> <p>21 sure I ask this correctly.</p> <p>22 It can take some time, right -- so if</p>

73 (Pages 289 to 292)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

<p style="text-align: right;">Page 293</p> <p>1 someone calls and asks your office for a printed 2 application or asks the state for a printed 3 application to be sent to them, it takes some time 4 to get to them in the mail; right? 5 A. Oh, sure. 6 Q. So if someone doesn't have the ability 7 to print a voter registration application on the 8 last day of voter registration, they can come to 9 your office; is that correct? 10 A. Yes, ma'am. 11 Q. Do you only have one office? 12 A. Yes, ma'am. 13 Q. Bexar County is pretty big; right? 14 A. Or, again, we direct them to -- if they 15 have a library close by. There are other options 16 for them to get applications around the county. 17 Q. But they would have to physically go 18 somewhere to get that application; correct? 19 A. Correct, yes, ma'am. 20 Q. Because the mail wouldn't get to them in 21 time? 22 A. Correct.</p>	<p style="text-align: right;">Page 295</p> <p>1 ten days past the deadline. It's painfully slow 2 for us to get records from the Secretary of 3 State's office. Because if someone goes to Texas 4 Online, when they fold it up, it says mail it to 5 the Secretary of State's office if they don't 6 catch the part that says, here, find the county of 7 your residence and mail it directly there. 8 So they go to the Secretary of State's 9 office, and then they wade through them and sort 10 them by county and send us either big cardboard 11 boxes of registration cards or large stuffed 12 envelopes that come in well past the deadline. 13 Q. Okay. 14 A. But that's not the post office's fault. 15 Q. Okay. I want -- I do want to ask one 16 question about that. 17 So you talked with Kathleen about the 18 voter registration application that a voter can 19 download from the Secretary of State's website. 20 And you also talked with Kathleen -- and you also 21 talked with Kathleen about the fact that from the 22 Secretary of State, the state will -- you can</p>
<p style="text-align: right;">Page 294</p> <p>1 Q. All right. And that's true for a few 2 days before the voter registration deadline; is 3 that correct? 4 A. Correct. 5 Q. Okay. And have you experienced 6 recently -- or at any point in your time as an 7 election administrator, have you experienced 8 delays in the mail? 9 A. I'm sorry. I'm only smiling. The 10 delays that we see -- I mean, I am very, very 11 proud of our post office. That whole 2020, the 12 post office wasn't working, not a problem here. 13 That may be because we were directly across the 14 street from one of the main post offices. 15 But, however, as we speak to those -- 16 and the reason I smiled is the main delay that we 17 receive that gets us every election is when we 18 receive the voter registration cards that have 19 been mailed straight to the Secretary of State's 20 office in Austin. 21 They meet the deadline up there, but we 22 usually don't receive our packet of cards for like</p>	<p style="text-align: right;">Page 296</p> <p>1 request that the state mail you a voter 2 registration application; is that right? 3 A. Correct. 4 Q. And when the state mails you a voter 5 registration application, that voter registration 6 card, is that return address the state? Is 7 that -- does that go back to the Secretary of 8 State in Austin? 9 A. Yes, ma'am. 10 Q. Okay. So if someone five days before 11 the voter registration deadline requests a voter 12 registration application from the Secretary of 13 State and it makes it to them and they postmark it 14 to Austin, if it doesn't get to you by the voter 15 registration deadline, does that mean that they've 16 missed the deadline? 17 A. No, ma'am. If it's gotten into the 18 Secretary of State's office by the deadline -- 19 they are the head of the elections in the state of 20 Texas, so it's deemed acceptable up there. 21 Q. Okay. 22 A. And then -- so it meets all those</p>

74 (Pages 293 to 296)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 297	Page 299
<p>1 deadlines.</p> <p>2 Q. Okay. Do you keep -- I just want to go</p> <p>3 back -- thank you for clarifying.</p> <p>4 I do just want to go back to the voter</p> <p>5 registration applications that your office will</p> <p>6 mail out. You said you didn't keep records of</p> <p>7 when people call and ask.</p> <p>8 Do you keep records of how many you send</p> <p>9 out?</p> <p>10 A. No, no, ma'am. No, again, it's an</p> <p>11 ongoing -- it's an ongoing process.</p> <p>12 Q. Of course.</p> <p>13 And you -- you mentioned that -- you</p> <p>14 talked to Kathleen about people calling in and</p> <p>15 being confused about the fact that they had filled</p> <p>16 out a voter registration application through what</p> <p>17 you've called Texas Online and that that voter --</p> <p>18 they didn't understand that they needed to print</p> <p>19 it and sign it and mail it; is that right?</p> <p>20 A. Correct.</p> <p>21 Q. And do you get those kinds of calls</p> <p>22 every election?</p>	<p>1 Q. Sure.</p> <p>2 A. They felt that there's a higher level of</p> <p>3 integrity necessary for the voting process.</p> <p>4 Q. To be clear -- okay.</p> <p>5 But if someone were to sign a piece of</p> <p>6 paper with a pen, like a plain piece of paper with</p> <p>7 a pen, take a picture of that signature and</p> <p>8 include it with their online voter registration</p> <p>9 application, you would not have those same</p> <p>10 concerns; is that right?</p> <p>11 A. Again, personally I would not, but</p> <p>12 legally we could not do that because even -- even</p> <p>13 now in Texas, one of the frustrating things -- to</p> <p>14 your point, Kassi, one of the frustrating things</p> <p>15 we see is that -- again, not to be an ageist, but</p> <p>16 so many of the younger generation, when they're</p> <p>17 coming in to vote and they have to produce their</p> <p>18 photo ID, they're handing their cell phones to our</p> <p>19 election workers because they've scanned in their</p> <p>20 driver's license and it's like, here it is.</p> <p>21 But the state will not allow us to</p> <p>22 accept that at the poll sites. So I just wanted</p>
Page 298	Page 300
<p>1 A. Yes, ma'am, I'm sorry to say.</p> <p>2 Q. And you mentioned earlier in our</p> <p>3 conversation and in your conversation with</p> <p>4 Kathleen that you are in favor of online voter</p> <p>5 registration --</p> <p>6 A. Oh, please.</p> <p>7 Q. -- is that correct?</p> <p>8 A. Yes, please.</p> <p>9 Q. And we walked through the reasons for</p> <p>10 that, but I will -- one of the things that we've</p> <p>11 talked about is -- and you sort of talked about is</p> <p>12 that a stylus, you know, signature doesn't always</p> <p>13 necessarily, in your opinion, look like your</p> <p>14 wet-ink signature; is that right?</p> <p>15 A. Correct.</p> <p>16 Q. Do you think that there are some that</p> <p>17 function better than others?</p> <p>18 A. I do. I mean, obviously people are</p> <p>19 using them in stores and for purchases and</p> <p>20 everything, but, again, as I spoke, our voters</p> <p>21 here did not like it when we were using the</p> <p>22 signature pads.</p>	<p>1 to see that -- again, what you would want to do</p> <p>2 and want to accept, and this is logical, it isn't</p> <p>3 legal yet. It's still antiquated here in Texas.</p> <p>4 Q. Sure. I understand. I'm not asking you</p> <p>5 to speak about what's legal now and what the rule</p> <p>6 is now.</p> <p>7 But just, in general, if someone were to</p> <p>8 sign a plain piece of paper and scan their</p> <p>9 signature, that does not present the same concerns</p> <p>10 to you as an election administrator as like</p> <p>11 signing with a stylus, for example; is that right?</p> <p>12 A. Right.</p> <p>13 MS. YUKEVICH: I don't think that I have</p> <p>14 any more -- oh, I do have one more question.</p> <p>15 I am so sorry, Jackie.</p> <p>16 So can we pull up what we called the</p> <p>17 Exhibit K -- wait. No, hold on. Let me just make</p> <p>18 sure. Exhibit L. It's Exhibit L. And Kathleen</p> <p>19 referred to it as another...</p> <p>20 THE VIDEOGRAPHER: Stand by.</p> <p>21 MS. YUKEVICH: That's the spreadsheet.</p> <p>22 THE VIDEOGRAPHER: Well, Exhibit L we</p>

75 (Pages 297 to 300)

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 301

1 marked is with the parentheses 1 --

2 MS. YUKEVICH: Okay. Then Exhibit N is

3 the Excel spreadsheet then; right?

4 THE VIDEOGRAPHER: Yes, correct.

5 MS. YUKEVICH: Cool. Can we do that?

6 THE VIDEOGRAPHER: Absolutely. Stand

7 by. Let me get the spreadsheet up.

8 MS. YUKEVICH: Thanks, Dan.

9 THE VIDEOGRAPHER: No worries. Here we

10 go.

11 BY MS. YUKEVICH:

12 Q. Okay. I just want to be clear because I

13 was a little confused during your conversation

14 with Kathleen.

15 So these bottom numbers -- so for 2022,

16 for example, you've already had 31,667. That's

17 what that total number is at the bottom. That's

18 not -- that is -- that's not new voter

19 registrations, is it?

20 A. Right. This is transactions.

21 Q. Right. So any type of -- so address

22 change could be included in that; correct?

Page 302

1 A. Uh-huh.

2 Q. Name change could be included in that;

3 correct?

4 A. Correct.

5 Q. And it's just not clear from the

6 spreadsheet which is which.

7 In this spreadsheet -- sorry, Jackie.

8 Just to be clear.

9 This spreadsheet doesn't differentiate

10 between -- say of those 20,940 transactions at

11 DPS, it doesn't break down further new

12 registrants, name changes, address changes; right?

13 A. You're right, it does not.

14 Q. Okay. I just wanted to clarify.

15 MS. YUKEVICH: I think that that is all

16 I have. I don't know if other folks plan to ask

17 questions. What I will say --

18 Sorry, Kathleen. I saw you unmute.

19 MS. HUNKER: Yeah, I have one question I

20 want to ask.

21

22

Page 303

1 EXAMINATION BY COUNSEL FOR THE STATE INTERVENOR

2 (CONT'D)

3 BY MS. HUNKER:

4 Q. You were talking -- we had talked

5 earlier about groups that go out and help with

6 voter registration; correct?

7 A. I'm sorry. I missed the beginning of

8 that, Kathleen.

9 Q. We spoke earlier about groups that aided

10 in the voter registration process?

11 A. Yes, ma'am.

12 Q. Do any of those groups, to your

13 knowledge, deliver the applications to people's

14 homes if they request them?

15 A. Yes, I'm sure they do. I'm sure they

16 do. Because we have a lot of commonplace that --

17 referred to as block walkers. And they knock on

18 people's doors and they have applications with

19 them that they're ready to hand to someone if

20 they're not registered to vote.

21 Q. And these block walkers, are they

22 organized through the county?

Page 304

1 A. No, ma'am. No, ma'am. Through

2 campaigns, organizations, all of that.

3 Q. So if a voter needed an application to

4 register to vote in a fast manner, they could

5 contact these organizations?

6 A. I'm sure they do. Yes, ma'am.

7 MS. HUNKER: Thank you.

8 No further questions.

9 MS. YUKEVICH: So before we go off the

10 record, I did want to say --

11 Robert, this is sort of largely for you,

12 but I am going to pose it while everyone is here.

13 I did just want to say that because we had so many

14 new documents come up today that we haven't been

15 able to review and a few still forthcoming, code

16 sheets and things like that, I do just want to

17 hold the deposition open so that we have a chance

18 to review those documents.

19 We might need to -- Jackie, what that

20 means is we might need to come back a different

21 day for a short period of time. I'm so sorry. I

22 am not the person --

2/2/2022

Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

Page 305

1 MR. GREEN: I don't think we have much  
 2 time left, but I understand.  
 3 MS. YUKEVICH: Okay.  
 4 MS. HUNKER: Would it be helpful then,  
 5 if there had to be a follow-up deposition, it  
 6 occurred after the primary?  
 7 THE WITNESS: Oh, please. Thank you.  
 8 Thank you.  
 9 THE VIDEOGRAPHER: All right. Any more  
 10 statements for the record?  
 11 MR. HARRIS: We could possibly discuss  
 12 that. I'll just note that our discovery period  
 13 ends on March 4th. So if there is an additional  
 14 conversation, it would have to occur before  
 15 March 4th unless we stipulated otherwise.  
 16 MR. STOOL: I wasn't going to turn the  
 17 video on when I ask this question --  
 18 (Unintelligible cross-talk.)  
 19 MS. YUKEVICH: Sorry, Ben, are you  
 20 trying to speak on the record? We're hearing a  
 21 lot of cross talk.  
 22 THE VIDEOGRAPHER: All right. I just

Page 306

1 need to know should we go off the video record for  
 2 today, or do you have anything else you would like  
 3 to put on the record?  
 4 MS. YUKEVICH: I don't have anything  
 5 else to put on the record. I will say, like what  
 6 my colleague said, we won't be able to commit to a  
 7 particular date on the record now, but we'll hold  
 8 the deposition open. We can go off the record for  
 9 today, but we need to hold it open with the new  
 10 documents that we received and anticipate  
 11 receiving.  
 12 THE VIDEOGRAPHER: Okay. Stand by while  
 13 we go off and close the record for today.  
 14 The time is 4:40 p.m. on February 2nd,  
 15 2022. We are going off the record, completing  
 16 today's video-recorded session.  
 17 (Off the record at 4:40 p.m.)  
 18  
 19  
 20  
 21  
 22

Page 307

1 STATE OF MARYLAND )  
 2 ss:  
 3 COUNTY OF MONTGOMERY )  
 4  
 5 I, Matthew Goldstein, Notary Public  
 6 within and for the State of Maryland, do hereby  
 7 certify:  
 8 That I reported the proceedings in the  
 9 within entitled matter, and that the within  
 10 transcript is a true record of said proceedings.  
 11 I further certify that I am not related  
 12 to any of the parties to the action by blood or  
 13 marriage, and that I am in no way interested in  
 14 the outcome of this matter.  
 15 IN WITNESS WHEREOF, I have hereunto set  
 16 my hand this 15th day of February, 2022.  
 17  
 18  
 19  
 20  
 21  
 22

\_\_\_\_\_  
 Matthew Goldstein, RMR, CRR

Page 308

1 Jacquelyn Callanen 30(b)(6), c/o  
 2 BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE  
 3 101 W. Nueva, 7th Floor  
 4 San Antonio, Texas 78201  
 5  
 6 Case: Vote.org v. Jacquelyn Callanen, et al.  
 7 Date of deposition: February 2, 2022  
 8 Deponent: Jacquelyn Callanen 30(b)(6)  
 9  
 10 Please be advised that the transcript in the above  
 11 referenced matter is now complete and ready for signature.  
 12 The deponent may come to this office to sign the transcript,  
 13 a copy may be purchased for the witness to review and sign,  
 14 or the deponent and/or counsel may waive the option of  
 15 signing. Please advise us of the option selected.  
 16 Please forward the errata sheet and the original signed  
 17 signature page to counsel noticing the deposition, noting the  
 18 applicable time period allowed for such by the governing  
 19 Rules of Procedure. If you have any questions, please do  
 20 not hesitate to call our office at (202)-232-0646.  
 21  
 22 Sincerely,  
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Vote.org v. Jacquelyn Callanen, et al. Jacquelyn Callanen 30(b)(6)

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3  
4 SIGNATURE PAGE  
Case: Vote.org v. Jacquelyn Callanen, et al.  
5 Witness Name: Jacquelyn Callanen 30(b)(6)  
Deposition Date: February 2, 2022

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

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

15  
16 \_\_\_\_\_  
17 DATE WITNESS SIGNATURE

18  
19 \_\_\_\_\_  
20 DATE NOTARY  
21  
22

1 Digital Evidence Group, LLC  
2 1730 M Street, NW, Suite 812  
3 Washington, D.C. 20036  
4 (202)232-0646

5  
6 ERRATA SHEET

7  
8 Case: Vote.org v. Jacquelyn Callanen, et al.  
9 Witness Name: Jacquelyn Callanen 30(b)(6)  
10 Deposition Date: February 2, 2022  
11 Page No. Line No. Change

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

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

VOTE.ORG, )  
Plaintiff, )  
-vs- )  
JACQUELYN CALLANEN, in )  
her official capacity as )  
the Bexar County )  
Elections Administrator, ) Case No.  
et al., ) 5:21-cv-649-JKP-HJB  
Defendants, )  
and )  
KEN PAXTON, in his )  
official capacity as )  
Attorney General of )  
Texas, et al., )  
Intervenor- )  
Defendants. )

---

VIDEOTAPED RULE 30(b)(6) DEPOSITION OF  
DEFENDANT BRUCE ELFANT  
BY AND THROUGH HIS DESIGNEES  
GRETCHEN NAGY AND BRUCE ELFANT  
AND  
VIDEOTAPED ORAL DEPOSITION OF  
GRETCHEN NAGY AND BRUCE ELFANT  
IN THEIR PERSONAL CAPACITIES  
FEBRUARY 9, 2022  
9:05 A.M. CT  
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

Page 3

1 (All Counsel and Participants present via Zoom  
2 videoconference due to COVID-19 Restrictions.)  
3 APPEARANCES:  
4 ELIAS LAW GROUP LLP  
5 BY: KATHRYN YUKEVICH, ESQUIRE  
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Attorneys for Defendant Bruce Elfant, in  
his official capacity as Travis County Tax  
Assessor-Collector and The Witnesses,  
Gretchen Nagy and Bruce Elfant

Page 2

1 February 9, 2022  
2 Videotaped Rule 30(b)(6) Deposition of  
3 Defendant Bruce Elfant, By and Through His  
4 Designees Gretchen Nagy and Bruce Elfant and  
5 Videotaped Oral Deposition of Gretchen Nagy  
6 and Bruce Elfant, in their personal  
7 capacities, reported remotely via Zoom  
8 Videoconference by Debra Sapio Lyons, a  
9 Registered Diplomat Reporter, a Certified  
10 Realtime Reporter, a Certified Realtime  
11 Captioner, a Certified LiveNote Reporter, an  
12 Approved Reporter of the United States  
13 District Court for the Eastern District of  
14 Pennsylvania, a Certified Court Reporter of  
15 the State of New Jersey and Notary Public of  
16 the States of New Jersey, Delaware, New York,  
17 the Commonwealth of Pennsylvania and The  
18 District of Columbia.  
19  
20  
21  
22

Page 4

1 APPEARANCES CONTINUED:  
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11 Elections Administrator  
12  
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20 Attorneys for Defendant Michael Scarpello,  
21 in his official capacity as the Dallas  
22 County Elections Administrator

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Paxton in his official capacity as Attorney  
General of Texas

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 5	<p>1 APPEARANCES CONTINUED: TEXAS PUBLIC POLICY FOUNDATION 2 BY: MUNERA AL-FUHAID, ESQUIRE 901 Congress Avenue 3 Austin, Texas 78701 512.472.2700 4 mal-fuhaid@texaspolicy.com Attorneys for Intervenor-Defendants Lupe 5 Torres, in their official capacity as Median County Elections Administrator and 6 Terrie Pendley, in her official capacity as Real County Tax Assessor-Collector</p> <p>7 8 ALSO PRESENT: BENJAMIN STOOL, ESQUIRE 9 DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE 10 JONATHAN STONE, ESQUIRE 11 ASSISTANT ATTORNEY GENERAL 12 TEXAS ATTORNEY GENERAL 13 OAG INTERVENOR</p> <p>14 15 LESLIE DIPPEL, ESQUIRE 16 DIRECTOR, CIVIL LITIGATION DIVISION 17 TRAVIS COUNTY ATTORNEY'S OFFICE</p> <p>18 19 SARA BOLTIN, PARALEGAL 20 TRAVIS COUNTY 21 JOSEPH CERDA, VIDEOGRAPHER/DOCUMENT TECH 22 DIGITAL EVIDENCE GROUP</p>	Page 7	
Page 6	<p>1 I N D E X 2 WITNESS PAGE 3 GRETCHEN NAGY 4 By Ms. Yukevich 13 5 By Ms. Hunker 190 6 By Ms. Yukevich 360 7 By Ms. Hunker 374 8 9 BRUCE ELFANT 10 By Ms. Yukevich 380 11 By Ms. Hunker 409 12 13 E X H I B I T S 14 NUMBER DESCRIPTION PAGE 15 Exhibit A, Plaintiff's Notice Of 26 Taking Deposition Of Defendant Bruce 16 Elfant Pursuant To Federal Rule Of Civil Procedure 30(b)(6) 17 18 Exhibit B, multi-page document titled 58 H.B. No. 3107 An Act 19 20 Exhibit D, Defendant Bruce Elfant 64 Objections and Responses To 21 Plaintiff's First Set of Requests For 22 Admission</p>	<p>1 E X H I B I T S, CONT 2 NUMBER DESCRIPTION PAGE 3 Exhibit C, Defendant Bruce Elfant's 75 Objections and Answers To Plaintiff's 4 First Set of Interrogatories 5 6 Exhibit O, Voter Registration 87 Statistics 7 8 Exhibit I, e-mail correspondence 159 bearing Numbers 302.2438 9 10 Exhibit K, e-mail correspondence 164 bearing Numbers 302.2461 11 12 Exhibit F, spreadsheet 166 13 14 Exhibit G, spreadsheet 177 15 16 Exhibit 1, Intervenor-Defendant Kex 194 Paxton's Cross-Notice of Intent To 17 Take Oral and Videotaped Deposition of Bruce Elfant, Pursuant to Rule 18 30(b)(6) 19 20 21 22</p>	Page 8
Page 8	<p>1 E X H I B I T S, CONT 2 NUMBER DESCRIPTION PAGE 3 Exhibit 2, multipage document titled 202 Election Code, Title 2. Voter 4 Qualifications and Registration, Chapter 20. Voter Registration 5 Agencies, Subchapter A. General Provisions 6 7 Exhibit 3, printout from website 215 titled Request for Voter Registration 8 Applications 9 10 Exhibit 15, Copy of Voter 224 Registration Statistics 2011-2022 (12 of 23) 11 12 13 Exhibit 10, Election Code, Title 3. 235 Election Officers And Observers, 14 Chapter 31. Officers To Administer Elections, Subchapter A. Secretary of 15 State 16 17 Exhibit 11, Defendant Bruce Elfant's 257 Objections and Answers To Plaintiff's 18 First Set of Interrogatories 19 20 Exhibit 14, e-mail correspondence 307 consisting of 20 pages 21 22</p>	Page 8	

2 (Pages 5 to 8)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 9	<p>1 EXHIBITS, CONT</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 Exhibit 18, Defendant Bruce Elfant 375</p> <p>4 Objections and Responses To</p> <p>5 Plaintiff's First Set of Requests For</p> <p>6 Admission</p> <p>7 Exhibit L, document titled 2/2/22 394</p> <p>8 (10:14 AM) Secretary Pablos Reminds</p> <p>9 Texans To Exercise Caution When</p> <p>10 Registering To Vote</p> <p>11 Exhibit 4, tweet from Austin ISD 414</p> <p>12 Exhibit 5, tweet from Travis County 418</p> <p>13 Tax (Longhorns)</p> <p>14 Exhibit 7, tweet from Travis County 420</p> <p>15 Tax (Deputy Registrar)</p> <p>16 Exhibit 9, tweet from Travis County 425</p> <p>17 Tax (Registration Rate)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	Page 11	<p>1 Ken Paxton. Along with me is my</p> <p>2 co-counsel, Corey Scanlon.</p> <p>3 MS. AL-FUHAID: Munera Al-Fuhaid.</p> <p>4 I represent Intervenor Defendant, Terrie</p> <p>5 Pendley, Real County Tax</p> <p>6 Assessor-Collector; and Intervener</p> <p>7 Defendant Lupe Torres, Medina County</p> <p>8 Elections Administrator.</p> <p>9 MR. LOPEZ: And Daniel Lopez here</p> <p>10 for Remi Garza, Cameron County Elections</p> <p>11 Administrator.</p> <p>12 MR. GREEN: And I'm Robert Green.</p> <p>13 I represent Bexar County Elections</p> <p>14 Administrator Jacquelyn Callanen.</p> <p>15 MS. NICHOLAS: Barbara Nicholas. I</p> <p>16 represent Defendant Scarpello Dallas</p> <p>17 County's Elections Administrator.</p> <p>18 MS. VEIDT: And for the record, I'm</p> <p>19 joined today also by my paralegal Sara</p> <p>20 Boltin.</p> <p>21 THE REPORTER: Counsel, before</p> <p>22 swearing in the witness, I have a</p>
Page 10	<p>1 THE VIDEOGRAPHER: We are now</p> <p>2 beginning this deposition. Today is</p> <p>3 February 9th, 2022. The time on the video</p> <p>4 record is 9:05 a.m.</p> <p>5 This is the video deposition of</p> <p>6 Ms. Gretchen Nagy, taken in the matter of</p> <p>7 Vote.org versus Jacquelyn Callanen, et al.</p> <p>8 Will counsel please identify</p> <p>9 themselves for the record and whom they</p> <p>10 represent.</p> <p>11 MS. YUKEVICH: Yes. My name is</p> <p>12 Kathryn Yukevich. I represent Plaintiff,</p> <p>13 Vote.org. And I'm joined today by my</p> <p>14 colleague, Meaghan Mixon.</p> <p>15 MS. VEIDT: Cynthia Veidt. I</p> <p>16 represent Defendant Bruce Elfant, Tax</p> <p>17 Assessor-Collector for Travis County; and</p> <p>18 the two witnesses who are being presented</p> <p>19 today as their corporate representative,</p> <p>20 Gretchen Nagy and Bruce Elfant.</p> <p>21 MS. HUNKER: My name is Kathleen</p> <p>22 Hunker. I represent the State Intervenor,</p>	Page 12	<p>1 statement to put on the record.</p> <p>2 The attorneys participating in this</p> <p>3 deposition acknowledge that due to the</p> <p>4 severity of COVID-19 and following the</p> <p>5 practices of social distancing, I am not</p> <p>6 physically present in the deposition room</p> <p>7 and that I will be swearing in the witness</p> <p>8 and reporting this deposition remotely.</p> <p>9 Do all parties stipulate to the</p> <p>10 validity of this remote swearing and</p> <p>11 remote reporting via video conference and</p> <p>12 that it will be admissible in the</p> <p>13 courtroom as if it had been taken</p> <p>14 following Rule 30 and other rules of the</p> <p>15 Federal Rules of Civil Procedures?</p> <p>16 I would ask you to state your name</p> <p>17 and your agreement, please.</p> <p>18 MS. VEIDT: Cynthia Veidt, we're in</p> <p>19 agreement.</p> <p>20 MS. HUNKER: Kathleen Hunker, we</p> <p>21 are in agreement.</p> <p>22 MS. YUKEVICH: Kathryn Yukevich,</p>

3 (Pages 9 to 12)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 13	Page 15
1 we're in agreement.	1 representative today?
2 MS. AL-FUHAID: Munera Al-Fuhaid,	2 MS. YUKEVICH: Of course.
3 we're in agreement.	3 MS. VEIDT: We stipulated that that
4 MR. GREEN: Robert Green, we're in	4 would be the time period of January 1,
5 agreement.	5 2016 to the present.
6 MR. LOPEZ: Dan Lopez, we're in	6 MS. YUKEVICH: That's correct.
7 agreement.	7 MS. VEIDT: Thank you.
8 THE REPORTER: Thank you.	8 THE REPORTER: Before we go
9 MS. MIXON: Meaghan Mixon, we're in	9 ahead --
10 agreement.	10 MS. YUKEVICH: Of course.
11 THE REPORTER: Thank you.	11 THE REPORTER: -- Ms. Nagy, I'm
12 GRETCHEN NAGY, having been first	12 going to ask you to get closer to your
13 duly sworn, was examined and testified as	13 mic.
14 follows:	14 THE WITNESS: Okay.
15 THE REPORTER: Thank you.	15 THE REPORTER: Thank you.
16 You may proceed.	16 BY MS. YUKEVICH:
17 MS. YUKEVICH: Thanks.	17 Q. And so, Ms. Nagy, I'm going to go
18 EXAMINATION	18 over just a few things about today's deposition.
19 BY MS. YUKEVICH:	19 The first thing I'm just going to
20 Q. Good morning, Ms. Nagy. How are	20 ask you before we begin is: Have you ever been
21 you doing today?	21 deposited before?
22 A. Doing well, thank you.	22 A. I have not.
Page 14	Page 16
1 Q. Great. So my name is Kathy	1 Q. Okay. So we're in a virtual
2 Yukevich. I represent Plaintiff Vote.org in	2 deposition world, and so it is a little bit
3 this matter.	3 different than if we were all able to be
4 And I would just ask, I know we've	4 together in person in Travis County. And so I'm
5 done it a few times already, but if you can just	5 going to ask you some questions that might seem
6 state your full name for the record.	6 strange but are necessary for the sort of
7 A. Gretchen Nagy.	7 virtual deposition COVID-19 world that we are
8 Q. Great. And, Ms. Nagy, what is your	8 living in.
9 business address?	9 So the first thing that I do want
10 A. 5501 Airport Boulevard, Austin	10 to ask you is: Did you bring anything with you
11 78751.	11 to your deposition today?
12 Q. Okay. And what is your title?	12 A. No, just -- just some notes, maybe
13 A. Director of Voter Registration for	13 just some little things that I had written up in
14 Travis County.	14 preparation. That's it.
15 Q. Okay. So --	15 Q. Okay. So I would just ask that you
16 MS. VEIDT: Kathryn --	16 not refer to any of your handwritten notes today
17 BY MS. YUKEVICH:	17 during the deposition, that you sort of -- I
18 Q. -- I'm going to start --	18 know -- I think that your attorney is in the
19 MS. YUKEVICH: Yes?	19 room with you, I'll ask you to confirm that
20 MS. VEIDT: Quickly, can we get our	20 later, but that you just not refer to any notes
21 stipulations on the record related to the	21 that you brought or documents that you brought
22 time period for preparing our corporate	22 during the deposition today.

4 (Pages 13 to 16)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 17	Page 19
<p>1 A. Yes.</p> <p>2 Q. Great. It's okay. No. No. No.</p> <p>3 It's completely fine.</p> <p>4 So I just -- I do want to go over</p> <p>5 some ground rules today.</p> <p>6 Of course, because of COVID-19, I'm</p> <p>7 not in the room with you. We established that</p> <p>8 multiple times already. So your deposition is,</p> <p>9 obviously, video recorded as we're all</p> <p>10 participating in this deposition virtually.</p> <p>11 Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And since this deposition is</p> <p>14 taking place remotely over video conference, I'm</p> <p>15 just going to ask that you do your very best to</p> <p>16 turn off your cell phone or e-mail notifications</p> <p>17 that might pop up on your computer. It is just</p> <p>18 much more difficult to sort of be focused and in</p> <p>19 the room when we're not, you know, all together.</p> <p>20 Do you agree that that's all right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And can I ask, what address</p>	<p>1 A. No.</p> <p>2 Q. Okay. So because we are taking</p> <p>3 your deposition remotely, I may not always be</p> <p>4 able to see what you have in front of you or who</p> <p>5 may enter the room while you are testifying.</p> <p>6 So I do just want to make sure that</p> <p>7 you understand that it would not be appropriate</p> <p>8 for your attorney or Mr. Elfant or anyone else</p> <p>9 to tell you how to answer a particular question.</p> <p>10 Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And do you agree that while</p> <p>13 you're testifying today, that you won't exchange</p> <p>14 communications, whether by text, e-mail, written</p> <p>15 note, other messaging about how to answer my</p> <p>16 question?</p> <p>17 A. Yes.</p> <p>18 Q. Great. I will also ask that your</p> <p>19 mic remain on while we are on the record. I</p> <p>20 understand that sometimes there are background</p> <p>21 noises. That's something we have to deal with</p> <p>22 in the --</p>
<p>Page 18</p> <p>1 are you located at for this deposition?</p> <p>2 A. We're located downtown. What's the</p> <p>3 address here?</p> <p>4 MS. VEIDT: We are located in the</p> <p>5 Granger Building, which is at 311 West</p> <p>6 11th Street, Austin, Texas 78701.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. Okay. And I understand, Ms. Nagy,</p> <p>9 that you have Cynthia Veidt in the room with</p> <p>10 you; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. And is there anyone else in</p> <p>13 the room with you today?</p> <p>14 MS. VEIDT: Yes, Bruce Elfant is</p> <p>15 also here.</p> <p>16 MS. YUKEVICH: Okay. Sorry. So I</p> <p>17 would just ask the Witness to answer.</p> <p>18 BY MS. YUKEVICH:</p> <p>19 Q. Is there anyone else in the room</p> <p>20 with you today?</p> <p>21 A. Yes, yes. Bruce Elfant, yes.</p> <p>22 Q. Okay. And anyone else?</p>	<p>Page 20</p> <p>1 A. Yes.</p> <p>2 Q. -- virtual deposition realm.</p> <p>3 And I am able to hear Ms. Veidt,</p> <p>4 your attorney. Normally, I would ask that her</p> <p>5 mic stay on, too, but there would be some</p> <p>6 feedback today because you're in the room</p> <p>7 together. My microphone will also remain on</p> <p>8 while we are on the record.</p> <p>9 I will proffer to you and to the</p> <p>10 rest of the folks on the deposition today that I</p> <p>11 am at home. I do have a dog. He sometimes</p> <p>12 barks. It came up in our last deposition. So</p> <p>13 if that happens and you're in the middle of an</p> <p>14 answer, I apologize. I might just mute myself</p> <p>15 then and then I will also ask to go off the</p> <p>16 record to be able to calm him down.</p> <p>17 And I do apologize if that happens,</p> <p>18 but we're just --</p> <p>19 A. That is fine.</p> <p>20 Q. -- in Arlington, Virginia. We're</p> <p>21 in a small space. And we're just sort of</p> <p>22 making --</p>

5 (Pages 17 to 20)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 21	Page 23
<p>1 A. Yes.</p> <p>2 Q. -- the best with -- with what we</p> <p>3 can do today. So I do want to apologize in</p> <p>4 advance to you if that does happen.</p> <p>5 A. Okay.</p> <p>6 Q. So I'm sure that you have sort of</p> <p>7 talked generally about what a deposition is, but</p> <p>8 I just wanted to flag:</p> <p>9 So this is a deposition, so I'm</p> <p>10 going to ask questions and you'll answer them.</p> <p>11 And, of course, the court reporter will take</p> <p>12 down your questions and answers.</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And so your answers need to</p> <p>16 be audible to ensure an accurate record of the</p> <p>17 deposition exists, so -- and I'm sure that you</p> <p>18 know this already, but there's no nodding or</p> <p>19 shaking of your head in response.</p> <p>20 And if we can do our best, I will</p> <p>21 do my best, you will do your best to avoid</p> <p>22 saying things like umm-umm, uh-uh, so that the</p>	<p>1 deposition.</p> <p>2 So when I found, you know, taking</p> <p>3 these, that if I'm speaking and you're speaking,</p> <p>4 you know, the software won't capture what we're</p> <p>5 both saying.</p> <p>6 And so if you can do your absolute</p> <p>7 best not to, you know, talk over me. I know you</p> <p>8 might know where I'm going with a question and</p> <p>9 want to be helpful, but if you'll just let me</p> <p>10 finish my question, and I will do my absolute</p> <p>11 best to let you finish your answers today.</p> <p>12 Does that make sense?</p> <p>13 A. Yes, it does.</p> <p>14 Q. Great. So your answers are under</p> <p>15 oath, and that means that you're swearing to</p> <p>16 their truthfulness and accuracy. So the oath</p> <p>17 that you just took today has the same effect as</p> <p>18 if you were testifying in court.</p> <p>19 Do you understand that?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Okay. So if any of my questions at</p> <p>22 any point are unclear to you, please just let me</p>
<p>1 court reporter might accurately capture your</p> <p>2 answers.</p> <p>3 Do you understand?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Great. And nodding your head</p> <p>6 answering "yes" is perfectly fine, so don't care</p> <p>7 about that.</p> <p>8 What -- the other thing is, if you</p> <p>9 can do your best, I know Debra has asked you</p> <p>10 already, just to stay, you know, close to your</p> <p>11 microphone and to speak up. You're not -- I can</p> <p>12 hear you, but if you can just sort of do your</p> <p>13 best to do that during the deposition, it'll</p> <p>14 make it a lot easier for everyone.</p> <p>15 A. Yes. Okay.</p> <p>16 Q. Okay. Sorry. I told -- warned you</p> <p>17 this was just a little bit longer than a normal</p> <p>18 deposition context.</p> <p>19 So we will ask that you please wait</p> <p>20 for me to finish my questions before you answer,</p> <p>21 largely for the sake of the court reporter, but</p> <p>22 this is especially important during a video</p>	<p>1 know, and I will try to clarify.</p> <p>2 I will just say if you answer a</p> <p>3 question, I will assume that you understood the</p> <p>4 question.</p> <p>5 Does that sound fair?</p> <p>6 A. Yes, it does.</p> <p>7 Q. Okay. And your attorney may object</p> <p>8 to some of my questions. It's totally possible.</p> <p>9 It's happened before. And those objections are</p> <p>10 for the judge to consider. So unless your</p> <p>11 attorney instructs you not to answer, you may</p> <p>12 answer my questions, unless you're, you know,</p> <p>13 specifically told not to do so by your attorney.</p> <p>14 Do you understand that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Okay. And then after the</p> <p>17 deposition, the court reporter, Debra who is</p> <p>18 here, will reduce your testimony into written</p> <p>19 form, which you'll be provided, and you'll have</p> <p>20 the opportunity to read that transcript and</p> <p>21 correct any inaccuracies.</p> <p>22 Does that make sense?</p>

6 (Pages 21 to 24)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 25	Page 27
<p>1 A. Yes, it does.</p> <p>2 Q. Okay. And so, finally, I will ask,</p> <p>3 if you need to take a break at any time for any</p> <p>4 reason, please say so. Your attorney is also --</p> <p>5 I know you guys are in a room together. She's</p> <p>6 able to ask for a break as well. I'm going to</p> <p>7 do my absolute best to give you a break about</p> <p>8 every hour or so.</p> <p>9 I know that depositions can be</p> <p>10 tiring and staring at a screen can, you know, be</p> <p>11 even more tiring. So I'll do my absolute best</p> <p>12 to make this a comfortable experience.</p> <p>13 If you do need a break, just feel</p> <p>14 free to let me know. But if there's a question</p> <p>15 pending, you know, if I have asked you, "What is</p> <p>16 your name," I would just, you know, like that</p> <p>17 you answer that question before we take that</p> <p>18 break.</p> <p>19 Does that make sense?</p> <p>20 A. Yes, it does.</p> <p>21 Q. Great. So now, I'm going to ask</p> <p>22 you some questions about your ability to testify</p>	<p>1 BY MS. YUKEVICH:</p> <p>2 Q. Great. So do you recognize this</p> <p>3 document, Ms. Nagy?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. Can you just tell me what it</p> <p>6 is?</p> <p>7 A. It's -- well, it's the suit. The</p> <p>8 document, I believe, it was received -- I don't</p> <p>9 know when it was received. I can't see the</p> <p>10 whole thing, but I have seen it.</p> <p>11 Q. Okay. So this -- so this is our</p> <p>12 deposition notice. This is the Notice Of</p> <p>13 Deposition that we sent in order to take your</p> <p>14 deposition today. You are right, that it is a</p> <p>15 court document.</p> <p>16 MS. YUKEVICH: If we could just</p> <p>17 scroll down to the list of topics. Yeah,</p> <p>18 if we can keep going.</p> <p>19 Here we go, to Deposition Topics.</p> <p>20 BY MS. YUKEVICH:</p> <p>21 Q. So have you seen this list of</p> <p>22 deposition topics?</p>
Page 26	Page 28
<p>1 today.</p> <p>2 So are -- is there anything that</p> <p>3 might impair your ability or stop you from</p> <p>4 testifying accurately or truthfully during</p> <p>5 today's deposition?</p> <p>6 A. There is not.</p> <p>7 Q. Great. And have you taken any</p> <p>8 medication, alcohol, that would impair your</p> <p>9 testimony today?</p> <p>10 A. No, there is not.</p> <p>11 Q. Okay.</p> <p>12 MS. YUKEVICH: So now, I'll ask our</p> <p>13 court reporter and Joe to mark what's been</p> <p>14 premarked as Deposition Exhibit A, and if</p> <p>15 we could just display that on the screen.</p> <p>16 I know we were looking at it just a moment</p> <p>17 ago for a test.</p> <p>18 (Exhibit A, Plaintiff's Notice Of</p> <p>19 Taking Deposition Of Defendant Bruce</p> <p>20 Elfant Pursuant To Federal Rule Of Civil</p> <p>21 Procedure 30(b)(6), is marked for</p> <p>22 identification.)</p>	<p>1 A. Yes, I have.</p> <p>2 Q. Okay. And do you understand that</p> <p>3 you're appearing today pursuant to this</p> <p>4 deposition notice?</p> <p>5 A. Yes, I do.</p> <p>6 Q. Okay. So you have been designated</p> <p>7 to take this deposition pursuant to Rule</p> <p>8 30(b)(6) of the Federal Rules of Civil</p> <p>9 Procedure.</p> <p>10 I'm just going to explain what that</p> <p>11 means. So that means, and I'm sure that you</p> <p>12 know this, that your testimony today is on</p> <p>13 behalf of the Travis County Tax</p> <p>14 Assessor-Collector Bruce Elfant.</p> <p>15 Do you understand that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. You understand that that means it's</p> <p>18 on behalf of, you know, the Travis County Tax</p> <p>19 Assessor-Collector and the office of the Travis</p> <p>20 County Tax Assessor-Collector?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And so have you reviewed</p>

7 (Pages 25 to 28)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 29	Page 31
<p>1 each of these deposition topics?</p> <p>2 A. Yes, I have.</p> <p>3 Q. Okay. And do you understand that</p> <p>4 you've been designated to testify today with</p> <p>5 respect to each of these topics except for</p> <p>6 Topic 4 and Topic 6?</p> <p>7 A. Yes, that is my understanding.</p> <p>8 Q. Okay.</p> <p>9 MS. YUKEVICH: We can take this</p> <p>10 document down.</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. Okay. So if you could just please</p> <p>13 presume today that when I'm asking my questions,</p> <p>14 I'm asking you to speak on behalf of the Travis</p> <p>15 County Tax Assessor-Collector and his office.</p> <p>16 And do you understand that the</p> <p>17 answers that you give today are binding on that</p> <p>18 office?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Okay. And so you are also being</p> <p>21 deposed as an individual, so I'll do my best to</p> <p>22 be clear if at any point I'm asking you to speak</p>	<p>1 with -- with counsel, just to clarify, and</p> <p>2 talking through with the Tax Assessor as well.</p> <p>3 Q. Okay. So I understand that you</p> <p>4 spoke to your counsel. You don't need to tell</p> <p>5 me anything that you and your counsel discussed.</p> <p>6 I do want to be clear about that. I appreciate</p> <p>7 that you haven't done that so far.</p> <p>8 But -- so you also spoke to</p> <p>9 Mr. Elfant; is that correct?</p> <p>10 A. Uh-huh. Yes, I did.</p> <p>11 Q. Great. And did you speak to anyone</p> <p>12 else in your office to prepare for this</p> <p>13 deposition today?</p> <p>14 A. Only to collect information from</p> <p>15 some staff that --</p> <p>16 Q. Okay.</p> <p>17 A. -- I did request information.</p> <p>18 Q. Okay. So can you tell me -- let's</p> <p>19 start with Mr. Elfant. How long did you spend</p> <p>20 speaking with him about the -- about your</p> <p>21 deposition testimony today?</p> <p>22 A. We probably have spent</p>
<p>Page 30</p> <p>1 in your individual capacity, you know, about</p> <p>2 your background or history, but -- and if you're</p> <p>3 ever confused about that, please just ask me to</p> <p>4 clarify before you respond.</p> <p>5 Does that make sense?</p> <p>6 A. Yes, it does.</p> <p>7 Q. Okay. And if you don't ask, I</p> <p>8 will, for the sake of this deposition, assume</p> <p>9 that you understand the capacity in which you're</p> <p>10 being asked to speak.</p> <p>11 Does that make sense?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. So this is a very long way</p> <p>14 to get started in the deposition. I really</p> <p>15 appreciate you bearing with me through all of</p> <p>16 that. It is longer now that we're on Zoom.</p> <p>17 And so I will -- we can just sort</p> <p>18 of hop right into it.</p> <p>19 Can you just give me an overview of</p> <p>20 what you did to prepare for today's deposition?</p> <p>21 A. I reviewed the documents that you</p> <p>22 showed and walked through those documents</p>	<p>Page 32</p> <p>1 approximately six hours --</p> <p>2 Q. Okay.</p> <p>3 A. -- broken over several days.</p> <p>4 Q. Okay. And you said that -- you</p> <p>5 mentioned that you requested information from</p> <p>6 some staff?</p> <p>7 A. Yes.</p> <p>8 Q. Can you just give me the names of</p> <p>9 those staff members that you requested</p> <p>10 information from?</p> <p>11 A. I requested information from Amanda</p> <p>12 Katzer.</p> <p>13 Q. Okay.</p> <p>14 A. And also from Monica Johns.</p> <p>15 THE REPORTER: I'm sorry. I didn't</p> <p>16 hear that.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. I'm sorry. Can you --</p> <p>19 A. Amanda Katzer and the second one is</p> <p>20 Monica Johns.</p> <p>21 Q. Okay. And what is Ms. Katzer's</p> <p>22 role in the Tax Assessor-Collector's office?</p>

8 (Pages 29 to 32)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 33	Page 35
<p>1 A. She is a business analyst who --</p> <p>2 she is the manager of the database, voter</p> <p>3 registration database system.</p> <p>4 Q. Okay. What's the name of that</p> <p>5 system?</p> <p>6 A. It is TotalVote, which is by BPro.</p> <p>7 Q. By what? I'm sorry?</p> <p>8 A. BPro is the -- BPro is the company.</p> <p>9 (Background interruption.)</p> <p>10 THE REPORTER: Could I ask if</p> <p>11 anyone is not on the screen, if they could</p> <p>12 mute.</p> <p>13 Thank you.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. Okay. And Ms. Johns, what is her</p> <p>16 title in the office?</p> <p>17 A. She's our office manager.</p> <p>18 Q. Okay. Understood. Did you speak</p> <p>19 to -- and how long did you speak to Ms. Katzer?</p> <p>20 A. Over the whole period of time,</p> <p>21 maybe -- maybe an hour --</p> <p>22 Q. All right.</p>	<p>1 know, still sort of ever present. So I</p> <p>2 apologize that we -- we do have to do this over</p> <p>3 Zoom.</p> <p>4 A. I know.</p> <p>5 Q. Are you able to hear me okay?</p> <p>6 A. Yes.</p> <p>7 Q. Great. So we were speaking earlier</p> <p>8 just about what you did to prepare for today's</p> <p>9 deposition and you mentioned that you spoke with</p> <p>10 Mr. Elfant, you spoke with -- I want to make</p> <p>11 sure I get their names correctly -- Ms. Katzer</p> <p>12 and Ms. Johns.</p> <p>13 Is that all? That's everyone you</p> <p>14 spoke to to prepare for today's deposition; is</p> <p>15 that correct?</p> <p>16 A. Yes, that is correct.</p> <p>17 Q. Okay. And can I -- not including</p> <p>18 your attorney, what did you speak with</p> <p>19 Mr. Elfant about?</p> <p>20 A. We just -- we just spoke about the</p> <p>21 items that were requested on topics and I just</p> <p>22 gave him an overview.</p>
<p>1 A. -- and --</p> <p>2 THE REPORTER: I'm sorry. I think</p> <p>3 we need to go off the record for a second</p> <p>4 to fix the audio.</p> <p>5 MS. YUKEVICH: Okay. Let's go off</p> <p>6 the record. No problem.</p> <p>7 THE VIDEOGRAPHER: We're now going</p> <p>8 off the video record. The time is 9:24 a.m.</p> <p>9 (A recess is held from 9:24 a.m. to</p> <p>10 9:28 a.m.)</p> <p>11 THE VIDEOGRAPHER: We are now going</p> <p>12 back on the video record. The time is</p> <p>13 9:28 a.m.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. All right. Ms. Nagy, thank you for</p> <p>16 bearing with us with the technology issue. If</p> <p>17 you can just speak as close as possible to your</p> <p>18 microphone, that's going to be really helpful.</p> <p>19 I know a deposition is already kind</p> <p>20 of nerve-racking and the tech issues don't help,</p> <p>21 but please don't worry. It's not your -- it's</p> <p>22 not anyone's fault. It's just COVID-19 is, you</p>	<p>1 Q. Okay. And what about Ms. Katzer,</p> <p>2 did you speak about the voter registration</p> <p>3 database?</p> <p>4 A. Yes, in reference to collecting the</p> <p>5 information, the data that was requested, I did</p> <p>6 request information from her.</p> <p>7 Q. Okay. And to be clear, that's the</p> <p>8 information that the State requested in their</p> <p>9 deposition notice. Is that what you're</p> <p>10 referring to?</p> <p>11 A. That is what I'm referring to.</p> <p>12 Q. And that's been provided to us</p> <p>13 today by your attorney; is that correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. Did you review -- did you</p> <p>16 speak with Ms. Katzer about anything else?</p> <p>17 A. No, I don't believe we -- there was</p> <p>18 anything else. We just talked about that</p> <p>19 information.</p> <p>20 Q. Okay. And what about Ms. Johns,</p> <p>21 what did you speak to her about?</p> <p>22 A. Well, I also collected information</p>

9 (Pages 33 to 36)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 37	Page 39
<p>1 from her because she monitors the, you know, 2 phone calls, incoming phone calls, and visits to 3 the -- to the office. And so I collected data 4 from her as well.</p> <p>5 Q. Okay. When you say -- let's just 6 break that down just a little bit.</p> <p>7 How long has Ms. Johns been with 8 the office?</p> <p>9 A. She has been there over eight 10 years.</p> <p>11 Q. For eight years, you said?</p> <p>12 A. Yes, over eight years.</p> <p>13 Q. Okay. Great. And so you said you 14 spoke to her. She monitors incoming phone 15 calls?</p> <p>16 A. That is correct.</p> <p>17 Q. Is she the only person that answers 18 the phone in the office?</p> <p>19 A. No, she is not.</p> <p>20 Q. Okay. How many other folks answer 21 the phone in the office, just a rough estimate?</p> <p>22 A. During election cycle, all staff</p>	<p>1 be asking you to clarify. Please don't feel bad 2 about that. I just -- just to make sure that 3 we're on the same page.</p> <p>4 Okay. So -- and does she -- when 5 phone calls come into your office -- I will ask 6 this just sort of upfront. When phone calls 7 come into your office, is there a log or a 8 written record of what those calls are about?</p> <p>9 A. No. Actually, the phone calls go 10 to the Tax Office call center first. And if 11 they merit rising to our division for more 12 clarification or more information, they are 13 routed to us. And during an election cycle, 14 a lot of times those phone calls come directly 15 to us. So it really depends on the cycle that 16 we are in. But we do not log each issue that is 17 addressed in a phone call.</p> <p>18 Q. All right. Do you -- who works in 19 the Tax Assessor-Collector's call office -- or 20 call center? I apologize.</p> <p>21 A. It's -- it's staff that are trained 22 on all of the different components of the Tax</p>
Page 38	Page 40
<p>1 can be logged in and answering phone calls, 2 including myself. When not in an election 3 cycle, four administrative assistants plus the 4 office manager generally answer the phone calls.</p> <p>5 Q. And Ms. Johns is the office 6 manager, right?</p> <p>7 A. Yes, yes.</p> <p>8 Q. Okay. And what do you -- what do 9 you define to be "the election cycle"?</p> <p>10 A. Probably a month before deadline 11 day and then following deadline day until 12 election. So about a two-month period.</p> <p>13 Q. Okay. And when you say "deadline 14 day," you mean voter registration deadline day; 15 right?</p> <p>16 A. Yes, correct, yes.</p> <p>17 Q. Okay. You're going to use a lot of 18 terms that seem very -- like, that are obvious 19 to many people, but I just -- just to make sure 20 that we're on the same page, I'm going to just 21 ask you to clarify. And so you should feel free 22 to use the terms that you use, but I will just</p>	<p>1 Office, which include motor vehicle, property 2 tax, and voter registration.</p> <p>3 Q. Understood. How many folks work in 4 that Tax Assessor-Collector call center?</p> <p>5 A. I don't know the exact number 6 today. It's at least 10, maybe 12 staff.</p> <p>7 Q. Got it. And how do they determine 8 what merits coming to your office?</p> <p>9 A. If they need more research, because 10 they cannot view a lot of the information, they 11 can only view whether someone is registered, and 12 if there is more information that is needed, 13 they send it to us.</p> <p>14 Q. All right. And is there, like, 15 a -- is there, like, a handbook or, like, a 16 uniform training manual that they use to sort of 17 determine whether they can answer the call or 18 whether it should be sent to you all?</p> <p>19 A. No, only if they -- if they cannot 20 answer it. If it requires more information, 21 when did I register, when did my application 22 arrive, those types of things, they will forward</p>

10 (Pages 37 to 40)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 41	Page 43
<p>1 it to us.</p> <p>2 Q. All right. Did you talk to</p> <p>3 Ms. Johns about anything else?</p> <p>4 A. No, just to collect that information.</p> <p>5 Q. All right. And the staff</p> <p>6 assistants that you mentioned, they don't work</p> <p>7 in the call center, they're in the -- the Tax</p> <p>8 Assessor-Collector's office proper; is that</p> <p>9 right?</p> <p>10 A. They're in our Voter Registration</p> <p>11 Division.</p> <p>12 Q. Okay. I'll probably ask you just a</p> <p>13 little bit about that later.</p> <p>14 Did you review any documents in</p> <p>15 preparation for today's deposition?</p> <p>16 A. No, just simply the data that was</p> <p>17 requested and anything else that we might have</p> <p>18 provided already.</p> <p>19 Q. Okay. So you took a look at the</p> <p>20 discovery that was provided to Vote.org and to</p> <p>21 the State; is that right?</p> <p>22 A. Well, what we provided in the fall.</p>	<p>1 A. The spreadsheet, I did review the</p> <p>2 spreadsheet. I provided that.</p> <p>3 Q. Okay. Okay. I understand. Any</p> <p>4 other documents that you reviewed for your</p> <p>5 deposition today?</p> <p>6 A. No, just all -- just anything that</p> <p>7 was attached to the -- to the deposition that we</p> <p>8 had provided before.</p> <p>9 Q. Okay. So now, I'm going to ask --</p> <p>10 I'm going to shift gears a little bit. Thank</p> <p>11 you for answering all those questions. I'm</p> <p>12 going to ask you just about Travis County in</p> <p>13 general.</p> <p>14 Can you just tell me a little bit</p> <p>15 about Travis County. How big is it? Where is</p> <p>16 it?</p> <p>17 MS. VEIDT: Objection, scope of the</p> <p>18 deposition.</p> <p>19 BY MS. YUKEVICH:</p> <p>20 Q. You can answer.</p> <p>21 MS. VEIDT: You can --</p> <p>22 THE WITNESS: Okay.</p>
<p>1 Q. All right. Did you -- I want to</p> <p>2 ask now, so we received -- and I'll just make a</p> <p>3 sort of statement and I'll ask you a question</p> <p>4 about it.</p> <p>5 So we received a number of</p> <p>6 documents yesterday evening from Sara Boltin.</p> <p>7 So that included unredacted voter registration</p> <p>8 applications as well as some other documents. I</p> <p>9 will say, for the record, that because of the</p> <p>10 time that they arrived, I did not have the</p> <p>11 opportunity to review all of those documents</p> <p>12 before the deposition today.</p> <p>13 But did you review those documents</p> <p>14 as well in preparation for your deposition</p> <p>15 today?</p> <p>16 A. I did not review all of them. I</p> <p>17 generated one of them and -- but I'm aware of</p> <p>18 them.</p> <p>19 Q. Okay. Which document -- setting</p> <p>20 aside the voter registration application, did</p> <p>21 you review the other documents that were</p> <p>22 provided?</p>	<p>1 MS. VEIDT: You can answer the</p> <p>2 question.</p> <p>3 THE WITNESS: Okay. It's located</p> <p>4 in the central part of the state. It is</p> <p>5 the state capital. The capital city,</p> <p>6 Austin, is located here. So that's --</p> <p>7 we're in the hill country, right at the</p> <p>8 foot of the hill country, so...</p> <p>9 BY MS. YUKEVICH:</p> <p>10 Q. Perfect. And so maybe I should</p> <p>11 just be a little more clear.</p> <p>12 So in terms of population, is</p> <p>13 Travis County a large county?</p> <p>14 A. Yes, we are the fifth largest</p> <p>15 county in the state. Population wise, I --</p> <p>16 we're over a million individuals.</p> <p>17 Q. All right. And is Travis County --</p> <p>18 is your understanding that Travis County is</p> <p>19 growing?</p> <p>20 A. I'm sorry. Could you repeat that?</p> <p>21 Q. Is it your understanding that</p> <p>22 Travis County is growing, that more people are</p>

11 (Pages 41 to 44)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 45	Page 47
<p>1 moving there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And are people moving to</p> <p>4 Travis County from other states?</p> <p>5 A. Yes, yes, they are.</p> <p>6 Q. And are they moving from other</p> <p>7 places in Texas?</p> <p>8 A. Yes, they are.</p> <p>9 Q. Okay. And it's fair to say that</p> <p>10 some of those new residents are registering to</p> <p>11 vote in Travis County; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Okay. How many voters do you have</p> <p>14 registered in Travis County right now?</p> <p>15 A. As of yesterday, over 857,000.</p> <p>16 Q. Okay. And is that the entire</p> <p>17 voting eligible population of Travis County?</p> <p>18 A. No, that is not.</p> <p>19 Q. Do you have a lot of student voters</p> <p>20 register in Travis County?</p> <p>21 A. Yes, we do.</p> <p>22 Q. And why is that?</p>	<p>1 And then we have our GIS, the</p> <p>2 geographical information system. We have four</p> <p>3 staff, and they do all of the addressing,</p> <p>4 mapping, boundary, jurisdiction maps, and also</p> <p>5 handle some redistricting as well.</p> <p>6 And we have outreach and training</p> <p>7 handles all of our training and all of our</p> <p>8 outreach efforts.</p> <p>9 Q. Okay. How many folks in outreach</p> <p>10 and training?</p> <p>11 A. Two people --</p> <p>12 Q. And how many folk --</p> <p>13 A. -- full-time and one part-time.</p> <p>14 THE REPORTER: I'm sorry. I didn't</p> <p>15 hear that.</p> <p>16 THE WITNESS: One full-time and one</p> <p>17 part-time.</p> <p>18 BY MS. YUKEVICH:</p> <p>19 Q. Okay. And how many folks in admin?</p> <p>20 A. Four admin and one office manager</p> <p>21 that supervises them.</p> <p>22 Q. And those are the staff assistants</p>
<p>Page 46</p> <p>1 A. We have the main campus of the</p> <p>2 University of Texas. We also have -- which has</p> <p>3 50,000 students, generally, or over that.</p> <p>4 St. Edwards University, Huston-Tillotson</p> <p>5 University, Concordia University as well, and</p> <p>6 maybe some other smaller campuses that are</p> <p>7 opening up.</p> <p>8 Q. Okay. Can you just give me a</p> <p>9 general sense, and you sort of alluded to it a</p> <p>10 couple of times, but a general sense of the</p> <p>11 structure of your office?</p> <p>12 A. We have -- we're broken up into</p> <p>13 different divisions, different parts in our</p> <p>14 division. We have the administrative arm. They</p> <p>15 handle receiving all of the applications and</p> <p>16 scanning them and doing the data entering and</p> <p>17 answering phone calls and handling the front</p> <p>18 counter if we have anybody come to our office in</p> <p>19 person.</p> <p>20 We have the business analysts,</p> <p>21 which is the database management, and we do have</p> <p>22 two staff there.</p>	<p>Page 48</p> <p>1 that we talked about earlier?</p> <p>2 A. Yes, we talked about them before.</p> <p>3 And the business analysts are two, a manager and</p> <p>4 another business analyst that works with her.</p> <p>5 Q. And your office, is -- it's</p> <p>6 called -- it's called the voter registration</p> <p>7 office, is that what it's called?</p> <p>8 A. The Voter Registration Division of</p> <p>9 the Tax Office.</p> <p>10 Q. Got it. Voter Registration</p> <p>11 Division of the Tax Office. Okay.</p> <p>12 And there are other offices within</p> <p>13 the Tax Assessor-Collector office; is that</p> <p>14 correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Do any of those offices deal with</p> <p>17 voter registration?</p> <p>18 A. They do assist with providing the</p> <p>19 voter registration card to anybody that's coming</p> <p>20 in to do other business and sometimes they just</p> <p>21 direct them to our counter for assistance.</p> <p>22 Q. Okay. Any other involvement in</p>

12 (Pages 45 to 48)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 49	Page 51
<p>1 those offices apart from distributing voter 2 registration cards? 3 A. They do receive voter application 4 cards from Volunteer Deputy Registrars at the 5 satellites. They do receive those for us. And 6 then those are transported to the main office so 7 that we can actually work those. 8 Q. Okay. So you have a main office? 9 A. Yes, we have one main office. 10 Q. And that -- 11 A. And that is where we are located. 12 Q. Got it. It was exactly my next 13 question. So that's where you're located. 14 And are there any Voter 15 Registration Division employees located at the 16 other Tax Assessor-Collector offices? 17 A. At none of the satellites, no. 18 Q. How many satellites are there? 19 A. There are three at this time. 20 Q. Do you happen to know the addresses 21 of those offices off the top of your head? 22 A. No.</p>	<p>1 conduct an election. And we receive the voter 2 history, maintain the voter history from an 3 election as well. 4 Q. And when you say the "Elections 5 Division," what is the Elections Division? 6 A. The Elections Division administers 7 the elections in Travis County and they are 8 located in the Travis County Clerk's Office. 9 Q. And so all of your -- is it fair to 10 say that all of the responsibilities of your 11 office relate -- or never mind. Strike that. 12 Don't worry about that question. 13 So who do you report to in your 14 position? 15 A. I report to Bruce Elfant, the Tax 16 Assessor. 17 Q. And does everyone else in the 18 office report to you? 19 A. In my division, yes. 20 Q. How did you become the Director of 21 Voter Registration? 22 A. I was hired in 2016 after meeting</p>
<p>1 Q. That's okay -- 2 A. I know -- 3 Q. -- if the answer is no. That's 4 okay if the answer -- 5 A. Yeah -- 6 THE REPORTER: I'm sorry. I have 7 to remind -- I have to remind you to speak 8 one at a time. 9 THE WITNESS: No, I do not know the 10 addresses at the top of my head. 11 BY MS. YUKEVICH: 12 Q. That's okay. 13 So let me ask you this: Can you 14 describe the responsibilities of the voter 15 registration office as they relate to elections? 16 A. Our task is to provide access to 17 voter registration in the community; to receive 18 applications to work with voters to correct any 19 issues; to enter the information, the data, on a 20 timely basis; send it to the state and provide 21 the voter registration list to the Elections 22 Division for their -- for them to be able to</p>	<p>1 with the Tax Assessor and the Chief Deputy. 2 Q. What did you do before you were the 3 Director of Voter Registration? 4 A. I was the Recording Division 5 Manager in the County Clerk's Office. 6 Q. And what about before that, can you 7 just give me sort of a summary of your 8 professional history? 9 A. I attended the University of Texas 10 in Austin. 11 I worked for a consulting firm, a 12 political consulting firm in the late '80s, 13 early 90s, Emery Young &amp; Associates. 14 Then I worked for a county 15 commissioner for 12 years here in Travis County. 16 I then went to the Mobility 17 Authority, Executive Assistant with the Central 18 Texas Regional Mobility Authority for five 19 years. 20 Then returned to Travis County to 21 the County Clerk's Office and was the Recording 22 Division Manager there for five years.</p>

13 (Pages 49 to 52)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 53

1 Q. In your time at the Tax  
 2 Assessor-Collector office -- is it all right if  
 3 I just call it the "Tax Office"?

4 A. Yes.

5 Q. Okay. In your time at the Tax  
 6 Office and as Director of Voter Registration,  
 7 how many elections would you say that you have  
 8 been involved in?

9 A. Over 15, 15 to 18.

10 Q. And are those federal and state  
 11 elections?

12 A. That is correct.

13 Q. And have you had any formal  
 14 training in voter registration?

15 A. I have -- I attend every summer the  
 16 Secretary of State's annual conference. We also  
 17 have attended the Election Center certification  
 18 courses. So those are really the -- the ones  
 19 here that are provided in the state and also on  
 20 the national front.

21 Q. Do you get a certificate when you  
 22 attend the Secretary of State training?

Page 54

1 A. There is not a certificate.  
 2 We normally attend. They are held in Austin, so  
 3 we are in attendance every summer.

4 Q. Okay. Did you attend this year?

5 A. Yes, we attended last summer.

6 Q. And what about the Election Center  
 7 trainings, do you get certificates from those  
 8 trainings?

9 A. Yes, you can get a certification  
 10 from that as well and most of our staff will --  
 11 the supervisors, they are cert -- they do have  
 12 that certification that they received over the  
 13 years.

14 Q. And do you have those  
 15 certifications as well?

16 A. I have not completed it. COVID has  
 17 affected the completion of that, yes.

18 Q. Understood. COVID had messed up a  
 19 number of things.

20 A. Yes. Yes. Yes.

21 Q. So what is the mission of your  
 22 office as it relates to voter registration?

Page 55

1 A. Our mission is to provide  
 2 accessibility to voter registration, and to  
 3 provide voters the best possible access to -- to  
 4 be able to register anybody that is eligible.

5 Q. And I'm going to shift gears just a  
 6 little bit.

7 How does your office, the Tax  
 8 Office, and the Voter Registration Division more  
 9 specifically, interact with the Texas Secretary  
 10 of State's office?

11 A. We receive -- we receive  
 12 notifications from them, advisories,  
 13 instructions, guidance, mostly by e-mail in most  
 14 cases. They keep us up-to-date as they're  
 15 sending any changes, obviously, in legislation  
 16 and what those changes, procedures might be.  
 17 We -- we mostly communicate with them,  
 18 obviously, on a daily basis. We're sending  
 19 files to them and receiving files back for the  
 20 database as well.

21 But we generally just receive a  
 22 notification and then we see them in the summer

Page 56

1 conferences as well.

2 Q. And what about the Attorney  
 3 General's office, do you have any interaction as  
 4 it relates to voter registration with the  
 5 Attorney General's office?

6 A. No, I don't.

7 Q. Any interaction with the Attorney  
 8 General's office as it relates to elections more  
 9 broadly?

10 A. I haven't had any interaction with  
 11 them.

12 Q. What about your office?

13 A. I couldn't say. I don't know all  
 14 of the -- all of the parts of our office outside  
 15 of voter registration.

16 Q. Understood. I apologize.  
 17 Specific to voter registration, can  
 18 you just -- anyone in your office that would  
 19 have had contact with the Attorney General's  
 20 office as it relates to the voter registration  
 21 office?

22 A. No one below me, no one in my

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 57	Page 59
<p>1 division. No, I don't -- I haven't had any</p> <p>2 interaction with -- with them specifically.</p> <p>3 Q. Okay. And I just want to be clear.</p> <p>4 Thank you for your answer.</p> <p>5 I am not always -- when I'm asking</p> <p>6 a question, sometimes I am, like, just asking a</p> <p>7 question. I promise. So -- but I appreciate --</p> <p>8 but I appreciate you taking the time to think</p> <p>9 through that.</p> <p>10 So I want to shift gears again.</p> <p>11 I'll do that a few times in this deposition.</p> <p>12 A. Uh-huh.</p> <p>13 Q. I just want to ask: Are you</p> <p>14 familiar with House Bill 3107?</p> <p>15 A. Yes, I am familiar with it, yes.</p> <p>16 Q. Can you just tell me what it is?</p> <p>17 A. It's a bill that went through the</p> <p>18 session last year, in 2021, affected several</p> <p>19 parts of the statute pertaining to voter</p> <p>20 registration and elections, in most cases,</p> <p>21 election procedures.</p> <p>22 Q. Okay.</p>	<p>1 A. It is the section of the bill that</p> <p>2 deals with faxed applications, voter</p> <p>3 registration applications.</p> <p>4 Q. And do you understand that my</p> <p>5 client, Vote.org, is just challenging one</p> <p>6 provision of House Bill 3107?</p> <p>7 A. That is my understanding.</p> <p>8 Q. And do you understand that to be</p> <p>9 this highlighted provision, Section 14?</p> <p>10 A. Correct, yes.</p> <p>11 Q. Okay. And are you familiar with</p> <p>12 this section? Have you read it before?</p> <p>13 A. Yes, I have.</p> <p>14 Q. And did you take a position on</p> <p>15 House Bill 3107 as it was being considered by</p> <p>16 the Texas legislature?</p> <p>17 A. No, we did not.</p> <p>18 Q. And has anyone written or called</p> <p>19 you about -- your office about House Bill 3107?</p> <p>20 A. No one -- no one called us or wrote</p> <p>21 to us that I recall.</p> <p>22 Q. All right. And I want to read --</p>
Page 58	Page 60
<p>1 MS. YUKEVICH: I'm just going to</p> <p>2 ask the -- our court reporter and Joe to</p> <p>3 bring up what I premarked as Deposition</p> <p>4 Exhibit B and to share it on the screen</p> <p>5 when you're ready.</p> <p>6 THE VIDEOGRAPHER: And do we want</p> <p>7 to mark that as an exhibit?</p> <p>8 MS. YUKEVICH: Yes, please. Can we</p> <p>9 just mark this as Exhibit B?</p> <p>10 THE VIDEOGRAPHER: Roger that.</p> <p>11 (Exhibit B, multi-page document</p> <p>12 titled H.B. No. 3107 An Act, is marked for</p> <p>13 identification.)</p> <p>14 MS. YUKEVICH: And then once that's</p> <p>15 done, if we can go to Page 8, to the</p> <p>16 highlighted section.</p> <p>17 Thank you.</p> <p>18 BY MS. YUKEVICH:</p> <p>19 Q. Do you recognize this document,</p> <p>20 Ms. Nagy?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Can you tell me what it is?</p>	<p>1 if you can just take a moment to read Section 14</p> <p>2 before I just continue asking my question.</p> <p>3 A. Uh-huh.</p> <p>4 (Reviewing document.)</p> <p>5 Q. Let me know when you're done.</p> <p>6 A. Okay. Yes, I read.</p> <p>7 Q. Okay. So what do you understand</p> <p>8 the term "original signature" to mean in</p> <p>9 Section 14 of House Bill 3107?</p> <p>10 A. It would be the printed signature,</p> <p>11 original being in-person signature of the voter,</p> <p>12 often referred to as the "wet-ink signature."</p> <p>13 Q. Okay. So do you understand -- just</p> <p>14 to be clear, do you understand an "original</p> <p>15 signature" in Section -- as defined in Section</p> <p>16 14 of House Bill 3107 to mean a wet-ink</p> <p>17 signature?</p> <p>18 A. That is what often it's referred</p> <p>19 to, yes.</p> <p>20 Q. Okay. Is that your understanding</p> <p>21 of what it means or do you think it can have</p> <p>22 other meanings?</p>

15 (Pages 57 to 60)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 61	Page 63
<p>1 A. It could have other meanings, but 2 original it's -- it's in-person on an 3 application, so it's someone signing a document. 4 Q. Okay. Would you understand if -- 5 let me strike that. Let me just be a little 6 more clear. 7 If I came in with a voter 8 registration application to your office and it 9 was a photocopy of a wet-ink signature, would 10 you understand that to be an original signature? 11 MS. HUNKER: Objection, attorney -- 12 THE WITNESS: Potentially -- 13 MS. HUNKER: Calls for a legal 14 conclusion. 15 THE WITNESS: There is an 16 objection. 17 MS. YUKEVICH: Can I -- sorry. Can 18 I ask, was that Ms. Veidt or Ms. Hunker? 19 MS. HUNKER: That was Ms. Hunker. 20 MS. YUKEVICH: Can we go off the 21 record for just one second. 22 THE VIDEOGRAPHER: We are now going</p>	<p>1 A. We look to see that there is a 2 signature when the applications do arrive in our 3 office. 4 Q. Okay. Does your office check to 5 see whether that's a wet-ink signature or a 6 photocopied signature? 7 MS. VEIDT: Objection to the 8 terminology. 9 You can answer. 10 THE WITNESS: Okay. We do -- we 11 look to see that there is a signature. 12 We -- that is -- that is the extent 13 that -- that we are -- that we are looking 14 to -- to see. 15 We don't -- we don't have training 16 to make an absolute determination to 17 whether it's a wet-ink signature or not; 18 but the applications that we receive, the 19 majority of everything that we receive, 20 clearly indicates that it would be. 21 But -- but we are looking to see if 22 there's a signature to ensure that the</p>
Page 62	Page 64
<p>1 off the video record. The time is 9:55 a.m. 2 (A recess is held from 9:55 a.m. to 3 9:56 a.m.) 4 THE VIDEOGRAPHER: We are now going 5 back on the video record. The time is 6 9:56 a.m. 7 MS. YUKEVICH: Thank you. 8 BY MS. YUKEVICH: 9 Q. Ms. Nagy, my -- so I want to go 10 back here to Section 14 and to my question. 11 So is it your understanding that an 12 original signature would -- would also include a 13 photocopy of a wet-ink signature? 14 A. I don't know that I can answer 15 that, that -- that I have enough information 16 to -- to answer that clearly. 17 Q. Okay. Let me ask you this. 18 It's -- your office processes voter 19 registration applications; is that correct? 20 A. Yes, that is correct. 21 Q. Okay. And do you look at the 22 signatures as they come in?</p>	<p>1 application is complete. 2 BY MS. YUKEVICH: 3 Q. Okay. 4 MS. YUKEVICH: We can pull this 5 Exhibit B down for just one moment, Joe. 6 BY MS. YUKEVICH: 7 Q. Sorry, Ms. Nagy, just give me one 8 second. 9 A. Uh-huh. 10 (Pause.) 11 MS. YUKEVICH: Can we just pull up 12 Exhibit D, what's premarked as Exhibit D. 13 (Exhibit D, Defendant Bruce Elfant 14 Objections and Responses To Plaintiff's 15 First Set of Requests For Admission, is 16 marked for identification.) 17 MS. YUKEVICH: Okay. And can we go 18 to Page 6, Joe, of Exhibit D. Okay. 19 BY MS. YUKEVICH: 20 Q. So, Ms. Nagy, have you seen this 21 document before? Do you know what this document 22 is?</p>

16 (Pages 61 to 64)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 65	Page 67
<p>1 A. I -- I believe I -- I believe so, 2 yes. 3 MS. YUKEVICH: Okay. Can we zoom 4 in on the "Request for Admission," 5 Number 5. 6 BY MS. YUKEVICH: 7 Q. Okay. So this is -- these are 8 Defendant Elfant's responses to request for 9 admission issued by Plaintiff Vote.org" in this 10 case. 11 Is that what you understand this 12 document to be as well? 13 A. Yes. 14 Q. Okay. So I'm going to read Request 15 for Admission Number 5. So this says, "Admit 16 that the use of a wet-ink signature, as opposed 17 to an imaged or electronic signature," let me 18 just move really quickly, "as opposed to an 19 imaged or electronic signature on an application 20 is not a material or relevant factor in 21 determining whether an individual is eligible to 22 vote in Texas."</p>	<p>1 Did I read that correctly? 2 A. Yes. 3 Q. Okay. And do you still understand 4 this response to be correct? 5 A. Yes. 6 Q. Okay. So -- and my questions, you 7 know, of course, might not have been clear. So 8 it's good that we, you know, walk through and 9 clarify. 10 But to be clear, if a voter 11 submitted their voter registration application 12 by telephonic facsimile and mailed a copy of 13 their application that did not contain a wet-ink 14 signature, would your office consider that 15 application complete? 16 A. No, we would not consider it 17 complete at this time. So, therefore, we would 18 just consider it incomplete and then we'd 19 provide that voter the opportunity to -- to 20 complete it. 21 Q. But prior to House Bill 3107 22 Section 14, which enacted Section 13.143(d-2) of</p>
<p>1 Did I read that correctly? 2 A. Yes. 3 Q. Okay. 4 MS. YUKEVICH: And can we go to 5 response. We can take this down and go -- 6 zoom in on the response -- the second 7 response. 8 BY MS. YUKEVICH: 9 Q. Okay. So here -- so I see 10 Defendant Elfant's response here was denied as 11 to the period of time after September 1st, 2021, 12 because the "Texas legislature has enacted 13 Section 13.143(d-2) of the Texas Election Code, 14 which requires that Defendant Elfant also obtain 15 a wet-ink signature in addition to an imaged or 16 electronic signature if the registration 17 application is submitted to Defendant Elfant by 18 telephonic facsimile machine before the 19 registration application may be considered 20 complete for purposes of processing and 21 submission to the Texas Secretary of State's 22 office."</p>	<p>1 the Texas Election Code, would your office -- 2 A. Sure. 3 Q. -- have accepted a -- a voter -- a 4 mailed in copy with a photocopied signature, 5 photocopy of a wet-ink signature, after an 6 application had been received by telephonic 7 facsimile? 8 A. Yes, we would have. 9 Q. Thank you. 10 MS. YUKEVICH: We can take this 11 document down now. And just make sure 12 that it is marked as Exhibit C for the 13 purposes of the deposition. 14 MS. YUKEVICH: Can we zoom in on 15 that, Joe. 16 THE VIDEOGRAPHER: You said C; is 17 that correct? 18 MS. YUKEVICH: I apologize. You're 19 right. Let's not mark that. 20 THE VIDEOGRAPHER: Okay. 21 MS. YUKEVICH: Let's stick in -- 22 THE VIDEOGRAPHER: D?</p>

17 (Pages 65 to 68)

Page 69

1 MS. YUKEVICH: Was it Exhibit J?  
 2 No.  
 3 THE VIDEOGRAPHER: D.  
 4 MS. YUKEVICH: D. D.  
 5 THE VIDEOGRAPHER: Sorry.  
 6 MS. YUKEVICH: No.  
 7 THE VIDEOGRAPHER: Got it.  
 8 MS. YUKEVICH: It's Exhibit D for  
 9 the purposes of this deposition.  
 10 THE VIDEOGRAPHER: Okay.  
 11 MS. YUKEVICH: Thank you so much,  
 12 Joe, for keeping me on track.  
 13 THE VIDEOGRAPHER: No worries.  
 14 MS. YUKEVICH: Much, much  
 15 appreciated.  
 16 BY MS. YUKEVICH:  
 17 Q. Okay. So can you tell me, and I  
 18 just want to make sure that we're on the same  
 19 page in terms of definitions and timing -- or  
 20 excuse me, definitions and meaning, what a  
 21 wet-ink signature is?  
 22 A. It would be one of an original

Page 70

1 signature. It would be one that a person that's  
 2 utilizing a -- a pen to -- to do their  
 3 signature -- to provide their signature.  
 4 Q. And what is an imaged signature?  
 5 When I use that term, what do you  
 6 understand that to mean?  
 7 A. An image could be taken and  
 8 provided in different forms, whether it would be  
 9 scanned, whether it would be a picture taken of  
 10 it. So there are different forms of an image.  
 11 Q. But you understand an imaged  
 12 signature to be either a scan or a photo or a  
 13 copy of a wet-ink signature; is that correct?  
 14 A. I believe I would define it that  
 15 way.  
 16 Q. Okay. And then if we're talking  
 17 about a digital signature or an electronic  
 18 signature, how do you understand that to be  
 19 different than an imaged signature?  
 20 A. A digital, I would believe, I would  
 21 define as someone utilizing maybe a stylus pen  
 22 on an electronic machine, whether a tablet or

Page 71

1 a -- an apparatus that would allow someone to  
 2 do -- to write a signature, in most cases, using  
 3 a stylus or in some cases, utilizing a finger,  
 4 to -- to provide an electronic signature.  
 5 Q. Okay. So as we move -- and what  
 6 about, like, if you just, like, check a box,  
 7 like, with DocuSign, would you -- would you call  
 8 that a digital signature as well?  
 9 A. I -- I would call that -- for  
 10 certain purposes, yes, I would say that is --  
 11 that is an option as well.  
 12 Q. Okay. So as we move forward in --  
 13 in our sort of conversation today, I just want  
 14 to be clear about terminology.  
 15 So when we're referring to "wet-ink  
 16 signature," I'm referring to, you know -- or  
 17 "wet-ink signature" or an "original signature,"  
 18 signature made on a piece of paper with a pen.  
 19 And then when we're referring to  
 20 "imaged signatures," I'm referring to an imaged  
 21 capture of a wet-ink signature on a piece of  
 22 paper; so whether it be a scan, a photo, a --

Page 72

1 you know, a photo uploaded or a photocopy.  
 2 That's what we're referring to sort of as an  
 3 "imaged signature."  
 4 Does that make sense?  
 5 A. Yes, it does.  
 6 Q. And then when we talk "digital  
 7 signatures," talking about all the other sort of  
 8 ways that -- all the other buckets that we can  
 9 capture signatures, right, whether it be  
 10 checking a box on DocuSign, possibly using a  
 11 stylus.  
 12 And if I'm ever asking you about  
 13 that type of signature, I will be, you know --  
 14 you know, clear about sort of when we're -- when  
 15 we're talking about those types of signatures.  
 16 Does that make sense?  
 17 A. Yes, it does.  
 18 Q. Okay. All right. So can you -- I  
 19 know that you have provided responses -- your  
 20 office has provided responses to Interrogatories  
 21 or written questions that we have provided your  
 22 office.

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 73	Page 75
<p>1 So I would just ask, before we get 2 into those, can you just describe the voter 3 registration process in Travis County? 4 A. In Travis County we receive 5 applications by mail and in-person, and also 6 files from GPS that we download, often on a 7 daily basis, so we receive it in several 8 manners. 9 The ones that are received by mail 10 or in-person that are dropped off in-person, we 11 review those for completeness. Those that are 12 complete, we scan those. We scan all of them, 13 but we scan them in separate batches. And we 14 then do data entering on them because we still 15 have to manually enter the data into all of the 16 fields. 17 Then we send the files -- those 18 that are complete, we send to the Secretary of 19 State's office for their certification process 20 that they follow. And those that are 21 incomplete, we actually do send correspondence 22 and we let them know that their application is</p>	<p>1 Q. When you say "there's a box with a 2 signature," what do you mean by that? 3 A. Our software is able to capture the 4 signature. We provide -- we have different 5 forms that come in. We have mail-in forms. We 6 have Volunteer Deputy Registrar applications. 7 So we have different-sized forms that come in. 8 And the software is able to capture the 9 signature off of those different forms and it is 10 saved in the system. 11 Q. And is that software you're talking 12 about TotalVote? 13 A. That is correct. 14 Q. And when you say "it's saved in the 15 system," is that -- that system is the Travis 16 County voter registration office voter file? 17 Is that the system we're talking 18 about? 19 A. Yes, we have our own database 20 management system, and so we -- we scan all of 21 the applications into that system. So we have 22 all of the records. We have nearly 2 million</p>
Page 74	Page 76
<p>1 incomplete, some form of information is missing, 2 and give them the opportunity to complete an 3 application so that then we can complete their 4 process. 5 Q. And I want to talk just quickly 6 about the beginning of that process. 7 So when you receive -- and I want 8 to be clear that we're talking just about paper 9 voter registration applications here or voter 10 registration applications that you received via 11 facsimile. 12 Does that make sense? 13 A. Uh-huh. Yes. 14 Q. Okay. So when you receive a paper 15 voter registration application, do you scan that 16 voter registration application so that you have 17 it -- a copy of it electronically? 18 A. Yes, we do. 19 Q. Okay. And what -- what do you do 20 with the signature from that application? 21 A. The signature is captured and there 22 is a box with a signature.</p>	<p>1 records, all images, everything, going back over 2 20 years -- 30 years, actually. 3 Q. All right. And then you mentioned 4 that you will transfer the application 5 information to the Secretary of State after you 6 manually enter that data; is that correct? 7 A. That is correct. 8 Q. And when you manually enter that 9 data, do you also send the Secretary of State's 10 office a picture of the signature from the 11 application? 12 A. No, we are only sending the 13 information in the field -- 14 Q. Right. 15 A. -- in the data field. 16 Q. So that includes name; right? 17 A. It includes name, address, date of 18 birth, and Social Security Number and/or 19 driver's license, Texas ID number, whatever 20 information is provided in those fields. 21 Q. And do you ever -- can't do it that 22 way.</p>

19 (Pages 73 to 76)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 77	Page 79
<p>1 What do you do with the paper</p> <p>2 copies that are completed?</p> <p>3 A. We -- we batch those, so we know</p> <p>4 what batch every scan comes from. We -- after</p> <p>5 an election, we will actually box all of those</p> <p>6 and we send them to offsite storage.</p> <p>7 Q. And do you ever have a reason to go</p> <p>8 back and look at those paper voter registration</p> <p>9 applications?</p> <p>10 A. In the time that I have been in the</p> <p>11 office, we have never requested for any boxes to</p> <p>12 be brought back.</p> <p>13 Q. And I want to bring up what I</p> <p>14 marked as Exhibit -- premarked as Exhibit C, as</p> <p>15 in cat, and these are copies of the</p> <p>16 Interrogatories you submitted, and I just want</p> <p>17 to go...</p> <p>18 MS. YUKEVICH: Let me pull those up</p> <p>19 real quickly, Joe.</p> <p>20 And if we could just mark this as</p> <p>21 Exhibit C for the purposes of this</p> <p>22 deposition, that would be great.</p>	<p>1 A. Yes, I do.</p> <p>2 Q. Okay. And so can we -- I'll just</p> <p>3 give you a moment to read it.</p> <p>4 A. (Reviewing document.)</p> <p>5 Uh-huh.</p> <p>6 Q. And to be clear here, so when we're</p> <p>7 looking at Number 3, do you still -- this is a</p> <p>8 portion of your answer.</p> <p>9 Do you still understand this</p> <p>10 portion to be correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you follow these same steps</p> <p>13 today in 2022?</p> <p>14 A. Yes, we do.</p> <p>15 Q. Okay. And Step 3 here, it says,</p> <p>16 "Enter data from application form into</p> <p>17 appropriate corresponding fields in the voter</p> <p>18 registration software system manually."</p> <p>19 Did I read that right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Are you --</p> <p>22 A. Yes, that is the process.</p>
<p>Page 78</p> <p>1 (Exhibit C, Defendant Bruce</p> <p>2 Elfant's Objections and Answers To</p> <p>3 Plaintiff's First Set of Interrogatories,</p> <p>4 is marked for identification.)</p> <p>5 BY MS. YUKEVICH:</p> <p>6 Q. Ms. Nagy, do you recognize this</p> <p>7 document?</p> <p>8 A. Yes, I do -- yes, I do believe I've</p> <p>9 seen this, yes.</p> <p>10 Q. Okay. And do you recognize this to</p> <p>11 be responses to Interrogatories, so written</p> <p>12 questions that your office provided to my</p> <p>13 client, Vote.org?</p> <p>14 A. I would be more familiar with the</p> <p>15 following pages.</p> <p>16 Q. Got it. That makes good sense.</p> <p>17 MS. YUKEVICH: Can we go to Page 8,</p> <p>18 please. And can we zoom in on</p> <p>19 Interrogatory 4, just the bottom half of</p> <p>20 that page.</p> <p>21 BY MS. YUKEVICH:</p> <p>22 Q. Okay. Do you recognize this?</p>	<p>Page 80</p> <p>1 Q. Okay. Is that your voter</p> <p>2 registration software system or the Secretary of</p> <p>3 State's voter registration software system?</p> <p>4 A. That is our system. I will state</p> <p>5 that we -- in 2018, we were in a different</p> <p>6 system. January of 2021, we did convert to a</p> <p>7 new system, which is TotalVote.</p> <p>8 Q. Okay.</p> <p>9 A. Prior to that, we were with -- with</p> <p>10 a different system --</p> <p>11 Q. But it's the same step --</p> <p>12 A. -- but in this system -- nothing --</p> <p>13 Q. Sorry. Just to be clear for the</p> <p>14 court reporter, I don't want to be talking over</p> <p>15 each other. And I am -- I'm sorry. I'll pause</p> <p>16 just a bit before asking my next question.</p> <p>17 But it's the same steps despite the</p> <p>18 fact that the software has changed; is that</p> <p>19 correct?</p> <p>20 A. That is correct.</p> <p>21 Q. All right.</p> <p>22 MS. YUKEVICH: And can we go to the</p>

20 (Pages 77 to 80)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 81	Page 83
<p>1 next page, and just zoom in on Numbers 4</p> <p>2 through, I guess, 4 through 8 here.</p> <p>3 BY MS. YUKEVICH:</p> <p>4 Q. So the next step after you've</p> <p>5 entered the data into your voter registration</p> <p>6 software system is to transfer that application</p> <p>7 information to the Texas Secretary of State; is</p> <p>8 that still correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And the -- and the signature is not</p> <p>11 included in any of that application information;</p> <p>12 is that correct?</p> <p>13 A. That is correct.</p> <p>14 Q. I'll note there are, I guess -- I</p> <p>15 suppose there are two Paragraph 8s here. But</p> <p>16 you mention this Zoom response to a question</p> <p>17 about the process in 2018.</p> <p>18 Have any steps in your answer here</p> <p>19 between "transfer the application information to</p> <p>20 the Secretary of State" and then the paragraph</p> <p>21 that begins with, "If there was no data entry</p> <p>22 error," have any of those steps changed?</p>	<p>1 A. No, I believe we covered</p> <p>2 everything.</p> <p>3 When we send data to the State, we</p> <p>4 are sending them data, we are not sending them</p> <p>5 images. So that's -- that's the only</p> <p>6 clarification.</p> <p>7 Q. So you -- when you -- what you mean</p> <p>8 there, and just to be clear, you mean you're not</p> <p>9 sending them the copies of the voter</p> <p>10 registration applications that are saved in your</p> <p>11 system; is that correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Okay.</p> <p>14 MS. YUKEVICH: Can -- just make</p> <p>15 sure this is marked as Exhibit C, as in</p> <p>16 cat, and we can take this down.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. So I just want to talk about</p> <p>19 volume. We talked earlier, Travis County is a</p> <p>20 big place. Your office seems to have a small,</p> <p>21 but mighty staff. And so I just wanted to ask</p> <p>22 you: On average, how many voter registration</p>
<p>1 And I'll give you a moment to read.</p> <p>2 A. No, our processes remain the same</p> <p>3 from one system to the other.</p> <p>4 Q. Okay. And then there's a second</p> <p>5 Paragraph 8.</p> <p>6 MS. YUKEVICH: Joe, if we could</p> <p>7 just pull that up as well.</p> <p>8 BY MS. YUKEVICH:</p> <p>9 Q. I do this all the time. I had to</p> <p>10 correct a million things. So I just want to be</p> <p>11 clear for the record.</p> <p>12 So the second Paragraph 8 that</p> <p>13 starts with, "Defendant's office processes the</p> <p>14 resubmitted application," is that also still</p> <p>15 correct today?</p> <p>16 A. Yes.</p> <p>17 Q. And anything that you think that</p> <p>18 we've missed in our conversation about the voter</p> <p>19 registration process, either during our</p> <p>20 conversation today or in your written responses,</p> <p>21 that you'd like to add that you think that we've</p> <p>22 missed?</p>	<p>1 applications does your office process every</p> <p>2 year?</p> <p>3 A. Oh, every year. Can I -- can I</p> <p>4 review?</p> <p>5 MS. VEIDT: You can tell her if</p> <p>6 there's a document that would help you --</p> <p>7 THE WITNESS: It --</p> <p>8 MS. VEIDT: -- or you can answer.</p> <p>9 THE WITNESS: Can I look at the</p> <p>10 spreadsheet that I provided, just for --</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. This is the one --</p> <p>13 A. -- reference?</p> <p>14 Q. -- to the State --</p> <p>15 A. Yes.</p> <p>16 Q. -- that your attorney provided this</p> <p>17 morning?</p> <p>18 Yeah, that's fine.</p> <p>19 Let me actually send it. We can</p> <p>20 mark it as an exhibit and we can all sort of</p> <p>21 refer to it together to be on the same page. Is</p> <p>22 that okay?</p>

21 (Pages 81 to 84)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 85	Page 87
<p>1 A. Yes.</p> <p>2 Q. All right. Great.</p> <p>3 MS. YUKEVICH: Let me -- Joe, I'm</p> <p>4 just going to drop this in the box, my</p> <p>5 box, and label it for you. Is that okay?</p> <p>6 Does that work?</p> <p>7 THE VIDEOGRAPHER: Yes, that sounds</p> <p>8 great.</p> <p>9 MS. YUKEVICH: Okay. Just give me</p> <p>10 one moment.</p> <p>11 You know what? This -- why don't</p> <p>12 I -- we've been going for a while. Why</p> <p>13 don't I withdraw my question. I will ask</p> <p>14 again. I will withdraw my question for</p> <p>15 now. We can take a break while I upload</p> <p>16 this document.</p> <p>17 Does anyone object to that before</p> <p>18 we go off the record? Is that all right?</p> <p>19 (No reply.)</p> <p>20 MS. YUKEVICH: Okay. So I'll</p> <p>21 withdraw that last question, Ms. Nagy.</p> <p>22 And we can go off the record and</p>	<p>1 you provide an answer to that?</p> <p>2 A. Yes.</p> <p>3 Q. Can we --</p> <p>4 A. We -- yes, oh, sure.</p> <p>5 Q. Before you begin --</p> <p>6 A. Oh.</p> <p>7 Q. -- Ms. Nagy, is that the -- is the</p> <p>8 document that would help you here the document</p> <p>9 that your attorney provided this morning in</p> <p>10 response to the State's requests?</p> <p>11 A. Yes, that is the document.</p> <p>12 Q. Okay.</p> <p>13 MS. YUKEVICH: Can we pull up</p> <p>14 Exhibit -- what has been premarked as,</p> <p>15 like, potential Exhibit O, and just mark</p> <p>16 it as Exhibit O here today.</p> <p>17 (Exhibit O, Voter Registration</p> <p>18 Statistics, is marked for identification.)</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. YUKEVICH:</p> <p>21 Q. So is this the document that you</p> <p>22 were thinking of, Ms. Nagy?</p>
<p>1 maybe come back in 10 minutes? Is that</p> <p>2 enough time or would you like 15?</p> <p>3 MS. VEIDT: I believe 10 minutes</p> <p>4 should be fine.</p> <p>5 THE WITNESS: 10 is fine, yeah.</p> <p>6 MS. YUKEVICH: Okay. Great. So</p> <p>7 why don't we go off the record, come back</p> <p>8 at 10:30 central.</p> <p>9 THE VIDEOGRAPHER: Okay. Stand by.</p> <p>10 We are now going off the video</p> <p>11 record. The time is 10:19 a.m.</p> <p>12 (A recess is held from 10:19 a.m.</p> <p>13 to 10:31 a.m.)</p> <p>14 THE VIDEOGRAPHER: We are now going</p> <p>15 back on the video record. The time is</p> <p>16 10:31 a.m.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. Ms. Nagy, before we took a break, I</p> <p>19 had asked and then withdrawn a question about,</p> <p>20 on average, about how many voter registration</p> <p>21 applications your offices processes each year.</p> <p>22 Is there a document that would help</p>	<p>1 A. Yes, that is the document I'm</p> <p>2 looking at.</p> <p>3 Q. All right. And can you just tell</p> <p>4 me before we get to -- I'll ask my question</p> <p>5 again, but can you just tell me what this</p> <p>6 document is?</p> <p>7 A. This is the document that we</p> <p>8 collect data for budgeting purposes every year</p> <p>9 that we have to submit and we collect the data</p> <p>10 of the activity and the work that we do in our</p> <p>11 office.</p> <p>12 MS. YUKEVICH: Okay. Can we zoom</p> <p>13 in on the data a little bit, Joe? Just</p> <p>14 every year is fine, but just zoomed.</p> <p>15 BY MS. YUKEVICH:</p> <p>16 Q. Okay. So let's take a look at just</p> <p>17 each column. So if you can just help me make</p> <p>18 sense of what each column means.</p> <p>19 Is that okay?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So Column A, if it says</p> <p>22 "FY 2021," does that mean fiscal year 2021?</p>

22 (Pages 85 to 88)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 89	Page 91
1 A. Yes, that is correct.	1 Q. So what is included in those
2 Q. And it's the same for the rest of	2 106,284 voter registration applications -- or
3 the years, I assume?	3 excuse me, applications received?
4 A. Yes.	4 A. That is the number of applications
5 Q. All right. And Column B says,	5 we received either by mail or walk-in.
6 "Register Voters" at the top.	6 Q. So that's just --
7 Did I read that correctly?	7 A. All the different forms.
8 A. Yes.	8 THE REPORTER: I didn't hear the
9 Q. And is that total number of	9 end of the answer.
10 registered voters in the county?	10 BY MS. YUKEVICH:
11 A. Yes, that is the number.	11 Q. So --
12 Q. Okay. And then what about "New	12 A. That is all of the forms that we
13 Voters"?	13 received in that manner.
14 MS. YUKEVICH: Can we go to C,	14 Q. And so these are paper
15 Column C, that "New Voters" column.	15 applications?
16 BY MS. YUKEVICH:	16 A. Yes.
17 Q. Did I read that tab correctly?	17 Q. So they can be -- can these
18 A. Yes.	18 applications be mailed to you?
19 Q. Okay.	19 A. Yes.
20 A. Those are new registrants.	20 Q. Can these applications be delivered
21 Q. So what do you mean by "new	21 by Deputy Voter Registrars?
22 registrants"?	22 A. Yeah.
Page 90	Page 92
1 A. They are not previously registered	1 Q. And can these applications be hand
2 with us.	2 dropped off to you at your office?
3 Q. So these could be people who had	3 A. And that as well, yes.
4 lived in Travis County for a long time and have	4 Q. Any other ways that applications
5 now -- just now registered to vote; is that	5 received -- any other methods of return that
6 right?	6 fall into that application-received bucket?
7 A. Or they have moved to the county.	7 A. The only other option would be by
8 Q. Right. Or have moved to the county	8 fax as well.
9 from somewhere in Texas or have moved to, you	9 Q. Okay. So that would also include
10 know, Texas and Travis County for the first	10 facsimile applications?
11 time; is that -- that's fair to say?	11 A. Yes.
12 A. Yes, that is fair to say.	12 Q. All right. What are -- Column E
13 Q. All right. "Applications	13 says "Texas.gov Files." What are those?
14 Received."	14 A. Those -- those are the files -- and
15 MS. YUKEVICH: Can we go to	15 this has been modified over the past four years.
16 "Applications Received."	16 This is the ability for a voter
17 BY MS. YUKEVICH:	17 within a county, if they have moved and are
18 Q. Does this -- what are these?	18 registered, that they are able to go in and
19 So I'm looking at this year, 2021,	19 update their information without having to
20 as an example here. It says 106,284; is that	20 submit a paper application.
21 right?	21 Over the years, that has modified
22 A. Yes.	22 to include -- first it changed to include

23 (Pages 89 to 92)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 93	Page 95
<p>1 suspended voters, three years ago. And this</p> <p>2 past year, in 2021, it changed to allow voters</p> <p>3 within -- from -- moving from one county to the</p> <p>4 other are now allowed to go on Texas.gov and</p> <p>5 update their voter registration information.</p> <p>6 Q. Thank you. Voters who should be --</p> <p>7 just to go off one second.</p> <p>8 Voters are still able to update</p> <p>9 their voter registration using a paper</p> <p>10 application if they choose to do so; right?</p> <p>11 A. That is correct.</p> <p>12 Q. Or if they don't know that they can</p> <p>13 update their voter registration on line?</p> <p>14 A. That is correct, they may not be</p> <p>15 aware of that.</p> <p>16 Q. And then "DPS Files." Let's go to</p> <p>17 this next one.</p> <p>18 A. DPS files, those are the files that</p> <p>19 we received, can be on a daily basis. Those are</p> <p>20 files that we download. DPS, those are</p> <p>21 downloaded from the state system from the TEAM</p> <p>22 database. We download those on a daily basis</p>	<p>1 So there are different issues. And so that is</p> <p>2 the mail that we send out to assist in</p> <p>3 correcting it.</p> <p>4 Q. Okay. What about "Canceled"</p> <p>5 applicate -- "Apps"? I assume -- does "Apps"</p> <p>6 here stand for applications in this document?</p> <p>7 A. Yes, those would be for</p> <p>8 cancelling -- actually, number of canceled</p> <p>9 voters.</p> <p>10 Q. Okay. Can you just break down a</p> <p>11 little bit more about what that means? What are</p> <p>12 canceled voters?</p> <p>13 A. Those -- those vary in that they</p> <p>14 maybe have moved out of county, so that actually</p> <p>15 does encompass several categories in there. We</p> <p>16 do receive -- as voters have moved out of the</p> <p>17 county and have registered in another county, we</p> <p>18 do have that cancellation that comes through the</p> <p>19 Secretary of State's office. Also, if they are</p> <p>20 in suspense and they do fall off after two</p> <p>21 general elections. So that does encompass</p> <p>22 several different categories within that. And I</p>
<p>1 especially during an election cycle.</p> <p>2 And those have the information of</p> <p>3 individuals who have registered at a DPS office.</p> <p>4 In most cases, getting their driver's license.</p> <p>5 MS. YUKEVICH: And let's go to</p> <p>6 Column G.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. It says, "Voter Rej/Inc/Exam."</p> <p>9 Can you walk me through what that</p> <p>10 means, please?</p> <p>11 A. Those -- that is outgoing mail that</p> <p>12 we send to rejected, incomplete or examinations.</p> <p>13 That is outgoing mail that we sent to voters in</p> <p>14 correcting any issues that their application --</p> <p>15 that we found on their application.</p> <p>16 Q. So this could include voters who</p> <p>17 forgot to include their address; is that right?</p> <p>18 A. Their address, date of birth is</p> <p>19 wrong in that they put the date of the</p> <p>20 application that they were filling in. That</p> <p>21 happens. Or their driver's license number or</p> <p>22 Social Security Number didn't match their name.</p>	<p>1 don't have a breakdown of those -- of that</p> <p>2 information.</p> <p>3 Q. Any other categories besides</p> <p>4 suspense voters and canceled voters who have</p> <p>5 moved out of county?</p> <p>6 A. No, that's really -- those are</p> <p>7 really the -- the -- that's the primary -- those</p> <p>8 are the primary categories --</p> <p>9 Q. It's --</p> <p>10 A. -- really.</p> <p>11 Q. But it's possible that, like, some</p> <p>12 other smaller category might be included here as</p> <p>13 well?</p> <p>14 A. Yes. Yes. Yes.</p> <p>15 Q. All right. What are voter -- what</p> <p>16 are examination voters?</p> <p>17 A. Those are the ones that may have</p> <p>18 checked that they are not a citizen and/or that</p> <p>19 we get notification that they could possibly be</p> <p>20 a felon. And we do send an examination letter</p> <p>21 to them for corrective measures.</p> <p>22 Q. Okay. And then "Phone Inquiries,"</p>

24 (Pages 93 to 96)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 97

1 okay. What is --  
 2 A. Those are --  
 3 Q. -- what's encompassed in there?  
 4 A. Incoming phone call.  
 5 Q. Is that everything that reaches  
 6 your office or everything that reaches the call  
 7 center?  
 8 A. Everything that reaches our office,  
 9 our staff.  
 10 Q. And customer visits?  
 11 A. Yes, customer visits are --  
 12 Q. What is -- where?  
 13 A. That's in-person visits to the  
 14 counter.  
 15 Q. At main office or at all of your  
 16 offices?  
 17 A. At the main office. That is only  
 18 place where we track in-person.  
 19 Q. Okay. So I just want to make sure  
 20 that, you know, as we're moving forward that I  
 21 understand, you know, what's in this  
 22 spreadsheet.

Page 98

1 So in terms of voter registration  
 2 applications, I'm going to walk through fiscal  
 3 year -- let's go with fiscal year 2020.  
 4 Looks like in fiscal year 2020,  
 5 your office had 119,410 new voters; is that --  
 6 did I read that fairly?  
 7 A. Yes.  
 8 Q. And applications received by --  
 9 paper applications received by mail, hand  
 10 delivery, deputy registrars, or facsimile, you  
 11 had 206,417 applications.  
 12 Did I read that correctly?  
 13 A. Yes.  
 14 Q. Is it fair to say that number  
 15 includes both voter -- new voter registrations  
 16 and folks who are updating their voter  
 17 registration information?  
 18 A. That is correct.  
 19 Q. And then Texas.gov Files, you got  
 20 32,201. So that's 32,201 voter registration  
 21 updates?  
 22 A. Updates or new registrants.

Page 99

1 Q. Updates or new -- so you can be a  
 2 new registrant through --  
 3 A. I'm sorry.  
 4 Q. -- Texas.gov?  
 5 A. No. I apologize. Those are  
 6 updates, yes. Those were all updates, yes.  
 7 Q. Okay. It's okay.  
 8 A. Yes. Yes.  
 9 Q. It's okay. It's a lot of numbers  
 10 and a lot of data, and it's just important to  
 11 make sure that, you know, we're on the same  
 12 page.  
 13 "DPS Files," here I'm seeing --  
 14 A. Yes.  
 15 Q. -- 85,249. Is that a correct  
 16 number?  
 17 A. Yes.  
 18 Q. Okay. And does that include new  
 19 registrants and people who are updating their  
 20 voter registration?  
 21 A. Yes, both categories.  
 22 Q. All right. And then these voters

Page 100

1 who are rejected, incomplete, or examination, is  
 2 there a way to -- are -- let me be -- sorry.  
 3 Let me withdraw that.  
 4 So these voters who are rejected,  
 5 incomplete, or examination, that's 16,509; is  
 6 that right?  
 7 A. Correct.  
 8 Q. And those could be new voters or  
 9 folks who are updating their voter registration;  
 10 is that right?  
 11 A. That is true.  
 12 Q. And there's -- we don't know from  
 13 this spreadsheet like which bucket those folks  
 14 fall into; is that right?  
 15 A. That is correct.  
 16 Q. Okay. So it would be fair to say  
 17 based on this spreadsheet, you know, first your  
 18 office does a lot of work, but would it be fair  
 19 to say that you get more voter registration  
 20 applications in an election year than not in an  
 21 election year?  
 22 A. Every year is an election year for

25 (Pages 97 to 100)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 101	Page 103
<p>1 us. However, this was a presidential year so in 2 presidential years, yes, we do see a larger 3 number of application. 4 Q. Okay. And it's fair to say almost 5 every year your office processes somewhere 6 between the hundred thousand and sometimes 7 upwards of 200,000 paper applications; is that 8 correct? 9 A. Yes, that is correct. 10 Q. And the -- you receive somewhere 11 between, it looks like in recent years, 12 around -- around 100,000 files from DPS each 13 year? 14 A. Yes, it has increased over the 15 years dramatically. 16 Q. Okay. 17 MS. YUKEVICH: We can put this away 18 for right now. 19 And make sure that's marked as 20 Exhibit O as in opal. 21 BY MS. YUKEVICH: 22 Q. Okay. Do you see -- we just looked</p>	<p>1 this year is the midterm. 2 Q. What involvement does your office 3 have in processing voter registration 4 applications that come through DPS? 5 A. Our business analysts and one of 6 our administrative assistants actually do work 7 those files. They do view those and download 8 those and get them into our system. 9 Q. Okay. Can you walk me through how 10 you receive those DPS voter registration files? 11 A. We receive -- we download them 12 through TEAM which is the state system. These 13 are downloaded from the -- from the system and 14 then they are uploaded into our system. 15 Q. Is it your understanding that DPS 16 sends the information to the Secretary of State, 17 the Secretary of State's office processes it, 18 and then it comes to your office? 19 A. Yes, they do send it to -- to us. 20 And we receive an image, electronic -- 21 electronic form that -- that we have and that we 22 will hold.</p>
Page 102	Page 104
<p>1 at the yearly breakdowns. 2 In your experience, does your 3 office receive more voter registration 4 applications in some months than other months? 5 A. We receive more applications during 6 an election cycle, the month before the voter 7 registration deadline. So in January of this 8 year, we have seen -- we saw a much larger 9 number of applications than we would have 10 received in November or December. 11 Q. Okay. Does your office hire 12 temporary workers during that time? 13 A. Yes, we do hire temporary workers 14 as well. 15 Q. How many temporary workers do you 16 hire during an election cycle? 17 A. It does vary by election cycle. We 18 hire two to three on smaller cycles and we have 19 hired up to 15 in a heavier, larger cycle. 20 Q. And is a larger cycle, presidential 21 cycle? 22 A. Presidential and midterm, which</p>	<p>1 Q. And that form includes an imaged 2 signature? 3 A. It do -- they do include 4 signatures, yes. 5 Q. Okay. Do you know if the 6 signatures that your DPS applications -- are 7 they digital signatures signed on a -- with a 8 stylus on a pad? 9 A. Yes, I am aware of that, yes. 10 Q. Okay. But you get copies of those 11 signatures with the DPS voter registration 12 applications or voter registration files that 13 come to your office; is that right? 14 A. Yes, we receive that. 15 Q. I want to go back very briefly to 16 the way that your office processes paper voter 17 registration applications. 18 A. Okay. 19 Q. Does your office use signatures on 20 voter registration applications to verify 21 someone's identity in the registration process? 22 A. No, we do not.</p>

26 (Pages 101 to 104)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 105

1 Q. And what about with DPS, do you use  
 2 signatures to verify identity with those DPS  
 3 voter registration applications?  
 4 A. We do not. We do not.  
 5 Q. So we've just went through the  
 6 number of voter registration applications that  
 7 your office receives.  
 8 And is it fair to say that your  
 9 office gets more voter registration applications  
 10 on paper than from DPS generally?  
 11 A. Yes, yes.  
 12 Q. I want to ask you about some other  
 13 voter registration agencies in the State of  
 14 Texas if you don't mind.  
 15 A. Okay.  
 16 Q. Do you guys get -- that sort of  
 17 broke down your paper applications and the  
 18 applications that you receive from DPS.  
 19 Do you have a sense of how many  
 20 voter registration applications your office  
 21 receives from the Department of Health and Human  
 22 Services, for example?

Page 106

1 A. No, we do not track that -- that  
 2 number separately.  
 3 Q. All right. Do you have a sense?  
 4 You know, is it more than a thousand  
 5 applications from those agencies?  
 6 A. I can't say that it's more than  
 7 a thousand.  
 8 Q. Okay. Do you think it's -- so you  
 9 think it's less than a thousand?  
 10 A. It -- it -- it could be just at  
 11 a thousand, but, again, we really do not  
 12 track -- we don't track those separately in any  
 13 manner --  
 14 Q. Okay. But it's not --  
 15 A. -- yes.  
 16 Q. -- nearly as many as you get from  
 17 DPS, for example; is that fair to say?  
 18 A. Definitely. DPS is -- is by far  
 19 the -- the largest.  
 20 Q. Okay. And would it surprise you if  
 21 that count from HHS, Department of Aging and  
 22 Disability Services, marriage bureaus, would it

Page 107

1 surprise you if that count was higher than even  
 2 5,000 applications?  
 3 A. Yes, I would say it would surprise  
 4 me.  
 5 Q. How does your -- does your office  
 6 determine whether someone is eligible to vote in  
 7 Travis County?  
 8 A. No, we simply do the data entering  
 9 and we send it to the State and they're the ones  
 10 that certify and provide the VUID, which is the  
 11 Voter Unique ID, for a voter. They provide that  
 12 information to us.  
 13 Q. And what's your understanding of  
 14 how the Secretary of State determines if someone  
 15 is eligible to vote in Travis County?  
 16 MS. VEIDT: Objection, speculation.  
 17 THE WITNESS: The Secretary of  
 18 State's office matches -- first, they do a  
 19 match to see if anybody is registered at  
 20 that -- if a person, a voter profile, is  
 21 registered in another county. If that is  
 22 the case, they would cancel that person in

Page 108

1 the other county and then transfer their  
 2 information to -- to our county.  
 3 They also do match for Social  
 4 Security Number to see if the name, birth  
 5 date and number match.  
 6 Also they do that with DPS, with a  
 7 driver's license or Texas ID number. I do  
 8 not know their processes other than we  
 9 receive information certifying a voter and  
 10 we receive information stating that  
 11 something does not match. Therefore, we  
 12 then go into our process of mailing the  
 13 voter to -- to get more information and to  
 14 clarify. And we review the files to see  
 15 if there was a data entry issue for any  
 16 reason since everything is entered  
 17 manually.  
 18 BY MS. YUKEVICH:  
 19 Q. Understood. And is it your  
 20 understanding that the Texas Secretary of  
 21 State's office is able to do that with the  
 22 information that your office provides to them

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 109	Page 111
<p>1 through TEAM? Is that right?</p> <p>2 A. As -- as far as the --</p> <p>3 MS. VEIDT: Objection, speculation.</p> <p>4 MS. HUNKER: Objection, form.</p> <p>5 MS. YUKEVICH: Again, Ms. Hunker,</p> <p>6 I'll just re-raise what I raised off the</p> <p>7 record earlier, that I think at this point</p> <p>8 it's inappropriate for you to be objecting</p> <p>9 during a deposition, which you are not --</p> <p>10 MS. HUNKER: And I will reiterate</p> <p>11 my position that I think the rules allow</p> <p>12 the parties, not just the person who's</p> <p>13 representing that specific party, to raise</p> <p>14 objections, particularly, the deposition</p> <p>15 is going to be used in other parts of the</p> <p>16 trial.</p> <p>17 MS. YUKEVICH: Understood.</p> <p>18 BY MS. YUKEVICH:</p> <p>19 Q. I apologize, Ms. Nagy. I'll just</p> <p>20 ask my question again if that's helpful for you.</p> <p>21 A. Certainly. Thank you.</p> <p>22 Q. Of course. My -- my question is:</p>	<p>1 not understanding why they didn't get</p> <p>2 registered. Also, talk about online voter</p> <p>3 registration. But generally, that's not -- that</p> <p>4 would be it, every once in a while.</p> <p>5 Q. Okay. And in the context of those</p> <p>6 complaints, you mentioned online voter</p> <p>7 registration. What do folks have to say to your</p> <p>8 office about online voter registration?</p> <p>9 A. Why don't we have voter</p> <p>10 registration is usually the question.</p> <p>11 Q. Fair enough. And have you ever</p> <p>12 received complaints that folks thought that they</p> <p>13 had registered to vote, didn't realize that they</p> <p>14 had to mail in an application?</p> <p>15 A. That is true. There are some</p> <p>16 individuals that believe that they have</p> <p>17 registered online because they filled out a</p> <p>18 form, not realizing that they needed to either</p> <p>19 print it out, or if they received it at home,</p> <p>20 that they needed to then sign it and mail it</p> <p>21 back in. So there is confusion about that.</p> <p>22 Q. All right. But you don't have --</p>
<p>Page 110</p> <p>1 Is it your understanding that the Secretary of</p> <p>2 State's office is able to verify voter</p> <p>3 registration -- whether a voter is eligible to</p> <p>4 vote with the information your office provides</p> <p>5 to them?</p> <p>6 MS. HUNKER: Same objection.</p> <p>7 THE WITNESS: That is my -- that is</p> <p>8 my understanding.</p> <p>9 BY MS. YUKEVICH:</p> <p>10 Q. So we talked earlier about the fact</p> <p>11 that voters will sometimes call your office; is</p> <p>12 that correct?</p> <p>13 A. That is correct.</p> <p>14 Q. And we talked earlier that you</p> <p>15 don't have a universal capture system for -- to</p> <p>16 record those calls; is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Has your office ever received any</p> <p>19 complaints from the residents of Travis County</p> <p>20 about the voter registration process?</p> <p>21 A. From time to time, there have been</p> <p>22 complaints that they're confused, maybe they --</p>	<p>Page 112</p> <p>1 just to be as sort of as clear as possible, you</p> <p>2 don't have, like, documents with those -- that</p> <p>3 volume or the number of those complaints; right?</p> <p>4 A. No. No. Those complaints may come</p> <p>5 around voter registration deadline. Generally</p> <p>6 we do receive complaints from individuals who</p> <p>7 believe they registered on time. However, we</p> <p>8 have to follow certain processes by the State</p> <p>9 utilizing a post mark and -- and so those -- we</p> <p>10 have to follow that, those guidelines.</p> <p>11 Q. So you've received complaints</p> <p>12 about, like, mailing in a voter registration</p> <p>13 application thinking that they had submitted it</p> <p>14 on time but they hadn't; is that also fair to</p> <p>15 say?</p> <p>16 A. Yes, that is correct.</p> <p>17 Q. So we talked earlier about --</p> <p>18 sorry. I got some feedback there for a second.</p> <p>19 I apologize.</p> <p>20 So we talked earlier about voters</p> <p>21 needing to sign their voter registration</p> <p>22 applications for them to be considered complete;</p>

28 (Pages 109 to 112)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 113	Page 115
<p>1 is that correct?</p> <p>2 A. Yes, that is correct.</p> <p>3 Q. Okay. And what is your</p> <p>4 understanding of what signatures on voter</p> <p>5 registration applications are used for in the</p> <p>6 election administration context?</p> <p>7 MS. VEIDT: Objection, speculation.</p> <p>8 MS. HUNKER: Same objection.</p> <p>9 THE WITNESS: The -- the signature</p> <p>10 is utilized by the Elections Division</p> <p>11 of -- in the ballot-by-mail process as I</p> <p>12 understand.</p> <p>13 BY MS. YUKEVICH:</p> <p>14 Q. Okay. Does your office have any</p> <p>15 involvement in that process?</p> <p>16 A. No, our office does not at this</p> <p>17 time with our new system, no, we don't in this</p> <p>18 system.</p> <p>19 Q. Did you used to be involved in that</p> <p>20 process?</p> <p>21 Did your office used to be involved</p> <p>22 in that process?</p>	<p>1 you would, or your office would, pull up -- if</p> <p>2 the Early Ballot Board needed a signature, you</p> <p>3 would pull up that voter's signature in your</p> <p>4 electronic system; is that correct?</p> <p>5 A. We would pull up -- we would pull</p> <p>6 up the system in a software package that it was</p> <p>7 stored in. And so, yes, we would pull up the</p> <p>8 application in our software package.</p> <p>9 Q. And that application in your</p> <p>10 software package included the scan of this</p> <p>11 signature from the paper voter registration</p> <p>12 application; is that correct?</p> <p>13 A. It included the entire image of the</p> <p>14 application. It did not -- it did not secure</p> <p>15 the signature by itself. It was just --</p> <p>16 Q. Okay.</p> <p>17 A -- the entire appli --</p> <p>18 Q. You can continue. I didn't mean to</p> <p>19 cut you off.</p> <p>20 A. Oh, no. And -- and so we would</p> <p>21 have the entire application to view.</p> <p>22 However, we would provide a screen</p>
<p>Page 114</p> <p>1 A. Prior to going to our new system</p> <p>2 that actually captures the signature and can be</p> <p>3 viewed by the Elections Division, we did have</p> <p>4 members of the Ballot Board that would walk over</p> <p>5 to our office, they are located across the hall</p> <p>6 from us, and would request signatures from</p> <p>7 voters that they needed to have a signature,</p> <p>8 they needed something, and we would screen shot</p> <p>9 and print out a signature to provide to them.</p> <p>10 But with our new system that is not necessary</p> <p>11 anymore.</p> <p>12 Q. Okay. When did you get your new</p> <p>13 system?</p> <p>14 A. January of 2021.</p> <p>15 Q. Okay. And that -- to be clear,</p> <p>16 when we're talking about that system and screen</p> <p>17 shotting, I just want to break that down.</p> <p>18 So you would go on -- into the --</p> <p>19 your system -- prior to getting your new</p> <p>20 system -- let me just be as clear as I can.</p> <p>21 A. Yes.</p> <p>22 Q. Prior to getting your new system,</p>	<p>Page 116</p> <p>1 shot of the signature and print it out and</p> <p>2 provide it to the Ballot Board for their --</p> <p>3 their needs and what they were needing to --</p> <p>4 to -- what they needed the signature for.</p> <p>5 Q. Understood. So you had a scan of</p> <p>6 the signature and -- because you had a scan of</p> <p>7 the whole ballot app -- or excuse me, the whole</p> <p>8 registration application?</p> <p>9 A. Correct.</p> <p>10 Q. And you would just click the</p> <p>11 signature for the Early Ballot Board; is that</p> <p>12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Would they ever view it on your</p> <p>15 computer screen?</p> <p>16 A. No, no. I -- and I didn't do that.</p> <p>17 Our office manager was the one who would</p> <p>18 generally provide that signature; and I don't --</p> <p>19 I am not aware that they looked at it on the --</p> <p>20 on the screen.</p> <p>21 Q. But they would -- so they would</p> <p>22 print the image of the signature and take it to</p>

29 (Pages 113 to 116)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 117	Page 119
<p>1 the Early Ballot Board?</p> <p>2 A. And the ballot person -- Ballot</p> <p>3 Board person would wait there for it. We would</p> <p>4 screen shot it, print it out, and give them a</p> <p>5 copy.</p> <p>6 Q. Then you said now, with your new</p> <p>7 system, you don't need to do that anymore; is</p> <p>8 that correct?</p> <p>9 A. That is correct. The signatures</p> <p>10 are clipped when they're scanned and the</p> <p>11 Elections Division has access to view those</p> <p>12 images of signatures. So we are -- we're not</p> <p>13 involved in that process.</p> <p>14 Q. And did that happen with every</p> <p>15 mail-in ballot or just some mail-in ballots?</p> <p>16 A. Oh, it was -- I -- it was rare. I</p> <p>17 mean, during -- during early voting or during</p> <p>18 the election cycle of receiving ballot-by-mail</p> <p>19 applications and reviewing those, we could have</p> <p>20 daily visits, sometimes for one signature,</p> <p>21 sometimes for ten. It just really depended</p> <p>22 on -- on their needs.</p>	<p>1 less than a thousand per election cycle?</p> <p>2 A. Yes. Yes. I would say definitely</p> <p>3 yes.</p> <p>4 Q. Any other uses for signatures</p> <p>5 during the election administration process that</p> <p>6 you're aware of?</p> <p>7 A. I am not -- let's see. Um.</p> <p>8 There has been a time or two when</p> <p>9 they did need to do a check on whether someone</p> <p>10 signed in to vote at a particular time. There</p> <p>11 may be an occurrence where two individuals,</p> <p>12 ended up happened, a father and son with the</p> <p>13 same name but a junior and one was actually</p> <p>14 checked in.</p> <p>15 So there are situations where they</p> <p>16 may have to check a signature to see if -- who</p> <p>17 actually signed in, and to -- to confirm that</p> <p>18 and make a correction on that. But that's on</p> <p>19 the election side.</p> <p>20 Q. Just give me one moment. I</p> <p>21 apologize.</p> <p>22 A. Uh-huh.</p>
Page 118	Page 120
<p>1 But during a busy election cycle</p> <p>2 yes, we could have almost daily visits from the</p> <p>3 Ballot Board. It depended on when they met, and</p> <p>4 I -- we just -- we didn't have their schedule.</p> <p>5 Q. But you never -- your office never</p> <p>6 provided a thousand signatures to them; is that</p> <p>7 correct?</p> <p>8 A. No, I would -- I would say not.</p> <p>9 No, nowhere close to that.</p> <p>10 Q. So during an election cycle, is it</p> <p>11 fair to say that you would -- your office, when</p> <p>12 you needed to provide those signatures, would</p> <p>13 provide less than 100 signatures during an</p> <p>14 election cycle?</p> <p>15 A. Potentially. I -- I don't have</p> <p>16 that number. We -- we didn't track that so I</p> <p>17 don't have that number. But from what I</p> <p>18 observed, I know that it could be up to a dozen</p> <p>19 at one time, but I -- it wasn't something that I</p> <p>20 tracked and I didn't ask my staff to track how</p> <p>21 many times they came to ask.</p> <p>22 Q. Understood. But you agree it's</p>	<p>1 MS. YUKEVICH: Can we pull up</p> <p>2 Exhibit C just one more time, Joe.</p> <p>3 And can we go to Page -- sorry.</p> <p>4 That's my job. Can we go to Page 7?</p> <p>5 Can we zoom in on Interrogatory</p> <p>6 Number 2, please. Okay.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. So here we are, [as read]: "State</p> <p>9 and describe the purpose and function of a</p> <p>10 signature on voter registration applications,</p> <p>11 including any differences in the purpose and</p> <p>12 function of the wet-ink signatures compared to</p> <p>13 electronic or imaged signatures."</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 MS. YUKEVICH: Can we zoom in on --</p> <p>18 and this is -- again, this is -- has been</p> <p>19 previously entered as Exhibit C. This is</p> <p>20 Defendant Elfant's Responses to</p> <p>21 Plaintiff's First Set of Interrogatories.</p> <p>22 Can we zoom in on the answer, the</p>

30 (Pages 117 to 120)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 121	Page 123
<p>1 first paragraph of the answer.</p> <p>2 Okay. And can we highlight the</p> <p>3 second sentence or -- yeah, it's the</p> <p>4 fourth line, it says, [as read]:</p> <p>5 "Signatures on voter registration</p> <p>6 application form."</p> <p>7 And then the rest of the way down.</p> <p>8 Okay.</p> <p>9 BY MS. YUKEVICH:</p> <p>10 Q. So the first purpose in this answer</p> <p>11 we sort of already discussed for this, you just</p> <p>12 touched on, like, the father and son signing on</p> <p>13 the same line.</p> <p>14 And so I just want to be clear, are</p> <p>15 you -- your understanding is that it's possible</p> <p>16 that that could happen or you are aware of such</p> <p>17 instances occurring -- affirmatively aware of</p> <p>18 such instances occurring?</p> <p>19 A. I -- I am aware that it has</p> <p>20 occurred in the past. I don't recall when.</p> <p>21 Q. Okay.</p> <p>22 A. So, but, yes, I am aware that</p>	<p>1 correctly, yes, it was -- it was a mistake</p> <p>2 that -- that was made in the processing of -- of</p> <p>3 the voter.</p> <p>4 Q. Okay. Can I ask -- and sorry. I</p> <p>5 just want to make sure that I get clarity on</p> <p>6 this issue.</p> <p>7 Can I ask: Does Travis County,</p> <p>8 when you sign in on your poll book, do you guys</p> <p>9 use paper poll books or e-poll books?</p> <p>10 A. We use e-poll books. We went to</p> <p>11 e-poll books, I believe, four years ago, three</p> <p>12 years, four years ago, yeah. Prior to that --</p> <p>13 Q. Okay.</p> <p>14 A. -- we utilized paper sign in.</p> <p>15 Q. And e-poll books capture signatures</p> <p>16 with -- electronic signatures with a stylus; is</p> <p>17 that correct?</p> <p>18 MS. VEIDT: Objection, speculation.</p> <p>19 You can answer if you know.</p> <p>20 THE WITNESS: Yes.</p> <p>21 Yes, it is an electronic signature</p> <p>22 on the tablet.</p>
Page 122	Page 124
<p>1 situations similar to that have occurred in the</p> <p>2 past.</p> <p>3 Q. Okay. So this answer now, right,</p> <p>4 [as read]: "With an election context, Defendant</p> <p>5 Elfant is not personally aware of any such</p> <p>6 occurrences," was that just referring to</p> <p>7 Defendant Elfant personally or is this just</p> <p>8 not --</p> <p>9 A. It -- it would have to -- he would</p> <p>10 have to answer that. I am aware of it.</p> <p>11 Q. Okay.</p> <p>12 MS. YUKEVICH: We can take this</p> <p>13 down, please.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. And how many times would you say</p> <p>16 that you are aware -- how many instances are you</p> <p>17 aware of that happening?</p> <p>18 A. Of that, just the one in particular</p> <p>19 that I can recall.</p> <p>20 Q. And that was one where a father and</p> <p>21 son signed for each other?</p> <p>22 A. Yes, if I'm -- if I remember</p>	<p>1 MS. YUKEVICH: Okay. I do want to</p> <p>2 pull back -- I'm sorry, Joe. I do want to</p> <p>3 pull back up that answer, really quickly,</p> <p>4 to Interrogatory Number 2. So Exhibit C,</p> <p>5 what we were just looking at, same page,</p> <p>6 Page 7.</p> <p>7 All right. We can pull that part</p> <p>8 down and just go to second paragraph of</p> <p>9 the answer. Go all the way down to the</p> <p>10 bottom of the page, where it says,</p> <p>11 "Defendant Elfant is not aware." Yep.</p> <p>12 BY MS. YUKEVICH:</p> <p>13 Q. So we asked about the difference</p> <p>14 between -- you know, we asked earlier -- the</p> <p>15 Interrogatory reads, [as read]: "State and</p> <p>16 describe the purpose and function of a signature</p> <p>17 voter registration application, including any</p> <p>18 differences in the purpose and function of</p> <p>19 wet-ink signatures compared to electronic or</p> <p>20 imaged signatures."</p> <p>21 And your answer here was,</p> <p>22 "Defendant Elfant is not aware of any difference</p>

31 (Pages 121 to 124)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 125	Page 127
<p>1 in purpose or function between a wet-ink 2 signature and an electronic or imaged 3 signature." 4 Is that still your office's 5 understanding today? 6 A. For voter registration purposes, 7 yes. 8 Q. Okay. 9 MS. YUKEVICH: We can take this 10 down, Joe. Thanks. 11 BY MS. YUKEVICH: 12 Q. And so are you aware of any -- 13 the two sort of things that we've discussed 14 today as uses for after -- for election 15 administration purposes, the use for a voter -- 16 a signature on a voter registration application 17 for election administration purposes are 18 exemplar signature that can be used for 19 comparison purposes by an Early Ballot Board and 20 the one instance that you're aware of where 21 signatures on voter registration application 22 forms can be used for comparison purposes</p>	<p>1 from DPS? 2 A. I am not aware of examples since I 3 don't perform that function, but it would be a 4 signature that we would have on file, and it 5 could be from DPS or a mail-in. So it would be 6 from either application that we had available. 7 Q. When the Early Ballot Board used to 8 come to your office and they would ask for 9 signatures, did they -- did your office ever 10 make a distinction between voters who registered 11 at DPS and voters who registered on paper 12 application? 13 A. Again, I did not perform that 14 function and I'm not aware that my staff made 15 that distinction. 16 Q. And the software you have now, that 17 includes signatures that your office has scanned 18 from voter registration applications that come 19 in on paper or via facsimile; is that correct? 20 A. Correct. 21 Q. And it also includes DPS 22 signatures; is that correct?</p>
Page 126	Page 128
<p>1 against in-person voter sign-in sheets in 2 connection with an election context; is that 3 correct? 4 A. Yes, everything would be a function 5 of the Elections Division. 6 Q. Any other purpose or use for 7 signatures on voter registration applications 8 that you're aware of? 9 MS. VEIDT: Objection, speculation. 10 THE WITNESS: That I am aware of, 11 no. 12 BY MS. YUKEVICH: 13 Q. And when the early -- I want to go 14 back to before you got your new software and 15 back to when the Early Ballot Board used to have 16 to come to your office to -- when they -- for 17 when they needed a signature. 18 Are you with me so far? 19 A. Yes. Yes. 20 Q. Okay. When they would do that, did 21 they ever ask or did you ever provide signatures 22 from voter registration applications that came</p>	<p>1 A. That is correct. 2 Q. And the Early Ballot Board has 3 access to that system now; is that right? 4 A. That is correct. 5 Q. Okay. Sorry. Just give me one 6 moment. I apologize. 7 All right. So we talked a little 8 bit about this earlier and I just want to go 9 back over it again. For that I am sorry. 10 What does your office do if a voter 11 submits a voter registration application without 12 a signature at all? 13 A. Well, we consider that an 14 incomplete application and we do send 15 correspondence to the voter letting them know 16 that it's incomplete and offer them the 17 opportunity to complete the application and send 18 us a completed application including the 19 signature. 20 Q. And what would your office do today 21 if a voter submitted a voter registration 22 application with an imaged signature?</p>

32 (Pages 125 to 128)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: right;">Page 129</p> <p>1 A. Can you clarify in what -- in what 2 way would we receive it? 3 Q. Oh, yes. Good point. What if you 4 received an imaged signature on a paper voter 5 registration application form? 6 A. If we determined that it was an 7 image, if we were able to make that 8 determination in some manner, we would consider 9 it an incomplete application. 10 Q. Okay. And you mentioned if you 11 "were able to make that determination." 12 Is there someone in your office 13 that reviews every signature to determine 14 whether it's a wet-ink signature or an imaged 15 signature? 16 A. No, all of our administrative 17 staff, including myself sometimes in a busy 18 election cycle, will review applications for 19 completeness and -- and everything. So we 20 will -- we will look at the applications to 21 ensure that there is a signature. 22 Q. Okay. Is it your understanding</p>	<p style="text-align: right;">Page 131</p> <p>1 State of Texas? 2 A. I am not aware of -- 3 MS. HUNKER: Object to form. 4 Objection, speculation. 5 THE WITNESS: I -- I am not aware 6 of how -- of them distinguishing the 7 difference. 8 BY MS. YUKEVICH: 9 Q. Okay. So you've processed 10 applications that came in from a voter with a 11 disability who's unable to sign their name, and 12 those people have subsequently successfully 13 registered to vote; is that correct? 14 A. Yes. 15 Q. Okay. So we talked earlier about 16 the Early Ballot Board and the -- or Early 17 Balloting Board and -- and the interactions that 18 your office used to have with the Early 19 Balloting Board. I do want to ask just one more 20 question. 21 Did you ever go to get a voter -- a 22 paper copy of a voter registration application</p>
<p style="text-align: right;">Page 130</p> <p>1 that the signature on the voter registration 2 application is an affirmation that the rest of 3 the information is correct? 4 A. Yes, I would make that determine -- 5 yes. 6 Q. And are you aware of disabled 7 voters or voters that struggle with motor skills 8 that are unable to sign a full name signature? 9 A. Yes. Yes. We do receive -- we do 10 have some applications that do -- do come in in 11 those -- in that manner, yes. 12 Q. Okay. What does your office do 13 with those applications? 14 A. Well, if there is some form of 15 marking, I mean, we do process it as well. 16 Q. And you process it in the same way 17 that you process any other voter registration 18 application? 19 A. That -- that is correct, yes. 20 Q. And is your understanding that 21 Secretary of State's office is able to determine 22 whether those folks are eligible to vote in the</p>	<p style="text-align: right;">Page 132</p> <p>1 for the Early Ballot Board? 2 A. Again, not performing that task, I 3 am not aware that any of my staff did have to 4 get a paper application to retrieve a signature. 5 Q. Okay. And you -- we testified 6 earlier that you -- you're unaware of ever 7 needing to bring voter -- paper voter 8 registration applications back from storage; is 9 that right? 10 A. That is correct. 11 Q. What are Signature Verification 12 Committees? 13 A. I cannot address those. That is 14 not a function that we're involved in. 15 Q. Okay. So you -- your office, to be 16 clear, has never had any interaction with 17 Signature Verification Committees specifically? 18 A. No, I -- we have not. 19 Q. So your office just had 20 interactions with the Early Balloting Board; is 21 that correct? 22 A. Yes.</p>

33 (Pages 129 to 132)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 133	Page 135
<p>1 Q. Okay. So I want to ask you just a 2 few more questions and then I think it makes 3 sense to take our longer break for lunch. I'm 4 actually almost finished. 5 MS. YUKEVICH: So we can -- if that 6 makes sense to everyone else. 7 BY MS. YUKEVICH: 8 Q. So I just want to ask: Can voters 9 call your office to request a paper application? 10 A. Yes, they can. 11 Q. Okay. How do they do that? They 12 just call the office? 13 A. They call the office and we will 14 place a mail-in application for them to -- to -- 15 to respond, to fill it out, and send it back to 16 us, a postage-paid application. 17 Q. Okay. Is it your understanding 18 that your office is required by law to do that 19 or is that an independent choice that your 20 office has made? 21 A. That is an independent action that 22 we've always taken, being responsive in that</p>	<p>1 or excuse me, to get a mailed voter registration 2 application? 3 A. No, we -- we haven't kept a count 4 of those. 5 Q. Okay. And does the person who 6 staffs that line speak Spanish? 7 A. We do have bilingual operators, 8 both in the call center and our staff as well. 9 And my -- and my -- 10 Q. And those folks are always 11 available? 12 A. Yes, we have -- we have bilingual 13 staff always available. 14 Q. Any other languages besides 15 Spanish? 16 A. No, for -- not -- not that I'm 17 aware of in the call center, just -- just 18 Spanish; and for our staff only additionally 19 Spanish. 20 Q. Okay. And you -- we said earlier, 21 but just to be clear, you don't keep any records 22 of who calls into that line or what they say to</p>
<p>1 manner. 2 Q. Okay. So -- and when is that -- 3 when -- what hours are voters able to call that 4 number? 5 A. Between 8:00 and 5:00, Monday 6 through Friday. That's when our lines are -- 7 basically are open. Sometimes 7:30 in the 8 morning because the Tax Office has -- can have 9 extended hours. 10 Q. And who staffs that line? 11 A. That is the call center of the Tax 12 Office. 13 Q. And are they able to send those 14 applications or does that -- does that call have 15 to come up to your office? 16 A. I am not aware that they respond to 17 any request in that manner. I know that we have 18 received those phone calls every once in a 19 while. It's -- it's very rare that we do -- 20 have received those calls in the past. 21 Q. Okay. And do you keep count of how 22 many folks call to -- to get a mail-in ballot --</p>	<p>1 request a paper voter registration application; 2 is that right? 3 A. That is correct, we don't 4 differentiate in the different types of call. 5 Q. Okay. Who is responsible for 6 sending those applications when people request 7 them? 8 A. It would be whoever takes the phone 9 call, the administrative staff, whoever takes 10 the phone call. And I have even mailed out, if 11 a call is sent to me for any reason, I've even 12 mailed one out and prepared the envelope. 13 Q. So many times in your office it can 14 be all hands on deck? 15 A. That is true, yes. 16 Q. Okay. And when a voter calls and 17 requests that -- and I say "voter." When a -- 18 when a potential registrant calls and asks for 19 that application to be mailed to them, how long 20 does it take until your -- your office sends 21 that application out to them? 22 A. We would prepare it that day and</p>

34 (Pages 133 to 136)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: right;">Page 137</p> <p>1 send it out; and, normally, it would go out in 2 the next day's mail. 3 Q. You don't wait to batch them or 4 anything like that? 5 A. Oh, no, not at all. 6 Q. And this -- how long does it 7 typically take to reach the voter? 8 MS. VEIDT: Objection, speculation. 9 THE WITNESS: I -- I have no way of 10 really making that determination. 11 BY MS. YUKEVICH: 12 Q. Okay. It doesn't reach the voter 13 that same day; is that correct? 14 A. That is correct. I would -- 15 Q. Okay. 16 A. I would venture not. 17 Q. It can take a couple of days, you 18 know, on the quick end for voters to get the 19 application; is that correct? 20 A. That is -- 21 MS. VEIDT: Objection, speculation. 22 MS. HUNKER: Same objection.</p>	<p style="text-align: right;">Page 139</p> <p>1 for that application to reach you; is that 2 right? 3 A. That is correct. 4 MS. YUKEVICH: Okay. I mean, I 5 think that we are sort of getting to the 6 end. It's been about an hour. 7 I think, if it's okay -- it's 12:30 8 for me. I know it's only 11:30 for you. 9 Is it all right if we take our lunch break 10 now? 11 MS. VEIDT: Yeah, we would be fine 12 with that. 13 MS. YUKEVICH: Okay. Can we go off 14 the record and let's talk about timing. 15 THE VIDEOGRAPHER: We are now going 16 off the video record. The time is 17 11:25 a.m. 18 (A recess is held from 11:25 a.m. 19 to 12:16 p.m.) 20 THE VIDEOGRAPHER: We are now going 21 back on the video record. The time is 22 12:16 p.m.</p>
<p style="text-align: right;">Page 138</p> <p>1 THE WITNESS: Yes, at a -- at a 2 minimum. 3 BY MS. YUKEVICH: 4 Q. Okay. And are you aware of any 5 mail delays that, you know, that Travis County 6 has experienced or that your office has 7 experienced? 8 A. I am not fully aware of -- of a 9 delay, other than anecdotal. 10 Q. All right. So you've heard some 11 stories about mail delays, but -- but you're not 12 fully apprised of the -- the length, for 13 example? 14 A. Yeah, we are -- we are not 15 monitoring when mail is received or anything in 16 that manner. So I don't have any information. 17 Q. Fair enough. And then once the 18 voter receives the application that you've 19 mailed to them, they need to fill it out and 20 mail it back to you; is that correct? 21 A. That is correct. 22 Q. And it'll take some number of days</p>	<p style="text-align: right;">Page 140</p> <p>1 BY MS. YUKEVICH: 2 Q. Okay. Hi, Ms. Nagy. How are you 3 doing? 4 A. Doing well, thank you. 5 Q. Good. Are you able to hear me 6 okay? 7 A. Yes, I can. 8 Q. Okay. Good. Always good to check 9 after lunch. 10 So I wanted to just ask you a 11 little bit about my client Vote.org. 12 Does that make sense? 13 A. Yes. 14 Q. Okay. Just generally, what do you 15 know about Vote.org? 16 A. I actually don't know that very 17 much about them, other than they offer the 18 opportunity for voters to maybe get information, 19 attempt to register with them, but I -- I have 20 not looked at Vote.org. I'm not really familiar 21 with all of their -- all of their offerings or 22 what they're able to do completely.</p>

35 (Pages 137 to 140)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: right;">Page 141</p> <p>1 Q. Okay. Have you ever -- has anyone 2 in your office ever spoken to anyone from 3 Vote.org? 4 A. I have spoken with someone from 5 Vote.org, yes. 6 Q. Okay. When was that? 7 A. That would have been in the fall of 8 2018. 9 Q. Okay. Do you remember who you 10 spoke to? 11 A. I spoke with Sarah, and I do not 12 recall her last name right at the top of my head. 13 Q. That's okay. Did you spoke to 14 anyone else -- or speak to anyone else? 15 A. I -- Sarah was the only person that 16 I spoke with that fall. I don't recall that 17 there was anybody else from the organization 18 that I spoke with. 19 Q. All right. And can you tell me, do 20 you remember when you first spoke with Sarah? 21 A. I spoke with Sarah in September. 22 It would have been before our voter registration</p>	<p style="text-align: right;">Page 143</p> <p>1 time ago. 2 A. It was definitely less than an 3 hour. Maybe around 30 minutes. 30 minutes to 4 an hour at the most. 5 Q. Okay. And what was the tool that 6 she was discussing? What do you remember about 7 that tool? 8 A. What she was telling us, there 9 were -- she actually showed us -- showed me the 10 statute and the reference to the facsimile and 11 the copy of, and that they had developed a 12 software tool to allow people to provide a -- an 13 application with a signature on it and that then 14 a copy would be provided of that application. 15 And I really had never looked 16 closely at the statute for -- in that particular 17 section, so I was not really fully aware of 18 that. 19 Q. Okay. And is it your understanding 20 that the web application that she was talking to 21 you about would allow a voter to take a picture 22 of their signature and put it on a voter</p>
<p style="text-align: right;">Page 142</p> <p>1 deadline, and I believe the first time we spoke 2 it was either August or September. 3 Q. Okay. And did she reach out to 4 you? Did you reach out to her? 5 A. She did reach out to me and then we 6 set up a time. And she was in Austin and she 7 came by to -- to visit with me. 8 Q. Okay. Why did she reach out to 9 you, to your under -- what -- you're 10 understanding? 11 A. She -- well, she came in -- she was 12 reaching out because she -- they had a tool. 13 She said that they had a tool to help with voter 14 registration and she wanted to talk to me about 15 it. And I was open to meeting with her and 16 hearing what she had to say. 17 Q. Okay. And did you guys just only 18 meet in person that one time? 19 A. I believe we only met in person one 20 time. 21 Q. Okay. Do you remember about how 22 long that meeting was? I know it was a long</p>	<p style="text-align: right;">Page 144</p> <p>1 registration application? 2 Is that -- was that your 3 understanding? 4 A. That was my understanding, yes. 5 Q. Okay. And then was your 6 understanding -- what would happen next? 7 How -- how would your office get 8 the voter registration application? 9 A. We would -- we would receive a fax 10 of that application and -- within four days, 11 which is in statute, we would receive a copy of 12 that application. 13 Q. And you understood that the copy 14 would come without a wet-ink signature; right? 15 A. As I understand and view a wet 16 signature, yes, that is correct, it would be a 17 copy of a signature -- of wet signature. 18 Q. It's fair to say -- so it would not 19 be like a pen? 20 A. Correct. Correct. 21 Q. Okay. And was it your 22 understanding at the time, back in the fall of</p>

36 (Pages 141 to 144)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 145	Page 147
<p>1 2018, that under Texas Election Code that you --</p> <p>2 your office could accept those voter</p> <p>3 registration applications if you received them</p> <p>4 within four days and via facsimile?</p> <p>5 A. That is correct. We -- yes, that</p> <p>6 is correct.</p> <p>7 Q. And is it your understanding that</p> <p>8 the law required you to accept those</p> <p>9 applications?</p> <p>10 A. Yes.</p> <p>11 Q. And did that understanding change</p> <p>12 when House Bill 3107 passed?</p> <p>13 A. Yes, that -- that did change --</p> <p>14 Q. How did it change?</p> <p>15 A. -- is our understanding.</p> <p>16 That we would require a wet-ink</p> <p>17 signature or that's -- that is what has been</p> <p>18 state -- that has been stated in -- in</p> <p>19 guidelines from the Secretary of State's office.</p> <p>20 Q. And you, just to be clear, you</p> <p>21 would require -- now, after September 1st, 2021,</p> <p>22 you -- your office --</p>	<p>1 Q. Okay. And how could you -- could</p> <p>2 you tell the difference between Vote.org</p> <p>3 applications that came in from Vote.org with</p> <p>4 Vote.org's web -- let me withdraw.</p> <p>5 Could you tell the difference -- I</p> <p>6 apologize.</p> <p>7 Could your -- could you and your</p> <p>8 office tell the difference between applications</p> <p>9 that came in from voters who used Vote.org's web</p> <p>10 application versus app -- paper applications</p> <p>11 that came in from voters who did not use that</p> <p>12 application?</p> <p>13 A. I would say that at the -- the</p> <p>14 first set of applications we received, there was</p> <p>15 a difference. There was a technical issue that</p> <p>16 Vote.org had and the signatures were not coming</p> <p>17 in clearly and we communicated with them that</p> <p>18 there was an issue. They improved, worked on</p> <p>19 it, and -- and -- and repaired the problem that</p> <p>20 they were having, and then the signatures came</p> <p>21 in. We, of course, receive our faxes via</p> <p>22 e-mail, so we -- we don't use a fax machine.</p>
<p>Page 146</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- would only accept that copy with</p> <p>3 a wet-ink signature; is that correct?</p> <p>4 A. That is correct at this time, yes.</p> <p>5 Q. But before House Bill 3107, in the</p> <p>6 fall of 2018, your office would accept a copy</p> <p>7 with an imaged signature; is that correct?</p> <p>8 A. That is correct, if we received a</p> <p>9 facsimile application, yes.</p> <p>10 Q. Of course. First you would receive</p> <p>11 the facsimile application. And if within four</p> <p>12 days you received a copy, it was your</p> <p>13 understanding that you had -- that that was a</p> <p>14 complete voter registration application?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Did your office -- so I want</p> <p>17 to move on, so past that meeting.</p> <p>18 Did your office receive voter</p> <p>19 registration applications from voters who used</p> <p>20 Vote.org's web application tool to send in their</p> <p>21 voter registration application?</p> <p>22 A. Yes, we did receive them.</p>	<p>Page 148</p> <p>1 And so we received those. Then we would have to</p> <p>2 print those out to be able to then scan them</p> <p>3 into our system.</p> <p>4 Q. I understand. So when you would</p> <p>5 get the faxed application, the facsimile</p> <p>6 application, you would print it and then have to</p> <p>7 scan it into a different system; is that</p> <p>8 correct?</p> <p>9 A. We would scan it. We would have to</p> <p>10 wait until the copy was received.</p> <p>11 Q. Okay.</p> <p>12 A. And once the copies were received,</p> <p>13 then that is what we would -- we would scan.</p> <p>14 But we would still make -- we would still print</p> <p>15 the faxes. We would have those waiting for</p> <p>16 copies to come in 'cause that is what we needed</p> <p>17 to wait for.</p> <p>18 Q. Understood. And we said -- so you</p> <p>19 could tell the difference. Is the way that you</p> <p>20 could tell the difference between voters who</p> <p>21 were submitting their applications using</p> <p>22 Vote.org's web application versus voters who</p>

37 (Pages 145 to 148)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: center;">Page 149</p> <p>1 were, like, coming on paper, is that because you 2 were receiving them via facsimile? 3 A. What -- let me just clarify. 4 The -- the technical issue was that they had -- 5 they were changing the -- the white background 6 was coming in dark and the signature was coming 7 in white. So they had a technical issue. We 8 told them we couldn't accept the applications 9 and they had to work on their technical issues. 10 Then when they resent them, then 11 the images were clearer and we were able to 12 distinguish signatures, you know, that -- that 13 weren't blackened out, so that we could -- we 14 could see them. And they basically did look 15 like other -- any other image that we would 16 have. 17 Q. I understand. So there were some 18 technical issues at the beginning; is that fair 19 to say? 20 A. Yes. 21 Q. And this was the -- 22 A. Yes.</p>	<p style="text-align: center;">Page 151</p> <p>1 be as clear as we can for the record here, I 2 used the word "legible" earlier. 3 Not -- that -- when I say the word 4 "legible," you mean that to understand, you 5 know, someone signs a name, you can read exactly 6 what it is that they're saying; is that -- is 7 that right? 8 A. Correct. Yes. 9 Q. Like, if I signed Kathryn Yukevich, 10 you would know that I signed Kathryn Yukevich. 11 Is that what you mean by "legible"? 12 A. Yes, it's -- you know, we're -- 13 we're saying that the -- that the image is -- is 14 clear. It's -- it's not -- it's not damaged, so 15 that we -- we can actually pull the image and 16 everything. And so that's really -- that's all 17 that we're trying to do is just ensure that -- 18 that it's -- that it's -- that it's clear -- 19 Q. Okay. 20 A. -- so that our system accounts 21 track. 22 Q. Okay. And so when you mean --</p>
<p style="text-align: center;">Page 150</p> <p>1 Q. -- first time, to your knowledge, 2 that you received voter registration 3 applications in this way; is that right? 4 A. Yes. Yes. 5 Q. Okay. And then after, you know, 6 you notified Vote.org of that technical issue; 7 is that right? 8 A. Uh-huh. 9 Q. And then -- 10 A. Yes. 11 Q. -- the applications that you 12 received subsequently, there were no -- I won't 13 say no -- there were -- those issues didn't 14 exist anymore; is that right? 15 A. That is correct. That is correct. 16 Q. And the signatures were legible 17 after those initial technical issues? 18 A. They were -- they were clearer. 19 Let's just say they were clear, a legible 20 signature. But, yes, they were -- they were 21 clear and so we -- we could accept them. 22 Q. All right. And so -- and just to</p>	<p style="text-align: center;">Page 152</p> <p>1 when -- you know, I understood your 2 implication -- your -- that some were coming in 3 legible and some were coming in not. That just 4 means that you couldn't always read someone's 5 handwriting; is that correct? 6 A. Right. And I don't mean that it 7 was legible. It was -- it -- there was a 8 problem with the image. That was corrected and 9 then we could -- we could accept it. So we 10 could view it. We could easily view it and see 11 that there was a clear signature. 12 Q. Understood. And I just want to 13 take a step back. 14 Have you received paper voter 15 applications where a signature is not your 16 definition of legible? 17 A. Oh, yes. 18 Q. Okay. But -- and then -- so you 19 received -- but you received clear signatures 20 from voters who submitted their voter 21 registration applications using Vote.org's -- 22 A. Yeah.</p>

38 (Pages 149 to 152)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 153	Page 155
<p>1 Q. -- web application?</p> <p>2 A. Yes. Yes. Yes. Yes.</p> <p>3 Q. Not always legible?</p> <p>4 A. That is correct.</p> <p>5 Q. But all -- but clear?</p> <p>6 A. Yes. Yes.</p> <p>7 Q. Okay. And I appreciate you being</p> <p>8 precise and -- and helping me to understand the</p> <p>9 difference there. Thank you.</p> <p>10 And then my next question: Were</p> <p>11 you able to enter -- for those voter</p> <p>12 registration applications that you received via</p> <p>13 facsimile and received a subsequent copy of the</p> <p>14 voter registration application, were you able to</p> <p>15 enter that voter's information into the system</p> <p>16 that you share with the Secretary of State?</p> <p>17 A. Yes.</p> <p>18 Q. And -- and did your office do that?</p> <p>19 A. Yes, we did.</p> <p>20 Q. And were some of those voter</p> <p>21 registration applications accepted by the</p> <p>22 Secretary of State's office?</p>	<p>1 e-mail?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Okay. And did you send this</p> <p>4 e-mail?</p> <p>5 A. Yes, I did.</p> <p>6 Q. And who did you send it to?</p> <p>7 A. I sent it to -- I believe it would</p> <p>8 have been Sarah. So I unless there was anybody</p> <p>9 else on the e-mail, I would have sent it to her.</p> <p>10 Q. Okay. And I think Sarah is on the</p> <p>11 e-mail.</p> <p>12 What I want to ask you about here</p> <p>13 is just what you said. So you said --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- and I just want to make sure I</p> <p>16 read it correctly -- "I needed to let you know</p> <p>17 that some signatures are not coming through and</p> <p>18 others are very faint. We've received maybe six</p> <p>19 thus far."</p> <p>20 So it's Friday, September 21st,</p> <p>21 2018. Did I read that correctly?</p> <p>22 A. Uh-huh. Yes.</p>
<p>Page 154</p> <p>1 A. We did not track -- but, yes, they</p> <p>2 were. We did not track if any of them had</p> <p>3 any -- any follow-up issues, in that names,</p> <p>4 numbers didn't match, a birth date. But other</p> <p>5 than that, yes, we submitted everything.</p> <p>6 Q. Okay. Did you, in 2018, reject any</p> <p>7 voter registration applications because they did</p> <p>8 not have a wet-ink signature on the copy that</p> <p>9 you received after you received a facsimile?</p> <p>10 A. No, we did not.</p> <p>11 Q. And so I want to bring up, if it's</p> <p>12 okay with you, one of the e-mails that your</p> <p>13 office disclosed to us during discovery.</p> <p>14 Is that all right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So just give me one second</p> <p>17 to identify it. Okay.</p> <p>18 MS. YUKEVICH: Can we bring up</p> <p>19 Exhibit I, as in ice, please. And can we</p> <p>20 just zoom in on that highlighted part.</p> <p>21 BY MS. YUKEVICH:</p> <p>22 Q. Gretchen, do you recognize this</p>	<p>Page 156</p> <p>1 Q. And you -- you expressed two</p> <p>2 concerns here. The first is that some</p> <p>3 signatures are not coming through; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And the second is that other</p> <p>7 signatures were faint; is that also correct?</p> <p>8 A. Yes.</p> <p>9 Q. And when you say, "We've received</p> <p>10 maybe 6 thus far," are you talking about six</p> <p>11 voter registration applications from voters who</p> <p>12 used Vote.org's web application?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I just wanted to make sure</p> <p>15 we were on the same page, but --</p> <p>16 A. It would be -- it would be six</p> <p>17 faxes. It would be six faxes that we received.</p> <p>18 Q. Right. So you were -- this is --</p> <p>19 and you were -- you were aware that these</p> <p>20 applications were coming through Vote.org</p> <p>21 because you had been told that -- that it would</p> <p>22 come through facsimile; is that correct?</p>

39 (Pages 153 to 156)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 157	Page 159
<p>1 A. That is correct.</p> <p>2 Q. And these applications were coming</p> <p>3 through facsimile; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So you say here, you know,</p> <p>6 that signatures weren't coming through and</p> <p>7 others were very faint.</p> <p>8 Are these the concerns that you</p> <p>9 were referring to earlier that Vote.org was able</p> <p>10 to cure in subsequent applications for voters</p> <p>11 that used their tools?</p> <p>12 A. That is correct. Those are the</p> <p>13 technical issues that we -- that we were</p> <p>14 identifying that we had to -- we would have</p> <p>15 issues with that we just weren't able to --</p> <p>16 weren't able to see or -- or they weren't coming</p> <p>17 through at all. They were coming in blacked</p> <p>18 out, very faint with anything written. And so</p> <p>19 we needed -- I needed to communicate to them</p> <p>20 that that was not -- that they had some issues</p> <p>21 on their end.</p> <p>22 Q. Understood. And your concern</p>	<p>1 information to send to the Secretary of State</p> <p>2 for their voter registration; is that correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Okay.</p> <p>5 MS. YUKEVICH: We can take this</p> <p>6 document down now.</p> <p>7 Okay. Can we pull up Exhibit K as</p> <p>8 in Kathryn.</p> <p>9 And I apologize, I just want to be</p> <p>10 clear. I want to make sure that Exhibit I</p> <p>11 is -- is -- was both pulled up and marked</p> <p>12 for the record as Deposition Exhibit I,</p> <p>13 Joe.</p> <p>14 THE VIDEOGRAPHER: Yes.</p> <p>15 MS. YUKEVICH: We didn't do that.</p> <p>16 THE VIDEOGRAPHER: Yes.</p> <p>17 (Exhibit I, e-mail correspondence</p> <p>18 bearing Numbers 302.2438, is marked for</p> <p>19 identification.)</p> <p>20 MS. YUKEVICH: Great. Thank you.</p> <p>21 Sorry. I sometimes lack proper</p> <p>22 terminology.</p>
Page 158	Page 160
<p>1 here -- why were you concerned about voter</p> <p>2 registration applications not having clear</p> <p>3 signatures?</p> <p>4 A. We just -- we collect the</p> <p>5 signatures. The Elections Division is one that</p> <p>6 utilizes the signatures; and if we -- at that</p> <p>7 time in 2018 obviously we were still needing to</p> <p>8 provide signatures to the Elections Division</p> <p>9 occasionally during an election, and if we</p> <p>10 didn't have something substantive to provide to</p> <p>11 them, we didn't want it to be a problem for --</p> <p>12 for a voter on the election side if that was --</p> <p>13 if that was the case. So we wanted to just have</p> <p>14 as clear a signature, something that we could</p> <p>15 provide.</p> <p>16 Q. And so you were concerned that, for</p> <p>17 example, the Early Ballot Board would not have a</p> <p>18 voter registration signature on file; is that</p> <p>19 fair?</p> <p>20 A. That is fair.</p> <p>21 Q. Okay. And -- but you weren't</p> <p>22 concerned that you didn't have enough</p>	<p>1 THE VIDEOGRAPHER: All good.</p> <p>2 MS. YUKEVICH: Okay. So we've</p> <p>3 pulled up Exhibit K here. Can we zoom in</p> <p>4 on this -- on Tuesday, September 25th. So</p> <p>5 pad down a little bit on Gretchen's</p> <p>6 e-mail.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. So, Gretchen, do you recognize this</p> <p>9 e-mail?</p> <p>10 I apologize. I should --</p> <p>11 Ms. Nagy, do you recognize this</p> <p>12 e-mail?</p> <p>13 A. That's fine.</p> <p>14 Yes. Yes.</p> <p>15 Q. Okay. And is this an e-mail that</p> <p>16 you sent?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. And that should have -- and that</p> <p>20 should have been "poor" not "pool" I now see.</p> <p>21 Q. I -- I --</p> <p>22 A. I'm sorry.</p>

40 (Pages 157 to 160)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 161	Page 163
<p>1 Q. I understood.</p> <p>2 A. I now see that.</p> <p>3 Q. It's okay. I send e-mails with</p> <p>4 typos all the time.</p> <p>5 So here we say -- and I just want</p> <p>6 to make sure I read your words correctly.</p> <p>7 Who did you send this e-mail to?</p> <p>8 A. To Sarah.</p> <p>9 Q. Okay. And you say, [as read]: "I</p> <p>10 needed to check" -- you say here, "I needed to</p> <p>11 check in with you. We have some applications</p> <p>12 with exceptionally pool," I understand that to</p> <p>13 mean poor, "signatures, some blank, and some</p> <p>14 blacked out. This is a real problem. I'm</p> <p>15 concerned about proceeding until this is cleared</p> <p>16 up. I'm around today until 5:00 with a meeting</p> <p>17 here and there."</p> <p>18 Is that fair?</p> <p>19 A. That is fair.</p> <p>20 Q. I read it correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And are these also the</p>	<p>1 the voter maybe, you know, didn't include a</p> <p>2 photo of their signature and put something else</p> <p>3 in -- in their place; is that fair to say?</p> <p>4 A. Correct. Correct, yes.</p> <p>5 Q. So you just -- you weren't sure</p> <p>6 here if the issues were on the back end of -- of</p> <p>7 a web application or if they were sort of user</p> <p>8 error; is that fair?</p> <p>9 A. That is true, yes.</p> <p>10 Q. Okay. And -- but you said that</p> <p>11 many of these issues were -- were these issues</p> <p>12 eventually fixed as well?</p> <p>13 A. Yes, they were corrected.</p> <p>14 Q. And did you continue to accept</p> <p>15 voter registration applications that you</p> <p>16 received via facsimile if you received a copy</p> <p>17 four days later?</p> <p>18 A. Yes, we did.</p> <p>19 Q. Okay.</p> <p>20 MS. HUNKER: I'm going -- we can</p> <p>21 take this document down and mark it as</p> <p>22 Exhibit K.</p>
<p>Page 162</p> <p>1 concerns that you were thinking of at the</p> <p>2 beginning of the program?</p> <p>3 A. That is correct. These would be</p> <p>4 the technical issues that we were finding.</p> <p>5 Q. Okay. And did you find some on</p> <p>6 every application that came through?</p> <p>7 A. No, it was -- it -- it -- there</p> <p>8 were very few, but there were just -- there were</p> <p>9 enough that we needed to really reach out to</p> <p>10 them and let them know that they have some</p> <p>11 technical issues.</p> <p>12 And -- and, obviously, I did not</p> <p>13 know the software, so I didn't know on what end</p> <p>14 these were coming in poorly or what the issue</p> <p>15 was. So I needed to communicate with them what</p> <p>16 we were receiving.</p> <p>17 Q. Of course. So you weren't sure if,</p> <p>18 say, for example, like, a voter didn't include a</p> <p>19 signature; right?</p> <p>20 A. Correct. Correct. I -- we did not</p> <p>21 know. Uh-huh.</p> <p>22 Q. And you didn't know if, you know,</p>	<p>Page 164</p> <p>1 THE VIDEOGRAPHER: I am so sorry,</p> <p>2 team. I missed that. You said Exhibit J?</p> <p>3 MS. YUKEVICH: K, as in my name.</p> <p>4 And we can pull this exhibit down.</p> <p>5 THE VIDEOGRAPHER: Okay. Got it.</p> <p>6 (Exhibit K, e-mail correspondence</p> <p>7 bearing Numbers 302.2461, is marked for</p> <p>8 identification.)</p> <p>9 MS. YUKEVICH: No worries. Been</p> <p>10 really on the ball, so we are good.</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. And, Ms. Nagy, I do want to be</p> <p>13 clear, you continued to accept facsimile</p> <p>14 applications if you received a copy four days</p> <p>15 later with a clear signature because you</p> <p>16 understood that to be a complete voter</p> <p>17 registration application?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. I want to pull up a couple</p> <p>20 of spreadsheets that we received from your</p> <p>21 office if that's okay. Just so I understand</p> <p>22 what the documents are.</p>

41 (Pages 161 to 164)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 165	Page 167
<p>1 Does that make sense?</p> <p>2 A. Okay.</p> <p>3 Q. But before I do that I just want to</p> <p>4 make sure those two e-mails and what we've</p> <p>5 talked about here today, was that the extent of</p> <p>6 the concerns about signatures on those facsimile</p> <p>7 applications.</p> <p>8 A. I'm sorry. Could you repeat that?</p> <p>9 Q. Sure. What we just talked about,</p> <p>10 those two e-mails I just showed you and our</p> <p>11 conversation here today, was that the full</p> <p>12 extent of your concern at that time about the</p> <p>13 signatures that were coming in on those</p> <p>14 facsimile applications?</p> <p>15 A. Yes, that would be correct.</p> <p>16 Q. And any other concerns that you</p> <p>17 expressed to Vote.org at the time about the web</p> <p>18 application?</p> <p>19 A. No. And I never used the</p> <p>20 application myself so I never did see that. So,</p> <p>21 no, that was it. I just communicated with them</p> <p>22 any issues that we had in receiving.</p>	<p>1 this is.</p> <p>2 Q. Got it. So this response -- so</p> <p>3 this spreadsheet was provided in response to</p> <p>4 Plaintiff's First Request for Production</p> <p>5 Number 5. So here we asked your office for any</p> <p>6 documents regarding problems, issues,</p> <p>7 difficulties, that Travis County has encountered</p> <p>8 as a result of voter registration applications</p> <p>9 submitted without a wet-ink signature.</p> <p>10 So this one is labeled</p> <p>11 "ISIGTOCANCEL." Can you tell me what this</p> <p>12 spreadsheet contains from that title?</p> <p>13 Are you able to explain a little</p> <p>14 bit more?</p> <p>15 A. This is the incomplete signature.</p> <p>16 Q. Okay.</p> <p>17 A. So these are incomplete</p> <p>18 applications missing signatures.</p> <p>19 Q. Okay.</p> <p>20 MS. YUKEVICH: Can we zoom in on</p> <p>21 the I -- Columns R and S on this</p> <p>22 spreadsheet just a little bit.</p>
<p>Page 166</p> <p>1 MS. YUKEVICH: Can we pull up</p> <p>2 Exhibit F, as in Frank.</p> <p>3 (Exhibit F, spreadsheet, is marked</p> <p>4 for identification.)</p> <p>5 THE VIDEOGRAPHER: Ah, sorry, team,</p> <p>6 it's a spreadsheet. Stand by.</p> <p>7 MS. YUKEVICH: Yeah. Sorry. It</p> <p>8 takes a sec.</p> <p>9 THE VIDEOGRAPHER: All good. Stand</p> <p>10 by.</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. Ms. Nagy, have you seen this</p> <p>13 spreadsheet before?</p> <p>14 A. I have seen this form of</p> <p>15 spreadsheet before, so, yes.</p> <p>16 Q. Okay.</p> <p>17 A. Those are our codes at -- those are</p> <p>18 our codes and everything.</p> <p>19 Q. Okay. So this -- have you -- do</p> <p>20 you know if you've seen this particular</p> <p>21 spreadsheet or not?</p> <p>22 A. Yes, I have to review which list</p>	<p>Page 168</p> <p>1 Perfect.</p> <p>2 BY MS. YUKEVICH:</p> <p>3 Q. Are you able to see that okay?</p> <p>4 MS. YUKEVICH: And can we expand</p> <p>5 them, so that we can see the -- the</p> <p>6 content of the column.</p> <p>7 THE VIDEOGRAPHER: All right, team,</p> <p>8 bear with me one second. I'm going to</p> <p>9 try.</p> <p>10 MS. YUKEVICH: No worries. It's</p> <p>11 okay. I had some issues with it.</p> <p>12 If you just, like, make R wider and</p> <p>13 S wider, then it's -- we should be good.</p> <p>14 THE VIDEOGRAPHER: Gotcha. I see</p> <p>15 what you're saying now. Okay.</p> <p>16 MS. YUKEVICH: Yeah, the dates will</p> <p>17 pop up. Yeah. Okay. Cool. Excel is a</p> <p>18 fickle thing.</p> <p>19 THE VIDEOGRAPHER: Yeah.</p> <p>20 BY MS. YUKEVICH:</p> <p>21 Q. Okay. So we're on Columns R and S</p> <p>22 of this spreadsheet.</p>

42 (Pages 165 to 168)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: center;">Page 169</p> <p>1 So Column R says "ISIGDATE." 2 That's how I read it. Is that how you read it 3 as well? 4 A. Yes. Yes, that is correct. 5 Q. And that means incomplete signature 6 date? 7 A. Yes. 8 Q. Okay. And so the date in this 9 column -- and I have had to -- I've spent a lot 10 of time with spreadsheets, so I just want to 11 make sure that I know exactly where we're going. 12 A. Yes. 13 Q. The date in this column is the date 14 that your office received an incomplete 15 application because of a lack of signature; is 16 that correct? 17 A. Correct. 18 Q. And this could be -- so this one up 19 here is from 2020. So this means that in sort 20 of, like, in Row 2, it says, "20" -- it's -- I 21 think that says September 29th, 2020; is that 22 fair?</p>	<p style="text-align: center;">Page 171</p> <p>1 So this is -- your office doesn't 2 track if it's before a deadline day, 3 necessarily, the day you receive the 4 application, as long as it's on time; is that 5 correct? 6 A. That is -- that is correct, yes. 7 Q. You just make sure that you've 8 entered all the on-time applications, even those 9 that come like the last day, you know, so people 10 can register to vote? 11 A. Well -- and we receive on-time 12 applications after deadline day and that is when 13 we utilize the postmark. 14 Q. Ah, okay. I understand. That 15 makes sense. Thank you for explaining that. I 16 appreciate it. 17 A. Yes. 18 Q. But -- so this ISIGDATE, this would 19 be September 29th, 2020, is the date you entered 20 this application? 21 A. That is correct. 22 Q. And then -- is that correct?</p>
<p style="text-align: center;">Page 170</p> <p>1 That's how the dates are reading to 2 me. 3 A. Yes. Yes. 4 Q. Okay. So very European. Okay. 5 That works perfectly for me. 6 A. Yes. 7 Q. So September 29th, 2020. So that's 8 the date that your office received this voter 9 registration application; is that correct? 10 A. That is the day we entered it. 11 Q. Okay. So it's possible, right, 12 there's a little bit of an administrative lag on 13 entering, which is why you stamp the received 14 date; right? 15 A. That -- no, that is the day we -- 16 we entered if it was on time. So, I mean, we 17 would have entered it any time. We -- we code 18 in the system if an application is received on 19 time or if it's late 'cause that would have been 20 near a deadline day. 21 Q. Oh, I understand. So -- I 22 understand.</p>	<p style="text-align: center;">Page 172</p> <p>1 A. Yes, that is correct. 2 Q. Okay. And then cancel date here 3 looks like December 22nd, 2020; is that right? 4 A. Yes, that is correct. 5 Q. All right. So what is a cancel 6 date? 7 A. That would be the date of -- we 8 would mail out a letter to this voter, to this 9 particular voter, providing them 30 days to 10 respond with their signature and if there's a no 11 response, then they would ultimately be 12 canceled. 13 Now, obviously there was an 14 election that took place. We could have 15 captured, had that voter gone to vote and voted 16 a provisional ballot, we could have captured all 17 of the information, but that person did not so, 18 therefore, ultimately they were canceled for no 19 response. 20 Q. And then can we move down and -- 21 and that incomplete signature, that denotes that 22 the application came in without a signature at</p>

43 (Pages 169 to 172)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 173	Page 175
<p>1 all; is that correct?</p> <p>2 A. That's a correct, yes.</p> <p>3 Q. Okay. And can we go down to,</p> <p>4 say -- let's go with 14, Row 14. Right.</p> <p>5 So here I have September 20th, 2018</p> <p>6 incomplete signature date.</p> <p>7 A. Yes.</p> <p>8 Q. So -- and a cancel date. Does that</p> <p>9 mean that that day this came in without any</p> <p>10 signature?</p> <p>11 A. Yes, all -- those would all be</p> <p>12 incomplete signatures.</p> <p>13 Q. Okay. And just to be clear about</p> <p>14 what your office defined as incomplete, this is</p> <p>15 just without any signature; is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Prior to -- prior to House</p> <p>18 Bill 3107 or September 1st, 2021, a copy of a</p> <p>19 signature was a signature; is that correct?</p> <p>20 A. Well, these would be anything that</p> <p>21 was missing, but these, really, generally,</p> <p>22 unless I were to identify and look at this</p>	<p>1 A. Uh-huh.</p> <p>2 Q. Okay. But it's just for that time</p> <p>3 frame; correct?</p> <p>4 A. Yes. Yes. Yes.</p> <p>5 Q. Okay.</p> <p>6 MS. YUKEVICH: All right. Can we</p> <p>7 go to Exhibit G. It's another</p> <p>8 spreadsheet, so...</p> <p>9 Yep. So this -- if we can zoom in</p> <p>10 on -- for here, it's Columns S and T, it</p> <p>11 looks like.</p> <p>12 THE WITNESS: Yeah.</p> <p>13 BY MS. YUKEVICH:</p> <p>14 Q. Okay. So here Column S says</p> <p>15 "ISIGDATE"; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you understand that that --</p> <p>18 that stands for the same as the other</p> <p>19 spreadsheet, incomplete signature date?</p> <p>20 A. That is correct.</p> <p>21 Q. And Column T says "RESPONSEDATE"?</p> <p>22 A. Yes.</p>
<p>Page 174</p> <p>1 particular person to see if they actually sent</p> <p>2 in a fax during this time frame that we were</p> <p>3 receiving, but these would generally be all</p> <p>4 forms that we received by mail or walk-in.</p> <p>5 Outside of that window, faxes were rare to</p> <p>6 never.</p> <p>7 Q. I understand. So it's possible,</p> <p>8 we're not sure, but it's possible that this</p> <p>9 person in this row, because of the date range,</p> <p>10 either there was no signature on -- it's</p> <p>11 possible there was no signature on their voter</p> <p>12 registration application; is that correct?</p> <p>13 A. That is correct, yes.</p> <p>14 Q. And it's also possible that they</p> <p>15 submitted a voter registration via facsimile</p> <p>16 with a completely blacked out signature; is that</p> <p>17 correct?</p> <p>18 A. That would be correct. We -- I</p> <p>19 would have to -- we would have to look at each</p> <p>20 individual record within that time frame to</p> <p>21 determine how we received their application.</p> <p>22 Q. I understand.</p>	<p>Page 176</p> <p>1 Q. And what is a response date?</p> <p>2 A. The response date is -- what we do</p> <p>3 in the ISIG category is that we stamp -- we have</p> <p>4 a red stamp that we would put on a mail-in</p> <p>5 application which we mail out to the voters to</p> <p>6 let them know -- and we send them a letter</p> <p>7 letting them know that we had some missing</p> <p>8 information on the application.</p> <p>9 And so when we receive it back,</p> <p>10 it's the date that it's stamped, the response</p> <p>11 date that -- that we stamp on it. So that would</p> <p>12 have been the mail-out date. And so we will</p> <p>13 backdate it. And so that is -- that is our</p> <p>14 response, that's the information we put in</p> <p>15 there. It's the red stamp date.</p> <p>16 Q. And just to be clear, you backdate</p> <p>17 it to which time? To which date?</p> <p>18 A. To -- to the date in which we sent</p> <p>19 out the -- the mailer, so we -- for -- for all</p> <p>20 of the mail for that day. So we would have</p> <p>21 entered it, we would have prepared the mail, and</p> <p>22 mailed it out on the 29th.</p>

44 (Pages 173 to 176)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 177	Page 179
<p>1 Q. Okay. So here we have Response 2 Date and before we had Cancel. 3 Does this mean that everyone on 4 this sheet was able to register to vote? 5 A. They were able to register to vote. 6 I would have to look closely at dates to see if 7 they registered to vote in time for the next 8 election; but, yes, that they would have 9 completed their application process in good 10 standing. Uh-huh. 11 Q. Okay. 12 MS. YUKEVICH: Can we enter and 13 mark this as Exhibit G. 14 THE VIDEOGRAPHER: Yes. 15 (Exhibit G, spreadsheet, is marked 16 for identification.) 17 MS. YUKEVICH: Thank you, so much. 18 And can we bring up Exhibit F just 19 one more time, so -- I realize I missed 20 one of my questions. 21 BY MS. YUKEVICH: 22 Q. Okay. And just to be clear,</p>	<p>1 THE VIDEOGRAPHER: Kathryn, you 2 want to go off the record? 3 MS. YUKEVICH: Yes, please. 4 THE VIDEOGRAPHER: We are now going 5 off the video record. The time is 12:52 p.m. 6 (A recess is held from 12:52 p.m. 7 to 1:03 p.m.) 8 THE VIDEOGRAPHER: We are now going 9 back on the video record. The time is 10 1:03 p.m. 11 BY MS. YUKEVICH: 12 Q. Okay. I just want to ask you a 13 couple questions about two documents, Ms. Nagy, 14 and then for our purposes, I'm sort of -- we can 15 move on to Mr. Elfant. 16 Can we pull up exhibit -- what's 17 already been marked as Deposition Exhibit D, and 18 go to Page 6 or -- yeah, Page 6. 19 Ms. Nagy, I'll ask you just one 20 more time: Do you recognize this document? 21 A. I would better recollect it seeing 22 the following pages.</p>
Page 178	Page 180
<p>1 Ms. Nagy, because these have not response dates, 2 but cancel dates, the folks on this list, 3 Exhibit F that we're looking at now, those folks 4 were not able to register to vote, is that 5 correct? 6 A. That would be correct. 7 MS. YUKEVICH: We can pull this 8 down and just make sure it's entered and 9 marked as exhibit though. 10 BY MS. YUKEVICH: 11 Q. So I do have a few more questions, 12 although I understand, I think, that Mr. Elfant 13 has been designated as the witness for which -- 14 he'll be testifying to -- to those questions. 15 If you'll just give me -- if you 16 don't mind just giving me five minutes to review 17 my notes, Ms. Nagy, so I can make sure I've 18 asked you all of the questions I need to ask of 19 you, if that's all right? And then -- and then 20 your portion with me, I think, will be largely 21 complete, if that's okay. 22 A. Okay. Yes.</p>	<p>1 Q. Okay. Let's go to Page 6 if we can. 2 A. Yes. Yes. 3 Q. Do you recognize these as your 4 responses to Plaintiff's Request For Admission? 5 A. Yes. 6 Q. Okay. 7 MS. YUKEVICH: And can we zoom in 8 on Request for Admission Number 5 one more 9 time. 10 BY MS. YUKEVICH: 11 Q. So I'm going to read it to you. 12 "Request for Admission Number 5: 13 Admit that the use of a wet-ink signature, as 14 opposed to an imaged or electronic signature, on 15 an application is not a material or relevant 16 factor in determining whether an individual is 17 eligible to vote in Texas." 18 Did I read that correctly? 19 A. Yes. 20 Q. Okay. And then I want to go just 21 to your response and just that first line. 22 "Admitted that there was no</p>

45 (Pages 177 to 180)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 181	Page 183
<p>1 statutory distinction between different formats 2 for an applicant's signature for purposes of 3 completing and processing a voter registration 4 application form as to the period of time prior 5 to September 1st, 2021." 6 Is that still your position today? 7 A. Yes, it is. 8 Q. Okay. Now, when you say "no 9 statutory distinction," do you mean no 10 distinction per Texas Election Code? Is that 11 correct? 12 A. Yes, as pertains to the -- yes. 13 Yes. 14 Q. And did you -- when you say 15 "different formats for an applicant's 16 signature," do you understand that to mean 17 wet-ink signature, electronic signature, and 18 then imaged signature? 19 A. Yes. 20 MS. YUKEVICH: You can take that 21 down, now. Thank you. 22 And then if we can pull up</p>	<p>1 imaged signatures both before and after the 2 enactment of Section 14 of House Bill 3107." 3 Did I read that correctly? 4 A. Yes. 5 MS. YUKEVICH: And can we just go 6 down now to Page 10 which includes 7 Defendant Elfant's answer. 8 If we go down past -- to the one, 9 two -- to the fifth -- I'm sorry, to the 10 ninth line of the second paragraph that 11 starts with, "The applicant." 12 And then just highlight the rest of 13 that response. 14 Thank you. 15 BY MS. YUKEVICH: 16 Q. Ms. Nagy, I want to give you a 17 second to review your answer in full and then 18 I'm going to ask about the highlighted portion, 19 if that's okay. 20 A. Okay. 21 (Reviewing document.) 22 Q. So just let me know when you're</p>
Page 182	Page 184
<p>1 Exhibit C and go to Page 10. 2 We can actually go up to Number 3 9 -- to Page 9 I mean. 4 BY MS. YUKEVICH: 5 Q. Ms. Nagy, do you recognize this 6 document? We've looked at it already today. 7 A. Yes. Yeah. 8 Q. Okay. And do you recognize this 9 document as your responses to Plaintiff's First 10 Set of Interrogatories? 11 A. Yes. 12 Q. Okay. 13 MS. YUKEVICH: Can we zoom in on 14 Interrogatory Number 5. 15 Thanks. 16 BY MS. YUKEVICH: 17 Q. So I'm going to read it to you. 18 Just let me know if I've read it correctly. 19 [As read]: "State and describe 20 Travis County's policies or procedures 21 concerning the review and processing of voter 22 registration applications with electronic or</p>	<p>1 ready. 2 A. Okay. I'm ready. 3 Q. Okay. So thank you. 4 So you say here in response to 5 Interrogatory Number 5 that the applicant will 6 need to resubmit their voter registration 7 application form with a wet-ink signature. 8 And that's the result of House 9 Bill 3107; is that right? 10 A. That would be correct. 11 Q. Okay. And the -- you say here that 12 a post -- excuse me, "The postage prepaid 13 envelope and prefilled form are provided to make 14 the process of completing the voter registration 15 process easier for the applicant and so that the 16 cost of postage is not a barrier to completing 17 the registration process." 18 Did I read that correctly? 19 A. That is correct. 20 Q. Okay. And so -- and just to be 21 clear, your -- so your office sees, for some 22 applicants, the cost of postage to be a barrier</p>

46 (Pages 181 to 184)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 185	Page 187
<p>1 to completing the registration process; is that</p> <p>2 correct?</p> <p>3 A. It could be. And we -- we have no</p> <p>4 way of determining that, but we want to provide</p> <p>5 access as easily as possible.</p> <p>6 Q. Of course. It's your office's goal</p> <p>7 to provide as many opportunities for folks to</p> <p>8 register to vote as possible; is that fair?</p> <p>9 A. Correct, yes.</p> <p>10 Q. And you want to make the</p> <p>11 registration process easier; is that fair?</p> <p>12 A. Yes.</p> <p>13 Q. And so one of the ways that you've</p> <p>14 made that registration process easier is by</p> <p>15 providing a postage -- a pre-filled and postage</p> <p>16 paid form to folks who submit their applications</p> <p>17 without a wet-ink signature; is that fair?</p> <p>18 A. Yes. And actually what we would</p> <p>19 send is a mail-in application to them. So</p> <p>20 that's -- that's what we would do.</p> <p>21 Q. Understood. And that's just the</p> <p>22 voter registration application that they're able</p>	<p>1 on the record. The time is 1:11.</p> <p>2 MS. YUKEVICH: So I apologize for</p> <p>3 that interruption. Thank you, Joe. Sorry</p> <p>4 for talking over you.</p> <p>5 And, Ms. Nagy, and all, I apologize</p> <p>6 for that interruption.</p> <p>7 BY MS. YUKEVICH:</p> <p>8 Q. I did just want to go back very</p> <p>9 briefly. We were discussing the voter</p> <p>10 registration applications that you received from</p> <p>11 voters via facsimile in 2018.</p> <p>12 Can we just go back to that really</p> <p>13 briefly if that's okay?</p> <p>14 A. Sure. Yes.</p> <p>15 Q. Okay. And so one of the things</p> <p>16 that I wanted to ask you is that with some</p> <p>17 exceptions that we discussed already, the</p> <p>18 majority of the applications that you received</p> <p>19 had a clear signature; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. Okay. And you couldn't -- you</p> <p>22 testified earlier, I believe, that you</p>
<p>Page 186</p> <p>1 to mail back to you; is that correct?</p> <p>2 A. Yes, that is correct, yep.</p> <p>3 Q. And as we discussed before, this</p> <p>4 does take some time; is that fair?</p> <p>5 A. Yes, that's true.</p> <p>6 Q. Okay.</p> <p>7 MS. YUKEVICH: All right. We can</p> <p>8 take this document down now as well.</p> <p>9 BY MS. YUKEVICH:</p> <p>10 Q. I want to go back just very</p> <p>11 briefly. Oh, my dog is growling. So I</p> <p>12 apologize if that happens during my question. I</p> <p>13 was so close.</p> <p>14 MS. YUKEVICH: If you can -- I'm</p> <p>15 just going to mute myself for one moment.</p> <p>16 I apologize. Actually, we can go off the</p> <p>17 record just briefly.</p> <p>18 THE VIDEOGRAPHER: We're now going</p> <p>19 off the video record. The time is 1:10 p.m.</p> <p>20 (A recess is held from 1:10 p.m. to</p> <p>21 1:11 p.m.)</p> <p>22 THE VIDEOGRAPHER: We are now back</p>	<p>Page 188</p> <p>1 couldn't -- if the application contained a clear</p> <p>2 signature, that you couldn't distinguish between</p> <p>3 a paper application signed with a pen and the</p> <p>4 facsimile application for the purposes of the</p> <p>5 signature; is that correct?</p> <p>6 A. I'm sorry. Could you repeat that?</p> <p>7 You did cut out just a little bit.</p> <p>8 Q. Oh. I apologize. Just saying I</p> <p>9 believe you testified earlier that you couldn't</p> <p>10 tell the difference, if a signature was clear on</p> <p>11 the facsimile application, you couldn't really</p> <p>12 tell the difference between a signature from a</p> <p>13 facsimile application and a signature -- a</p> <p>14 wet-ink signature; is that correct?</p> <p>15 A. Yes, that is correct.</p> <p>16 Q. Okay. And you -- at that time in</p> <p>17 2018 your office was still providing the Early</p> <p>18 Ballot Board with examples of signatures -- or</p> <p>19 excuse me, with voter signatures; is that</p> <p>20 correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay. And do you recall --</p>

47 (Pages 185 to 188)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 189	Page 191
<p>1 understanding that your office does the work, 2 do -- are you aware of any instance in your 3 office where the Early Ballot Board complained 4 about the quality of a signature that came via 5 facsimile? 6 A. No, I am not aware of -- I was not 7 made aware if there were any issues with the 8 quality of any signatures. 9 Q. Okay. 10 MS. YUKEVICH: I have a few more 11 questions for Mr. Elfant. But that, I 12 think, concludes the topics that Ms. Nagy 13 was designated for from Plaintiff. 14 THE WITNESS: Okay. Thank you. 15 MS. HUNKER: Do you mind taking a 16 quick five-minute break before we start my 17 side? 18 THE WITNESS: Okay. 19 MS. VEIDT: Oh, we can do that. 20 THE VIDEOGRAPHER: We are now going 21 off the video record. The time is 1:14 p.m. 22 (A recess is held from 1:14 p.m. to</p>	<p>1 deposition over Zoom and Zoom is, of course, 2 somewhat plagued by the limitations of 3 technology. 4 So if in any event I fade off, you 5 can't hear me because the computer froze or 6 something of that nature, will you please let me 7 know? 8 A. I will do so. 9 Q. Thank you. And I will try to do 10 the same. 11 I also am going to say that if you 12 answer a question, I am going to assume that you 13 understood and can hear it. 14 Is that fair? 15 A. Yes, it is. 16 Q. Okay. So I guess my first question 17 for you is: What documents did you review in 18 preparation for your testimony here today? 19 A. We reviewed -- I reviewed the 20 documents that we had submitted in the fall; and 21 that is primarily what I reviewed. 22 Q. Okay. Are there any other</p>
Page 190	Page 192
<p>1 1:18 p.m.) 2 THE VIDEOGRAPHER: We are now going 3 back on the video record. The time is 4 1:18 p.m. 5 EXAMINATION 6 BY MS. HUNKER: 7 Q. Hi, Ms. Nagy. How are you today? 8 A. I'm doing well, thank you. 9 Q. Glad to hear it. 10 As you might have heard earlier, my 11 name is Kathleen Hunker. I'm representing the 12 State Defendant in this case who is Ken Paxton, 13 the Attorney General. 14 I'm going to have a couple of 15 introductory questions and points in the 16 beginning, similar to my -- my colleague and 17 co-counsel -- sorry, not a co, opposing counsel. 18 A. Okay. 19 Q. And then we'll go into the main 20 subjects of the deposition. Okay? 21 A. All right. 22 Q. First is: We are doing this</p>	<p>1 documents you reviewed? 2 A. No, it was what was submitted, what 3 we submitted. Just I just reviewed those and 4 the spreadsheet that we submitted yesterday -- 5 Q. Okay. 6 A. -- that we completed yesterday. 7 And that was primarily it, yes -- 8 Q. Okay. 9 A. -- that I recollect everything, 10 yes. 11 Q. And you had mentioned I believe 12 earlier that you spoke to Mr. Elfant before the 13 depo in preparation; is that correct? 14 A. That is correct, yes. 15 Q. Were there any other individuals 16 you met with? 17 A. I met with our attorney, with Cindy 18 Veidt, and that's -- those -- those are the only 19 individuals, other than receiving information 20 from my staff, which I stated earlier. 21 Q. Okay. And you and I haven't met 22 before today; correct?</p>

48 (Pages 189 to 192)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 193	Page 195
<p>1 A. That is correct.</p> <p>2 Q. And you haven't met -- with the</p> <p>3 exception of Ms. Veidt, you haven't met any of</p> <p>4 the other attorneys on this call, have you?</p> <p>5 A. Oh, no, I have not.</p> <p>6 Q. Okay. And you've never spoken to</p> <p>7 anybody from the Elias Group, have you?</p> <p>8 A. From the what group?</p> <p>9 Q. The Elias Group.</p> <p>10 A. Elias Group?</p> <p>11 Q. If you don't recognize it, the</p> <p>12 answer is probably no.</p> <p>13 A. Yes, no, I was just clarifying what</p> <p>14 you said. But, no, I'm not aware of the Elias</p> <p>15 Group, no.</p> <p>16 Q. Okay. And have you ever talked to</p> <p>17 attorneys at Perkins Coie?</p> <p>18 A. Attorneys with?</p> <p>19 Q. It's a law firm called Perkins Coie.</p> <p>20 A. Oh, no. I'm sorry. You just -- it</p> <p>21 kind of like cut out just a little bit.</p> <p>22 But no, I -- no, I have not met</p>	<p>1 Have you ever had a --</p> <p>2 A. Yes.</p> <p>3 Q. -- chance to look at it?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. Okay. If you go --</p> <p>6 A. I did recognize --</p> <p>7 THE REPORTER: Okay. I'm going to</p> <p>8 ask you, please, to remember to speak one</p> <p>9 at a time.</p> <p>10 Thank you.</p> <p>11 MS. HUNKER: My apologies.</p> <p>12 BY MS. HUNKER:</p> <p>13 Q. Can you please repeat the answer to</p> <p>14 that question?</p> <p>15 A. I -- I did recollect seeing the</p> <p>16 last page, yes.</p> <p>17 Q. Okay.</p> <p>18 MS. HUNKER: And if you can please</p> <p>19 scroll to the last page.</p> <p>20 BY MS. HUNKER:</p> <p>21 Q. If you notice, Number 1 says, "The</p> <p>22 deposition topics listed in Plaintiff's Notice</p>
<p>Page 194</p> <p>1 with any attorneys, any -- any other...</p> <p>2 MS. HUNKER: Okay. Now, I'm going</p> <p>3 to pull up Exhibit 1, if you don't mind.</p> <p>4 (Exhibit 1, Intervenor-Defendant</p> <p>5 Kex Paxton's Cross-Notice of Intent To</p> <p>6 Take Oral and Videotaped Deposition of</p> <p>7 Bruce Elfant, Pursuant to Rule 30(b)(6),</p> <p>8 is marked for identification.)</p> <p>9 BY MS. HUNKER:</p> <p>10 Q. Do you recognize this document?</p> <p>11 A. I would more clearly recognize it</p> <p>12 if I see the following pages, which is what I</p> <p>13 might have looked at --</p> <p>14 Q. Okay.</p> <p>15 A. -- which was --</p> <p>16 MS. HUNKER: You can keep scrolling</p> <p>17 down. One more. Keep going.</p> <p>18 THE WITNESS: Okay.</p> <p>19 BY MS. HUNKER:</p> <p>20 Q. Okay. This is the Cross Notice Of</p> <p>21 Deposition that the State Defendant submitted</p> <p>22 and served to your counsel in this case.</p>	<p>Page 196</p> <p>1 of Taking Deposition of Defendant Bruce Elfant,</p> <p>2 which were served on January 21st, 2022."</p> <p>3 Do you -- did I read that</p> <p>4 correctly?</p> <p>5 A. It says here --</p> <p>6 Q. Okay.</p> <p>7 A. -- yes.</p> <p>8 Q. Now, if I remember in terms of the</p> <p>9 designations, Topics 4 and 6 Mr. Elfant will be</p> <p>10 addressing, and then the remaining topics you</p> <p>11 are going to be the designated individual; is</p> <p>12 that correct?</p> <p>13 A. That is my understanding, yes.</p> <p>14 Q. Okay. And then in regards to the</p> <p>15 Topics of Examination that the State added to</p> <p>16 today's deposition, Number 2 and 3, which state,</p> <p>17 [as read]: "The number of voters registration</p> <p>18 applications you receive each year from 2010 to</p> <p>19 2022," and then a "breakdown of how many</p> <p>20 registration applications were submitted each</p> <p>21 year from 2010 to 2022 by personal delivery, by</p> <p>22 mail, and by telephonic facsimile machine</p>

49 (Pages 193 to 196)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 197

1 respectively as well as via the Department of  
 2 Public Safety."  
 3 Did I read that correctly?  
 4 A. That is correct, yes.  
 5 Q. And those two topics you will be  
 6 addressing today; correct?  
 7 A. Yes.  
 8 Q. And then the last topic which is  
 9 Number 4, "Any efforts or activities you have  
 10 token to promote, facilitate, or expand voter  
 11 registration in your jurisdiction," will be  
 12 addressed by Mr. Elfant; am I correct?  
 13 A. That is correct.  
 14 Q. Okay. Now, in the event one of the  
 15 subjects I raise you think Mr. Elfant is the  
 16 more appropriate party to address, please let me  
 17 know.  
 18 I do recognize --  
 19 A. Okay.  
 20 Q. -- that some of these topics might  
 21 lead one -- into one another and the line  
 22 divvying them up is not exactly clear.

Page 199

1 A. Yes, that is -- that is correct.  
 2 Q. Okay. The County Clerk is not  
 3 involved with voter registration?  
 4 A. That is correct.  
 5 Q. Okay. And so your office,  
 6 vice-versa, is not involved with conducting or  
 7 administrating the election; correct?  
 8 A. That is correct.  
 9 Q. Your office is primarily confined  
 10 to voter registration?  
 11 A. That is correct.  
 12 Q. Are there any other duties that you  
 13 have under the Election Code outside of voter  
 14 registration?  
 15 A. No, it's voter registration.  
 16 Q. Okay. And so you don't oversee the  
 17 Early Voting Ballot Board; correct?  
 18 A. That is correct.  
 19 Q. And are you aware if Travis County  
 20 has a signature verification committee?  
 21 A. I am not aware that they do.  
 22 Q. Okay. But if it did, you wouldn't

Page 198

1 Is that fair?  
 2 A. That's fair, yes.  
 3 Q. Perfect.  
 4 A. Uh-huh. Yes.  
 5 MS. HUNKER: You can take that  
 6 down.  
 7 Thank you.  
 8 BY MS. HUNKER:  
 9 Q. So before we go on to some of the  
 10 more meatier topics, I just want to make sure I  
 11 understand how elections are organized in Travis  
 12 County.  
 13 So Travis County does not have an  
 14 Elections Administrator; correct?  
 15 A. That is correct.  
 16 Q. And so the responsibilities for  
 17 conducting elections are divvied up into two  
 18 separate county offices; is that correct?  
 19 A. The -- yes, everything -- voter  
 20 registration and elections are separated, yes.  
 21 Q. Okay. So the County Clerk conducts  
 22 and administers elections; is that right?

Page 200

1 have had any communications with them?  
 2 A. No. I am not aware of having  
 3 communication with anybody describing themselves  
 4 with that committee.  
 5 Q. Okay. And your associations with  
 6 the Early Voting Ballot Board usually occurs  
 7 while they're conducting the review of mail-in  
 8 ballot applications; is that correct?  
 9 A. Yes, prior to switching to a new  
 10 system, that was our interaction with them,  
 11 during that period of time only.  
 12 Q. Okay. And so you were not  
 13 participating in the review process of the  
 14 mail-in ballot application?  
 15 A. That is correct, we did not  
 16 participate at all.  
 17 Q. Okay. And so you weren't involved  
 18 with how signatures were compared between the  
 19 carrier envelope and then other signatures on  
 20 file?  
 21 A. That is correct, we were not  
 22 involved.

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 201

1 Q. And so you're not aware of any  
 2 standards that the Early Voting Ballot Board  
 3 apply when comparing signatures; is that  
 4 correct?  
 5 A. That is correct.  
 6 Q. And so you wouldn't know what  
 7 signatures the Early Voting Ballot Board would  
 8 prefer when they were conducting that  
 9 comparison?  
 10 A. That is correct.  
 11 Q. And so you would not know what type  
 12 of signatures the Early Voting Ballot Board  
 13 found it easier to compare or that were more  
 14 accurate when conducting that comparison; is  
 15 that correct?  
 16 A. Nothing was communicated. I've had  
 17 no communication, so I have no knowledge of  
 18 that.  
 19 Q. Okay. Thank you.  
 20 So moving on to voter registration  
 21 methods --  
 22 A. Okay.

Page 202

1 Q. -- Texas has multiple methods by  
 2 which a voter can register to vote; is that  
 3 right?  
 4 A. Yes. Uh-huh. Yes.  
 5 Q. So a voter could register to vote  
 6 by personal delivery?  
 7 A. That is correct, uh-huh.  
 8 Q. And you said earlier that voters  
 9 can also submit their application by mail;  
 10 correct?  
 11 A. Yes, uh-huh.  
 12 Q. And then there's also a limited  
 13 option that voters can submit their registration  
 14 form by fax machine?  
 15 A. That is true, yes.  
 16 Q. Okay. And Texas also designates a  
 17 number of state agencies to act as voter  
 18 registration agencies, does it not?  
 19 A. That is true, yes.  
 20 MS. YUKEVICH: Joe, can you please  
 21 pull up Exhibit Number 2.  
 22 (Exhibit 2, multipage document

Page 203

1 titled Election Code, Title 2. Voter  
 2 Qualifications and Registration, Chapter  
 3 20. Voter Registration Agencies,  
 4 Subchapter A. General Provisions, is  
 5 marked for identification.)  
 6 BY MS. HUNKER:  
 7 Q. All right. Do you recognize this  
 8 particular document?  
 9 A. Yes, I do.  
 10 Q. Okay. And this is the Election  
 11 Code specifically titled to Chapter 20; correct?  
 12 A. Yes, uh-huh.  
 13 Q. And the chapter title is "Voter  
 14 Registration Agencies"; is that correct?  
 15 A. That is correct.  
 16 Q. Okay. So looking at Section  
 17 20.031 --  
 18 MS. HUNKER: It's further down a  
 19 couple of pages. There we go.  
 20 BY MS. HUNKER:  
 21 Q. "A voter registration agency shall  
 22 provide a voter registration application form to

Page 204

1 each person who is of voting age and a  
 2 United States citizen in connection with the  
 3 person's application for initial services."  
 4 Did I read that correctly?  
 5 A. Yes, you did.  
 6 Q. Okay. And a voter registration  
 7 agency shall also provide a voter registration  
 8 application form to these eligible Texans when  
 9 they provide a service in connection with any  
 10 recertification, renewal or change of address;  
 11 is that correct?  
 12 A. That is correct.  
 13 Q. And in practice, is that how you  
 14 understood -- oh, let me take that back. Let me  
 15 rephrase that question.  
 16 Has that played out in practice  
 17 based on your experience?  
 18 A. Yes. I would generally say, yes,  
 19 but we do not -- we're not tracking the -- the  
 20 receipt of applications from various agencies  
 21 that submit them by mail. I mean, if -- so --  
 22 so I don't have -- I mean, that is my

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 205	Page 207
<p>1 understanding of -- that is what I read. So, 2 yes, that is how we would receive it. 3 Q. Okay. So that's your understanding 4 of how it works? 5 A. Yes, uh-huh. 6 Q. Okay. And so the voter 7 registration agency will provide the voter 8 registration application form unless the person 9 declines in writing to register to vote; is that 10 correct? 11 A. Yes. 12 Q. And voter registration agencies, 13 they include the Health and Human Services 14 Commission; is that right? 15 A. Yes. 16 Q. And what about the Department of 17 Aging and Disability Services? 18 A. Yes. 19 Q. And what about the Department of 20 Assisted and Rehabilitative Services? 21 A. Yes, I believe so as well. 22 Q. And what about the Department of</p>	<p>1 packets at that time and they continue to do so. 2 Q. So you said "they provided them in 3 the packets." 4 Does that mean when you went to 5 apply for a marriage license, they would include 6 with the paperwork you received a voter 7 registration form? 8 A. Yes, that is correct. 9 Q. Okay. And that was every single 10 person who came into the office to apply to -- 11 for a license to marry? 12 A. Yes. 13 Q. Now, if an individual wanted to 14 fill out a voter registration form while at the 15 Marriage License Office, was the Marriage 16 License Office deputized to accept that 17 application? 18 A. No, the staff was not -- they were 19 not trained to be VDRs, Volunteer Deputy 20 Registrars, so they were not set up to do that. 21 Q. Okay. And so -- I guess I should 22 ask: Where is your office in relation to the</p>
Page 206	Page 208
<p>1 State Health Services? 2 A. I believe that was also -- that is 3 another agency. 4 Q. Okay. And what about the 5 Department of Public Safety? 6 A. Yes. 7 Q. And are you aware that public 8 libraries are also included as voter 9 registration agencies? 10 A. Yes, and -- I mean, we work with 11 libraries, so, yes. 12 Q. Okay. And are you aware that 13 Marriage License Office of the County Clerk is 14 also a voter registration agency? 15 A. Yes. Yes. 16 Q. And do you work with that office? 17 A. We -- they receive applications 18 from the Secretary of State's office, which they 19 provide to applicants for marriage licenses, 20 because that was the -- that was a division I 21 used to work over when I was in the County 22 Clerk's Office. So we provided them in the</p>	<p>1 marriage office, the County Clerk? 2 A. In Travis County we're across the 3 hall. 4 Q. So if somebody wanted to apply -- 5 A. At this -- I'm sorry. At -- at 6 this time, we are still across the hall. 7 Q. Okay. So if somebody at the 8 Marriage License Office wanted to apply to 9 register to vote, they could walk across the 10 hall and by personal delivery deposit the 11 ballot? 12 A. That is correct. 13 Q. Not the ballot, the application. 14 A. Yes, that is correct. 15 Q. And so a voter can go to any of 16 these agencies and be provided a voter 17 registration application form; is that correct? 18 A. Yes, I -- I am familiar firsthand 19 with the County Clerk's Office providing them. 20 I -- I have not been to the other agencies to -- 21 to observe that, but they are designated. And 22 that is as much --</p>

52 (Pages 205 to 208)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 209	Page 211
<p>1 Q. Okay.</p> <p>2 A. -- information as I have, yes.</p> <p>3 Q. So it's your understanding that</p> <p>4 they should be providing the application?</p> <p>5 A. That is correct. That is correct,</p> <p>6 yes.</p> <p>7 Q. And so if everything is working</p> <p>8 smoothly while there, the voter will have the</p> <p>9 opportunity to complete the form; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And the voter could request</p> <p>13 assistance from the agency employee; is that</p> <p>14 also correct?</p> <p>15 A. I -- I -- again, I don't have</p> <p>16 firsthand knowledge of how it works at the other</p> <p>17 state agencies so I cannot address that</p> <p>18 firsthand.</p> <p>19 Q. Okay. So if you notice Section</p> <p>20 20.032, that says "Registration Procedures."</p> <p>21 A. Yes.</p> <p>22 Q. Sub-Section (b), could you read it</p>	<p>1 in person for agency services of the opportunity</p> <p>2 to complete a voter registration application</p> <p>3 form and on request shall provide nonpartisan</p> <p>4 voter registration assistance to the applicant."</p> <p>5 Q. So based on the statute, voter</p> <p>6 registration agencies are supposed to provide</p> <p>7 assistance when requested; is that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. And the employee will review</p> <p>10 it for completeness in the presence of the</p> <p>11 voter; is that correct?</p> <p>12 MS. VEIDT: Objection, speculation.</p> <p>13 THE WITNESS: Yes. I -- again, I</p> <p>14 have no firsthand knowledge of -- of -- of</p> <p>15 this occurring and how it occurs.</p> <p>16 BY MS. HUNKER:</p> <p>17 Q. Okay. So can you please read the</p> <p>18 first sentence of Sub-section (c).</p> <p>19 A. Oh, (c). Oh, I'm sorry.</p> <p>20 "On receipt of a registration</p> <p>21 application, the appropriate agency employee</p> <p>22 shall review it for completeness in the</p>
<p>Page 210</p> <p>1 for me, please?</p> <p>2 A. Section (b)?</p> <p>3 Q. Yes, please.</p> <p>4 A. Yes. "An agency"-- oops. Whoa.</p> <p>5 It -- it went to just the letter B.</p> <p>6 Okay. There we go. Okay.</p> <p>7 "An agency that provides services</p> <p>8 at a person's residence shall provide the</p> <p>9 opportunity to complete the form and the</p> <p>10 assistance under Sub-Section (a) at the</p> <p>11 residence."</p> <p>12 Q. Okay. And can you also read --</p> <p>13 MS. HUNKER: I'm sorry. I actually</p> <p>14 highlighted the wrong section.</p> <p>15 Can we look back to Number (a)?</p> <p>16 BY MS. HUNKER:</p> <p>17 Q. All right. Let's go towards the --</p> <p>18 Number (a), if you can read that instead. My</p> <p>19 apologies.</p> <p>20 A. Okay. So (a). Okay.</p> <p>21 "An appropriate agency employee</p> <p>22 shall routinely inform each person who applies</p>	<p>Page 212</p> <p>1 applicant's presence."</p> <p>2 Q. Okay. So, again, based on the law,</p> <p>3 a voter registration agency should be reviewing</p> <p>4 it for completeness in the presence of the</p> <p>5 voter; is that correct?</p> <p>6 A. That is correct, yes.</p> <p>7 Q. All right.</p> <p>8 MS. HUNKER: And let's go to</p> <p>9 Section 20.035, a little further down.</p> <p>10 BY MS. HUNKER:</p> <p>11 Q. And can you please read</p> <p>12 Sub-Section (a).</p> <p>13 A. "The agency shall deliver to the</p> <p>14 voter registrar of the county in which the</p> <p>15 agency office is located each completed</p> <p>16 registration application submitted to an agency</p> <p>17 employee."</p> <p>18 Q. Okay. So, again, based on the law,</p> <p>19 that agency should be delivering to you the</p> <p>20 completed form --</p> <p>21 A. That is correct.</p> <p>22 Q. -- is that correct?</p>

53 (Pages 209 to 212)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 213	Page 215
<p>1 A. That is -- yes.</p> <p>2 Q. And in your experience, has that</p> <p>3 been what has occurred?</p> <p>4 A. Again, it is hard to determine</p> <p>5 because we are not tracking that. We don't</p> <p>6 track it in our system. So I would like -- I</p> <p>7 don't have a response yes or no because we are</p> <p>8 not tracking that specifically from the other</p> <p>9 agencies.</p> <p>10 Q. Okay.</p> <p>11 MS. HUNKER: You can pull down the</p> <p>12 exhibit. Thank you.</p> <p>13 BY MS. HUNKER:</p> <p>14 Q. So you're not tracking</p> <p>15 individually. How then do you receive the</p> <p>16 applications from these agencies?</p> <p>17 A. They -- they would be received</p> <p>18 potentially by mail and -- but that's -- again,</p> <p>19 I cannot -- I just can't tell you because we're</p> <p>20 not -- when we're opening mail, we're going</p> <p>21 through and just confirming that we have</p> <p>22 received. We're just not marking it down</p>	<p>1 Q. Okay. And a voter can also request</p> <p>2 a voter registration form; is that correct?</p> <p>3 A. I'm sorry. What was that first</p> <p>4 part?</p> <p>5 THE REPORTER: Yeah, I'm sorry.</p> <p>6 Yes, please repeat.</p> <p>7 BY MS. HUNKER:</p> <p>8 Q. A voter can also request a voter</p> <p>9 registration form; is that correct?</p> <p>10 A. Yes, that is correct.</p> <p>11 Q. Okay.</p> <p>12 MS. HUNKER: If you can please put</p> <p>13 up on the screen Exhibit Number 3.</p> <p>14 (Exhibit 3, printout from website</p> <p>15 titled Request for Voter Registration</p> <p>16 Applications, is marked for</p> <p>17 identification.)</p> <p>18 BY MS. HUNKER:</p> <p>19 Q. Do you recognize this document?</p> <p>20 A. Yes, it's on the Secretary of</p> <p>21 State's website.</p> <p>22 Q. All right. Have you ever gone to</p>
<p>1 specifically.</p> <p>2 Q. Okay.</p> <p>3 A. So I don't have information.</p> <p>4 Q. Are you aware that the Election</p> <p>5 Code provides for high school voter</p> <p>6 registration?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Are you aware that at least</p> <p>9 twice each school year the high school</p> <p>10 distributes an officially prescribed</p> <p>11 registration application form to each student</p> <p>12 who is or will be 18 years of age or older</p> <p>13 during that year?</p> <p>14 A. I am aware that that is -- that</p> <p>15 it's written, that it's available. Again, I</p> <p>16 don't have first time knowledge of -- firsthand</p> <p>17 knowledge of that occurring at all high schools.</p> <p>18 Q. I'll ask Mr. Elfant about how your</p> <p>19 office is working with that program. I just</p> <p>20 wanted to see if you were aware of the</p> <p>21 provisions of the code.</p> <p>22 A. Yes.</p>	<p>1 this particular website page?</p> <p>2 A. Yes, I have looked at it.</p> <p>3 Q. Okay. All right. If you can</p> <p>4 please look at the highlighted text, you'll see</p> <p>5 where it says, "Informal Online Application."</p> <p>6 Do you see it?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Okay. You'd agree that a voter</p> <p>9 through this site can download, fill in and</p> <p>10 print off a voter registration application form;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. You'd also agree that once a voter</p> <p>14 has completed these steps, the voter can submit</p> <p>15 the form to the registrar's office via mail or</p> <p>16 personal delivery; correct?</p> <p>17 A. That is true, yes.</p> <p>18 Q. Okay.</p> <p>19 MS. HUNKER: And let's scroll down.</p> <p>20 BY MS. HUNKER:</p> <p>21 Q. And you see the highlighted text</p> <p>22 again where it says, "Other Voter Registration</p>

54 (Pages 213 to 216)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 217	Page 219
<p>1 Application Methods"?</p> <p>2 A. Yes. Yes, I do see that section.</p> <p>3 Q. Okay. You'd also agree that a</p> <p>4 voter may request a postage paid application</p> <p>5 from the Secretary of State office's website;</p> <p>6 correct?</p> <p>7 A. Yes, that is true.</p> <p>8 Q. Okay. And in such a scenario the</p> <p>9 registration application would be mailed to the</p> <p>10 voter?</p> <p>11 A. Yes, uh-huh.</p> <p>12 Q. And a voter can also request a</p> <p>13 postage paid application from his or her Voter</p> <p>14 Registrar; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And in such a scenario, the</p> <p>17 registration application would be mailed to the</p> <p>18 voter; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Now, we spoke earlier that if</p> <p>21 everything is running correctly, the voter</p> <p>22 registration applications are also available at</p>	<p>1 Q. Okay. And so the Voter Registrar</p> <p>2 would deliver it to your office?</p> <p>3 A. Yes, the VDR -- and we refer to</p> <p>4 them as VDRs. The VDR would deliver it to our</p> <p>5 office, yes.</p> <p>6 Q. Okay. And do DVRs [sic] answer</p> <p>7 questions to voters?</p> <p>8 A. I'm sorry. They what?</p> <p>9 Q. Are they trained to answer</p> <p>10 questions to voters, if voters have questions?</p> <p>11 A. As they refer to voter</p> <p>12 registration, we provide them with information.</p> <p>13 Q. Okay. And how long is their</p> <p>14 training?</p> <p>15 A. It's an hour, at least an hour.</p> <p>16 Q. And do you know who puts on the</p> <p>17 training?</p> <p>18 A. We do. Actually, Tax Assessor</p> <p>19 Elfant provides many of the trainings. We also</p> <p>20 have an online video that we ended up producing</p> <p>21 due to COVID. Normally, most of our trainings</p> <p>22 before COVID, before two years ago, were mostly</p>
<p>Page 218</p> <p>1 post offices, libraries, Department of Public</p> <p>2 Safety offices and other agencies throughout</p> <p>3 Texas; is that correct?</p> <p>4 A. Yes. Yeah.</p> <p>5 Q. What is a Deputy Registrar?</p> <p>6 A. A Volunteer Deputy Registrar is</p> <p>7 someone who is trained. There are trainings</p> <p>8 that the Secretary of State provides that either</p> <p>9 can be taken with the Secretary of State or each</p> <p>10 county can conduct it, as long as all of the</p> <p>11 information is the same and they are trained.</p> <p>12 They are deputized to assist with voter</p> <p>13 registration in the community of which they have</p> <p>14 been deputized in, the county.</p> <p>15 Q. Okay. So a Voter Registrar, if</p> <p>16 they are at a, let's say a location, and they</p> <p>17 receive a application to register to vote, they</p> <p>18 can -- that is considered by what, by delivery,</p> <p>19 or is that considered in-person? Like, how is</p> <p>20 that distinguished?</p> <p>21 A. That -- that would be in person and</p> <p>22 they would deliver those in person.</p>	<p>Page 220</p> <p>1 in -- well, all were in-person. And with COVID,</p> <p>2 we actually started utilizing Zoom. So we do</p> <p>3 live trainings, where we can also take</p> <p>4 questions. And then we now have an online video</p> <p>5 that we provide so that individuals can take</p> <p>6 them at home 24/7.</p> <p>7 Q. Okay. Now, you mentioned</p> <p>8 Mr. Elfant conducted many of the trainings.</p> <p>9 I'll ask some questions for him, but do you know</p> <p>10 if any other organization runs training or is it</p> <p>11 just your Tax Office?</p> <p>12 A. Oh, it's just our Tax Office.</p> <p>13 It's -- it's through our office because we</p> <p>14 actually provide them a number. The</p> <p>15 applications that they utilize have a receipt</p> <p>16 that they provide the voter and they place their</p> <p>17 number, so that we track -- we actually do enter</p> <p>18 the VDR number as it applies to that person.</p> <p>19 Q. Okay. Do you know if when the</p> <p>20 trainings are being conducted they're open to</p> <p>21 the public or is it generally like you're</p> <p>22 working with another organization to get -- find</p>

55 (Pages 217 to 220)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 221	Page 223
<p>1 volunteers?</p> <p>2 A. No, we -- they're open. Anybody</p> <p>3 can sign up for our Zoom classes. We actually</p> <p>4 had two yesterday; one in the morning and one in</p> <p>5 the evening. And there was one last Saturday in</p> <p>6 the morning as well. So anybody is welcome to</p> <p>7 sign up. We do ask them to sign up in advance</p> <p>8 just so we have the name so that then we can</p> <p>9 provide -- do the certificate so that we can</p> <p>10 provide it to them and e-mail them what their</p> <p>11 certificate number is and send them all of the</p> <p>12 information in the electronic packet as well.</p> <p>13 Q. So it sounds like you conduct these</p> <p>14 trainings pretty regularly.</p> <p>15 A. We try to as much as -- as often as</p> <p>16 we can. And now the online training is</p> <p>17 available, as I said, 24/7. They don't have to</p> <p>18 sign up for it.</p> <p>19 Q. Has the online training expanded</p> <p>20 the number of DV -- of VDRs in Travis County?</p> <p>21 A. No, it hasn't, but -- no, it -- I</p> <p>22 wouldn't say that it -- that it has. It's maybe</p>	<p>1 lot of different events, and -- in the</p> <p>2 community. So they will -- on the weekend</p> <p>3 before voter registration deadline, they were at</p> <p>4 -- present at several locations and we were</p> <p>5 present at several locations. They organized</p> <p>6 those and they -- they recruited their -- their</p> <p>7 volunteers.</p> <p>8 Q. Okay. So you work with them, it</p> <p>9 sounds, pretty often?</p> <p>10 A. Yes. Yes, we do. We also have a</p> <p>11 program called First Vote. That is a program</p> <p>12 that we go into the high schools to promote</p> <p>13 voter registration and -- and explain the whole</p> <p>14 process and assist in that.</p> <p>15 Q. Okay. Now, I'll ask most of my</p> <p>16 follow-up questions to Mr. Elfant, but based on</p> <p>17 your experience in working with the League of</p> <p>18 Women Voters, have you found that they</p> <p>19 understand the legal requirements for voter</p> <p>20 registration?</p> <p>21 A. The League of Women Voters?</p> <p>22 Q. That's correct.</p>
Page 222	Page 224
<p>1 just made it easier for them to not have to sign</p> <p>2 up for a particular time.</p> <p>3 Q. And do you know if groups will</p> <p>4 often, let's say, organize volunteers from their</p> <p>5 organization to come sit through one of the</p> <p>6 trainings or participate in the online training?</p> <p>7 A. Yes, in -- in the -- I -- there</p> <p>8 have been in the past, the League of Women</p> <p>9 Voters is a partner of ours and we know that</p> <p>10 they've encouraged their members to participate.</p> <p>11 Both political parties as well have</p> <p>12 participated. And so -- and other non-profits</p> <p>13 that we may work with in the community, the food</p> <p>14 bank, and so they've encouraged their employees,</p> <p>15 but it's, you know, it's encouraging them to</p> <p>16 participate.</p> <p>17 Q. Understood. I'm sorry, but I</p> <p>18 caught on a word that you said.</p> <p>19 You mentioned the League of Women</p> <p>20 Voters were your partners. What do you mean by</p> <p>21 that?</p> <p>22 A. We work with them on setting up a</p>	<p>1 A. I believe so. That -- it's my</p> <p>2 understanding, yes, that they have a pretty good</p> <p>3 concept of what's required.</p> <p>4 Q. Okay. And you'd agree that they</p> <p>5 seek to comply with all legal requirements?</p> <p>6 A. Yes, yes, to my understanding, yes.</p> <p>7 MS. HUNKER: So if we can please</p> <p>8 bring up Exhibit Number 15.</p> <p>9 (Exhibit 15, Copy of Voter</p> <p>10 Registration Statistics 2011-2022 (12 of</p> <p>11 23), is marked for identification.)</p> <p>12 BY MS. HUNKER:</p> <p>13 Q. Do you recognize this document?</p> <p>14 A. Yes, that is the document that I</p> <p>15 sent yesterday.</p> <p>16 Q. Yes, I -- my office received it</p> <p>17 yesterday. We also received a couple of sets of</p> <p>18 production from your office yesterday evening.</p> <p>19 I will say it was a little difficult to try to</p> <p>20 go through everything that last minute, but I do</p> <p>21 appreciate that -- you sending it before the</p> <p>22 depo. So thank you.</p>

56 (Pages 221 to 224)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 225

1           Actually, quick question. Do you  
 2 know if your office is going to be issuing any  
 3 other productions?  
 4           A. I don't know if there's anything  
 5 outstanding, so I'm -- I'm not certain that --  
 6 that there's anything that we need to still  
 7 provide.  
 8           Q. Okay. So can you please give me a  
 9 short summary of what this document is?  
 10          A. This is in response to the request,  
 11 and the number of applications and in the form  
 12 that they came in to our office.  
 13          Q. Okay. So if we look at "Registered  
 14 Voters" that particular line, I'm noticing that  
 15 the numbers are continuously increasing through  
 16 Travis County over the last, say, seven years;  
 17 is that correct?  
 18          A. That is correct, yes.  
 19          Q. And you had mentioned that not all  
 20 eligible voters are registered to vote; is that  
 21 correct?  
 22          A. That is correct, yes.

Page 226

1           Q. But you would agree that a  
 2 significant portion are registered to vote?  
 3          A. Yes, a significant portion in our  
 4 county, yes, are.  
 5          Q. Do you know what percentage?  
 6          A. In 2020, we estimated that we had  
 7 reached a 97 percent registration rate. So  
 8 since I came on board, we did increase from the  
 9 high 80s to the mid-90s. We hit a high of 97  
 10 percent. And -- and so we are probably still in  
 11 the mid-90s at this time.  
 12          Q. So if I understand what you just  
 13 said correctly, that in 2020, you had a high  
 14 watermark of 97 percent; is that correct?  
 15          A. That is -- that is correct.  
 16          Q. And that you're consistently in the  
 17 low to mid 90 percent; is that correct?  
 18          A. Yes, yes.  
 19          Q. And trying to explain maybe --  
 20 maybe the slight decrease in the percentage, is  
 21 that, you think, because 2020 was a presidential  
 22 election year?

Page 227

1           MS. VEIDT: Objection, speculation.  
 2           THE WITNESS: Yes, I -- there's no  
 3 way to say, but we do see a higher number  
 4 of individuals registering in a  
 5 presidential and midterm year. 2018 was  
 6 also a very busy year for us as well,  
 7 and -- and 2020.  
 8 BY MS. HUNKER:  
 9          Q. So do you frequently see a slight  
 10 decrease in percentage of eligible voters --  
 11          THE REPORTER: I'm sorry. You went  
 12 out. Excuse me. I'm sorry. You went  
 13 out.  
 14          THE WITNESS: Yes.  
 15          THE REPORTER: Please repeat your  
 16 question.  
 17          THE WITNESS: Yes.  
 18 BY MS. HUNKER:  
 19          Q. Do you typically see after a  
 20 presidential election year the percentage of  
 21 eligible voters who are actually registered to  
 22 vote in Travis County going slightly down, even

Page 228

1 if the overall numbers increase?  
 2          A. We may see -- well, we still see  
 3 a -- we still see a growth. We still are -- you  
 4 know, we're seeing increases in the voter  
 5 registration numbers.  
 6           The percent may vary. We do the  
 7 percent on the number of the voting age  
 8 population estimates that are provided to us.  
 9 At this time, we are not receiving some of  
 10 those -- that information from the -- from the  
 11 federal government so it is hard for us to  
 12 estimate really at that -- at this time where we  
 13 exactly stand.  
 14          Q. So the 97 percent was based off of  
 15 voting age population; is that right?  
 16          THE REPORTER: I'm sorry. You're  
 17 drop -- I -- you're --  
 18          THE WITNESS: Yes.  
 19          THE REPORTER: I'm missing words.  
 20 BY MS. HUNKER:  
 21          Q. The 97 percent was based off of  
 22 voting age population; is that correct?

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 229	Page 231
<p>1 A. Yes.</p> <p>2 Q. Where did you get the voting age</p> <p>3 population data from?</p> <p>4 A. That is actually something that</p> <p>5 Mr. Elfant would probable -- would be better</p> <p>6 suited addressing.</p> <p>7 Q. Understood. To be clear, though,</p> <p>8 you did not base it off of citizen age voting</p> <p>9 population; is that correct - --</p> <p>10 A. It's the citizen -- it's the CVAP,</p> <p>11 yes.</p> <p>12 Q. So you -- I'm a little confused</p> <p>13 based on that answer.</p> <p>14 Was it voting age population or</p> <p>15 citizen voting age population that the 97</p> <p>16 percent is based off of?</p> <p>17 A. It's the eligible, and, again, I</p> <p>18 would refer to Mr. Elfant.</p> <p>19 Q. Understood. So if we looked at</p> <p>20 applications received, in 2021 you received</p> <p>21 106,284 applications; is that correct?</p> <p>22 A. That is correct.</p>	<p>1 or by mail? And when I say "voted," I mean</p> <p>2 apply to vote by in-person or by mail.</p> <p>3 A. That is -- that is true.</p> <p>4 Q. So out of 106,284 applications</p> <p>5 received, only a dozen or less than a dozen --</p> <p>6 A. Yes, we don't --</p> <p>7 Q. -- were by fax?</p> <p>8 THE REPORTER: I'm sorry.</p> <p>9 THE WITNESS: Yes, we --</p> <p>10 THE REPORTER: I'm sorry. I have</p> <p>11 to ask you to please pause between</p> <p>12 speakers.</p> <p>13 I have: So out of 106,284</p> <p>14 applications received, only a dozen or</p> <p>15 less were...</p> <p>16 BY MS. HUNKER:</p> <p>17 Q. By fax; is that correct?</p> <p>18 A. That is correct; yes.</p> <p>19 Q. Thank you. And let's look at 20 --</p> <p>20 2020.</p> <p>21 A. Okay.</p> <p>22 Q. That's -- you received 206,417</p>
Page 230	Page 232
<p>1 Q. Do you know how many of those</p> <p>2 applications were submitted that year by a fax</p> <p>3 machine?</p> <p>4 A. No, we don't, but I will say that</p> <p>5 it was likely under a dozen is --</p> <p>6 Q. Under a dozen?</p> <p>7 A. -- less than -- yes.</p> <p>8 Q. Thank you. Just make sure that the</p> <p>9 court reporter heard that. You said under a</p> <p>10 dozen; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And do you know how many in-person</p> <p>13 applications you received?</p> <p>14 A. No, I cannot -- we do not code</p> <p>15 whether they were in-person or -- or by mail.</p> <p>16 The only way we would have to do that is we</p> <p>17 would have to look at each individual</p> <p>18 application to see if it was a VDR application</p> <p>19 or one that someone submitted that walked in.</p> <p>20 But, yes, we don't code that separately.</p> <p>21 Q. Okay. So to be clear, you don't</p> <p>22 know how many people would have voted in-person</p>	<p>1 applications that year; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And can you give me an estimate of</p> <p>4 how many you thought were came in by fax</p> <p>5 machine?</p> <p>6 A. It would be under a dozen as well,</p> <p>7 well under.</p> <p>8 Q. So out of the 206,417, well less</p> <p>9 than a dozen came in through the fax machine?</p> <p>10 A. Yeah.</p> <p>11 Q. Is that a trend that you've noticed</p> <p>12 in your tenure at the Tax Office?</p> <p>13 A. In my tenure? Yes, the number of</p> <p>14 fax applications is negligible.</p> <p>15 Q. Let's look at 2018. That year you</p> <p>16 received 142,428 applications; correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. In that year, roughly how</p> <p>19 many applications did you receive by fax?</p> <p>20 A. That year it would have been</p> <p>21 several hundred. I do not have an exact count</p> <p>22 on how many we received, but it was in the</p>

58 (Pages 229 to 232)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 233

1 neighborhood of 500 applications, approximately.  
 2 Q. And those 500 applications, those  
 3 are the applications that you received from the  
 4 Vote.org app; is that correct?  
 5 A. Yes, that is correct.  
 6 Q. Do you know how many applications  
 7 by fax that you received that were not from  
 8 Vote.org?  
 9 A. Again, that would be a -- less than  
 10 a dozen.  
 11 Q. Okay. Would you agree then that  
 12 Texas voters do not frequently use the fax  
 13 option when registering to vote?  
 14 MS. VEIDT: Objection, form.  
 15 THE WITNESS: I cannot address  
 16 Texas voters. Travis County voters, that  
 17 is not a form that has been used.  
 18 BY MS. HUNKER:  
 19 Q. That's perfectly fair. Thank you.  
 20 And last one. Let's just look at  
 21 2015.  
 22 A. Uh-huh.

Page 234

1 Q. Now, I do notice that you don't  
 2 have registered voters for any year prior to  
 3 2015. Is there a reason why?  
 4 A. I actually looked on the  
 5 spreadsheet where we are tracking this  
 6 information, and I didn't have any information  
 7 prior to 2015. So I just pulled the FY 2015  
 8 information.  
 9 Q. Okay. Thank you.  
 10 A. Uh-huh.  
 11 Q. And that year you received 82,612  
 12 applications; correct?  
 13 A. 617, yes.  
 14 Q. And as with the other years we  
 15 discussed, was the number of applications  
 16 received by fax machine negligible?  
 17 A. Yes.  
 18 Q. Do you know when Travis County  
 19 started allowing applications to register to  
 20 vote through fax machine?  
 21 A. I -- I cannot. I came in February  
 22 of 2016 to the office, and I -- I don't know

Page 235

1 when that process was taking place or -- or any  
 2 history on the fax application.  
 3 Q. But the option has been present  
 4 since you've been working for the Tax Office; is  
 5 that right?  
 6 A. Yes, it is. It is an option, yes,  
 7 that is correct.  
 8 Q. Sorry. I'm just looking to see if  
 9 I have any other questions regarding this  
 10 particular document.  
 11 A. Uh-huh.  
 12 MS. HUNKER: (Reviewing document.)  
 13 I believe you can take it down.  
 14 Thank you.  
 15 Can you please put up Exhibit  
 16 Number 10.  
 17 (Exhibit 10, Election Code, Title  
 18 3- Election Officers And Observers,  
 19 Chapter 31. Officers To Administer  
 20 Elections, Subchapter A. Secretary of  
 21 State, is marked for identification.)  
 22 BY MS. HUNKER:

Page 236

1 Q. Now, Mr. Nagy -- Ms. Nagy, are you  
 2 familiar with the role of the Secretary of State  
 3 as it applies to Texas elections?  
 4 A. Yes.  
 5 Q. Okay. So from your understanding  
 6 the Secretary of State is the chief election  
 7 officer of the state; is that correct?  
 8 A. That is correct.  
 9 Q. The Secretary of State's office has  
 10 a responsibility to obtain and maintain  
 11 uniformity in the application, operation and  
 12 interpretation of the Texas Election Code, would  
 13 you agree?  
 14 A. Yes.  
 15 Q. And as part of this duty the  
 16 Secretary of State prepares detailed and  
 17 comprehensive written directives and  
 18 instructions about the administration of the  
 19 Texas Election Code; is that right?  
 20 A. That is true.  
 21 Q. This includes detailed and  
 22 comprehensive written directives and

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 237

1 instructions about voter registration; is that  
 2 correct?  
 3 A. Yes.  
 4 Q. It also includes detailed and  
 5 comprehensive written directives and  
 6 instructions about the interpretation of  
 7 provisions in the Election Code related to voter  
 8 registration; is that correct?  
 9 A. Yes.  
 10 Q. And as part of its duty to advance  
 11 uniformity the Secretary of State also assists  
 12 and advises all election authorities with regard  
 13 to the application, operation, and  
 14 interpretation of the Election Code; is that  
 15 correct?  
 16 A. Yes, they do.  
 17 Q. And the Secretary of -- Secretary  
 18 of State's office maintains an informational  
 19 service; is that correct?  
 20 A. An informational what?  
 21 Q. An informational service. It's  
 22 often referred to as a hotline.

Page 238

1 A. Oh, yes. I don't utilize -- we  
 2 don't utilize it. But, yes -- but, yes --  
 3 Q. Okay.  
 4 A. -- they would, uh-huh.  
 5 Q. Are you aware that this  
 6 hotline/informational service exists?  
 7 A. Yes; but, again, I don't have any  
 8 firsthand knowledge of it.  
 9 Q. And you are aware that you have the  
 10 option of putting a request in to the Secretary  
 11 of State to get advice or a suggested  
 12 interpretation of the Texas Election Code; is  
 13 that correct?  
 14 A. Yes. If we have questions, yes.  
 15 Q. All right. And through this  
 16 informational service, the Secretary of State's  
 17 office answers inquiries of election authorities  
 18 relating to the administration of election laws  
 19 or the performance of the authority's duties; is  
 20 that correct?  
 21 A. Yes. Yes.  
 22 Q. You -- in your tenure with the Tax

Page 239

1 Office, you received advisories and guidance  
 2 from the Secretary of State's office about voter  
 3 registration; is that correct?  
 4 A. Yes, we do receive.  
 5 Q. And how often do you receive these  
 6 type of communications from the Texas Secretary  
 7 of State?  
 8 A. It varies. We did receive --  
 9 around an election cycle we may sometimes  
 10 receive more so it really just varies.  
 11 Q. You said it varies. Would you say  
 12 it's always consistent that you'll receive it  
 13 throughout the year?  
 14 A. Yes, throughout the year, yeah,  
 15 yeah.  
 16 Q. And have you ever contacted the  
 17 Secretary of State's office when you had a  
 18 question about how to interpret or apply a  
 19 provision of the Election Code?  
 20 A. Yes. I'm trying to think of the  
 21 time that we've had conversations with them.  
 22 Yes. Yes. We have -- from time to time we --

Page 240

1 we have conversations with them, yes.  
 2 Q. And do you initiate those  
 3 conversations or does the Secretary of State --  
 4 Secretary of State's office initiate them?  
 5 A. I believe it's been both. It's  
 6 maybe been both ways. We don't -- generally, we  
 7 don't have a lot of conversations; but there  
 8 have been from time to time. It -- it could go  
 9 either way, yes.  
 10 Q. So just to clarify, your testimony  
 11 is that on occasion your office will reach out  
 12 to the Secretary of State's office about a  
 13 matter relating to voter registration; is that  
 14 correct?  
 15 A. Yes.  
 16 Q. You are also testifying that from  
 17 time to time the Secretary of State's office  
 18 will contact you about an issue regarding voter  
 19 registration?  
 20 A. Yes, we've -- we have heard from  
 21 them sometimes. If we're having a technical  
 22 issue -- let me clarify. When we're having a

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 241	Page 243
<p>1 database issue, we -- we have communication with</p> <p>2 them and they have reached out to us and we've</p> <p>3 reached out to them, so yes.</p> <p>4 Q. So types of communications you've</p> <p>5 engaged in have been related to IT support?</p> <p>6 A. In some cases, yes, they have been,</p> <p>7 yes.</p> <p>8 Q. And they've been in relation to</p> <p>9 technical issues generally regarding, I'm</p> <p>10 guessing, the voter registration file?</p> <p>11 A. Uh-huh.</p> <p>12 Q. And are you referring to the TEAM</p> <p>13 database?</p> <p>14 A. Yes, TEAM, uh-huh, yes.</p> <p>15 Q. Have you ever spoken to the</p> <p>16 Secretary of State's office about statutory</p> <p>17 interpretation?</p> <p>18 A. No. I don't -- I don't recall that</p> <p>19 I have. I don't recall that I have.</p> <p>20 Q. Do you know -- do you know if</p> <p>21 anybody in your office has?</p> <p>22 A. No.</p>	<p>1 due to legislation in the -- during the session.</p> <p>2 So there's -- there are a couple of</p> <p>3 lines that have changed on the application, some</p> <p>4 verbiage that changed, and we -- I was seeking</p> <p>5 some clarification on whether we could use our</p> <p>6 existing stock of applications with the old</p> <p>7 language versus the new language.</p> <p>8 Q. Understood.</p> <p>9 A. Uh-huh. That was the question I</p> <p>10 was receiving from volunteers, and we were</p> <p>11 receiving some calls about that.</p> <p>12 Q. Were you allowed to use the</p> <p>13 application you had in stock based on their</p> <p>14 interpretation?</p> <p>15 A. We -- I -- it took a while -- I</p> <p>16 didn't receive a clear direction, but we did --</p> <p>17 we are utilizing our existing stock and we are</p> <p>18 actually stamping on the language, the change,</p> <p>19 onto the application while we are printing new</p> <p>20 applications. So we are doing that.</p> <p>21 Q. And how fast did the Secretary of</p> <p>22 State's office respond to you?</p>
Page 242	Page 244
<p>1 Q. If you had a question about how to</p> <p>2 interpret the Election Code, would you contact</p> <p>3 the Secretary of State's office and seek your</p> <p>4 advice?</p> <p>5 A. Yes, if -- if I had a -- if I had a</p> <p>6 question, if we needed some clarification, we</p> <p>7 would possibly contact them, yes. They just --</p> <p>8 it just depends, but I'm -- I'm trying to think</p> <p>9 back -- yes, I don't -- I don't recall that I</p> <p>10 have. But they would be a resource, yes, yes.</p> <p>11 Q. So just to try to summarize, make</p> <p>12 sure I understand your testimony, you, yourself,</p> <p>13 have not contacted the Secretary of State's</p> <p>14 office about a question of statutory</p> <p>15 interpretation, but should a question arise, you</p> <p>16 see it as a -- one of the options to pursue?</p> <p>17 A. Yes, and I'm trying to think...</p> <p>18 I did -- I -- actually, I did</p> <p>19 contact them for clarification, but it had to do</p> <p>20 with the voter registration applications. We</p> <p>21 have an issue where the -- there's a slight bit</p> <p>22 of language that has changed on the application</p>	<p>1 A. After I first posed the question, I</p> <p>2 did not get an answer for two or three weeks.</p> <p>3 And then when I called back, I learned that</p> <p>4 the -- that the staff member was no longer</p> <p>5 there. So I started again with someone new and</p> <p>6 it took just under a week to -- to get a</p> <p>7 response.</p> <p>8 Q. So once you sent your request to an</p> <p>9 individual who was at the office, it took about</p> <p>10 a week?</p> <p>11 A. Yes, after I followed up a second</p> <p>12 time. The first time it was two -- it was almost</p> <p>13 three weeks.</p> <p>14 Q. And is it the policy of your office</p> <p>15 to contact the Secretary of State's office if</p> <p>16 there's a question regarding the duty of the</p> <p>17 Voter Registrar or interpreting one of the</p> <p>18 provisions of the Election Code?</p> <p>19 A. Yes, it is, but it is -- we</p> <p>20 generally review ourselves. I mean, there --</p> <p>21 really, it's getting the advisories from them if</p> <p>22 there's any change in statute that -- that we</p>

61 (Pages 241 to 244)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 245	Page 247
<p>1 were monitoring, and -- and reviewing those.</p> <p>2 If we had a question from -- from</p> <p>3 that, from an advisory, we might question that,</p> <p>4 but it's -- my conversations with the Secretary</p> <p>5 of State's office have been very, very limited</p> <p>6 generally.</p> <p>7 Q. Do you believe it to be good</p> <p>8 practice to consult with them about ambiguities</p> <p>9 in the Election Code?</p> <p>10 A. I'm trying to think of a time.</p> <p>11 Again, I'm trying to recollect a</p> <p>12 time that I've had a conversation with them in</p> <p>13 reference to that -- to an ambiguity.</p> <p>14 Q. So my question is a little bit</p> <p>15 different. I'm not asking about maybe a</p> <p>16 specific occasion where you spoke with the</p> <p>17 Secretary of State's office. I'm just wondering</p> <p>18 if you think it's good practice to refer to the</p> <p>19 Secretary of State or to consult with the</p> <p>20 Secretary of State when you're confronted with</p> <p>21 an ambiguity in the Election Code or in the</p> <p>22 duties of the Voter Registrar.</p>	<p>1 Election Center. So there -- there are varying</p> <p>2 ones.</p> <p>3 Q. Did you attend or at least</p> <p>4 participate in the conference this past summer?</p> <p>5 A. Yes, we did, as it referred to</p> <p>6 voter registration.</p> <p>7 Q. And what were some of the topics</p> <p>8 discussed?</p> <p>9 A. I -- I don't recollect. It was</p> <p>10 some coverage of legislation, varying pieces,</p> <p>11 but of course, we were still -- had other</p> <p>12 sessions, so it was -- it was a little limited.</p> <p>13 Q. When you attend these seminars, are</p> <p>14 the topics usually the same each year maybe with</p> <p>15 a little bit of updates regarding legislation?</p> <p>16 A. Yes, generally, they are basically</p> <p>17 covering many of the same items and just</p> <p>18 updates, yes.</p> <p>19 Q. And how long do these trainings</p> <p>20 last?</p> <p>21 A. Oh, they last for three days.</p> <p>22 Q. That's a long time. And do you</p>
<p>Page 246</p> <p>1 MS. VEIDT: Objection, form.</p> <p>2 THE WITNESS: Yes, they are</p> <p>3 definitely a resource that we go to --</p> <p>4 to -- for clarification.</p> <p>5 BY MS. HUNKER:</p> <p>6 Q. Okay. So you find it to be a good</p> <p>7 practice; is that correct?</p> <p>8 A. Uh-huh. Yes, if -- if need be.</p> <p>9 Yes.</p> <p>10 Q. Do you attend conferences,</p> <p>11 seminars, and trainings about voter</p> <p>12 registration?</p> <p>13 A. We attend the Secretary of State's</p> <p>14 conferences in the summer --</p> <p>15 Q. Okay. And --</p> <p>16 A. -- and we -- oh, sorry.</p> <p>17 Q. Oh, no, I didn't mean to interrupt.</p> <p>18 I thought you were done. Please continue.</p> <p>19 A. All right. And the Texas</p> <p>20 Association of Election Administrators, we've</p> <p>21 also attended some of those conferences when the</p> <p>22 times allow us to -- to do that, and also</p>	<p>Page 248</p> <p>1 participate in all three days?</p> <p>2 A. We most -- we always participate in</p> <p>3 the voter registration section which is really</p> <p>4 half a day. We will attend some of the others,</p> <p>5 but we do generally look at the topics to see</p> <p>6 what actually pertains to us as some of</p> <p>7 the response -- some of the topics are --</p> <p>8 generally are election oriented which we do not,</p> <p>9 and the administration of the election, and</p> <p>10 we're not involved in some of those processes.</p> <p>11 Q. Do you attend any other trainings</p> <p>12 hosted by the Secretary of State outside of the</p> <p>13 one that's held in the summer?</p> <p>14 A. They have -- they've been holding</p> <p>15 several webinars now during these times, so --</p> <p>16 so, again, if there's something that pertains to</p> <p>17 us, we will -- we will attend it. Myself and</p> <p>18 other respective staff will attend. But,</p> <p>19 generally, that is -- what they host is the</p> <p>20 summer session and then the webinars which they</p> <p>21 have been providing over the past few months.</p> <p>22 Q. So, again, to summarize, you attend</p>

62 (Pages 245 to 248)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 249

1 the conferences in the summer and then you also  
 2 participate or at least listen to the webinars?  
 3 A. Yes, yes.  
 4 Q. Okay. Thank you. Who else  
 5 attended these conferences?  
 6 A. Eleanor Staff, our business  
 7 analyst, attend the -- attend the conferences.  
 8 Also our administrative staff attend. And in  
 9 the past, our outreach and training coordinator  
 10 has also attended. So we do vary and -- who  
 11 attends and for what length of time they attend.  
 12 Q. Did you attend any trainings hosted  
 13 by the Secretary of State when you joined the  
 14 office --  
 15 A. Yes.  
 16 Q. -- when you joined the Tax Office?  
 17 A. When I joined the Voter  
 18 Registration Division in the Tax Office, I would  
 19 have attended that summer of 2016.  
 20 Q. But it was not specific to you as a  
 21 new employee; is that correct?  
 22 A. I'm sorry. I don't understand your

Page 250

1 question.  
 2 Q. The conference was the usual  
 3 conference held in the summer, it was not  
 4 designed for new employees?  
 5 A. No, it was -- it was the summer  
 6 conference, yes.  
 7 Q. In any of the election seminar that  
 8 was held in this past summer was HB 3107  
 9 mentioned?  
 10 A. I don't re -- I would have to go  
 11 back and -- and view -- review everything to  
 12 see. I can't address that exactly.  
 13 Q. That's no problem. I just wanted  
 14 to see if you happened to have a recall.  
 15 A. Yes, no, I don't.  
 16 Q. I'm going to ask the same question  
 17 in regards to -- or similar question in regards  
 18 to 2018.  
 19 Did the Secretary of State address  
 20 wet signatures or registration by fax in the  
 21 2018 seminar?  
 22 A. I do not recall that they did.

Page 251

1 I -- no, I don't.  
 2 Q. So, Ms. Nagy, we've been going for  
 3 about an hour. I am about to change topics so  
 4 this might be a good place for a break if you'd  
 5 like one.  
 6 A. Okay. Certainly. We can do that.  
 7 MS. HUNKER: Does 10 minutes work?  
 8 We can come back at 2:30.  
 9 MS. VEIDT: That works.  
 10 THE VIDEOGRAPHER: Okay. We are  
 11 now going off the video record. The time  
 12 is 2:20 p.m.  
 13 (A recess is held from 2:20 p.m. to  
 14 2:31 p.m.)  
 15 THE VIDEOGRAPHER: We are now going  
 16 back on the video record. The time is  
 17 2:32 p.m.  
 18 BY MS. HUNKER:  
 19 Q. Hi, Ms. Nagy. Did you enjoy your  
 20 break?  
 21 A. Yes, yes, I did. Thank you. Thank  
 22 you.

Page 252

1 Q. So early in our deposition we spoke  
 2 a little bit about your role and the Tax  
 3 Office's role in elections in Travis County;  
 4 correct?  
 5 A. Yes, yes.  
 6 Q. So I realized I had one or two  
 7 questions I wanted to ask you but skipped over,  
 8 so I'm going to go back to that briefly before  
 9 we hit the next topic. Is that okay?  
 10 A. Okay.  
 11 Q. Okay. So you said that you do not  
 12 oversee the Early Voting Ballot Board; correct?  
 13 A. That is correct.  
 14 Q. And the only times you really  
 15 interact with them is when they come to the Tax  
 16 Office and request an application specifically  
 17 for the signature; is that right?  
 18 A. And that was before we went to our  
 19 new system.  
 20 Q. That's correct.  
 21 A. Yes. Yes.  
 22 Q. You don't know how many times the

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 253	Page 255
<p>1 Early Voting Ballot Board came to your office to</p> <p>2 request applications; is that correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And was it -- is it fair to say you</p> <p>5 know -- that you have less knowledge now that</p> <p>6 you moved on to a different system on how many</p> <p>7 times the Early Ballot Board needs to look at an</p> <p>8 application or signature?</p> <p>9 A. That is correct, yes.</p> <p>10 Q. But you can confirm that when you</p> <p>11 had the old system, the Early Voting Ballot</p> <p>12 Board did request the application in order to</p> <p>13 compare the signature?</p> <p>14 A. They actually requested a</p> <p>15 signature, a copy of the signature, not the</p> <p>16 actual application.</p> <p>17 Q. Okay. So let me rephrase the</p> <p>18 question.</p> <p>19 But you can confirm that the Early</p> <p>20 Voting Ballot Board requested the signature on</p> <p>21 the application for a comparison during the</p> <p>22 elections?</p>	<p>1 A. I spoke to who?</p> <p>2 Q. You mentioned, I think, that when a</p> <p>3 voter appears in person they sign an e-poll</p> <p>4 book?</p> <p>5 A. Yes. Yes. That's from my personal</p> <p>6 experience.</p> <p>7 Q. That's from your personal</p> <p>8 experience as a Travis County voter?</p> <p>9 A. Yes. Yes.</p> <p>10 Q. So that, I assume, was implemented</p> <p>11 by the County Clerk's Office?</p> <p>12 A. Yes, that is correct.</p> <p>13 Q. So you wouldn't know if voters</p> <p>14 liked the change to an e-poll book from the</p> <p>15 paper sign-in?</p> <p>16 A. Oh, I -- I have no knowledge of --</p> <p>17 of how voters feel about that conversion when we</p> <p>18 did that conversion.</p> <p>19 Q. And you wouldn't know if it's made</p> <p>20 it more difficult or less difficult for either</p> <p>21 voters or the county; correct?</p> <p>22 A. I wouldn't have any knowledge of</p>
<p>Page 254</p> <p>1 A. That is correct.</p> <p>2 Q. Can you confirm that this occurred</p> <p>3 each election at least once?</p> <p>4 A. I -- I don't know that I can</p> <p>5 confirm that. I would have to -- I would have</p> <p>6 to inquire of the staff that actually were</p> <p>7 responsible for providing the signatures.</p> <p>8 Q. Understood. Would you characterize</p> <p>9 their need to refer to the signature on the</p> <p>10 application as consistent throughout the</p> <p>11 election year?</p> <p>12 A. Can you repeat that again?</p> <p>13 Q. Yes. Would you characterize the</p> <p>14 frequency in which they had to refer to an</p> <p>15 application -- or refer to the signature as</p> <p>16 being consistent throughout the year, the</p> <p>17 election year, for election?</p> <p>18 A. Oh, during an election cycle. Yes,</p> <p>19 I would say so, before our new system, yes.</p> <p>20 Q. Thank you. You also spoke to</p> <p>21 counsel about the e-poll books that Travis</p> <p>22 County uses; is that correct?</p>	<p>Page 256</p> <p>1 that, uh-uh.</p> <p>2 Q. Thank you.</p> <p>3 A. Uh-huh.</p> <p>4 Q. You also spoke some with counsel</p> <p>5 about there had been at least one occasion where</p> <p>6 they had to refer to the signature on the</p> <p>7 application because somebody had signed it</p> <p>8 incorrectly; is that correct?</p> <p>9 A. I do recollect something. I don't</p> <p>10 have all of the particulars or all the details.</p> <p>11 This was probably four years ago, five years</p> <p>12 ago. But, yes, there was something that</p> <p>13 occurred and it was tied to similar name and a</p> <p>14 junior, a child, same name, and it was the --</p> <p>15 and then something that they did have to look at</p> <p>16 the signature.</p> <p>17 Q. Do you know if that instance --</p> <p>18 incident occurred before the switch to e-polling</p> <p>19 books?</p> <p>20 A. I do not -- I cannot answer that.</p> <p>21 I don't have an answer for that.</p> <p>22 Q. That's perfectly fair.</p>

64 (Pages 253 to 256)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 257	Page 259
<p>1 Let's move to the discovery 2 responses. 3 MS. HUNKER: Joe, can you please 4 put up Exhibit Number 11. 5 (Exhibit 11, Defendant Bruce 6 Elfant's Objections and Answers To 7 Plaintiff's First Set of Interrogatories, 8 is marked for identification.) 9 MS. HUNKER: And let's scroll down 10 to -- well, let me first take a step back. 11 BY MS. HUNKER: 12 Q. Do you recognize this document? 13 A. Generally. Of course, I would 14 recognize the backup in the following pages -- 15 Q. Okay. 16 A. -- and so those are the ones I 17 would have -- yes. 18 MS. HUNKER: Can we scroll down to 19 Interrogatory Number 1, please. 20 BY MS. HUNKER: 21 Q. So you are aware that the Tax 22 Office responded to some of the questions asked</p>	<p>1 instead treated as incomplete? 2 A. That is correct, yes. 3 Q. In accordance with Texas law an 4 applicant who submits such an application is 5 provided an opportunity to submit the missing 6 information; is that correct? 7 A. Yes. 8 Q. Okay. And you state so in your 9 answer in the highlighted text and that's 10 correct? 11 A. Uh-huh, yes, yes. 12 Q. And when I say "you" in this case, 13 I mean the Tax Office, not you specifically. 14 A. Yes. Yes. 15 Q. A voter who does submit the missing 16 information has the effective registration date 17 relate back to their initial submission; is that 18 correct? 19 A. Yes, that is correct. 20 Q. And how long does a voter have to 21 provide this missing information? 22 A. 30 day.</p>
Page 258	Page 260
<p>1 by the Plaintiffs in this case; correct? 2 A. Yes. 3 Q. Okay. I am going to -- let's look 4 at Number 1. It asks you to "Identify all 5 individuals in Travis County whose voter 6 registration applications were rejected due to 7 lack of a wet signature from September 1st, 2018 8 to present." 9 Did I read that correctly? 10 A. Yes. 11 Q. Okay. 12 MS. HUNKER: Let's scroll down to 13 the highlighted text. 14 BY MS. HUNKER: 15 Q. All right. So I have a couple of 16 questions regarding your answer. 17 The first is: You agree that the 18 lack of a wet -- any application that lacked a 19 wet signature or any signature is not 20 immediately rejected; is that correct? 21 A. That is correct. 22 Q. Okay. And you agree that it is</p>	<p>1 Q. So let me see if I understand the 2 requirements correctly. 3 The Texas Election Code allows a 4 voter to submit their application by fax; 5 correct? 6 A. Uh-huh. 7 Q. The voter then has four days to 8 send the application by mail; correct? 9 A. Correct. 10 Q. Under current law, that's required 11 to have a wet signature; correct? 12 A. An original signature, I believe. 13 Q. Original signature. 14 A. Uh-huh. Uh-huh. Yes. 15 Q. If the voter does not provide a 16 signature -- 17 A. Uh-huh. 18 Q. -- they have an additional 30 days 19 to resubmit the missing information? 20 A. We -- we -- we would send them a 21 letter letting them know that their application 22 is found incomplete.</p>

65 (Pages 257 to 260)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 261	Page 263
<p>1 Q. Okay. So the voter provides their 2 missing information within that 30-day window. 3 Would -- the delay wouldn't have an effect on 4 their registration, would it? 5 A. No, we would -- we would red stamp, 6 as I referred -- spoke earlier about the red 7 stamp, we would put a red stamp on the 8 application that we would send them, so that we 9 would refer back and give them the opportunity 10 to correct that missing information. 11 Q. So to give an example, if I were to 12 register to vote and my fax were to arrive on 13 the last day of voter registration, but I did 14 not include a signature -- 15 A. Uh-huh. 16 Q. -- on that application -- 17 A. Uh-huh. 18 Q. -- if I were to submit that 19 signature 28 days after I received the notice, I 20 would still qualify to vote in that upcoming 21 election; correct? 22 A. Yes, and, also, we would have to --</p>	<p>1 A. Provisional ballot affidavits do 2 come to the voter registration office, and we 3 are the ones that do the research on those 4 provisional ballots. So as long as we're able 5 to confirm certification by the State, then, 6 yes, their ballot would be approved. 7 Q. And when does that take place in 8 relation to the election? 9 A. We -- we are -- provisional 10 balloting -- provisional votes, ballots are 11 available during early voting and on election 12 day. So -- 13 Q. And when you're -- I'm sorry. I 14 didn't mean to interrupt. You can finish your 15 answer. 16 A. Yeah, so when -- during early 17 voting, we actually begin receiving provisional 18 ballot affidavits the day after the first day. 19 So if on the first day of early voting there are 20 some provisional ballots, we have the ability to 21 start viewing them the next day. 22 And we start doing our research,</p>
Page 262	Page 264
<p>1 we would send the information to the State also 2 for verification for VUID. So we have several 3 processes that still have to take place, the 4 certification with the -- with the State. But 5 if we received it in time, then, yes, that would 6 be our expect -- that would be the voter's 7 expectation and ours. 8 Q. Okay. If, let's say, the State did 9 not submit the certification before I early 10 vote -- did early voting. 11 A. Right. 12 Q. Would I have the opportunity to do 13 a provisional ballot? 14 A. Yes, a voter is offered -- or would 15 be offered a provisional ballot, no matter the 16 circumstances if they're not in the system -- 17 Q. And so long as -- 18 A. -- is my understanding. 19 Q. And so long as the Secretary of 20 State certified before the end of the election, 21 my provisional ballot would be accepted; is that 22 correct?</p>	<p>1 and we do that to provide information to the 2 Ballot Board on whether someone is registered or 3 not, and if we -- we have some information by 4 then. Just because our system is so fluid and 5 dynamic and we are constantly receiving VUID 6 certifications from the state, so it's -- it's 7 the process that we -- we try to get ahead of it 8 as opposed to waiting until after the election 9 to review all provisionals. We are reviewing 10 them as we go and -- and trying to clear as many 11 as we possibly can during the process. 12 Q. So if I understand correctly, 13 provisional ballots have several days after 14 election day to be cured -- 15 A. That is correct. 16 Q. -- is that correct? 17 A. Yes, that is correct. 18 Q. And so do you research after 19 election day to see if the voter is on the 20 registration file? 21 A. Yes, actually, we do, uh-huh. 22 Q. So if you checked, let's say, at</p>

66 (Pages 261 to 264)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 265	Page 267
<p>1 the beginning of early voting if a person was on 2 the voter registration file, they were not, you 3 would check again later in the election? 4 A. Yes. 5 Q. Thank you. 6 A. Yes. Yes. 7 Q. In your experience, are most voters 8 able to cure the defect in the voter 9 registration application? 10 MS. VEIDT: Objection, speculation. 11 THE WITNESS: Do you mean following 12 our mailings to them? 13 BY MS. HUNKER: 14 Q. Yes. At the end of the process, do 15 you think more voters than not in Travis County 16 are able to cure? 17 A. We -- 18 Q. Well, I should say instead of 19 "could" cure, "do" cure? 20 A. Yes. Well -- oh, okay. So you're 21 talking about during the provisional balloting, 22 whether those individuals are able -- are</p>	<p>1 that most voters are able to cure that defect -- 2 A. Of -- 3 Q. -- before the application is 4 canceled? 5 THE REPORTER: I'm sorry. 6 MS. HUNKER: I ended it with: 7 Before the application is canceled. 8 THE WITNESS: I mean, we provide it 9 to them. I mean, we do send it to them. 10 I would be hard pressed to really say how 11 many we sent out and how many didn't 12 respond. I don't have that breakdown. 13 BY MS. HUNKER: 14 Q. Okay. Let's scroll down to the 15 next page, but still in Interrogatory Number 1. 16 So when you answered the question 17 of, "The Tax Office referred counsel to the 18 documents that were produced," am I reading that 19 correctly? 20 A. Yes, I see. Yes, that's what we 21 looked at. 22 Q. These -- with respect to the</p>
<p>Page 266</p> <p>1 accepted or not. I will -- I honestly don't -- 2 I -- we have not pulled the data and do not run 3 the numbers on how many provisional ballots are 4 accepted by the Ballot Board or not. We 5 don't -- we don't break it out that way. We 6 would have to go back and do some research. 7 We do receive the voting history 8 back from the Elections Division, but we don't 9 have a category showing we have a thousand 10 provisional ballots and 500 of them were 11 accepted. So I don't have that data at my 12 fingertips and I don't know that we -- how we 13 feel it would be that we could get that. 14 Q. So I think I might have asked that 15 question in a confusing manner because I was 16 trying to get at something a little different. 17 A. Okay. 18 Q. I'm talking about the voter -- the 19 applications that are deemed incomplete because 20 of a lack of signature. 21 A. Oh, okay. 22 Q. In your experience, do you find</p>	<p>Page 268</p> <p>1 information you produced, these were the only 2 registration applications between September 1st, 3 2018 and the date you served the response that 4 were designated as incomplete because of a 5 failure to provide a signature; is that correct? 6 A. Yes, that is correct. 7 Q. And to clarify, the list you 8 provide includes all registration applications 9 that lacked a signature, not just registration 10 applications that were submitted via fax 11 machine; is that correct? 12 A. Yes. 13 Q. It also includes registration 14 applications that were submitted by mail or 15 in-person? 16 A. Yes, uh-huh, yes. 17 Q. And it also includes anybody who 18 failed to provide a signature altogether; 19 correct? 20 A. Yes, uh-huh. 21 Q. And as stated before these 22 applicants would have had the option to cure;</p>

67 (Pages 265 to 268)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 269

1 correct?  
 2 A. Yes. Yes.  
 3 Q. All right. Let's move on to  
 4 Interrogatory Number 2.  
 5 Can you please read the  
 6 Interrogatory, itself, to yourself, where it  
 7 says, "State and describe." And let me know  
 8 when you're done, please.  
 9 A. (Reviewing document.)  
 10 Okay. I'm done.  
 11 Q. Okay. In Interrogatory Number 2,  
 12 Plaintiffs ask you to identify the purpose and  
 13 function of a signature on a voter registration  
 14 application; is that correct?  
 15 A. That is correct.  
 16 Q. All right. Moving on to the  
 17 answer, the Tax Office responded by listing --  
 18 listing some examples; is that correct?  
 19 A. Yes.  
 20 Q. And can you please read the first  
 21 paragraph out loud.  
 22 A. "To the best of Defendant Elfant's

Page 271

1 time.  
 2 Q. Okay. So, to the best of your  
 3 knowledge, those are the complete list that  
 4 Travis County Tax Office believes to be in terms  
 5 of the purpose and function of the signature  
 6 requirement; is that correct?  
 7 A. For our purpose, yeah, uh-huh.  
 8 Q. And let's focus on Number 3,  
 9 please, Interrogatory Number 3.  
 10 If you can read the Interrogatory  
 11 to yourself, where it begins with "Identify,"  
 12 and let me know when you've completed it.  
 13 A. (Reviewing document.)  
 14 Yes. Okay. Yeah.  
 15 Q. All right. In Interrogatory Number  
 16 3, Plaintiffs ask you to identify Travis  
 17 County's or the State's interests served by  
 18 Section 14 of HB 3107; is that correct?  
 19 A. That is correct.  
 20 Q. Okay. Your office responded by  
 21 stating that it did not believe that it served  
 22 the office's interests; is that correct?

Page 270

1 understanding, the primary purpose of an  
 2 applicant's signature on their voter  
 3 registration application form is to provide an  
 4 'exemplar' signature that can be used for  
 5 comparison purposes by a Ballot Board when  
 6 processing ballots received via mail.  
 7 Signatures on a voter registration application  
 8 form may also be used for comparison purposes  
 9 against 'in-person' voter sign in sheets in  
 10 connection with an election contest, however,  
 11 Defendant Elfant is not personally aware of any  
 12 cert -- such occurrences."  
 13 Q. I believe you already clarified  
 14 this particular point with Plaintiff's counsel,  
 15 but you were aware of at least one instance even  
 16 though Defendant Elfant has stated he is not;  
 17 correct?  
 18 A. Yes.  
 19 Q. Are there any other benefits you  
 20 can think of that is not stated in your  
 21 response?  
 22 A. I -- I can't address any at this

Page 272

1 A. That is correct.  
 2 Q. Okay. And the answer is limited to  
 3 the tax -- the Tax Office; is that correct?  
 4 A. Yes, to the -- to our division,  
 5 yes.  
 6 Q. Okay. And so you are not answering  
 7 what the State's interest is; is that correct?  
 8 A. What the clerk's office?  
 9 Q. The State's -- the State's  
 10 interest.  
 11 A. Oh, the -- no.  
 12 Q. And you are not attesting that that  
 13 is the -- that is the position of the Travis  
 14 County Clerk's Office?  
 15 A. Right.  
 16 Q. Okay. So, again, your answer is  
 17 specific to the Tax Office?  
 18 A. That is correct.  
 19 Q. All right. Let's look to Number 5,  
 20 please.  
 21 Now, again, if you can read the  
 22 Interrogatory yourself and let me know when

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 273

1 you've completed it.  
 2 A. Okay.  
 3 (Reviewing document.)  
 4 Okay. Ready.  
 5 Q. Okay. In Interrogatory Number 5  
 6 Plaintiff asked you to describe Travis County's  
 7 policies or procedures concerning the review and  
 8 processing of voter registration applications  
 9 with electronic or imaged signatures both before  
 10 and after the enactment of Section 14 HB 3107;  
 11 is that correct?  
 12 A. That is correct.  
 13 Q. All right. Let's look towards the  
 14 answer.  
 15 According to the highlighted text  
 16 that was in your answer Defendant Elfant did not  
 17 treat applications with an electronic or imaged  
 18 signature any differently than an application  
 19 with a wet signature; is that correct?  
 20 A. That is correct.  
 21 Q. And that is in reference to prior  
 22 to the effective date of Section 14 HB 3107;

Page 275

1 A. Yes, that would be the case.  
 2 Q. So you applied a consistent  
 3 standard?  
 4 A. Yes, we did.  
 5 Q. Okay. And so from 2018 to the  
 6 effective date of HB 3107, you did not treat a  
 7 wet signature application any differently than  
 8 an electronic signature or digital signature  
 9 application that was received by fax; is that  
 10 correct?  
 11 A. Of any received, that is correct.  
 12 Q. How did your office come to this  
 13 interpretation?  
 14 A. We reviewed the statute and spoke  
 15 with the Tax Assessor about it and it was  
 16 something that we really had never reviewed  
 17 before. I had never reviewed before, and we came  
 18 to the determination that we could accept it.  
 19 Q. So when did you look at the  
 20 statute?  
 21 A. After it was brought to our  
 22 attention.

Page 274

1 correct?  
 2 A. That is correct.  
 3 Q. Am I correct in saying that from  
 4 the date you started accepting registrations via  
 5 fax in 2018 the Travis County Tax Office  
 6 accepted applications even if it had an  
 7 electronic signature as compared to a wet  
 8 signature?  
 9 Is that correct?  
 10 A. In 2018?  
 11 Q. Up to 2018.  
 12 A. Up to 2018.  
 13 Q. Now, after Vote.org submitted  
 14 applications via fax, did you maintain that  
 15 policy?  
 16 A. Yes, we did.  
 17 Q. So the applications that were  
 18 submitted in 2018, were they accepted?  
 19 A. Yes, they were accepted.  
 20 Q. And that is true of the  
 21 applications that were received by fax but were  
 22 not submitted by Vote.org; is that correct?

Page 276

1 Q. And so that would have been in  
 2 2018?  
 3 A. In 2018, yeah.  
 4 Q. So you had just stated that you  
 5 accepted the applications prior to 2018 but that  
 6 your office only looked at the statute in 2018.  
 7 So how did you come to the policy  
 8 prior to 2018?  
 9 A. Well, in prior to 2018 -- okay.  
 10 I'm sorry. Then I misunderstood what you --  
 11 what you previously asked. Prior to 2018 -- to  
 12 the fall of 2018?  
 13 Q. So let me restart the chain of  
 14 questions. Maybe that will make it cleaner.  
 15 A. Okay.  
 16 Q. Prior to the fall of 2018, did  
 17 you --  
 18 A. Okay.  
 19 Q. -- accept voter registration  
 20 applications that were received by fax if they  
 21 had electronic signatures?  
 22 A. To my knowledge, we did not accept

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 277

1 them or -- until a -- an original was sent, if  
 2 any were received.  
 3 Q. So your policy until the fall of  
 4 2018 was that you would not accept an  
 5 application to -- for registration to vote if it  
 6 had electronic signature that was received by  
 7 fax unless you received a wet signature four  
 8 days later or subsequently; is that correct?  
 9 MS. VEIDT: Object. Objection,  
 10 form.  
 11 THE WITNESS: Yes, that -- that is  
 12 correct. Again, it was not something  
 13 that -- yes, that was the standard  
 14 procedure. Yes.  
 15 BY MS. HUNKER:  
 16 Q. Okay. So the standard procedure  
 17 prior to fall of 2018 was that you rejected  
 18 electronic signatures unless they were  
 19 accompanied by a wet signature?  
 20 A. Yes, they were -- they would be  
 21 considered incomplete.  
 22 Q. Okay. When did you make the policy

Page 279

1 looked at -- I looked at the statute. And I  
 2 read it and I saw the language where it said a  
 3 copy of an application. And -- and so it was  
 4 we -- we determined that that language did  
 5 provide.  
 6 Q. Did you do any other research  
 7 besides looking at the statute's text?  
 8 A. We -- we did speak with our County  
 9 Attorney's Office and our Tax Assessor and we --  
 10 we reviewed it and that was some of the  
 11 discussion that we had -- that I had was limited  
 12 in that respect.  
 13 Q. So, again, I'm going to try to  
 14 summarize.  
 15 You only looked at the statute in  
 16 2018; correct?  
 17 A. Yes.  
 18 Q. And that was at the prompting of  
 19 Vote.org; correct?  
 20 A. Yes, it was brought to our  
 21 attention, yes.  
 22 Q. And in coming to that conclusion

Page 278

1 change from accept -- from rejecting those  
 2 applications to accepting those applications?  
 3 A. When we further reviewed the  
 4 statute and identified that the language  
 5 actually stated "a copy." It was something that  
 6 we -- I just -- I had never reviewed it myself  
 7 and neither had the staff to really clearly see  
 8 that. It was something that was in place for  
 9 sometime.  
 10 Q. So you're not aware of why your  
 11 office came to the policy it had prior to 2018;  
 12 is that correct?  
 13 A. That is correct.  
 14 Q. And no one's ever discussed that  
 15 with you of how that policy came into effect?  
 16 A. No, it was just in effect.  
 17 Q. What prompted you to relook at the  
 18 interpretation of the Election Code?  
 19 A. When Vote.org brought it to -- came  
 20 to our attention to talk to us about the -- the  
 21 tool that they had -- they were developing that  
 22 would facilitate voter registration and we

Page 280

1 that you were able to accept electronic  
 2 signatures, you consulted the statute's text?  
 3 A. Yes, yes.  
 4 Q. And you had discussions internally  
 5 with other staff members; correct?  
 6 A. Yes.  
 7 Q. And you also consulted the County  
 8 Attorney; correct?  
 9 A. Yes.  
 10 Q. Did you consult with any other  
 11 outside party?  
 12 A. No, we -- I did not.  
 13 Q. Was there any disagreement in your  
 14 staff on how to interpret that particular  
 15 provision of the Election Code?  
 16 A. No, there -- there wasn't. When we  
 17 all reviewed it, and I think, again, going back  
 18 to the very few, if any, fax applications we  
 19 received over -- over the years, which were few  
 20 and far between, the staff looked at it and we  
 21 all were in agreement of what it said. We  
 22 just -- it was nothing we ever looked at because

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 281	Page 283
<p>1 we received so very few, if ever, did we receive</p> <p>2 fax application.</p> <p>3 Q. Before you changed your policy, did</p> <p>4 you consult with the Secretary of State's</p> <p>5 office?</p> <p>6 A. I did not have a conversation with</p> <p>7 them.</p> <p>8 Q. Do you know if anybody in your</p> <p>9 office did?</p> <p>10 A. None of my staff did.</p> <p>11 Q. Is there a reason why you did not</p> <p>12 contact the Secretary of State's office?</p> <p>13 A. Not in particular, no.</p> <p>14 Q. Did you receive any feedback or</p> <p>15 input from outside organizations regarding the</p> <p>16 policy change?</p> <p>17 A. No, I did not.</p> <p>18 Q. Did you receive any input from</p> <p>19 Vote.org?</p> <p>20 A. No, other than their approaching us</p> <p>21 about the tool, I -- I did not have any other</p> <p>22 input from them.</p>	<p>1 incomplete at that time, if --</p> <p>2 Q. So they were --</p> <p>3 A. -- if any were received.</p> <p>4 Q. So they were subject to a different</p> <p>5 standard; is that correct?</p> <p>6 A. They would have been considered</p> <p>7 incomplete.</p> <p>8 Q. And so that's a different standard;</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Is that a yes? I'm sorry. I</p> <p>12 didn't hear you.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Thank you.</p> <p>15 Would it surprise you to know that</p> <p>16 other counties interpreted Section 13.143 as</p> <p>17 requiring a wet signature?</p> <p>18 A. I wouldn't -- I -- I am -- I'm not</p> <p>19 surprise -- I don't -- I don't know. I don't</p> <p>20 know what all other counties were interpreting</p> <p>21 and I don't know all the counties that were</p> <p>22 involved.</p>
Page 282	Page 284
<p>1 Q. Okay. So outside of their initial</p> <p>2 e-mail or communication, you did not speak to</p> <p>3 them about the policy change?</p> <p>4 A. No, I did not.</p> <p>5 Q. And you didn't speak to any other</p> <p>6 outside organization, correct?</p> <p>7 A. No, no other organization.</p> <p>8 Q. And since you had a policy change</p> <p>9 midyear, is it safe to say that some</p> <p>10 applications to register to vote were rejected</p> <p>11 for a defect that would not have been deemed a</p> <p>12 defect later in the year?</p> <p>13 A. Not later in the year after that.</p> <p>14 They were not affected after.</p> <p>15 Q. But you would have rejected</p> <p>16 applications to register to vote, had they been</p> <p>17 received before the fall of 2018. So let's</p> <p>18 say --</p> <p>19 A. They would have been --</p> <p>20 Q. -- they were received in -- in May,</p> <p>21 2018.</p> <p>22 A. They would have been considered</p>	<p>1 Q. Do you know of any other --</p> <p>2 A. I'm only aware of some --</p> <p>3 THE REPORTER: I didn't hear the</p> <p>4 end of the answer.</p> <p>5 MS. HUNKER: My apologies.</p> <p>6 BY MS. HUNKER:</p> <p>7 Q. Can you repeat the answer for the</p> <p>8 court reporter.</p> <p>9 A. I am not aware of the exact opinion</p> <p>10 of -- of all other counties.</p> <p>11 Q. Do you know of any other county</p> <p>12 that also accepted electronic signatures when</p> <p>13 they were received by fax?</p> <p>14 A. I am -- I -- I am under the</p> <p>15 understanding, and not absolute firsthand</p> <p>16 knowledge, that two counties may have accepted</p> <p>17 the signatures, Dallas and Cameron County.</p> <p>18 Q. And you're talking -- when you say</p> <p>19 "signatures," you mean specifically the Vote.org</p> <p>20 applications?</p> <p>21 A. Specifically those, yes.</p> <p>22 Q. But you wouldn't have any knowledge</p>

71 (Pages 281 to 284)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 285	Page 287
<p>1 regarding how they applied the law before they</p> <p>2 would have been approached by Vote.org; correct?</p> <p>3 A. I do not know, that is correct.</p> <p>4 Q. Then let's move on to Interrogatory</p> <p>5 Number 6.</p> <p>6 Can you please read Interrogatory</p> <p>7 Number 6 to yourself and let me know when you</p> <p>8 are done.</p> <p>9 A. (Reviewing document.)</p> <p>10 Okay. I'm ready.</p> <p>11 Q. Okay. In Interrogatory Number 6,</p> <p>12 Plaintiffs ask if you have experienced any</p> <p>13 issues, difficulties or problems related to</p> <p>14 voter registration applications received by</p> <p>15 Travis County that did not contain a wet</p> <p>16 signature; correct?</p> <p>17 A. That is correct.</p> <p>18 Q. In the first paragraph, the Tax</p> <p>19 Office responded, "Prior to the passage of</p> <p>20 Section 14 of HB 3107, none."</p> <p>21 Is that correct? Did I read that</p> <p>22 correctly?</p>	<p>1 received with electronic or facsimile signature</p> <p>2 in the same manner as forms with a wet</p> <p>3 signature," that is limited to post fall of</p> <p>4 2018; correct?</p> <p>5 A. Yes, that is correct.</p> <p>6 Q. Okay. And so that does not answer</p> <p>7 in regards to prior to fall 2018; is that</p> <p>8 correct?</p> <p>9 A. Yes, that is true.</p> <p>10 Q. Okay. Going to the next paragraph,</p> <p>11 it says, [as read]: "Since the passage of</p> <p>12 Section 14 of HB 3107, there has been an</p> <p>13 increase in resources from Defendant Elfant's</p> <p>14 office associated with processing applications</p> <p>15 received via facsimile as if they were</p> <p>16 incomplete if an original wet signature is not</p> <p>17 received by the fourth business day, as</p> <p>18 described above."</p> <p>19 Did I read that sentence correctly?</p> <p>20 A. Yes, you did.</p> <p>21 Q. Again, we had just spoke about how</p> <p>22 the policy to accept electronic or digital</p>
Page 286	Page 288
<p>1 A. Yes, uh-huh.</p> <p>2 Q. Okay. It then reads, [as read]:</p> <p>3 "Defendant Elfant processed forms received with</p> <p>4 electronic or facsimile signature in the same</p> <p>5 manner as forms with the wet signature";</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 MS. HUNKER: Can you please go --</p> <p>9 no, that's fine. Sorry. When you moved</p> <p>10 the -- I got lost where I was about to</p> <p>11 point.</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MS. HUNKER:</p> <p>14 Q. So you had just explained to me</p> <p>15 that prior to the fall of 2018, your office</p> <p>16 would have deemed incomplete a voter</p> <p>17 registration application that did not contain a</p> <p>18 wet signature; correct?</p> <p>19 A. An original signature arriving in</p> <p>20 our office, that would be correct.</p> <p>21 Q. Okay. So when the answer reads,</p> <p>22 [as read]: "Defendant Elfant processed forms</p>	<p>1 signatures were only implemented in the fall of</p> <p>2 2018. Therefore, there would have been no</p> <p>3 increase in resources when compared from prior</p> <p>4 to the fall of 2018; is that correct?</p> <p>5 A. That is -- that is true, yes.</p> <p>6 Q. Okay. And in the next sentence it</p> <p>7 reads, [as read]: "Defendant Elfant has not been</p> <p>8 able to quantify any such increases in resources</p> <p>9 at this time."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes, you did.</p> <p>12 Q. Okay. And we had spoke before</p> <p>13 about the number of applications received by fax</p> <p>14 each year. With the exception of 2018, it was</p> <p>15 very small; correct?</p> <p>16 A. That is true, yes.</p> <p>17 Q. I believe you used the word</p> <p>18 "negligible"; is that right?</p> <p>19 A. Yes, that is true, yes.</p> <p>20 Q. Is it fair to say then that the</p> <p>21 increase in cost, although unable to be</p> <p>22 quantified, would also be negligible?</p>

72 (Pages 285 to 288)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 289

1 A. Yes, it would be.  
 2 Q. Thank you. Now, if we go back to  
 3 how the Interrogatory is phrased, if you don't  
 4 mind, it says, [as read]: "State and describe  
 5 any issues, difficulties or problems related to  
 6 voter registration applications received by  
 7 Travis County that did not contain a wet  
 8 signature."  
 9 The response that you gave -- or  
 10 that your office gave was none prior to the  
 11 passage of Section 14 HB 3107; correct?  
 12 A. Yes, that is true, yes.  
 13 Q. When you were talking to  
 14 Plaintiff's counsel earlier in the day, you were  
 15 discussing several e-mails between you and  
 16 members of Vote.org; is that correct?  
 17 A. That is true, yes.  
 18 Q. And one of those e-mails said that  
 19 the signatures came out very faint; is that  
 20 correct?  
 21 A. That is true, yes.  
 22 Q. And another e-mail said that some

Page 290

1 of these signatures were exceptionally poor; is  
 2 that correct?  
 3 A. That is true, yes, yes.  
 4 Q. And that same e-mail said that  
 5 there were problems with the signature being  
 6 blanked out or blacked out I believe is the  
 7 phrase.  
 8 A. Yes, yes, yes, there were some of  
 9 those, yes.  
 10 Q. And there were also some signatures  
 11 where you could not see a signature?  
 12 A. That is true, yes.  
 13 Q. Would those be considered issues,  
 14 difficulties or problems related to voter  
 15 registration applications that did not consider  
 16 a wet signature?  
 17 MS. VEIDT: Objection, form.  
 18 THE WITNESS: Those -- those were  
 19 technical issues that -- of our receipt of  
 20 them, yes, that would be -- those -- those  
 21 were issues.  
 22 BY MS. HUNKER:

Page 291

1 Q. Okay. So these were problems that  
 2 were associated with receiving a wet-ink --  
 3 sorry. Let me rephrase that.  
 4 These were problems related to  
 5 receiving a digital signature when it came  
 6 through fax; correct?  
 7 MS. VEIDT: Objection, form.  
 8 THE WITNESS: The image that we  
 9 received via fax, we -- we could -- we had  
 10 those issues. So those -- those images,  
 11 yes, we had -- we had issues with them.  
 12 BY MS. HUNKER:  
 13 Q. Would you consider those  
 14 difficulties?  
 15 A. Yes.  
 16 Q. Would you consider them problems?  
 17 A. Yes, those were an issue, yes,  
 18 uh-huh.  
 19 Q. So the answer, "Prior to the  
 20 passage of Section 14 of HB 3107," you would  
 21 have had some issues, difficulties or problems  
 22 related to voter registration applications

Page 292

1 received by Travis County that did not contain a  
 2 wet-ink signature; correct?  
 3 A. There would be some in the manner  
 4 that we received, yes.  
 5 Q. So that's a --  
 6 A. Yes.  
 7 Q. That's a yes; correct?  
 8 A. Yes.  
 9 Q. Let's move on to Interrogatory  
 10 Number 7.  
 11 Please read Interrogatory Number 7  
 12 to yourself.  
 13 A. (Reviewing document.)  
 14 Q. And let me know when you're done.  
 15 A. I am done.  
 16 Q. In Interrogatory Number 7,  
 17 Plaintiffs ask you to "State the number of voter  
 18 registration applications Travis County received  
 19 from the Department of Public Safety each year,  
 20 between the years 2016 and 2021"; is that  
 21 correct?  
 22 A. That is correct.

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 293	Page 295
<p>1 Q. And based on your response, it</p> <p>2 would appear that the number of applications</p> <p>3 submitted each year to Travis County via DPS has</p> <p>4 increased since 2016; is that correct?</p> <p>5 A. That is true, yes.</p> <p>6 Q. There's an exception, of course,</p> <p>7 for the COVID year, 2020; right?</p> <p>8 A. Yes, when DPS was closed for</p> <p>9 several months, yes.</p> <p>10 Q. I think I would have joined them in</p> <p>11 not waiting to go to a DPS office at that</p> <p>12 particular time.</p> <p>13 A. Right. Yes.</p> <p>14 Q. All right. If you can please move</p> <p>15 on to Interrogatory Number 8.</p> <p>16 Please read it to yourself and let</p> <p>17 me know when you are done.</p> <p>18 A. (Reviewing document.)</p> <p>19 I'm done.</p> <p>20 Q. Okay. In Interrogatory Number 8,</p> <p>21 Plaintiffs ask you to "State and describe any</p> <p>22 issues, difficulties, or problems related to</p>	<p>1 Assessor?</p> <p>2 A. That is correct.</p> <p>3 Q. You do not oversee Travis County's</p> <p>4 vote-by-mail program; correct?</p> <p>5 A. That is correct.</p> <p>6 Q. You were, therefore, not involved</p> <p>7 in the signature matching that occurs when the</p> <p>8 county is processing mail-in ballots; correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And you have no personal knowledge</p> <p>11 about whether the Early Voting Ballot Board</p> <p>12 finds it easier to match the signature on a</p> <p>13 carrier envelope with a wet registration</p> <p>14 signature as compared to a digital one collected</p> <p>15 by DPS; is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. In your personal life, have</p> <p>18 you ever used a stylus to sign your name</p> <p>19 creating a digital electronic signature?</p> <p>20 A. Yes, I have.</p> <p>21 Q. Did it look different than when you</p> <p>22 wrote a signature by -- with pen on paper?</p>
Page 294	Page 296
<p>1 voter registration applications received by</p> <p>2 Travis County from the Department of Public</p> <p>3 Safety related to the registrant's signature";</p> <p>4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. You responded that you do not keep</p> <p>7 a separate record of application forms received</p> <p>8 from the Texas Department of Public Safety; is</p> <p>9 that correct?</p> <p>10 You can scroll down to the</p> <p>11 highlighted text in the answer.</p> <p>12 A. Oh, yes, okay. Sorry.</p> <p>13 (Reviewing document.)</p> <p>14 Q. Did I read the highlighted text</p> <p>15 correctly?</p> <p>16 A. Yes, you did.</p> <p>17 Q. And we already established that</p> <p>18 your duties under the Texas Election Code are</p> <p>19 confined to voter registration; correct?</p> <p>20 A. That is correct.</p> <p>21 Q. You are not the Travis County's</p> <p>22 Early Voting Clerk, correct, nor is the Tax</p>	<p>1 A. I would say with a stylus, no,</p> <p>2 generally looks the same.</p> <p>3 Q. Okay.</p> <p>4 A. There's -- yes.</p> <p>5 Q. And have you ever used a fax</p> <p>6 machine?</p> <p>7 A. It's been 20 years maybe</p> <p>8 approximately. I don't recall the last time I</p> <p>9 used one.</p> <p>10 Q. So let me --</p> <p>11 A. I don't want to date myself there.</p> <p>12 Q. Let me clarify. You believe it's</p> <p>13 been about 20 years since you've last used a fax</p> <p>14 machine; is that correct?</p> <p>15 A. I do not recall the last time I</p> <p>16 used one --</p> <p>17 Q. Okay.</p> <p>18 A. -- yes.</p> <p>19 Q. And have you ever used a</p> <p>20 photocopier on a photo?</p> <p>21 Have you ever tried to photocopy a</p> <p>22 photo?</p>

74 (Pages 293 to 296)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 297	Page 299
1 A. Photocopy?	1 Q. So you don't understand the
2 Q. Use a photocopier to make a copy of	2 technology?
3 a photo, let's say, just for reasons in the	3 THE REPORTER: I'm sorry.
4 office.	4 MS. HUNKER: I'm sorry. I didn't
5 A. I'm kind of a little confused.	5 mean to interrupt.
6 Making a -- a copy --	6 THE WITNESS: I -- sorry.
7 Q. That's all right. It might be a	7 BY MS. HUNKER:
8 very poor question.	8 Q. You can continue. I didn't mean to
9 A. Okay. Using a copier to copy a	9 interrupt. I'm sorry.
10 picture, a photo?	10 A. No, I'm sorry.
11 Q. A picture or even a document,	11 I don't -- I did not view it. I
12 you've used a photocopier.	12 don't have technical information, yes. So I
13 A. Yes, yes, a copier, yes.	13 don't -- I don't have that.
14 Q. Have you noticed that the more you	14 Q. So you don't understand the
15 photocopy a document it becomes less clear?	15 technology; correct?
16 A. I -- I don't know that I have	16 A. That is correct, I do not know the
17 looked at that so I don't -- I don't know that I	17 back-end technology.
18 have any information on that, that I have an	18 Q. And you've never seen individuals
19 answer for that, no.	19 apply to vote in Travis County using the
20 Q. Are you familiar with Vote.org?	20 Vote.org app?
21 A. Only that I know of the	21 You never watched --
22 organization, but that's generally it.	22 A. No, I did -- I did not observe it.
Page 298	Page 300
1 Q. So you have 30,000-foot knowledge	1 Q. Have you had any communications
2 on Vote.org?	2 with Vote.org or a representative from Vote.org
3 You understand -- you understand	3 about the voter registration efforts?
4 its basic purpose, but you don't have any	4 A. Only at that time in 2018.
5 specifics regarding the organization?	5 Q. And have you had any communications
6 A. No, I don't. I don't have any	6 with Vote.org or a representative from Vote.org
7 specifics on the organization, no.	7 about the registration app itself?
8 Q. Are you familiar with the app that	8 A. Not since that time as 2018.
9 Vote.org seeks to use to register voters?	9 Q. One second.
10 A. Only -- I have never seen it. I	10 A. Light, but there we go.
11 have never seen it used and I'm only familiar	11 Q. My apologies. My light went out
12 with the app at that time. So that's -- that	12 since I was so still.
13 was the only -- that's the only information I	13 When you were talking to Vote.org,
14 have on it is at that time.	14 have they ever inquired as to how it could
15 Q. Do you have a rough idea of how it	15 comply with the Texas Election Code when
16 operates?	16 registering voters?
17 A. I have a rough idea.	17 A. I haven't -- can you clarify your
18 Q. When you spoke to Vote.org, did	18 question?
19 they explain to you how their application or	19 Q. Yes. So you already testified that
20 their app would work?	20 you've met with Vote.org, that they approached
21 A. In not every technical detail. And	21 you sometime in the fall of 2018; is that
22 since I did not view it, either, that was --	22 correct?

75 (Pages 297 to 300)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 301	Page 303
<p>1 A. Correct. Correct, yes.</p> <p>2 Q. Now, my question is, is that:</p> <p>3 During those conversations, did they ever ask</p> <p>4 how they could be sure that their technology</p> <p>5 complies with the Texas Election Code?</p> <p>6 A. I don't recall -- I don't recall</p> <p>7 that part of the conversation exactly. So I</p> <p>8 couldn't -- I can't answer that. I don't have</p> <p>9 an exact answer for you. I'm sorry.</p> <p>10 Q. Would it be fair to say that by the</p> <p>11 time they contacted you, their voter</p> <p>12 registration app was about to be launched in</p> <p>13 Travis County?</p> <p>14 A. I don't -- I don't know. I mean, I</p> <p>15 believe when they contacted me, they had --</p> <p>16 their app was available and had been developed.</p> <p>17 That was my understanding.</p> <p>18 Q. So by the time they contacted you,</p> <p>19 the application had already been -- been</p> <p>20 developed?</p> <p>21 A. That was my -- that was my</p> <p>22 understanding, yes.</p>	<p>1 minutes, I think we could -- we can power</p> <p>2 through.</p> <p>3 THE WITNESS: Yeah.</p> <p>4 MS. VEIDT: But if you think it's</p> <p>5 going to take more than that, then I think</p> <p>6 a break would be ideal.</p> <p>7 MS. HUNKER: I think it's probably</p> <p>8 going to at least take a half hour, so we</p> <p>9 should probably take a break.</p> <p>10 MS. VEIDT: Okay. We'll do that.</p> <p>11 THE WITNESS: Okay.</p> <p>12 THE VIDEOGRAPHER: Okay. Stand by.</p> <p>13 We are now going off the video</p> <p>14 record. The time is 3:25 p.m.</p> <p>15 (A recess is held from 3:25 p.m. to</p> <p>16 3:36 p.m.)</p> <p>17 THE VIDEOGRAPHER: We are now going</p> <p>18 back on the video record. The time is</p> <p>19 3:36 p.m.</p> <p>20 BY MS. HUNKER:</p> <p>21 Q. Welcome back.</p> <p>22 A. Yes, thank you.</p>
Page 302	Page 304
<p>1 Q. Okay. Now, I am about to turn to a</p> <p>2 set of e-mails from your office. We've been</p> <p>3 going for about 55 minutes. I thought we might</p> <p>4 take --</p> <p>5 A. Okay.</p> <p>6 Q. -- a short break before I do so. I</p> <p>7 am willing to continue to go on. I leave it to</p> <p>8 your discretion.</p> <p>9 MS. VEIDT: Kathleen, about how</p> <p>10 much time do you think you'll have after</p> <p>11 for the rest of the questions?</p> <p>12 MS. HUNKER: So the only thing I</p> <p>13 have left to do are the e-mails. I don't</p> <p>14 think they should take too long, and I</p> <p>15 can't imagine them taking any more than an</p> <p>16 hour.</p> <p>17 MS. VEIDT: An hour?</p> <p>18 MS. HUNKER: I always go max. I</p> <p>19 don't want to -- I don't want to</p> <p>20 overpromise.</p> <p>21 MS. VEIDT: Well, if you think you</p> <p>22 can get through it in about 15 minutes, 20</p>	<p>1 Q. So before we move on to a few of</p> <p>2 the e-mails that your office produced, I just</p> <p>3 wanted to ask one or two clarifying questions</p> <p>4 from the previous section.</p> <p>5 When you said that your office</p> <p>6 would accept a digital signature post 2018, were</p> <p>7 these signatures pictures of someone's original</p> <p>8 signature?</p> <p>9 A. When I said post?</p> <p>10 Q. So following your policy change --</p> <p>11 A. Yes.</p> <p>12 Q. -- in fall 2018 you said that the</p> <p>13 office would accept digital signatures.</p> <p>14 A. Through the -- the -- we would</p> <p>15 accept the fax applications and then we would</p> <p>16 accept a copy of those that were received.</p> <p>17 Q. And so the copy of the signature</p> <p>18 you received, was that like a picture of an</p> <p>19 original signature or the clipping of it?</p> <p>20 A. In all honesty, I can't say of</p> <p>21 any of the -- any fax applications that may have</p> <p>22 been received what the follow-up application may</p>

76 (Pages 301 to 304)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 305	Page 307
<p>1 have looked like if it was received.</p> <p>2 Q. Okay. And let's say someone had</p> <p>3 submitted an application via fax and then sent</p> <p>4 a -- a mail-in application afterward that had</p> <p>5 the digital signature.</p> <p>6 A. Yes.</p> <p>7 Q. If that signature were italicized</p> <p>8 Times New Roman font, would you count that as a</p> <p>9 digital signature?</p> <p>10 A. I don't believe we would accept</p> <p>11 that type of a computer-generated signature.</p> <p>12 But I don't -- I -- I don't know that we had</p> <p>13 that example so I honestly can't tell you</p> <p>14 what -- what we would have done. But I don't --</p> <p>15 I don't believe I saw anything like that.</p> <p>16 Q. So what standard then did you apply</p> <p>17 when judging these digital signatures since you</p> <p>18 said you think that there was a line that you</p> <p>19 wouldn't cross which is italicized Times New</p> <p>20 Roman font or computer generated?</p> <p>21 So what was that standard?</p> <p>22 A. Well, no, we received signatures.</p>	<p>1 A. Uh-huh.</p> <p>2 Q. From fall 2018 to September of</p> <p>3 2021, it would have been accepted; correct?</p> <p>4 A. If received, yes.</p> <p>5 Q. And then after that with the</p> <p>6 enactment of HB 3107, it would have been</p> <p>7 rejected?</p> <p>8 A. They would be found incomplete.</p> <p>9 Q. Or filed incomplete. Thank you.</p> <p>10 That's more accurate.</p> <p>11 A. Yeah. Yes. Yes.</p> <p>12 Q. Did you view the Vote.org app as a</p> <p>13 way of circumventing the fact that the Texas</p> <p>14 legislature had not approved online voter</p> <p>15 registration?</p> <p>16 A. Personally, no. I saw it as a way</p> <p>17 of facilitating voter registration accessibility</p> <p>18 to -- to voters.</p> <p>19 Q. Okay.</p> <p>20 MS. HUNKER: If we can pull up</p> <p>21 Exhibit Number 14.</p> <p>22 (Exhibit 14, e-mail correspondence</p>
Page 306	Page 308
<p>1 I just haven't seen -- I haven't seen anything</p> <p>2 with italicized or with a computer-generated</p> <p>3 using a font, basically. So I think that our --</p> <p>4 our staff may -- may accept it, but no one ever</p> <p>5 brought one to me to make that determination so</p> <p>6 I am not aware that we received anything like</p> <p>7 that for us to make that determination.</p> <p>8 Q. All right. But you didn't have a</p> <p>9 policy in place that would have definitively</p> <p>10 rejected that type of an application?</p> <p>11 A. Oh, we -- we -- no, we don't have a</p> <p>12 policy. We have not discussed that. I'm not</p> <p>13 aware that we've had that case to discuss</p> <p>14 actually.</p> <p>15 Q. Okay. And I just want to make sure</p> <p>16 I'm also clear. From fall 2018 to the enactment</p> <p>17 of HB 3107, did you accept digital signatures</p> <p>18 when they came within the statutory period after</p> <p>19 a fax was received?</p> <p>20 A. If received, yes, we would have.</p> <p>21 Q. Okay. So your policy pre-fall was</p> <p>22 you -- it would have been rejected; correct?</p>	<p>1 consisting of 20 pages, is marked for</p> <p>2 identification.)</p> <p>3 MS. HUNKER: And let's go to the</p> <p>4 second page.</p> <p>5 BY MS. HUNKER:</p> <p>6 Q. And it says on top, "From:</p> <p>7 Gretchen Nagy." And that's --</p> <p>8 A. Yes.</p> <p>9 Q. -- you; correct?</p> <p>10 A. Yes, correct.</p> <p>11 Q. All right. Now, I'm going to</p> <p>12 address this e-mail, but it's part of a chain;</p> <p>13 is that correct?</p> <p>14 A. Yes, I believe so.</p> <p>15 Q. Let's quickly look at the bottom</p> <p>16 e-mail just so we have the context of what you</p> <p>17 said.</p> <p>18 And this one is, according to the</p> <p>19 e-mail, sent by Jerry [sic] Smith to Bruce</p> <p>20 Elfant; correct?</p> <p>21 A. Yes, I see that, yes.</p> <p>22 Q. Okay. And it would have been sent</p>

77 (Pages 305 to 308)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 309	Page 311
<p>1 on September 11th, 2018 at 12 --</p> <p>2 A. Yes.</p> <p>3 Q. -- 43 a.m.; is that correct?</p> <p>4 A. I see that, yes.</p> <p>5 Q. And it's -- the title "Subject"</p> <p>6 says, "Faxing VR forms question"; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know who Jeremy Smith is?</p> <p>9 A. Yes, I do know Jeremy, yes.</p> <p>10 Q. And who is he?</p> <p>11 A. He is with Register to Vote.</p> <p>12 Q. And do you know anything about that</p> <p>13 organization?</p> <p>14 A. They provide assistance in</p> <p>15 registration, in voter registration.</p> <p>16 Q. Do you work with them frequently?</p> <p>17 A. No, I don't work with them, but I</p> <p>18 am aware of what they do.</p> <p>19 Q. Are they a non-partisan</p> <p>20 organization to your knowledge?</p> <p>21 A. To my knowledge, yes.</p> <p>22 Q. All right. So looking at the</p>	<p>1 Q. And this e-mail was sent the same</p> <p>2 day, September 11th, 2018 at 10:00 a.m.; is that</p> <p>3 correct?</p> <p>4 A. Yes, that is correct.</p> <p>5 Q. Now, is there an e-mail that's</p> <p>6 missing between these two where Bruce Elfant</p> <p>7 forwarded you this message?</p> <p>8 A. No, I think he --</p> <p>9 Q. I only ask because I don't see you</p> <p>10 CC'd.</p> <p>11 A. You don't see me -- and I don't --</p> <p>12 I would -- I would have to go back and look and</p> <p>13 see if there is. And I can -- I can do that.</p> <p>14 But I -- I do not -- I don't see it</p> <p>15 here, so I don't have -- it appears I don't have</p> <p>16 Bruce's CC. Is that correct? It was not below?</p> <p>17 I did not look clearly.</p> <p>18 Q. Yeah.</p> <p>19 MS. HUNKER: If we scroll down to</p> <p>20 the original.</p> <p>21 THE WITNESS: That is true, it is</p> <p>22 not included.</p>
<p>Page 310</p> <p>1 substance, it reads, "Bruce, Vote.org has a fax</p> <p>2 solution that converts photos of a form into</p> <p>3 faxes sent straight to the county, along with</p> <p>4 mailed copies within four days."</p> <p>5 Did I read that correctly?</p> <p>6 A. Yes.</p> <p>7 Q. It then goes on, [as read]: "They'd</p> <p>8 like to chat with you about it if you have a</p> <p>9 moment. I think it could work, and they've</p> <p>10 checked with some big law firms and TCRP to make</p> <p>11 sure we are all reading the law correctly. Can</p> <p>12 I arrange an info [sic]?"</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes, you did.</p> <p>15 Q. Do you know what "TCRP" means?</p> <p>16 A. No, actually, I do not.</p> <p>17 Q. Okay. And if we scroll slightly</p> <p>18 up, we see you replying to Jeremy, saying, [as</p> <p>19 read]: "Bruce, forward your e-mail to me. I'd</p> <p>20 be happy to meet with you about this."</p> <p>21 Is that correct?</p> <p>22 A. That is correct.</p>	<p>Page 312</p> <p>1 BY MS. HUNKER:</p> <p>2 Q. Do you -- do you know how you were</p> <p>3 told to e-mail Jeremy back?</p> <p>4 A. Bruce would have CC'd me, but I --</p> <p>5 I actually did not recall this e-mail. So I</p> <p>6 would have to get back and -- and check and see</p> <p>7 whether Jeremy attached to that.</p> <p>8 Q. All right. Did you contact Jeremy</p> <p>9 after this?</p> <p>10 A. I don't remember a conversation</p> <p>11 with him. I would have -- I will have to go</p> <p>12 back and look at that, and I've made a note for</p> <p>13 myself, so, yes.</p> <p>14 Q. All right. Thank you.</p> <p>15 A. Yes.</p> <p>16 Q. And so I just want to make it clear</p> <p>17 before I move on to the next e-mail, you're not</p> <p>18 aware, sitting before me today, of any</p> <p>19 communications you had with Jeremy Smith about</p> <p>20 this topic?</p> <p>21 A. No, it was -- all I recall is the</p> <p>22 e-mail exchange that I had with Sarah with</p>

78 (Pages 309 to 312)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 313	Page 315
<p>1 Vote.org trying to arrange a time for us to 2 meet, and -- and so I know I had that exchange. 3 That I -- that I do recall. I would have to 4 look back to see any exchange that I had with 5 Jeremy. 6 Q. Okay. 7 MS. HUNKER: Then let's scroll down 8 to the next e-mail, which is on Page 9 302.2392 as a reference. 10 BY MS. HUNKER: 11 Q. And this is an e-mail from Sarah -- 12 Sarah Jackel at Vote.org; is that correct? 13 A. Yes. 14 Q. And it is to yourself; correct? 15 A. Yeah. 16 Q. With a CC to a Mr. or Mrs. Raven 17 Brooks; is that correct? 18 A. Yes. 19 Q. And was September 19th, 2018; 20 correct? 21 A. Correct, yes. 22 Q. And so this would be about a week</p>	<p>1 they had developed, and see if we -- how we 2 would view that and talk about the facsimile. 3 And that is really how it -- how it started. 4 Q. Okay. And so would this have been 5 before or after your in-person meeting? 6 A. This e-mail would have been after 7 our in-person. We only had one in-person 8 meeting that I recall, just one time. 9 Q. How did you first find out about 10 Vote.org's app? 11 Was it through Sarah or was it 12 through Jeremy Smith? 13 A. The first would have been Jeremy's 14 e-mail. Now that I'm seeing that, it would have 15 been his, but the explanation of how it worked 16 would have been from Sarah -- 17 Q. And how long after -- 18 A. -- the follow-up. 19 Q. How long after you received 20 Jeremy's e-mail did you hear from Sarah? 21 A. I don't recollect. From the 22 e-mails, it was maybe -- I don't know. I -- I'm</p>
Page 314	Page 316
<p>1 after the previous e-mail we looked at; is that 2 correct? 3 A. Correct, yes. 4 Q. Okay. And it says, "Hi, Gretchen, 5 just wanted to follow-up on our conversation 6 from last week and let you know that we are 7 planning to deploy our fax tool in Travis County 8 later this evening. So, you can expect to start 9 receiving faxes as early as tonight." 10 Did I read that correctly? 11 A. Yes, you did. 12 Q. Okay. So this e-mail seems to be 13 sent to you after would have been multiple 14 exchanges since there seems to be an established 15 relationship; is that correct? 16 A. Yes. 17 Q. So how did you first talk to Sarah? 18 A. We sent an e-mail -- we were trying 19 to connect. She was going to be in Austin and 20 wanted to come in and visit with me to talk to 21 me about the, I guess, the fax tool, as she 22 refers to it, to -- to discuss that and what</p>	<p>1 not going to guess. It could be a day, could 2 have been two, could have been three. 3 Q. That's fine. 4 MS. HUNKER: So let's scroll down a 5 little bit to an earlier -- page down to 6 an earlier e-mail. 7 BY MS. HUNKER: 8 Q. And this one is dated Tuesday, 9 September 18th, 2018, at 9:16 a.m., and it says, 10 [as read]: 11 "Hi, Gretchen, how about we come by 12 your office around 3:00 p.m. Wednesday? 13 "Apologies if you are getting this 14 message twice. I tried sending it yesterday, 15 but got a response it had been blocked." 16 Did I read that correctly? 17 A. Yes. There we go, yes. 18 Q. The Wednesday this is referring, I 19 assume, then is the following day, Wednesday, 20 September 19th, 2018? 21 A. Correct, yes. 22 Q. And so if we scroll back up, this</p>

79 (Pages 313 to 316)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 317	Page 319
<p>1 e-mail that was dated September 19th, 2018, 3:29</p> <p>2 p.m., that would have been the same day as your</p> <p>3 conversation with Sarah, your in-person</p> <p>4 conversation?</p> <p>5 A. The 19th, yes, Wednesday the 19th,</p> <p>6 it appears that that would be the case.</p> <p>7 Q. So it was the same day that you</p> <p>8 spoke to Sarah; correct?</p> <p>9 A. It -- yes, it appears that way.</p> <p>10 Q. And that's when -- during that</p> <p>11 conversation with Sarah in person is how -- when</p> <p>12 you learned how the voting application -- the</p> <p>13 voting registration application tool works --</p> <p>14 A. Yes --</p> <p>15 Q. -- in general?</p> <p>16 A. -- yes, that is -- in general, yes,</p> <p>17 yes.</p> <p>18 Q. So when in this timeline did you</p> <p>19 start looking at the Texas Election Code to see</p> <p>20 if Vote.org's applications complied with the</p> <p>21 rule?</p> <p>22 A. We would have looked at it once I</p>	<p>1 hours?</p> <p>2 A. Oh, no. It probably took a few</p> <p>3 days.</p> <p>4 Q. Took a few days; is that correct?</p> <p>5 A. Potentially, yes.</p> <p>6 Q. So more than a few hours, up to a</p> <p>7 few days?</p> <p>8 A. Yes. Broken up. I mean, broken up</p> <p>9 between other activities and everything, yes.</p> <p>10 Q. As I'm sure you were not dwelling</p> <p>11 on this fascinating question of statutory</p> <p>12 interpretation for three days running.</p> <p>13 A. Yes, that's --</p> <p>14 Q. So if we look at this e-mail, the</p> <p>15 second paragraph, [as read]: "You should also</p> <p>16 begin receiving mailed copies of forms submitted</p> <p>17 by fax starting a day or two after the faxes</p> <p>18 start coming in -- so probably this Friday or</p> <p>19 Monday."</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. So when this e-mail was sent, you</p>
<p>Page 318</p> <p>1 had the conversation with her, and we -- we</p> <p>2 would have looked at it at that time.</p> <p>3 Q. And that would have been the 3:00</p> <p>4 p.m. conversation that occurred on September</p> <p>5 19th; correct?</p> <p>6 A. To the best of my recollection,</p> <p>7 yes.</p> <p>8 Q. Okay. And when did -- how long did</p> <p>9 it take you to make the determination that your</p> <p>10 previous policy, in your mind, was not aligned</p> <p>11 with the text of the statute?</p> <p>12 A. I can't say -- I can't exactly say</p> <p>13 how long it -- it took us to really arrive at</p> <p>14 the conclusion that we were going to -- we were</p> <p>15 going to accept these.</p> <p>16 Q. So let's see if we can talk in --</p> <p>17 A. I -- I --</p> <p>18 Q. Let's see if we can talk in general</p> <p>19 terms.</p> <p>20 Do you think it took less --</p> <p>21 A. Yes.</p> <p>22 Q. Do you think it took a couple of</p>	<p>Page 320</p> <p>1 did not yet know whether or not you would be</p> <p>2 able to accept these applications; is that</p> <p>3 correct?</p> <p>4 A. That is correct.</p> <p>5 Q. So Vote.org was going to send you</p> <p>6 these voter applications, regardless of the</p> <p>7 fact -- sorry.</p> <p>8 Had you communicated to Vote.org</p> <p>9 that you were not yet sure that you would --</p> <p>10 A. We had not made a final -- we had</p> <p>11 not made a final determination --</p> <p>12 Q. Did you communicate --</p> <p>13 A. -- that I recall.</p> <p>14 Q. Did you communicate that to</p> <p>15 Vote.org?</p> <p>16 A. To the best of my knowledge, yes,</p> <p>17 we've not made a final determination of --</p> <p>18 because, obviously, we had not received any of</p> <p>19 the -- their applications to view them to see</p> <p>20 how they would come in, so there was -- there</p> <p>21 was no test, let's say.</p> <p>22 Q. So did you only make the</p>

80 (Pages 317 to 320)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 321	Page 323
<p>1 determination after you received applications?</p> <p>2 A. No, that was in process. I don't</p> <p>3 have a day-to-day account for when we actually</p> <p>4 made the determination and -- tied to when we</p> <p>5 received, because I don't recall exactly when we</p> <p>6 received those. I know it says a day or two. I</p> <p>7 am not certain exactly -- I don't recall the</p> <p>8 exact date that the faxes came in.</p> <p>9 Q. Did you communicate during your</p> <p>10 conversation with Sarah your previous policy</p> <p>11 that you, as a rule, did not accept applications</p> <p>12 that only had a digital signature as opposed to</p> <p>13 receiving a wet signature after the fax came in?</p> <p>14 A. I -- I did tell her what the staff</p> <p>15 had informed me of how we handled those if any</p> <p>16 were received.</p> <p>17 Q. So when she -- so when these</p> <p>18 applications -- or I shouldn't say -- let me</p> <p>19 rephrase that.</p> <p>20 When this e-mail came through</p> <p>21 stating that applications would be coming in,</p> <p>22 you had not yet communicated to Vote.org that</p>	<p>1 Q. Thank you.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Last set of questions on this</p> <p>4 particular e-mail.</p> <p>5 I see that there are two numbers,</p> <p>6 Sarah and Raven; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you at any point talk to Raven?</p> <p>9 A. I don't remember talking to Raven.</p> <p>10 MS. HUNKER: Let's scroll down a</p> <p>11 couple of pages to -- using the Reference</p> <p>12 Number 302.2461. It's Page 13 of these</p> <p>13 documents.</p> <p>14 Yes, that's it.</p> <p>15 BY MS. HUNKER:</p> <p>16 Q. All right. We have here another</p> <p>17 e-mail chain with Sarah and you; is that</p> <p>18 correct?</p> <p>19 A. Okay. Yeah.</p> <p>20 Q. And it's also CC'd with Raven</p> <p>21 Brooks; correct?</p> <p>22 A. Yes.</p>
Page 322	Page 324
<p>1 you would be able to accept the applications?</p> <p>2 A. I do not recall when we told them</p> <p>3 that, yes, we could absolutely. I -- I don't</p> <p>4 have -- I just don't have a day-to-day account</p> <p>5 on exactly when we made that determination or</p> <p>6 when I communicated that to Sarah.</p> <p>7 Q. And how did Sarah respond when you</p> <p>8 told her about your previous policy of not</p> <p>9 accepting applications that had a digital</p> <p>10 signature?</p> <p>11 A. I don't -- I don't recall -- I</p> <p>12 don't recall her response to that -- to that</p> <p>13 part of -- I don't recall that conversation or</p> <p>14 her response to it.</p> <p>15 Q. Did you make any notes during your</p> <p>16 meeting with Sarah?</p> <p>17 A. No, not that I recall at all.</p> <p>18 Q. And is there any documentation even</p> <p>19 if it was an e-mail, let's say to Bruce Elfant,</p> <p>20 that would have described the meeting?</p> <p>21 A. Only -- only e-mails -- only these</p> <p>22 e-mails.</p>	<p>1 Q. Okay. So let's scroll down a</p> <p>2 little bit. I believe you actually saw this</p> <p>3 e-mail earlier in the day where it says, [as</p> <p>4 read]: "I need to check with you." So slightly</p> <p>5 up from the screen.</p> <p>6 A. Yes. That is correct.</p> <p>7 Q. Okay. And if we continue to scroll</p> <p>8 up, you say, "Hi Gretchen" -- sorry. She says,</p> <p>9 "Hi Gretchen, Thanks for reaching out. We are</p> <p>10 sorry to hear this and are looking into it. Can</p> <p>11 we call you 2:00 p.m. central"; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you have a conversation at 2:00</p> <p>14 p.m. central with Sarah?</p> <p>15 A. I -- I do not recall.</p> <p>16 Q. Okay. And so you wouldn't recall</p> <p>17 any of the topics that were discussed or how any</p> <p>18 of the problems addressed in the earlier e-mail</p> <p>19 was resolved?</p> <p>20 A. I -- I don't recall exactly, other</p> <p>21 than expanding on what we were observing in the</p> <p>22 few applications that had been sent -- that had</p>

81 (Pages 321 to 324)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 325	Page 327
<p>1 been received.</p> <p>2 Q. All right. We're going to go back</p> <p>3 up to Page 302.2444.</p> <p>4 All right. If we could look at the</p> <p>5 top e-mail. This is from bjelfant@aol.com. I</p> <p>6 assume that's the e-mail address of Bruce Elfant</p> <p>7 if I'm -- am I correct?</p> <p>8 A. Yes.</p> <p>9 Q. And does he have any other e-mail</p> <p>10 addresses that he uses?</p> <p>11 A. He has the office e-mail.</p> <p>12 Q. And this was sent September 24th,</p> <p>13 2018; correct?</p> <p>14 A. Yes.</p> <p>15 Q. And this would have been two weeks</p> <p>16 of your -- the original e-mail sent by Jeremy</p> <p>17 Smith; correct?</p> <p>18 A. Correct.</p> <p>19 Q. And about a week after your meeting</p> <p>20 with Sarah in person at your office; correct?</p> <p>21 A. That is correct.</p> <p>22 Q. And it says, "Can you make sense of</p>	<p>1 '17, '18, we worked with -- with her more, yes.</p> <p>2 Q. And you say you work with Vote.org</p> <p>3 quite a bit; correct? I'm sorry. With --</p> <p>4 A. I'm sorry?</p> <p>5 Q. I totally messed that question up.</p> <p>6 A. Yes.</p> <p>7 Q. You work with the League of Women</p> <p>8 Voters frequently; correct?</p> <p>9 A. Yes, we do, yes.</p> <p>10 Q. And you would call them your</p> <p>11 partners?</p> <p>12 A. Yes, they are one of our partners.</p> <p>13 Q. Okay. Let's take a look at this</p> <p>14 e-mail. It reads, "Bruce, here is the full</p> <p>15 e-mail chain that we discussed today. You know</p> <p>16 how much you and the League wants to have online</p> <p>17 voter registration. I'm very sensitive to</p> <p>18 things like this that may be damaging."</p> <p>19 Did I read those first few</p> <p>20 sentences correctly?</p> <p>21 A. Yes.</p> <p>22 Q. "The person forwarding this to us</p>
Page 326	Page 328
<p>1 this?"</p> <p>2 A. Yes --</p> <p>3 Q. Did I read that correctly?</p> <p>4 A. -- I see that.</p> <p>5 Yes.</p> <p>6 Q. All right. Let's scroll down to</p> <p>7 the next e -- part of the e-mail.</p> <p>8 Do you know Cinde Weatherby?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Who is she?</p> <p>11 A. She is with the League of Women</p> <p>12 Voters.</p> <p>13 Q. And do you work with her -- her</p> <p>14 specifically a lot?</p> <p>15 A. Not as much in these years. Her</p> <p>16 role has changed a bit with the league, so she's</p> <p>17 no longer the President of the local chapter.</p> <p>18 So we -- we work with various individuals with</p> <p>19 the league.</p> <p>20 Q. Did you work with her a lot in</p> <p>21 2018, around that time?</p> <p>22 A. In -- in the earlier years, '16,</p>	<p>1 (Charla Welch) chooses not to believe me when</p> <p>2 I've indicated it isn't permitted."</p> <p>3 Did I read that sentence correctly?</p> <p>4 A. Yes.</p> <p>5 Q. "Be sure to begin your read at the</p> <p>6 bottom and work up. Words like 'intimate' 'be</p> <p>7 discrete' 'under the radar of SOS.'"</p> <p>8 Did I read that few sentences</p> <p>9 correctly?</p> <p>10 A. Yes, you did.</p> <p>11 Q. "They do say they have the approval</p> <p>12 of Travis and Harris County to do this. [Of</p> <p>13 course, the e-mail says they worked with the</p> <p>14 Travis and Harris County Clerks on this -- and</p> <p>15 you and I know they have nothing to do with</p> <p>16 VR.]"</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes, you did.</p> <p>19 Q. Do you think "VR" in this scenario</p> <p>20 means voter registration?</p> <p>21 A. Yes.</p> <p>22 Q. And we already talked about how the</p>

82 (Pages 325 to 328)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 329	Page 331
<p>1 Travis County Clerk does not work on voter 2 registration; correct? 3 A. That is true. 4 Q. Okay. The e-mail continues, [as 5 read]: "Maybe they are doing something that is 6 totally legal, but it goes against everything 7 I've heard or researched." 8 Did I read that sentence correctly? 9 A. Yes. 10 Q. [As read]: "Please confirm your 11 impressions back to me and/or let me know how we 12 should proceed. Maybe they have not contacted 13 you, but you may know some of them. They've 14 evidently had meetings here, and it may 15 requiring doing some cleanup work. 16 "Thank you again for being at the 17 LWV-AA event today." 18 Did I read the rest of that e-mail 19 correctly? 20 A. Yes. 21 Q. Do you remember Mr. Elfant sending 22 you this e-mail?</p>	<p>1 Q. Now, you had mentioned earlier that 2 you did not receive any input from third party 3 or outside organizations regarding the Vote.org 4 application and changing of policy; correct? 5 A. That is true. 6 Q. Do you wish to revise that answer 7 seeing this particular e-mail? 8 A. I see that now and, yes, she 9 describes some -- some concerns about it -- 10 Q. Okay. 11 A. -- but it was -- I -- I don't 12 recall the e-mail. 13 Q. All right. So in this e-mail she 14 asks to read at the bottom and work up, so I 15 think that's what we're going to do. 16 MS. HUNKER: Let's go to the bottom 17 of this, which is Page 302.2448. 18 THE VIDEOGRAPHER: What page, 19 again, was that? That was? 20 MS. HUNKER: 302.2448. 21 THE VIDEOGRAPHER: 48. 22 MS. HUNKER: All right.</p>
Page 330	Page 332
<p>1 A. No, I do not. 2 Q. So you do not know if you responded 3 to Mr. Elfant in -- his question -- in response 4 to his question, "Does this make any sense or 5 can you make any sense of this"? 6 A. Seeing it now, I -- I don't recall 7 any -- any specific discussion about this. 8 Q. Okay. Now, you would take from 9 this particular e-mail that Cinde had concerns 10 regarding Vote.org's proposal; is that correct? 11 MS. VEIDT: Objection, speculation. 12 THE WITNESS: Yeah, I -- she had 13 some concerns, but that's -- that's what I 14 can see in this. 15 BY MS. HUNKER: 16 Q. So that's how you would read this 17 e-mail; correct? 18 A. Pardon? 19 Q. This is how you would read -- 20 that's how you would read the e-mail; correct? 21 A. I'm reading it that she is 22 expressing some concerns, yeah, yeah.</p>	<p>1 BY MS. HUNKER: 2 Q. So this first e-mail is dated 3 September 18th, 2018; correct? 4 A. Yes, I see that. 5 Q. And this is an e-mail that was part 6 of the chain that was forwarded first to Bruce 7 Elfant and then to yourself; correct? 8 A. Yes. 9 Q. And this chain of e-mails discusses 10 Vote.org's proposal to have fax applications 11 through their app? 12 A. I'm seeing the top part of this 13 e-mail. 14 Q. Okay. So let's read the e-mail. 15 "Hi ladies, your facebook profiles 16 won't allow me to invite y'all directly, so I 17 thought I'd forward this info here: 18 "Tomorrow night at East Side Tavern 19 on Cesar Chavez (7:30 to 9:00 p.m.)" 20 Did I read that correctly? 21 A. Yes. 22 Q. "Raven (Vote.org's COO) and Sarah</p>

83 (Pages 329 to 332)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 333	Page 335
<p>1 (Vote.org's General Counsel) are in Austin 2 briefly with a busy meeting schedule. But we 3 want to make sure we have a chance to connect 4 with as many people as possible while we're 5 here." 6 Did I read that correctly? 7 A. Yes. 8 Q. And then it says, "Raven is a dear 9 friend and" -- did I skip a section? I did. 10 "Please free to invite friends who 11 work in civic engagement or elections and we'll 12 tell you why we're in town over drinks and BBQ." 13 Did I read that correctly? 14 A. Yes. 15 Q. "Raven is a dear friend and what 16 they are announcing should interest anyone who 17 registers voters in Travis County. Please be 18 discrete should you forward this message." 19 Did I read that correctly? 20 A. Yes. 21 Q. Okay. 22 MS. HUNKER: Then let's scroll up</p>	<p>1 Instead of printing out your voter registration 2 form and mailing it within 4 days (as required 3 by law), a voter-applicant can 'submit by fax' 4 (the other application -- the other option under 5 law). Vote.org has created a system where the 6 reg form is sent to a local print shop and they 7 are responsible for mailing it in to the County 8 Clerk. No VDR required." 9 Did I read that correctly? 10 A. Yes, you did. 11 Q. And "VDR" in this case likely means 12 Volunteer Deputy Registrar; is that correct? 13 A. Correct, yes. 14 Q. And what do you think they mean by 15 "favorable counties"? 16 MS. VEIDT: Objection, speculation. 17 THE WITNESS: I do not know what 18 she was referring to. 19 MS. HUNKER: Let's continue with 20 the next paragraph, next page. This is 21 302.2447. 22 BY MS. HUNKER:</p>
Page 334	Page 336
<p>1 to other e-mails on this chain. Let's 2 look at the one from Charla Welch, date, 3 Thursday, September 20th, 2018. It is on 4 Page 302.2446 towards the bottom of the 5 page. 6 BY MS. HUNKER: 7 Q. This e-mail is from Charla Welch 8 and it is to Stephanie Swanson and Valerie 9 Street. 10 Did I read the names of the 11 addressees correctly? 12 A. Yes, you did. 13 Q. Do you know any of the women 14 mentioned? 15 A. No, I do not. 16 Q. Okay. So it starts off with, "So 17 this is pretty much a game changer. Vote.org 18 has this tool already deployed." 19 Did I read that correctly? 20 A. Yes, you did. 21 Q. "For Texas, in certain favorable 22 counties, they have added a new feature.</p>	<p>1 Q. Now, before I continue, I should 2 actually mention, I did not actually highlight 3 any of the text on the screen. That came with 4 the document that was sent. 5 When you received this e-mail, do 6 you remember that these lines were highlighted? 7 A. I do not recall this at all. I 8 have no recollection at all, no. 9 Q. All right. So the next paragraph 10 reads, "As for the favorable counties, they are 11 on Texas tour now. They've got the nod in 12 Harris and Travis. They are in Bexar this 13 morning and DFW tomorrow. They are getting the 14 blessing of the county clerk staff, so they can 15 fly under the SOS radar between now and October 16 9th. They have eight target counties, but if 17 you know of any county clerks that are receptive 18 to making our voter registration efforts less 19 asinine, please let me know. In those 8 20 counties, it is estimated that 2.4 million 21 people are eligible but not registered. That 22 could turn us blue."</p>

84 (Pages 333 to 336)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 337	Page 339
<p>1 And then there's a little heart</p> <p>2 symbol.</p> <p>3 Did I read that paragraph</p> <p>4 correctly?</p> <p>5 A. You read it correctly.</p> <p>6 Q. Okay. By September 20th, had you</p> <p>7 given the go ahead to change your policy of</p> <p>8 accepting applications that had a digital</p> <p>9 signature?</p> <p>10 A. I do not recall the exact date that</p> <p>11 we made that determination. I don't have a</p> <p>12 timeline on that.</p> <p>13 Q. Okay. And so when they said</p> <p>14 they've got the nod in Harris or Travis County,</p> <p>15 you don't know if that's in reference to</p> <p>16 something the County Clerk said or something</p> <p>17 your office said?</p> <p>18 A. I don't know the reference to the</p> <p>19 County Clerk's Office or to Harris County, so I</p> <p>20 don't have any information on that.</p> <p>21 Q. Okay. Now, you had mentioned that</p> <p>22 you did not contact the Secretary of State's</p>	<p>1 Q. We're going to look at the -- can</p> <p>2 you actually just explain the last answer?</p> <p>3 What were you trying to facilitate?</p> <p>4 A. What I had stated before,</p> <p>5 facilitating better registration for -- for</p> <p>6 voters.</p> <p>7 Q. Okay. Let's look at the February</p> <p>8 21st e-mail, 2018.</p> <p>9 MS. HUNKER: This is at the top of</p> <p>10 Page 302.2446.</p> <p>11 BY MS. HUNKER:</p> <p>12 Q. And this is from Cinde Weatherby.</p> <p>13 Am I correct in identifying the</p> <p>14 person who sent this e-mail?</p> <p>15 A. Yes, I see that.</p> <p>16 Q. "I cannot speak to the credibility</p> <p>17 of it. It doesn't sound like it would be</p> <p>18 possible."</p> <p>19 Did I read that sentence correctly?</p> <p>20 A. Yes.</p> <p>21 Q. "To my knowledge, the only item</p> <p>22 that can be faxed is an application for a</p>
<p>Page 338</p> <p>1 office after receiving Vote.org's proposal;</p> <p>2 correct?</p> <p>3 A. That is true, I did not.</p> <p>4 Q. And you did not consult the</p> <p>5 Secretary of State's office when changing the</p> <p>6 policy of your office from accepting digital</p> <p>7 signatures; is that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. In not contacting the Secretary of</p> <p>10 State's office, were you trying to fly under the</p> <p>11 Secretary of State's radar?</p> <p>12 MS. VEIDT: Objection, form.</p> <p>13 THE WITNESS: No, we were not</p> <p>14 trying to fly under the radar.</p> <p>15 BY MS. HUNKER:</p> <p>16 Q. Were you trying to turn Texas blue?</p> <p>17 MS. VEIDT: Objection, form.</p> <p>18 THE WITNESS: No, we were trying to</p> <p>19 facilitate.</p> <p>20 MS. HUNKER: Let's continue to</p> <p>21 scroll up.</p> <p>22 BY MS. HUNKER:</p>	<p>Page 340</p> <p>1 mail-in ballot. And even that requires the</p> <p>2 original document to be received by the election</p> <p>3 office within four days of the fax."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes, you did.</p> <p>6 Q. From this e-mail, does it sound</p> <p>7 like Cinde Weatherby believes that you need to</p> <p>8 have the original signature be submitted along</p> <p>9 with the fax?</p> <p>10 MS. VEIDT: Objection, speculation.</p> <p>11 THE WITNESS: I -- I am only seeing</p> <p>12 her reference to mail-in ballot</p> <p>13 application.</p> <p>14 BY MS. HUNKER:</p> <p>15 Q. She does say that, doesn't she?</p> <p>16 A. Yes.</p> <p>17 Q. And I -- I know you're not going to</p> <p>18 know the answer whether or not that was a typo</p> <p>19 or not, so we're going to move on to the next</p> <p>20 e-mail.</p> <p>21 A. Yes.</p> <p>22 MS. HUNKER: Let's scroll up to</p>

85 (Pages 337 to 340)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 341	Page 343
<p>1 September 22nd, 2018.</p> <p>2 BY MS. HUNKER:</p> <p>3 Q. And this one is from Charla Welch.</p> <p>4 "Thanks for your feedback. As an</p> <p>5 attorney, I was concerned as well. I spoke</p> <p>6 directly with Vote.org's GC this week. They are</p> <p>7 compliant with the law. When you submit your</p> <p>8 application 'by fax' on their site, it generates</p> <p>9 a paper copy of the application, which a local</p> <p>10 print shop then prints and mails to the</p> <p>11 respective county clerk. They had meetings this</p> <p>12 week with those counties that they thought would</p> <p>13 be amenable to such a process so those mailings</p> <p>14 would not be rejected. That's why they are only</p> <p>15 live in certain counties."</p> <p>16 Did I read that paragraph</p> <p>17 correctly?</p> <p>18 A. Yes, you did.</p> <p>19 Q. And the next paragraph reads, [as</p> <p>20 read]: "Yes, they are hoping to get this</p> <p>21 accomplished under the radar of the Secretary of</p> <p>22 State who has not been modernizing voter</p>	<p>1 BY MS. HUNKER:</p> <p>2 Q. So how do you understand then this</p> <p>3 e-mail and what she's saying?</p> <p>4 A. I don't know Charla Welch. I don't</p> <p>5 know what she is referring to in some of her</p> <p>6 references.</p> <p>7 Q. You understand the e-mail as at</p> <p>8 least -- you understand the e-mail as them</p> <p>9 trying to stay under the radar of the Secretary</p> <p>10 of State?</p> <p>11 MS. VEIDT: Objection, speculation.</p> <p>12 THE WITNESS: I read what she is</p> <p>13 saying, but I don't know that. That is</p> <p>14 not -- was not anything we were doing, so</p> <p>15 I don't know what her reference is to</p> <p>16 that.</p> <p>17 MS. HUNKER: All right. Let's go</p> <p>18 up one more.</p> <p>19 BY MS. HUNKER:</p> <p>20 Q. And this is on Saturday,</p> <p>21 September 22nd, 2018. It is the next e-mail up</p> <p>22 in the chain.</p>
<p>1 registration processes, which is out of</p> <p>2 alignment with the other 49 states (17 of which</p> <p>3 have same day registration)."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes, you did.</p> <p>6 Q. I want to go back to the sentence</p> <p>7 that says, "They had meetings this week with</p> <p>8 those counties that they thought would be</p> <p>9 amenable to such a process so those mailings</p> <p>10 would not be rejected."</p> <p>11 Do you take that to mean that some</p> <p>12 counties would not be amenable?</p> <p>13 MS. VEIDT: Objection, speculation.</p> <p>14 THE WITNESS: I -- I do not know</p> <p>15 what she's referring to. I...</p> <p>16 BY MS. HUNKER:</p> <p>17 Q. But you would agree that you were</p> <p>18 one of the counties thought to be amenable?</p> <p>19 MS. VEIDT: Objection, speculation.</p> <p>20 THE WITNESS: We were approached by</p> <p>21 them. I -- I don't know who all they</p> <p>22 approached.</p>	<p>1 This is also from Cinde Weatherby;</p> <p>2 is that correct?</p> <p>3 A. That is correct, yes.</p> <p>4 Q. And she writes, "There is no</p> <p>5 'getting under the radar of the Secretary of</p> <p>6 State.' Without a hand-signed application, this</p> <p>7 will not work."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. [As read]: "The Register2Vote</p> <p>11 system prints out a completed form, puts it in</p> <p>12 an envelope to the registrant along with a</p> <p>13 stamped envelope for the person who -- to use</p> <p>14 after signing to forward to the appropriate</p> <p>15 county registration office."</p> <p>16 Did I read that correct?</p> <p>17 A. Yes, you did.</p> <p>18 Q. [As read]: "The Vote.org GC is</p> <p>19 incorrect about compliance. Could you forward</p> <p>20 me the contact info you used?"</p> <p>21 Did I read that sentence correctly?</p> <p>22 A. Yes.</p>

86 (Pages 341 to 344)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 345	Page 347
<p>1 Q. The final paragraph reads, "It is 2 this kind of misinformation that disenfranchised 3 people as much as state laws. The only 4 difference is the non-profit has good 5 intentions." 6 Did I read that correctly? 7 A. Yes, you did. 8 Q. So you were forwarded an e-mail 9 that contained an individual from League Of 10 Women's Voters who thought that the application 11 proposed by Vote.org would disenfranchise 12 voters; is that correct? 13 MS. VEIDT: Objection; speculation 14 and hearsay. 15 THE WITNESS: Yes, this was 16 forwarded to me, that is correct. 17 BY MS. HUNKER: 18 Q. So you received an e-mail that said 19 it is this kind of misinformation that 20 disenfranchised people as much as state laws; is 21 that correct? 22 A. That is what it says.</p>	<p>1 Q. Were you aware that if Vote.org 2 submitted applications that were not in 3 compliance with Texas Election Code, those 4 applications would be rejected? 5 A. Could you restate that again? I'm 6 sorry. 7 Q. Yes. Were you aware that any 8 application submitted by Vote.org that did not 9 comply with the Texas Election Code would be 10 rejected? 11 A. I -- well, no. 12 Q. Did you know that if a voter 13 submitted an incomplete or wrong application, 14 that they could be disenfranchised? 15 MS. VEIDT: Objection, form. 16 THE WITNESS: If they were 17 incomplete, we would have a -- a form -- a 18 method for them to complete their 19 application. 20 We do provide that. 21 BY MS. HUNKER: 22 Q. Okay. So to be clear, you said you</p>
Page 346	Page 348
<p>1 Q. And after you received this 2 message, you did not contact the Secretary of 3 State's office to get clarification, did you 4 not? 5 A. In all honesty, I do not recollect 6 reviewing this entire e-mail. 7 Q. So if you don't receive -- remember 8 receiving this e-mail, you do not know if you 9 took any steps to further clarify whether or not 10 you had a correct reading of the law? 11 MS. VEIDT: Objection, form. 12 THE WITNESS: We -- we did discuss 13 it internally amongst ourselves and made 14 the determination ourself. 15 BY MS. HUNKER: 16 Q. Did you review it in preparation 17 for today's testimony? 18 A. Review what? 19 Q. Did you review the e-mails that 20 your office produced? 21 A. I -- I -- no, I did not review. 22 No.</p>	<p>1 spent six hours preparing for your deposition 2 testimony today if I remember correctly. 3 Did -- am I? 4 A. Yes, that is correct. 5 Q. And in that six hours, you did not 6 review any of the documentation that was 7 produced by your office? 8 MS. VEIDT: Objection, form. 9 THE WITNESS: I -- I reviewed most 10 of it. I have to admit I did not review 11 this. 12 BY MS. HUNKER: 13 Q. If you receive information that 14 your office is doing something that may 15 disenfranchise voters, would you take steps to 16 correct? 17 A. Yes. 18 Q. If you received information that 19 actions that your office had taken may 20 disenfranchise voters, would you consult with 21 the Secretary of State's office to learn how to 22 correct it or prevent it from occurring in the</p>

87 (Pages 345 to 348)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 349	Page 351
<p>1 first place?</p> <p>2 MS. VEIDT: Objection.</p> <p>3 THE WITNESS: I don't know -- I</p> <p>4 don't know that I would contact them. It</p> <p>5 depended on the circumstances, but we</p> <p>6 would talk about it internally.</p> <p>7 BY MS. HUNKER:</p> <p>8 Q. Okay. And so you're aware of no</p> <p>9 action that your office took -- after receiving</p> <p>10 this e-mail that suggested that Vote.org's</p> <p>11 proposal would disenfranchise voters, you took</p> <p>12 no additional steps to ensure that your new</p> <p>13 policy was compliant with the Texas Election</p> <p>14 Code; is that correct?</p> <p>15 MS. VEIDT: Objection,</p> <p>16 mischaracterization.</p> <p>17 THE WITNESS: I do not recollect</p> <p>18 this e-mail exchange.</p> <p>19 BY MS. HUNKER:</p> <p>20 Q. Okay. So to your knowledge, you</p> <p>21 don't know of any action that was taken in</p> <p>22 response to this e-mail?</p>	<p>1 out to the Secretary of State's office for</p> <p>2 clarification or for input, and I did want to</p> <p>3 state that we followed process in our office,</p> <p>4 and, again, I do not have a timeline, I don't</p> <p>5 have exact dates when all the conversations took</p> <p>6 place, but Tax Assessor Elfant and I had a</p> <p>7 discussion to which we then did include the</p> <p>8 County Attorney's Office.</p> <p>9 And the County Attorney's Office</p> <p>10 did have a subsequent conversation with the</p> <p>11 Secretary of State's office, but I was not a</p> <p>12 party to that. So I did not have conversation</p> <p>13 with Secretary of State's office, but I am aware</p> <p>14 of -- of those conversations.</p> <p>15 Q. Okay. And so how did you get this</p> <p>16 information for the clarification?</p> <p>17 A. Oh, I -- none of this is -- you --</p> <p>18 when you asked me if I had reached out, I did</p> <p>19 not reach out, but it was -- that was the</p> <p>20 process that we -- that we had followed. And so</p> <p>21 I just wanted to be clear that that is what --</p> <p>22 that is what we had done.</p>
Page 350	Page 352
<p>1 A. That is correct.</p> <p>2 MS. HUNKER: If we can take a</p> <p>3 quick, two-minute break, I just want to</p> <p>4 quickly review my notes, but we should be</p> <p>5 about done.</p> <p>6 THE VIDEOGRAPHER: Okay. Stand by.</p> <p>7 We are now going off the video</p> <p>8 record. The time is 4:24 p.m.</p> <p>9 (A recess is held from 4:24 p.m. to</p> <p>10 4:29 p.m.)</p> <p>11 THE VIDEOGRAPHER: We are now going</p> <p>12 back on the video record. The time is</p> <p>13 4:29 p.m.</p> <p>14 BY MS. HUNKER:</p> <p>15 Q. Ms. Nagy, I only have one or two</p> <p>16 more questions for you and then we can move on</p> <p>17 to -- further in the deposition. Okay?</p> <p>18 A. Okay. I would like to clarify</p> <p>19 something for you, if that's -- if that is okay</p> <p>20 right now?</p> <p>21 Q. That's fine. Yes.</p> <p>22 A. Because you asked about reaching</p>	<p>1 Q. Okay. And so did you recall this</p> <p>2 during the break?</p> <p>3 A. No, I -- just wanting to clarify</p> <p>4 what I had not covered before, just wanted to be</p> <p>5 clear.</p> <p>6 Q. Okay. And did you speak to</p> <p>7 Mr. Elfant during the break?</p> <p>8 A. Yes, he's here in the room.</p> <p>9 Q. Did you speak to him about the</p> <p>10 clarification?</p> <p>11 A. Yes, we did. I mean, it was -- it</p> <p>12 was just me stating that that had transpired.</p> <p>13 Q. Okay. So I just wanted to -- to</p> <p>14 get a sense that your clarification has come</p> <p>15 after you were able to consult with Mr. Elfant</p> <p>16 and get additional information; is that correct?</p> <p>17 A. Yes. It's just -- just</p> <p>18 clarification on -- on my recollection of -- of</p> <p>19 how the steps had occurred, and wanting --</p> <p>20 Q. Okay.</p> <p>21 A. -- to be clear for you.</p> <p>22 Q. Thank you. And so now that you</p>

88 (Pages 349 to 352)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: center;">Page 353</p> <p>1 raised that, I just have one follow-up based on 2 that point, which is: The County Attorney's 3 Office, when they contacted the Secretary of 4 State's office, did they reach out on your 5 behalf? 6 A. I -- that I cannot address because 7 I was not a party to that conversation. 8 Q. Okay. And so you don't know what 9 the content of that communication was? 10 A. I was not a party to that 11 conversation. 12 Q. And so the answer is, no, you do 13 not know what the content was? 14 A. I don't have -- I don't have the 15 details on that, no. 16 Q. Thank you. After reading those 17 e-mails, do you believe that Vote.org was trying 18 to skirt around the Secretary of State's 19 scrutiny? 20 MS. VEIDT: Objection, form. 21 THE WITNESS: I don't know what 22 their objectives were.</p>	<p style="text-align: center;">Page 355</p> <p>1 I'm sorry. I didn't hear the full 2 objection. 3 MS. VEIDT: I said objection to 4 the -- not being within the scope of the 5 deposition. 6 THE REPORTER: Thank you. 7 BY MS. HUNKER: 8 Q. So you can answer the question. In 9 your opinion -- 10 A. Okay. Okay. I'm sorry. 11 Q. -- after reading -- 12 A. Yes. 13 Q. -- the e-mails, do you believe that 14 Vote.org was trying to circumvent or skirt 15 around the scrutiny of the Secretary of State's 16 office? 17 MS. VEIDT: Objection, speculation. 18 THE WITNESS: I really -- I 19 honestly don't know what their objections 20 were. I don't know the individuals other 21 than Cinde on that e-mail chain and their 22 interpretation of it, their language.</p>
<p style="text-align: center;">Page 354</p> <p>1 BY MS. HUNKER: 2 Q. And after reading those e-mails, do 3 you believe that your office should have taken 4 additional steps to clarify what the statute -- 5 or how the statute read? 6 A. I believe we followed process and 7 discussions, and so that is what we did 8 internally is getting all the information that 9 we needed to, to make that determination. 10 Q. Okay. So the last two questions I 11 asked, you didn't quite address what I asked. 12 I'm asking your opinion. 13 In your opinion, after reading 14 those e-mails, do you believe that Vote.org was 15 trying to circumvent or skirt around the 16 scrutiny of the Secretary of State's office? 17 MS. VEIDT: Objection, scope of the 18 deposition. 19 THE REPORTER: I didn't hear. 20 THE WITNESS: I -- again, I 21 don't -- 22 THE REPORTER: I didn't hear you.</p>	<p style="text-align: center;">Page 356</p> <p>1 That was not how it was portrayed to me, 2 so no. 3 BY MS. HUNKER: 4 Q. So you don't have an opinion? 5 A. No, I don't, because I -- I -- I 6 read the statute as it was -- as it was in 7 place. 8 Q. I'm talking about, do you have an 9 opinion regarding Vote.org's actions. 10 Based on also your communications 11 with Vote.org, based on the e-mails that we've 12 read, do you feel that they were trying to 13 circumvent or skirt around scrutiny from the 14 Texas Secretary of State's office? 15 MS. VEIDT: Objection, speculation 16 and goes beyond the scope of this 17 deposition. 18 THE WITNESS: No, I don't. That is 19 not -- they just brought -- they 20 highlighted something that we had not 21 looked at before. I had not looked at 22 that before.</p>

89 (Pages 353 to 356)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 357	Page 359
<p>1 BY MS. HUNKER:</p> <p>2 Q. Okay. And you hadn't looked at it</p> <p>3 before today; correct?</p> <p>4 A. Oh, no. The statute I have looked</p> <p>5 at. In 2018 I had not looked at it before.</p> <p>6 Q. Okay. And the other question I had</p> <p>7 asked was: After reading those e-mails, which</p> <p>8 includes a member of the League Of Women Voters</p> <p>9 stating she thought it would disenfranchise</p> <p>10 Travis County residents, do you believe that</p> <p>11 your office should have taken additional steps,</p> <p>12 even if you follow the process that was laid out</p> <p>13 in your office?</p> <p>14 MS. VEIDT: Objection; hearsay,</p> <p>15 speculation, and goes beyond the scope of</p> <p>16 this deposition.</p> <p>17 THE WITNESS: Could you repeat your</p> <p>18 question?</p> <p>19 BY MS. HUNKER:</p> <p>20 Q. Yes. After reading the e-mails,</p> <p>21 which contains statements from somebody from</p> <p>22 League Of Women Voters who you worked with a</p>	<p>1 don't recall seeing this e-mail at that time.</p> <p>2 Q. Okay.</p> <p>3 A. I do not recall this e-mail.</p> <p>4 Q. And after reading it now, you still</p> <p>5 hold to that opinion, you don't think you should</p> <p>6 have taken any additional steps?</p> <p>7 A. We took additional steps in having</p> <p>8 our discussions within the office and also</p> <p>9 reaching out to our County Attorney's Office.</p> <p>10 Q. So you're satisfied with the</p> <p>11 process that you took?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 MS. HUNKER: I have no other</p> <p>15 questions and I pass the Witness.</p> <p>16 And thank you again, Ms. Nagy, for</p> <p>17 coming here. I really appreciate you</p> <p>18 taking the time.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 MS. YUKEVICH: Is the answer --</p> <p>21 sorry. Go ahead, Joe.</p> <p>22 THE VIDEOGRAPHER: Go ahead,</p>
<p>1 lot, who believed based on those e-mails that</p> <p>2 Travis County residents would be disenfranchised</p> <p>3 through Vote.org's app, do you believe that your</p> <p>4 office should have taken additional steps</p> <p>5 before --</p> <p>6 MS. VEIDT: Objection --</p> <p>7 BY MS. HUNKER:</p> <p>8 Q. -- changing the policy?</p> <p>9 MS. VEIDT: Objection; speculation,</p> <p>10 hearsay, and goes beyond the scope of this</p> <p>11 deposition.</p> <p>12 THE WITNESS: We always take a</p> <p>13 number of exceptional steps to ensure that</p> <p>14 we don't disenfranchise anybody. And so,</p> <p>15 no, I don't believe that we did anything</p> <p>16 that would disenfranchise any voters.</p> <p>17 BY MS. HUNKER:</p> <p>18 Q. Okay. And so you don't believe</p> <p>19 that you should have taken any additional steps</p> <p>20 after receiving that e-mail?</p> <p>21 A. I do not recall reviewing this</p> <p>22 e-mail at that time that I would have acted so I</p>	<p>1 counsel. I'm sorry.</p> <p>2 MS. YUKEVICH: I was just going to</p> <p>3 say, Ms. Nagy, I'm sorry to -- to keep you</p> <p>4 here just a few minutes longer, but I just</p> <p>5 have a few additional questions. I</p> <p>6 promise they -- I don't think they'll take</p> <p>7 more than 10 minutes before we get to</p> <p>8 Mr. Elfant and the rest of the 36 (b)(6)</p> <p>9 deposition.</p> <p>10 Is it okay if I just go forward</p> <p>11 with those questions now?</p> <p>12 THE WITNESS: Certainly, yes.</p> <p>13 EXAMINATION</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. Okay. You said you know Cinde</p> <p>16 Weatherby; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. How long have you known</p> <p>19 Ms. Weatherby?</p> <p>20 A. I met her in and around 2016 when I</p> <p>21 first came to this position.</p> <p>22 Q. Okay. Does Ms. Weatherby work in</p>

90 (Pages 357 to 360)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 361	Page 363
<p>1 your office?</p> <p>2 A. No, she does not.</p> <p>3 Q. Does Ms. Weatherby -- is</p> <p>4 Ms. Weatherby your boss?</p> <p>5 A. No.</p> <p>6 Q. Has Ms. Weatherby ever worked in</p> <p>7 your office to your knowledge?</p> <p>8 A. No.</p> <p>9 Q. Do you know -- let me just make</p> <p>10 sure I get the name right here.</p> <p>11 Do you know Charla Welch?</p> <p>12 A. No, I do not.</p> <p>13 Q. You -- so you don't think you've</p> <p>14 ever spoken to her; is that correct?</p> <p>15 A. I don't know that I've ever spoken</p> <p>16 to her.</p> <p>17 Q. Okay. Do you know Stephanie</p> <p>18 Swanson?</p> <p>19 A. No, I do not.</p> <p>20 Q. And did you speak to Stephanie</p> <p>21 Swanson about Vote.org's web application?</p> <p>22 A. I don't know that I've ever spoken</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. I just want to ask you very</p> <p>3 briefly, know e-mail threads can be, like, kind</p> <p>4 of confusing, but I just want to ask you to</p> <p>5 clarify a couple of things on dates and times to</p> <p>6 the extent that you know them, if that's okay?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay.</p> <p>9 MS. YUKEVICH: Can we pull back up</p> <p>10 what's, I think, been marked and entered</p> <p>11 as Exhibit 14. Is that the series of</p> <p>12 e-mails, Joe?</p> <p>13 THE VIDEOGRAPHER: Yes. Stand by.</p> <p>14 MS. YUKEVICH: Okay. Can we -- can</p> <p>15 we pull that back up, please. Thanks.</p> <p>16 And then can we go to page -- the</p> <p>17 Bates Number is 302.2392. So I think it's</p> <p>18 the fourth page.</p> <p>19 BY MS. YUKEVICH:</p> <p>20 Q. Okay. And you recall speaking with</p> <p>21 Ms. Hunker about this e-mail; correct?</p> <p>22 A. Yes. Yes.</p>
<p>Page 362</p> <p>1 to her.</p> <p>2 Q. Okay. Do you know Valerie Street?</p> <p>3 A. No.</p> <p>4 Q. And do you recall ever speaking to</p> <p>5 Valerie Street about Vote.org's web application?</p> <p>6 A. No.</p> <p>7 Q. Okay. And does -- and to be clear,</p> <p>8 you also do not recall at this time speaking</p> <p>9 with Stephanie Swanson about Vote.org's web</p> <p>10 application?</p> <p>11 A. No.</p> <p>12 Q. And you don't recall speaking to --</p> <p>13 to Charla Welch about it, either; is that</p> <p>14 correct?</p> <p>15 A. Not at all.</p> <p>16 Q. Do you recall speaking to any of</p> <p>17 those women about Vote.org in general?</p> <p>18 A. No.</p> <p>19 Q. And you were asked a couple of</p> <p>20 questions by Ms. Hunker about your meeting with</p> <p>21 Vote.org and -- and -- through Sarah Jackel.</p> <p>22 Do you remember those questions?</p>	<p>Page 364</p> <p>1 Q. Okay. And I just want to be clear</p> <p>2 what we're looking at on the record. So we're</p> <p>3 looking at the e-mail, the full e-mail that</p> <p>4 begins with "Hi Gretchen" Bates Number 302.2392.</p> <p>5 Would you agree with me?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the first line of this</p> <p>8 is, "Hi Gretchen, just wanted to follow up on</p> <p>9 our conversation from last week."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes, that's true.</p> <p>12 Q. Okay. And so -- and that e-mail is</p> <p>13 dated Wednesday, September 19th; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Is it possible that you</p> <p>17 spoke to Sarah Jackel on the phone between</p> <p>18 September 11th and September 19th, 2018?</p> <p>19 A. It is possible, yes.</p> <p>20 Q. Okay.</p> <p>21 MS. YUKEVICH: All right. I just</p> <p>22 want to go to -- sorry, just give me one</p>

91 (Pages 361 to 364)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

<p style="text-align: center;">Page 365</p> <p>1 second. I mean, we can pull these e-mails 2 down now. 3 BY MS. YUKEVICH: 4 Q. And I just -- just a couple more 5 questions. I'm so sorry to keep you here. 6 But did Ms. -- you said -- so it's 7 possible you spoke to Ms. Jackel on the phone 8 between September 11th and September 19th; is 9 that correct? 10 A. It is possible, yes. Yes. 11 Q. Okay. So she references a 12 conversation from last week on September 19th; 13 is that right? 14 A. Correct, yes. 15 Q. Okay. And you did meet with her in 16 person at some point; is that right? 17 A. That is correct, yes. 18 Q. We think it was a Wednesday? 19 A. It -- it could have been. I would 20 have to -- it's building a clock. I -- I don't 21 have a timeline. I don't have a timeline. I 22 don't have the specifics. It was a very busy</p>	<p style="text-align: center;">Page 367</p> <p>1 Q. And you reviewed the -- strike 2 that. 3 Just one more question. You did 4 talk about the policy that your office had for 5 before the fall of 2018 and then after the fall 6 of 2018. Do you recall that conversation with 7 Ms. Hunker? 8 A. Yes. 9 Q. Okay. I just want to pull up your 10 office's responses to those Interrogatories. So 11 I labeled them as Exhibit E. 12 MS. YUKEVICH: So I labeled them as 13 Exhibit E if we can pull those up real 14 quickly. 15 BY MS. YUKEVICH: 16 Q. And if we can go -- do you 17 recognize this document? I know we've looked at 18 it a few times today. 19 A. Yes. 20 Q. But do you recognize this document? 21 A. By now, I do. 22 Q. Okay. Do you recognize this as</p>
<p style="text-align: center;">Page 366</p> <p>1 month, a lot of moving pieces. 2 Q. Of course. And it was a while ago; 3 is that fair to say? 4 A. Yes. 5 Q. But I want to ask you just a couple 6 of quick questions related to some of the stuff 7 in that e-mail and some of stuff that you just 8 discussed with Ms. Hunker. 9 Is -- did Sarah Jackel at any point 10 during your meeting tell you that you needed to 11 hide what you were doing from the Secretary of 12 State's office? 13 A. No. 14 Q. Okay. 15 A. No. 16 Q. Did -- did Sarah Jackel at any 17 point during your meeting or anyone else from 18 Vote.org during your meeting tell you that it 19 was very important that you fly under the radar 20 of the Secretary of State's office? 21 A. No, I don't recall anything like 22 that.</p>	<p style="text-align: center;">Page 368</p> <p>1 your Interrogatory responses to Vote.org's 2 first -- 3 A. Yes. 4 Q. Okay. 5 MS. YUKEVICH: Can you go to Page 9 6 just very quickly, Joe. 7 Okay. And can we zoom in on 8 Interrogatory 5. 9 THE VIDEOGRAPHER: One more time, 10 Kathryn. Interrogatory 5? 11 MS. YUKEVICH: Yes, please. 12 BY MS. YUKEVICH: 13 Q. And now, I don't want you to tell 14 me anything that you spoke about with your 15 attorney. I want to be very clear before I ask 16 this question. 17 But do you remember -- you -- 18 before these Interrogatories were submitted, you 19 had an opportunity to either draft or review 20 them to look at them; is that correct? 21 A. Yes. Yes. 22 Q. Okay. And do you remember -- and</p>

92 (Pages 365 to 368)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 369	Page 371
<p>1 you knew that it was important to be accurate in</p> <p>2 these Interrogatories; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you knew it was important to be</p> <p>5 truthful; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. In the same way that you know it's</p> <p>8 important to be accurate here today?</p> <p>9 A. Yes.</p> <p>10 Q. And in the same way you know it's</p> <p>11 important to be truthful here today; right?</p> <p>12 A. Yes.</p> <p>13 Q. These are not trick -- I promise,</p> <p>14 these are not trick questions.</p> <p>15 A. Yes. Yes. Yes.</p> <p>16 Q. So there are a lot of questions,</p> <p>17 but I promise that -- that these are not trick</p> <p>18 questions.</p> <p>19 So thank you for that.</p> <p>20 So here it says, the Interrogatory</p> <p>21 Number 5 -- I know you've been sitting for a</p> <p>22 while. I'm trying to get this through quickly.</p>	<p>1 answers to Interrogatory Number 1 and</p> <p>2 Interrogatory Number 4 above. Defendant Elfant</p> <p>3 did not treat applications with an electronic or</p> <p>4 imaged signature any differently than an</p> <p>5 application with a wet-ink signature."</p> <p>6 Is -- excuse me. Did I read that</p> <p>7 correctly?</p> <p>8 A. Yes, you did.</p> <p>9 Q. Okay. And I know that -- and you</p> <p>10 testified prior that -- that prior to the fall</p> <p>11 of 2018, your office very rarely received</p> <p>12 applications by facsimile; is that correct?</p> <p>13 A. Yes, rarely.</p> <p>14 Q. Okay. You called it negligible. I</p> <p>15 think you confirmed that with Ms. Hunker; is</p> <p>16 that correct?</p> <p>17 A. That is correct, yes.</p> <p>18 Q. Okay. And so did you have a</p> <p>19 written policy anywhere in your office about</p> <p>20 telling the difference between wet-ink</p> <p>21 signatures and electronic or imaged signatures?</p> <p>22 A. No, we do not have a written policy</p>
Page 370	Page 372
<p>1 The Interrogatory Number 5 says,</p> <p>2 "State and describe Travis County's policies or</p> <p>3 procedures concerning the review and processing</p> <p>4 of voter registration applications with</p> <p>5 electronic or imaged signatures both before and</p> <p>6 after the enactment of Section 14 of House</p> <p>7 Bill 3107."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 MS. YUKEVICH: And can you just</p> <p>12 scroll down, Joe, to the answer portion.</p> <p>13 Not the objections, but the answer.</p> <p>14 Yeah, the bottom answer to</p> <p>15 Interrogatory Number -- oh, yeah, there we</p> <p>16 go. Perfect.</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. And you say here at the top, and</p> <p>19 these are the Interrogatories that you reviewed,</p> <p>20 "Prior to the effective date of Section 14 of</p> <p>21 House Bill 3107 Defendant Elfant processed all</p> <p>22 applications in the manner described in his</p>	<p>1 on that.</p> <p>2 Q. All right. Did you have a written</p> <p>3 policy prior to the fall of 2018?</p> <p>4 A. No.</p> <p>5 Q. Did you prior to the fall of 2018</p> <p>6 discuss the difference between wet-ink</p> <p>7 signatures and electronic and imaged signatures</p> <p>8 with any of your employees as they came through</p> <p>9 the door?</p> <p>10 A. I don't recall that we did.</p> <p>11 Q. You don't recall ever doing it, is</p> <p>12 that what you mean?</p> <p>13 A. I -- I don't recall a conversation</p> <p>14 that we -- that we may have had about that, no.</p> <p>15 Q. So fair to say it's not like a big</p> <p>16 focus of training in your office? Is that fair?</p> <p>17 A. No, not -- that -- that has not</p> <p>18 been an issue that has been brought to my</p> <p>19 attention that we needed to refocus on or focus</p> <p>20 on --</p> <p>21 Q. Yeah.</p> <p>22 A. -- specifically.</p>

93 (Pages 369 to 372)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 373

1 Q. So would it be fair to say -- I  
 2 know you sort of -- we've talked, you know, back  
 3 and forth about policies and procedures.  
 4 Would it be fair to say --  
 5 A. Uh-huh.  
 6 Q. -- that your office hadn't  
 7 considered the question of the difference  
 8 between a wet-ink signature and an imaged  
 9 signature before the fall of 2018?  
 10 A. I would say that we had not had  
 11 that discussion.  
 12 Q. And is that just because you -- why  
 13 hadn't you had that discussion?  
 14 A. Because staff was -- it had not --  
 15 it had not -- it had not come up. We did not  
 16 received anything that I would say had been  
 17 questionable in the form of an electronic or  
 18 imaged signature in the past on any application  
 19 that had been received and nothing had been  
 20 brought to my attention to -- to do a review of  
 21 anything that was -- that was questionable.  
 22 Q. Okay. So would it -- okay.

Page 374

1 MS. YUKEVICH: I have no further  
 2 questions for you, Ms. Nagy. Thank you so  
 3 much.  
 4 THE WITNESS: Thank you.  
 5 MS. HUNKER: Ms. Nagy, I have about  
 6 five to ten minutes worth of questions  
 7 based on counsel's questions, but I'll be  
 8 done very quickly. I don't want to occupy  
 9 your time that much longer.  
 10 THE WITNESS: Okay.  
 11 EXAMINATION  
 12 BY MS. HUNKER:  
 13 Q. Okay. So you were just discussing  
 14 you had not had a policy -- you had a discussion  
 15 in your office about the policy prior to 2018 in  
 16 the fall; correct?  
 17 A. No, we had not had a discussion  
 18 that I recall on -- on that -- on that subject  
 19 specifically.  
 20 Q. Okay. Well, the policy was in  
 21 place when you arrived in 2016; is that correct?  
 22 A. Yes. Yes.

Page 375

1 Q. So any discussion that you would  
 2 have had -- or that your office would have had  
 3 about implementing the policy in the first place  
 4 would have occurred before you arrived to the  
 5 office?  
 6 A. Yes. Yes.  
 7 MS. HUNKER: Can we please pull up  
 8 Exhibit Number 18.  
 9 (Exhibit 18, Defendant Bruce Elfant  
 10 Objections and Responses To Plaintiff's  
 11 First Set of Requests For Admission, is  
 12 marked for identification.)  
 13 MS. HUNKER: And if we can go to --  
 14 BY MS. HUNKER:  
 15 Q. Well, first off, do you recognize  
 16 this document?  
 17 A. Yes.  
 18 Q. This is the Objections and  
 19 Responses to Plaintiff's First Set Of Requests  
 20 For Admission.  
 21 A. Uh-huh.  
 22 MS. HUNKER: If we can look at

Page 376

1 Request For Admission Number 5. I believe  
 2 it's the last page.  
 3 BY MS. HUNKER:  
 4 Q. All right. If we look at the  
 5 request, it says, [as read]: "Admit that the use  
 6 of a wet signature, as opposed to an imaged or  
 7 electronic signature, on an application is not  
 8 material or relevant factor in determining  
 9 whether individual is eligible to vote in  
 10 Texas."  
 11 Did I read that correctly?  
 12 A. Yes, you did.  
 13 Q. All right.  
 14 MS. HUNKER: Let's look towards the  
 15 response, particularly in the first  
 16 sentence.  
 17 BY MS. HUNKER:  
 18 Q. It's written, [as read]: "Admitted  
 19 there was no statutory distinction between  
 20 different formats for an applicant's signature  
 21 for purpose of completing and processing a voter  
 22 registration application form as to the period

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 377	Page 379
<p>1 of time prior to September 1st, 2021."  2 Now, we've had multiple exchanges,  3 you and I, about how prior to fall of 2018 --  4 A. Yes.  5 Q. -- you were following a different  6 policy than you did between fall 2018 and  7 September 2021; correct?  8 A. Yes.  9 Q. And so in the period prior to fall  10 of 2018, you have only accepted an application  11 that came by fax if you receive an original  12 signature after the fact; correct?  13 A. Yes, if one was received, yes.  14 Q. Okay. So based on your office's  15 policy, there was a statutory distinction for  16 the time prior to fall 2018; is that correct?  17 MS. VEIDT: Objection, calls for a  18 legal conclusion.  19 THE WITNESS: Yes, the staff would  20 have -- would have looked for -- for an --  21 an application to arrive within four days.  22 BY MS. HUNKER:</p>	<p>1 THE WITNESS: Okay.  2 THE VIDEOGRAPHER: Okay. Team,  3 with that, if there's no further  4 questions, we'll go ahead and end this  5 deposition.  6 The time on record is 4:55 p.m.  7 (Witness excused.)  8 MS. YUKEVICH: Sorry. To be clear,  9 Joe, before we do that, you're talking  10 about Ms. Nagy, and we'll swear in our  11 next 30(b)(6) witness who's been  12 designated for other topics; is that  13 right?  14 THE VIDEOGRAPHER: That is correct.  15 I'm sorry.  16 MS. YUKEVICH: That's okay. I just  17 want to be really clear.  18 And can you just tell me how much  19 time we have on record at this point?  20 THE VIDEOGRAPHER: Yes, I'm going  21 to go ahead and stop it now. Stand by.  22 (A recess is held from 4:55 p.m. to</p>
<p>Page 378</p> <p>1 Q. Okay. So based on your office's  2 policy, there would have been some distinction  3 between the forms of application being received  4 that had a wet signature as opposed to a digital  5 signature prior to fall of 2011 -- sorry, 2018?  6 A. And -- and -- yes, they would --  7 they would have had that if -- if it had been  8 received.  9 Q. Okay.  10 A. Yes.  11 Q. So there's a qualification to that  12 admission; is that correct?  13 MS. VEIDT: Objection, form.  14 THE WITNESS: Yes, it appears --  15 yes.  16 BY MS. HUNKER:  17 Q. That was a yes? I'm sorry. I  18 didn't hear you.  19 A. Yes. Yes.  20 Q. All right.  21 MS. HUNKER: Thank you. That's my  22 final question.</p>	<p>Page 380</p> <p>1 4:59 p.m.)  2 THE VIDEOGRAPHER: We are now  3 continuing this 30(b)(6) deposition of  4 Mr. Bruce Elfant. Today's date is  5 February 9th, 2022. The time on the video  6 record is 4:59 p.m.  7 THE REPORTER: Mr. Elfant, would  8 you raise your right hand, please.  9 BRUCE ELFANT, having been first  10 duly sworn, was examined and testified as  11 follows:  12 THE REPORTER: Thank you.  13 You may proceed.  14 MS. YUKEVICH: Thank you.  15 EXAMINATION  16 BY MS. YUKEVICH:  17 Q. Now, how are you doing, Mr. Elfant?  18 A. I'm doing okay. Thank you.  19 Q. Of course. I know this is a bit of  20 a longer day than you expected and so I really  21 appreciate you bearing with us.  22 I'm going to ask you just a few</p>

95 (Pages 377 to 380)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 381

1        prefatory questions; and then, like I said, I  
 2        have a pretty limited number of questions left  
 3        considering you are our second 30(b)(6) witness.  
 4                And so just to put -- you know, Joe  
 5        just put that on the record, this is a  
 6        continuation of the 30(b)(6) deposition, and I  
 7        will go over what that means with you just  
 8        briefly.  
 9                The first question that I will ask  
 10        is: Were you in the room this morning when the  
 11        deposition began?  
 12                A.    Yes.  
 13                Q.    And were you able to hear me during  
 14        that time?  
 15                A.    Yes.  
 16                Q.    Okay. And so you were able to hear  
 17        the ground rules for today's deposition; is that  
 18        correct?  
 19                A.    Yes.  
 20                Q.    Was there any time in the first  
 21        hour of this deposition that you were unable to  
 22        hear me?

Page 382

1                A.    I don't think so. I think I was  
 2        able to hear the whole time.  
 3                Q.    Okay. Sounds good. So obviously  
 4        I'm just going to -- a few important  
 5        instructions for today.  
 6                So I am not in the room with you.  
 7        Your deposition is obviously video recorded.  
 8        We're all participating in this deposition  
 9        through video conference technology so I just  
 10        ask that you do your best, turn off your e-mail  
 11        and cell phone, and that you not refer to any  
 12        documents that you might have in front of you or  
 13        have brought to this deposition.  
 14                Does that make sense?  
 15                A.    Yes. They've been all taken away.  
 16                Q.    They have all been taken away.  
 17                Did you bring any documents to  
 18        today's deposition?  
 19                A.    Really the only thing I brought was  
 20        the list that showed the different areas that  
 21        were going to be discussed today.  
 22                Q.    Okay. So that's the Notice Of

Page 383

1        Deposition. Is that what you're referring to?  
 2                A.    I believe so, yes.  
 3                Q.    Okay. And we'll get to that in  
 4        just one second.  
 5                Did you bring any documents to the  
 6        deposition today that have not been produced in  
 7        this case?  
 8                A.    No.  
 9                Q.    Okay. So I will just go through a  
 10        few things. I just want to ask about your  
 11        ability to testify today.  
 12                Is there anything that might impair  
 13        your ability to testify accurately and  
 14        truthfully?  
 15                A.    No.  
 16                Q.    Okay. And have you taken any  
 17        medication, alcohol or drugs that would impair  
 18        your testimony today?  
 19                A.    No.  
 20                Q.    Okay. Let me just make sure I've  
 21        given you all the appropriate admonitions here.  
 22                Of course, as the court reporter

Page 384

1        has asked, please just state your answers  
 2        audibly, no uh-hum, no nodding your head.  
 3                This is particularly important.  
 4        Your answers will be under oath today and that  
 5        means that you're swearing to their truthfulness  
 6        and accuracy and that oath has the same effect  
 7        as if you were testifying in a Court of Law.  
 8                Do you understand that?  
 9                A.    I do.  
 10                Q.    Okay. And so if my question is  
 11        unclear to you, please let me know and I will  
 12        try to clar it for you -- clarify it for you.  
 13                If you do answer one of my  
 14        questions, I will assume that you understood the  
 15        question. Does that make sense?  
 16                A.    Yes.  
 17                Q.    Okay. And your attorney might  
 18        object to some of my questions. Some other  
 19        attorneys might object to some of my question.  
 20        But those objections are for the judge to  
 21        consider later and you must still answer my  
 22        question unless you're specifically told not to

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 385	Page 387
<p>1 do so by your attorney.</p> <p>2 Do you understand that?</p> <p>3 A. I do, yes.</p> <p>4 Q. Okay. After the deposition, the</p> <p>5 court reporter will reduce your testimony into</p> <p>6 written form. You'll be provided a transcript</p> <p>7 and have the opportunity to read the transcript</p> <p>8 and correct any inaccuracies.</p> <p>9 Does that make sense?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And if you need to take a</p> <p>12 break at any time, please say so. I know we're</p> <p>13 in a bit of rush. There have been a number of</p> <p>14 breaks, but I don't want you to feel like you</p> <p>15 can't take a break if you don't want to -- or if</p> <p>16 you want to. I just ask that if a question is</p> <p>17 pending, that you answer my question before we</p> <p>18 go on break.</p> <p>19 Does that make sense?</p> <p>20 A. I know I'm the -- I know I'm the</p> <p>21 only thing standing between everybody and dinner</p> <p>22 so we'll try to go through.</p>	<p>1 THE WITNESS: I apologize. I said</p> <p>2 I do recognize that I was copying what</p> <p>3 Gretchen said earlier that I would</p> <p>4 recognize more if we went down further.</p> <p>5 But I also said that I'm having trouble</p> <p>6 reading this. I'm older than most here</p> <p>7 and my eyesight is not as good.</p> <p>8 MS. YUKEVICH: That's okay. If we</p> <p>9 can zoom in, Joe, and go all the way down</p> <p>10 to the Scheduled Topics. So keep going</p> <p>11 down, Deposition Topics, and then if you</p> <p>12 zoom in.</p> <p>13 THE WITNESS: That's better.</p> <p>14 BY MS. YUKEVICH:</p> <p>15 Q. Okay. And, Mr. Elfant, I just want</p> <p>16 to be -- have you seen these deposition topics</p> <p>17 before?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And you understand that</p> <p>20 you're appearing today pursuant to this</p> <p>21 deposition notice?</p> <p>22 Does that make sense to you?</p>
<p>Page 386</p> <p>1 Q. I understand. And, again, really</p> <p>2 appreciate your patience and your willingness to</p> <p>3 stick with us today particularly with two</p> <p>4 depositions, you know, going on at the same</p> <p>5 time.</p> <p>6 MS. YUKEVICH: So I will ask the</p> <p>7 court reporter and Joe just to bring back</p> <p>8 up Exhibit A which is what I think we were</p> <p>9 talking about before.</p> <p>10 BY MS. YUKEVICH:</p> <p>11 Q. Okay. And do you recognize this</p> <p>12 document, Mr. Elfant?</p> <p>13 A. Yeah, I do. It's kind of small --</p> <p>14 Q. Okay. Would you mind --</p> <p>15 A. -- but it looks like the first</p> <p>16 page; and as Gretchen had said repeatedly</p> <p>17 earlier, if you went down more pages, I'd</p> <p>18 probably recognize more of it. I got to figure</p> <p>19 out how to make this bigger.</p> <p>20 THE REPORTER: I'm sorry. I'm</p> <p>21 sorry. I didn't hear the end of his</p> <p>22 answer.</p>	<p>Page 388</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And so you've been</p> <p>3 designated to take this deposition pursuant to</p> <p>4 Rule 30(b)(6) of the Federal Rules of Civil</p> <p>5 Procedure and that means that your testimony</p> <p>6 today is on behalf of the Travis County Tax</p> <p>7 Assessor-Collector, a position which I know you</p> <p>8 hold, but for the purpose of this deposition</p> <p>9 includes your office, agents of your office.</p> <p>10 Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. And do you understand that the</p> <p>13 testimony that you will offer today will be</p> <p>14 binding on -- not just on you, but on your</p> <p>15 office and the Tax Assessor-Collector's office?</p> <p>16 A. Yes.</p> <p>17 Q. And so we did already establish</p> <p>18 that you've seen this document before. And it's</p> <p>19 my understanding today --</p> <p>20 MS. YUKEVICH: Joe, if we can just</p> <p>21 scroll down just a little bit. Thank --</p> <p>22 up a little now so we can see 4 and 6.</p>

97 (Pages 385 to 388)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 389	Page 391
<p>1 BY MS. YUKEVICH: 2 Q. My understanding is that you've 3 been designated to testify as it relates to 4 Topic Number 4 and Topic Number 6; is that 5 correct? 6 A. Correct. 7 Q. Okay. And have you reviewed 8 Topic 4 and Topic 6? 9 A. Yes. 10 Q. Okay. And you're able to testify 11 to those today? 12 A. Yes. 13 Q. Okay. So, please, presume that I 14 am asking you -- 15 MS. YUKEVICH: We can take the 16 document down. 17 BY MS. YUKEVICH: 18 Q. So please presume that I am asking 19 you to speak on behalf of the Travis County Tax 20 Assessor-Collector, your office, and the answers 21 that have been given to that -- that you give 22 today are binding on that office.</p>	<p>1 Q. Okay. And did you -- how long did 2 you speak to Ms. Nagy? 3 A. Overall probably, you know, two or 4 three hours -- 5 Q. Okay. And then you -- 6 THE REPORTER: I didn't hear the 7 end. 8 THE WITNESS: Overall two or three 9 hours was my part. 10 Am I not speaking loud enough? Do 11 I need to speak louder? 12 THE REPORTER: We just need to 13 speak one at a time and pause between 14 speakers. 15 THE WITNESS: All right. 16 BY MS. YUKEVICH: 17 Q. I will do my very best. 18 So -- and then you spoke with your 19 counsel as well? 20 A. Yes. 21 Q. What did you speak with Ms. Nagy 22 about?</p>
Page 390	Page 392
<p>1 I will do my best to be clear if at 2 any point I am asking you to speak as an 3 individual, if I ask you about your education, 4 for example. And if you're ever confused, 5 please ask me to clarify before you respond. If 6 you don't ask, I will assume that you understand 7 the capacity in which I am asking you to speak. 8 Does that make sense? 9 A. Yes. 10 Q. Okay. So let's get right into it. 11 I will ask you: What did you do to prepare for 12 today's deposition? 13 A. We consulted with our counsel and 14 with each other and we read over the documents 15 that were presented to us. 16 Q. And when you say "we," do you 17 mean -- who do you mean? 18 A. Well, Ms. Nagy and myself and -- 19 and our counsel. 20 Q. Okay. Did you speak to anyone else 21 with the exception of Ms. Nagy and your counsel? 22 A. For preparing for this, no.</p>	<p>1 A. What did I speak with Ms. Nagy 2 about? We went through the documents and our 3 recollections of events. 4 Q. Did you go through any other -- any 5 documents that had not been produced in the 6 course of discovery in this case? 7 A. No, I don't believe so. 8 Q. Okay. Okay. Now, I want to -- 9 you've been in the room for a while and so I 10 want to jump to just a couple of points that we 11 were not able to cover with Ms. Nagy. 12 So the first thing I want to talk 13 about, I want to take you back to the fall of 14 2018. Do you remember the fall of 2018? 15 A. I do. 16 Q. Okay. And so do you recall your 17 office receiving facsimile applications, voter 18 registration applications? 19 A. Yes, I -- I recall this -- this 20 episode and I -- yes. 21 Q. Okay. And do you remember how your 22 office came to receive a number of these voter</p>

98 (Pages 389 to 392)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 393	Page 395
<p>1 registration applications via facsimile?</p> <p>2 A. Yes, generally so.</p> <p>3 Q. Okay. How was that?</p> <p>4 Can you just explain what you</p> <p>5 understand to have happened?</p> <p>6 A. Do you want to ask me a more</p> <p>7 specific question or do you want to risk me</p> <p>8 going really, really broad?</p> <p>9 Q. That's fair. I will withdraw my</p> <p>10 question. That a fair point.</p> <p>11 Did you ever speak to anyone at</p> <p>12 Vote.org about voter registration applications</p> <p>13 being transmitted to your office via facsimile?</p> <p>14 A. I don't believe that I spoke to</p> <p>15 anybody directly.</p> <p>16 Q. Okay. Are you aware that other</p> <p>17 members of your office spoke to folks at</p> <p>18 Vote.org?</p> <p>19 A. Yes, I know Ms. Nagy spoke with</p> <p>20 them.</p> <p>21 Q. And do you recall former Secretary</p> <p>22 of State Rolando Pablos making an announcement</p>	<p>1 precise date --</p> <p>2 Q. Okay.</p> <p>3 A. -- but I certainly did see.</p> <p>4 Q. Okay. And can you just -- what was</p> <p>5 your understanding of what this announcement</p> <p>6 meant for the voter registration applications</p> <p>7 that you had received via facsimile in the fall</p> <p>8 of 2018?</p> <p>9 A. Well, the Secretary of State's</p> <p>10 position was that the statute didn't allow for</p> <p>11 what the Vote.org folks were wanting to do with</p> <p>12 sending in the fax and then sending in a copy.</p> <p>13 That was their position.</p> <p>14 Q. And was it your office's position</p> <p>15 that it did?</p> <p>16 A. Well, okay. This is where I want</p> <p>17 to start a little bit at the beginning.</p> <p>18 Our -- as Gretchen said, our</p> <p>19 office's position for years was that we have to</p> <p>20 have a real signature, we have to have a</p> <p>21 original signature. And she came in to see me</p> <p>22 one afternoon, told me what the Vote.org folks</p>
<p>Page 394</p> <p>1 before the 2018 midterm election about</p> <p>2 signatures on voter registration applications?</p> <p>3 A. I do.</p> <p>4 Q. Okay. Do you --</p> <p>5 MS. YUKEVICH: Let's pull up what I</p> <p>6 premarked as Exhibit L. And if we can</p> <p>7 also, Joe, enter this as Exhibit L for the</p> <p>8 purpose of the deposition.</p> <p>9 (Exhibit L, document titled 2/2/22</p> <p>10 10:14 AM Secretary Pablos Reminds Texans</p> <p>11 To Exercise Caution When Registering To</p> <p>12 Vote, is marked for identification.)</p> <p>13 MS. YUKEVICH: And zoom in just to</p> <p>14 that -- those first two paragraphs.</p> <p>15 BY MS. YUKEVICH:</p> <p>16 Q. Okay. Have you seen this document</p> <p>17 before, Mr. Elfant?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Okay. When -- when did you first</p> <p>20 see it?</p> <p>21 A. I can't give you a precise date. I</p> <p>22 saw it when it came out. But I can't give you a</p>	<p>Page 396</p> <p>1 wanted to do and my first reaction is, "I don't</p> <p>2 think we can do that. I think we have to have</p> <p>3 an original."</p> <p>4 And she said, "Look at the</p> <p>5 statute."</p> <p>6 And she showed me the statute and</p> <p>7 the Election Code and it said "copy." It didn't</p> <p>8 say "original." And so that kind of opened up,</p> <p>9 you know, some questions for us.</p> <p>10 And the next thing I did was</p> <p>11 contact our counsel with the County Attorney's</p> <p>12 Office to have them look at it.</p> <p>13 And I should mention that our</p> <p>14 counsel was Elizabeth -- Elizabeth Winn who was</p> <p>15 not only an election expert, but she was</p> <p>16 actually the chief lawyer at the Secretary of</p> <p>17 State's office. And so any time we needed</p> <p>18 guidance from our counsel, we felt pretty</p> <p>19 confident in the -- in the guidance that we were</p> <p>20 getting.</p> <p>21 I can't tell you exactly what she</p> <p>22 told me, but I was comfortable at that point</p>

99 (Pages 393 to 396)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 397	Page 399
<p>1 that copy meant copy and it didn't mean 2 original. 3       Shortly after that, I received a 4 call from Christina Adkins who's Elizabeth's 5 replacement at the Secretary of State's office 6 and she said, "We don't want you accepting these 7 applications." 8       And I said, "But the statute says 9 copy." 10       And she said, "Well, that's really 11 not what we meant. We meant that it should be 12 original." 13       And I said, "The statute says copy. 14 I don't know what to tell you, Christina. You 15 know what you ought to do is contact our 16 lawyer." 17       And she said, "Who's your lawyer?" 18       And I said, "Elizabeth Winn." 19       And she said, "Oh, she hired me." 20       And I said, "All right. You-all 21 know each other. So you-all should talk and 22 work this out. And, you know, if you can get us</p>	<p>1 conversations with county officials, she's 2 representing the Secretary of State himself, so, 3 yes. 4       Q. Okay. And did you ever discuss 5 this announcement or the intent of that 6 announcement with anyone else at the Secretary 7 of State's office? 8       A. I don't believe I did. I believe 9 my contact with Christina and then Elizabeth 10 Winn's subsequent follow-up with her were the 11 extent of our contacts -- 12       Q. Okay. Did you review with them -- 13       A. -- since -- 14       THE REPORTER: I didn't hear the 15 end. 16       THE WITNESS: I apologize. To the 17 extent of my knowledge. 18 I'm going to do better. I promise. 19 BY MS. YUKEVICH: 20       Q. It's okay. It's me too. 21       Did you receive -- let me -- I'll 22 take that back.</p>
Page 398	Page 400
<p>1 restrained, we won't do it. But our reading 2 here at the county of the statute is that it 3 says copy, it doesn't say original." 4       And so that's what -- what I told 5 Christina. 6       And I wasn't in on the call between 7 her and Elizabeth Winn, but that's -- you know, 8 that was our conversation. 9       Q. And just to be clear, when you 10 raised that the statute said copy and not 11 original, her response was "that wasn't really 12 what we meant"; is that right? 13       A. That wasn't -- I'm saying to the -- 14 to the extent that it wasn't our intent. 15       Q. Okay. And when she said "we" do 16 you know who she was referring to? 17       A. When she -- I'm sorry. When she 18 said what? 19       Q. When she said "we," was -- did you 20 take that to mean she was referring to the 21 Secretary of State's office? 22       A. When, you know, when she has</p>	<p>1       What was your understanding -- 2 what -- I'll take that back as well. 3       What was the outcome of Ms. Winn's 4 conversation with Christina Adkins? 5       A. I -- I don't know. And I don't 6 believe that Elizabeth ever shared with me their 7 conversation. But our -- our -- our advice 8 remained the same, didn't -- didn't change. 9       Q. Your office's policy from the time 10 that -- from the fall of 2018 until House 11 Bill 3107 that advice did not change; is that 12 correct? 13       A. Ask -- I'm sorry. Ask that again. 14 I want to make sure I get the dates right. 15       Q. Sure. So between the fall of 2018 16 and until the effective date of House Bill 3107, 17 that policy didn't change; is that correct? 18       A. Yes, that's correct. 19       Q. But now that House Bill 3107 has 20 been enacted, it has changed; is that correct? 21       A. Yes. 22       Q. Did you ever discuss -- and I'm</p>

100 (Pages 397 to 400)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 401

1 referring to this announcement and -- and the  
 2 content of the announcement -- with anyone at  
 3 the Attorney General's office?  
 4 A. I don't -- no, I sure don't believe  
 5 so.  
 6 Q. And no representatives of the  
 7 Attorney General's office?  
 8 A. No, no one reached out to us from  
 9 the AG's office.  
 10 Q. Mr. Elfant, if you'll just give me  
 11 a minute, I told you I spent a long time with  
 12 Ms. Nagy and I, actually, I don't have many more  
 13 questions for you.  
 14 I do want to ask just briefly, your  
 15 office is in charge -- the voter registration  
 16 portion of the Tax Assessor-Collector's Office  
 17 deals with voter registration; is that correct?  
 18 A. Yes.  
 19 Q. And do you use the signatures on  
 20 voter registration applications to verify  
 21 identity in the registration process?  
 22 A. No, we do not.

Page 402

1 Q. Do you use signatures for anything  
 2 apart from affirming that the rest of the  
 3 information in the voter registration  
 4 application is correct in the voter registration  
 5 process?  
 6 A. No, I mean the signatures are  
 7 required and so we -- we're required to make  
 8 sure that there's a signature on the  
 9 application. That's part of the completeness.  
 10 Q. Did you ever look at the voter  
 11 registration applications that were submitted  
 12 via facsimile and subsequently mailed in the  
 13 fall of 2018?  
 14 A. I don't believe that I personally  
 15 saw them, no.  
 16 Q. Okay.  
 17 MS. YUKEVICH: Mr. Elfant, if  
 18 you'll just give me two minutes, we can go  
 19 off the record so we don't waste any more  
 20 of your time, but I actually don't think  
 21 that I have other questions for you. I  
 22 promised this would be quite brief.

Page 403

1 So we can just go off the record  
 2 really briefly, Joe.  
 3 THE VIDEOGRAPHER: Okay. We are now  
 4 going off the video record. The time is  
 5 5:20 p.m.  
 6 (A recess is held from 5:20 p.m. to  
 7 5:21 p.m.)  
 8 THE VIDEOGRAPHER: We are now going  
 9 back on the video record. The time is  
 10 5:21 p.m.  
 11 BY MS. YUKEVICH:  
 12 Q. Mr. Elfant, I want to bring up what  
 13 was previously introduced as, I think it's  
 14 Exhibit 14 in this deposition.  
 15 Can you see that?  
 16 A. Yes.  
 17 Q. And if we can just go to Page 7,  
 18 Bates Number 302.2444, and we can pause here.  
 19 Mr. Elfant, do you recognize this  
 20 e-mail?  
 21 A. Yes, I do.  
 22 Q. Okay. How do you recognize it?

Page 404

1 A. I recognize that it's to me, but I  
 2 can't honestly say that I remember it. But I  
 3 recognize it.  
 4 Q. That's fair. And who sent this  
 5 e-mail to you?  
 6 A. Looks like Cinde Weatherby sent it  
 7 to me.  
 8 Q. And do you know Cinde Weatherby?  
 9 A. I do.  
 10 Q. How do you know her?  
 11 A. I know her through the League Of  
 12 Women Voters and she's been a great partner of  
 13 our office for years.  
 14 Q. Okay. And, Mr. Elfant, how  
 15 long have you -- you said for years. I  
 16 really -- I actually didn't ask you right at the  
 17 beginning, how long have you been the Tax  
 18 Assessor-Collector in Travis County?  
 19 A. I was elected in 2012.  
 20 Q. Okay. And how often do you run for  
 21 reelection?  
 22 A. Every four years.

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 405

1 Q. Who do you consider your  
 2 constituents to be?  
 3 A. My constituents are everybody who  
 4 lives in Travis County.  
 5 Q. And what do you consider to be the  
 6 mission of your office?  
 7 A. The whole office or voter  
 8 registration?  
 9 Q. Voter registration specifically.  
 10 A. I mean our mission is to make sure  
 11 that every eligible citizen has an opportunity  
 12 to -- to register and vote.  
 13 Q. And so part of your office's  
 14 mission is to make voter registration easier?  
 15 A. Yes, absolutely.  
 16 Q. And to make voting more accessible  
 17 to folks?  
 18 A. Yes.  
 19 Q. And so if you believed that you  
 20 were disenfranchising voters, you would take  
 21 that very seriously; is that fair?  
 22 A. Oh, absolutely. I'd be over at the

Page 406

1 County Attorney's Office so fast that I just --  
 2 you know, that would just make us sick if we  
 3 thought we were disenfranchising anybody.  
 4 Q. And Ms. Weatherby has never worked  
 5 in your office; is that correct?  
 6 A. Correct.  
 7 Q. She is not your boss in any way; is  
 8 that fair to say?  
 9 A. She is not. Yes, that's fair to  
 10 say.  
 11 Q. She -- is she -- would -- is it  
 12 fair to say she's one of your constituents?  
 13 A. She -- Cinde is one of my  
 14 constituents, yes.  
 15 Q. And is it fair to say you take the  
 16 concerns -- and we don't need to read through  
 17 the full e-mail chain. But is it fair to say  
 18 you heard the conversation that happened with  
 19 Ms. Nagy earlier about this e-mail thread?  
 20 A. Yes.  
 21 Q. And the e-mail thread, to be clear  
 22 for the record, what we're talking about is

Page 407

1 Bates Number 302.2444 all the way down to Bates  
 2 Number 302.2449.  
 3 And so do you know Charla Welch?  
 4 A. No, I don't think I do.  
 5 Q. So you wouldn't have spoken to her  
 6 about Vote.org's web application?  
 7 A. I -- you know, I can't say for  
 8 sure, but I -- I don't recall her at all. And I  
 9 certainly don't remember having any contact with  
 10 her whatsoever.  
 11 Q. Is it fair to say the same for  
 12 Stephanie Swanson?  
 13 A. Yes.  
 14 Q. Okay. And sorry.  
 15 MS. YUKEVICH: Just to be clear,  
 16 Joe, can we scroll down to the top of  
 17 Page 8. So Stephanie Swanson here.  
 18 BY MS. YUKEVICH:  
 19 Q. And then also fair to say you don't  
 20 know Valerie Street; is that correct?  
 21 A. Correct.  
 22 Q. Okay. And no one from Vote.org

Page 408

1 ever told you that you needed to hide what you  
 2 were doing from the Secretary of State's office;  
 3 is that fair to say?  
 4 A. That's correct, no one ever told us  
 5 to do that.  
 6 Q. And no one ever -- no one from  
 7 Vote.org ever told you to do anything like that;  
 8 is that also fair to say?  
 9 A. Correct. I mean Vote.org came to  
 10 our office with an app that they wanted us to  
 11 look at. They thought that the law said we  
 12 could do it. We reviewed it. Travis County  
 13 agreed with them ultimately.  
 14 Q. And that was your independent  
 15 judgment?  
 16 A. Yes.  
 17 Q. A weigh-in consultation with your  
 18 office of course?  
 19 A. In con -- I don't want to leave my  
 20 attorney out. In consultation with our  
 21 attorney, yes.  
 22 Q. In consultation with your office

Page 409

1 and with your attorney; is that fair to say?  
 2 A. Correct. Yes.  
 3 MS. YUKEVICH: Okay. Mr. Elfant, I  
 4 don't have any other questions for you. I  
 5 appreciate your time and I will pass the  
 6 witness is what I believe I am supposed to  
 7 say in the Western District of Texas.  
 8 EXAMINATION  
 9 BY MS. HUNKER:  
 10 Q. Good evening, Mr. Elfant. How are  
 11 you?  
 12 A. I'm doing well. Thank you.  
 13 Q. I'm sorry to keep you so long, but  
 14 hopefully this should go pretty quickly. I only  
 15 have a couple of lines of questioning, mostly on  
 16 some of the topics that you were designated to  
 17 speak on including voter registration efforts in  
 18 Travis County.  
 19 A. Sure.  
 20 Q. But first I just want to -- I'm  
 21 sorry. Say that again.  
 22 A. No, I just said "Sure." I was

Page 410

1 agreeing.  
 2 Q. So I just want to clarify. You  
 3 became Tax Assessor-Collector in 2012; correct?  
 4 A. Correct. Well, I was elected in  
 5 2012. January 1st of 2013.  
 6 Q. Thank you for the clarification.  
 7 Did you hold any other position in  
 8 the Tax Assessor-Collector's office before your  
 9 election?  
 10 A. Okay. I'm going -- I'm just going  
 11 to ask you to clarify that. The answer is no  
 12 except that the previous Tax Assessor authorized  
 13 me to conduct Volunteer Deputy Registrar  
 14 trainings in the community. But I didn't have  
 15 any -- any paid position or even volunteer  
 16 position in the office except that.  
 17 Q. So your only role out -- before  
 18 2012 was as a Deputy Voter Registrar or at the  
 19 very least training them?  
 20 A. Correct.  
 21 Q. Okay. And is the Tax  
 22 Assessor-Collector an elected position?

Page 411

1 A. Yes.  
 2 Q. And it's a county-wide elected  
 3 position?  
 4 A. It's county wide.  
 5 Q. And is it a partisan election?  
 6 A. Yes, it is a partisan election.  
 7 Q. And in the last race, which party  
 8 did you -- did your name appear under?  
 9 A. I was the nominee for the  
 10 Democratic party.  
 11 Q. All right. Thank you.  
 12 When -- and you -- if you know, did  
 13 Travis County start accepting applications to  
 14 vote via fax machine?  
 15 A. Sometime in -- in either late  
 16 September or very early October. Probably late  
 17 September.  
 18 Q. Of this year?  
 19 A. Oh, no. This is 2018.  
 20 Q. So I think I -- you are  
 21 misunderstanding my question. I just want to  
 22 know when generally they would have started

Page 412

1 accepting applications to vote through a fax  
 2 machine followed by a subsequent application  
 3 that was sent through mail, whether it was  
 4 original or --  
 5 A. I can understand, sure.  
 6 Before this instance came up that  
 7 came up in the fall of 2018, it was -- it's my  
 8 understanding that we accepted a fax followed by  
 9 a copy of a -- of an application. That was news  
 10 to a lot of us. And then when we looked at the  
 11 statute, we changed our position on it --  
 12 Q. Okay. So --  
 13 A. -- and consultation and the rest of  
 14 it, yes.  
 15 Q. So did you receive applications to  
 16 vote by fax machine followed by an original wet  
 17 signature prior to 2018?  
 18 A. I -- I have no direct knowledge  
 19 of -- of such an occurrence.  
 20 Q. Okay. But your office did have a  
 21 policy prior to the fall of 2018 of accepting  
 22 applications to vote via fax so long as it was

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 413

1 accompanied later on by a wet signature; is that  
 2 correct?  
 3 A. We -- we did not accept the  
 4 applications unless there were an original  
 5 signature before that period, yes.  
 6 Q. Okay. Do you -- were you there  
 7 when that initial policy was decided?  
 8 A. I don't believe so. I don't know  
 9 how far back that goes.  
 10 Q. Okay. So you do not know what the  
 11 reasoning was that the Tax Assessor-Collector of  
 12 Travis County took in making that determination?  
 13 A. No.  
 14 Q. Okay. And so you're not aware if  
 15 they were more cognizant, let's say,  
 16 of legislative history; is that correct?  
 17 A. More cognizant of what? I'm sorry.  
 18 Q. The legislative history of the --  
 19 of the statute as it existed pre --  
 20 A. I -- I -- yeah, I have no knowledge  
 21 of that.  
 22 Q. Okay.

Page 415

1 high schools and with all the colleges and  
 2 universities in town.  
 3 We have partnerships with -- with  
 4 municipalities.  
 5 We have partnerships with libraries  
 6 and the parks department.  
 7 Many of private sector  
 8 organizations, I'm not going to list the names  
 9 of the organizations, but very robust  
 10 partnerships.  
 11 And we -- we are out anywhere where  
 12 there's more than a few people gathering with  
 13 Volunteer Deputy Registrars.  
 14 We've had mural contests. We've  
 15 had PSA contests. We've done mock elections in  
 16 the schools. We've done so much to try to  
 17 engage -- to promote civic engagement in  
 18 general. We're really proud of the efforts that  
 19 we've taken on. It's very labor intensive, but  
 20 it's so important to get the turnout, the  
 21 registration and the turnout. We just feel like  
 22 that that's a very important mission.

Page 414

1 MS. HUNKER: All right. I'd like  
 2 to pull up Exhibit Number 4.  
 3 (Exhibit 4, tweet from Austin ISD,  
 4 is marked for identification.)  
 5 BY MS. HUNKER:  
 6 Q. Mr. Elfant, one of the things I was  
 7 encouraged by is the amount of effort that the  
 8 various counties make in encouraging voter  
 9 registration and voter outreach. And so I guess  
 10 my first question is going to be a general one  
 11 which is: How does Travis County encourage  
 12 voter registration? What type of outreach do  
 13 you conduct?  
 14 A. We have all kinds of outreach. And  
 15 I'm going to try to be succinct because we do  
 16 want to get out of here for dinner. But we --  
 17 the first thing we have is that we have a very  
 18 good partnership with maybe 2500 Volunteer  
 19 Deputy Registrars at the current time. Before  
 20 COVID we would have 5, 6, 7,000 Volunteer Deputy  
 21 Registrars.  
 22 We have close partnerships with our

Page 416

1 Q. Well, you've done a great job from  
 2 my experience. I'm a Travis County resident so  
 3 I've seen your recruitment efforts through the  
 4 county.  
 5 A. Thank you.  
 6 Q. The exhibit that I have before you,  
 7 as you could tell, is a tweet from Austin ISD.  
 8 Would you agree with my assessment  
 9 of what this document is?  
 10 A. About graduation. Yes, we do -- we  
 11 do registration at graduation ceremonies.  
 12 That's correct. And we have a good partnership  
 13 with the --  
 14 Q. And do you have --  
 15 I didn't mean to interrupt. You  
 16 can continue.  
 17 A. No, we have a very good partnership  
 18 with the school districts. We're very excited  
 19 about registering people when they graduate and  
 20 they're getting ready to go out into life and we  
 21 want them to be part of the electoral mix.  
 22 Q. And do you do any other voter

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 417

1 registration with Austin ISD, let's say, during  
 2 the school year?  
 3 A. We do. This was statute, and so  
 4 the principals are supposed to be Volunteer  
 5 Deputy Registrars and they're -- they're  
 6 required to have at least two events a year on  
 7 the campuses.  
 8 A lot of campuses will do more than  
 9 that. Some principals are super engaged and  
 10 sometimes it's the civic teacher. Sometimes  
 11 it's the student government. Sometimes the  
 12 League of Women Voters that comes and do -- and  
 13 does volunteer work on the campuses. So we have  
 14 a pretty close relationship, I think, with --  
 15 with our schools. We're really proud of that.  
 16 And, you know, it's their future. We want to  
 17 make sure that they're -- they're registered and  
 18 voting.  
 19 Q. Would you consider these programs  
 20 successful?  
 21 A. I don't know how to measure it. I  
 22 think we're successful. We have, you know, one

Page 419

1 of your office?  
 2 A. I'm sorry. Travis County Tax, yes.  
 3 Q. And so it seems here that the  
 4 Longhorns Football are partnering with the Tax  
 5 Office to promote better voter registration; is  
 6 that correct?  
 7 A. We were very excited that Coach  
 8 Herman agreed to do some voter registration PSAs  
 9 along with some of the -- some of the team  
 10 members. We're really sorry he left right after  
 11 we promoted him, but that happens. We'll  
 12 hopefully get the new coach to do some PSAs as  
 13 well.  
 14 We're trying to reach as many  
 15 different corners of our community as we  
 16 possibly can with -- with people who are going  
 17 to be -- with those corners are going to be  
 18 receptive to the messenger. And so we're always  
 19 looking for new and innovative ways to reach out  
 20 to different parts of our community.  
 21 Q. So based on demographics is this  
 22 directed towards college students in particular?

Page 418

1 of the highest voter registration rates of any  
 2 urban county in Texas. So we're really proud of  
 3 that. But we know that the 18 to 25 demographic  
 4 has a lower engagement than other demographics,  
 5 so we have to work harder. We have to -- you  
 6 know, we have to get them registered and then we  
 7 have to figure out how to connect the dots to  
 8 convince them that it's important for them to go  
 9 out and actually vote.  
 10 Q. So you put extra effort in  
 11 recruiting the ratio to vote between 18 and 25;  
 12 is that correct?  
 13 A. Yes.  
 14 Q. All right.  
 15 MS. HUNKER: Can we pull up Exhibit  
 16 Number 5.  
 17 (Exhibit 5, tweet from Travis  
 18 County Tax (Longhorns), is marked for  
 19 identification.)  
 20 BY MS. HUNKER:  
 21 Q. Now, the handle that says Travis  
 22 County Tax, is that the official Twitter handle

Page 420

1 A. Yes, for the most part, but  
 2 certainly you know, all Longhorn fans too.  
 3 Q. And what other efforts do you  
 4 engage in to get voter registration on college  
 5 campuses or college students?  
 6 A. Well, I would tell you that in this  
 7 graphic that you put up, where it says,  
 8 "TEXT2REGISTER," we're really proud of that. We  
 9 kind of initiated the TEXT2REGISTER a few years  
 10 ago and because we don't have online voter  
 11 registration, it's a little bit cumbersome, but  
 12 basically people can go text "REGISTER" to  
 13 "IVOTE" or they could. I don't think we do that  
 14 right now. And then we would mail them a voter  
 15 registration card with a real signature. And so  
 16 we were one of the first to do that and it was  
 17 pretty successful.  
 18 MS. HUNKER: Can we please put up  
 19 Exhibit Number 7.  
 20 (Exhibit 7, tweet from Travis  
 21 County Tax (Deputy Registrar), is marked  
 22 for identification.)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 421

1 BY MS. HUNKER:  
 2 Q. And so this is another tweet from  
 3 your office; is that correct?  
 4 A. It appears to be, yes.  
 5 Q. All right. So in the tweet you  
 6 say, "Some of our 4,000 Volunteer Deputy  
 7 Registrars did not quit after they registered  
 8 more than 97 percent of eligible voters in  
 9 Travis County. Now they're out encouraging more  
 10 than 850,000 registered voters to get out and  
 11 vote."  
 12 Did I read that correctly?  
 13 A. You did.  
 14 Q. So you talked a little bit about  
 15 the number of voter registrars. I was hoping  
 16 you could be a little bit clearer. So how many  
 17 do you typically have?  
 18 A. Typically we have any -- before  
 19 COVID we -- anywhere from 3 to 5,000 Volunteer  
 20 Deputy Registrars. Right now we're at about  
 21 2500. And, you know, we're not able to get out  
 22 in person right now to do in-person

Page 422

1 deputizations. But we have done them on Zoom  
 2 and we do have the video that's been approved by  
 3 the Secretary of State's office and so we're  
 4 doing everything we can to reach out.  
 5 And, frankly, you know, we didn't  
 6 do Zoom before COVID. I had never heard of Zoom  
 7 and it's such an incredible tool where people  
 8 can, you know, get trained and have the  
 9 interaction without -- without leaving their  
 10 home.  
 11 And so we're certainly wanting to  
 12 continue Zoom after COVID leaves us, hopefully  
 13 sooner than later.  
 14 Q. We can all hope and pray.  
 15 So have people been receptive to  
 16 the online training or Zoom training?  
 17 A. Yes. Yes, I would say so. They --  
 18 the Zoom trainings, we do about an hour  
 19 training. We have a PowerPoint that's been  
 20 approved by the Secretary of State, and then at  
 21 the end for those who want to stay, we have a  
 22 question and answer so they can get

Page 423

1 clarifications for what they heard.  
 2 We require them to have their  
 3 cameras on because we want to make sure that  
 4 they're there and not in the kitchen cooking  
 5 something. We want to make sure that they're,  
 6 you know, absorbing what we're telling them  
 7 because this is a constitutional responsibility  
 8 that they're being given to -- to register  
 9 somebody and handle their card and get it turned  
 10 in and we want them to take it seriously and be  
 11 paying attention.  
 12 Q. In your opinion do you think that  
 13 having Zoom trainings will make it easier to  
 14 recruit Volunteer Deputy Registrars in the  
 15 future?  
 16 A. Yes, I think it's another tool.  
 17 It's not the end all, but it is certainly  
 18 helpful.  
 19 Q. And where do the deputy registrars  
 20 go in Travis County when they're trying to  
 21 recruit --  
 22 A. Anywhere where there's more than --

Page 424

1 Q. I simply meant to say when they go  
 2 to register voters.  
 3 A. Yes. Anywhere where there's more  
 4 than two or three people gathered where they're  
 5 allowed to be. We have partnerships with the  
 6 library system and so we have library days.  
 7 We have a partnership with the city  
 8 parks and they're able to go into the parks and  
 9 do -- and voter registration either individually  
 10 or, you know, 4th of July event or Blues on the  
 11 Green, or any of the, you know, the events from  
 12 the parks.  
 13 They are at -- at farmer's markets.  
 14 They are at coffee shops.  
 15 In recent years we actually have  
 16 businesses calling us asking, "Can you send a  
 17 Volunteer Deputy Registrar to our business."  
 18 And it just -- it really warms our heart that  
 19 our businesses are getting into it that way.  
 20 So anywhere where there's more than  
 21 a few people gathered, we're fully expected to  
 22 have Volunteer Deputy Registrars there.

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 425	Page 427
<p>1 Q. I know when I moved down from Texas</p> <p>2 I was able to register to vote at the Alamo</p> <p>3 Drafthouse, so I guess moving --</p> <p>4 A. They're one of our partners.</p> <p>5 Q. Is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. I'm going to skip Exhibit 7 -- I'm</p> <p>8 sorry, Exhibit 8. Let's jump to Exhibit 9.</p> <p>9 (Exhibit 9, tweet from Travis</p> <p>10 County Tax (Registration Rate), is marked</p> <p>11 for identification.)</p> <p>12 BY MS. HUNKER:</p> <p>13 Q. This is also a tweet from your</p> <p>14 office, would you agree?</p> <p>15 A. Yes.</p> <p>16 Q. And it reads, "Shout it from the</p> <p>17 rooftops! Alert the news media! A record 97</p> <p>18 percent of eligible voters registered to vote in</p> <p>19 Travis County!!! Now, it's time to celebrate by</p> <p>20 heading to the polls."</p> <p>21 Did I read that correctly?</p> <p>22 A. You're correct, yes.</p>	<p>1 voters that we have.</p> <p>2 And when this hit the paper, my</p> <p>3 friend Gardner Selby questioned me, and he did a</p> <p>4 truth test in the American Statesman, and they</p> <p>5 talked to somebody at the University of Texas,</p> <p>6 one of their government professors, and they</p> <p>7 agreed that our methodology was sound and our 97</p> <p>8 percent holds. And we're very proud of that and</p> <p>9 we hope to continue that.</p> <p>10 Q. Well, congratulations. It's a</p> <p>11 great achievement.</p> <p>12 A. Thank you.</p> <p>13 Q. So I guess my question for you is:</p> <p>14 You were able to achieve that 97 percent of</p> <p>15 eligible voters being registered while voting by</p> <p>16 fax machine was only done about a dozen or so a</p> <p>17 year; is that correct?</p> <p>18 MS. VEIDT: Objection, form.</p> <p>19 THE WITNESS: We achieved --</p> <p>20 BY MS. HUNKER:</p> <p>21 Q. Let me rephrase.</p> <p>22 A. Yes, both of those statements I</p>
<p>Page 426</p> <p>1 Q. So I take that to mean that you</p> <p>2 meant to get 97 percent of eligible voters</p> <p>3 registered to vote in Travis County?</p> <p>4 A. We did. We did. It was an amazing</p> <p>5 achievement and all our Volunteer Deputy</p> <p>6 Registrars and our partners and my voter</p> <p>7 registration staff, they should all take a bow.</p> <p>8 Q. So one of the questions I had for</p> <p>9 Ms. Nagy, but she didn't quite know was what</p> <p>10 statistics that -- or what data that information</p> <p>11 was based off of.</p> <p>12 A. Sure. So what we do is the census</p> <p>13 department sends out an American Community</p> <p>14 Survey every year with a lot of data that gets</p> <p>15 down to the county level and one of the data</p> <p>16 points that we're able to get every year is the</p> <p>17 citizen voting age population. And it's not</p> <p>18 perfect, but it's the best piece of data that we</p> <p>19 have because it really drills down you have to</p> <p>20 be citizen, you have to be eligible, you have to</p> <p>21 be over 18. And so we take that and then we</p> <p>22 divide it by the number of -- of registered</p>	<p>Page 428</p> <p>1 guess are correct, that we achieved the 97</p> <p>2 percent and the -- the number of faxes -- fax</p> <p>3 forms that we received were, I think Gretchen</p> <p>4 used the term "insignificant."</p> <p>5 MS. HUNKER: Thank you. You can</p> <p>6 pull that document down.</p> <p>7 If we can go to Exhibit Number 14,</p> <p>8 please, and we can go to the top page.</p> <p>9 BY MS. HUNKER:</p> <p>10 Q. So you were listening in to my</p> <p>11 conversations earlier in the day, is that</p> <p>12 correct, with Ms. Nagy?</p> <p>13 A. Yes, that's correct.</p> <p>14 It would be helpful if you can</p> <p>15 enlarge that. I can't read that.</p> <p>16 Okay.</p> <p>17 Q. All right. So this is -- let me</p> <p>18 first ask the question.</p> <p>19 bfelfant@aol.com, that is your</p> <p>20 e-mail address?</p> <p>21 A. That's correct.</p> <p>22 Q. And I assume that's your personal</p>

107 (Pages 425 to 428)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 429	Page 431
<p>1 e-mail address?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you often conduct</p> <p>4 business from the Travis County Tax Assessor</p> <p>5 office from your personal e-mail address?</p> <p>6 A. I don't often, and I -- I'm going</p> <p>7 to have to look and see why I did it in this</p> <p>8 case. It may be that I was responding to an</p> <p>9 e-mail that somebody sent me originally. And</p> <p>10 I'm not sure. But generally I don't use my</p> <p>11 personal e-mail for office business.</p> <p>12 Q. So we received this e-mail and</p> <p>13 several others from your office through</p> <p>14 production. You understand that; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if in producing that --</p> <p>17 in creating that production, your personal</p> <p>18 e-mail was assessed for all the requests that</p> <p>19 were issued by Plaintiffs?</p> <p>20 A. I don't remember being asked to</p> <p>21 look at my personal e-mail. I was asked to look</p> <p>22 at my office e-mail for any e-mails that might</p>	<p>1 Q. Was this the first time you learned</p> <p>2 about Vote.org's application?</p> <p>3 A. Probably so. Probably so. I was</p> <p>4 not familiar with them before all this.</p> <p>5 Q. Okay. And did you have any</p> <p>6 conversations with Vote.org directly?</p> <p>7 A. I don't believe I did. I don't</p> <p>8 believe so.</p> <p>9 Q. Okay. So all of your</p> <p>10 communications were indirectly through Ms. Nagy;</p> <p>11 is that correct?</p> <p>12 A. That's correct --</p> <p>13 Q. Okay.</p> <p>14 A. -- to the best of my recollection.</p> <p>15 Q. And if we can scroll to the next</p> <p>16 page -- actually, before we do, I'm sorry, I did</p> <p>17 have one question.</p> <p>18 Do you know what TCRP stands for?</p> <p>19 A. I'm not positive I do. I would be</p> <p>20 speculating.</p> <p>21 Q. Understood. Okay. Now we can go</p> <p>22 to the next page now.</p>
<p>Page 430</p> <p>1 be relevant to this, but I just don't remember</p> <p>2 being asked to look at my personal e-mail.</p> <p>3 Q. Okay. So to the best of your</p> <p>4 recollection, you don't believe that you or your</p> <p>5 office reviewed your personal e-mail when</p> <p>6 answering these requests; is that correct?</p> <p>7 A. Well, no, I wouldn't put it that</p> <p>8 way. If there's -- if there's a particular</p> <p>9 issue where we think that there could be</p> <p>10 something in the personal e-mail, we would --</p> <p>11 they -- I would be asked to look at my personal</p> <p>12 e-mail. But I don't believe I was this time.</p> <p>13 Q. Okay. So you don't believe that</p> <p>14 you were asked to look through your e-mails on</p> <p>15 this occasion?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. So this e-mail is from</p> <p>18 Jeremy Smith; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And it was dated September 11th,</p> <p>21 2018; correct?</p> <p>22 A. Uh-huh, yes. I'm sorry. Yes.</p>	<p>Page 432</p> <p>1 A. Well, actually -- well, I'd be</p> <p>2 speculating.</p> <p>3 Q. So you didn't understand that</p> <p>4 acronym when the e-mail came to you; is that</p> <p>5 correct?</p> <p>6 A. I -- I just don't remember when the</p> <p>7 e-mail came to me, but it didn't just jump out</p> <p>8 at me.</p> <p>9 Q. Okay. Do you see here that there's</p> <p>10 an e-mail from Gretchen Nagy to Jeremy Smith;</p> <p>11 and if we scroll slightly down you can see it's</p> <p>12 in response to the e-mail Jeremy Smith to you;</p> <p>13 is that correct?</p> <p>14 A. Uh-huh, yes.</p> <p>15 Q. Now, that e-mail chain does not</p> <p>16 include you forwarding the e-mail to Ms. Nagy,</p> <p>17 is that correct, at least from the documents</p> <p>18 that we have?</p> <p>19 A. I haven't looked at the whole</p> <p>20 e-mail chain, so I'm not -- I don't know for</p> <p>21 sure.</p> <p>22 MS. HUNKER: You can scroll -- so</p>

108 (Pages 429 to 432)

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 433	Page 435
<p>1 scroll up from that point moving in the</p> <p>2 other direction.</p> <p>3 BY MS. HUNKER:</p> <p>4 Q. You can see there's nothing in</p> <p>5 between the two e-mails; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Do you remember if you forwarded</p> <p>8 this e-mail to Ms. Nagy?</p> <p>9 A. No, I don't have a specific</p> <p>10 recollection of it, but if it shows that I did,</p> <p>11 I'm sure I did.</p> <p>12 Q. Okay. So you don't know how she</p> <p>13 received the e-mail?</p> <p>14 A. It would -- it would make sense</p> <p>15 that I did because she's our Voter Registration</p> <p>16 Director and any time somebody -- anybody</p> <p>17 e-mails me with questions or -- or, you know,</p> <p>18 opportunities like this that I can't answer, I</p> <p>19 would absolutely forward to Gretchen so that</p> <p>20 would make sense.</p> <p>21 MS. HUNKER: Okay. Let's scroll</p> <p>22 down to Page 302.2461.</p>	<p>1 initial batch of applications were sent that</p> <p>2 there were problems with some of the signatures?</p> <p>3 A. I was -- yeah, I was vaguely aware</p> <p>4 that there was a small -- there was a small</p> <p>5 number that -- that weren't coming through that</p> <p>6 were readable.</p> <p>7 MS. HUNKER: Okay. And if we can</p> <p>8 scroll up to Page 302.2444.</p> <p>9 BY MS. HUNKER:</p> <p>10 Q. Okay. So if we look at that top</p> <p>11 e-mail, that is also from your personal e-mail</p> <p>12 address; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And that is to Gretchen Nagy;</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And you ask her, "Can you make any</p> <p>18 sense of this"; is that correct?</p> <p>19 A. That's what it says, yes.</p> <p>20 Q. Okay. Do you remember this e-mail?</p> <p>21 A. No, not -- not specifically, I</p> <p>22 don't.</p>
Page 434	Page 436
<p>1 It's the thirteenth page out of 20.</p> <p>2 That's it. If you can please, yes, blow</p> <p>3 it up. Thank you.</p> <p>4 BY MS. HUNKER:</p> <p>5 Q. So let's look at the second e-mail</p> <p>6 on that chain. And this is from Gretchen Nagy;</p> <p>7 is that correct?</p> <p>8 A. Yes, it says, "Hi Gretchen," yes.</p> <p>9 Q. Okay. And it says, "I needed to</p> <p>10 check with you. We have some applications with</p> <p>11 exceptionally pool signatures, some blank and</p> <p>12 some blacked out signatures."</p> <p>13 "Pool" as Ms. Nagy said was meant</p> <p>14 to be "poor."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. "This is a real problem and I'm</p> <p>18 concerned about proceeding until this is cleared</p> <p>19 up."</p> <p>20 Did I read that correctly?</p> <p>21 A. You read that correctly, yes.</p> <p>22 Q. Were you aware that when the</p>	<p>1 Q. Okay. So you don't remember</p> <p>2 sending this to Mrs. -- Ms. Nagy?</p> <p>3 A. No, I don't. I'm sure I did, but I</p> <p>4 don't -- I don't remember it.</p> <p>5 Q. All right. Let's scroll slightly</p> <p>6 down to where we see the e-mail from Cinde</p> <p>7 Weatherby.</p> <p>8 Do you remember reading this</p> <p>9 e-mail?</p> <p>10 A. (Reviewing document.)</p> <p>11 Not specifically, but -- no, not</p> <p>12 specifically, but --</p> <p>13 Q. Do you have a vague recollection or</p> <p>14 no recollection?</p> <p>15 A. It maybe -- maybe vague. I -- I --</p> <p>16 my recollection of all these e-mails is very</p> <p>17 vague.</p> <p>18 Q. Is it your practice to read e-mails</p> <p>19 that you receive?</p> <p>20 A. Generally speaking, I read them and</p> <p>21 I -- I react to them or I forward them to</p> <p>22 somebody who would give a better response than I</p>

109 (Pages 433 to 436)

Page 437

1 could.

2 Q. Based on your past practices, do

3 you believe you would have read this e-mail?

4 A. Likely, yes.

5 Q. And you'd agree with me that in

6 this e-mail Cinde Weatherby is expressing her

7 doubt that the application created by Vote.org

8 complies with Texas Election Code?

9 A. I --

10 MS. VEIDT: Objection, speculation.

11 THE WITNESS: Yeah, I -- Cinde's

12 comments in here were -- were of concern

13 about the -- about the vote by -- Vote By

14 Org -- vote by -- vote by -- vote --

15 what --

16 MS. VEIDT: Vote.org.

17 THE WITNESS: Vote.org. Thank you.

18 The Vote.org app. She obviously

19 expressed extreme concern. And I will say

20 before Ms. Nagy and I had the conversation

21 and she showed me the statute and I

22 consulted with the County Attorney and had

Page 439

1 A. The policy -- I'm trying to

2 remember exactly how this transpired. By the

3 time I had spoken with Christina Adkinson [sic],

4 I had had the conversation with Elizabeth Winn.

5 We had gotten the counsel that we needed to get

6 and we made the decision that copy meant copy.

7 I -- I can't tell you what date that was on.

8 But we didn't make that decision before

9 consulting with our counsel and, you know, I

10 was -- certainly Christina is a friend and she

11 actually was one of our Volunteer Deputy

12 Registrars and I wanted to give her every

13 opportunity to tell me something that I didn't

14 know. But she didn't give me anything that

15 changed our mind on that.

16 Q. What processes or procedures do you

17 follow -- when I say "you," I mean your

18 office -- when changing policy?

19 A. Boy, that's a broad question. What

20 kind of policy?

21 Q. Well, specifically the policies

22 that you're using to register voters.

Page 438

1 the conversation with the Secretary of

2 State's office, I probably would have had

3 her same concern.

4 BY MS. HUNKER:

5 Q. Now, you mentioned that when you

6 were assessing the policy change in the fall of

7 2018, you consulted with the statute as well as

8 individuals in your office; is that correct?

9 A. Correct --

10 Q. And then you also consulted with --

11 A. -- and --

12 Q. -- your attorney?

13 A. Yes.

14 Q. Okay. You did not, however, reach

15 out to the Secretary of State's office; is that

16 correct?

17 A. We did not, but -- and, again, I

18 don't know the exact timeline, but the timing

19 may have been that -- that Christina reached out

20 to me before I could reach out to her.

21 Q. Okay. But not before you made the

22 policy change?

Page 440

1 A. In -- the voter registration

2 department has -- we -- well, we have an office

3 policy for the whole office and then voter

4 registration has their policies as well.

5 Q. So when I say "you" then, I mean

6 the voter registration department.

7 What standards and procedures does

8 the voter registration department use when

9 they're going to be changing the policy?

10 A. That -- I mean that would be better

11 directed to Ms. Nagy.

12 Q. Okay. In your tenure as the Tax

13 Assessor-Collector, have you ever been

14 confronted with a issue of statutory

15 interpretation regarding the Election Code?

16 A. I don't know -- well, I don't know

17 if this fits identically, but we certainly had

18 the difference of opinion when the -- when the

19 citizenship issue came up. We, you know, we had

20 some disagreements with the Secretary of State

21 about how -- how they were feeling about that.

22 And of course the courts ultimately

2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 441

1 did as well.

2 Q. In your tenure as the Tax Assessor,

3 have you ever had a question of the scope of

4 your duties come up?

5 A. Question of the scope of my duties.

6 I don't think so. I can't recall. I can't

7 recall anybody suggesting that -- that we were

8 doing something that was outside of our scope of

9 duties if that's what you're getting at.

10 Q. It is. What about in conflict with

11 your duties?

12 A. In conflict with my duties. I

13 can't -- I can't specifically recall anything.

14 Q. In your tenure as Texas -- as

15 Travis County Tax Assessor-Collector, have you

16 ever reached out to the Secretary of State's

17 office asking for clarification regarding either

18 a statute of the Texas Election Code or your

19 duties as Voter Registrar?

20 A. I know we had some conversations

21 with the citizenship issue. Generally speaking,

22 I think if we had conflicts, it would be our

Page 442

1 counsel contacting the Secretary of State's

2 office.

3 Q. You support online voter

4 registration; is that correct?

5 A. I do, yes.

6 Q. Did you view the Vote.org app as a

7 way of circumventing the fact that the

8 legislature has not yet permitted online voter

9 registration?

10 A. No, not at all. Just -- just like

11 I'm not trying to implement online voter

12 registration. The law doesn't allow for it and

13 we're going to follow the law. The -- when they

14 came forward with their app, as we previously

15 testified, we didn't initially think it was

16 lawful and it wasn't until we looked at the

17 statute and consulted with our counsel and had

18 the conversation with Secretary of State that we

19 were persuaded that it was lawful.

20 And since we believed that it was

21 lawful, it was another tool to make it easier

22 for voters to -- for people to register to vote.

Page 443

1 But no, it's -- we're not going to try to

2 circumvent the state. We're going to try to

3 convince the State that we should join the other

4 42 states that allow their citizens to register

5 to vote on line.

6 Q. If you can just give me two

7 minutes, I want to reassess my notes and then I

8 will come back. But I'm getting very close to

9 the end of my questions.

10 MS. VEIDT: Thank you, Kathleen.

11 THE VIDEOGRAPHER: We're going to

12 go off the record. The time is 6:00 p.m.

13 (A recess is held from 6:00 p.m. to

14 6:02 p.m.)

15 THE VIDEOGRAPHER: We are now going

16 back on the video record. The time is

17 6:02 p.m.

18 MS. HUNKER: Mr. Elfant, I don't

19 have any other questions. I really

20 appreciate your patience and endurance and

21 also your willingness to come out here

22 today. So thank you.

Page 444

1 THE WITNESS: Thank you.

2 MS. HUNKER: I pass the witness.

3 MS. YUKEVICH: I have no further

4 questions, Mr. Elfant. I appreciate you

5 as well, very much, and Ms. Nagy of course

6 for sitting through most of our questions

7 today.

8 THE VIDEOGRAPHER: All right. So

9 with that team, if there's no further

10 questions, we are now ending this

11 deposition. The time on record is 6:03 p.m.

12 (Time noted: 6:03 p.m. CT)

13

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2/9/2022

Vote.org v. Jacquelyn Callanen, et al. Gretchen Nagy, Bruce Elfant

Page 445

1 CERTIFICATE  
 2 I, Debra Sapio Lyons, a Registered  
 3 Diplomat Reporter, a Certified Realtime  
 4 Reporter, a Certified Realtime Captioner, an  
 5 Approved Reporter of the United States  
 6 District Court for the Eastern District of  
 7 Pennsylvania, a Certified Court Reporter for  
 8 the State of New Jersey; and Notary Public do  
 9 hereby certify:  
 10 That Gretchen Nagy and Bruce Elfant, the  
 11 witnesses whose deposition is hereinbefore set  
 12 forth, appeared remotely via Zoom  
 13 videoconference, were remotely sworn by me and  
 14 that such deposition is a true record of the  
 15 testimony given by such witnesses, to the best  
 16 of my ability and thereafter reduced to  
 17 typewriting under my direction.  
 18 I further certify that I am not related to  
 19 any of the parties to this action by blood or  
 20 marriage and that I am in no way interested in  
 21 the outcome of the matter.  
 22 In witness whereof, I have hereunto set my  
 hand this 23rd day of February, 2022.

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

Page 447

1 Digital Evidence Group, L.L.C.  
 2 1730 M Street, NW, Suite 812  
 3 Washington, D.C. 20036  
 4 (202) 232-0646

5 SIGNATURE PAGE  
 Case: Vote.org v. Jacquelyn Callanen, et al.  
 6 Witness Name: Gretchen Nagy and Bruce Elfant  
 7 Deposition Date: February 9, 2022

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

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

20 \_\_\_\_\_  
 21 DATE WITNESS SIGNATURE  
 22 \_\_\_\_\_

20 \_\_\_\_\_  
 21 DATE NOTARY  
 22 \_\_\_\_\_

Page 446

1 Gretchen Nagy and Bruce Elfant, c/o  
 2 TRAVIS COUNTY ATTORNEY'S OFFICE  
 3 314 W. 11th Street - Suite 500  
 4 Austin, Texas 78701

5 Case: Vote.org v. Jacquelyn Callanen, et al.  
 6 Date of deposition: February 9, 2022  
 7 Deponent: Gretchen Nagy and Bruce Elfant

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

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5 ERRATA SHEET

6 Case: Vote.org v. Jacquelyn Callanen, et al.  
 7 Witness Name: Gretchen Nagy and Bruce Elfant  
 8 Deposition Date: February 9, 2022

9 Page No. Line No. Change

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 18  
 19  
 20  
 21  
 22 \_\_\_\_\_  
 Signature Date

Page 1

IN THE WESTERN UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

-----X  
 VOTE.ORG, :  
 :  
 Plaintiff, :  
 :  
 vs. :  
 :  
 JACQUELYN CALLANEN, in her :  
 official capacity as the : Case No.  
 Bexar County Elections :  
 Administrator, et al., :  
 : 5:21-cv-649-  
 Defendants, : JKP-HJB  
 :  
 and KEN PAXTON, in his :  
 official capacity as Attorney :  
 General of Texas, et al., :  
 :  
 Intervenor-Defendants. :  
 -----X

VIRTUAL VIDEOTAPED 30(b)(6) DEPOSITION OF  
 REMI GARZA  
 Friday, March 4, 2022  
 10:01 a.m. Central Standard Time

REPORTER: Dawn A. Jaques, CSR, CLR

-----  
 DIGITAL EVIDENCE GROUP  
 1730 M Street, NW, Suite 812  
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 Zach Hone, Digital Evidence Group

Page 5

1 I-N-D-E-X  
 2 WITNESS: PAGE:  
 3 Remi Garza 30(b)(6)  
 4 Examination by Mr. Harris 8, 152  
 5 Examination by Mr. Stone 137  
 6  
 7 E-X-H-I-B-I-T-S  
 8 GARZA DEPOSITION EXHIBIT: PAGE:  
 9 Exhibit A Plaintiff's Amended Notice of  
 Taking Deposition of Defendant  
 10 Remi Garza Pursuant to Federal  
 Rule of Civil Procedure 30(b)(6) 23  
 11 Exhibit B HB3107  
 (No Bates) (50 pages) 46  
 12 Exhibit C Sample VUID card 71  
 13 Exhibit D Voter Registration Application  
 for Efrain Perez  
 14 Bates 0018 - 0021 85  
 15 Exhibit E Defendant Remi Garza's Responses  
 and Objections to Plaintiff's  
 16 First Set of Interrogatories 96  
 17 Exhibit F Defendant Remi Garza's Answers  
 to Plaintiff's First Set of  
 18 Requests for Admissions 111  
 19 \*\* NO EXHIBIT G MARKED \*\*  
 20  
 21  
 22

Page 7

1 PROCEEDINGS  
 2 THE VIDEOGRAPHER: We are now on the  
 3 record. My name is Zach Hone; I'm a videographer  
 4 for Digital Evidence Group. Today's date is  
 5 March 4th, 2022, and the time is 10:01 a.m.  
 6 This remote deposition is being held  
 7 in the matter of Vote.org vs. Jacquelyn Callanen,  
 8 et al., in the U.S. District Court, Western  
 9 District of Texas, San Antonio Division. The  
 10 deponent is Remi Garza.  
 11 Will counsel please identify  
 12 themselves?  
 13 MR. HARRIS: Good morning. My name is  
 14 Joshua Harris, and I'm here along with my  
 15 colleague, Meaghan Mixon, from the Elias Law Group  
 16 on behalf of Plaintiff, Vote.org.  
 17 MR. LOPEZ: Daniel Lopez, counsel of  
 18 Mr. Remi Garza, here to represent him in this  
 19 deposition.  
 20 THE VIDEOGRAPHER: The court reporter  
 21 is Dawn Jaques, who will now swear in the witness.  
 22 THE REPORTER: Can you raise your

Page 6

1 E-X-H-I-B-I-T-S, CONT  
 2 GARZA DEPOSITION EXHIBIT: PAGE:  
 3 Exhibit H July 30, 2021, email to Elections  
 4 Internet from Elections Internet  
 5 SUBJECT: MASS EMAIL ADVISORY  
 6 (CC/EA/VR-1196) - Advisory  
 7 2021-09 - 2021 Legislative  
 8 Summary - 87th Regular Session  
 9 0315 - 0348 126  
 10 Exhibit I October 4, 2018, article,  
 11 "Secretary Pablos Reminds  
 12 Texans to Exercise Caution  
 13 When Registering to Vote"  
 14 (No Bates number) (2 pages) 132  
 15 Exhibit I Printout from VOTEC system  
 16 that classifies the method  
 17 through which we received voter  
 18 registration applications  
 19 415 - 419 81  
 20  
 21  
 22

Page 8

1 right hand to be sworn, please?  
 2 (The witness was administered the oath.)  
 3 Whereupon,  
 4 REMI GARZA,  
 5 was called as a witness, after having been  
 6 first duly sworn by the Notary Public,  
 7 was examined and testified as follows:  
 8 EXAMINATION BY COUNSEL FOR THE PLAINTIFF  
 9 BY MR. HARRIS:  
 10 Q Good morning, Mr. Garza. How are you?  
 11 A Fine, thank you.  
 12 Q Good. Can you hear me okay?  
 13 A Yes.  
 14 Q Okay, and I can also equally hear you  
 15 as well. So like I said earlier, myself and my  
 16 colleague, Meaghan Mixon, we represent Plaintiff,  
 17 Vote.org, in this lawsuit, and today you and I are  
 18 going to have a conversation.  
 19 I like to think about this as almost  
 20 like going to the dentist for a cleaning. It is  
 21 inconvenient, but necessary for purposes of this  
 22 litigation, but I promise you, like I said, it is

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 9	Page 11
<p>1 Friday, it is warm here in Chicago, and I want to 2 take advantage of the weather that we have today, 3 so I promise to get you in and out as quickly and 4 efficiently as possible, and so that is my goal. 5 And I also want to state at the top of 6 our conversation to express my appreciation for 7 the work you do as an election administrator there 8 in Brownsville. It is important. I think you 9 stand as a gatekeeper for our democracy at the 10 very initial step in the process, and so I want to 11 make sure that I acknowledge my appreciation for 12 the work you're doing there for the voters there 13 in Cameron County. 14 Could you state and spell your name 15 for the record, please? 16 A Remi Garza. R-E-M-I, G-A-R-Z-A. 17 Q And what is your business address, 18 Mr. Garza? 19 A 1050 East Madison Street, Brownsville, 20 Texas 78520. 21 Q Is that where you are right now? 22 A Yes.</p>	<p>1 bit easier, I'm only going to focus on the actual 2 application process. 3 Does that make sense? 4 A Yes. 5 Q And I will ask you questions during 6 today's conversation that will either require that 7 you give a full response or a yes or no. The 8 beauty of -- I guess it could be beauty or not 9 beauty of doing this deposition remotely is that 10 we're not, you know, in person. 11 So normally in better times, and I 12 guess better times may be ahead for the entire 13 country, we would be in person having a 14 conversation and, you know, Daniel would be there 15 and I'd just pass the documents over to you, and 16 so we do it that way. It's a little bit different 17 because we're doing this remote. 18 And so Dawn has obliged us, and she's 19 here taking down what we say, but she can't take 20 down head nods or head shakes. So if the answer 21 is yes, I ask that you say yes so that she can 22 keep an accurate record of that. If your answer</p>
Page 10	Page 12
<p>1 Q Okay. So like I said, we're just 2 going to have a conversation. I do not -- the 3 rules give me 7 hours to talk to you, but let me 4 put you at ease. I don't need the full 7 hours 5 today, I can almost guarantee you that. If you 6 are here longer than that, I can promise you it 7 won't be because of me, so I want to make sure 8 that I say that at the top as well. 9 So our conversation, Mr. Garza, is not 10 like a memory test. I'm not trying to trick you. 11 I'm not looking for any gotcha moments. I really 12 just have a handful of questions about a host of 13 issues, and I'm hoping that you can answer those 14 for me. 15 And so to focus our conversation, I'm 16 only concerned with the voter registration 17 process. So I understand that there may be other 18 things that happen with voter registration 19 applications or aspects of the voter registration 20 application after it has been processed and 21 received by your office, but if I could just focus 22 today, and I guess, you know, make this a little</p>	<p>1 is no, in light of a head shake, I'd ask that you 2 actually say no on the record. 3 Does that make sense? 4 A Yes. 5 Q You understand that you're here today 6 to testify as if you were in court and in front of 7 a judge, right? 8 A Yes. 9 Q And you understand that you're 10 providing your testimony under the penalty of 11 perjury? 12 A Yes. 13 Q And you also understand that you're 14 providing your testimony solely in your capacity 15 as the elections administrator of Cameron County? 16 A Yes. 17 Q So when I use the term "county" or 18 "Brownsville" or "Cameron County," I'm not talking 19 about your mayor, I'm not talking about any other 20 department within Cameron County. It is solely 21 about the office that you run. 22 Does that make sense?</p>

3 (Pages 9 to 12)

Page 13

1 A Yes.

2 Q Do you understand that my client,

3 Vote.org, is the Plaintiff in this case?

4 A Yes.

5 Q Okay. So when I refer to "Plaintiff"

6 or "Vote.org," I am referring to my client.

7 Do you understand that you are a

8 defendant in this case?

9 A Yes.

10 Q And do you understand that there are

11 also a group of other county defendants in this

12 case as well?

13 A Yes.

14 Q So when I'm talking about -- and I

15 will be as extremely specific as I can, but if I

16 am not as specific and you're unclear about which

17 county that I am referring to in a question, just

18 let me know.

19 I will do my absolute best to ask good

20 questions. Sometimes I will, sometimes I won't.

21 I will not be offended if you tell me, "Hey, Josh,

22 I don't understand your question," or, "Hey, Josh,

Page 14

1 do you mind repeating that question?"

2 In fact, sometimes if I think I've

3 asked a question, you know, as exactly how I want

4 it, I may ask Dawn to just read it back on the

5 record so I don't mess it up again.

6 So feel free at any moment, if you

7 don't understand a question, let me know. If you

8 want me to repeat it, equally, let me know, and

9 then we can continue our conversation throughout

10 the day. Does that make sense to you?

11 A Yes, it does.

12 Q Okay, good.

13 Finally, if I refer to "the State" or

14 "Texas" or "Secretary of State," can we agree that

15 that means the office of the Texas Secretary of

16 State?

17 A Yes.

18 Q And then I'm going to use the term

19 "wet signature rule," and I understand you may

20 want to use a different terminology, but I want to

21 define that.

22 Can we agree that it refers to the

Page 15

1 requirement that a voter registration application

2 must be submitted with a copy of the voter's

3 original signature in order for the application to

4 be complete?

5 A Yes.

6 Q All right, that was easy.

7 Have you ever been deposed before?

8 A Not that I recall.

9 Q Okay. Have you ever testified in

10 court?

11 A Yes.

12 Q When did you testify in court?

13 A There was a challenge with respect to

14 the redistricting of Cameron County.

15 Q And were you the Plaintiff or

16 Defendant in that case?

17 A I was just a witness.

18 Q And you testified in court you said?

19 A Yes.

20 Q Did you testify on behalf of the

21 Plaintiff or the Defendant in that case?

22 A I believe the Plaintiff called me.

Page 16

1 Q Who was the Plaintiff?

2 A I believe it was the Mexican American

3 Legislative Caucus.

4 Q Do you know where that case stands

5 right now?

6 A No, I do not.

7 Q But you have no other involvement in

8 that current litigation?

9 A No.

10 Q Okay. Have you ever testified -- is

11 that the only instance in which you've testified

12 in court?

13 A That comes to memory, yes.

14 Q Okay, fair enough.

15 Have you ever testified as an expert

16 in court?

17 A I don't believe so.

18 Q Okay. So I want to talk about a few

19 other ground rules for our conversation today.

20 I think that will make it go across pretty

21 smoothly.

22 So your deposition is being recorded,

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 17	Page 19
<p>1 that's why Zach is here. So luckily, the only 2 person who the Court will see after today's 3 deposition is your face, and it's kind of nice to 4 know that I'm not the only guy on the video with a 5 beard.</p> <p>6 So Zach is recording our conversation 7 to have a video of it, and similarly, like I said 8 earlier, Dawn is here to make sure we have an 9 accurate written record of the deposition, and we 10 do that for a host of reasons, and I think the 11 primary reason is to make sure that the record is 12 accurate.</p> <p>13 And so what I hope to do today is 14 that, when I ask a question, my proffer to you is 15 that you let me finish my question, and then you 16 provide your answer, and then I promise to give 17 you the same courtesy to not interrupt you while 18 you are giving your answer to my question.</p> <p>19 Is that fair?</p> <p>20 A Yes.</p> <p>21 Q Okay, good. There may be some times 22 today over the course of our conversation that one</p>	<p>1 obviously, if you do not ask for a break, I will 2 ask for a break just for my own -- you know, just 3 for my own sake.</p> <p>4 And typically the only rule I have 5 when we do breaks is that you don't ask for a 6 break during the pendency of a question. So I'd 7 like to ask a question, you provide the answer, 8 then we can go on a break.</p> <p>9 Does that make sense to you?</p> <p>10 A Yes.</p> <p>11 Q Okay. If you do not tell me that you 12 do not understand a question, I'm going to 13 understand that you do understand the question 14 unless you tell me otherwise.</p> <p>15 Does that make sense?</p> <p>16 A Yes.</p> <p>17 Q Are you under any medications or 18 influences that would prevent you from providing 19 truthful testimony today?</p> <p>20 A No.</p> <p>21 Q Are you being compensated for your 22 time today?</p>
<p>Page 18</p> <p>1 of the lawyers may object. I expect that, and 2 that's fine, but when your lawyer objects, you 3 still have an obligation to answer unless your 4 lawyer advises you not to answer.</p> <p>5 Does that make sense to you?</p> <p>6 A Yes.</p> <p>7 Q And sometimes what happens in these 8 remote environments is that I'll ask the question, 9 the objection will come in really, really fast, 10 and the witness may be like, wait, what's going 11 on?</p> <p>12 So in that instance, if that happens, 13 like I said before, feel free to like let me know 14 if you need me to repeat the question; or if I can 15 have Dawn read it back for you, that is completely 16 fine and within your right to do.</p> <p>17 Is that okay with you?</p> <p>18 A Yes.</p> <p>19 Q And if you need to take a break during 20 today's deposition, feel free to let me know. I 21 have this big jug of water I'm going to try to 22 consume over the course of our conversation, so</p>	<p>Page 20</p> <p>1 A No.</p> <p>2 Q Did anyone promise you anything in 3 exchange for your testimony today?</p> <p>4 A No.</p> <p>5 Q Did anyone threaten you in exchange 6 for your testimony today?</p> <p>7 A No.</p> <p>8 Q And you told me earlier that you are 9 in your office in Brownsville, correct?</p> <p>10 A Yes.</p> <p>11 Q Is there anyone else present in the 12 room with you?</p> <p>13 A No.</p> <p>14 Q How many screens do you have up in 15 front of you right now?</p> <p>16 A There's the main monitor that I look 17 at that I'm looking into right now; there's one 18 above it; two to my left that are currently on; 19 and then two over on the other wall that are off.</p> <p>20 Q Okay. And for the ones that are 21 nearest to you, is there anything on them?</p> <p>22 A No. They're the background from Bing.</p>

5 (Pages 17 to 20)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 21	Page 23
<p>1 Q Okay, nice. And then do you have any 2 notes in front of you? 3 A Yes, I do. 4 Q What do you have in front of you? 5 A I have the deposition topics from 6 Vote.org, the topics for examination from Paxton, 7 and then some statistics from my office that I 8 believe are Bates stamped 410, a copy of the 9 Election Code, a summary of new applications from 10 2012 to date, and a listing out for the -- of all 11 the codes for all the applications from 2012 to 12 date, and I believe that's it. 13 Q And, Daniel, just so the record is 14 clear, the documents that Mr. Garza just 15 referenced are the same documents you and Irene 16 emailed to us this morning? 17 MR. LOPEZ: Correct, it should be. 18 And, Remi, just please verify this. 19 It's Bates stamped 410 through 419, right? 20 THE WITNESS: Yes. 21 BY MR. HARRIS: 22 Q Okay, fair enough. Thank you, Daniel.</p>	<p>1 A Not at the moment. 2 Q Okay. So I want to talk about what 3 you did to prepare for today's deposition. 4 Zach, if you could pull up Exhibit A, 5 which I believe is Mr. Garza's amended deposition 6 notice. 7 (Garza Exhibit A was marked 8 for identification.) 9 BY MR. HARRIS: 10 Q Mr. Garza, I understand that you -- 11 this was one of the documents that you have in 12 front of you; is that correct? 13 A I have the topics from that document. 14 Q Okay. Can you, Zach, go to the topics 15 page of that for me? 16 Mr. Garza, please take a moment to 17 review these topics and let me know once you're 18 ready to proceed with my line of questions. 19 A I'm prepared to proceed. 20 Q Okay. Is it your testimony that you 21 have seen this document before? 22 A Yes.</p>
Page 22	Page 24
<p>1 Is your cell phone on silent or do not 2 disturb, Mr. Garza? 3 A Yes, they're both on vibrate behind me 4 on my desk. 5 Q Okay. And finally, like I said 6 earlier, the rules allow me 7 hours with you 7 today, but again, I promise I don't need all 8 7 hours. My goal is to get you in and out because 9 I know primary season is going on, that was 10 happening on March 1st, so you're a very busy 11 individual, and so I want to respect your time, 12 but I also want to make sure that I get thorough 13 and complete answers to my questions, but I'll do 14 my absolute best, as I said at the top of our 15 call, to be as efficient as possible with you. 16 Is that fair? 17 A Yes. 18 Q Is that a yes? I'm sorry, my internet 19 may have paused. 20 A Yes, that was fair. 21 Q And do you have any questions about 22 any of the rules that we just discussed?</p>	<p>1 Q What is this document? 2 A It appears to be the topics that are 3 going to be covered by this deposition from your 4 Plaintiff's side. 5 Q Okay. And you understand that you're 6 here to provide testimony on these topics on 7 behalf of Cameron, the election office of 8 Cameron County? 9 A Yes. 10 Q And are there any topics listed for 11 which you are not prepared to testify? 12 A Not that I'm aware of. 13 Q So you are prepared to testify on 14 topics 1 through 11 as noted in this Exhibit A? 15 A Yes. 16 Q Zach, could you please -- I want to 17 make sure we mark this amended deposition notice 18 as Exhibit A to Mr. Garza's deposition. 19 Okay, we can take that one down. 20 Mr. Garza, what did you do, if 21 anything, to prepare for today's conversation with 22 me, other than not knowing who was going to ask</p>

6 (Pages 21 to 24)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 25	Page 27
<p>1 you the questions?</p> <p>2 A I looked at the responses that we had</p> <p>3 provided, and I reviewed some of the statistics</p> <p>4 that were requested.</p> <p>5 I talked to my staff briefly to</p> <p>6 refresh my memory with respect to the registration</p> <p>7 process that our office utilizes as we receive and</p> <p>8 ultimately issue voter certificates to the voters.</p> <p>9 Q Okay. So outside of reviewing the</p> <p>10 responses to Vote.org's discovery requests,</p> <p>11 reviewing the statistics, and also speaking with</p> <p>12 your staff regarding the overall voter</p> <p>13 registration process in Cameron County, did you do</p> <p>14 anything else?</p> <p>15 A During the same time period, I was</p> <p>16 preparing responses to, I guess Intervenor</p> <p>17 Paxton's request for discovery and</p> <p>18 interrogatories, and so I was looking at that</p> <p>19 material as well.</p> <p>20 Q All right. So you reviewed the</p> <p>21 responses, Cameron County's responses, to</p> <p>22 Vote.org's discovery requests; you reviewed</p>	<p>1 election.</p> <p>2 Q Okay. Do you recall the names of the</p> <p>3 temps you spoke to?</p> <p>4 A Sonia Zamarano, I believe, and Amy --</p> <p>5 I'm afraid I'm not familiar with her last name.</p> <p>6 Q Okay. So outside of Martha, Maribel,</p> <p>7 Judith, and the two temps, Sonia and Amy, anybody</p> <p>8 else in your office?</p> <p>9 A Yeah. Actually, I did speak to my</p> <p>10 Chief Deputy, Ms. Norma Carrillo.</p> <p>11 Q And Norma, all right.</p> <p>12 So Martha, Norma, Maribel, Judith,</p> <p>13 Sonia, and Amy. That's it?</p> <p>14 A Yes.</p> <p>15 Q All right. Did you talk with your</p> <p>16 lawyers?</p> <p>17 A Yes, just generally as to how to</p> <p>18 prepare and what the expectations were with</p> <p>19 respect to decorum during this process.</p> <p>20 Q Okay. And just so I can be extremely</p> <p>21 clear, in any question that I ask you today, I</p> <p>22 don't want to know what you and Daniel talked</p>
<p>Page 26</p> <p>1 statistics as well, and I believe that's reference</p> <p>2 to the documents that you said you had in front of</p> <p>3 you earlier today; you spoke with your staff</p> <p>4 members; and then you also were working to prepare</p> <p>5 responses to Ken Paxton's discovery requests.</p> <p>6 Is that a complete list of everything</p> <p>7 you did to prepare for our conversation today?</p> <p>8 A Yes.</p> <p>9 Q So let's talk about -- who on your</p> <p>10 staff did you speak with?</p> <p>11 A I spoke with Martha Jo Abrego, who is</p> <p>12 our IT coordinator with respect to our voter</p> <p>13 registration software.</p> <p>14 I talked to two of our full-time</p> <p>15 clerks that actually process the applications,</p> <p>16 Ms. Maribel Diaz and Ms. Judith --</p> <p>17 Q Campos?</p> <p>18 A I'm sorry?</p> <p>19 Q Campos?</p> <p>20 A Yes.</p> <p>21 And I spoke with two temporary</p> <p>22 employees that were there helping us during the</p>	<p>Page 28</p> <p>1 about at all. It's not fair for me to get into</p> <p>2 that. I just want to make sure that if you did</p> <p>3 speak with him, that that actually happened.</p> <p>4 Did that conversation with Daniel --</p> <p>5 and I'm sorry, I should say Mr. Lopez -- take</p> <p>6 place over the phone? Email? How did that</p> <p>7 conversation happen?</p> <p>8 A Over the phone.</p> <p>9 Q Was anyone else on the phone with the</p> <p>10 two of you?</p> <p>11 A I believe he had it on speaker phone</p> <p>12 with his secretary.</p> <p>13 Q Got it. Do you know how many phone</p> <p>14 conversations you had with Mr. Lopez?</p> <p>15 A Probably two.</p> <p>16 Q Okay. Do you recall how long those</p> <p>17 phone conversations were?</p> <p>18 A Very brief. Less than two minutes.</p> <p>19 Q Okay, fair enough. All right.</p> <p>20 So we talked about the conversations</p> <p>21 you had with individuals in your office. You just</p> <p>22 told me that you also had two phone conversations,</p>

7 (Pages 25 to 28)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 29	Page 31
<p>1 brief conversations, with your lawyers.</p> <p>2 Did you speak to any other election</p> <p>3 administrator in preparation for your deposition</p> <p>4 today?</p> <p>5 A No.</p> <p>6 Q So no one from Bexar County?</p> <p>7 A No.</p> <p>8 Q No one from Travis County?</p> <p>9 A No.</p> <p>10 Q What about Dallas County?</p> <p>11 A No.</p> <p>12 Q Anyone from the Secretary of State's</p> <p>13 office?</p> <p>14 A No.</p> <p>15 Q This is going to be really efficient,</p> <p>16 so I'm like skipping pages in my outline, so this</p> <p>17 is good.</p> <p>18 All right, so Mr. Garza, what's your</p> <p>19 highest level of education?</p> <p>20 A I completed four years at the</p> <p>21 University of Dallas, but did not have a degree</p> <p>22 conferred.</p>	<p>1 national conferences.</p> <p>2 Q Makes sense, okay.</p> <p>3 A I also hold an REO certification</p> <p>4 through the same program, which is a Registered</p> <p>5 Election Official.</p> <p>6 Q So you said REO?</p> <p>7 A R-E-O.</p> <p>8 Q R-E-O. And that's the same</p> <p>9 organization that conferred that certification to</p> <p>10 you as well as the CERA certification?</p> <p>11 A Yes.</p> <p>12 Q Okay. Who is your current employer,</p> <p>13 Mr. Garza?</p> <p>14 A Cameron County.</p> <p>15 Q And how long have you worked for</p> <p>16 Cameron County?</p> <p>17 A 6 years, 9 months. 7 years in July.</p> <p>18 Q Well, congratulations on your upcoming</p> <p>19 work anniversary. 6 years, 9 months.</p> <p>20 So have you always served as the</p> <p>21 election administrator during your time in</p> <p>22 Cameron County?</p>
Page 30	Page 32
<p>1 Q Okay. And what -- how long -- when</p> <p>2 were you at the University of Dallas?</p> <p>3 A 1984 to 1988.</p> <p>4 Q '84 to '88, all right.</p> <p>5 Do you have any other certificates or</p> <p>6 specialties of which to be aware?</p> <p>7 A I hold a CERA certification from the</p> <p>8 election center.</p> <p>9 Q And CERA, that is C-E-R-A?</p> <p>10 A Yes.</p> <p>11 Q And when did you get that</p> <p>12 certification?</p> <p>13 A I believe 2016.</p> <p>14 Q Is that certification something that</p> <p>15 has to be renewed annually?</p> <p>16 A I believe it's every three years.</p> <p>17 Q So I guess the last time you renewed</p> <p>18 it was in -- when was the last time you renewed</p> <p>19 it?</p> <p>20 A If I remember correctly, it expired at</p> <p>21 the end of 2020, and I actually had to renew it</p> <p>22 during 2021 because of the COVID delays of the</p>	<p>1 A Since 2015, yes.</p> <p>2 Q And before 2015, what were your</p> <p>3 titles?</p> <p>4 A I was in I guess private business, but</p> <p>5 I had worked for Cameron County back from 1996 to</p> <p>6 I believe 2007, or 1995 to 2007. I'm not sure</p> <p>7 when I started.</p> <p>8 Q Okay, fair enough.</p> <p>9 And the work that you did between 1996</p> <p>10 and 2007 for Cameron County, was that in the</p> <p>11 elections department or some other -- in some</p> <p>12 other capacity?</p> <p>13 A I was administrative assistant to the</p> <p>14 county judge, and then become the assistant county</p> <p>15 administrator.</p> <p>16 Q And when did you become -- how long</p> <p>17 were you the county administrator?</p> <p>18 A I was the assistant county</p> <p>19 administrator. I really don't remember, but it</p> <p>20 was probably about three years.</p> <p>21 Q And then you said you became the</p> <p>22 election administrator for Cameron County in 2015?</p>

8 (Pages 29 to 32)

Page 33

1 A Yes.

2 Q How did you get your current role?

3 A The elections administrator at that

4 time had resigned to take another position. There

5 was a vacancy, and I was asked if I would be

6 interested by the Democratic Party Chair in

7 holding -- at least submitting a contract -- to do

8 a contract in May of 2015.

9 And then ultimately I was -- they

10 posted the position, I applied, and was

11 interviewed by the Elections Commission, and

12 ultimately hired by the Commissioners Court.

13 Q Okay. So how many people are on the

14 Election Commission?

15 A Five.

16 Q Is that a partisan group, or how is

17 that -- do you know the makeup of that commission?

18 A Yeah, it's part of the Election Code.

19 It consists of the county judge, the county clerk,

20 the county tax assessor, and the county chairs of

21 both the Republican and Democratic Party.

22 Q So all parties are represented I guess

Page 35

1 county offices.

2 We also contract with local

3 jurisdictions to administer their elections during

4 other times. We also run the primary elections

5 with the parties.

6 I also am responsible for maintaining

7 and providing the voter registration lists.

8 Q To whom do you provide the voter

9 registration lists?

10 A It's Cameron County, and also the

11 jurisdictions that fall within Cameron County.

12 Q So here's an interesting social

13 studies question. So we have Cameron County,

14 right, and you said there are jurisdictions within

15 Cameron County.

16 Would Brownsville be a jurisdiction of

17 Cameron County?

18 A It would be the City of Brownsville,

19 City of Harp, City of San Meto (ph), school

20 districts, and any organization that has to have a

21 list of registered voters qualified to vote.

22 Q Okay, nice.

Page 34

1 on the Commission?

2 A Yes.

3 Q And then you said you were hired,

4 though, by the Commission [sic] Court.

5 Is that the same as the five-panel

6 commission, or is that some other entity?

7 A No, I think -- I'm not exactly sure of

8 the actual framework, but I believe the Elections

9 Commission actually hires the individual, the

10 Commissioners Court sets the salary and brings me

11 on as a county employee.

12 Q Got it. And you've been the Election

13 Administrator since the Commission appointed you

14 in 2015?

15 A Yes.

16 Q Understood. Can you describe for me

17 in broad strokes some of your duties and

18 responsibilities as the Election Administrator of

19 Cameron County?

20 A Well, the primary function, of course,

21 is to administer elections on behalf of the

22 county, general elections for state, federal, and

Page 36

1 How would you describe the structure

2 of your office?

3 A Obviously, I'm at the top; and my

4 chief deputy, who oversees the voter registration

5 aspect of the office, as well the ballot by mail

6 part of elections; and then I have administrative

7 staff that deals with budgets and the hiring

8 personnel for elections.

9 I have an IT Department that handles

10 the GIS, the voter registration software,

11 programming of our machines that we use for

12 elections.

13 Q What does GIS stand for? I'm sorry, I

14 didn't mean to cut you off. Go ahead.

15 A I apologize.

16 GIS would be just geographic

17 information systems.

18 Q Okay. And what is that used for?

19 A Mapping.

20 Q Okay, got it. All right.

21 Do you hold any trainings in your

22 office?

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 37	Page 39
<p>1 A We train the poll workers for election</p> <p>2 day, and we train volunteer deputy registrars.</p> <p>3 Q What about trainings for outside</p> <p>4 nonprofit groups?</p> <p>5 A We provide volunteer deputy registrar</p> <p>6 training for different organizations, if they</p> <p>7 request it.</p> <p>8 Q And could you give me some examples of</p> <p>9 those organizations that you provide the volunteer</p> <p>10 deputy registrar trainings to?</p> <p>11 A We've done groups with like the</p> <p>12 University of Texas, RGV, the local universities,</p> <p>13 Proyecto Juan Diego, Texas Rising.</p> <p>14 And we also provide it for, you know,</p> <p>15 campaigns and candidates, and church organizations</p> <p>16 and groups like that.</p> <p>17 Q When deciding to provide this</p> <p>18 training, do you vet the organizations to figure</p> <p>19 out anything about them before providing the</p> <p>20 training? Well, strike that.</p> <p>21 How do you decide which organizations</p> <p>22 to partner with and provide trainings to?</p>	<p>1 Q And it's not a memory test, but to the</p> <p>2 best of your recollection, would you say your</p> <p>3 mission includes helping registered people to</p> <p>4 vote?</p> <p>5 A Yes.</p> <p>6 Q Would your mission also include making</p> <p>7 sure that voting is more accessible to the people</p> <p>8 of Cameron County?</p> <p>9 A It may or may not be articulated in</p> <p>10 the mission that was posted on our website, but I</p> <p>11 certainly think that is part of our mission.</p> <p>12 Q And what about ensuring that all</p> <p>13 eligible voters are able to cast a ballot?</p> <p>14 A Yes.</p> <p>15 Q Would your mission include increasing</p> <p>16 voter participation in elections?</p> <p>17 A Yes.</p> <p>18 Q And then you gave a little pause</p> <p>19 there, and so I want to like dig in a little bit</p> <p>20 on that. What gave you pause with my question?</p> <p>21 A Well, I see our role as making sure</p> <p>22 that polling locations are easily accessible, and</p>
<p>Page 38</p> <p>1 A We're required to provide training to</p> <p>2 anybody who would like to become a volunteer</p> <p>3 deputy registrar.</p> <p>4 We do it every Thursday of the month</p> <p>5 pretty much, assuming there's not an election that</p> <p>6 intervenes, but occasionally people will ask us if</p> <p>7 we will participate or go to a meeting. If</p> <p>8 there's -- and we usually ask them, if there's</p> <p>9 more than five people, we will be glad to try to</p> <p>10 coordinate it and send somebody to actually do it</p> <p>11 at their location.</p> <p>12 Q Okay. And have you ever been the</p> <p>13 person to go out and actually provide any of those</p> <p>14 trainings?</p> <p>15 A Yes.</p> <p>16 Q Do you know how many?</p> <p>17 A Over five years, I would say at least</p> <p>18 20 or 30 times.</p> <p>19 Q Does your office have a mission</p> <p>20 statement, Mr. Garza?</p> <p>21 A I believe there's one that's included</p> <p>22 on our web page.</p>	<p>Page 40</p> <p>1 that anybody who ultimately would want to</p> <p>2 participate in an election would be in a position</p> <p>3 to do so, specifically being registered in</p> <p>4 advance.</p> <p>5 But the balance always is if our</p> <p>6 actions are such that we inadvertently tip an</p> <p>7 election pushing for higher turnout, then we could</p> <p>8 inadvertently have more people participate in an</p> <p>9 election than would have normally.</p> <p>10 Q Okay. Is that like a good problem to</p> <p>11 have or a bad problem to have?</p> <p>12 A It's always a balance.</p> <p>13 Q Fair enough. Let me ask you this, and</p> <p>14 I think your mission and the goals of your office</p> <p>15 are commendable.</p> <p>16 So how do you, you know, implement</p> <p>17 this mission? Do you have, for example,</p> <p>18 public-facing material that's out there so the</p> <p>19 people of Cameron County know here's what you need</p> <p>20 to do to register?</p> <p>21 Talk to me about what public-facing</p> <p>22 information your office has available to voters in</p>

10 (Pages 37 to 40)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 41	Page 43
<p>1 Cameron County so that they know how to actually 2 get engaged in the voting process.</p> <p>3 A Well, our primary communication method 4 is through our county web page. We try to provide 5 as much information as we can with respect to 6 providing up-to-date information, how to register, 7 where the polling locations are, how to vote by 8 mail, how to vote overseas. You know, we try to 9 provide as much information as we can.</p> <p>10 Q Do you have any social media postings? 11 A Yes, we use Twitter and Facebook to 12 sort of broadcast information as elections get 13 closer, if there's deadlines and things of that 14 nature.</p> <p>15 Q I actually believe I saw some of your 16 office's tweets on Facebook in getting ready to 17 talk with you today as well, so it's nice to see 18 that, because I think -- let me ask you this.</p> <p>19 So we have the web page, you mentioned 20 Twitter and Facebook.</p> <p>21 What's the thought process behind 22 using those platforms to provide information to</p>	<p>1 A Yes.</p> <p>2 Q In what ways? 3 A Primarily, we attend the trainings 4 that they provide annually in Austin.</p> <p>5 We also will contact them whenever 6 there's questions or issues that we feel need to 7 be clarified.</p> <p>8 Q And how often -- is that -- the phone 9 calls that you would have with the Secretary of 10 State when questions come up, is that just a phone 11 call to someone directly at the Secretary of 12 State's office? 13 A They have a phone number that's 14 provided to elected officials, I think it's pretty 15 accessible to anybody, that will give you access 16 to TEAM, their legal division, or the election 17 fund management team.</p> <p>18 Q Okay, and let me ask you this, and I'm 19 assuming that that is just during non-election 20 cycles; is that correct? 21 A No, it's available all year round.</p> <p>22 Q So does that -- so I know you're in</p>
Page 42	Page 44
<p>1 voters? Why use those platforms? 2 A Well, we think they're the most 3 accessible on a 24/7 basis, and essentially 4 providing information where they are.</p> <p>5 You know, our offices can't be open 6 all day long, and they may have questions on the 7 weekends or after hours, and so we try to find 8 ways that they can get the information they were 9 looking for, or even request information that they 10 might need during those times.</p> <p>11 Q So would it be fair to say the 12 reason -- a potential reason behind providing this 13 information on those various social media 14 platforms is to make the information accessible 15 and convenient to a voter? 16 A Yes.</p> <p>17 Q And could another reason for using the 18 website, Twitter, Facebook, could be so that you 19 can meet the voter where they are? 20 A Yes.</p> <p>21 Q Does your office interact with the 22 Secretary of State?</p>	<p>1 the heat of primaries right now, correct? 2 A It's cooling off a little bit, but 3 still pretty warm.</p> <p>4 Q Okay. And so that same number that 5 you referenced earlier is the same one you would 6 call if you had questions during this primary 7 season? 8 A Yes.</p> <p>9 Q Okay. So I'm interested in knowing a 10 little bit more about Cameron County.</p> <p>11 Do you know the population of 12 Cameron County? 13 A I think it falls somewhere between 14 415,000 and 440,000 individuals.</p> <p>15 Q All right. Okay.</p> <p>16 And do you think -- have you in your 17 experience as the election administrator in 18 Cameron County seen certain demographics growing 19 within that population? 20 A I wouldn't necessarily say I've looked 21 at the information that closely. You know, I know 22 Cameron County has a younger population, and it's</p>

11 (Pages 41 to 44)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 45	Page 47
<p>1 primarily Hispanic/White.</p> <p>2 Q Okay. And do you know if people are</p> <p>3 moving into Cameron County or the jurisdictions</p> <p>4 within Cameron County from other places in Texas?</p> <p>5 A I wouldn't know that.</p> <p>6 Q And how many voters did your office</p> <p>7 register in advance of the March primaries?</p> <p>8 A If I can look at the information --</p> <p>9 Q Could you reference the Bates</p> <p>10 number on that document that you're referencing</p> <p>11 just so that all counsel will know and we'll have</p> <p>12 a clear record?</p> <p>13 A It's Bates number 414.</p> <p>14 Q Okay.</p> <p>15 A With respect to new applications, I</p> <p>16 guess would be the group that would be considered</p> <p>17 to have been registered in advance of a primary?</p> <p>18 Q Yeah.</p> <p>19 A So 2,178.</p> <p>20 Q 2,178. All right.</p> <p>21 So of the 2,178, do you know if they</p> <p>22 were majority new and young voters? Students?</p>	<p>1 A At the opening paragraph that was</p> <p>2 displayed, it said to be enacted, and my</p> <p>3 assumption is this is the version that was</p> <p>4 ultimately signed by Governor Abbott.</p> <p>5 Q Yes, I will represent to you on the</p> <p>6 record that this is the enacted version of</p> <p>7 House Bill 3107, and in particular, the</p> <p>8 highlighted version is Section 14 of that enacted</p> <p>9 provision of the Texas Election Code.</p> <p>10 Zach, I want to make sure that we mark</p> <p>11 this as well.</p> <p>12 So the reason why, Mr. Garza, I</p> <p>13 reference this, you remember at the top of our</p> <p>14 call I said I only wanted to focus on the voter</p> <p>15 registration process for purposes of our</p> <p>16 conversation? Do you remember that?</p> <p>17 A Yes.</p> <p>18 Q And this is why, because my client,</p> <p>19 Vote.org, is challenging only this specific</p> <p>20 provision of HB3107, and in particular, it is the</p> <p>21 requirement as it reads, and you can follow me in</p> <p>22 Section d-2.</p>
Page 46	Page 48
<p>1 What's the makeup or breakdown of that 2178</p> <p>2 number?</p> <p>3 A I wouldn't have those demographics.</p> <p>4 Q All right. Can we look at, Zach, pull</p> <p>5 up Exhibit B? And in particular what I want to do</p> <p>6 is I want to take you down to -- just a second</p> <p>7 because it's not the entire thing.</p> <p>8 (Garza Exhibit B was marked</p> <p>9 for identification.)</p> <p>10 BY MR. HARRIS:</p> <p>11 Q Can you go to page 8 of this document?</p> <p>12 Okay. Mr. Garza, take a moment to review the</p> <p>13 highlighted section of this, and then let me know</p> <p>14 when you are ready to proceed.</p> <p>15 A I'm ready to proceed.</p> <p>16 Q Mr. Garza, have you seen Exhibit B</p> <p>17 before?</p> <p>18 A Yes, I have.</p> <p>19 Q What is Exhibit B?</p> <p>20 A It appears to be the enacted version</p> <p>21 of House Bill 3107.</p> <p>22 Q How do you know that?</p>	<p>1 It reads, "For a registration</p> <p>2 application submitted by telephonic facsimile</p> <p>3 machine to be effective, a copy of the original</p> <p>4 registration application containing the voter's</p> <p>5 original signature must be submitted by personal</p> <p>6 delivery or mail and be received by the registrar</p> <p>7 not later than the fourth business day after the</p> <p>8 transmission by telephonic facsimile machine is</p> <p>9 received."</p> <p>10 Did I read that correctly, Mr. Garza?</p> <p>11 A Yes.</p> <p>12 Q And so how does your office</p> <p>13 implement -- how does this rule work in your</p> <p>14 office? If I'm a new -- I just moved to</p> <p>15 Brownsville, imagine that, and I come to your</p> <p>16 office and say, "Mr. Garza, I'd like to register</p> <p>17 to vote. How do I do that?"</p> <p>18 A We would let you know that you're</p> <p>19 required to fill out an application to register,</p> <p>20 it has to be submitted 30 days before a given</p> <p>21 election day in order to qualify to participate in</p> <p>22 that election, and we would provide you with a</p>

12 (Pages 45 to 48)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 49	Page 51
<p>1 copy of the registration form if you needed it, or 2 let you know that there are other ways to obtain 3 it. 4 Q Okay. And, Zach, we can take 5 Exhibit B down. Thank you. 6 So I'm going to come back to that 7 process, but I want to ask you this as well. 8 Prior to the enactment of HB3107, did 9 your office take a position for or against 10 Section 14 of HB3107? 11 A In what way? I'm sorry. 12 Q I can ask a better question, and 13 thank you for doing that. This is one of the 14 rules we talked about earlier, so fair enough. 15 So let me ask it this way: 16 What was your initial reaction to the 17 passage of HB3107, if you had a reaction? 18 A Well, House Bill 3107 was obviously a 19 broad bill that addressed a lot of issues in the 20 Election Code, and, you know, we generally 21 supported it, I did, because it helped clarify a 22 lot of issues that had been either difficult to</p>	<p>1 of the legislature, each time changing a little 2 bit, and it ultimately got passed. 3 Q Okay. And you said that it was saying 4 one thing -- and I'm paraphrasing, so please feel 5 free to correct me if I misstate anything that you 6 said. 7 So you said it was a cleanup bill, 8 but -- I guess it was a cleanup bill that sought 9 to correct certain inconsistencies in Texas law? 10 Is that a fair summary of what you 11 stated? 12 A Yes. 13 Q And let me ask you this. Having those 14 inconsistencies in the Election Code, would it be 15 fair to say that made your job more difficult? 16 A Yes. 17 Q And if your job is more difficult, 18 does that impact your overall mission that we 19 discussed earlier to get more people engaged in 20 the political process and register to vote? 21 A Yes. 22 Q All right. The second bucket you</p>
Page 50	Page 52
<p>1 interpret or had become out of date just because 2 of changes in other laws and just time passing. 3 Q Okay, let's break that down into two 4 groups. You said it clarified two groups of 5 issues, the first maybe some rules or procedures 6 that were difficult to actually implement, and 7 then two, some rules or procedures that had 8 become, you know, out of date; is that correct? 9 A Yes. 10 Q So in the first group, what did HB3107 11 clarify that was difficult before its passage? 12 A Well, there were a lot of parts of the 13 code that described actions and activities in one 14 way in one part of the code, and then would 15 describe it in another way in another part of the 16 code, and so sometimes it was unclear as to which 17 sort of -- which one you needed to follow to make 18 sure you were in compliance. 19 And, you know, it's really hard 20 because there's a lot of different topics that 21 were covered by it. You know, it was a cleanup 22 bill that had been proposed over several sessions</p>	<p>1 mentioned regarding the clarification of HB3107 2 was that there were certain out-of-date rules and 3 procedures that HB3107 -- you testified that it 4 sought to correct. 5 What out of date, or I like to use the 6 word "archaic," rules did HB3107 reconcile in your 7 opinion? 8 A Again, there were several sections 9 that were addressed, but, for example, in the 10 creation of your ballots, it indicated that you 11 had to have a square next to the candidate's names 12 or the proposition's names, but in utilizing the 13 election systems that the state has approved, 14 ovals were next to it. 15 And so if somebody wanted to say that 16 we had prepared our ballots incorrectly because we 17 didn't use squares, obviously, they could look at 18 the code and hold that to be I guess a good 19 challenge to how we prepared ballots. 20 Q Right. And similarly, are you 21 preparing the ballots for Cameron County? Does 22 your office prepare the ballots for</p>

13 (Pages 49 to 52)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 53	Page 55
<p>1 Cameron County?</p> <p>2 A We work with our elections systems</p> <p>3 provider, ES&amp;S. We sort of tell them what we need</p> <p>4 to see on the ballot, they lay it out, we review</p> <p>5 it, or we'll have another jurisdiction review it</p> <p>6 to make sure the names are in the correct order,</p> <p>7 that the candidate's names are spelled and written</p> <p>8 in the way that was included on the candidate's</p> <p>9 application for placement on the ballot, and then</p> <p>10 ultimately we're responsible for ordering the</p> <p>11 printing of the ballots.</p> <p>12 Q And similarly, when there is confusion</p> <p>13 about what the actual code requires in practice</p> <p>14 versus what's actually on the books, would that</p> <p>15 frustrate you being affected in your role as an</p> <p>16 election administrator?</p> <p>17 A Yes.</p> <p>18 Q Do you understand -- let me ask you --</p> <p>19 strike that. I want to ask it this way.</p> <p>20 This lawsuit, like I said before, only</p> <p>21 focuses on Section 14 of HB3107.</p> <p>22 I understand that there are other</p>	<p>1 Q Does that mean like pen and ink on an</p> <p>2 application?</p> <p>3 A I think that's the primary way that</p> <p>4 people would understand that phrase, but,</p> <p>5 you know, from my perspective, a wet signature or</p> <p>6 original signature would include pencil, crayon,</p> <p>7 any other marking type of device.</p> <p>8 Q All right. What about if I use the</p> <p>9 term "imaged signature"? What do you understand</p> <p>10 an imaged signature to be?</p> <p>11 A I think I would describe an imaged</p> <p>12 signature as I guess a picture or digital</p> <p>13 representation of a signature that had been either</p> <p>14 photographed or copied or created from the</p> <p>15 original document.</p> <p>16 Q Okay. And then similarly, which is</p> <p>17 interesting, because the funny thing is I think</p> <p>18 we're playing semantics.</p> <p>19 So what if I used the term "electronic</p> <p>20 signature"?</p> <p>21 A I think that differs in the method</p> <p>22 that it is created on a document and how it</p>
Page 54	Page 56
<p>1 bodies, let's say the Early Ballot Board, that may</p> <p>2 be involved in the total life span of a voting</p> <p>3 process. So when I say "life span of a voting</p> <p>4 process," I'm talking about when I come into your</p> <p>5 office to actually register for the first time,</p> <p>6 all the way through the actual counting and</p> <p>7 tallying of a ballot in an election.</p> <p>8 I understand that the Early Ballot</p> <p>9 Board has a role in that life span, but I don't</p> <p>10 care about the Early Ballot Board for purposes of</p> <p>11 our conversation today. Like I said, I only want</p> <p>12 to focus on what your office does as relates to</p> <p>13 voter registration applications.</p> <p>14 Does that make sense?</p> <p>15 A Yes.</p> <p>16 Q So when I use the term</p> <p>17 "wet signature," I know we agreed to a definition</p> <p>18 earlier as well, and I want to make sure I repeat</p> <p>19 this again.</p> <p>20 The wet signature is actually a</p> <p>21 voter's original signature. Would that be fair?</p> <p>22 A That's how I understand it.</p>	<p>1 appears.</p> <p>2 Q So let me ask you this.</p> <p>3 Are you familiar with DocuSign?</p> <p>4 A I know it as a term that's used in the</p> <p>5 community, yes.</p> <p>6 Q And say, for example -- what about a</p> <p>7 stylis? You know, if you go to like a grocery</p> <p>8 store and they have this little platform where you</p> <p>9 pick up a little pen, and then you like sign it</p> <p>10 there, would that qualify as an electronic</p> <p>11 signature in your opinion?</p> <p>12 A I would think it's a version of a</p> <p>13 signature that would be called electronic, yes.</p> <p>14 Q Okay. But it is not an original</p> <p>15 signature, right?</p> <p>16 A Not on the document that is ultimately</p> <p>17 produced.</p> <p>18 Q Right. And it's not an imaged</p> <p>19 signature either in your opinion?</p> <p>20 A No, I don't think it would qualify as</p> <p>21 an imaged signature.</p> <p>22 Q Okay. So now let's turn back to what</p>

14 (Pages 53 to 56)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 57	Page 59
<p>1 you discussed earlier.</p> <p>2 We talked about how your office</p> <p>3 facilitates the voter registration process. And</p> <p>4 so that we have a clean record, can you please</p> <p>5 tell me -- walk me through that process. And I</p> <p>6 apologize of being redundant.</p> <p>7 So I come into your office, I say,</p> <p>8 "Hey, Mr. Garza, I just turned 18, I'd like to</p> <p>9 register to vote. How do I do that?"</p> <p>10 A Well, you have to fill out an</p> <p>11 application, and here it is. You know,</p> <p>12 essentially, once you've written in all the</p> <p>13 information into the application, we would review</p> <p>14 it to make sure that the information that's</p> <p>15 necessary to be included on there is there,</p> <p>16 whether or not you're a U.S. citizen, if you are</p> <p>17 actually 18, and that you've provided the</p> <p>18 necessary information we need to process it, and</p> <p>19 that it is signed and dated.</p> <p>20 Q Signed and dated, okay.</p> <p>21 And then let me ask you this, is that</p> <p>22 the only way I can register to vote? Say I didn't</p>	<p>1 if I have the other required information to</p> <p>2 register to vote?</p> <p>3 A Correct.</p> <p>4 Q All right. What about if I were -- so</p> <p>5 that's like a new voter. All right, so we talked</p> <p>6 about that.</p> <p>7 Let me ask you this. Could I also</p> <p>8 call your office, and say, "Hey, Mr. Garza, can</p> <p>9 you mail my application to 555 Main Street?"</p> <p>10 A Yes.</p> <p>11 Q And then do you know how long it would</p> <p>12 take between me calling in and making that request</p> <p>13 to when you would send out the actual ballot -- or</p> <p>14 I'm sorry, not ballot, registration form.</p> <p>15 A Usually we try to get the ballot</p> <p>16 within that day or the next day.</p> <p>17 Q So it's a pretty quick turnaround?</p> <p>18 A For us, yes.</p> <p>19 Q And is that prepaid postage provided</p> <p>20 to the voter?</p> <p>21 A We will send you an application that</p> <p>22 is self-stamped so you wouldn't have to put a</p>
<p>Page 58</p> <p>1 want to come to your office. Is there another</p> <p>2 method by which I could register in</p> <p>3 Cameron County?</p> <p>4 A Well, you could access the</p> <p>5 registration form that we provide online, you</p> <p>6 could request an application through our portal,</p> <p>7 or we could direct you to the Secretary of State's</p> <p>8 office to request an application be sent to you.</p> <p>9 Or if you're astute, you could go to</p> <p>10 the Election Code, find out what the requirements</p> <p>11 are in order to be registered, and submit what we</p> <p>12 consider to be an informal application.</p> <p>13 Q And what documents would be included</p> <p>14 in an informal application?</p> <p>15 A Generally, we categorize that as any</p> <p>16 registration application that isn't produced by</p> <p>17 the Secretary of State's office, the form that's</p> <p>18 produced by the Secretary of State's office,</p> <p>19 because you're allowed to register if you provide</p> <p>20 the necessary information in some other format.</p> <p>21 Q Got it. So I don't have to use the</p> <p>22 form provided by the Secretary of State's office</p>	<p>Page 60</p> <p>1 stamp on it.</p> <p>2 Q Nice, okay.</p> <p>3 So we talked about brand new voters,</p> <p>4 just turned 18 in Cameron County, and the various</p> <p>5 ways by which that voter could register.</p> <p>6 What about an instance in which I'm</p> <p>7 already registered, I need to update my</p> <p>8 information. Walk me through that process.</p> <p>9 A Well, you could utilize the same form,</p> <p>10 you just check a different box at the top.</p> <p>11 You can also fill out an address</p> <p>12 confirmation card, include the new information on</p> <p>13 it.</p> <p>14 You can give us your old</p> <p>15 application -- your old voter certificate with the</p> <p>16 change of address written on the back.</p> <p>17 Or you can write us a letter</p> <p>18 indicating that you needed to update your address</p> <p>19 on your registration.</p> <p>20 Q And as part of that updating</p> <p>21 procedure, do you need my original signature as</p> <p>22 well?</p>

15 (Pages 57 to 60)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 61	Page 63
<p>1 A My understanding is that the</p> <p>2 information does have to have a signature on it,</p> <p>3 but I don't believe an original signature is</p> <p>4 required.</p> <p>5 Q Okay. On average, how many voter</p> <p>6 registration applications does your office process</p> <p>7 each year?</p> <p>8 A It varies, obviously, because of</p> <p>9 election cycles and general interest, and if I can</p> <p>10 refer again to the document that's</p> <p>11 Bates stamped 414, it ranges from 20,000 to</p> <p>12 60,000, depending on the interest in any given</p> <p>13 year.</p> <p>14 Q Let me ask you this. You're the</p> <p>15 expert here, so I apologize if any of my questions</p> <p>16 sound elementary or, you know, childish -- or</p> <p>17 ignorant I guess is a better word.</p> <p>18 So the 20,000 I assume are</p> <p>19 non-presidential years? Would that be fair?</p> <p>20 A Not necessarily.</p> <p>21 Q Okay.</p> <p>22 A Because every election is different.</p>	<p>1 Q Okay. Thank you, Mr. Garza.</p> <p>2 THE VIDEOGRAPHER: Off record. The</p> <p>3 time is 11:01.</p> <p>4 (A break was taken.)</p> <p>5 THE VIDEOGRAPHER: Back on record.</p> <p>6 The time is 11:10.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q All right, Mr. Garza, did you have a</p> <p>9 good break?</p> <p>10 A Short that it was, yes.</p> <p>11 Q Fair enough. So we were talking</p> <p>12 before our break about the process by which a new</p> <p>13 voter can register, as well as the process by</p> <p>14 which a registered voter could update their</p> <p>15 information. Do you remember that?</p> <p>16 A Yes.</p> <p>17 Q In part of our conversation, you</p> <p>18 mentioned an informal -- for the very, very smart</p> <p>19 Cameron County voter, they could submit an</p> <p>20 informal voter registration application, right?</p> <p>21 A And people with limited intellectual</p> <p>22 ability as well.</p>
<p>Page 62</p> <p>1 Q Yeah.</p> <p>2 A And since I've become the voter</p> <p>3 registrar, I've been very active and proactive in</p> <p>4 getting volunteer deputies trained and out in the</p> <p>5 community and been trying to encourage</p> <p>6 registration.</p> <p>7 I'm not going to take credit for the</p> <p>8 jump from 2012, which was a presidential year, of</p> <p>9 21,000 to, you know, 2016 had 57-, almost 58,000,</p> <p>10 and 2020 had 60,000.</p> <p>11 Q Wow. I think that's good that you</p> <p>12 guys were able to get that number, that many</p> <p>13 people registered.</p> <p>14 So let's do this. I've been going</p> <p>15 for -- or we've been talking for an hour. Is it</p> <p>16 fair that we take 5 minutes?</p> <p>17 A I'm at your convenience.</p> <p>18 Q No, actually, it's the reverse, I'm at</p> <p>19 yours. So I'd like to take 5 minutes, if you</p> <p>20 don't mind, and then we'll come back and continue</p> <p>21 our conversation, okay?</p> <p>22 A Not at all.</p>	<p>Page 64</p> <p>1 Q Okay. Well, I apologize about that.</p> <p>2 So anyone can submit an informal voter</p> <p>3 registration application consistent with the</p> <p>4 Election Code, correct?</p> <p>5 A Yes.</p> <p>6 Q And that does not require an original</p> <p>7 signature?</p> <p>8 A It does still require to meet the code</p> <p>9 requirement for the original signature.</p> <p>10 Q All right, got it.</p> <p>11 And then I want to go back to the</p> <p>12 GIS system. What information do you get from</p> <p>13 them, from GIS?</p> <p>14 A Well, primarily it's used for</p> <p>15 identifying the precinct boundaries and producing</p> <p>16 maps for voters and to make them available online.</p> <p>17 Q All right. Does GIS provide you any</p> <p>18 data regarding registration rates within certain</p> <p>19 precincts?</p> <p>20 A It can show us how many people are</p> <p>21 registered in a precinct by identifying the</p> <p>22 location of their addresses.</p>

16 (Pages 61 to 64)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 65	Page 67
<p>1 Q Would it also provide demographic 2 information by precinct? 3 A Not with the information it's 4 utilizing in the layer for the map. 5 Q Okay. And then what about whether or 6 not there's like a high usage of cell phones 7 within a certain precinct? Would GIS provide that 8 type of data to you as well? 9 A Not my department. 10 Q But it would provide it to another 11 department? 12 A No. I meant there are three 13 individuals in our office that sort of handle the 14 IT area, and so my GIS individual wouldn't have 15 access or have that data to lay over the map so 16 that we could see that. 17 Q Okay. All right. 18 So when I come in to your office, and 19 I'm going to -- I used to be an elementary school 20 teacher, so this is almost like how I used to do 21 things with my students because I'm a visual 22 learner.</p>	<p>1 offline county, or does it use some other 2 technology to input the information from a voter 3 registration application into a system? 4 A We're considered an offline county, 5 and we use the VOTEC voter registration system. 6 Q Who has access to the information in 7 VOTEC? 8 A It's restricted to Martha Jo Abrego, 9 Norma Carrillo. And our two clerks, Maribel and 10 Judith, are the primary users. 11 But when we have elections where we 12 have a lot of applications we need to process, we 13 provide limited access to the temporary employees, 14 such as Ms. Zamarano and Amy. 15 Q The Secretary of State does not have 16 access to the VOTEC system? 17 A As far as I know, they don't have 18 access to our VOTEC system. 19 Q Okay. 20 A The information is exchanged between 21 our system and the Secretary of State's 22 TEAM System.</p>
<p>1 So when I come into your office, and 2 say this is like my paper application to register, 3 and I sign it, and I give it back to you, how do 4 you verify -- or how do you record when that 5 application was received by your office? 6 For example, do you put a timestamp on 7 it? A barcode? Do you scan it? What do you do 8 with it after I give it to you? 9 A The clerks will stamp it with the date 10 that it was received. 11 Q All right. So after it is submitted, 12 your clerks stamp it with the date it was 13 received, and then what happens with the 14 application? 15 A They're taken -- they're collected and 16 given to the chief deputy, who will review them 17 for completeness and to see if there's any 18 disqualifying information contained on the 19 application, and then they're taken to the clerks 20 for actually inputting the information into our 21 voter registration system. 22 Q All right. And is Cameron County an</p>	<p>1 Q Okay, got it. So you said that's 2 T-E-A-M-S? 3 A TEAMS, yeah. I think it's TEAM, 4 T-E-A-M, but everybody calls it TEAMS. 5 Q Got it, okay. Perfect. 6 All right, I submitted the 7 application, your clerk stamped it with a 8 timestamp to note when it was received, take it to 9 the chief deputy to make sure that there are no 10 errors or disqualification points, then taken to 11 the clerk, and then your clerk then inputs it into 12 the VOTEC system. 13 Once those applications -- the 14 information from the paper application is inputted 15 into the VOTEC system, what do you do with the 16 physical paper applications? 17 A Well, as they're inputting the 18 information, they scan for a copy of it, and then 19 it is -- you know, the system collects it into a 20 file that is uploaded at the end of the day to the 21 TEAM System from the state review. 22 Q Okay. And then what about the paper?</p>

17 (Pages 65 to 68)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 69	Page 71
<p>1 Do you keep the actual paper application? Do you 2 shred it? Throw it away? Destroy it? What do 3 you do with it?</p> <p>4 A Once it's scanned, it's destroyed.</p> <p>5 Q So the Secretary of State's office 6 never sees the original registration applications 7 once it has been uploaded to VOTEC, and then 8 shared on the TEAM System, that's correct?</p> <p>9 A I don't believe the image of the 10 application is actually uploaded onto the 11 TEAM System. If they were wanting to see a copy 12 of it, they would request it from us.</p> <p>13 Q Because you would have -- and that 14 requested copy would just have an image signature 15 of the original signature. It would not be the 16 original signature on the actual paper 17 application, correct?</p> <p>18 A Could you repeat that? I'm sorry.</p> <p>19 Q Yeah. So if the Secretary of State's 20 office requests to see the original application, 21 they can't, because you just told me, after it's 22 inputted into the VOTEC and shared on the</p>	<p>1 A Well, once the application is 2 processed through the TEAM System, and everything 3 is checked through their state system and the 4 provided VUID number, then we would print a 5 Certificate of Registration and mail it to you.</p> <p>6 Q Okay. Zach, can we pull up what has 7 been premarked as Exhibit C? 8 (Garza Exhibit C was marked 9 for identification.)</p> <p>10 BY MR. HARRIS:</p> <p>11 Q Mr. Garza, please take a moment to 12 view this document and let me know when you're 13 ready to proceed with my next line of questions.</p> <p>14 A I'm prepared.</p> <p>15 Q Mr. Garza, what is this document?</p> <p>16 A It appears to be an example of a voter 17 registration certificate issued by El Paso County.</p> <p>18 Q Okay. Is the exhibit, what has been 19 marked as Exhibit C, the same type of 20 certification -- certificate you would send in 21 Cameron County? 22 A Yes.</p>
<p>Page 70</p> <p>1 TEAM System, your office destroys them.</p> <p>2 So what is it actually that the 3 Secretary of State's office would see if they were 4 to request to look at an application that you've 5 inputted into the system?</p> <p>6 A They would see a scanned copy of the 7 application, and if they requested an application 8 that we still had on file from -- and 2012 is when 9 they started to actually scan them and attach them 10 to the records -- they would get a copy of that 11 that we made and ultimately scan it and send it to 12 them.</p> <p>13 Q Okay, got it.</p> <p>14 So now I submit the application, you 15 stamp it, your chief deputy reviews the paper 16 application for completeness, barring any issues, 17 then I'm going to input your clerk -- or input or 18 scan the applications into your VOTEC system, and 19 then the physical hard copies are destroyed.</p> <p>20 Now, do you give me something to let 21 me know that I have successfully registered to 22 vote?</p>	<p>Page 72</p> <p>1 Q Okay. And do you see where it has 2 that X in the bottom left corner?</p> <p>3 A Yes.</p> <p>4 Q What's supposed to go there?</p> <p>5 A The voter's signature.</p> <p>6 Q And that's something that the voter 7 signs once you actually mail this document out to 8 them, correct?</p> <p>9 A Yes.</p> <p>10 Q All right, we can take that one down, 11 Zach. Thank you.</p> <p>12 Mr. Garza, what involvement does your 13 office have in processing voter registration 14 applications that come from the Department of 15 Public Safety?</p> <p>16 And let me take a step back. My 17 apologies.</p> <p>18 Throughout today's conversation, if I 19 refer to the Department of Public Safety as "DPS," 20 as in Dog Paul Sam, you would understand I'm 21 talking about the Department of Public Safety if I 22 use "DPS," is that fair?</p>

18 (Pages 69 to 72)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 73	Page 75
<p>1 A Yes.</p> <p>2 Q Okay, so now I'll ask my other</p> <p>3 question. Thank you for indulging me.</p> <p>4 What involvement does your office have</p> <p>5 in processing voter registration applications that</p> <p>6 come from DPS?</p> <p>7 A Each night when we're uploading, we're</p> <p>8 also downloading information from the Secretary of</p> <p>9 State's office through TEAMS, and the applications</p> <p>10 that are submitted through the DPS are sent to us</p> <p>11 through that system.</p> <p>12 Then the information is transferred</p> <p>13 into our VOTEC system, and it's then again</p> <p>14 returned back to the Secretary of State's office</p> <p>15 at the end of the day for them to review.</p> <p>16 Q Okay. And do you get original</p> <p>17 applications from DPS, or do you only get the</p> <p>18 information that's transmitted from DPS?</p> <p>19 A My understanding is that there is a</p> <p>20 copy of an application that is attached to the</p> <p>21 file and/or a way to access it so that you can</p> <p>22 download it.</p>	<p>1 that we receive from a voter directly.</p> <p>2 Q Got it, okay.</p> <p>3 Do you know what the Secretary of</p> <p>4 State does to determine a voter's eligibility to</p> <p>5 vote?</p> <p>6 A Not completely. I do know that they</p> <p>7 have a process of checking the information,</p> <p>8 comparing it against state databases with respect</p> <p>9 to driver's licenses and last names and first</p> <p>10 names, or the four digits of the Social.</p> <p>11 I guess they have certain points on</p> <p>12 the application or datasets that they compare it</p> <p>13 to, and if it matches at a significant enough</p> <p>14 rate, they would approve it based on the</p> <p>15 information that's provided.</p> <p>16 Q Okay. So we talked about the various</p> <p>17 ways in which I could actually -- or a voter in</p> <p>18 Cameron County could register.</p> <p>19 You talked about an online route,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q I can come into your office and</p>
<p>Page 74</p> <p>1 In fact, our office actually has</p> <p>2 started printing the complete document out and</p> <p>3 scanning it as though we were processing a regular</p> <p>4 application --</p> <p>5 Q Okay.</p> <p>6 A -- and attaching it to the prefilled</p> <p>7 out version that transfers from the state system</p> <p>8 into the VOTEC system.</p> <p>9 Q Okay, that makes sense.</p> <p>10 Let me ask you this. The DPS</p> <p>11 application form that you download and scan, it</p> <p>12 doesn't include an original signature, right? I'm</p> <p>13 assuming that it would include an imaged signature</p> <p>14 on that application?</p> <p>15 A I believe it contains a signature</p> <p>16 that's captured at the Department of Public</p> <p>17 Safety.</p> <p>18 Q But it's not like a wet signature --</p> <p>19 A Not --</p> <p>20 Q -- one that I would fill out?</p> <p>21 I'm sorry, go ahead.</p> <p>22 A Not in the sense of an application</p>	<p>Page 76</p> <p>1 actually fill out a paper application, right?</p> <p>2 A Yes.</p> <p>3 Q I could register through DPS, correct?</p> <p>4 A Yes.</p> <p>5 Q Are there any other methods by which I</p> <p>6 could submit a voter registration application to</p> <p>7 your office?</p> <p>8 A My understanding is that the Secretary</p> <p>9 of State's office has a connection through the DPS</p> <p>10 office where somebody could actually change their</p> <p>11 address or actually submit a new application if</p> <p>12 they were already registered within the State of</p> <p>13 Texas.</p> <p>14 Q Can I submit my application by fax?</p> <p>15 A Yes, but it has to be followed up with</p> <p>16 the original being received in my office within</p> <p>17 4 business days.</p> <p>18 Q And I guess that's the law we looked</p> <p>19 at earlier in Exhibit B? Is that what you're</p> <p>20 referring to, that I can submit by fax, but it has</p> <p>21 to come -- the original copy has to come within</p> <p>22 4 business days; is that correct?</p>

19 (Pages 73 to 76)

Page 77

1 A Yes.

2 Q So it is not illegal to submit an

3 application -- a voter registration application by

4 fax in Texas, correct?

5 A Not that I'm aware of.

6 Q Do you know roughly what percentage of

7 voter registration applications your office

8 receives from DPS?

9 A It's a pretty substantial amount of

10 our overall registrations.

11 Q Would you say substantial -- would it

12 be fair to say you get the majority of your voter

13 registration applications from DPS?

14 A Yes, I would say that the majority of

15 applications that we receive are through the

16 DPS system.

17 Q And what percentage would you say you

18 receive by fax?

19 A Actually, it's a very small number

20 that come in by fax.

21 Q Has that always been the case, or has

22 that changed over time?

Page 78

1 A I think it has been getting smaller as

2 fewer and fewer people use fax machines.

3 Q What about people who actually submit

4 paper applications? What percentage would you say

5 that takes up?

6 A Well, I think it would probably be

7 better if we looked at the exhibit with respect

8 to -- sorry, I think it's 415 and 416 to 417 and

9 418.

10 Q Okay, so let me do this. Do you

11 mind -- how do I share my screen? That might be

12 helpful. Zach?

13 THE VIDEOGRAPHER: Do you want to

14 share your screen, Mr. Harris?

15 MR. HARRIS: Oh, I see the green

16 button at the bottom, sorry. I try to be tech

17 savvy, but I'm really not.

18 (Document displayed on Zoom screen.)

19 BY MR. HARRIS:

20 Q Can everyone see this?

21 A Yes.

22 Q Is this the document that you were

Page 79

1 referring to?

2 A Yes.

3 Q Okay. So walk me through this, and

4 then I will return back to my question.

5 What is this document?

6 A It's a printout from our VOTEC system

7 that classifies the method through which we

8 received voter registration applications.

9 Q Okay. So let's look at like this

10 first group right here, and I'm assuming this is

11 from the segment that says January 1st, 2022,

12 through March 1st, 2022.

13 Do you see that at the top?

14 A Yes.

15 Q And walk me through line 1.

16 What is that telling me?

17 A Line 1, obviously, the 2022 is the

18 year that's being referenced.

19 The 05 is the NVRA code, and then the

20 explanation of that code would be -- Texas online

21 would be the next information.

22 And then further to the right would be

Page 80

1 the number 80, which would be the number of

2 applications that came through that method.

3 Q So Texas online meaning -- does Texas

4 have online voter registration?

5 A They provide registration for people

6 who have moved from one county to another in

7 the -- or I'm sorry.

8 If you had resided in Cameron County

9 and you moved within Cameron County, you could use

10 their online system to update your voter

11 registration through their portal.

12 And I believe that's been expanded to

13 anybody who is registered in Texas and would like

14 to change their information to be registered in

15 Cameron County, they can do so through the Texas

16 online portal.

17 Q Okay. And then correct me if I'm

18 wrong, line 2 tells me that your office received

19 715 applications by mail; is that correct?

20 A Yes.

21 Q And then go down to line 7.

22 64 is the NVRA code for DPS?

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 81	Page 83
<p>1 A Yes.</p> <p>2 Q And you received 4,592 applications?</p> <p>3 A Yes.</p> <p>4 Q And then in person, line 8, just 1?</p> <p>5 A Yes, so far this year.</p> <p>6 Q And then go down to line 12. So this</p> <p>7 one does not have an NVRA code. Can you explain</p> <p>8 why that's not -- it doesn't have an NVRA code?</p> <p>9 A That was an event in the VOTEC system</p> <p>10 where a correction was done to a voter's</p> <p>11 registration file that didn't change their status</p> <p>12 from either active or suspends, or require that a</p> <p>13 notice be sent out to the voter.</p> <p>14 Q Okay. All right. So I'm going to</p> <p>15 stop sharing.</p> <p>16 I will mark this as Garza Exhibit 1</p> <p>17 for the record, Zach and Dawn, for purposes of our</p> <p>18 deposition today so that our record is clear of</p> <p>19 what documents have been reviewed and examined</p> <p>20 during today's deposition.</p> <p>21 (Garza Exhibit 1 was marked</p> <p>22 for identification.)</p>	<p>1 would use to call and request a paper</p> <p>2 application -- to request that a paper application</p> <p>3 is mailed to their place of residence?</p> <p>4 A Yes.</p> <p>5 Q Is that required by law?</p> <p>6 A I don't know if it is, but it should</p> <p>7 be.</p> <p>8 Q Sure, okay.</p> <p>9 Is that phone -- is your phone in the</p> <p>10 office staffed by one individual person, or does</p> <p>11 everyone kind of answer those calls as they come</p> <p>12 into your office?</p> <p>13 A The reception desk has four phones for</p> <p>14 each one of the stations, although it's primarily</p> <p>15 two individuals that are working there, and it</p> <p>16 rings on all the desks at the same time.</p> <p>17 Q And to be sure, the people at the</p> <p>18 reception desk, the two individuals that you</p> <p>19 referenced, do they speak Spanish?</p> <p>20 A Yes.</p> <p>21 Q Okay. Do they speak any other</p> <p>22 languages?</p>
<p>Page 82</p> <p>1 BY MR. HARRIS:</p> <p>2 Q I'm going to stop sharing that. So no</p> <p>3 one can see my secret sauce, right, anymore?</p> <p>4 So now what I want to talk about is</p> <p>5 that we discussed that voters can actually request</p> <p>6 an application by coming into your office, or also</p> <p>7 by calling your office, and you would mail a paper</p> <p>8 application out to the voter in Cameron County; is</p> <p>9 that correct?</p> <p>10 A Yes.</p> <p>11 Q And is that number published on your</p> <p>12 website?</p> <p>13 A I'm sorry, the number --</p> <p>14 Q The number to your office to call, is</p> <p>15 that published?</p> <p>16 A Yes.</p> <p>17 Q I'm sorry, is the number published --</p> <p>18 is your office number published on the website?</p> <p>19 That's my first question. Is your office number</p> <p>20 published on your website?</p> <p>21 A Yes.</p> <p>22 Q And is that the same number a voter</p>	<p>Page 84</p> <p>1 A Not that I've heard them.</p> <p>2 Q Do they speak English?</p> <p>3 A Oh, yes. I'm sorry.</p> <p>4 Q Okay, fair enough.</p> <p>5 Do you keep records of the number of</p> <p>6 calls you get with voters requesting that voter</p> <p>7 registration applications be mailed to their place</p> <p>8 of residence?</p> <p>9 A No.</p> <p>10 Q Do you keep a record of who calls your</p> <p>11 office to request voter registration applications?</p> <p>12 A Not that I'm aware of.</p> <p>13 Q Who in your office is responsible for</p> <p>14 mailing out applications once you get a call -- or</p> <p>15 I'll ask it -- strike that.</p> <p>16 Who in your office is responsible for</p> <p>17 mailing out a voter registration application once</p> <p>18 requested by a voter?</p> <p>19 A Primarily it would be Ms. Diaz,</p> <p>20 Maribel Diaz.</p> <p>21 Q And earlier you said, and correct me</p> <p>22 if I'm wrong, that you generally -- your office</p>

21 (Pages 81 to 84)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 85	Page 87
<p>1 generally tries to be prompt with getting that</p> <p>2 application out once that request is received by</p> <p>3 your office, usually same day; is that right?</p> <p>4 A Yes.</p> <p>5 Q Do you know on average how long it</p> <p>6 takes for your office to receive the completed</p> <p>7 application back from a voter? On average, how</p> <p>8 long does that typically take, if you know?</p> <p>9 A I don't have any information. It's</p> <p>10 not something that we track.</p> <p>11 Q Okay. All right.</p> <p>12 What I want to do now is, Zach, could</p> <p>13 we look at Exhibit D?</p> <p>14 (Garza Exhibit D was marked</p> <p>15 for identification.)</p> <p>16 BY MR. HARRIS:</p> <p>17 Q Mr. Garza, please take a moment to</p> <p>18 review this first part of Exhibit D, and I can</p> <p>19 represent to you -- Zach, if you'd scroll down to</p> <p>20 the very bottom.</p> <p>21 Mr. Garza, do you see in the bottom</p> <p>22 right corner the number 0018?</p>	<p>1 Q And so what on this document lets you</p> <p>2 know that you have to wait for the original to</p> <p>3 arrive?</p> <p>4 A At the top of the page, just</p> <p>5 underneath the -- I guess the header, it has</p> <p>6 application previously submitted by fax on the</p> <p>7 25th of September 2018, 11:26 Central Daylight</p> <p>8 Time.</p> <p>9 Q Did your office apply this, or did</p> <p>10 someone else, some other entity apply this</p> <p>11 timestamp?</p> <p>12 A It appears that somebody else</p> <p>13 submitted -- applied that timestamp.</p> <p>14 Q Okay. Do you know if that was applied</p> <p>15 by Vote.org?</p> <p>16 A It appears to be one of the</p> <p>17 applications that we received through their</p> <p>18 process.</p> <p>19 Q Okay. And so it would be fair to say</p> <p>20 that you know that -- and I believe the voter's</p> <p>21 name is Mr. Perez.</p> <p>22 Would it be fair to say that Mr. Perez</p>
<p>Page 86</p> <p>1 A Yes.</p> <p>2 Q So whenever you see this number,</p> <p>3 they're going to be Bates numbers, this is a</p> <p>4 document that you produced to us in this case.</p> <p>5 And so I'm going to review this</p> <p>6 document, I think this document has 4 pages in</p> <p>7 total, but for clarity of the record, and so that</p> <p>8 we have an easy conversation on this exhibit, I'll</p> <p>9 reference the Bates number so that you know where</p> <p>10 my line of questioning will come from.</p> <p>11 Is that fair?</p> <p>12 A Yes.</p> <p>13 Q Okay. So take a moment to review the</p> <p>14 document that has been premarked, and now marked</p> <p>15 as Exhibit D, and let me know when you're ready</p> <p>16 for my next set of questions.</p> <p>17 A I'm prepared.</p> <p>18 Q Mr. Garza, what is this document?</p> <p>19 A It appears to be a voter registration</p> <p>20 application that was submitted to our office</p> <p>21 originally by fax, and then we waited for the</p> <p>22 original application to arrive.</p>	<p>Page 88</p> <p>1 used Vote.org's web application tool to submit his</p> <p>2 application to your office?</p> <p>3 A It appears so.</p> <p>4 Q Is Mr. Perez's signature on this</p> <p>5 application?</p> <p>6 A There is an image of his signature,</p> <p>7 yes.</p> <p>8 Q And that signature is legible?</p> <p>9 A Yes.</p> <p>10 Q And you can read it?</p> <p>11 A Yes.</p> <p>12 Q But you initially -- let me strike</p> <p>13 that.</p> <p>14 When you received this application,</p> <p>15 what did you do with it?</p> <p>16 A It was reviewed and determined to be</p> <p>17 incomplete because it did not contain an original</p> <p>18 signature.</p> <p>19 Q Okay. So, Zach, can we scroll down to</p> <p>20 0019? It's the second page in this document.</p> <p>21 Perfect.</p> <p>22 Mr. Garza, take a moment to review</p>

22 (Pages 85 to 88)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 89	Page 91
<p>1 this letter -- or this document, sorry, and let me</p> <p>2 know when you're ready for me to continue our</p> <p>3 conversation.</p> <p>4 A I'm ready.</p> <p>5 Q All right. So you told me that</p> <p>6 Mr. Perez's application was not fully processed</p> <p>7 because you did not have a signature; is that</p> <p>8 correct?</p> <p>9 A The signature wasn't considered to be</p> <p>10 a complete signature.</p> <p>11 Q Even though there was a signature on</p> <p>12 the application?</p> <p>13 A There was an image of his signature,</p> <p>14 yes.</p> <p>15 Q Okay. And is this -- what is this</p> <p>16 letter? Is this something that -- I mean, I see</p> <p>17 that you wrote it, but tell me what this is. Talk</p> <p>18 to me about it.</p> <p>19 A It's one of notices that's generated</p> <p>20 through the VOTEC system based on the particular</p> <p>21 problem with an application, and it's generated</p> <p>22 and ultimately mailed to the person whose</p>	<p>1 Q All right. So let's look at the last</p> <p>2 page in this. Zach, is there a way for you to --</p> <p>3 you're amazing.</p> <p>4 All right, so if we look at the bottom</p> <p>5 where it says "Comments," do you see that,</p> <p>6 Mr. Garza?</p> <p>7 A Yes.</p> <p>8 Q It says, "APPLIED TEAM SSN VOTER</p> <p>9 REPLIED TO LETTER WITH CORRECTIONS."</p> <p>10 And correct me if I'm wrong, that</p> <p>11 correction was the second signature we just looked</p> <p>12 at in the previous page; is that correct?</p> <p>13 A Yes, I believe so.</p> <p>14 Q Okay. And once that correction was</p> <p>15 made, Mr. Perez's voter registration application</p> <p>16 was deemed complete, correct?</p> <p>17 A Yes.</p> <p>18 Q All right, we can take that down.</p> <p>19 Thank you.</p> <p>20 So now you told me one of the goals of</p> <p>21 your office is to make sure that voting is more</p> <p>22 accessible. Would that be -- do you recall</p>
Page 90	Page 92
<p>1 application has been deemed incomplete.</p> <p>2 Q Okay. And this is something you said</p> <p>3 that's generated from the VOTEC system, and then</p> <p>4 your office mails this letter out to the voter.</p> <p>5 Does the voter get anything else in</p> <p>6 addition to this letter from you?</p> <p>7 A Depending on what their response is to</p> <p>8 the original letter.</p> <p>9 Q Okay. So let's go down to the third</p> <p>10 page in this document, which is 0020, and now</p> <p>11 there's something -- if you look now at the</p> <p>12 signature box, there are two signatures there now,</p> <p>13 right?</p> <p>14 A Yes.</p> <p>15 Q So we have the original imaged</p> <p>16 signature from the application, and then there's a</p> <p>17 new signature. Do you see that?</p> <p>18 A Yes.</p> <p>19 Q So once this new signature appeared on</p> <p>20 the application, what did you do with the</p> <p>21 application?</p> <p>22 A I would image it was processed.</p>	<p>1 stating that earlier today?</p> <p>2 A Yes.</p> <p>3 Q And you also told me that another one</p> <p>4 of your goals is to ensure that your office</p> <p>5 registers as many people as possible.</p> <p>6 Do you remember that?</p> <p>7 A Well, those that are eligible to be</p> <p>8 registered, yes.</p> <p>9 Q Fair enough, yes. Those who are</p> <p>10 eligible to register to vote, you want to increase</p> <p>11 that number.</p> <p>12 Has your office ever received any</p> <p>13 complaints about the registration process in</p> <p>14 Cameron County?</p> <p>15 A Specifically aimed at our process?</p> <p>16 I'm not sure. You know, I don't know if you're</p> <p>17 considering phone calls or just people talking</p> <p>18 about how difficult it is to register in Texas as</p> <p>19 being a complaint about the registration process</p> <p>20 in Cameron County.</p> <p>21 Q Oh, let's dig into that.</p> <p>22 During your tenure as Cameron County</p>

23 (Pages 89 to 92)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 93	Page 95
<p>1 Election Administrator, your office has received</p> <p>2 phone calls from voters about how difficult it is</p> <p>3 to vote in Texas as a general matter?</p> <p>4 A We received phone calls where voters</p> <p>5 have expressed concerns during the election</p> <p>6 process about how they felt they were registered</p> <p>7 or had submitted their registration on time, but</p> <p>8 weren't eligible to vote.</p> <p>9 You know, we have had individuals who,</p> <p>10 despite multiple attempts to correct an</p> <p>11 application, have expressed concerns and deemed it</p> <p>12 difficult to register to vote in Texas.</p> <p>13 Q Does your office -- sorry, strike</p> <p>14 that.</p> <p>15 Outside of those two general</p> <p>16 categories of complaints, can you recall any other</p> <p>17 categories of complaints from Texas voters?</p> <p>18 A Not immediately.</p> <p>19 Q Okay. And once your office receives</p> <p>20 that feedback or that complaint from a voter, do</p> <p>21 you record it or log it anywhere?</p> <p>22 A Not that I'm aware of.</p>	<p>1 their driver's license.</p> <p>2 Q Okay. Any other solutions?</p> <p>3 A Not that immediately come to mind</p> <p>4 because that was one of the biggest difficulties</p> <p>5 that we were having with respect to our community.</p> <p>6 Q Okay. So the biggest issue you were</p> <p>7 having with the registration process related to</p> <p>8 voter ID. It did not relate to faxing in voter</p> <p>9 registration applications?</p> <p>10 A Not that I'm aware of.</p> <p>11 Q And after you provided that feedback,</p> <p>12 what percentage would you say -- strike that.</p> <p>13 After you provided the recommended,</p> <p>14 you know, remedies or solutions for these</p> <p>15 complaints, what percentage of applications do you</p> <p>16 think are rectified within, you know, the required</p> <p>17 time period?</p> <p>18 A I wouldn't have a way of quantifying</p> <p>19 that at the moment.</p> <p>20 Q Okay. All right, so let's look at</p> <p>21 Exhibit E now, what has been premarked as</p> <p>22 Exhibit E.</p>
<p>Page 94</p> <p>1 Q Okay. So you receive it and do what</p> <p>2 with it?</p> <p>3 A Well, we consider the issues that may</p> <p>4 have presented themselves during -- with the</p> <p>5 complaint to see if there's anything we can do to</p> <p>6 either better explain the process, or things that</p> <p>7 we can do to help people avoid those types of</p> <p>8 situations.</p> <p>9 Q And give me some examples of the</p> <p>10 solutions that you provide to the voter in those</p> <p>11 instances.</p> <p>12 A We recommend that if they have their</p> <p>13 driver's license available, that they write their</p> <p>14 names in the order that's on the driver's license,</p> <p>15 so that when it goes through the state check, we</p> <p>16 train our volunteer deputy registrars and include</p> <p>17 that and suggest that they recommend that to</p> <p>18 registrants so that people with multiple last</p> <p>19 names, or what appear to be multiple last names,</p> <p>20 would not find rejections based on putting one</p> <p>21 name in front of the other on their card,</p> <p>22 registration card, versus how they have it on</p>	<p>Page 96</p> <p>1 (Garza Exhibit E was marked</p> <p>2 for identification.)</p> <p>3 BY MR. HARRIS:</p> <p>4 Q Mr. Garza, what I want to do, and I</p> <p>5 believe, you can correct me if I'm wrong, this is</p> <p>6 one of the documents you stated at the top of our</p> <p>7 conversation that you do have in front of you?</p> <p>8 A Yes, I do, but it doesn't have</p> <p>9 Bates stamps.</p> <p>10 Q Okay. And I don't think mine does</p> <p>11 either. Okay, great. So let's do this.</p> <p>12 Take a moment to review this document.</p> <p>13 Obviously, I'm not going to go over this entire</p> <p>14 thing, what has now been marked as Exhibit E, but</p> <p>15 please take a moment to review this document, and</p> <p>16 let me know once you're ready to proceed.</p> <p>17 A I'm prepared to proceed.</p> <p>18 Q All right. Mr. Garza, what is this,</p> <p>19 what has now been marked as Exhibit E?</p> <p>20 A It appears to be my responses and</p> <p>21 objections to Plaintiff's First Set of</p> <p>22 Interrogatories.</p>

24 (Pages 93 to 96)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 97	Page 99
<p>1 Q All right. And you verified the</p> <p>2 responses to -- the responses in Exhibit E?</p> <p>3 A Yes, I reviewed the document.</p> <p>4 Q I want to turn your attention to</p> <p>5 page 3, and in particular, to Interrogatory No. 2.</p> <p>6 Interrogatory No. 2 reads, "State and</p> <p>7 describe the purpose and function of a signature</p> <p>8 on voter registration applications, including any</p> <p>9 differences in the purpose and function of wet-ink</p> <p>10 signatures and compared to electronic or imaged</p> <p>11 signatures."</p> <p>12 Did I read Interrogatory No. 2</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And there's a response right below</p> <p>16 that, and I want to turn your attention to the</p> <p>17 second or third full paragraph starting with, "The</p> <p>18 signature, either by the applicant or their</p> <p>19 agent." Do you see that?</p> <p>20 A Yes.</p> <p>21 Q So this says, "The signature, either</p> <p>22 by the applicant or their agent, is an immediate</p>	<p>1 and its contents and creates a unique instance of</p> <p>2 the document."</p> <p>3 Did I read that second sentence</p> <p>4 accurately?</p> <p>5 A Yes.</p> <p>6 Q Okay. So what does that mean?</p> <p>7 A Well, I think when, as I was trying to</p> <p>8 articulate the purpose and function of a signature</p> <p>9 on the voter registration application, that when</p> <p>10 you're standing in front of your application, and</p> <p>11 you've reviewed it and you're signing it, that</p> <p>12 that pen stroke, or whatever writing instrument</p> <p>13 you're using, is a unique event to that document,</p> <p>14 and isn't something that -- you know, it could</p> <p>15 later be recreated, but it wouldn't necessarily be</p> <p>16 that event.</p> <p>17 Q Ah, I follow you now. Got it.</p> <p>18 So that unique event has nothing to do</p> <p>19 with a voter's eligibility to vote?</p> <p>20 A Other than if you're describing the</p> <p>21 unique event of the individual signing the voter</p> <p>22 registration application.</p>
<p>Page 98</p> <p>1 connection between the contents of the application</p> <p>2 and the applicant."</p> <p>3 Did I read that right?</p> <p>4 A Yes.</p> <p>5 Q What does "immediate connection" mean?</p> <p>6 A Essentially, as this -- from my</p> <p>7 perspective, as the individual is signing the</p> <p>8 application, they're physically connected between</p> <p>9 whatever writing device they're using and the</p> <p>10 application itself.</p> <p>11 Q Does it have anything to do with an</p> <p>12 attestation of the truth of the content in the</p> <p>13 application?</p> <p>14 A I believe it does as well.</p> <p>15 Q Okay. So attestation is also part of</p> <p>16 the, quote, "immediate connection"?</p> <p>17 A I would say yes.</p> <p>18 Q Okay. So I want to read on in the</p> <p>19 second sentence. "This 'wet-signature' (statute</p> <p>20 requires an original signature, not a</p> <p>21 'wet-signature') is also an original signature and</p> <p>22 singular to the event of the application submitted</p>	<p>Page 100</p> <p>1 Q And in fact I am. So it has nothing</p> <p>2 to do with the eligibility of the voter to vote?</p> <p>3 A Other than its role as a place on the</p> <p>4 application and completing the requirements of the</p> <p>5 code.</p> <p>6 Q So that is a no?</p> <p>7 A I'm afraid I got a little confused in</p> <p>8 the various --</p> <p>9 Q I may be asking the question poorly,</p> <p>10 so my apologies.</p> <p>11 So other than the pen stroke which you</p> <p>12 said was a unique singular event to that document,</p> <p>13 that unique singular event has nothing to do with</p> <p>14 a voter's eligibility, correct?</p> <p>15 A No, it doesn't have anything to do</p> <p>16 with their eligibility. I'm sorry, yes, you're</p> <p>17 correct.</p> <p>18 Q Okay. And then finally, third</p> <p>19 sentence -- and I apologize. Like I said, you</p> <p>20 know, I want to ask questions clearly, and I'm not</p> <p>21 trying to trick you at all, Mr. Garza. So again,</p> <p>22 you know, if I need to ask a question in a</p>

25 (Pages 97 to 100)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 101	Page 103
<p>1 different or better way, like I said, you've been</p> <p>2 doing good so far with me, so I appreciate you in</p> <p>3 that regard. Just let me know, and I'm happy to</p> <p>4 work a little harder to make my questions clearer.</p> <p>5 That's not an issue at all.</p> <p>6 So let's look at the third sentence.</p> <p>7 It says, "An electronic signature, or imaged</p> <p>8 signature would not create a unique document that</p> <p>9 could be distinguishable from an original</p> <p>10 application submitted by an applicant."</p> <p>11 And based upon your testimony so far,</p> <p>12 that is because there's no pen stroke unique to</p> <p>13 that document, right?</p> <p>14 A I think that's a fair assessment of</p> <p>15 what I was trying to say.</p> <p>16 Q Well, it made sense to me. So you</p> <p>17 just walked me through it, so great.</p> <p>18 So let me ask you this -- and we can</p> <p>19 take this exhibit down. Thank you.</p> <p>20 Let me ask you this, and then we'll</p> <p>21 break for lunch.</p> <p>22 You told me earlier that I come into</p>	<p>1 A Yes.</p> <p>2 Q And then after the applications have</p> <p>3 been scanned into the VOTEC system, you told me</p> <p>4 that the physical applications are then destroyed</p> <p>5 by your office; is that correct?</p> <p>6 A Yes.</p> <p>7 Q At no point during that process are</p> <p>8 you using the signature on the application to</p> <p>9 determine the voter's eligibility to vote,</p> <p>10 correct?</p> <p>11 A The signature is used to determine</p> <p>12 whether the application has been successfully</p> <p>13 submitted to the office, which would ultimately</p> <p>14 lead to its acceptance and their ability to vote.</p> <p>15 Q Right. So we're using the signature</p> <p>16 to make sure the application is complete; is that</p> <p>17 right?</p> <p>18 A Yes, that it complies with code.</p> <p>19 Q Okay. But you're not using that</p> <p>20 signature on that application to verify a voter's</p> <p>21 identity, correct?</p> <p>22 A No, we're not.</p>
<p>Page 102</p> <p>1 your office, I submit the application, correct?</p> <p>2 A Yes.</p> <p>3 Q And then your office would stamp it</p> <p>4 with a time code so you know when it was received?</p> <p>5 A Yes.</p> <p>6 Q And then after that, you take the</p> <p>7 physical voter registration application to your</p> <p>8 chief deputy to confirm that the applications are</p> <p>9 complete, correct?</p> <p>10 A Yes, she reviews them when they're</p> <p>11 submitted.</p> <p>12 Q Right. And then after she has</p> <p>13 verified they are complete, those physical</p> <p>14 applications are then sent to the clerk, and the</p> <p>15 clerk enters that information into the</p> <p>16 TEAM System -- the VOTEC system, I'm sorry.</p> <p>17 Is that correct?</p> <p>18 A Yes.</p> <p>19 Q And then once that information is</p> <p>20 inputted into the VOTEC system, the clerk also</p> <p>21 scans the physical application, so then it's</p> <p>22 actually uploaded to the VOTEC system as well?</p>	<p>Page 104</p> <p>1 Q Let me see. I think we should break</p> <p>2 for lunch. I got to a logical stopping point.</p> <p>3 THE VIDEOGRAPHER: Off record. The</p> <p>4 time is 11:57.</p> <p>5 (Lunch break taken.)</p> <p>6 THE VIDEOGRAPHER: Back on record.</p> <p>7 Time is 1:00 p.m.</p> <p>8 THE WITNESS: Mr. Harris, I'm sorry, I</p> <p>9 have to correct something that I said earlier.</p> <p>10 You had asked what we did with the</p> <p>11 voter registration applications after we scanned</p> <p>12 them.</p> <p>13 BY MR. HARRIS:</p> <p>14 Q Mm-hmm.</p> <p>15 A And it's been a subject of debate in</p> <p>16 my office, and each time we said it, it didn't</p> <p>17 sound right because I'm always the one that's, no,</p> <p>18 we keep the record.</p> <p>19 So apparently what we have been doing</p> <p>20 once the clerks scan them into the system, they</p> <p>21 are filed, they're just not filed with the voter</p> <p>22 registration records of the individuals that had</p>

26 (Pages 101 to 104)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 105	Page 107
<p>1 registered before 2012.</p> <p>2 So they still exist. They're not</p> <p>3 shredded, as I had indicated. They're actually</p> <p>4 just maintained in the warehouse under each month</p> <p>5 that the individual registered or that the record</p> <p>6 was presented.</p> <p>7 I apologize. It's been a subject when</p> <p>8 we are undergoing another scanning project and</p> <p>9 what to do with the records, because we're running</p> <p>10 out of storage space, and it is still apparently</p> <p>11 being debated in the office.</p> <p>12 Q All right, and thank you for that</p> <p>13 clarification on that. Let me ask you this then.</p> <p>14 Have you on occasion, strictly during</p> <p>15 the voter registration process, had to actually go</p> <p>16 back to the warehouse to pull the physical hard</p> <p>17 copy of a voter registration application?</p> <p>18 A Yes, we have, either because something</p> <p>19 got misfiled, or it was just something we wanted</p> <p>20 to see if we still had.</p> <p>21 Q But not for any other reason regarding</p> <p>22 eligibility, for example?</p>	<p>1 want to stay on that just for a little bit.</p> <p>2 How long does it take your deputy</p> <p>3 chief to determine whether or not an application</p> <p>4 is complete?</p> <p>5 A I believe generally she takes a day</p> <p>6 when she gets them all put in her office, and then</p> <p>7 she goes through whatever was left from the day</p> <p>8 before, and then brings it to the clerk. So it's</p> <p>9 about a day or two.</p> <p>10 Q Okay, so that's for like all of the</p> <p>11 applications that may have come in one day, and</p> <p>12 then whatever is left over from the day before,</p> <p>13 right?</p> <p>14 A Yeah. She reviews everything as it</p> <p>15 comes in, and then she sets it so that the clerks</p> <p>16 can take them and start entering the data.</p> <p>17 Q Okay. And then what I also want to</p> <p>18 know, for an individual application, like if I</p> <p>19 submit an application, how long does it take your</p> <p>20 office to determine that a single application is</p> <p>21 complete?</p> <p>22 A No more than a few seconds as they're</p>
<p>Page 106</p> <p>1 A No, not regarding eligibility.</p> <p>2 Q And it wasn't -- you didn't go back to</p> <p>3 get -- to review the hard copy file for voter</p> <p>4 identity?</p> <p>5 A No, not that I'm aware of.</p> <p>6 Q Okay. So the only reason why you</p> <p>7 would go back there is just to see -- to correct a</p> <p>8 clerical or administrator filing error? Would</p> <p>9 that be fair?</p> <p>10 A Or if the scan was illegible.</p> <p>11 Q Oh, so you would get a better scan.</p> <p>12 So you would go get the file and just rescan it,</p> <p>13 and then just file it, but you don't use those --</p> <p>14 you don't use those applications for any other</p> <p>15 reason other than, you know, to fix clerical</p> <p>16 errors, to refile, but there's no other purpose by</p> <p>17 which you have, on occasion, gone back to review</p> <p>18 the actual physical voter application; is that</p> <p>19 correct?</p> <p>20 A That's correct.</p> <p>21 Q Okay, fair enough. No worries on</p> <p>22 that. Again, thank you for clarifying that. I</p>	<p>Page 108</p> <p>1 being reviewed.</p> <p>2 Q Okay. And I'm sorry, I want to ask</p> <p>3 this as well. During the break, did you speak to</p> <p>4 anyone about your testimony?</p> <p>5 A I spoke to Ms. Carrillo just to</p> <p>6 confirm my doubts with respect to what was</p> <p>7 happening with those applications once they were</p> <p>8 stamped.</p> <p>9 Q Okay. Anyone else?</p> <p>10 A I talked to the attorneys to determine</p> <p>11 how I could --</p> <p>12 Q No, no, I don't want to know. I don't</p> <p>13 want to know what you talked about. It's enough</p> <p>14 for me to know that you spoke with your attorneys,</p> <p>15 because I don't want you -- I want to protect the</p> <p>16 confidentiality of your conversation with your</p> <p>17 lawyers, so it's enough for me to know that you</p> <p>18 did.</p> <p>19 So outside of your lawyers -- and let</p> <p>20 me apologize, I didn't mean to cut you off like</p> <p>21 that, but I didn't want you to divulge privileged</p> <p>22 information.</p>

27 (Pages 105 to 108)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 109	Page 111
1 So outside of your lawyers -- and I'm	1 signatures, those applications submitted through
2 sorry, I don't want to mispronounce her last name.	2 DPS, correct?
3 A Carrillo.	3 A Yes.
4 Q Carrillo. Did you talk to anyone	4 Q And you've not had any issues related
5 else?	5 to a voter signature on a DPS submitted
6 A No.	6 application, correct?
7 Q Okay. Are the computer screens that	7 A Not that I'm aware of.
8 you told me you had up in front of you earlier	8 (Garza Exhibit F was marked
9 still like blank and off?	9 for identification.)
10 A They have the screen savers on.	10 BY MR. HARRIS:
11 Q Okay. And then finally, the same	11 Q All right. So let's look at what has
12 documents that you referenced that you had in	12 been premarked as Exhibit F, and I believe,
13 front of you earlier are the same documents that	13 Mr. Garza, correct me if I'm wrong, Exhibit F --
14 you have in front of you now?	14 let me know, is this one of the documents that you
15 A Yes.	15 have in front of you?
16 Q Okay, fair enough.	16 A No, I don't believe I have the
17 So you said just a few seconds to	17 admissions.
18 determine that an application is complete, right?	18 Q So let me do this, Zach. Is there a
19 A Yes.	19 way that Mr. Garza could review the entirety of
20 Q Does your deputy compare those	20 this document? I assume we could put it in the
21 signatures to anything during that process?	21 Chat and he could just download it for himself,
22 A No, not that I'm aware of.	22 because I want to make sure he has an opportunity
Page 110	Page 112
1 Q She's simply just -- she's only	1 to review it in total before I start asking him
2 looking at it to make sure the application is	2 questions. Is that possible?
3 signed, right?	3 THE VIDEOGRAPHER: Sure, yeah. I have
4 A Yes.	4 the link set up where I've been moving all the
5 Q Do you send the original signatures --	5 exhibits into. I can grab that.
6 and I'm talking about the physical original	6 Okay, so I put a link into the chat,
7 signatures -- to the Secretary of State?	7 so just click that, and then it will be in there,
8 A No.	8 Exhibit F.
9 Q So the only version that is left --	9 BY MR. HARRIS:
10 the only version of the signature that is left	10 Q Okay. Mr. Garza, let me know if
11 after it is scanned and -- correction, filed	11 you're able to do that on your computer.
12 within your office is the imaged version that you	12 The beauty of this is that you don't
13 can pull up in the VOTEC system, correct --	13 have to depend on non-tech people like myself to
14 A Yes.	14 scroll up and down, and so you have the liberty to
15 Q So you told me that you receive a	15 control your viewing screen of this exhibit.
16 substantial amount of voter registration	16 So let me know first if you're able to
17 applications from DPS; is that correct?	17 view Exhibit F?
18 A Yes.	18 A Yes, I can.
19 Q And DPS applications also come with	19 Q So please take a moment to review it,
20 imaged signatures, correct?	20 and let me know when you're ready to proceed.
21 A Yes.	21 A Okay. (Witness reviewing Exhibit F.)
22 Q And your office accepts those	22 I've had an opportunity to review it.

28 (Pages 109 to 112)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 113	Page 115
<p>1 Q Okay. Mr. Garza, what is what has 2 been premarked as Exhibit F? 3 A It appears to be my answers to 4 Plaintiff's First Set of Requests for Admissions. 5 Q And how do you know that? 6 A I'm reading the heading underneath the 7 caption. 8 Q Okay. And in particular, I want to 9 point your attention to RSA No. 2. I know in the 10 document it says Request for Production No. 2, but 11 I understand this is RFA No. 2. 12 Do you see that on page 3? 13 A Yes. 14 Q So Request for Admission No. 2 reads, 15 "Admit that you would reject a voter registration 16 application that was signed using an electronic or 17 imaged signature, rather than a wet-ink signature, 18 unless that voter registration application was 19 sent by the Texas Department of Public Safety." 20 Did I read the request accurately? 21 A Yes. 22 Q And your response reads, "I admit that</p>	<p>1 A That's correct. 2 Q That is a separate entity from your 3 office? 4 A Yes, but we do provide support for the 5 Early Voting Ballot Board. 6 Q And that support that you provide, is 7 that during the voter registration process, or at 8 some other time in the life span of voter 9 participation in the electoral process? 10 A It would be when they convene with 11 respect to viewing early voting/ballot by mail 12 returned envelopes. 13 Q So it has nothing to do -- your 14 involvement with the Early Ballot Board has 15 nothing to do with voter registration, correct? 16 A Other than providing voter 17 registration applications or documents in our 18 possession for their review of the signatures, no, 19 it doesn't have anything to do with that. 20 Q And the signatures that you provide to 21 the Early Ballot Board are not original wet -- I'm 22 sorry, excuse me.</p>
<p>Page 114</p> <p>1 I would reject a voter registration application 2 that was signed using an electronic or imaged 3 signature, rather than an original (wet) 4 signature, unless that voter registration 5 application was sent through the Texas Department 6 of Public Safety or through the Federal Post Card 7 Application process, unless it was submitted by 8 fax." Did I read that correctly? 9 A Yes. 10 Q And is that the same process that we 11 just discussed regarding applications submitted 12 through -- by DPS to your office? 13 A Yes. 14 Q Okay, we can take that down. 15 Thank you. 16 When I use the term "voter fraud," 17 what does that mean to you? 18 A It would mean that an individual who 19 was attempting to vote wasn't qualified to vote. 20 Q And I understand that you are not -- 21 your office is not the Early Ballot Board; is that 22 correct?</p>	<p>Page 116</p> <p>1 The signatures that you on occasion 2 have provided to the Early Ballot Board are not 3 original signatures, correct? 4 A They're original signatures based on 5 the applications for a ballot by mail, but 6 generally we provide them copies; or, on occasion, 7 we have sent them the original voter registration 8 record from our files. 9 Q Right. And the ones that you send 10 from the file, would that be an electronic 11 transfer to the Early Ballot Board? 12 A No, we physically carry them over. 13 Q Oh, wow, okay. But as far as the 14 registration process, the Early Ballot Board is 15 not involved in the process by which your office 16 facilitates voter registration, correct? 17 A Correct. 18 Q So my next few questions may focus on 19 your interaction with the Early Ballot Board to 20 the extent we haven't already discussed it. 21 Are you aware -- and I'm solely 22 focusing on individuals registering to vote.</p>

29 (Pages 113 to 116)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 117	Page 119
<p>1 Are you aware of any instances of</p> <p>2 voter fraud connected with imaged signatures?</p> <p>3 A No, I'm not aware of any voter fraud.</p> <p>4 Q Are you aware of any instances of</p> <p>5 voter fraud connected to voter registration</p> <p>6 applications submitted from DPS?</p> <p>7 A No, I'm not aware of any.</p> <p>8 Q Are you aware of any instances of</p> <p>9 voter fraud connected to the signatures on voter</p> <p>10 registration applications generally?</p> <p>11 And when I say voter registration</p> <p>12 applications, I'm talking about the actual paper,</p> <p>13 physical application.</p> <p>14 A No, I'm not aware of any.</p> <p>15 Q Okay. And let's talk about the Early</p> <p>16 Ballot Board.</p> <p>17 Are you familiar -- if I use the term</p> <p>18 "Signature Verification Committee," do you know</p> <p>19 what I'm talking about?</p> <p>20 A Yes.</p> <p>21 Q What is the Signature Verification</p> <p>22 Committee?</p>	<p>1 regarding their project.</p> <p>2 Q Does the name Ofelia Alonso sound</p> <p>3 familiar to you from Texas Rising?</p> <p>4 A Yes, that would be the individual.</p> <p>5 Q So you were introduced to Vote.org</p> <p>6 from a representative from another organization</p> <p>7 active in voter registration in Texas, correct?</p> <p>8 A Yes.</p> <p>9 Q And did you speak -- do you recall</p> <p>10 with whom you spoke to from Vote.org?</p> <p>11 A I'm sorry, the name doesn't come.</p> <p>12 Q Does the name Raven Brooks sound</p> <p>13 familiar?</p> <p>14 A Yes, that's the individual.</p> <p>15 Q What about Sarah Jackel?</p> <p>16 A Honestly, I don't recall that name,</p> <p>17 but it possibly could have been.</p> <p>18 Q But you do remember Raven?</p> <p>19 A Yes.</p> <p>20 Q Did you speak to an individual named</p> <p>21 Debra Cleaver?</p> <p>22 A I may have. I just didn't --</p>
<p>Page 118</p> <p>1 A Signature Verification Committee is a</p> <p>2 group of individuals that can be convened in order</p> <p>3 to review the return ballots by mail.</p> <p>4 Essentially they will review the</p> <p>5 application and the return carrier envelope to see</p> <p>6 if the signatures appear that they were not done</p> <p>7 by somebody else.</p> <p>8 Q Okay. And your involvement with the</p> <p>9 Early Ballot Board or the Signature Verification</p> <p>10 Board happens after you have registered a voter to</p> <p>11 vote; is that correct? That happens after the</p> <p>12 registration process?</p> <p>13 A Yes.</p> <p>14 Q So I understand, and we talked</p> <p>15 earlier, that you are familiar with my client,</p> <p>16 Vote.org, correct?</p> <p>17 A Yes.</p> <p>18 Q How did you come to know about</p> <p>19 Vote.org?</p> <p>20 A I had received an email from -- I</p> <p>21 can't remember exactly who -- asking me if I was</p> <p>22 willing to talk to a representative from Vote.org</p>	<p>Page 120</p> <p>1 I'm sorry, I'm normally very bad with names.</p> <p>2 Q Fair enough. But as you sit here</p> <p>3 today, you do not -- you can't testify that you</p> <p>4 did in fact speak with Debra Cleaver, right?</p> <p>5 A No, not without having some way of</p> <p>6 recollecting or prompting my memory.</p> <p>7 Q Okay. And I know you told me that you</p> <p>8 got an email from Ofelia Alonso who worked the</p> <p>9 introduction to Vote.org for you.</p> <p>10 The communications you had with</p> <p>11 Vote.org, were they all email? Were they phone?</p> <p>12 In person? How did those conversations occur?</p> <p>13 A I believe they were both email and on</p> <p>14 the phone.</p> <p>15 Q Do you recall whether a majority</p> <p>16 happened on the phone versus email?</p> <p>17 A I vaguely remember maybe two or three</p> <p>18 phone calls, and maybe two or three email</p> <p>19 exchanges.</p> <p>20 Q So not very -- not a lot of email</p> <p>21 traffic, to your recollection?</p> <p>22 A No, not that I remember.</p>

30 (Pages 117 to 120)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 121	Page 123
<p>1 Q And in your conversations with 2 Vote.org, talk to me about what they told you 3 about the pilot program they wanted to use in 4 Cameron County. 5 A My memory is that they wanted to 6 initiate a project that would allow individuals to 7 access or have the information from certain 8 counties available for them to be able to submit 9 their voter registration applications so they 10 could fill out online. 11 And if I remember correctly, they 12 wanted to see if I was okay with them including 13 Cameron County's information on that -- for that 14 project. 15 Q Okay. And what was your initial -- I 16 know what the end result is, that's why we're 17 having this conversation now, but walk me through 18 your thought process as to implementing this pilot 19 program in Cameron County. What was going through 20 your head to come to the decision to actually 21 launch this pilot program in Cameron County? 22 A I thought it was a very good idea. I</p>	<p>1 A To be included in the project, yes. 2 Q Right. Because you thought, and you 3 can tell me if I'm wrong, you were excited to be 4 included in this process because what Vote.org was 5 doing was consistent with the mission of the 6 elections office? Would that be fair to say? 7 MR. STONE: Objection, form. 8 MR. HARRIS: You can go ahead and 9 answer, Mr. Garza, I'm sorry. 10 THE WITNESS: I'm sorry? 11 BY MR. HARRIS: 12 Q Yeah, so would it be fair to say that 13 you were excited about working with Vote.org 14 because its overall mission was consistent with 15 your mission in Cameron County, to get more people 16 engaged in the political process? 17 MR. STONE: Objection, form. 18 THE WITNESS: I was excited to 19 participate with them because we shared the same 20 mission of facilitating the voter registration 21 process for people who wanted to register to vote. 22</p>
Page 122	Page 124
<p>1 was kind of excited to see how it could work to 2 sort of provide additional avenues for individuals 3 to submit voter registration applications. 4 Q And you said you had phone calls with 5 Vote.org, correct? 6 A I think we did speak on the phone. 7 Q Did you ever meet with them in person? 8 A Not that I recall. 9 Q When you spoke with them on the phone, 10 did they tell you to keep your phone conversation 11 secret and to yourself? 12 A I don't believe they did. 13 Q When they pitched the pilot program to 14 you, did they say they were doing something 15 illegal? 16 A No, they did not. 17 Q Did you feel they were doing or 18 engaging in anything illegal? 19 A I did not. 20 Q And in fact, you were, like you said, 21 excited about launching this program there in 22 Cameron County?</p>	<p>1 BY MR. HARRIS: 2 Q And after you launched the program, 3 the pilot program in Cameron County, did you get 4 any feedback from voters? 5 A Not directly, but I wouldn't 6 necessarily characterize it that we launched. 7 They included our contact information on their web 8 link. Really, our involvement was just that we 9 were willing to allow our information to be 10 included on that website. 11 Q And would you describe the fact 12 process as -- well, let me strike that. 13 How would you describe the process by 14 which your office received applications -- voter 15 applications submitted by fax? How would you 16 describe that process? 17 A Well, just like any other registration 18 application, you know, they would come in through 19 our fax machine in groups, and then later on we 20 would receive a packet of copies of what was being 21 submitted by fax. 22 Q Right, okay. So the overall</p>

31 (Pages 121 to 124)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 125	Page 127
<p>1 process -- I mean, there were no issues with</p> <p>2 receiving these applications by fax because this</p> <p>3 is something your office did on a normal basis,</p> <p>4 right?</p> <p>5 A Right.</p> <p>6 Q All right. Did you talk with any</p> <p>7 other county election official in Texas about the</p> <p>8 pilot program Vote.org pitched to you?</p> <p>9 A I don't recall if I reached out to</p> <p>10 anybody else that they had mentioned on the phone</p> <p>11 with respect to who else was going to be involved.</p> <p>12 Q All right. Did you contact the</p> <p>13 Secretary of State after Vote.org brought this</p> <p>14 pilot program to your attention?</p> <p>15 A Not with respect to providing the</p> <p>16 information on the web page.</p> <p>17 Q And then as I understand it, earlier</p> <p>18 you testified that you get information, or I guess</p> <p>19 advisory -- well, strike that.</p> <p>20 You testified earlier that you would</p> <p>21 call the Secretary of State if there are questions</p> <p>22 about anything I guess election related.</p>	<p>1 there. Give me a second, I'm sorry.</p> <p>2 MR. HARRIS: No, take your time.</p> <p>3 MR. LOPEZ: Josh, would you mind if we</p> <p>4 took a one-minute -- I just need to jump on --</p> <p>5 they're going to do some work on my computer here</p> <p>6 at the office. I'm going to jump on my phone real</p> <p>7 quick.</p> <p>8 So while he's looking it over, would</p> <p>9 you mind breaking for one minute and let me hop on</p> <p>10 my phone, and then we can continue on.</p> <p>11 MR. HARRIS: That's fine. We can take</p> <p>12 a moment.</p> <p>13 THE VIDEOGRAPHER: Okay, go off</p> <p>14 record? Going off record. Time is 1:25 p.m.</p> <p>15 (Pause in the proceedings.)</p> <p>16 THE VIDEOGRAPHER: Back on record.</p> <p>17 Time is 1:27.</p> <p>18 BY MR. HARRIS:</p> <p>19 Q So Mr. Garza, please take a moment to</p> <p>20 review what has been premarked as Exhibit H, and</p> <p>21 I'll ask that Zach mark it as such.</p> <p>22 And I don't need you to review all</p>
Page 126	Page 128
<p>1 Do you remember testifying about that?</p> <p>2 A Yes.</p> <p>3 Q But in this instance, as it relates</p> <p>4 to -- as it relates to Vote.org, there was no need</p> <p>5 for you to contact the Secretary of State, right?</p> <p>6 A Not with respect to the inclusion of</p> <p>7 our information on their web page.</p> <p>8 (Garza Exhibit H was marked</p> <p>9 for identification.)</p> <p>10 BY MR. HARRIS:</p> <p>11 Q Okay. I want to look at what I've</p> <p>12 marked as Exhibit H. And similarly, I do not</p> <p>13 believe that Mr. Garza has this document in front</p> <p>14 of him, so, Zach, if you will indulge me --</p> <p>15 THE VIDEOGRAPHER: Yeah, so --</p> <p>16 MR. HARRIS: -- would you also --</p> <p>17 THE VIDEOGRAPHER: I'm sorry to</p> <p>18 interrupt.</p> <p>19 MR. HARRIS: Go ahead.</p> <p>20 THE VIDEOGRAPHER: Yeah, just in the</p> <p>21 Chat, if you click that link again, then if you</p> <p>22 just refresh your browser, yeah, it will be up</p>	<p>1 34 pages. In fact, I could direct you to a</p> <p>2 certain section, but like all documents, I want to</p> <p>3 make sure nothing surprises you, so I want to give</p> <p>4 you the time as you need to review so you</p> <p>5 understand and can testify about this exhibit.</p> <p>6 A Yeah, I'm familiar with the</p> <p>7 information that I'm reviewing.</p> <p>8 Q Okay. So what is Exhibit H?</p> <p>9 A It appears to be an advisory that was</p> <p>10 issued by the Secretary of State's office, an</p> <p>11 email from Christina Worrell Adkins, and then the</p> <p>12 contents of that advisory.</p> <p>13 Q Okay. Have you had occasion to speak</p> <p>14 with Ms. Adkins?</p> <p>15 A Yes, sir.</p> <p>16 Q And what are those occasions? What</p> <p>17 were those occasions? Sorry.</p> <p>18 A Well, usually if we have questions</p> <p>19 regarding how to implement either a new directive</p> <p>20 or a new procedure that was created in the code,</p> <p>21 or if we have questions to try to clarify exactly</p> <p>22 what the Election Code is trying to say, I've</p>

32 (Pages 125 to 128)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 129	Page 131
<p>1 spoken to her.</p> <p>2 Also, I serve with her on sort of an</p> <p>3 advisory council or group of elections</p> <p>4 administrators to discuss upcoming issues and</p> <p>5 things that are of importance.</p> <p>6 Q How often does the Secretary of State</p> <p>7 send out these advisories?</p> <p>8 A Usually they start coming in with</p> <p>9 respect to as an election is about to begin, but</p> <p>10 this particular one is the legislative summary,</p> <p>11 which they usually issue a couple of months after</p> <p>12 the legislature has closed just to give us an</p> <p>13 update with respect to the changes to the</p> <p>14 Election Code based on bills that were ultimately</p> <p>15 passed.</p> <p>16 Q Okay. If you could scroll down to</p> <p>17 page 18 -- I think there are 34 pages in this</p> <p>18 exhibit, but I want to take your attention to</p> <p>19 page 18. And like I said earlier, if you look at</p> <p>20 the bottom left hand, the Bates will be 0332.</p> <p>21 A Uh-huh.</p> <p>22 Q All right. And then 0332 appears to</p>	<p>1 A Yeah, I do like to forward it to the</p> <p>2 individual members of my office just so that</p> <p>3 they're kind of aware of some of the changes that</p> <p>4 might affect what they do in the office.</p> <p>5 Q Okay, fair enough.</p> <p>6 Now, if you could, turn to the 28th</p> <p>7 page of this document. The bottom Bates is 0342.</p> <p>8 A Okay.</p> <p>9 Q Do you see the section that -- the</p> <p>10 bullet House Bill 3107?</p> <p>11 A Yes.</p> <p>12 Q And do you also -- I want to go down</p> <p>13 to the first, second, third, fourth bullet. Do</p> <p>14 you see that? It starts with, "Provides that if a</p> <p>15 voter originally faxed their registration</p> <p>16 application." Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Okay. And that is this section of the</p> <p>19 Texas Election Code enacted by House Bill 3107,</p> <p>20 that's the same that we looked at in Exhibit B</p> <p>21 regarding the requirement that, for those voter</p> <p>22 applications that are submitted by fax, they must</p>
Page 130	Page 132
<p>1 be another email from you to a host of</p> <p>2 individuals. Who are these individuals in the</p> <p>3 "To" section of your email?</p> <p>4 A Primarily it's the County</p> <p>5 Commissioners Court Civil Council and members of</p> <p>6 the Elections Commission.</p> <p>7 Q And I also see in the cc, correct me</p> <p>8 if I'm wrong, this list appears to be individuals</p> <p>9 in your office, correct?</p> <p>10 A It includes individuals in my office,</p> <p>11 but it's also the Commissioners Court, the county</p> <p>12 administrator and his assistant, and the budget</p> <p>13 officer as well.</p> <p>14 Q Okay. I'm sorry, go ahead. That's my</p> <p>15 apologies.</p> <p>16 A No, that's it. I'm sorry.</p> <p>17 Q No worries.</p> <p>18 And on occasion, when you get the</p> <p>19 advisories from the Secretary of State after a</p> <p>20 legislative session, is it your normal practice to</p> <p>21 actually send out that information to your office</p> <p>22 as well?</p>	<p>1 also, within 4 days, be provided the copy with the</p> <p>2 voter's original signature?</p> <p>3 Is that what's reflected here as well?</p> <p>4 A Yes.</p> <p>5 Q Okay, we can take this down.</p> <p>6 Thank you.</p> <p>7 Let's pull up Exhibit I. And, Zach,</p> <p>8 if you could also populate that into the Chat for</p> <p>9 Mr. Garza as well.</p> <p>10 (Garza Exhibit I was marked</p> <p>11 for identification.)</p> <p>12 BY MR. HARRIS:</p> <p>13 Q Same routine, Mr. Garza. Please take</p> <p>14 a moment to review it, and let me know when you're</p> <p>15 ready.</p> <p>16 A I'm going to try to click on the link</p> <p>17 again to see if it's there. Oh, it's at the</p> <p>18 bottom, sorry.</p> <p>19 Q No worries.</p> <p>20 A (Witness reviewing Exhibit I.)</p> <p>21 Okay, I've reviewed the document.</p> <p>22 Q All right, what is this? What is what</p>

33 (Pages 129 to 132)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 133	Page 135
<p>1 has been premarked as Exhibit I?</p> <p>2 A It appears to be the press release or</p> <p>3 statement released by then Secretary of State</p> <p>4 Pablos.</p> <p>5 Q This statement was released by then</p> <p>6 Secretary of State Pablos on October 4th, 2018,</p> <p>7 correct?</p> <p>8 A Yes. If you'll excuse me, I'm sorry.</p> <p>9 I apologize, I thought I had silenced it.</p> <p>10 (Witness's cell phone ringing.)</p> <p>11 Q It's all good. That's my cue to hurry</p> <p>12 this up, so fair enough.</p> <p>13 A I apologize.</p> <p>14 Q It's all good.</p> <p>15 A Yes, it appears that it was released</p> <p>16 on October 4th, 2018.</p> <p>17 Q And at that time, you were the</p> <p>18 election administrator in Cameron County?</p> <p>19 A Yes.</p> <p>20 Q So you received this announcement,</p> <p>21 correct?</p> <p>22 A I don't recall actually receiving it.</p>	<p>1 online; is that correct?</p> <p>2 A It appears to be asking voters to</p> <p>3 exercise caution with respect to those types of</p> <p>4 portals.</p> <p>5 Q Okay. So after you heard about or</p> <p>6 became aware of Secretary Pablos's announcement,</p> <p>7 what change, if any, did you make in your process</p> <p>8 for accepting voter registration applications in</p> <p>9 Cameron County?</p> <p>10 A None.</p> <p>11 Q All right, we can take that down.</p> <p>12 I want to look at this. You know</p> <p>13 what, Mr. Garza? I only have one more section,</p> <p>14 but I have to make sure my boss, Meaghan, is okay</p> <p>15 before I conclude my deposition, so what I would</p> <p>16 like to do is to take a quick five-minute recess,</p> <p>17 and then I think I'm only going to have a few more</p> <p>18 questions, if any, and then I'll be done at least</p> <p>19 with my line of questioning.</p> <p>20 So can we take five minutes, and then</p> <p>21 we'll return, and I'll probably need maybe 15</p> <p>22 more minutes with you.</p>
<p>Page 134</p> <p>1 I remember hearing about it.</p> <p>2 Q How did you hear about it?</p> <p>3 A I'm trying to remember what brought it</p> <p>4 to my attention, if I got a call from somebody or</p> <p>5 if the media called me regarding it, but I really</p> <p>6 know more about it from having seen it as it's</p> <p>7 appeared during depositions in this lawsuit.</p> <p>8 Q Okay, fair enough.</p> <p>9 Did Secretary Pablos call you to tell</p> <p>10 you about this announcement?</p> <p>11 A No.</p> <p>12 Q Did Keith Ingram call you to tell you</p> <p>13 about this announcement?</p> <p>14 A No.</p> <p>15 Q What about Christina Adkins?</p> <p>16 A No.</p> <p>17 Q Did anyone from the Secretary of</p> <p>18 State's office call you about this announcement?</p> <p>19 A Not that I recall.</p> <p>20 Q And the announcement talks about</p> <p>21 counties not being able to accept applications</p> <p>22 that were -- I guess where a voter registers</p>	<p>Page 136</p> <p>1 A Sure.</p> <p>2 THE VIDEOGRAPHER: Off the record.</p> <p>3 The time is 1:37.</p> <p>4 (A break was taken.)</p> <p>5 THE VIDEOGRAPHER: Back on record.</p> <p>6 Time is 1:43.</p> <p>7 BY MR. HARRIS:</p> <p>8 Q Mr. Garza, I have conferred with the</p> <p>9 mastermind behind today's deposition, my</p> <p>10 colleague, Meaghan, and I believe the only</p> <p>11 question I have -- the only few questions I have</p> <p>12 is to make sure that all of the documents that</p> <p>13 Vote.org has requested, outside of the ones you</p> <p>14 provided this morning, and outside of the ones I</p> <p>15 understand you're producing in response to</p> <p>16 Ken Paxton's document request, we have all the</p> <p>17 responsive documents to our document request; is</p> <p>18 that correct?</p> <p>19 A As far as I know at this point, yes.</p> <p>20 Q All right. Well, guess what, I'm</p> <p>21 done, so I will tender the witness.</p> <p>22 MR. STONE: Daniel, do you mind if I</p>

34 (Pages 133 to 136)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 137	Page 139
<p>1 go first?</p> <p>2 MR. LOPEZ: Absolutely. I have no</p> <p>3 questions for Remi, so go ahead.</p> <p>4 MR. STONE: Excellent.</p> <p>5 EXAMINATION BY COUNSEL FOR STATE INTERVENOR</p> <p>6 BY MR. STONE:</p> <p>7 Q Well, good afternoon. I'll try not to</p> <p>8 take too much of your time, Mr. Garza.</p> <p>9 Is an original signature required for</p> <p>10 voter registration applications received through</p> <p>11 the mail?</p> <p>12 A Yes.</p> <p>13 Q Are most of the voter registration</p> <p>14 applications your office receives through the</p> <p>15 mail?</p> <p>16 A Most of the applications we receive</p> <p>17 are through the DPS office.</p> <p>18 Q For the voter registration</p> <p>19 applications that you do receive through the mail,</p> <p>20 do they usually use the Secretary of State's voter</p> <p>21 registration application form?</p> <p>22 A Yes.</p>	<p>1 A No, it does not.</p> <p>2 Q How would you treat a voter</p> <p>3 registration application received in the mail that</p> <p>4 states on the application that it had previously</p> <p>5 been sent to your office via fax if you had no</p> <p>6 record of having received it through fax?</p> <p>7 A It would depend on the date that it</p> <p>8 was received, but essentially it would be</p> <p>9 processed as a new application if we were unable</p> <p>10 to find a confirmation of receipt of the fax.</p> <p>11 Q A new application submitted by mail,</p> <p>12 right?</p> <p>13 A Yes.</p> <p>14 Q Is uniformity among the county</p> <p>15 election administrators on the voter registration</p> <p>16 process important?</p> <p>17 A Yes.</p> <p>18 Q Why?</p> <p>19 A Well, we all have to abide by the same</p> <p>20 code, and I would think that if an elections</p> <p>21 administrator started engaging in activities that</p> <p>22 fell outside the normal practice, you know, some</p>
<p>Page 138</p> <p>1 Q Earlier you testified that they don't</p> <p>2 have -- that a voter registration application</p> <p>3 isn't required to use the Secretary of State's</p> <p>4 form as long as it contains that information,</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q What percentage of voter registration</p> <p>8 applications that you receive through the mail use</p> <p>9 some form other than the Secretary of State's</p> <p>10 voter registration application form?</p> <p>11 A It's hard to quantify, but I would say</p> <p>12 a vast majority of the applications we receive are</p> <p>13 on the form prescribed by the Secretary of State's</p> <p>14 office.</p> <p>15 Q Would you say the overwhelming</p> <p>16 majority?</p> <p>17 A Yes.</p> <p>18 Q The Secretary of State's voter</p> <p>19 registration application form doesn't have a box</p> <p>20 or other space on it where a voter would indicate</p> <p>21 if they previously submitted the application</p> <p>22 through fax, does it?</p>	<p>Page 140</p> <p>1 voters may either be harmed by that, or they could</p> <p>2 be given access to something that was outside the</p> <p>3 code.</p> <p>4 Q Would it be chaotic if every county in</p> <p>5 Texas had a different process for voter</p> <p>6 registration?</p> <p>7 A I think chaotic is a broad word.</p> <p>8 I think at some level we each have different</p> <p>9 processes of how we accept, review, and ultimately</p> <p>10 submit voter registration applications.</p> <p>11 Q So it's your testimony today that the</p> <p>12 voter registration application process is</p> <p>13 different in different counties in Texas?</p> <p>14 A As to how they're reviewed and</p> <p>15 actually provided to the state, yes.</p> <p>16 Q And when you say provided to the</p> <p>17 state, what do you mean?</p> <p>18 A Some counties utilize the state's</p> <p>19 voter registration TEAM process, other counties</p> <p>20 are offline.</p> <p>21 Q And when you say how they're reviewed,</p> <p>22 what do you mean?</p>

35 (Pages 137 to 140)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 141	Page 143
<p>1 A Some counties, my understanding is</p> <p>2 that when they receive the applications, they're</p> <p>3 scanned, and the clerks that receive them actually</p> <p>4 review them and submit them, and they only</p> <p>5 identify issues to a supervisor if something</p> <p>6 appears to be wrong with the application, versus</p> <p>7 how in Cameron County the supervisors see them</p> <p>8 first, and then distributes them to the clerks for</p> <p>9 upload to the state.</p> <p>10 Q When you spoke with Vote.org back in</p> <p>11 2018, did they disclose to you that voter</p> <p>12 registration -- the voter registration</p> <p>13 applications they'd be sending to you did not have</p> <p>14 an original signature?</p> <p>15 MR. HARRIS: Object to form.</p> <p>16 THE WITNESS: I don't remember if we</p> <p>17 spoke to that because we do know that once we</p> <p>18 started receiving them, we noticed that the</p> <p>19 signatures appeared to be images, and we started</p> <p>20 to deal with that issue as it became apparent.</p> <p>21 BY MR. STONE:</p> <p>22 Q Approximately how many voter</p>	<p>1 explaining that there appeared to be an issue, and</p> <p>2 that we wanted to discuss with Vote.org how best</p> <p>3 we could proceed so that the voters would be able</p> <p>4 to get their applications in and get them</p> <p>5 registered before the deadline.</p> <p>6 Q How did Vote.org respond?</p> <p>7 A If I remember, it was sort of</p> <p>8 disappointment that we weren't able to get them</p> <p>9 registered based on the fax or the imaged</p> <p>10 signature, but they understood that we had to take</p> <p>11 what action we felt was appropriate.</p> <p>12 Q Is that email in one of the documents</p> <p>13 that was produced in this case?</p> <p>14 A I believe the email, with respect to</p> <p>15 what my plan was, is in those documents.</p> <p>16 Q Do you recall if you actually spoke</p> <p>17 with anyone from Vote.org on the phone?</p> <p>18 A I would be surprised if I didn't</p> <p>19 because I'm sure I would have tried to reach out</p> <p>20 to them, and I don't remember silence coming back.</p> <p>21 Q After you received the voter</p> <p>22 registration applications submitted via fax in</p>
<p>Page 142</p> <p>1 registration applications were sent to your office</p> <p>2 via fax by Vote.org in 2018?</p> <p>3 A I believe it was about 17.</p> <p>4 Q When you received the applications</p> <p>5 from Vote.org via fax, could you tell from the</p> <p>6 faxed copy that printed out that they were using</p> <p>7 an imaged signature?</p> <p>8 A Yes.</p> <p>9 Q How could you tell?</p> <p>10 A In the signature box, you could kind</p> <p>11 of see the gray background that appeared to be an</p> <p>12 image placed on the application. There were just</p> <p>13 inconsistencies of what you would think of</p> <p>14 something that had been signed by hand would look.</p> <p>15 Q After the faxed copies were received</p> <p>16 by your office from Vote.org back in 2018, but</p> <p>17 before the mailed copy of them arrived at your</p> <p>18 office, did you contact Vote.org to talk with them</p> <p>19 about the signatures on the applications you</p> <p>20 received by fax?</p> <p>21 A I don't remember if we spoke on the</p> <p>22 phone, but I know I sent an email sort of</p>	<p>Page 144</p> <p>1 2018 from Vote.org, you reached out to the</p> <p>2 Secretary of State, right?</p> <p>3 A Yes.</p> <p>4 MR. HARRIS: Object to form.</p> <p>5 THE WITNESS: Yes, I did.</p> <p>6 BY MR. STONE:</p> <p>7 Q What did you -- why did you reach out</p> <p>8 to the Secretary of State?</p> <p>9 A I wanted to get clarification with</p> <p>10 respect to their interpretation of the signature</p> <p>11 requirement and whether it had to be an original</p> <p>12 signature, or if the photocopy would suffice for</p> <p>13 the code's purposes to register the individual.</p> <p>14 Q Did you reach out to the Secretary of</p> <p>15 State by email or by telephone?</p> <p>16 A I called them.</p> <p>17 Q And how did the Secretary of State</p> <p>18 respond, their office respond when you called</p> <p>19 them?</p> <p>20 A They agreed with our interpretation,</p> <p>21 that the imaged signature wouldn't suffice for</p> <p>22 purposes of the code.</p>

36 (Pages 141 to 144)

Page 145

1 Q Who did you speak with at the  
 2 Secretary of State's office when you called back  
 3 in 2018?  
 4 A I don't remember the name of the  
 5 individual. I do know that I talked to the Legal  
 6 Division of the Secretary of State's office.  
 7 Q And that was actually how the  
 8 Secretary of State's office found out about what  
 9 Vote.org was doing in Texas, right?  
 10 A I have no idea how they found out.  
 11 Q How long have you been a county  
 12 election administrator?  
 13 A Just under seven years.  
 14 Q Is there an annual course for county  
 15 election administrators put on by the Secretary of  
 16 State's office?  
 17 A There's an annual conference that has  
 18 similar topics.  
 19 Q Have you ever attended the annual  
 20 Secretary of State's conference for county  
 21 election administrators?  
 22 A Yes.

Page 146

1 Q Approximately how many times have you  
 2 attended it in your seven years as a county  
 3 election administrator?  
 4 A At least six.  
 5 Q And at those annual conventions for  
 6 county election administrators put on by the  
 7 Secretary of State, did any of them cover the  
 8 topic of voter registration via fax?  
 9 A I think as part of the general voter  
 10 registration topics, that would have been  
 11 included.  
 12 Q Did the course teach that an original  
 13 signature was required for voter registration  
 14 applications submitted via fax?  
 15 A I believe so.  
 16 Q And was that taught at all of the  
 17 conventions that you attended from the Secretary  
 18 of State's office?  
 19 A Generally, the presentations are very  
 20 similar, and so I would say, yeah, it was included  
 21 in those.  
 22 Q And were these six courses at least

Page 147

1 that you attended, were these the preceding six  
 2 years?  
 3 A Yes. I'm sorry, I--  
 4 Q So we're talking like 2016 on at this  
 5 point, right?  
 6 A Yeah, I'm pretty confident that I  
 7 attended in 2015, '16, '17, '18, '19. There may  
 8 have been one that we skipped, because the most  
 9 important ones are the ones right after  
 10 legislative session.  
 11 Q So even before 2018, the Secretary of  
 12 State's annual convention course for county  
 13 election administrators was teaching that voter  
 14 registration applications submitted via fax  
 15 required an original signature, right?  
 16 A I couldn't say if the word "original  
 17 signature" was being used or just "signature."  
 18 Q Did you understand it to mean, though,  
 19 an original signature?  
 20 A Yes.  
 21 Q If it didn't mean an original  
 22 signature, would the Secretary of State's office

Page 148

1 have used specific language like "imaged  
 2 signature"?  
 3 MR. HARRIS: Objection, calls for  
 4 speculation.  
 5 THE WITNESS: I believe they would  
 6 have.  
 7 BY MR. STONE:  
 8 Q And is that belief based on your  
 9 experience having attended six of these courses  
 10 and having been an election administrator for  
 11 seven years?  
 12 A Yes.  
 13 Q And is it based on your prior  
 14 interactions with the Secretary of State's office  
 15 when you have questions about the election  
 16 process?  
 17 A Yes.  
 18 Q I apologize for the delay, I'm trying  
 19 to see if I can get the documents pulled up.  
 20 Mr. Garza, have you ever used a fax  
 21 machine before?  
 22 A Yes.

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 149	Page 151
<p>1 Q Fax machines can have technological</p> <p>2 errors that occur, right?</p> <p>3 MR. HARRIS: Object to form.</p> <p>4 MR. STONE: State your objection.</p> <p>5 MR. HARRIS: I did.</p> <p>6 MR. STONE: You said objection, form.</p> <p>7 So what is your specific objection?</p> <p>8 MR. HARRIS: The characterization of</p> <p>9 technical difficulty. I don't know what you mean</p> <p>10 by that.</p> <p>11 MR. STONE: Okay. Go ahead and</p> <p>12 answer, Mr. Garza.</p> <p>13 THE WITNESS: I think it's possible</p> <p>14 that fax machines can send partial images or</p> <p>15 blurry images when they're printed out from one</p> <p>16 device to another.</p> <p>17 BY MR. STONE:</p> <p>18 Q And can fax machines also experience</p> <p>19 problems when the paper is loaded incorrectly?</p> <p>20 A If it's a thermal paper device, yes.</p> <p>21 Q What about if the printer runs out of</p> <p>22 ink, can the print -- strike that, let me start</p>	<p>1 A Yes.</p> <p>2 Q Can we take a -- if it's okay with</p> <p>3 anybody, can we take a 10-minute break? I'm going</p> <p>4 to review the documents that we just received, and</p> <p>5 I may have some follow-up questions, but otherwise</p> <p>6 I think I'm almost done.</p> <p>7 A Okay.</p> <p>8 THE VIDEOGRAPHER: Off record.</p> <p>9 Time is 2:01.</p> <p>10 (A break was taken.)</p> <p>11 THE VIDEOGRAPHER: Back on record.</p> <p>12 The time is 2:10.</p> <p>13 MR. STONE: The AG has no further</p> <p>14 questions at this time. However, we want to leave</p> <p>15 the record open because we have not yet received</p> <p>16 all of the documents that have been disclosed in</p> <p>17 the case, and we'll reach out to everybody and</p> <p>18 confer if we need to come back and ask some</p> <p>19 follow-up questions.</p> <p>20 MR. HARRIS: Daniel, do you have any</p> <p>21 questions? I'm sorry, go ahead.</p> <p>22 MR. LOPEZ: I was just saying</p>
<p>1 again.</p> <p>2 If the fax machine runs out of ink,</p> <p>3 can the printout be faint?</p> <p>4 A It could be.</p> <p>5 Q Could a fax machine have a problem</p> <p>6 printing out a fax that is sent if the line is</p> <p>7 disconnected while it's transmitting?</p> <p>8 A I would believe so, but I wouldn't</p> <p>9 necessarily rely on my responses as encompassing</p> <p>10 all technical difficulties you could experience</p> <p>11 with a fax.</p> <p>12 Q But it's fair to say that, in your</p> <p>13 experience, fax machines can experience technical</p> <p>14 problems?</p> <p>15 A Yes.</p> <p>16 Q And I know you testified earlier about</p> <p>17 this. I just want to cover it one more time.</p> <p>18 If you received a voter registration</p> <p>19 application in the mail, and you had no record of</p> <p>20 it having been sent via fax, you would treat it as</p> <p>21 a new voter registration application submitted by</p> <p>22 mail, right?</p>	<p>1 thank you.</p> <p>2 MR. HARRIS: Do you have any</p> <p>3 questions? I just have a few follow-up.</p> <p>4 MR. LOPEZ: Go ahead.</p> <p>5 FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFF</p> <p>6 BY MR. HARRIS:</p> <p>7 Q Mr. Garza, a few questions.</p> <p>8 Is submitting a voter registration</p> <p>9 application by fax illegal in the State of Texas?</p> <p>10 A No.</p> <p>11 Q Has Texas outlawed fax machines?</p> <p>12 A No.</p> <p>13 Q So despite all of the temperature of</p> <p>14 the paper, machines running out of ink, and all</p> <p>15 these other purported problems you discussed with</p> <p>16 Mr. Stone, voters can still submit voter</p> <p>17 registration applications in fax by Texas?</p> <p>18 A Yes.</p> <p>19 Q Okay. You said that you made a phone</p> <p>20 call to the Secretary of State to figure out</p> <p>21 whether or not you could continue to receive</p> <p>22 applications by fax, right? You remember</p>

38 (Pages 149 to 152)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

<p style="text-align: right;">Page 153</p> <p>1 providing that testimony?</p> <p>2 A I don't believe I meant that it was a</p> <p>3 question of whether I could receive them by fax.</p> <p>4 It was a question regarding the signature.</p> <p>5 Q And in that -- and thank you for that</p> <p>6 correction.</p> <p>7 And the guidance you got from the</p> <p>8 Secretary of State's office was that imaged</p> <p>9 signatures would not comply with the Texas</p> <p>10 Election Code; is that right?</p> <p>11 A They confirmed our position that they</p> <p>12 weren't acceptable.</p> <p>13 Q But DPS applications come to your</p> <p>14 office as imaged signatures, right?</p> <p>15 A Yes.</p> <p>16 Q And the Secretary of State did not</p> <p>17 tell you to reject those applications, right?</p> <p>18 A No.</p> <p>19 Q And you also told me that you did --</p> <p>20 you testified that you did like six sessions or</p> <p>21 trainings with the Secretary of State in advance</p> <p>22 of -- related to, you know, HB 3107; is that</p>	<p style="text-align: right;">Page 155</p> <p>1 they've now started using that in their training.</p> <p>2 Q Got it. Now, so that is after the</p> <p>3 passage of HB 3107, right?</p> <p>4 A Yes.</p> <p>5 Q But before HB 3107 was passed, what</p> <p>6 was the process of accepting voter registration</p> <p>7 applications?</p> <p>8 MR. STONE: Objection to form.</p> <p>9 THE WITNESS: I believe they may have</p> <p>10 used the phrase "original signature" or may have</p> <p>11 used the phrase "wet signature," but at the time,</p> <p>12 it didn't seem to be important to remember whether</p> <p>13 or not it had been said.</p> <p>14 BY MR. HARRIS:</p> <p>15 Q And why is that?</p> <p>16 A I think it was generally understood</p> <p>17 that an original signature, you know, meant</p> <p>18 somebody physically signing and using, you know,</p> <p>19 ink, because I certainly had used the phrase in</p> <p>20 the past, and everybody understood what we meant</p> <p>21 when we said "wet signature."</p> <p>22 Q Okay, two final questions.</p>
<p style="text-align: right;">Page 154</p> <p>1 correct?</p> <p>2 A Yes -- well, not six trainings with</p> <p>3 respect to HB 3107. Six conferences, annual</p> <p>4 conferences the Secretary of State's office had,</p> <p>5 the latest of which included discussions about</p> <p>6 3107.</p> <p>7 Q And during that session regarding the</p> <p>8 original signature requirement, did the Secretary</p> <p>9 of State define what it meant by "original</p> <p>10 signature"?</p> <p>11 A Yes. I think at that conference they</p> <p>12 may have used the term "wet signature" to describe</p> <p>13 what an original signature would be.</p> <p>14 Q You said "may." Is that because</p> <p>15 you're not sure if they used it, or you're certain</p> <p>16 that they used -- they defined it?</p> <p>17 A Well, the conference was a few days</p> <p>18 ago -- I mean, it was a while back, and so exact</p> <p>19 verbiage, I'd have to see if there's a video copy</p> <p>20 of it, but essentially their intention was to let</p> <p>21 us know that the original signature was</p> <p>22 essentially a wet signature, because I believe</p>	<p style="text-align: right;">Page 156</p> <p>1 Would it surprise you if the Secretary</p> <p>2 of State took a position in which he said his</p> <p>3 announcement in 2018 was not binding on Texas</p> <p>4 election administrators?</p> <p>5 MR. STONE: Objection to form.</p> <p>6 THE WITNESS: No, it wouldn't surprise</p> <p>7 me.</p> <p>8 BY MR. HARRIS:</p> <p>9 Q Why wouldn't that surprise you?</p> <p>10 A Because the Secretary of State's</p> <p>11 office, while it offers guidance, is not our</p> <p>12 attorneys, and ultimately I feel it's my</p> <p>13 responsibility to implement the code.</p> <p>14 Q And then last question.</p> <p>15 You told me that you don't use the</p> <p>16 signatures on the voter registration applications</p> <p>17 for any other reason but to confirm that the</p> <p>18 application is complete, right?</p> <p>19 A Yes.</p> <p>20 Q All right, I'm done. Are we good?</p> <p>21 MR. STONE: I have nothing. Until we</p> <p>22 get the documents, I don't have any further</p>

39 (Pages 153 to 156)

Page 157

1 questions at this time.  
 2 MR. HARRIS: Mr. Garza, I get my  
 3 steak. We can go off the record. We're done,  
 4 thanks.  
 5 THE VIDEOGRAPHER: Okay, this  
 6 concludes today's deposition. Off record. Time  
 7 is 2:16 p.m.  
 8 (Whereupon, at 2:16 p.m. CST, the taking  
 9 of the deposition was concluded.  
 10 Reading and signature were RESERVED.)  
 11  
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 13  
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 16  
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 19  
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 21  
 22

Page 159

1 Remi Garza 30(b)(6), c/o  
 Cameron County Commissioners Court  
 2 Civil Legal Division, 1101 East Monroe Street, Suite 233  
 Brownsville, Texas 78520-5883  
 3  
 Case: Vote.org v. Jacquelyn Callanen, et al.  
 4 Date of deposition: March 4, 2022  
 Deponent: Remi Garza 30(b)(6)  
 5  
 6 Please be advised that the transcript in the above  
 referenced matter is now complete and ready for signature.  
 7 The deponent may come to this office to sign the transcript,  
 8 a copy may be purchased for the witness to review and sign,  
 9 or the deponent and/or counsel may waive the option of  
 10 signing. Please advise us of the option selected.  
 11 Please forward the errata sheet and the original signed  
 12 signature page to counsel noticing the deposition, noting the  
 13 applicable time period allowed for such by the governing  
 14 Rules of Procedure. If you have any questions, please do  
 15 not hesitate to call our office at (202)-232-0646.  
 16  
 17  
 18 Sincerely,  
 19 Digital Evidence Group  
 20 Copyright 2022 Digital Evidence Group  
 21 Copying is forbidden, including electronically, absent  
 22 express written consent.

Page 158

1 CERTIFICATE OF NOTARY PUBLIC  
 2 I, DAWN A. JAQUES, a Notary Public in and for  
 3 the Commonwealth of Virginia, before whom the  
 4 foregoing deposition was taken, do hereby certify  
 5 that witness whose testimony appears in the  
 6 foregoing pages was duly sworn by me; that the  
 7 testimony of said witness was taken by me in  
 8 shorthand at the time and place mentioned in the  
 9 caption hereof and thereafter reduced to typewriting  
 10 under my supervision; that said deposition is a true  
 11 record of the testimony given by said witness; that  
 12 I am neither counsel for, related to, nor employed  
 13 by any of the parties to the action in which this  
 14 deposition is taken; and, further, that I am not a  
 15 relative or employee of any attorney or counsel  
 16 employed by the parties thereto, nor financially or  
 17 otherwise interested in the outcome of the actions.  
 18  
 19  
 20  
 21  
 22

\_\_\_\_\_  
 Dawn A. Jaques, CSR, CLR  
 Notary Public in and for  
 Commonwealth of Virginia

My commission expires:  
 August 31, 2023  
 Registration No. 132328

Page 160

1 Digital Evidence Group, L.L.C.  
 1730 M Street, NW, Suite 812  
 2 Washington, D.C. 20036  
 (202) 232-0646  
 3  
 4 SIGNATURE PAGE  
 Case: Vote.org v. Jacquelyn Callanen, et al.  
 5 Witness Name: Remi Garza 30(b)(6)  
 Deposition Date: March 4, 2022  
 6  
 I do hereby acknowledge that I have read  
 7 and examined the foregoing pages  
 of the transcript of my deposition and that:  
 8  
 9 (Check appropriate box):  
 10 ( ) The same is a true, correct and  
 complete transcription of the answers given by  
 me to the questions therein recorded.  
 11 ( ) Except for the changes noted in the  
 attached Errata Sheet, the same is a true,  
 12 correct and complete transcription of the  
 13 answers given by me to the questions therein  
 14 recorded.  
 15  
 16  
 17 \_\_\_\_\_  
 DATE WITNESS SIGNATURE  
 18  
 19  
 20  
 21 \_\_\_\_\_  
 DATE NOTARY  
 22

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Remi Garza 30(b)(6)

Page 161

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

5

6 ERRATA SHEET

7

8 Case: Vote.org v. Jacquelyn Callanen, et al.

9 Witness Name: Remi Garza 30(b)(6)

10 Deposition Date: March 4, 2022

11 Page No. Line No. Change

12

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Signature

\_\_\_\_\_  
Date

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3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

---

VOTE.ORG, )  
Plaintiff, )  
 )  
v. )  
 )  
JACQUELYN CALLANEN, in her )  
official capacity as the )  
Bexar County Elections )  
Administrator, et al., )  
 )  
Defendants, ) Case No.  
 ) 5:21-cv-649  
and ) JKP-HJB  
 )  
KEN PAXTON, in his official )  
capacity as Attorney General )  
of Texas, et al., )  
 )  
Intervenor-Defendants. )  
 )

---

Videotaped Deposition of KEITH INGRAM  
Conducted Remotely via Zoom  
Friday, March 4, 2022  
10:06 a.m. EST

Reported by Lisa A. Knight, RDR, CRR, RSA

---

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

Page 2

1 PURSUANT TO NOTICE AND SUBPOENA,  
2 the videotaped deposition of KEITH INGRAM was  
3 conducted remotely via Zoom on behalf of the  
4 Plaintiff, at 10:06 a.m. EST, on Friday,  
5 March 4, 2022, reported stenographically by  
6 Lisa A. Knight, Realtime Diplomat Reporter,  
7 Certified Realtime Reporter, and Realtime  
8 Systems Administrator.  
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22

Page 3

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Page 4

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214.653.3600  
17  
18  
19 ALSO PRESENT:  
20 DeSHAWN WHITE, Videographer  
21 & Exhibit Tech  
22

Page 5

1 INDEX

2 KEITH INGRAM

3 MARCH 4, 2022

4 EXAMINATION OF KEITH INGRAM: PAGE

5 BY MS. YUKEVICH 8

6

7 DEPOSITION EXHIBITS

8 KEITH INGRAM

9 MARCH 4, 2022

10 NUMBER DESCRIPTION PAGE

11 Exhibit A Subpoena to Testify at a 21

12 Deposition in a Civil

13 Action

14 Exhibit B House Bill 3107 92

15 Exhibit E Press Release: Secretary 200

16 Pablos Reminds Texans to

17 Exercise Caution When

18 Registering to Vote

19 Exhibit H Texas Voter Registration 156

20 Application

21

22 \*\*REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document.

Page 7

1 court reporter please swear in the

2 witness.

3 THE STENOGRAPHER: The

4 attorneys participating in this

5 deposition acknowledge that I am not

6 physically present in the deposition

7 room, and that I will be reporting

8 this deposition remotely.

9 They further acknowledge that

10 in lieu of an oath administered in

11 person, I will administer the oath

12 remotely.

13 If any party has an objection

14 to this manner of proceeding, please

15 state so now.

16 (No response.)

17 THE STENOGRAPHER: Hearing

18 nothing, we may proceed.

19 Thank you.

20 KEITH INGRAM,

21 having been first duly sworn to state the

22 whole truth, testified as follows:

Page 6

1 PROCEEDINGS

2 THE VIDEOGRAPHER: This is

3 Tape No. 1 of the videotaped

4 deposition of Keith Ingram in the

5 matter of Vote.org versus Jacquelyn

6 Callanen, et al., in the United States

7 District Court for the Western

8 District of Texas, Case No.

9 5:21-cv-649-JKP-HJB.

10 This deposition is being held

11 by Zoom remote conferencing, physical

12 recording in Fredericksburg, Virginia,

13 on March 4, 2022. The time on the

14 video screen is 11:06 a.m. Eastern

15 Time.

16 My name is DeShawn White; I'm

17 the legal videographer from Digital

18 Evidence Group. The court reporter is

19 Lisa Knight, in association with

20 Digital Evidence Group.

21 Will counsel please introduce

22 themselves for the record -- will the

Page 8

1 EXAMINATION

2 BY MS. YUKEVICH:

3 Q. Good morning, Mr. Ingram. How

4 are you doing today?

5 A. I'm fine.

6 Q. Good.

7 So my name is Kassi Yukevich.

8 My colleague Noah Baron, who is off the

9 screen, and I represent plaintiff, Vote.org,

10 in this matter, which as I'm sure you already

11 know, challenges Section 14 of House

12 Bill 3107.

13 Can you please just state your

14 full name for the record.

15 A. My name is Brian Keith Ingram.

16 Q. And, Mr. Ingram, can you just

17 state your business address for me, please.

18 A. It is 1019 Brazos Street,

19 Suite 205, Austin, Texas 78701.

20 Q. Great.

21 And have you ever been deposed

22 before, Mr. Ingram?

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 9	Page 11
<p>1 A. I have, yes.</p> <p>2 Q. Okay. How many times would you</p> <p>3 say you've been deposed?</p> <p>4 A. I don't know. A lot.</p> <p>5 Q. More than, like, 20, would you</p> <p>6 say?</p> <p>7 A. Probably in the 20 range.</p> <p>8 Q. All right. And what are the</p> <p>9 most recent cases in which you've been</p> <p>10 deposed?</p> <p>11 A. I don't know. It would have</p> <p>12 been one of the ones in 2020. I had several</p> <p>13 depositions in several cases in the 2020</p> <p>14 election cycle.</p> <p>15 Q. Okay. And were those related</p> <p>16 to the -- I assume were related to your role</p> <p>17 in the Secretary of State's Office. Is that</p> <p>18 correct?</p> <p>19 A. I agree with that.</p> <p>20 Q. Okay. And any cases in</p> <p>21 particular that you can remember?</p> <p>22 A. There was a case on the</p>	<p>1 capacity, any cases that you've been a party</p> <p>2 to?</p> <p>3 A. There was just one. And it was</p> <p>4 about the Presidential Commission on Election</p> <p>5 Integrity, looking for our list of registered</p> <p>6 voters.</p> <p>7 Q. Okay. And were you a plaintiff</p> <p>8 in that case or a defendant in that case?</p> <p>9 A. Defendant.</p> <p>10 Q. All right.</p> <p>11 So, Mr. Ingram, I'm going to</p> <p>12 take a few minutes to cover the basics of</p> <p>13 what to expect in a deposition, even though</p> <p>14 I know you have been deposed many times</p> <p>15 before. And I know you are an attorney, but</p> <p>16 we still have to go through this. So</p> <p>17 I appreciate if you'll bear with me.</p> <p>18 A. Sure.</p> <p>19 Q. So given the ongoing COVID-19</p> <p>20 pandemic, I'm not in the room with you. And</p> <p>21 your deposition, as we discussed, is being</p> <p>22 video-recorded. We're all participating in</p>
<p>Page 10</p> <p>1 electioneering laws. There was a case on the</p> <p>2 filing fees for libertarians and Green Party</p> <p>3 candidates. I don't remember them all.</p> <p>4 Q. That's all right.</p> <p>5 And have you ever been a party</p> <p>6 to a lawsuit before?</p> <p>7 A. I think, in a few of these</p> <p>8 cases, since I've been in this role, I've</p> <p>9 been named as a party. I believe one in my</p> <p>10 individual capacity. Mostly in my official</p> <p>11 capacity.</p> <p>12 Q. All right. And when was that</p> <p>13 that you were named in your official</p> <p>14 capacity?</p> <p>15 A. I think there's one going</p> <p>16 now -- well, it was the mandamus petition in</p> <p>17 the Supreme Court last week, that I was named</p> <p>18 in my official capacity.</p> <p>19 Q. Okay. And were you deposed in</p> <p>20 that case?</p> <p>21 A. I was not.</p> <p>22 Q. Okay. And in your individual</p>	<p>Page 12</p> <p>1 this deposition through the magic of</p> <p>2 videoconferencing technology.</p> <p>3 And since this deposition is</p> <p>4 taking place remotely over a video</p> <p>5 conference, I would just ask that you do your</p> <p>6 best to turn off e-mail notifications and</p> <p>7 cell phone notifications, to the extent that</p> <p>8 they're visible on the screen that you're</p> <p>9 viewing this deposition, if that's okay.</p> <p>10 A. Sure.</p> <p>11 Q. Okay. And where are you</p> <p>12 located today for this deposition? What</p> <p>13 address?</p> <p>14 A. I'm at 1019 Brazos. We're on</p> <p>15 the second floor, in the conference room.</p> <p>16 Q. All right. And are you viewing</p> <p>17 this deposition on a computer or on your</p> <p>18 phone?</p> <p>19 A. It's a laptop computer.</p> <p>20 Q. All right. And do you have any</p> <p>21 other screens open, apart from this</p> <p>22 deposition screen?</p>

3 (Pages 9 to 12)

Page 13

1 A. No. I mean, this is full  
 2 screen on my screen.  
 3 Q. Okay. And did you bring any  
 4 documents with you today, either hard copies  
 5 or electronic?  
 6 A. I did bring one thing.  
 7 I brought a voter registration application  
 8 with me. Just a regular-old paper  
 9 application.  
 10 Q. Okay. Anything else?  
 11 A. My Election Code.  
 12 Q. All right. And so I'll just  
 13 ask that you not refer to those documents  
 14 during the deposition, unless I instruct you  
 15 to do so or unless you think it will be  
 16 helpful for your answer.  
 17 And you can just let me know  
 18 that you're taking a look at that  
 19 information, and I'll pull up a copy, for  
 20 example, of the voter registration -- paper  
 21 voter registration application.  
 22 Does that make sense?

Page 14

1 A. Sure.  
 2 Q. And I think your lawyers are in  
 3 the room with you. Is that correct?  
 4 A. That is correct.  
 5 Q. Okay. So who all is in the  
 6 room with you today?  
 7 A. I've got Cory Scanlon, Kathleen  
 8 Hunker, Adam Bitter, and Zac Rhines.  
 9 Q. Okay. All right. And so  
 10 anyone else apart from your lawyers in the  
 11 room with you today?  
 12 A. They are not.  
 13 Q. All right. And so because  
 14 we're taking your deposition remotely and I  
 15 can only see the beautiful bookshelf behind  
 16 you, I might not always be able to see what  
 17 you have in front of you or who comes into  
 18 the room while you're testifying.  
 19 So just to check -- and I'm  
 20 sure you do know -- do you understand that it  
 21 would not be appropriate for either your  
 22 attorneys or anyone else that may come into

Page 15

1 the room to tell you how to answer a  
 2 particular question that I ask today?  
 3 A. I understand that. Yes.  
 4 Q. I thought you might.  
 5 And do you agree that while  
 6 you're testifying today, you won't exchange  
 7 communications, either via notes or text  
 8 message, e-mail, any other sort of hand  
 9 signal, about the questions that I ask today?  
 10 A. Sure.  
 11 Q. All right.  
 12 So I know we went over this a  
 13 little bit before. I'll also ask that your  
 14 microphone remain on while we're on the  
 15 record, because I know that Ms. Hunker also  
 16 is using sort of your microphone. And your  
 17 attorney's microphone, she's using yours, so  
 18 that will stay on as well. Hopefully  
 19 everyone else will remain muted while they  
 20 are not speaking.  
 21 And so during the deposition,  
 22 as you know, I'm going to ask you some

Page 16

1 questions and you're going to answer them and  
 2 the court reporter is going to take down  
 3 those questions and those answers.  
 4 Your answers do need to be  
 5 audible, to ensure an accurate record of the  
 6 deposition. So no nodding, no shaking your  
 7 head. And if you can try to avoid things  
 8 like um-hum, huh-uh, I would appreciate it.  
 9 The court reporter will appreciate it. And  
 10 I certainly will try to do the same.  
 11 Does that make sense?  
 12 A. It does.  
 13 Q. Great.  
 14 And I'll ask, especially  
 15 because we're virtual, that you wait for me  
 16 to finish my questions before you answer, for  
 17 the sake of the court reporter and the  
 18 transcript. That's especially important  
 19 during a video deposition.  
 20 Have you been on a video  
 21 deposition before, sir?  
 22 A. I have.

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 17	Page 19
<p>1 Q. Yeah. So you'll know that it's</p> <p>2 not unusual for -- if two folks start</p> <p>3 speaking, for the software to cut one or the</p> <p>4 other out completely. So we've just got to</p> <p>5 do our very best not to talk over each other</p> <p>6 and avoid sort of some awkward interrupting.</p> <p>7 Make sense?</p> <p>8 A. Sure.</p> <p>9 Q. Great.</p> <p>10 So your answers are under oath.</p> <p>11 And as you know, that means that you're</p> <p>12 swearing to their truthfulness and accuracy.</p> <p>13 And the oath you took today has the same</p> <p>14 effect as if you were testifying in court.</p> <p>15 Do you agree with that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. And so if my question is</p> <p>18 unclear to you, any question I ask is unclear</p> <p>19 to you, which might happen, please let me</p> <p>20 know and I will do my best to clarify.</p> <p>21 If you do answer a question</p> <p>22 today, I will assume you understand that</p>	<p>1 question before we go on break.</p> <p>2 Does that make sense?</p> <p>3 A. Sure.</p> <p>4 Q. Great.</p> <p>5 And I'm going to, you know, try</p> <p>6 to proactively offer breaks every hour or so,</p> <p>7 just so you have a chance to stretch your</p> <p>8 legs, do what you need to do. But, like I</p> <p>9 said, please -- you know, in between, as long</p> <p>10 as you're done answering the question, please</p> <p>11 feel free to ask or have your attorney ask</p> <p>12 for a break.</p> <p>13 Do you have any questions about</p> <p>14 anything we just talked about?</p> <p>15 A. No.</p> <p>16 Q. Mr. Ingram, is there anything</p> <p>17 today that might impair your ability to</p> <p>18 testify accurately?</p> <p>19 A. No.</p> <p>20 Q. Okay. Anything that might</p> <p>21 impair your ability to testify truthfully</p> <p>22 today?</p>
<p>1 question.</p> <p>2 Does that make sense?</p> <p>3 A. That makes sense.</p> <p>4 Q. All right.</p> <p>5 And your attorney, as you know,</p> <p>6 may object to my question. Those objections</p> <p>7 are for the judge to consider. And you must</p> <p>8 still answer my questions unless you're</p> <p>9 specifically instructed by your attorney --</p> <p>10 one of your attorneys not to do so.</p> <p>11 Does that make sense?</p> <p>12 A. Sure.</p> <p>13 Q. All right.</p> <p>14 And so you'll have a chance to</p> <p>15 review the final transcript, if you'd like to</p> <p>16 do so, to make any corrections at the end of</p> <p>17 this process.</p> <p>18 And the last thing, before we</p> <p>19 get to the questions, is: If you need to</p> <p>20 take a break at any time for any reason,</p> <p>21 please do say so. I'll only ask that if a</p> <p>22 question is pending, that you answer my</p>	<p>1 A. No.</p> <p>2 Q. And you haven't taken any</p> <p>3 medication, alcohol, or drugs that would</p> <p>4 impair your testimony or your memory today.</p> <p>5 Is that correct?</p> <p>6 A. I have not.</p> <p>7 Q. Okay. So you've been</p> <p>8 designated to take this deposition for, on</p> <p>9 behalf of, the Secretary of State's Office;</p> <p>10 and the Secretary of State's Office is bound</p> <p>11 by your testimony today.</p> <p>12 Do you understand that?</p> <p>13 A. I do.</p> <p>14 Q. Okay. And do you understand</p> <p>15 that you're being offered by the Office of</p> <p>16 the Texas Secretary of State as its</p> <p>17 designated representative to testify</p> <p>18 regarding topics that we noticed to your</p> <p>19 attorney before today?</p> <p>20 A. I agree.</p> <p>21 Q. Okay. Great.</p> <p>22 MS. YUKEVICH: I'm just going</p>

5 (Pages 17 to 20)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 21	Page 23
<p>1 to ask, Mr. White, if you could just</p> <p>2 pull up and mark what's been premarked</p> <p>3 as Exhibit A. This is the corrected</p> <p>4 Exhibit A that I uploaded just a</p> <p>5 few minutes ago.</p> <p>6 (Ingram Exhibit A, Subpoena</p> <p>7 to Testify at a Deposition in a</p> <p>8 Civil Action, was marked for</p> <p>9 identification, as of this</p> <p>10 date.)</p> <p>11 BY MS. YUKEVICH:</p> <p>12 Q. Mr. Ingram, have you seen this</p> <p>13 document before?</p> <p>14 A. I have.</p> <p>15 Q. Okay. When did you see it?</p> <p>16 For the --</p> <p>17 A. I've seen two of them. So</p> <p>18 I think -- I don't know if this is the second</p> <p>19 one, but I saw the second one yesterday</p> <p>20 afternoon.</p> <p>21 Q. All right. Fair enough.</p> <p>22 If you -- and the first one, do</p>	<p>1 understand that you've been designated to</p> <p>2 testify with respect to each of these topics?</p> <p>3 A. I do.</p> <p>4 Q. Okay. And are you prepared to</p> <p>5 testify on behalf of the Texas Office of the</p> <p>6 Secretary of State regarding each of these</p> <p>7 topics?</p> <p>8 I mean, do you know that there</p> <p>9 is 9 and 10 on the second page? If we can</p> <p>10 pull those up as well -- on the next page.</p> <p>11 A. Right. To the extent our</p> <p>12 office has any knowledge of these topics, it</p> <p>13 would rest with me.</p> <p>14 Q. All right. Is there any topic</p> <p>15 on here that you have no information or</p> <p>16 you're unprepared to testify about in your</p> <p>17 official capacity?</p> <p>18 A. I don't believe so.</p> <p>19 Q. All right.</p> <p>20 MS. YUKEVICH: We can take the</p> <p>21 document down -- or, actually, no.</p> <p>22 Sorry. Can you leave that up for a</p>
<p>1 you mean it was the same -- it was a subpoena</p> <p>2 for a different deposition date?</p> <p>3 A. I think it might have been the</p> <p>4 same date, but not with the Zoom call. And</p> <p>5 I saw it, I think, last week.</p> <p>6 Q. All right. Understood. That</p> <p>7 makes sense.</p> <p>8 So we can go to page -- if we</p> <p>9 can head to page 12 of this document. So are</p> <p>10 you with me? Are you looking at this</p> <p>11 document, Mr. Ingram?</p> <p>12 A. I'm sorry. What?</p> <p>13 Q. Are you able to see the</p> <p>14 document on the screen?</p> <p>15 A. I can.</p> <p>16 Q. Okay. And do you see the</p> <p>17 header, you know, Deposition Topics?</p> <p>18 A. I do.</p> <p>19 Q. Okay. And have you reviewed</p> <p>20 these topics?</p> <p>21 A. I have.</p> <p>22 Q. All right. And do you</p>	<p>1 second. I apologize.</p> <p>2 BY MS. YUKEVICH:</p> <p>3 Q. Can we go to page 10 of the</p> <p>4 document. Do you see the header Document</p> <p>5 Requests? Do you see that header,</p> <p>6 Mr. Ingram?</p> <p>7 A. I do.</p> <p>8 Q. And did you bring any documents</p> <p>9 related to any of these topics today, with</p> <p>10 the exception of the Election Code and the</p> <p>11 voter registration application that we</p> <p>12 discussed earlier?</p> <p>13 A. I did not.</p> <p>14 MS. YUKEVICH: We can take the</p> <p>15 document down now.</p> <p>16 BY MS. YUKEVICH:</p> <p>17 Q. Okay. So I ask today that you</p> <p>18 please presume that I am asking you to speak</p> <p>19 on behalf of the Texas Secretary of State and</p> <p>20 that office. The answers you give today are</p> <p>21 binding on that office, as we discussed.</p> <p>22 So when I use the words "you"</p>

6 (Pages 21 to 24)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 25	Page 27
<p>1 or "your," I'm asking about Texas Secretary 2 of State's Office. 3 Does that make sense? 4 A. It does. 5 Q. Okay. And if you're ever 6 confused about whether you should be 7 answering in your official capacity or your 8 individual capacity, just please ask me to 9 clarify before you respond. If you don't 10 ask, I'll assume you understand the capacity 11 in which you've been asked to speak. 12 Does that make sense? 13 A. Sure. 14 Q. Okay. Let's get into some 15 questions. 16 How did you prepare for today's 17 deposition, Mr. Ingram? 18 A. Well, I reviewed the deposition 19 topics. Had a brief meeting with the 20 attorneys. And I talked to my legal 21 director, Christina Adkins. 22 Q. Okay. Did you talk to anyone</p>	<p>1 that, yes. 2 Q. Okay. And so you talked about 3 how you heard about Vote.org's e-sign 4 function web application? 5 A. That's right. 6 Q. And did you talk about anything 7 else related to Vote.org or this case in 8 general? 9 A. No. It was just generally the 10 events about -- once we heard about it, what 11 did we do then and -- in response. 12 Q. Okay. Any differences in your 13 recollection of those events? 14 A. There were not. 15 Q. How long did you speak to 16 Ms. Adkins for? 17 A. Three or four minutes. 18 Q. Okay. And you said you had a 19 brief meeting with your attorneys. Please 20 don't tell me what you spoke about, but how 21 long was that meeting? 22 A. 45 minutes, 50 minutes.</p>
Page 26	Page 28
<p>1 else about the topics or the deposition to 2 prepare for today? 3 A. I did not. 4 Q. All right. And can you tell me 5 about your conversation with Christina 6 Adkins? What did you speak about? 7 A. Just trying to see if she 8 recalled the events the same way that I did, 9 the way that we heard about this issue and 10 the events thereafter. 11 Q. Okay. When you say "the 12 events" and "this issue," can you explain a 13 little bit about what you mean by that? 14 A. Well, how we heard that 15 Vote.org was doing what they were doing with 16 regard to voter registrations back in 2018. 17 Q. Okay. So you were referring to 18 the e-sign function of Vote.org's web 19 application? Is that what you're referring 20 to? 21 A. I haven't heard it referred to 22 as that, but that makes sense to call it</p>	<p>1 Q. Okay. Did you take notes in 2 your call or your conversation with 3 Ms. Adkins? 4 A. I did not. 5 Q. And did you take notes in your 6 meetings with your attorney? 7 A. I did not. 8 Q. Did you review any documents to 9 prepare for today's deposition? 10 A. I looked at the subpoena and 11 the attachment, the press release that was 12 attached to it. 13 Q. Okay. Did you look at any 14 other documents apart from the subpoena and 15 the -- I think you're referring to Exhibit A 16 of the subpoena. 17 A. Agreed. 18 And that's all that I looked 19 at. 20 Q. Okay. You didn't go back and 21 look in -- I just want to be clear: You 22 didn't go back and look in your e-mails from</p>

7 (Pages 25 to 28)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 29	Page 31
<p>1 2018?</p> <p>2 A. I did not.</p> <p>3 Q. And you didn't look for any</p> <p>4 other documents that your office may have</p> <p>5 related to the topics that we had noticed.</p> <p>6 Is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. All right. And did you review</p> <p>9 the pleadings in this case?</p> <p>10 A. I did not.</p> <p>11 Q. Okay. Have you ever read or</p> <p>12 reviewed Vote.org's Complaint in this case?</p> <p>13 A. I don't believe so.</p> <p>14 Q. Okay. And so if you can</p> <p>15 just -- in total, about how much time did you</p> <p>16 spend preparing for this deposition?</p> <p>17 A. About an hour.</p> <p>18 Q. Great.</p> <p>19 So I'm going to go over some</p> <p>20 terminology you brought up that you hadn't</p> <p>21 heard, sort of the e-signature function, web</p> <p>22 application. You hadn't heard those terms</p>	<p>1 Sometimes I'll say "election</p> <p>2 administrators" and sometimes I'll say --</p> <p>3 I'll do my very best to say "voter</p> <p>4 registrars." I know that can be an election</p> <p>5 administrator, a tax assessor-collector,</p> <p>6 another role.</p> <p>7 So I'll do my very best to be</p> <p>8 clear. But when I'm asking you about county</p> <p>9 election officials today, I am speaking about</p> <p>10 election officials who have -- who are</p> <p>11 responsible for voter registration.</p> <p>12 Does that make sense?</p> <p>13 A. It does.</p> <p>14 Q. Okay. And if I'm talking about</p> <p>15 election officials, for example, in a county</p> <p>16 where you have a tax assessor-collector and a</p> <p>17 clerk, I'll do my very best to be specific</p> <p>18 that I'm asking you for information about</p> <p>19 county officials that run elections.</p> <p>20 Does that make good sense?</p> <p>21 A. Um-hum. Sure.</p> <p>22 Q. Okay. And then -- and the same</p>
<p>Page 30</p> <p>1 before, so I'm going to do my very best to</p> <p>2 define things, you know, before we start</p> <p>3 speaking.</p> <p>4 If there's ever a time where</p> <p>5 I use a term or a phrase that's confusing to</p> <p>6 you, please do let me know or clarify your</p> <p>7 understanding. Otherwise, I'll sort of</p> <p>8 presume that we're on the same page.</p> <p>9 So for today's purposes, when</p> <p>10 I'm talking, if I use the term "county</p> <p>11 election administrators," I'm referring not</p> <p>12 just to county officials who have that</p> <p>13 election administrator title and their</p> <p>14 offices, but any county official responsible</p> <p>15 for voter registration.</p> <p>16 Does that make sense?</p> <p>17 A. Okay.</p> <p>18 So you're primarily interested</p> <p>19 in voter registration officials, not election</p> <p>20 officials.</p> <p>21 Q. Yes, sir. Sometimes I'll use</p> <p>22 "election administration" -- sorry.</p>	<p>Page 32</p> <p>1 thing: When I say "voter registrar," I'm not</p> <p>2 just referring to election officials that</p> <p>3 have the title voter registrar. I'm</p> <p>4 referring to those folks in counties that are</p> <p>5 responsible for voter registration.</p> <p>6 Does that make sense?</p> <p>7 A. I understand.</p> <p>8 Q. Okay. Mr. Ingram, where are</p> <p>9 you currently employed?</p> <p>10 A. I am employed at the Texas</p> <p>11 Secretary of State.</p> <p>12 Q. Okay. And what is your job</p> <p>13 title?</p> <p>14 A. I am the director of the</p> <p>15 Elections Division.</p> <p>16 Q. Okay. And how long have you</p> <p>17 been the director of the Elections Division?</p> <p>18 A. Ten years and a month.</p> <p>19 Q. Congratulations.</p> <p>20 A. Two months.</p> <p>21 Q. That's quite the anniversary.</p> <p>22 So you've been there for over a</p>

8 (Pages 29 to 32)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 33	Page 35
<p>1 decade now?</p> <p>2 A. I have.</p> <p>3 Q. Okay. And were you always the</p> <p>4 director of the Elections Division or did you</p> <p>5 start in a different role?</p> <p>6 A. No. I was the director since</p> <p>7 January 5, 2012.</p> <p>8 Q. Okay. And what are the</p> <p>9 responsibilities that you have as director of</p> <p>10 the Elections Division?</p> <p>11 A. The Secretary of State for</p> <p>12 Texas is the chief election official for the</p> <p>13 state. And the legislature, by statute, has</p> <p>14 provided that the secretary has a division to</p> <p>15 do that responsibility for the secretary.</p> <p>16 And I direct that division.</p> <p>17 So that means that I manage the</p> <p>18 folks who work in the Elections Division, and</p> <p>19 I'm responsible for legislative</p> <p>20 communications, communications with counties,</p> <p>21 overseeing the work product that comes out of</p> <p>22 this division as we attempt to fulfill our</p>	<p>1 gets to the counties.</p> <p>2 Q. Okay. Can I -- I'd like to</p> <p>3 break that down just a little bit.</p> <p>4 So can you talk about</p> <p>5 collecting and distributing that information</p> <p>6 related to voter eligibility. What do you</p> <p>7 mean by that?</p> <p>8 A. So for various kinds of</p> <p>9 eligibility questions, felony convictions,</p> <p>10 deaths, noncitizenship, we collect the</p> <p>11 information from various agencies and send it</p> <p>12 to the appropriate county where a particular</p> <p>13 voter may be registered.</p> <p>14 Q. Okay. All right.</p> <p>15 And when you say that you are</p> <p>16 the collection point for voter registration</p> <p>17 applications that are coming from the</p> <p>18 Department of Public Safety, or DPS -- is it</p> <p>19 okay if I call it "DPS"?</p> <p>20 A. Sure.</p> <p>21 Q. Okay. When you say that, what</p> <p>22 does that entail, the collection of those</p>
<p>Page 34</p> <p>1 mission to obtain and maintain uniformity in</p> <p>2 the interpretation, application, and</p> <p>3 operation of the Election Code and election</p> <p>4 laws outside of the Election Code.</p> <p>5 Q. Okay. What are your office's</p> <p>6 responsibilities related to voter</p> <p>7 registration specifically?</p> <p>8 A. Our office is responsible for</p> <p>9 running the statewide voter registration</p> <p>10 database that's required by the Help America</p> <p>11 Vote Act. And we also are the collection</p> <p>12 point for voter registration applications</p> <p>13 that come from Texas Department of Public</p> <p>14 Safety.</p> <p>15 We also are responsible for</p> <p>16 assisting the other Chapter 20 agencies with</p> <p>17 their plan for voter registration, making</p> <p>18 sure that they have a current plan.</p> <p>19 And then, of course, we also</p> <p>20 collect and distribute information regarding</p> <p>21 voters that could affect their eligibility</p> <p>22 status and make sure that that information</p>	<p>Page 36</p> <p>1 voter registration applications?</p> <p>2 A. It means that we get a file</p> <p>3 from DPS every night with new registrations</p> <p>4 and changes to existing registrations that</p> <p>5 came from customers at the DPS that day.</p> <p>6 Q. And you say you get a file at</p> <p>7 night. So is that, like, an automated</p> <p>8 process?</p> <p>9 A. It is.</p> <p>10 Q. Okay. And is there just like a</p> <p>11 computer program that runs -- DPS sends you a</p> <p>12 file, your computer program runs those</p> <p>13 updates and new voters, and assigns them new</p> <p>14 IDs? Is that how it works?</p> <p>15 A. That is not.</p> <p>16 Q. Okay.</p> <p>17 A. We take those registrations and</p> <p>18 changes from the DPS, and our computer</p> <p>19 system, overnight, sends it out to the</p> <p>20 appropriate county.</p> <p>21 Q. Okay. Understood.</p> <p>22 And we'll get into that a</p>

9 (Pages 33 to 36)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 37	Page 39
<p>1 little bit later, but I was just sort of 2 curious if we could get into that now. 3 All right. What did you do -- 4 any other responsibilities related to voter 5 registration that you didn't list in your 6 initial answer and that we haven't discussed? 7 A. I don't think so. 8 We do -- if a deceased record 9 matches what -- does what we call a "strong 10 match," we cancel those ourselves. We also 11 prepare the counties for the suspense/purge 12 at the end of every even-numbered year, but 13 we are the ones that actually do the 14 suspense/purge once the county informs us 15 that they're ready. 16 Q. Okay. Do you communicate with 17 counties regarding changes to voter 18 registration requirements that the Texas 19 legislature makes? 20 A. Sure. 21 Q. And do you issue election 22 advisories to counties about changes to voter</p>	<p>1 Physical Therapy Board, the Occupational 2 Therapy Board. And I don't remember all of 3 them, but I had a variety of those. 4 Q. Yeah. It sounds like 5 interesting work. 6 A. It was. 7 Q. Did you do anything related to 8 elections, voter registration, election 9 administration in that role? 10 A. Not really. But when you're 11 talking about judicial appointments, they're 12 obviously an elected position. And so I had 13 to be familiar with the Election Code 14 provisions regarding nomination of judges, 15 timing of nominations, executive committee 16 nominations, and that sort of thing. 17 So basically Chapter 201, 18 Chapter 202, and Chapter 145 of the Election 19 Code, I needed to be familiar with in my role 20 with the governor. 21 Q. So was your first involvement 22 in election administration in your role at</p>
Page 38	Page 40
<p>1 registration requirements or voter 2 registration laws? 3 A. Sure. 4 Q. All right. Okay. 5 So what did you do prior to 6 being the director of the Elections Division 7 at the Texas Secretary of State's Office? 8 A. Before that, I worked for 9 Governor Perry in his Appointments Office. 10 Q. How long did you do that for? 11 A. I did that for four years. 12 Q. And what were your 13 responsibilities in that role? 14 A. I was the Appointments manager 15 that was primarily responsible for judicial 16 appointments as well as other lawyer sort of 17 appointments, like judicial counsel, State 18 Commission on Judicial Conduct. 19 But I also had a variety of 20 other boards, you know, professional 21 licensing boards, like the fitters and the 22 dispensers of hearing instruments, the</p>	<p>1 the Texas Secretary of State's Office? 2 A. I agree with that. 3 Q. And have you ever worked in 4 election administration in any other state 5 apart from Texas? 6 A. I have not. 7 Q. Okay. And had you ever had, 8 before you became the director of the 9 Elections Division, any formal training in 10 election administration? 11 A. No, ma'am. 12 Q. And none in voter registration? 13 A. That's correct. 14 Q. Okay. But since you've 15 joined -- or become the director of the 16 Elections Division, have you had formal 17 training related to election administration? 18 A. No, ma'am. 19 Q. Okay. And have you had any 20 formal training related to voter registration 21 in your time as director of the Elections 22 Division?</p>

10 (Pages 37 to 40)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 41	Page 43
<p>1 A. I have not.</p> <p>2 Q. Okay. Have you ever had any</p> <p>3 formal training related to signatures at all,</p> <p>4 in any sort of capacity?</p> <p>5 A. No.</p> <p>6 Q. Any training on signature</p> <p>7 verification?</p> <p>8 A. No.</p> <p>9 Q. Any training on signature</p> <p>10 matching?</p> <p>11 A. No.</p> <p>12 Q. Any training on e-sign or</p> <p>13 e-signature technology?</p> <p>14 A. No.</p> <p>15 Q. And when I say "e-sign," I do</p> <p>16 mean, like, electronic signatures in any</p> <p>17 form. Right? So pictures of signatures that</p> <p>18 were then uploaded to a document or, like,</p> <p>19 the DocuSign click-here-to-sign e-signatures.</p> <p>20 Any training in any of that?</p> <p>21 A. No.</p> <p>22 Q. Okay. And any training in the</p>	<p>1 half of her responsibility. She also is over</p> <p>2 election administration. The team lead is</p> <p>3 devoted to voter registration full time.</p> <p>4 So I would say that the five,</p> <p>5 plus one, and then half of a director.</p> <p>6 Q. Got it. Makes sense.</p> <p>7 What is the director's name?</p> <p>8 A. Kristi Hart.</p> <p>9 Q. Okay. And then what is the</p> <p>10 team lead's name?</p> <p>11 A. Lillian Eder.</p> <p>12 Q. How long have they both worked</p> <p>13 for you?</p> <p>14 A. Kristi has been here a couple</p> <p>15 of years. Lilly has been here longer than</p> <p>16 that; maybe five.</p> <p>17 Q. Okay. And the folks that work</p> <p>18 under Lilly, how -- what are their general</p> <p>19 responsibilities?</p> <p>20 A. We are -- we basically do</p> <p>21 frontline tech support for the voter</p> <p>22 registration database. So when a county has</p>
<p>Page 42</p> <p>1 security of signatures?</p> <p>2 A. No.</p> <p>3 Q. Any training in fraud related</p> <p>4 to signatures?</p> <p>5 A. No.</p> <p>6 Q. Okay. In your office in the</p> <p>7 Elections Division, are there any folks that</p> <p>8 are specifically assigned to voter</p> <p>9 registration?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How many, would you say?</p> <p>12 A. I would say that there are one,</p> <p>13 two -- I would say that there are five, plus</p> <p>14 a team lead, plus a director.</p> <p>15 Q. Sorry. Five, plus a -- what</p> <p>16 you called a "team lead" and someone called a</p> <p>17 "director"?</p> <p>18 A. That's right.</p> <p>19 Q. Okay. So seven total? Or</p> <p>20 three plus those two?</p> <p>21 A. Well, the director is over the</p> <p>22 voter registration, and so she's -- but it's</p>	<p>Page 44</p> <p>1 a question about how to perform a function,</p> <p>2 the TEAM team will answer that call and try</p> <p>3 to walk the county election official through</p> <p>4 whatever issue they're having with the</p> <p>5 computer system.</p> <p>6 Q. And that's the TEAM database;</p> <p>7 is that right?</p> <p>8 A. That's right.</p> <p>9 Q. Okay. Do you ever refer to it</p> <p>10 by any other name?</p> <p>11 A. We do not.</p> <p>12 Q. Okay. I just want to make</p> <p>13 sure. That's not -- I'm not trying to trick</p> <p>14 you or anything. I just want to make sure</p> <p>15 I'm using all the right terminology.</p> <p>16 So you have those -- so those</p> <p>17 five folks focus -- those five individuals</p> <p>18 that work under the team lead focus primarily</p> <p>19 on frontline database support?</p> <p>20 A. Right. Helping the counties</p> <p>21 navigate the system and answering their</p> <p>22 questions about the system.</p>

11 (Pages 41 to 44)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 45	Page 47
<p>1 Q. So if someone at the county 2 calls, for example, and says, you know, for 3 whatever reason, you know, TEAMS is not 4 updating for me today, they would walk them 5 through how to maybe fix that issue? 6 A. Agreed. Or if they have a 7 particular issue with a particular voter's 8 record. 9 Q. Understood. 10 Can you walk me through some 11 examples of the things that those individuals 12 deal with? 13 A. Well, it would be anything that 14 someone is trying to do. 15 So if we get -- you know, we 16 batch process with about 40 of our counties 17 overnight. I think 38. But we batch process 18 with them overnight. 19 Sometimes they throw off -- the 20 batch processing throws off an error file. 21 So the error file will have some records in 22 it that have to be looked at individually.</p>	<p>1 A. It is. 2 Q. Travis County is an offline 3 county? 4 A. They are. 5 Q. What about Cameron County, 6 offline or online county? 7 A. They're offline. 8 Q. They're offline. 9 How many offline counties are 10 there? 11 A. I believe there's 38 right now. 12 Q. Okay. And -- it's my 13 understanding, correct me if I'm wrong, that 14 the larger counties tend to be the offline 15 counties. Is that correct? 16 A. I agree. 17 Q. Okay. And the smaller counties 18 tend to be what you call "online counties." 19 Is that right? 20 A. I agree with that. 21 Q. And "online counties" mean -- 22 does that mean that they use TEAMS</p>
Page 46	Page 48
<p>1 So the county and our office will go through 2 those. 3 Q. Okay. Let's -- when you say 4 "batch processing," can you just explain for 5 me what that is? 6 A. Well, the ones that don't use 7 our system directly, we call "offline 8 counties." So they have their own voter 9 registration database that they input voters 10 into. So we get records from them at night; 11 they get records from us at night. And we 12 make sure that we exchange the information. 13 Q. Okay. Sorry. Was that the end 14 of your answer? I apologize. 15 A. It is. 16 Q. Okay. So that's offline 17 counties that use batch processing. 18 Is Bexar County an offline 19 county? 20 A. It is. 21 Q. Dallas County is an offline 22 county?</p>	<p>1 exclusively for voter registration purposes? 2 A. Right. They use our system, 3 and they use our system directly. 4 Q. Okay. And we're going to walk 5 through in a minute, like, all the steps of 6 that. But I will shift gears just very 7 quickly and sort of finish talking about your 8 role in the Secretary of State's Office and 9 the role of the secretary in general. 10 So the Secretary of State, we 11 talked about this, is the chief elections 12 officer of the state of Texas. Is that 13 right? 14 A. Agreed. 15 Q. Okay. And they're charged -- 16 the secretary, and your office, are charged 17 with implementing election laws in Texas. Is 18 that correct? 19 A. That's one of the things we do. 20 Yes. 21 Q. Okay. And you implement the 22 election laws that are passed by the Texas</p>

12 (Pages 45 to 48)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 49	Page 51
<p>1 legislature. Is that right?</p> <p>2 A. Agree.</p> <p>3 Q. Okay. And you have a duty to</p> <p>4 maintain uniformity in election laws. Is</p> <p>5 that right?</p> <p>6 A. That's correct.</p> <p>7 Q. And as part of that authority</p> <p>8 to ensure uniformity, you issue formal</p> <p>9 election advisories?</p> <p>10 A. Agree with that.</p> <p>11 Q. Okay. And that includes</p> <p>12 election advisories about how to implement</p> <p>13 specific changes to election laws. Is that</p> <p>14 right?</p> <p>15 A. Sometimes.</p> <p>16 Q. Okay. Does that include</p> <p>17 issuing election advisories about how to</p> <p>18 implement, like, laws already on the books?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And you send e-mails to</p> <p>21 counties with advice about how to implement</p> <p>22 election laws. Is that correct?</p>	<p>1 it's Assistance and Advice. That's what we</p> <p>2 do. We assist and we advise election</p> <p>3 officials in the conduct of elections.</p> <p>4 We do our best to make sure</p> <p>5 that county election officials as well as</p> <p>6 city, schools, and other political</p> <p>7 subdivisions have the information that they</p> <p>8 need so that they can have a challenge-free</p> <p>9 election.</p> <p>10 Q. All right. So apart from</p> <p>11 election advisories, e-mails, advice, calls,</p> <p>12 anything else that you do to ensure and</p> <p>13 maintain uniformity in elections?</p> <p>14 A. Sure.</p> <p>15 We have seminars with county</p> <p>16 election officials every summer. We have a</p> <p>17 seminar with city, school, and other</p> <p>18 political subdivisions every winter. And</p> <p>19 then we do WebExes, WebEx trainings. We have</p> <p>20 a seminar with county party chairs every</p> <p>21 other -- every odd-numbered year, in about</p> <p>22 September/October.</p>
<p>Page 50</p> <p>1 A. Yes. We send individual</p> <p>2 e-mails in response to questions. And we</p> <p>3 also send mass e-mails to all the counties</p> <p>4 about particular topics.</p> <p>5 Q. Okay. And you've answered</p> <p>6 e-mails from county officials about how to</p> <p>7 conduct elections. Is that fair?</p> <p>8 A. Sure.</p> <p>9 Q. And how to conduct voter</p> <p>10 registration processes; is that fair?</p> <p>11 A. Well, if it was into the</p> <p>12 processes very much, I would refer that to</p> <p>13 the TEAM team.</p> <p>14 Q. Understood.</p> <p>15 And have you -- you know, has</p> <p>16 your office answered questions about how to</p> <p>17 follow laws passed by the legislature?</p> <p>18 A. Occasionally.</p> <p>19 Q. Okay. And how -- what else do</p> <p>20 you do to maintain uniformity in elections?</p> <p>21 A. Well, that's about it. I mean,</p> <p>22 you look at 31.004 of the Election Code and</p>	<p>Page 52</p> <p>1 So lots and lots of training</p> <p>2 opportunities as well as in-person training.</p> <p>3 Q. Okay. Anything else --</p> <p>4 A. Yeah. I was about to say: We</p> <p>5 now have -- the legislature has given us</p> <p>6 people, and money to fund those positions, to</p> <p>7 do individual training with counties. So we</p> <p>8 have our individual election law trainers</p> <p>9 that go to counties to assist them one on one</p> <p>10 with various parts of the Election Code.</p> <p>11 Q. All right. Anything else that</p> <p>12 you do to maintain and ensure uniformity in</p> <p>13 elections?</p> <p>14 A. Well, we send election</p> <p>15 advisories, but a particular subset of an</p> <p>16 election advisory is the election law</p> <p>17 calendar for each election date. It's a</p> <p>18 comprehensive overview of everything that</p> <p>19 needs to occur for that election to be</p> <p>20 achieved successfully.</p> <p>21 So think of the election law</p> <p>22 calendars as a separate thing than the</p>

13 (Pages 49 to 52)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 53	Page 55
<p>1 election advisories.</p> <p>2 Q. Does your office ever work with</p> <p>3 the Attorney General's Office to maintain and</p> <p>4 ensure uniformity in elections?</p> <p>5 A. Not really. The Attorney</p> <p>6 General's Office works with us on certifying</p> <p>7 voting systems. We also refer possible</p> <p>8 criminal conduct over to them under 31.006.</p> <p>9 Q. Okay. Do you ever refer, like,</p> <p>10 civil violations, noncriminal violations of</p> <p>11 the Election Code to the Attorney General's</p> <p>12 Office?</p> <p>13 A. No.</p> <p>14 Q. Can you tell me what a "wet" --</p> <p>15 I'm going to shift gears a little bit.</p> <p>16 I will ask: Do you have any</p> <p>17 documents in your possession that detail, you</p> <p>18 know, the way that your office maintains</p> <p>19 uniformity in elections?</p> <p>20 A. I don't know what you mean.</p> <p>21 Q. So do you have any -- so, for</p> <p>22 example, do you have copies of all the</p>	<p>1 Q. Fair enough.</p> <p>2 So in the lead-up to -- so what</p> <p>3 I understand an election cycle to be is the</p> <p>4 sort of month or two months leading up to</p> <p>5 either a primary or a general election. Is</p> <p>6 that fair to say?</p> <p>7 Or do you have a different</p> <p>8 definition of that?</p> <p>9 A. Well, all four years are an</p> <p>10 election cycle. I mean, it's just different</p> <p>11 things are occurring at different times.</p> <p>12 Q. Understood.</p> <p>13 So in the month leading up</p> <p>14 to -- I'll ask this: In the month leading up</p> <p>15 to this most recent primary election, about</p> <p>16 how many e-mails a day would you say your</p> <p>17 office was getting from county election</p> <p>18 officials?</p> <p>19 A. I don't know. I would have to</p> <p>20 check the records on that.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know.</p>
<p>Page 54</p> <p>1 election advisories that you issued related</p> <p>2 to voter registration?</p> <p>3 A. Sure. They're all posted on</p> <p>4 our website.</p> <p>5 Q. Okay. And do you maintain</p> <p>6 copies of all the e-mail communications that</p> <p>7 you have with counties, answering individual</p> <p>8 questions?</p> <p>9 A. I believe we've got a pretty</p> <p>10 good repository of those, yes. I don't know</p> <p>11 if it would capture all of them, but...</p> <p>12 Q. Is it fair to say you capture</p> <p>13 most of them?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. How many -- how often do</p> <p>16 you get those requests from counties via</p> <p>17 e-mail?</p> <p>18 A. We get questions from counties</p> <p>19 every day.</p> <p>20 Q. How many a day, would you say?</p> <p>21 A. I don't know. It depends on</p> <p>22 how busy the cycle is, but a lot.</p>	<p>Page 56</p> <p>1 Q. Do you think it's more or less</p> <p>2 than 10 a day?</p> <p>3 A. It's more than 10.</p> <p>4 Q. More or less than 50 a day?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. And with respect to --</p> <p>7 do county election officials -- and now I'm</p> <p>8 speaking about folks who -- I want to be very</p> <p>9 clear: Folks who deal with voter</p> <p>10 registration and folks who are dealing with</p> <p>11 the administration of elections. So both</p> <p>12 sort of camps.</p> <p>13 Do they call your office for</p> <p>14 advice?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And does your office</p> <p>17 keep record of those calls?</p> <p>18 A. We don't keep a record of the</p> <p>19 substance of the calls. Obviously our phone</p> <p>20 system has the number.</p> <p>21 Q. Okay. So say Cameron County</p> <p>22 were to call with a question. Do you -- you</p>

14 (Pages 53 to 56)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 57	Page 59
<p>1 don't log that question anywhere, in writing?</p> <p>2 A. Not usually. Sometimes if it's</p> <p>3 a particularly complex question, we will ask</p> <p>4 the county to send it in an e-mail, so that</p> <p>5 we can respond in writing after we've had a</p> <p>6 chance to discuss it.</p> <p>7 Q. Do you have an estimate of how</p> <p>8 many counties call you each day in the month</p> <p>9 leading up to an election?</p> <p>10 A. I know that in the first</p> <p>11 two months of this year, we received over</p> <p>12 14,000 calls on our county election line.</p> <p>13 Q. And those are from all county</p> <p>14 election officials dealing with either voter</p> <p>15 registration or election administration?</p> <p>16 A. It's from election officials.</p> <p>17 And so most of those are counties. Some of</p> <p>18 them will be cities and school districts</p> <p>19 using the number.</p> <p>20 Q. Oh, yeah. Of course. Thank</p> <p>21 you for that clarification.</p> <p>22 So you said 14,000?</p>	<p>1 Can you tell me what you think</p> <p>2 an imaged signature is?</p> <p>3 A. That would be a JPEG or GIF or</p> <p>4 something that is a picture of a signature.</p> <p>5 Q. Yeah. I have the same -- I</p> <p>6 apologize. My phone is ringing. I have the</p> <p>7 same understanding.</p> <p>8 And can you tell me what you</p> <p>9 understand a "digital signature" to mean?</p> <p>10 A. So my understanding of a</p> <p>11 digital signature is that it's not</p> <p>12 necessarily a signature at all. It's</p> <p>13 something that signifies that a person, a</p> <p>14 particular person, signed a document.</p> <p>15 Q. Okay. So what would you</p> <p>16 call -- so we're on the same page on a wet</p> <p>17 ink signature, and you've got a picture of a</p> <p>18 wet ink signature being an imaged signature.</p> <p>19 But what would you call a</p> <p>20 signature when someone signs on, like, a</p> <p>21 tablet, for example, using a stylus to sign</p> <p>22 on a tablet?</p>
<p>Page 58</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And were most of them</p> <p>3 sort of readily answered on the phone or...</p> <p>4 A. Yes.</p> <p>5 Q. And do you keep, apart from</p> <p>6 phone records, any documents related to those</p> <p>7 calls and conversations?</p> <p>8 A. We do not. Like I said,</p> <p>9 occasionally one will turn into an e-mail</p> <p>10 exchange.</p> <p>11 Q. Okay. So now I want to go over</p> <p>12 some more terminology before I get into the</p> <p>13 next section of our deposition.</p> <p>14 So can you tell me what you</p> <p>15 understand the term "wet ink signature" to</p> <p>16 mean?</p> <p>17 A. A signature from a pen onto a</p> <p>18 piece of paper.</p> <p>19 Q. Okay. I have the same</p> <p>20 understanding of a wet ink signature. So I</p> <p>21 just want to make sure that we're on the same</p> <p>22 page.</p>	<p>Page 60</p> <p>1 A. So I call that a physical</p> <p>2 signature electronically captured.</p> <p>3 Q. All right. Physical signature</p> <p>4 electronically captured.</p> <p>5 Is it fair to call that, for</p> <p>6 today's purposes, just an electronic</p> <p>7 signature --</p> <p>8 A. No --</p> <p>9 Q. -- or would you disagree?</p> <p>10 A. -- I disagree.</p> <p>11 I think an electronic signature</p> <p>12 and digital signature are the same thing.</p> <p>13 Not necessarily a signature at all. Just</p> <p>14 some indication that the person's taking</p> <p>15 ownership of this document.</p> <p>16 Q. Got it. Like a checkbox or</p> <p>17 something or --</p> <p>18 A. Some sort of --</p> <p>19 Q. -- a time stamp with your name</p> <p>20 written on it. That kind of thing is what</p> <p>21 you're referring to?</p> <p>22 A. Yeah. Or like an S, with your</p>

15 (Pages 57 to 60)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 61	Page 63
<p>1 name in italics next to it.</p> <p>2 Q. Yeah. Like a typed-out</p> <p>3 signature?</p> <p>4 A. Right.</p> <p>5 Q. Got it. Okay.</p> <p>6 So can you just explain the</p> <p>7 difference, then, between a wet ink signature</p> <p>8 and an imaged signature?</p> <p>9 A. Well, one of them is signed on</p> <p>10 the actual piece of paper and one of them is</p> <p>11 a picture.</p> <p>12 Q. A picture of what?</p> <p>13 A. A picture of a signature.</p> <p>14 Q. Okay. But is an imaged</p> <p>15 signature a picture of a wet ink signature?</p> <p>16 A. Sometimes.</p> <p>17 Q. Okay. What else could it be a</p> <p>18 picture of?</p> <p>19 A. We get JPEGs from the</p> <p>20 Department of Public Safety, and those are</p> <p>21 physical signatures electronically captured.</p> <p>22 Q. So would you also call that an</p>	<p>1 to an "imaged signature," I'm referring to a</p> <p>2 picture of a wet ink signature.</p> <p>3 Does that make sense?</p> <p>4 A. Okay.</p> <p>5 Q. And when I'm asking you</p> <p>6 about -- I will do my very best to ask you</p> <p>7 about physical signatures electronically</p> <p>8 captured, but if you are ever confused when</p> <p>9 I use the term "electronic signature," please</p> <p>10 let me know.</p> <p>11 A. Okay.</p> <p>12 Q. Does that make sense?</p> <p>13 A. Sure.</p> <p>14 Q. Okay. So, Mr. Ingram, I want</p> <p>15 to now sort of turn to -- in addition to your</p> <p>16 sort of more general authority on voter</p> <p>17 registration, I'd like to spend a few minutes</p> <p>18 discussing the specific processes by which</p> <p>19 your office processes voter registration</p> <p>20 applications.</p> <p>21 Does that make sense?</p> <p>22 A. Okay.</p>
<p>Page 62</p> <p>1 imaged signature then?</p> <p>2 A. I call it a physical signature</p> <p>3 electronically captured.</p> <p>4 Q. Okay. So what's the</p> <p>5 difference, then, between a physical</p> <p>6 signature electronically captured and an</p> <p>7 imaged signature?</p> <p>8 A. Well, an imaged signature is</p> <p>9 just a picture. So it could be of something</p> <p>10 that was physically captured on an electronic</p> <p>11 device or it could be a picture of a</p> <p>12 signature on a piece of paper.</p> <p>13 Q. Okay. Okay. Understood.</p> <p>14 So for today's purposes, even</p> <p>15 if you disagree with my characterization --</p> <p>16 and I don't think you do -- when I use the</p> <p>17 term "wet ink signature," I'm referring to</p> <p>18 signatures created with ink on a piece of</p> <p>19 paper.</p> <p>20 Does that make sense?</p> <p>21 A. Okay.</p> <p>22 Q. Okay. And when I'm referring</p>	<p>Page 64</p> <p>1 Q. Okay. So I'd like to start</p> <p>2 with voters who register to vote with paper</p> <p>3 applications delivered to -- similar to the</p> <p>4 one you brought with you today, delivered to</p> <p>5 their county registrar or elections</p> <p>6 administrator.</p> <p>7 Are you with me so far?</p> <p>8 A. Okay.</p> <p>9 Q. All right. So, first, is it</p> <p>10 correct that paper voter registration</p> <p>11 applications should be delivered to the</p> <p>12 county voter registrar, whether that be a tax</p> <p>13 assessor-collector or election administrator?</p> <p>14 A. Well, I don't know about</p> <p>15 "should." That's a hard thing to say.</p> <p>16 We prefer it that way, but</p> <p>17 there's quite a few of them that are</p> <p>18 addressed to our office that we have to sort</p> <p>19 and send out to the counties.</p> <p>20 Q. Okay. So, in general, is -- in</p> <p>21 general, you would prefer that, you know,</p> <p>22 paper voter registration applications go</p>

16 (Pages 61 to 64)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 65	Page 67
<p>1 directly to the county registrar. Is that 2 fair to say? 3 A. Agreed. Sure. 4 Q. But sometimes they do come to 5 your office. 6 A. Sometimes they come to our 7 office. They're addressed to us. 8 Q. Okay. And when they come to 9 your office, you send them to the county 10 voter registrars or election administrators 11 that deal with voter registration. Is that 12 correct? 13 A. We do. 14 Q. Okay. Do you do anything else 15 with those applications that come to your 16 office, besides batch them and send them out? 17 A. That is it. We sort them and 18 send them. 19 Q. You don't keep copies of those 20 applications? 21 A. No. 22 Q. And when a county voter</p>	<p>1 Both online and offline 2 counties will manually input information from 3 paper voter registration applications into 4 the TEAMS database. Is that correct? 5 A. No. 6 Q. Okay. Let's go with online 7 counties first. What do online counties do 8 with the information that they have from 9 paper voter registration applications? 10 A. They will take the information 11 from the paper application and input it 12 directly into TEAM. 13 Q. Okay. And that requires them 14 looking at the paper application; right? 15 A. Right. 16 Q. And typing that information 17 into TEAM? 18 A. Agreed. 19 Q. Okay. What about offline 20 counties? 21 A. So offline counties will take 22 the paper application and input it directly</p>
Page 66	Page 68
<p>1 registrar or elections administrator receives 2 a paper application, either directly from the 3 voter or from your office, that the voter 4 sent to you -- 5 (Cell phone ringing.) 6 A. Sorry. 7 Q. That's okay. It happens. It 8 just happened to me. So I'll start my 9 question again. So we can -- we can strike 10 that? 11 So when a voter sends a paper 12 application to the county registrar or you 13 send those paper applications to the county 14 registrar, the county registrar -- is it 15 correct to say that the county registrar 16 manually puts that information into the TEAMS 17 database? 18 A. I agree with that. 19 Q. Okay. 20 A. Either directly or indirectly. 21 Q. Okay. So let's break that down 22 just for a moment.</p>	<p>1 into whatever voter registration system they 2 use. 3 Q. All right. And once they input 4 it into the -- let's use Bexar County as an 5 example. Do you know off the top of your 6 head what voter registration system their 7 county uses? 8 A. Sure. It's VOTEC VEMACS. 9 Q. So Bexar County, the elections 10 administrator in Bexar County, Ms. Callanen, 11 will put the information from the paper voter 12 registration application into VOTEC VEMACS. 13 Is that correct? 14 A. Well, I doubt that she does it. 15 Q. Well, sure. Her office. 16 Someone in her office. 17 A. I can't imagine Jacque putting 18 in a voter registration application. I'm 19 sure she's done it in her life, but not 20 often. 21 Q. Okay. So I'll rephrase. 22 Someone from Ms. Callanen's</p>

17 (Pages 65 to 68)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 69	Page 71
<p>1 office looks at the paper voter registration 2 application and puts that information into 3 VOTEC. Is that fair to say? 4 A. I agree with that. 5 Q. Okay. And then VOTEC will sync 6 with TEAM. Is that right? 7 A. We batch process overnight, 8 yes. 9 Q. Okay. So what is -- okay. So 10 what does batch processing entail from VOTEC 11 to TEAM? 12 A. So they send us their changes 13 and we send them our changes. It doesn't 14 necessarily mean syncing. Syncing is a 15 different process. 16 Q. Fair enough. 17 So they'll send you their 18 changes. And those changes are the 19 information that came from the voter 20 registration applications. Is that correct? 21 A. Right. That would be a new 22 voter. That's a change. It's a new voter.</p>	<p>1 number or social, are matched. And if the 2 last name or former last name, the date of 3 birth, and the number provided match, that 4 voter will be issued a VUID by our office, 5 which goes back to the county. 6 Q. All right. And what about for 7 online counties? 8 A. For online, that -- what we 9 call "live check," you know, the checking of 10 the last name, the date of birth, and the 11 number provided, happens in realtime. 12 So it bounces from our system 13 over to DPS when the voter registrar inputs 14 the voter registration information. And then 15 the VUID is assigned almost immediately, 16 but -- it takes a little bit for the traffic, 17 but it's a near-realtime exchange. 18 Q. Okay. And this is a computer 19 process; correct? 20 A. Agree. 21 Q. There's no one manually 22 checking each voter; correct?</p>
<p>1 Q. Okay. And you'll send them 2 changes, so new voters or updated 3 information, from DPS? 4 A. We do send them applications 5 from DPS, yes. 6 Q. Okay. So why don't I ask you 7 this. Instead of me trying to sort of walk 8 you through this process, why don't you walk 9 me through the process from the time that a 10 voter sends their paper application to a 11 county registrar to the time they receive 12 their VUID, as you understand it. For 13 offline counties, first. 14 A. Sure. 15 So it will come to Bexar 16 County. They will input it into their 17 system. That will come to us that night as a 18 new voter and will be requesting a VUID. So 19 it goes through us to DPS. 20 And the last name, the date of 21 birth, and whatever number the voter 22 provided, either their driver's license</p>	<p>1 A. Agree with that. 2 Q. Okay. And so the only things 3 that your office uses to check for 4 eligibility and assign VUIDs are last name, 5 date of birth, and either Social Security 6 number or driver's license number. Is that 7 correct? 8 A. That's correct. 9 Q. And that's correct for online 10 and offline counties; is that right? 11 A. That's correct. 12 Q. And so do the online -- do they 13 provide you with any other information, the 14 online counties, apart from last name, date 15 of birth, and either Social Security number 16 or driver's license number for the voter? 17 A. For the online counties, 18 they've entered the whole application. So 19 there's the voter's address, their preference 20 on whether or not they want to be a poll 21 worker, all the things that are on a voter 22 registration application.</p>

18 (Pages 69 to 72)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 73	Page 75
<p>1 Q. Okay. And what about the 2 offline counties? 3 A. It's the same thing. We get 4 everything that's on the voter registration 5 application. 6 Q. Okay. So using everything 7 that's on the voter registration application. 8 But county registrars -- and 9 now I'm talking voter registration; I'm 10 talking about online and offline counties -- 11 they don't send you copies of the voter 12 registration applications that they receive. 13 Is that correct? 14 A. That's correct. They send us 15 fields, with data populating those fields. 16 Q. Right. So they don't send you 17 scans of those applications. Right? 18 A. That's right. 19 Q. And they don't send you 20 pictures of those applications. Is that 21 right? 22 A. That's right.</p>	<p>1 A. We don't check eligibility on 2 the front end. 3 Q. Okay. But that is how you 4 assign a VUID number; is that correct? 5 A. That's correct. 6 Q. And then those folks are 7 registered to vote, once they have their VUID 8 number; is that correct? 9 A. Thirty days later, yes. 10 Q. Okay. So all you need to 11 confirm that a voter can register to vote is 12 last name, date of birth, and either Social 13 Security number or driver's license number. 14 Is that correct? 15 A. If they match, yes. 16 Q. And if they don't match, you 17 send that information back to the counties. 18 Is that correct? 19 A. That's correct. 20 Q. And that's called an error 21 file; is that right? 22 A. No. It's just a failed live</p>
Page 74	Page 76
<p>1 Q. Okay. And I know that this 2 might seem sort of basic, but I just want to 3 make sure I'm very clear on what's happening. 4 And so they don't -- and they 5 don't send you scans of the voter's 6 signature. Is that correct? 7 A. That's correct. 8 Q. And they don't send you 9 pictures of voter signatures? 10 A. That's correct. 11 Q. And they don't send you copies 12 of voter signatures. Is that correct? 13 A. That's correct. 14 Q. Okay. And so you are able to 15 determine whether a voter is eligible to vote 16 using only their last name, date of birth, 17 and Social Security number or driver's 18 license number that they provide. Is that 19 correct? 20 A. That's not an eligibility 21 check; it's an identity check. 22 Q. Okay.</p>	<p>1 check, and they will have to be sent a notice 2 of incomplete. 3 Q. Okay. 4 And is that the same process -- 5 so we were sort of talking in the context of 6 new voters. Is it the same process for 7 updating voter registrations? 8 A. I would have to check with my 9 VR people to be sure. But I don't think that 10 a change in registration goes through live 11 check. It already has a VUID assigned. 12 Q. All right. But in order to 13 make changes to voter registration, the only 14 information that your office needs is last 15 name, date of birth, and Social Security 16 number or driver's license number. 17 Is that correct? 18 A. To make a change, did you say? 19 Q. Yeah. To confirm that that 20 voter is the same voter. 21 A. Yeah, I don't think we -- 22 I don't think we use all that information in</p>

19 (Pages 73 to 76)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 77	Page 79
<p>1 a change.</p> <p>2 Q. Okay. What information do you</p> <p>3 need for a change?</p> <p>4 A. Whatever the voter provides</p> <p>5 that's different.</p> <p>6 Q. Okay.</p> <p>7 A. Our office doesn't need</p> <p>8 anything.</p> <p>9 The county voter registrar --</p> <p>10 if a person is changing their last name</p> <p>11 because they got married, then they'll send</p> <p>12 an updated voter registration application to</p> <p>13 the county. The county will change the</p> <p>14 voter's last name in the record and make the</p> <p>15 former name the former name. And that would</p> <p>16 be that. We don't have anything to do with</p> <p>17 it.</p> <p>18 Q. Oh. Okay.</p> <p>19 A. It's a county-based elections</p> <p>20 system in Texas.</p> <p>21 Q. Understood. That's very</p> <p>22 helpful. Thank you. Like I said, some of my</p>	<p>1 good sense?</p> <p>2 A. Sure.</p> <p>3 Q. Okay. So when voters -- or I</p> <p>4 will say "registrants." When a potential</p> <p>5 registrant goes to DPS, either to get a</p> <p>6 license, an identification card, conduct some</p> <p>7 other business, they are given the</p> <p>8 opportunity to register to vote. Is that</p> <p>9 correct?</p> <p>10 A. I agree with that.</p> <p>11 Q. Okay. And if the registrant is</p> <p>12 getting a driver's license or ID card for the</p> <p>13 first time, then the registrant provides DPS</p> <p>14 with their signature. Is that correct?</p> <p>15 MS. HUNKER: Objection. Form.</p> <p>16 Vague.</p> <p>17 A. Yeah, I mean, that's not the</p> <p>18 only time, but, yes.</p> <p>19 BY MS. YUKEVICH:</p> <p>20 Q. Okay. Do they provide their</p> <p>21 signature when they're getting their driver's</p> <p>22 license for the first time?</p>
<p>1 questions today are going to be basic for</p> <p>2 you. But they're very helpful for me, so</p> <p>3 I appreciate it.</p> <p>4 And so to be clear: Going back</p> <p>5 to new voters, for online and offline</p> <p>6 counties, they don't send you any information</p> <p>7 related to the voter's signature. Is that</p> <p>8 correct?</p> <p>9 A. Agreed.</p> <p>10 Q. And are there any steps in the</p> <p>11 voter registration process that your office</p> <p>12 uses to register a voter that we have not</p> <p>13 discussed?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 A. I mean, we haven't talked about</p> <p>17 the DPS process, but...</p> <p>18 Q. You have foreshadowed my very</p> <p>19 next question.</p> <p>20 I would like to continue with</p> <p>21 voters who registered to vote at the</p> <p>22 Department of Public Safety. Does that make</p>	<p>1 A. They do.</p> <p>2 Q. Do they provide their signature</p> <p>3 when they're getting an ID card for the first</p> <p>4 time?</p> <p>5 A. They do.</p> <p>6 Q. Okay. When else do registrants</p> <p>7 provide their signature to DPS?</p> <p>8 A. So on the second renewal,</p> <p>9 you've got to go back to the office and</p> <p>10 you've got to sign again.</p> <p>11 Q. Understood.</p> <p>12 I, a very long time ago, had a</p> <p>13 Texas driver's license, and I never got to</p> <p>14 the second renewal. How long between when</p> <p>15 you first get your driver's license and the</p> <p>16 second renewal?</p> <p>17 A. Historically, it's been</p> <p>18 six years, that a license is good for</p> <p>19 six years. So you've got that first renewal</p> <p>20 that you can do online, and then six</p> <p>21 more years, and then you've got to go to the</p> <p>22 office. So as many as 12 years.</p>

20 (Pages 77 to 80)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 81	Page 83
<p>1 I understand -- I might be</p> <p>2 wrong about this, but I think that that's</p> <p>3 stretching out to 8 and 8.</p> <p>4 Q. Understood.</p> <p>5 But, generally, at least</p> <p>6 12 years before you provide a new signature.</p> <p>7 A. Right.</p> <p>8 Q. And so does DPS, for -- let's</p> <p>9 talk about someone who's getting their</p> <p>10 driver's license or ID card for the first</p> <p>11 time.</p> <p>12 Does DPS transmit all of the</p> <p>13 information that you need to register a voter</p> <p>14 electronically?</p> <p>15 A. Yes.</p> <p>16 Q. What information do they</p> <p>17 provide you?</p> <p>18 A. Everything that's on the voter</p> <p>19 registration application.</p> <p>20 Q. Okay. Do they also provide you</p> <p>21 with images of voter signatures from DPS?</p> <p>22 A. They do.</p>	<p>1 A. We've got a program. I think</p> <p>2 we're using Melissa Data now. It could</p> <p>3 be that we've changed, but I think we're</p> <p>4 using Melissa Data to parse the address by</p> <p>5 county, and it goes out to the appropriate</p> <p>6 county, the file.</p> <p>7 We are just a pass-through</p> <p>8 entity. The only thing that we change in</p> <p>9 DPS's data is we direct it to a particular</p> <p>10 county.</p> <p>11 Q. Okay.</p> <p>12 A. If the file came from DPS, pass</p> <p>13 it to the appropriate county. That's it.</p> <p>14 Q. Okay. All right.</p> <p>15 And does your office do</p> <p>16 anything different to confirm that a voter</p> <p>17 can register to vote for DPS applications</p> <p>18 than they do for paper registration</p> <p>19 applications?</p> <p>20 A. No. Once the county gets that</p> <p>21 file, they treat it just like they would</p> <p>22 information off a paper application.</p>
<p>Page 82</p> <p>1 Q. Okay. And does anyone in your</p> <p>2 office look at those signatures?</p> <p>3 A. We do not.</p> <p>4 Q. Okay. And do you use those</p> <p>5 signatures to register voters to vote?</p> <p>6 A. We do not. The county does.</p> <p>7 Q. Okay. So let's break that</p> <p>8 down.</p> <p>9 So when DPS sends you -- sorry.</p> <p>10 Strike that.</p> <p>11 So you receive all of the</p> <p>12 information from DPS electronically. Is that</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And your office will send all</p> <p>16 that information back down to the counties</p> <p>17 electronically? Can we talk about how that</p> <p>18 happens?</p> <p>19 A. That's right.</p> <p>20 Q. Okay. Can you explain that</p> <p>21 process in a little bit more detail. What do</p> <p>22 you do once you receive information from DPS?</p>	<p>Page 84</p> <p>1 They send the VUID request to</p> <p>2 us, we do a live check, send the VUID back to</p> <p>3 the county.</p> <p>4 Q. Oh. Okay. So this is</p> <p>5 interesting. So I just -- I want to be -- so</p> <p>6 let me be clear then.</p> <p>7 So you'll get this information</p> <p>8 from DPS. Fair?</p> <p>9 A. Fair.</p> <p>10 Q. All the information from the</p> <p>11 voter registration application is what you</p> <p>12 receive. Correct?</p> <p>13 A. Agreed. That's right.</p> <p>14 Q. All right. And then you send</p> <p>15 that information down to the county. Is that</p> <p>16 correct?</p> <p>17 A. Agreed.</p> <p>18 Q. And are we talking about</p> <p>19 offline counties, online counties, or both?</p> <p>20 A. Yes.</p> <p>21 Q. Sorry. So both?</p> <p>22 A. Yes.</p>

21 (Pages 81 to 84)

Page 85	Page 87
<p>1 Q. Okay. You send information 2 down to the counties. They input that 3 information into TEAM. Is that correct? For 4 online counties.</p> <p>5 A. Well, yes. I mean, they open 6 the record, and it prepopulates into the 7 fields that they look at for inputting a 8 voter registration application.</p> <p>9 Q. And then they send that back to 10 you?</p> <p>11 A. That's correct.</p> <p>12 Q. And you run your check then.</p> <p>13 A. We do live check and assign a 14 VUID, that's right.</p> <p>15 Q. All right. And then you send 16 that voter registration file with a VUID back 17 down to the counties?</p> <p>18 A. We just assign a VUID to the 19 record.</p> <p>20 Q. Okay. And it populates in the 21 computer?</p> <p>22 A. Right.</p>	<p>1 information that we get that indicates that 2 voter's not eligible. And that would change 3 their status before they go to vote for the 4 first time.</p> <p>5 But, generally, there's not 6 anything in place that all voters have to go 7 through to vote the first time.</p> <p>8 Q. Okay. So you might receive 9 information that a voter, for example, is 10 convicted of a felony. Is that right?</p> <p>11 A. That's right.</p> <p>12 Q. And you'd send that to the 13 counties.</p> <p>14 A. Agreed.</p> <p>15 Q. And you might receive 16 information that, sadly, a voter has passed 17 away. Correct?</p> <p>18 A. That's true.</p> <p>19 Q. And you might send that to the 20 counties.</p> <p>21 A. Agreed.</p> <p>22 Q. But in between when a voter</p>
<p>Page 86</p> <p>1 Q. Okay. And I want to be clear 2 about something you said before. 3 You said that when you are 4 assigning VUIDs and registering voters to 5 vote, you're not doing an eligibility check. 6 Is that what you said?</p> <p>7 A. That's what I said.</p> <p>8 Q. Okay. Can you explain -- I 9 want to be clear. 10 Once a voter is assigned a VUID 11 and then 30 days pass, they are able to vote 12 in the next election. Is that correct?</p> <p>13 A. I agree with that.</p> <p>14 Q. And so if they appear to vote 15 in person with the proper identification, 16 they're able to vote. Right?</p> <p>17 A. Sure.</p> <p>18 Q. There's no mandatory or 19 additional eligibility check in between when 20 they receive their VUID and when they appear 21 to vote for the first time. Is that correct?</p> <p>22 A. Generally. There could be some</p>	<p>Page 88</p> <p>1 receives their VUID and they vote in their 2 first election, generally, there is no 3 additional eligibility check or verification 4 that happens in between that time. Right?</p> <p>5 A. Agreed.</p> <p>6 Q. It would only happen if you 7 received some information that indicated a 8 voter was not eligible.</p> <p>9 A. Agreed.</p> <p>10 Q. And in addition to felony 11 convictions and death, what other information 12 might you receive that suggests a voter is 13 not eligible?</p> <p>14 A. They could have -- they 15 could -- we could get an indication that 16 they've moved, registered to vote in another 17 county, registered in another state, or that 18 they are a noncitizen.</p> <p>19 Q. All right. But no 20 information -- nothing related to their 21 signature on their voter registration 22 application; correct?</p>

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 89	Page 91
<p>1 A. I agree with that.</p> <p>2 MS. YUKEVICH: So we've been</p> <p>3 going for about an hour. Are you okay</p> <p>4 to take a five-minute break?</p> <p>5 I will flag on the record for</p> <p>6 everyone: I have a dog, and we're</p> <p>7 still working from home. And he might</p> <p>8 bark in the background. I forgot to</p> <p>9 tell you at the beginning. It has not</p> <p>10 happened yet, but I do need to take</p> <p>11 breaks about every hour, for you and</p> <p>12 for him, if that's all right.</p> <p>13 THE DEPONENT: Fine with me.</p> <p>14 MS. YUKEVICH: Okay. We can</p> <p>15 take just five minutes. Kathleen, is</p> <p>16 that okay?</p> <p>17 MS. HUNKER: Yeah, it's no</p> <p>18 problem.</p> <p>19 MS. YUKEVICH: Okay. Great.</p> <p>20 We can go off the record.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 12:10 p.m. We are now off the record.</p>	<p>1 that they meet the qualifications, you know,</p> <p>2 under oath. So that if they lie on that</p> <p>3 document, they can be held liable for lying.</p> <p>4 And so the purpose of voter</p> <p>5 registration is to make sure that you have</p> <p>6 the person, where they are, and that they</p> <p>7 have sworn that they're eligible to vote.</p> <p>8 Q. Okay. And we'll get to the</p> <p>9 purpose of a signature on a voter</p> <p>10 registration application later on in the</p> <p>11 deposition.</p> <p>12 But just to be clear: Your</p> <p>13 office does not use signatures to assign</p> <p>14 VUIDs. Correct?</p> <p>15 A. I agree with that.</p> <p>16 Q. Okay. And you don't use</p> <p>17 signatures to verify a voter's identity</p> <p>18 during the voter registration process. Is</p> <p>19 that correct?</p> <p>20 A. That's right.</p> <p>21 Q. And you don't use signatures to</p> <p>22 determine whether or not a voter is eligible</p>
<p>Page 90</p> <p>1 (Recess taken.)</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 now 12:21 p.m. We are now on the</p> <p>4 record.</p> <p>5 BY MS. YUKEVICH:</p> <p>6 Q. Mr. Ingram, before we shift</p> <p>7 gears into House Bill 3107, I just wanted to</p> <p>8 be clear about the purpose of the voter</p> <p>9 registration process for everything that</p> <p>10 we've talked about so far.</p> <p>11 So you mentioned that the voter</p> <p>12 registration process does not involve an</p> <p>13 eligibility check. Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. So what is the purpose, then,</p> <p>16 of the voter registration process if not to</p> <p>17 determine eligibility?</p> <p>18 A. Hmm. The purpose of voter</p> <p>19 registration is to make sure that we've got a</p> <p>20 person identified by their name and residence</p> <p>21 address, so that we know what precinct to put</p> <p>22 them in. And then for the voter to swear</p>	<p>Page 92</p> <p>1 to vote in the state of Texas. Is that</p> <p>2 correct?</p> <p>3 A. I agree with that.</p> <p>4 Q. All right. So now I'd like to</p> <p>5 shift gears into House Bill 3107.</p> <p>6 So have you heard of House</p> <p>7 Bill 3107?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And can you just tell me</p> <p>10 what that is?</p> <p>11 A. House Bill 3107 was our</p> <p>12 office's cleanup bill. It was about</p> <p>13 two-and-a-half sessions in the making.</p> <p>14 Q. Okay.</p> <p>15 MS. YUKEVICH: Can we pull up,</p> <p>16 please, what's been premarked as</p> <p>17 Deposition Exhibit B.</p> <p>18 And can we mark this as</p> <p>19 Exhibit B.</p> <p>20 (Ingram Exhibit B, House</p> <p>21 Bill 3107, was marked for</p> <p>22 identification, as of this</p>

23 (Pages 89 to 92)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 93	Page 95
<p>1 date.)</p> <p>2 BY MS. YUKEVICH:</p> <p>3 Q. Do you recognize this,</p> <p>4 Mr. Ingram?</p> <p>5 A. I do.</p> <p>6 Q. What is it?</p> <p>7 A. It's House Bill 3107 on the PDF</p> <p>8 page.</p> <p>9 Q. Great.</p> <p>10 And do you understand that my</p> <p>11 client, Vote.org, is only challenging a</p> <p>12 single provision of House Bill 3107?</p> <p>13 A. Okay.</p> <p>14 Q. Sorry. Did you know that</p> <p>15 before today?</p> <p>16 A. I had no idea. I thought you</p> <p>17 were challenging the requirement that the</p> <p>18 voter registration be signed. That's in</p> <p>19 13.002(b).</p> <p>20 Q. Got it.</p> <p>21 MS. YUKEVICH: So can we go to</p> <p>22 Section 14 of House Bill 3107. And</p>	<p>1 A. That's right.</p> <p>2 Q. All right. And why did you</p> <p>3 write this section of House Bill 3107?</p> <p>4 A. In our previous cleanup bill,</p> <p>5 SB 910, we had apparently been less than</p> <p>6 clear. So we wanted to make sure we were</p> <p>7 clear.</p> <p>8 Q. Okay. Less than clear about</p> <p>9 what?</p> <p>10 A. Well, it said, before this,</p> <p>11 that a copy of a registration application had</p> <p>12 to be submitted. And we never intended for</p> <p>13 it to be a copy. We meant for it to be the</p> <p>14 original.</p> <p>15 So the whole point of SB 910's</p> <p>16 provision was to allow someone to hold their</p> <p>17 place in line, to hold their effective date</p> <p>18 of registration with a fax, but to follow it</p> <p>19 up with the original signed copy of the voter</p> <p>20 registration application.</p> <p>21 Q. Okay. And you say "we never</p> <p>22 intended." Are you speaking about the</p>
Page 94	Page 96
<p>1 sorry. That's on page 8. Can we zoom</p> <p>2 in on the highlighted text.</p> <p>3 BY MS. YUKEVICH:</p> <p>4 Q. Are you familiar with this</p> <p>5 provision of House Bill 3107?</p> <p>6 A. I am.</p> <p>7 Q. Okay. Do you need a second to</p> <p>8 read it, or are you familiar enough to talk</p> <p>9 about it?</p> <p>10 A. I'm familiar.</p> <p>11 Q. Okay. How did you become</p> <p>12 familiar with this provision of House</p> <p>13 Bill 3107?</p> <p>14 A. I helped write it.</p> <p>15 Q. Okay. And so what do you</p> <p>16 understand the term "original signature" to</p> <p>17 mean in the context of Section 14 of House</p> <p>18 Bill 3107?</p> <p>19 A. It means the wet signature on</p> <p>20 the voter registration application.</p> <p>21 Q. So a wet ink signature. Is</p> <p>22 that what "original signature" means?</p>	<p>1 Secretary of State's Office?</p> <p>2 A. That's right.</p> <p>3 Q. Did you also help write Senate</p> <p>4 Bill 910?</p> <p>5 A. I did.</p> <p>6 Q. Okay. And why do you refer to</p> <p>7 this as a cleanup bill?</p> <p>8 A. Both SB 910 and HB 3107 are --</p> <p>9 they contain items that our office believes</p> <p>10 the Election Code has -- needs to be updated</p> <p>11 to be clear.</p> <p>12 So sometimes it's codifying our</p> <p>13 interpretation of the law. Sometimes it's --</p> <p>14 you know, like this one, earlier on,</p> <p>15 specifically had an e-mail as a potential way</p> <p>16 to receive documents. Just like SB 910 added</p> <p>17 fax as a way to receive documents.</p> <p>18 It's just something that we do.</p> <p>19 We try to do it every session. This one</p> <p>20 obviously built up over several sessions, so</p> <p>21 it's particularly long.</p> <p>22 But we take a lot of time in</p>

24 (Pages 93 to 96)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 97	Page 99
<p>1 the interim between legislative sessions to 2 see what parts of the Election Code are, you 3 know, obviously less than clear, because 4 people are misunderstanding it, and do our 5 best to submit changes that are not really 6 policy changes but are changes that would 7 improve the administration of elections in 8 Texas and clarify what the Election Code is 9 trying to accomplish in particular areas. 10 So, you know, like this 3107 -- 11 at the hearing, you can submit written 12 comments online. One of the written comments 13 that came in during the hearing on this in 14 the House Elections Committee was, This bill 15 is like somebody went through the Election 16 Code and jotted down the things that needed 17 to be corrected or fixed or updated. 18 And that's exactly what we do 19 for an election cleanup bill. 20 Q. Okay. So I want to talk about 21 just the drafting of Section 14 -- that was 22 very helpful context. Sorry. I appreciate</p>	<p>1 to them about this one, no. We did submit 2 draft language and our purpose for the 3 change. 4 Q. Okay. Does this mirror the 5 draft language that you submitted or did they 6 make changes to the draft language you 7 submitted? 8 A. I don't know. I'd have to look 9 and see. This definitely accomplishes the 10 purpose that we were after. 11 Q. All right. Do you still have 12 copies of that draft language? 13 A. Sure. 14 Q. Okay. And are you able to 15 provide them to us? 16 A. Sure. 17 Q. Great. 18 And did you send -- you said 19 you also sent the reason for the change. 20 What was the reason that you wanted 21 Section 14 of House Bill 3107 included and 22 passed?</p>
Page 98	Page 100
<p>1 that. 2 I want to talk about the 3 drafting of Section 14 of House Bill 3107. 4 And maybe we can go back to Senate Bill 910 5 as well, but let's start with Section 14 of 6 House Bill 3107. 7 Did you personally write this 8 language? 9 A. I did not. 10 Q. Who did? 11 A. Ledge Counsel is the one that 12 came up with this particular phrasing. 13 Q. Again -- and that's the House 14 Ledge Counsel or is that the Secretary of 15 State's legislative counsel? 16 A. It's the legislature's Ledge 17 Counsel, so it belongs to both the House and 18 Senate. 19 Q. Okay. Perfect. 20 And did you talk to Ledge 21 Counsel when they were writing this language? 22 A. I don't believe we had to talk</p>	<p>1 A. To make it very clear that you 2 couldn't use a copy of a voter registration 3 application. They needed to have the 4 original voter registration application 5 arrive within the four days so that the voter 6 could be registered. 7 Q. Okay. And you said to make it 8 clear that voters couldn't use a copy. Is 9 that correct? 10 A. I'm sorry. I missed that one. 11 Q. Sure. 12 To be clear: You said you 13 wanted to make it clear that voters couldn't 14 use a copy. But the language that you were 15 amending explicitly used the word "copy." 16 Right? 17 A. I agree with that. 18 MS. HUNKER: Objection. Form. 19 Objection. Vague. 20 BY MS. YUKEVICH: 21 Q. Did you amend this language to 22 take the word "copy" out of the statute?</p>

25 (Pages 97 to 100)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 101	Page 103
<p>1 A. I don't know if our draft did 2 that or not. I'd have to look again.</p> <p>3 Q. Okay. But you wanted to make 4 it clear that voters couldn't use a copy. Is 5 that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And so when you were drafting 8 your version of Section 14 of House 9 Bill 3107, who did you talk to to come up 10 with this language?</p> <p>11 A. So everything in this bill was 12 the product of meetings with our lawyers 13 here, as we went through every provision of 14 the Election Code.</p> <p>15 Q. Okay. And I don't want to get 16 in -- and I want to be clear for the record. 17 I don't want to get into breaching any sort 18 of attorney-client privilege.</p> <p>19 So were you talking to your 20 lawyers in their capacity as lawyers or 21 policy advisors? Or, you know, how did those 22 conversations come about?</p>	<p>1 But we wanted to make sure, 2 since there was apparently some 3 misunderstanding about this provision perhaps 4 being in conflict with 13.002. But it is not 5 in conflict with 13.002, and it is exactly 6 the same thing as 13.002. It still has to be 7 in writing and signed by the voter.</p> <p>8 And you can send a fax in 9 advance, to hold your place. But that 10 original, signed application, in accordance 11 with 13.002(b), has to arrive within 12 four days.</p> <p>13 Q. All right. And so this -- is 14 it fair to say this change was motivated by 15 Vote.org's web application in 2018?</p> <p>16 A. And their misunderstanding of 17 Texas law, yes.</p> <p>18 Q. But it is fair to say it was 19 motivated by Vote.org's web application in 20 2018?</p> <p>21 (Stenographer requested 22 clarification due to audio</p>
Page 102	Page 104
<p>1 A. Well, as practitioners of 2 election law.</p> <p>3 Q. And what were your -- what did 4 you consider when you were drafting 5 Section 14 of House Bill 3107?</p> <p>6 A. Well, the particular genesis of 7 this section was Vote.org's misreading of the 8 law in 2018.</p> <p>9 Q. So this change to the law was 10 motivated by Vote.org's web application that 11 allowed voters to affix an imaged signature 12 to voter registration applications. Is that 13 fair to say?</p> <p>14 A. I agree with that, that the 15 purpose -- there certainly wasn't any purpose 16 in SB 910 to abrogate the requirement that 17 the voter registration application has to be 18 in writing and signed by the voter.</p> <p>19 That's the law, 13.002(b). 20 That's the law we cited to Vote.org in 2018 21 when we talked to them. That's the law. And 22 910 didn't change that.</p>	<p>1 distortion/malfunction.)</p> <p>2 MS. HUNKER: Objection. 3 Mischaracterization of the witness's 4 testimony.</p> <p>5 You can answer.</p> <p>6 A. I would say this change came 7 about as a result of the Vote.org kerfuffle 8 in 2018.</p> <p>9 BY MS. YUKEVICH:</p> <p>10 Q. Okay. And we'll get into, you 11 know, what you call a "Vote.org kerfuffle" in 12 a few.</p> <p>13 Anything else that motivated 14 this change?</p> <p>15 A. Well, in particular, in regard 16 to that kerfuffle, the conversation that we 17 had with Elizabeth Hanshaw Winn.</p> <p>18 Q. Who's Elizabeth Hanshaw Winn?</p> <p>19 A. Elizabeth Hanshaw Winn is a -- 20 she was at the time -- an assistant county 21 attorney for Travis County. And she was a 22 former legal director here in the Secretary</p>

26 (Pages 101 to 104)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 105	Page 107
<p>1 of State's Office.</p> <p>2 Q. Okay. What was that</p> <p>3 conversation?</p> <p>4 A. That she had advised Bruce</p> <p>5 Elfant to accept these applications because</p> <p>6 she just assumed the law must have changed</p> <p>7 when she saw "copy" in this provision.</p> <p>8 Q. All right. Who had that</p> <p>9 conversation with her?</p> <p>10 A. Christina Adkins.</p> <p>11 Q. How many times did Ms. Adkins</p> <p>12 speak to Ms. Hanshaw Winn about that</p> <p>13 information?</p> <p>14 A. Once.</p> <p>15 Q. What else did you take into</p> <p>16 consideration when you were drafting</p> <p>17 Section 14 of House Bill 3107?</p> <p>18 A. That's it.</p> <p>19 Q. Did you speak to anyone about</p> <p>20 the effect that this might have on young</p> <p>21 voters?</p> <p>22 A. No.</p>	<p>1 We talked about the fact that a</p> <p>2 cleanup bill can be the codification of the</p> <p>3 Secretary of State's interpretation of the</p> <p>4 Election Code. Is that fair?</p> <p>5 A. I agree with that.</p> <p>6 Q. All right. And is this</p> <p>7 Section 14 of House Bill 3107 the</p> <p>8 codification of the Secretary of State's</p> <p>9 interpretation of the Election Code?</p> <p>10 A. No, ma'am.</p> <p>11 Q. What is Section 14, then, if</p> <p>12 not that?</p> <p>13 A. It's making it clear that this</p> <p>14 section is not in conflict with the rest of</p> <p>15 Texas Election Code, particularly 13.002(b).</p> <p>16 Q. So it is clarifying a statute</p> <p>17 that previously was open to multiple</p> <p>18 interpretations.</p> <p>19 A. We don't believe so. But just</p> <p>20 in case, we wanted to make it very clear.</p> <p>21 Q. Okay.</p> <p>22 A. We think Vote.org knew better</p>
<p>Page 106</p> <p>1 This didn't change the law --</p> <p>2 do you understand? -- that the law already</p> <p>3 required that a voter registration</p> <p>4 application be in writing and signed. So</p> <p>5 this is not a new requirement.</p> <p>6 And so certainly we didn't</p> <p>7 consider the impact. If this had been a new</p> <p>8 requirement, it would have been in our</p> <p>9 cleanup bill. It would have been in another</p> <p>10 bill, by somebody who can make policy. This</p> <p>11 is not making policy.</p> <p>12 Q. Okay. So accepting that --</p> <p>13 okay.</p> <p>14 Did you consider the impact</p> <p>15 that this bill might have on voters of color?</p> <p>16 A. No.</p> <p>17 Like I said, this is not a</p> <p>18 change in law. This is only making sure that</p> <p>19 this section of law isn't perceived to</p> <p>20 conflict with another section of law.</p> <p>21 Q. Understanding that you view</p> <p>22 this to be -- so let's take a step back.</p>	<p>Page 108</p> <p>1 than to do what it was doing; we think they</p> <p>2 did it anyway. And we think they did it to</p> <p>3 the detriment of Texas voters.</p> <p>4 Q. Okay. And we certainly can --</p> <p>5 we certainly can get into that in a few.</p> <p>6 I just want to be clear about what Section 14</p> <p>7 did and didn't do and the purpose for it and</p> <p>8 the reasons behind it.</p> <p>9 So because you viewed this as a</p> <p>10 clarification of a law, you didn't look into</p> <p>11 the impact that it might have on young</p> <p>12 voters.</p> <p>13 A. Again, this is not a policy</p> <p>14 change. This is not about impacting voters.</p> <p>15 This is going to have zero impact on voters</p> <p>16 because it is not a change in the law. It is</p> <p>17 not a policy shift at all, with zero -- so</p> <p>18 therefore, it has zero consequences.</p> <p>19 We didn't have to evaluate</p> <p>20 consequences because, again, our office</p> <p>21 doesn't make policy.</p> <p>22 Q. All right. But when your</p>

27 (Pages 105 to 108)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 109</p> <p>1 office is proposing changes to the Election 2 Code, does your office ever consider the 3 impact that a law might have on young voters 4 or minority voters? 5 A. We don't propose policy 6 changes. If we think something is a policy 7 change, it would never be in our proposed 8 cleanup bill. 9 So, no, we don't evaluate the 10 effect of our changes on particular subsets 11 of voters because our whole purpose in the 12 cleanup bill is making the Election Code more 13 clear, not changing policy. 14 Q. Understanding that you don't 15 view the cleanup bill or legislation -- 16 understanding that you don't view the cleanup 17 bill as a change to policy, stepping back 18 from House Bill 3107, does your office 19 propose changes to the Election Code, 20 generally? 21 A. No. 22 Q. So, then, what is House</p>	<p style="text-align: right;">Page 111</p> <p>1 Our role is to be a resource for the 2 legislature. If they want to make changes, 3 we will talk to them about the wording 4 they're using, whether or not it effectuates 5 the change that they want to make, and 6 propose alternative wording to effectuate 7 that change if we think their language is 8 insufficient. 9 But that is -- that's the 10 extent of our role, is a resource. We don't 11 propose policy changes. 12 Q. Okay. And just separating 13 between policy changes and changes to the 14 Election Code, your office does propose 15 changes to the Election Code. Correct? 16 A. Sure. 17 MS. HUNKER: Objection. Form. 18 Asked and answered. 19 A. Sure. 20 BY MS. YUKEVICH: 21 Q. And your office will weigh in 22 on policy changes to the Election Code if</p>
<p style="text-align: right;">Page 110</p> <p>1 Bill 3107, if not your office proposing 2 changes to the Election Code? 3 A. It is our office proposing 4 changes to the Election Code. But we don't 5 do so generally; we do so under very specific 6 circumstances. 7 You asked if we do so 8 generally, and the answer to that is no. 9 Q. Okay. All right. 10 You will propose changes to the 11 Election Code. Correct? 12 A. The specific set of changes in 13 House Bill 3107 are a great example of 14 changes that we propose. 15 Q. And do you advise or suggest 16 other changes to the Election Code to members 17 of the legislature, for example? 18 A. No. 19 Q. The only changes that you ever 20 propose are what you consider to be cleanup 21 changes. 22 A. As an office, that is our role.</p>	<p style="text-align: right;">Page 112</p> <p>1 asked by the Texas state -- by members of the 2 Texas state legislature. Is that correct? 3 A. We do not lobby. We do not 4 speak for or against proposed policy changes 5 by the legislature. We will be a resource to 6 advise the legislature as to whether or not 7 that change -- you know, the effect of the 8 change proposed. 9 Q. So if a legislature comes to 10 you -- a legislator comes to the Secretary of 11 State's Office and asks for advice on a 12 change to the Election Code, you will provide 13 advice. Correct? 14 A. Right. But not as to whether 15 or not what they're talking about is a good 16 idea or a bad idea. 17 Usually the advice we give is: 18 If you're going to do that, here's the 19 section of code you probably should amend, 20 and here's how you should think about 21 amending it to accomplish the purpose that 22 you want to accomplish.</p>

28 (Pages 109 to 112)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 113	Page 115
<p>1 Q. So your office never provides 2 advice to legislators that says -- that 3 takes -- strike that. 4 So your office never 5 proposes -- or provides advice to legislators 6 that takes the form of: I think that might 7 be very bad for elections in Texas. 8 You'll never say something like 9 that? 10 A. Occasionally, when we have to, 11 we will. And occasionally, when we're asked, 12 we will say that, yeah, This one looks like 13 it's going to run afoul of the Voting Rights 14 Act. But almost never do we volunteer that 15 information. 16 Q. Do you tell members of the 17 Texas legislature, This change might make 18 elections less efficient in Texas, for 19 example? 20 A. Usually, if there's a problem 21 with the technical administration of what a 22 proposed change is, we will suggest alternate</p>	<p>1 Department of Justice. 2 Q. Okay. So is it fair to say 3 that, in general, your office does not 4 consider the impact of changes to the 5 Election Code that you propose on minority 6 voters or young voters? 7 A. Again, the things that we 8 propose are not policy changes. And so, no, 9 they're not going to have an impact on those 10 voters. 11 Q. So you do not consider whether 12 they will have an impact on minority voters 13 or young voters? 14 MS. HUNKER: Object to form. 15 Asked and answered. 16 A. We consider whether or not the 17 change that we're proposing is a policy 18 change or not. If it's a policy change, we 19 take it out of the bill. If anybody thinks 20 it's a policy change, we take it out of the 21 bill. 22 ///</p>
Page 114	Page 116
<p>1 language -- alternative language to minimize 2 that effect. 3 Q. And when you say that you 4 tell -- you have provided advice in the past 5 that election -- changes to the Election Code 6 might run afoul of the Voting Rights Act, do 7 you consider the impact on minority voters 8 when you're giving that advice? 9 A. Not usually. I mean, it's not 10 usually that sort of thing. 11 In my first legislative session 12 back in 2013, everything that they passed 13 that was going to be a change to the Election 14 Code was going to have to go through 15 pre-clearance at the Department of Justice. 16 And so I could advise 17 legislators that, in the past, this type of 18 change has not been pre-cleared, you know. 19 And they could make the change or not. 20 That's up to them. But I could let the 21 legislator know that that -- similar changes 22 in the past have run into trouble at the</p>	<p>1 BY MS. YUKEVICH: 2 Q. Okay. And when legislators 3 come to you and ask for advice on changes to 4 the Election Code that you would consider a 5 policy change, do you ever consider the 6 impact on minority voters in those cases? 7 A. It depends on what it is. 8 Q. How so? 9 A. Well, it depends on what the 10 policy change is. If the policy change is 11 something that says persons with Asian 12 surnames can't vote, well, then, yeah, we 13 would raise the flag that this is a problem. 14 Q. Has someone ever come to you 15 with a policy suggestion like that? 16 A. No. Of course not. 17 Q. And so what are all of the 18 instances in which you have advised a 19 legislator that their proposed change to the 20 Election Code would be bad for elections in 21 Texas or election administration in general? 22 A. I don't know. I don't know of</p>

29 (Pages 113 to 116)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 117	<p>1 a specific circumstance.</p> <p>2 There are a number of things</p> <p>3 that -- you know, one proposed change several</p> <p>4 sessions ago would have put a voter having to</p> <p>5 fingerprint their ballot. And, you know, we</p> <p>6 said we've got a number of practical problems</p> <p>7 with that.</p> <p>8 Because, obviously, what do you</p> <p>9 do with a fingerprint? You know, how do you</p> <p>10 read it? How does anybody read it? To what</p> <p>11 database do you compare it? And how do you</p> <p>12 compare it? And who's going to provide the</p> <p>13 ink to the voters? And who's going to tell</p> <p>14 them how to do their fingerprints correctly?</p> <p>15 And, oh, by the way, we've got</p> <p>16 this whole thing called ballot secrecy. And</p> <p>17 you put a fingerprint on a ballot, you've got</p> <p>18 a problem.</p> <p>19 So, yeah, we pointed out a few</p> <p>20 issues whenever the legislator wanted to talk</p> <p>21 about his big idea of putting fingerprints on</p> <p>22 the ballot.</p>	Page 119	<p>1 Q. Okay. Any other examples of</p> <p>2 when you have considered the impact that a</p> <p>3 change to the Election Code might have on</p> <p>4 minority voters in Texas?</p> <p>5 A. That's the one that comes to</p> <p>6 mind.</p> <p>7 Q. Okay. And apart from</p> <p>8 indicating that something might not pass</p> <p>9 pre-clearance, are there other instances in</p> <p>10 which you've advised a legislator that a</p> <p>11 piece of legislation would violate the Voting</p> <p>12 Rights Act in the single-member districts you</p> <p>13 just discussed?</p> <p>14 A. Yeah, I'm sure there are.</p> <p>15 I just can't think of them now. I've gone</p> <p>16 through five sessions. I've had lots of</p> <p>17 conversations with legislators.</p> <p>18 Q. And does it happen often, that</p> <p>19 a legislator will come to you with a</p> <p>20 suggestion that you might think will run</p> <p>21 afoul of the Voting Rights Act?</p> <p>22 MS. HUNKER: Objection.</p>
Page 118	<p>1 Q. Okay. And what are all the</p> <p>2 instances in which you have considered the</p> <p>3 impact of a change to the Election Code on</p> <p>4 minority voters?</p> <p>5 A. We don't -- there's very --</p> <p>6 I can't -- we don't think that way, you see,</p> <p>7 so I don't know how to answer your question.</p> <p>8 That's not the way we think.</p> <p>9 That's not the lens through which we view</p> <p>10 things. We're not racist in this office, so</p> <p>11 we do not go with a prism of race. That's</p> <p>12 kind of insulting to even think about doing</p> <p>13 that.</p> <p>14 Q. Can you think of a time when</p> <p>15 you have considered whether a change to the</p> <p>16 Election Code would have a damaging impact on</p> <p>17 minority voters, for example?</p> <p>18 A. So the context of taking a</p> <p>19 school district from single-member districts</p> <p>20 to at-large, we have advised folks that that</p> <p>21 is going to be a problem under the Voting</p> <p>22 Rights Act.</p>	Page 120	<p>1 Outside of the scope of deposition</p> <p>2 topic notices [sic].</p> <p>3 A. No.</p> <p>4 BY MS. YUKEVICH:</p> <p>5 Q. Okay. Anything else you</p> <p>6 considered when drafting Section 14, apart</p> <p>7 from Vote.org's web application and your</p> <p>8 desire to clarify the statute?</p> <p>9 A. That's it.</p> <p>10 Q. So now I want to shift gears to</p> <p>11 communications with county election</p> <p>12 administrators.</p> <p>13 In general, what are the ways</p> <p>14 in which the Secretary of State's Office</p> <p>15 interacts with county election administrators</p> <p>16 and county voter registrars?</p> <p>17 A. Phone and e-mail, webinars, and</p> <p>18 in-person seminars, in-person meetings.</p> <p>19 Q. Okay.</p> <p>20 MS. YUKEVICH: We can take this</p> <p>21 document down. I apologize.</p> <p>22 ///</p>

30 (Pages 117 to 120)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 121	Page 123
<p>1 BY MS. YUKEVICH: 2 Q. And so how often do you provide 3 training to county election administrators 4 and voter registrars? 5 A. All the time. 6 Q. Okay. Every day? 7 A. No. Usually once a week, twice 8 a week, once every other week. It depends on 9 what we've got scheduled. 10 Q. Okay. And are those webinars 11 they can do on their own? Are they live 12 conversations? Or a mix of both? 13 A. Yes, it's a live-presented 14 webinar with Chat, but it's also recorded so 15 that people can review it later. 16 Q. Did you do any training related 17 to House Bill 3107? 18 A. We did a legislative update. 19 Yes, we did one in person for the county 20 elections officials and we also did a 21 webinar. 22 Q. Okay. And does the Secretary</p>	<p>1 related to any questions that have come up 2 about House Bill 3107 or Section 14 in 3 particular? 4 A. Section 14 has had zero 5 questions. 6 Q. Okay. And how does the 7 Secretary of State's Office -- we've gone 8 through the voter registration process, but 9 how does the Secretary of State's Office 10 interact with county election administrators 11 in relation to voter registration generally? 12 If you can just describe that for me. 13 A. I don't know what that means. 14 Q. So in addition to the voter 15 registration process that we've already 16 reviewed, are there any other things that 17 your office does with county election 18 administrators in the voter registration 19 process? 20 A. I don't know what you mean. We 21 do lots of things. We talk to them all the 22 time. I'm not sure what you're getting at.</p>
Page 122	Page 124
<p>1 of State's Office -- did any of that cover 2 Section 14 of House Bill 3107? 3 A. Yes. 4 Q. Okay. What did you explain -- 5 what did that cover? What did you train 6 county election administrators on related to 7 Section 14 of House Bill 3107? 8 A. Just that we were making clear 9 that if you're going to hold your place in 10 line with the fax, you've got to send the 11 original application in within four days. 12 Q. Okay. And by "original," you 13 mean an application with a wet ink signature? 14 A. That's right. 15 Q. And do you have, like, the 16 documents related to those trainings on House 17 Bill 3107? 18 A. Sure. 19 Q. And are you able to provide 20 those to us? 21 A. Absolutely. 22 Q. Okay. And any other documents</p>	<p>1 Q. Okay. So in relation -- not 2 just to election administration, but voter -- 3 excuse me. Not just election administration, 4 but voter registration specifically, do you 5 provide training related to voter 6 registration? 7 A. Certainly. 8 Q. Okay. And you answer county 9 questions related to the voter registration 10 process? 11 A. Of course. 12 Q. And you do that by e-mail; 13 correct? 14 A. And phone. 15 Q. And you do that by phone as 16 well; right? By phone as well? 17 A. I just said that. 18 Q. Okay. Just confirming. 19 Any other ways that you'll talk 20 to county election administrators about voter 21 registration? 22 A. Sure. We talk to them in</p>

31 (Pages 121 to 124)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 125	Page 127
<p>1 person, like I said. And we also -- they</p> <p>2 invite us to their meetings sometimes, the</p> <p>3 Tax Assessor-Collectors Association. So</p> <p>4 we'll go and have a talk with them at their</p> <p>5 place.</p> <p>6 Q. Okay. And related to the</p> <p>7 training and guidance and questions that we</p> <p>8 just discussed, has your office ever</p> <p>9 communicated with county election</p> <p>10 administrators related to signatures on voter</p> <p>11 registration applications specifically?</p> <p>12 A. It's never been a topic that I</p> <p>13 can think of, a specific topic.</p> <p>14 The fact that the voter</p> <p>15 registrars need to be ready to provide the</p> <p>16 early voting clerk the voter registration</p> <p>17 signature in connection with the ballot board</p> <p>18 process is something that was new law,</p> <p>19 I think, in 2015. And then it was changed in</p> <p>20 2017.</p> <p>21 So we've made sure the voter</p> <p>22 registrars understand that the voter</p>	<p>1 mail, other carrier envelopes, as well as</p> <p>2 voter registration signatures.</p> <p>3 Q. Okay. So before 2015 or maybe</p> <p>4 2017, early ballot boards weren't looking at</p> <p>5 voter registration signatures.</p> <p>6 A. That's correct.</p> <p>7 Q. And your office has a hotline</p> <p>8 that county election officials can call to</p> <p>9 ask questions. Is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. And we talked about this a</p> <p>12 little bit already, but who answers that</p> <p>13 hotline?</p> <p>14 A. Well, it depends on which</p> <p>15 option they choose.</p> <p>16 Q. What are the options?</p> <p>17 A. Well, they can go to the legal</p> <p>18 line, they can go to the TEAM line, or they</p> <p>19 can go to general information. When they</p> <p>20 call the county official's number.</p> <p>21 If they call the general</p> <p>22 number, then it's different options.</p>
<p>Page 126</p> <p>1 registration application signature is</p> <p>2 something that they need to make available to</p> <p>3 the other side of the house in connection</p> <p>4 with the applications for ballot by mail as</p> <p>5 well as carrier envelopes.</p> <p>6 Q. Okay. And you said that that</p> <p>7 early ballot board, that was new law in 2015?</p> <p>8 A. I believe so. It could have</p> <p>9 been '17, but I'm pretty sure it was '15.</p> <p>10 Q. Okay. And before that, were</p> <p>11 there -- was there something similar to the</p> <p>12 early ballot board that would compare</p> <p>13 signatures on vote-by-mail applications?</p> <p>14 A. So what changed in the law,</p> <p>15 I believe in 2015, but it could have been</p> <p>16 '17 -- what changed in the law is the ability</p> <p>17 to compare any other signatures of a voter</p> <p>18 within the last six years.</p> <p>19 So instead of just being</p> <p>20 limited to the application for ballot by mail</p> <p>21 and the carrier envelope, now we can go back</p> <p>22 and look at other applications for ballot by</p>	<p>Page 128</p> <p>1 Q. Okay. Presuming that they call</p> <p>2 the county line, to cut through, the three</p> <p>3 options they have are legal, TEAM, and</p> <p>4 general?</p> <p>5 A. I think so. I mean, they</p> <p>6 might -- there might be one for election</p> <p>7 funds management. I'd have to listen to the</p> <p>8 voicemail to give them all.</p> <p>9 Q. Got it. Okay.</p> <p>10 Who answers the legal line?</p> <p>11 A. It will go to whoever's next in</p> <p>12 the queue. Lawyers -- lawyerwise.</p> <p>13 Q. But these are lawyers in the</p> <p>14 Elections Division?</p> <p>15 A. That's right.</p> <p>16 Q. How many are there?</p> <p>17 A. Six.</p> <p>18 Q. Okay.</p> <p>19 A. Plus, the legal director is a</p> <p>20 lawyer, and I'm a lawyer.</p> <p>21 Q. Yes.</p> <p>22 And they just -- do they have,</p>

32 (Pages 125 to 128)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 129</p> <p>1 like, phone duty, where they're answering on 2 a particular day? Or are they just -- it 3 just goes to who's available? 4 A. Yeah, everybody has phone duty 5 every day. Once a week, a lawyer has what 6 they call a writing day, where they're not on 7 phones. 8 Q. Understood. 9 And when someone wants to -- 10 when someone picks the "TEAM" option, does 11 that go to those five individuals that work 12 on voter registration that we discussed 13 earlier? 14 A. Yeah. But I think the "TEAM" 15 function is going to get separated further by 16 voter registration versus administration. 17 Because now, then, the reason why both of 18 those sections have one director is because 19 it's all the TEAM team now. 20 It used to be the TEAM was 21 pretty voter registration-specific, and other 22 election management questions were outside of</p>	<p style="text-align: right;">Page 131</p> <p>1 made, we've got it. 2 Q. But -- those are in your phone 3 records; right? 4 A. Right. 5 Q. But no record of the substance 6 of calls unless, like we talked about 7 earlier, it's reduced to an e-mail. Is that 8 right? 9 A. That's right. 10 Q. And have any -- has any county 11 ever called you about the requirement for 12 signatures on voter registration 13 applications? 14 A. That, as a topic, probably has 15 come up a few times, I can imagine. But, you 16 know, we got a particular call from Remi back 17 in 2018 that he was given voter registrations 18 with signatures that looked very funny. 19 Q. Okay. Do you have a record of 20 that communication? 21 A. I don't know what you mean by 22 "a record of that communication."</p>
<p style="text-align: right;">Page 130</p> <p>1 TEAM. But in 2019, we put candidate filing, 2 canvassing, election night reporting, we put 3 it all into TEAM. So all of those 4 administrative functions are now a wing of 5 TEAM team. 6 Q. All right. And the "general" 7 option, who's in charge of that? Who's 8 answering those calls? 9 A. We've got some admin 10 assistants. 11 Q. Okay. Are those the only folks 12 that answer those calls? 13 A. You know, if it's a 14 particularly busy day, more people will log 15 in as admin assistants to answer the 16 "general" calls. 17 Q. And do you keep records of any 18 of those calls? 19 A. If you mean the substance of 20 the call, no. 21 Q. Yes, I do. 22 A. The fact that the call was</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Do you have a written record of 2 what was talked about on that call? 3 A. I don't know if we've got phone 4 records that go back that far. But if we do, 5 then that call would be documented. 6 Q. Okay. I mean like any e-mails 7 about that call or the substance of that 8 call. 9 A. I don't know. I would have to 10 look. 11 Q. All right. Any documents that 12 you generated summarizing that call? 13 A. There were definitely 14 communications about that call. I don't know 15 if they were all on the phone or all -- some 16 of them were by e-mail. 17 Q. Okay. Would you be able to 18 look for those? 19 A. Sure. 20 Q. Okay. And so -- and I want 21 to -- let me be clear now: Has any county 22 ever called you about the requirement for a</p>

33 (Pages 129 to 132)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 133	Page 135
<p>1 wet ink signature on voter registration 2 applications? 3 A. I don't know. "Ever" is a long 4 time. But it's not a frequent call, that's 5 for sure. 6 Q. Okay. In the time that you've 7 been there? 8 A. I don't know. I don't know all 9 the calls that have been handled by the 10 lawyers or the TEAM team. 11 I know that if we get a call 12 and they say a voter didn't sign their voter 13 registration application, we would tell them, 14 Well, it's a notice of incomplete. Send them 15 a notice of incomplete and see if you can get 16 the signature. 17 Q. All right. 18 Do you agree with me that 19 sometimes provisions of the Election Code can 20 be unclear? 21 A. I would say that the Election 22 Code is a model of clarity, albeit nuanced.</p>	<p>1 "precinct" has many meanings in the Election 2 Code. 3 Q. All right. And do you agree 4 sometimes that they can use terms that the 5 Election Code does not define in the 6 Definition section of the Code? 7 A. I agree with that. 8 Q. So I would like you to suppose 9 a few things with me, if you don't mind. So 10 I'd like you just to suppose that a county 11 called you and expressed a difference in 12 opinion over what a particular provision of 13 the Election Code meant. 14 What would your office do? 15 A. Well, I mean, if it's something 16 that's serious, we would probably talk about 17 it, as a group of lawyers, and get back to 18 the county with our group interpretation. 19 Q. All right. 20 A. And if it's something that 21 obviously the county is wrong about, then we 22 tell them: You're wrong about that. It's</p>
<p>Page 134</p> <p>1 Q. Would you actually say the 2 Election Code is a model of clarity? 3 A. I would say most of the time it 4 says what it means and it means what it says. 5 Sometimes you have to think about it a 6 minute. 7 Q. All right. 8 Do you agree that sometimes 9 terms the Election Code uses can be 10 ambiguous? 11 A. Usually, in context, they are 12 not. 13 Q. Okay. But sometimes they could 14 be. 15 MS. HUNKER: Object to form. 16 Asked and answered. 17 A. Sometimes. 18 BY MS. YUKEVICH: 19 Q. Okay. Do you agree that 20 sometimes terms used in the Election Code can 21 have multiple meanings? 22 A. I agree that something like</p>	<p>Page 136</p> <p>1 not what it says. 2 Q. All right. Does your office -- 3 we talked about this a little bit earlier, 4 but I want to be clear. 5 If, after you tell the county 6 what your office interprets that provision of 7 the Election Code to mean, they still 8 disagree with you, does your office have the 9 authority to issue guidance to that county 10 regarding that statute? 11 MS. HUNKER: Objection. Form. 12 Vague. 13 A. I don't know what you mean. 14 We tell them what we think it 15 means. They can agree or disagree. It's 16 their prerogative. We don't have any 17 enforcement power to make them believe what 18 we believe. 19 BY MS. YUKEVICH: 20 Q. Are you able to bind them to a 21 particular interpretation or force them to 22 adopt your interpretation?</p>

34 (Pages 133 to 136)

Page 137

1 A. No. That's not the way we  
 2 work. We assist and advise.  
 3 Q. All right. So suppose that a  
 4 county called you today and said, Hey, you  
 5 know, we read House Bill 3107, Section 14,  
 6 and we still think that we can accept imaged  
 7 signatures on voter registration applications  
 8 that come in by fax. And so we're going to  
 9 do that.  
 10 What would your office do?  
 11 A. I would definitely ask them a  
 12 question: Where are you getting the imaged  
 13 voter registration applications from?  
 14 Q. Okay. And then what would you  
 15 do?  
 16 A. We'd tell them, You're wrong,  
 17 and that you're putting those voter  
 18 registrations in jeopardy, and that you're  
 19 potentially jeopardizing those people's right  
 20 to vote. And you better stop doing that.  
 21 Q. Okay. And what if they said,  
 22 We disagree?

Page 138

1 Then what would you do?  
 2 A. I don't know. We don't have  
 3 any enforcement power.  
 4 The only thing we can do is, if  
 5 somebody is abusing voters' rights -- which  
 6 this might be, under some circumstances -- we  
 7 might talk to the Attorney General's Office  
 8 about whether or not they agree with us that  
 9 it's a potential abuse of voters' rights  
 10 under 31.005. And we might go after a  
 11 mandamus, if the OAG agrees with us.  
 12 Q. Okay. And is that something  
 13 that you've done in the past?  
 14 A. We haven't ever done it in the  
 15 context of this -- of a voter registration  
 16 signature, no.  
 17 Q. Sure. But in relation to the  
 18 Election Code more broadly, is that something  
 19 that you've done in the past?  
 20 A. We have threatened it.  
 21 Q. Have you ever done it?  
 22 A. We haven't had to.

Page 139

1 Q. How many times have you  
 2 threatened to do that?  
 3 A. Twice -- three times. Three  
 4 times.  
 5 Q. What were those circumstances?  
 6 A. There was one where two school  
 7 districts were having a consolidation  
 8 election. And one of the school districts  
 9 scheduled a meeting and, on the notice for  
 10 that meeting, had an item for discussion to  
 11 cancel the election.  
 12 And so we wrote them a 31.005  
 13 letter that says, I don't -- we don't care  
 14 what you think about whether the election  
 15 should have been held -- you can talk about  
 16 that after the fact -- but you are going to  
 17 finish this election that's already started,  
 18 so -- or we'll mandamus you to finish it.  
 19 So they backed off and finished  
 20 the election.  
 21 The second time was in the  
 22 summer of 2012. Harris County was refusing

Page 140

1 to work the Strong Match Deceased that we had  
 2 sent them in connection with the Death Master  
 3 File.  
 4 And so we told Mr. Summers that  
 5 if he did not do so, we were going to  
 6 withhold his Chapter 19 money.  
 7 And then the third time was  
 8 last year -- or 2020, when Mr. Hollins was  
 9 proposing to send applications for ballot by  
 10 mail, unsolicited, to all 2 million Harris  
 11 County voters.  
 12 Q. And in each case when you  
 13 threatened mandamus, did the county do what  
 14 you asked them to do?  
 15 A. In the last one, he did not.  
 16 Q. Okay. In the first two  
 17 situations we talked about, they did?  
 18 A. They did.  
 19 Q. And do you think that's a  
 20 result of the threat of mandamus?  
 21 A. I do.  
 22 Q. Okay. And in this last

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 141	Page 143
<p>1 situation in 2020 in Harris County, what 2 happened? 3 A. He got mandamus. 4 Q. Okay. And has your -- I want 5 to switch gears a little bit. 6 Do you have -- when you're 7 seek- -- but before I do, I just want to 8 clarify what documents exist related to these 9 sort of mandamus procedures. 10 When you seek a mandamus, do 11 you send an e-mail to the Office of Attorney 12 General to talk to them about it, when you're 13 proposing that possibility? 14 A. We would, I guess, request 15 representation. I don't know other than 16 that. 17 Q. Okay. And do you just -- as 18 you're, you know, building your case for 19 mandamus, do you create -- do you create a 20 written record of sort of the choices that 21 you're making? 22 I'm just trying to get a sense</p>	<p>1 significant dispute about the meaning of the 2 Election Code, would you maybe write a memo 3 about that? 4 A. No. 5 Q. No? 6 A. (Shook head side to side.) 7 Q. You would just talk about it 8 amongst yourselves? 9 A. That's right. 10 Q. Okay. Any other documents you 11 would keep when you're trying to interpret a 12 particular provision of the Election Code? 13 A. No. I don't know what you're 14 talking about. 15 Q. So I'm just trying to figure 16 out, like, if a county calls and they say 17 Hey, you know, we -- let's see. We can 18 use -- you know, we can use 2020 as an 19 example. 20 When you figured out that 21 Harris County was planning to -- what did you 22 want to stop them from doing?</p>
Page 142	Page 144
<p>1 of what documents exist when you sort of 2 threaten mandamus. 3 MS. HUNKER: Objection. Form. 4 You're going outside the scope of the 5 deposition topics. 6 MS. YUKEVICH: Okay. 7 BY MS. YUKEVICH: 8 Q. I'd just like to know -- I'm 9 just trying to get a sense of how your office 10 keeps records, in general. 11 A. I don't know what you mean. 12 Q. So, like, when you're -- 13 I assume you communicate with one another via 14 e-mail. Is that correct? 15 A. Sometimes. 16 Q. Okay. And sometimes you call 17 each other on the phone? 18 A. Sure. Sometimes we go down the 19 hall. 20 Q. Sometimes you go down the hall 21 and talk to one another. 22 In situations where there is</p>	<p>1 A. Sending unsolicited 2 applications for ballot by mail to 2 million 3 registered voters, 95 percent of which 4 weren't qualified to vote by mail. 5 Q. Okay. And so when you found 6 out that Harris County was doing that, did 7 you have a discussion or -- you know what? 8 Strike that. 9 We're sort of going outside 10 the -- we'll come back to this sort of 11 question of documents. I don't think it 12 makes sense to go down that road. I 13 apologize. Let's go back to -- a different 14 topic. 15 So the first thing that I want 16 to ask you about is -- I want to switch to 17 sort of the topic of voter complaints that 18 come to your office, if that's okay. 19 A. Okay. 20 Q. Okay. And so has your office 21 ever received any complaints from Texans 22 about the voter registration process in</p>

36 (Pages 141 to 144)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 145	Page 147
<p>1 general?</p> <p>2 MS. HUNKER: Objection.</p> <p>3 Vague -- form -- as to time.</p> <p>4 A. Yeah, I don't know.</p> <p>5 MS. YUKEVICH: Sorry, Kathleen.</p> <p>6 I couldn't hear what you said.</p> <p>7 MS. HUNKER: Objection to form.</p> <p>8 Vague as to time.</p> <p>9 MS. YUKEVICH: Oh. Okay.</p> <p>10 BY MS. YUKEVICH:</p> <p>11 Q. In the past, let's say, four</p> <p>12 years, has your office gotten any complaints</p> <p>13 from Texans about the voter registration</p> <p>14 process?</p> <p>15 A. I don't know.</p> <p>16 Q. Can Texans call your office to</p> <p>17 discuss the voter registration process?</p> <p>18 A. They can call our office to</p> <p>19 discuss whatever they want to discuss.</p> <p>20 Q. Okay. And do they call your</p> <p>21 office to discuss whatever they want to</p> <p>22 discuss?</p>	<p>1 process or complained about the voter</p> <p>2 registration process?</p> <p>3 A. Well, people often call and</p> <p>4 say, I went to DPS. I registered to vote.</p> <p>5 It's not showing up. What's the deal?</p> <p>6 I mean, people call with those</p> <p>7 kind of questions regularly.</p> <p>8 Q. All right. Any other questions</p> <p>9 that they will regularly call with about the</p> <p>10 voter registration process?</p> <p>11 A. No. Just whether or not my</p> <p>12 certificate is in the mail. When can I</p> <p>13 expect my certificate? Do I need my</p> <p>14 certificate to vote?</p> <p>15 I mean, those are the kind of</p> <p>16 calls we've been getting.</p> <p>17 Q. Okay. Do they ever call and</p> <p>18 say, Why don't you have online registration?</p> <p>19 A. Probably.</p> <p>20 Q. Okay. Do they ever call and</p> <p>21 say, Hey, I filled out the form on the Texas</p> <p>22 Secretary of State's website. You know, am I</p>
<p>Page 146</p> <p>1 A. They do, indeed.</p> <p>2 Q. Okay. And how many voters or</p> <p>3 registrants would you say call your office on</p> <p>4 a daily basis?</p> <p>5 A. I don't know. In the first few</p> <p>6 months of this year, we received 19,000 calls</p> <p>7 from the public.</p> <p>8 Q. All right. And does your</p> <p>9 office capture the substance of those</p> <p>10 conversations somewhere?</p> <p>11 A. We do not.</p> <p>12 Q. Does your office capture any --</p> <p>13 if voters are registering complaints about</p> <p>14 the voter registration process, would those</p> <p>15 be written down anywhere?</p> <p>16 A. No.</p> <p>17 Q. And they wouldn't be logged in</p> <p>18 any way?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you have any sense,</p> <p>21 of those 19,000 calls, if there were -- if</p> <p>22 anyone discussed the voter registration</p>	<p>Page 148</p> <p>1 registered to vote?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 Who takes those 19,000 calls?</p> <p>5 A. Our admin assistants, usually.</p> <p>6 And, again, that pool expands as the call</p> <p>7 volume goes up.</p> <p>8 Q. How many admin assistants do</p> <p>9 you have?</p> <p>10 A. We've got three on the</p> <p>11 frontline; we've got at least four that go</p> <p>12 into the rotation when it gets heavy. So</p> <p>13 anywhere from three to seven.</p> <p>14 Q. Okay. They don't send you</p> <p>15 summaries of their calls at the end of the</p> <p>16 day. Right?</p> <p>17 A. No.</p> <p>18 Q. And you didn't talk to them, to</p> <p>19 prepare for this deposition, about what types</p> <p>20 of calls they get.</p> <p>21 A. That's true.</p> <p>22 Q. Did anyone write or call your</p>

37 (Pages 145 to 148)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 149	Page 151
<p>1 office about Section 14 of House Bill 3107?</p> <p>2 A. I can, with confidence, say no.</p> <p>3 Q. Okay. How can you, with</p> <p>4 confidence, say no about that?</p> <p>5 A. Because it's not a big deal.</p> <p>6 Q. Okay. But you -- again, you</p> <p>7 didn't talk to your admin assistants to see</p> <p>8 if anyone called. Correct?</p> <p>9 A. No. I could. I could go talk</p> <p>10 to them and say, Have you ever heard anybody</p> <p>11 complain about Section 14 of House Bill 3107?</p> <p>12 And they would say, What the heck are you</p> <p>13 talking about, Keith?</p> <p>14 Q. Fair enough.</p> <p>15 And you don't have written</p> <p>16 records or written communications about, you</p> <p>17 know, the substance of the calls that they</p> <p>18 received. Correct?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 A. But you have to understand,</p> <p>22 when something is important to a number of</p>	<p>1 when a voter calls and says that they don't</p> <p>2 have a -- they can't get a voter registration</p> <p>3 application is to suggest places in their</p> <p>4 community that they can go get one. Is that</p> <p>5 right?</p> <p>6 A. That's right.</p> <p>7 Q. And the second option that you</p> <p>8 provide to them, if they ask, is that you</p> <p>9 will mail them one. Is that right?</p> <p>10 A. That's right. We also have the</p> <p>11 ability for them to request one without</p> <p>12 talking to us.</p> <p>13 Q. And they can do that online.</p> <p>14 Is that right?</p> <p>15 A. That's right.</p> <p>16 Q. And how often do voters</p> <p>17 request, either by phone or online, that a</p> <p>18 voter registration application be mailed?</p> <p>19 A. Thousands of times.</p> <p>20 Q. And in the past -- so in the</p> <p>21 past two months, how many times would you</p> <p>22 say?</p>
Page 150	Page 152
<p>1 voters, that the calls are repeated. We get</p> <p>2 thousands of calls on a topic.</p> <p>3 And I'm in the same office with</p> <p>4 the admin assistants answering the phone, and</p> <p>5 I hear what they're answering and I hear what</p> <p>6 they're saying. And never, ever, ever, ever</p> <p>7 does anybody suggest that there's a problem</p> <p>8 with Section 14 of House Bill 3107.</p> <p>9 Q. Okay. Has anyone ever called</p> <p>10 or written your office about not being able</p> <p>11 to get a voter registration application?</p> <p>12 A. If they request one, we send</p> <p>13 them one.</p> <p>14 Q. Okay. So voters have called</p> <p>15 your office to say, I cannot get a voter</p> <p>16 registration application?</p> <p>17 A. We've suggested places in their</p> <p>18 local community. And if they say, Well,</p> <p>19 I can't get out, then we say, What's your</p> <p>20 address? We'll send you one.</p> <p>21 Q. All right.</p> <p>22 So the first thing that you do</p>	<p>1 A. I don't know. I'd have to ask</p> <p>2 my mailroom how many requests they've</p> <p>3 fulfilled, but it's thousands.</p> <p>4 Q. All right. And does your</p> <p>5 office do any outreach in the lead-up to</p> <p>6 voter registration deadlines to educate</p> <p>7 voters that they are able to get a voter</p> <p>8 registration application mailed to them by</p> <p>9 your office?</p> <p>10 A. We educate them about all the</p> <p>11 ways they can get a voter registration</p> <p>12 application.</p> <p>13 Q. What do you do to do that?</p> <p>14 A. Our Secretary was out talking</p> <p>15 to election administrators and doing news</p> <p>16 interviews all over the state. We did at</p> <p>17 least one, probably two press releases as we</p> <p>18 neared the voter registration deadline.</p> <p>19 Q. Anything else?</p> <p>20 A. We have a campaign that the</p> <p>21 legislature pays for that's primarily geared</p> <p>22 towards voter ID, but we also use those</p>

38 (Pages 149 to 152)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 153</p> <p>1 advertising dollars to advertise</p> <p>2 VoteTexas.gov generally. And VoteTexas.gov</p> <p>3 has all the information on it.</p> <p>4 Q. All right. Anything else</p> <p>5 that -- I just want to make sure that I've</p> <p>6 got the sort of full picture of what you do</p> <p>7 to advertise to voters that they're able to</p> <p>8 request a voter registration application from</p> <p>9 your office.</p> <p>10 A. That's it.</p> <p>11 Q. Okay.</p> <p>12 MS. YUKEVICH: We've been going</p> <p>13 for another hour, and I want to be</p> <p>14 conscious of the fast-and-furious</p> <p>15 typing hands of Ms. Knight.</p> <p>16 So I know it's 12:15 for</p> <p>17 you-all. Can we go off the record</p> <p>18 briefly.</p> <p>19 THE VIDEOGRAPHER: The time is</p> <p>20 1:14 p.m. We are now off the record.</p> <p>21 (Recess taken.)</p> <p>22 THE VIDEOGRAPHER: All right.</p>	<p style="text-align: right;">Page 155</p> <p>1 reasons. The primary reason, obviously, is</p> <p>2 to, you know, be held accountable for the</p> <p>3 statements that they're making with regard to</p> <p>4 their eligibility to register to vote.</p> <p>5 And secondarily, to use that</p> <p>6 signature as proof of identity for other,</p> <p>7 later documents with regard to voting by</p> <p>8 mail.</p> <p>9 Q. Okay. If you'll give me a</p> <p>10 second, I want to go through the voter -- you</p> <p>11 have a copy of the paper voter registration</p> <p>12 application in front of you; right?</p> <p>13 A. I do.</p> <p>14 Q. Okay. And is that the same</p> <p>15 that I would be able to download from the</p> <p>16 Secretary of State's website?</p> <p>17 A. The one that I have is the 2016</p> <p>18 version, not the 2021 version. But the only</p> <p>19 difference between the two is the amount of</p> <p>20 the penalty, at the bottom.</p> <p>21 Q. Okay. If you'll just give me</p> <p>22 one second, I'm going to upload the virtual</p>
<p style="text-align: right;">Page 154</p> <p>1 The time is 1:35 p.m. We are now on</p> <p>2 the record.</p> <p>3 BY MS. YUKEVICH:</p> <p>4 Q. Okay. Did you have a good</p> <p>5 break, Mr. Ingram?</p> <p>6 A. Indeed.</p> <p>7 Q. Okay. Good.</p> <p>8 So I want to switch gears a</p> <p>9 little bit to talk about something that</p> <p>10 I think you've alluded to a few times during</p> <p>11 your answers today, which is the purpose of</p> <p>12 signatures on voter registration</p> <p>13 applications.</p> <p>14 Are you with me?</p> <p>15 A. Sure.</p> <p>16 Q. Okay. So you'd agree with me</p> <p>17 that voters have to sign their voter</p> <p>18 registration applications; right?</p> <p>19 A. Agree.</p> <p>20 Q. Okay. And why do voters sign</p> <p>21 their voter registration applications?</p> <p>22 A. Well, I think for a couple of</p>	<p style="text-align: right;">Page 156</p> <p>1 one -- excuse me, the electronic version, and</p> <p>2 we can go over that together.</p> <p>3 MS. YUKEVICH: So, Mr. White,</p> <p>4 I'm going to add something, if you</p> <p>5 don't mind. Just give me one second.</p> <p>6 It's one page, so it shouldn't be</p> <p>7 difficult.</p> <p>8 (Discussion off the record.)</p> <p>9 MS. YUKEVICH: When it comes</p> <p>10 in, if we can just mark it as</p> <p>11 Exhibit H, just in case we use any of</p> <p>12 the other ones.</p> <p>13 (Ingram Exhibit H, Texas</p> <p>14 Voter Registration Application,</p> <p>15 was marked for identification, as</p> <p>16 of this date.)</p> <p>17 BY MS. YUKEVICH:</p> <p>18 Q. What is this document that I</p> <p>19 have on the screen, Mr. Ingram?</p> <p>20 A. That looks like the voter</p> <p>21 registration application that we posted for</p> <p>22 volunteer deputy registrars to use if they</p>

39 (Pages 153 to 156)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 157</p> <p>1 can't get any supply from their county.  2 Q. Okay. And is this top part,  3 above where it says Registration Receipt, is  4 that the same as the paper registration  5 application that you have in front of you?  6 A. No.  7 Q. Okay. What's different about  8 it?  9 A. So it's got an extra section  10 here at the top, where it says  11 Qualifications. That's not on the paper one  12 that I have.  13 Q. Is that provided to deputy  14 voter registrars, that they have that  15 information at the top?  16 Or why is that on this one and  17 not the one that you have?  18 A. Right. Because volunteer  19 deputy registrars, what they do is they go  20 out and interact with people, trying to get  21 them to register to vote.  22 And so it's important for the</p>	<p style="text-align: right;">Page 159</p> <p>1 BY MS. YUKEVICH:  2 Q. Okay. So is box 10 the  3 signature box on the voter registration  4 application?  5 A. It is the place where the  6 signature is captured, yes.  7 Q. All right. And when a voter  8 signs here, do they affirm that the  9 information in the voter registration  10 application, specifically boxes 1 through 9,  11 are correct?  12 A. Right. As well as the three  13 statements right above the signature.  14 Q. And those three statements are  15 that they're a resident of this county and a  16 U.S. citizen -- I'm going to paraphrase --  17 that they've not been convicted of a felony  18 or, if they have, they are -- they've  19 completed their incarceration, parole,  20 supervision, probation, or they've been  21 pardoned; and that they have not been found,  22 by a final judgment, to be completely</p>
<p style="text-align: right;">Page 158</p> <p>1 volunteer deputy registrars to have at hand a  2 list of the qualifications.  3 Q. If a voter requests a paper  4 registration application from your office,  5 does it include these qualifications at the  6 top? Or no?  7 A. No.  8 Q. And it also wouldn't include  9 the registration receipt at the bottom. Is  10 that correct?  11 A. That's right.  12 Q. Can we look specifically at  13 box 10 here.  14 MS. YUKEVICH: If you can zoom  15 in on box 10, Mr. White.  16 THE VIDEOGRAPHER: My  17 apologies. My audio messed up. Say  18 it again, Counsel.  19 MS. YUKEVICH: If you could  20 zoom in on box 10, please.  21 THE VIDEOGRAPHER: Yes, ma'am.  22 MS. YUKEVICH: Thank you.</p>	<p style="text-align: right;">Page 160</p> <p>1 mentally incapacitated, or partially, with  2 regard -- without the right to vote.  3 Is that right?  4 A. That's right.  5 Q. Okay. And so they're  6 signing/affirming that those three statements  7 listed in box 10 are correct and that the  8 information listed in box 1 through 9 is  9 correct?  10 A. And that they know that lying  11 about that could result in imprisonment.  12 Q. Yes. And they know that lying  13 can result in imprisonment or fine of up to  14 \$4,000, or both. Is that correct?  15 A. That's right.  16 Q. Okay. And the purpose of the  17 signature on the voter registration  18 application is to affirm those statements are  19 true and that they understand the  20 qualifications in box 10. Is that right?  21 A. And they understand the penalty  22 for lying.</p>

40 (Pages 157 to 160)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 161</p> <p>1 Q. And they understand the penalty 2 for lying. 3 Any other purpose for the 4 signature on the voter registration 5 application? 6 A. Well, secondarily, it's got a 7 use as a -- to help identify that a later 8 signature is that of the voter. 9 Q. Understood. 10 But stick with me for -- and 11 we'll get to that. I promise. 12 But stick with me in the voter 13 registration process. Just, you know, from 14 submitting their application to receiving 15 their V-U-I-D, or their VUID, the purpose of 16 the signature is to affirm that the 17 information is correct and they understand 18 the penalty for lying. 19 A. I agree with that. They're 20 swearing to the document. 21 Q. Right. 22 Any other purpose for the</p>	<p style="text-align: right;">Page 163</p> <p>1 but they purported it to be Keith Ingram, 2 here's an inviolate, no fraud, no intervening 3 actor signature that's definitely Keith 4 Ingram's to compare that application to. 5 So -- 6 Q. Sorry. What is -- I should 7 know what the term -- what do you mean by the 8 term "inviolate"? 9 A. I mean something that's not 10 otherwise messed with. Right? 11 Here's Keith Ingram's signature 12 when he registered to vote. And there was no 13 purpose of fraud, there was no third-party 14 actors. There was nothing else going on 15 except Keith Ingram registering to vote and 16 signing his name. 17 So you can take it as a pure 18 identity. Right? Most of the time. 19 Now, obviously if it's an agent 20 or if it's a witness, because the person 21 can't sign, then there are special 22 circumstances. But mostly it's going to be</p>
<p style="text-align: right;">Page 162</p> <p>1 signature in the voter registration process? 2 MS. HUNKER: Objection. Form. 3 Vague. 4 A. Well, it's to identify the 5 voter as the voter. 6 BY MS. YUKEVICH: 7 Q. How do you use a signature to 8 identify the voter as the voter? 9 A. Well, so -- 10 MS. YUKEVICH: We can take this 11 document down. 12 A. Right. So the thing about 13 signing a voter registration application is 14 that I am filling it out. I'm going through 15 it. Got my last name, my first name, my 16 residence address. I sign the thing. Keith 17 Ingram just turns this in to the voter 18 registrar. So Keith Ingram just did that 19 signature. Right? 20 And then if a later application 21 for ballot by mail comes in and somebody 22 signed that application for ballot by mail</p>	<p style="text-align: right;">Page 164</p> <p>1 the voter's own signature in an uninfluenced 2 context. 3 Q. What do you mean by 4 "uninfluenced context"? 5 A. I mean what I said. An 6 uninfluenced context. There's nothing that's 7 requiring me to register to vote other than 8 my desire to register to vote. 9 Q. Okay. 10 A. Most of the time. 11 Q. Okay. So how do I -- how 12 does -- in the voter registration process, 13 I'm thinking from the time that -- when I say 14 "voter registration process," I mean from the 15 time that a voter or a registrant fills out 16 the voter registration application and signs 17 it to the time that they are assigned a VUID. 18 How is the signature used to 19 verify identity? 20 A. The signature is not used to 21 verify identity in that purpose. But the 22 signature, as it exists, helps identify that</p>

41 (Pages 161 to 164)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 165	Page 167
<p>1 voter in later contexts.</p> <p>2 You understand, it's an</p> <p>3 important marker of that voter's identity at</p> <p>4 a time other than -- when nothing else was</p> <p>5 going on.</p> <p>6 I don't know how to explain</p> <p>7 this more clearly. I'm running out of words.</p> <p>8 But here is a pure context, where all that's</p> <p>9 going on is I'm registering to vote. Me.</p> <p>10 Sign it. That's me.</p> <p>11 Now, later, if somebody fills</p> <p>12 out an application that may or may not be me,</p> <p>13 then you can compare it to this one to say,</p> <p>14 Yep, that's him. Looks about the same.</p> <p>15 Q. All right. I'm trying to get a</p> <p>16 sense of what you mean by "pure context."</p> <p>17 So let's just suppose that I'm</p> <p>18 a voter or a potential registrant. I'm a</p> <p>19 mom. I have three kids with me. They're</p> <p>20 screaming. I'm talking to a deputy volunteer</p> <p>21 registrar at, like, a county fair, where</p> <p>22 I imagine many of them might go to register</p>	<p>1 registration application and that they</p> <p>2 understand all the admonitions in box 10.</p> <p>3 Is that right?</p> <p>4 A. Right. But it's -- apart from</p> <p>5 that, its very existence matters for that</p> <p>6 voter. Right?</p> <p>7 I don't know how to express</p> <p>8 this.</p> <p>9 Q. I mean, I --</p> <p>10 A. Just because we don't do</p> <p>11 signature comparison at that stage, that</p> <p>12 signature is not used in the VUID assignment</p> <p>13 process, doesn't mean that its existence is</p> <p>14 not important separate from the swearing to</p> <p>15 the application part.</p> <p>16 It helps identify that voter.</p> <p>17 It helps identify that voter, not for the</p> <p>18 purposes of voter registration, but for any</p> <p>19 other purpose thereafter. And its existence</p> <p>20 in that context matters for that reason.</p> <p>21 Q. Okay. And so I think</p> <p>22 I understand what you're saying here.</p>
<p>1 voters to vote.</p> <p>2 I fill out the information</p> <p>3 quickly. I sign quickly. There's lots of</p> <p>4 other things going on.</p> <p>5 I'm just trying to figure out</p> <p>6 what you mean by "pure" content -- "pure</p> <p>7 context."</p> <p>8 A. There's not anything</p> <p>9 influencing whether or not that voter takes</p> <p>10 any action on anything, other than</p> <p>11 registering to vote.</p> <p>12 Q. Okay. All right. But in</p> <p>13 between -- and we'll get on to the early</p> <p>14 ballot board and the signature verification</p> <p>15 committee.</p> <p>16 I'm just trying to make sure I</p> <p>17 understand that in between the voter -- the</p> <p>18 time that the voter fills out the application</p> <p>19 and the time that their VUID is assigned,</p> <p>20 their signature isn't used for anything</p> <p>21 except to affirm that the information is</p> <p>22 correct that they've included in their voter</p>	<p>1 But you'd agree with me that</p> <p>2 there are voters in Texas who are unable to</p> <p>3 sign their voter registration application.</p> <p>4 Correct?</p> <p>5 A. There's some exceptions listed</p> <p>6 on the form itself.</p> <p>7 Q. Right. And those voters are</p> <p>8 still able to register to vote. Is that</p> <p>9 right?</p> <p>10 A. They are.</p> <p>11 Q. And they're still able to vote</p> <p>12 in elections, subsequently; is that correct?</p> <p>13 A. They can.</p> <p>14 Q. And they're able to request</p> <p>15 absentee mail-in ballots; right?</p> <p>16 A. Sure.</p> <p>17 Q. Okay. And their votes are able</p> <p>18 to be counted when they send in a ballot by</p> <p>19 mail.</p> <p>20 A. I agree with that.</p> <p>21 Q. All right.</p> <p>22 MS. YUKEVICH: I apologize. My</p>

42 (Pages 165 to 168)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 169</p> <p>1 dog -- there's a delivery man in 2 the -- if you just give us one second 3 to go off the record. I apologize. 4 THE VIDEOGRAPHER: The time is 5 1:48 p.m. We're now off the record. 6 (Recess taken.) 7 THE VIDEOGRAPHER: The time is 8 1:49 p.m. We're now on the record. 9 BY MS. YUKEVICH: 10 Q. Okay. So we were just talking, 11 Mr. Ingram, before we had to take a slight 12 impromptu break, about voters who are unable 13 to sign their voter registration 14 applications. And they're still able to 15 register to vote. 16 A. That's what we said. 17 Q. Great. 18 And they're still able to vote 19 by mail; correct? 20 A. That's what we said. 21 Q. Okay. And then -- and so I -- 22 is there any other purpose for requiring a</p>	<p style="text-align: right;">Page 171</p> <p>1 BY MS. YUKEVICH: 2 Q. So would you agree that a wet 3 ink signature, as someone signs with, you 4 know -- let's strike that too. 5 Would you agree with me that a 6 wet ink signature serves the purpose of 7 affirming the accuracy of the information on 8 a voter registration application and the 9 admonitions in box 10 of the voter 10 registration application? 11 MS. HUNKER: Objection. Form. 12 Objection. Compound. 13 You can answer. 14 A. I agree that a signature does 15 that. I don't know if it has to be in ink. 16 It could be also in graphite pencil. But an 17 original signature does that, yes. 18 BY MS. YUKEVICH: 19 Q. Okay. And does an imaged 20 signature have the -- do the same thing? 21 A. Not necessarily. It could, but 22 it could also not.</p>
<p style="text-align: right;">Page 170</p> <p>1 signature, whether it be a wet signature or 2 an imaged signature, on a voter registration 3 form? 4 A. I think that's it. I mean, 5 obviously for later use, but... 6 Q. Okay. And so let's get on to 7 those -- let's get on to those later uses 8 now -- oh, and I apologize. I do want to 9 ask. 10 So one more time. When we're 11 talking about a signature here and 12 affirmation, when we're talking about a 13 signature that affirms the accuracy of box 1 14 through 9 and the statements in box 10, would 15 you agree with me that a wet ink signature 16 can serve as an affirmation of the accuracy 17 of that information and the affirmations 18 in -- of the accuracy of the information and 19 the affirmations in box 10? 20 MS. HUNKER: Object to form. 21 MS. YUKEVICH: Yeah. Fair 22 enough. Let me take that back.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Why not? Can you explain that 2 to me? 3 A. Well, I know that whenever the 4 DPS electronically captures the signature on 5 their capture device, that the -- they are 6 read those three statements. 7 So that electronic signature is 8 in the context of those three statements, and 9 they're making a physical signature that is 10 electronically captured and transmitted with 11 their voter registration record. 12 Q. All right. And so someone -- 13 if a voter were to affix an imaged signature 14 onto a voter registration application, would 15 that have the same effect as signing with a 16 wet ink pen? 17 A. It certainly could. It could 18 also be done by somebody else in another 19 context, and me not having any control over 20 it. 21 I've got here an exemplar of my 22 signature that people use all the time to</p>

43 (Pages 169 to 172)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 173	Page 175
<p>1 send stuff out, that I'm supposed to review</p> <p>2 before it goes out, but I don't know if I</p> <p>3 always do.</p> <p>4 So my signature could be used</p> <p>5 without my knowledge for a letter, or for any</p> <p>6 purpose really, and I wouldn't know it. And</p> <p>7 I certainly didn't affirm anything about it.</p> <p>8 Q. Okay. So presume with me that</p> <p>9 it is the voter, the registrant, affixing</p> <p>10 their imaged signature to a voter</p> <p>11 registration application.</p> <p>12 Would you, then, agree with me</p> <p>13 that it serves the same purpose as a wet ink</p> <p>14 signature on a voter registration</p> <p>15 application?</p> <p>16 A. I've already said it can. And</p> <p>17 it certainly -- in the context where you are</p> <p>18 reading the same three statements and then</p> <p>19 you're, you know, putting the JPEG of your</p> <p>20 signature under those three statements, it</p> <p>21 could definitely mean the same thing, sure.</p> <p>22 Q. Okay. But your concern is one</p>	<p>1 Q. Okay. Voters are able to mail</p> <p>2 in voter registration applications; is that</p> <p>3 correct?</p> <p>4 A. Sure.</p> <p>5 Q. And they're able to do that</p> <p>6 using a -- they're able to do that when</p> <p>7 they've signed their voter registration</p> <p>8 application with a wet ink signature. Is</p> <p>9 that correct?</p> <p>10 A. Or a pencil.</p> <p>11 Q. Or a pencil.</p> <p>12 But that's correct; right?</p> <p>13 Voters are able to mail in a signed voter</p> <p>14 registration application and register to</p> <p>15 vote. Is that correct?</p> <p>16 A. Sure.</p> <p>17 Q. They don't need to appear in</p> <p>18 front of a voter registrar to register to</p> <p>19 vote. Is that correct?</p> <p>20 A. That's right.</p> <p>21 Q. And they don't need to appear</p> <p>22 in front of a member of the Secretary of</p>
<p>Page 174</p> <p>1 of someone -- let's use me as an example, if</p> <p>2 I'm registering to vote in the state of</p> <p>3 Texas.</p> <p>4 Your concern is that someone</p> <p>5 who is not the voter, someone who's not me,</p> <p>6 will affix my signature to the voter</p> <p>7 registration application.</p> <p>8 A. That could certainly happen,</p> <p>9 yes. And then you didn't swear to anything.</p> <p>10 Q. Right. But is that your -- is</p> <p>11 that your concern --</p> <p>12 A. My concern --</p> <p>13 Q. -- about imaged signatures?</p> <p>14 A. No. My concern is that the</p> <p>15 Texas law doesn't allow for it. Texas law</p> <p>16 says it has to be in writing and signed by</p> <p>17 the voter.</p> <p>18 It doesn't say in writing and a</p> <p>19 picture of the signature attached to it. It</p> <p>20 says it has to be in writing and signed by</p> <p>21 the voter. That's all my concern is, is</p> <p>22 making sure the Texas law is followed.</p>	<p>Page 176</p> <p>1 State's Office to register to vote. Is that</p> <p>2 correct?</p> <p>3 A. They do not.</p> <p>4 Q. And they do not need to appear</p> <p>5 in front of an employee of DPS to register to</p> <p>6 vote. Is that correct?</p> <p>7 A. I'd agree with that.</p> <p>8 Q. And so you previously seemed to</p> <p>9 express a concern that with an imaged</p> <p>10 signature, someone else might affix that</p> <p>11 imaged signature to a voter registration</p> <p>12 application.</p> <p>13 Is that fair to say?</p> <p>14 A. That's right. Or it could be</p> <p>15 done out of the context of these three</p> <p>16 statements.</p> <p>17 Q. Okay. And do you have the same</p> <p>18 concern about mail-in voter registration</p> <p>19 applications?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. Because the three statements</p>

44 (Pages 173 to 176)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 177</p> <p>1 are right above the signature box --</p> <p>2 Q. Okay.</p> <p>3 A. -- on every voter registration</p> <p>4 application.</p> <p>5 Q. All right.</p> <p>6 A. And it's signed by the voter.</p> <p>7 Q. But you don't have a concern</p> <p>8 that someone else might be signing a voter</p> <p>9 registration application on behalf of a</p> <p>10 voter, even if they're using a pen or a</p> <p>11 pencil?</p> <p>12 A. That's always a possibility,</p> <p>13 certainly. There's been voter registration</p> <p>14 fraud before.</p> <p>15 Q. Okay. So I guess I'm trying to</p> <p>16 find the distinction between your concern</p> <p>17 about imaged signatures being affixed to</p> <p>18 voter registration applications without the</p> <p>19 voter's knowledge and why you are less</p> <p>20 concerned about voter registration</p> <p>21 applications being signed with a wet ink</p> <p>22 signature by someone not the voter.</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. Okay. All right.</p> <p>2 So let's move on to after the</p> <p>3 voter registration process. So after the</p> <p>4 process between -- you know, when a voter</p> <p>5 sends in the voter -- when a voter fills out</p> <p>6 their voter registration application and</p> <p>7 they're assigned their VUID.</p> <p>8 Let's move on from that process</p> <p>9 and move on to the early ballot board process</p> <p>10 and the signature verification committee</p> <p>11 process.</p> <p>12 Okay?</p> <p>13 A. Okay.</p> <p>14 Q. All right. So can you just</p> <p>15 tell me what an early ballot board is?</p> <p>16 A. An early voting ballot board is</p> <p>17 the entity that is charged with the</p> <p>18 responsibility of deciding whether or not to</p> <p>19 accept or reject carrier envelopes in the</p> <p>20 mail ballot context.</p> <p>21 Q. Okay. And does your office</p> <p>22 interact with the early ballot boards in any</p>
<p style="text-align: right;">Page 178</p> <p>1 A. So my concern is not either one</p> <p>2 of those things. My concern is that Texas</p> <p>3 law says in order to register to vote, a</p> <p>4 voter registration application has to be in</p> <p>5 writing and signed by the voter. That's my</p> <p>6 concern.</p> <p>7 The two exceptions to that are</p> <p>8 specifically allowed in statute: 15.021,</p> <p>9 20.066. Otherwise, a voter registration</p> <p>10 application has to be signed. The fact that</p> <p>11 fraud occurs in either context is more or</p> <p>12 less beside the point.</p> <p>13 It's more open to fraud,</p> <p>14 I think, if you just send a JPEG of your</p> <p>15 signature. It could get affixed to anything</p> <p>16 without your knowledge. And you don't</p> <p>17 necessarily even know what you're swearing to</p> <p>18 in that context.</p> <p>19 But that's the secondary</p> <p>20 concern. The primary concern is that the law</p> <p>21 requires it be in writing and signed by the</p> <p>22 voter.</p>	<p style="text-align: right;">Page 180</p> <p>1 county?</p> <p>2 A. Not usually. We have received</p> <p>3 phone calls from ballot boards before, but</p> <p>4 mainly we work through the early voting</p> <p>5 clerk.</p> <p>6 Q. Okay. What have you received</p> <p>7 those phone calls about?</p> <p>8 A. Specific situations before the</p> <p>9 ballot board and what actions they can and</p> <p>10 can't take to sort of rescue a ballot.</p> <p>11 Q. Okay. What do you mean by</p> <p>12 "rescue a ballot"?</p> <p>13 A. So if there's a ballot in front</p> <p>14 of the ballot board that they're going to</p> <p>15 have to reject, the ballot board will</p> <p>16 sometimes call and say, But we've got this</p> <p>17 and this and this other circumstance. Is</p> <p>18 that enough for us to overcome the problem</p> <p>19 and not have to reject this ballot?</p> <p>20 You know, sometimes they call</p> <p>21 about that. Sometimes they call about, you</p> <p>22 know -- well, that's it, actions they can or</p>

45 (Pages 177 to 180)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 181	Page 183
<p>1 cannot take.</p> <p>2 Q. Okay. Any of those early</p> <p>3 ballot boards ever call you related to</p> <p>4 signatures on voter registration</p> <p>5 applications?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What did a -- in what</p> <p>8 context? Can you just explain that to me?</p> <p>9 A. Well, there will be one part of</p> <p>10 the ballot board that wants to reject a</p> <p>11 ballot because they don't believe the</p> <p>12 signatures are of the same person. And then</p> <p>13 there will be another faction of the ballot</p> <p>14 board that wants to accept it because they</p> <p>15 think they could be of the same person. So</p> <p>16 then they'll call our office and want to know</p> <p>17 what the standard is.</p> <p>18 And the standard is: whether</p> <p>19 or not the signatures could have been made by</p> <p>20 the same person. We don't take a "were they"</p> <p>21 and we don't, you know, require any sort of</p> <p>22 forensic analysis. It's just: Could they</p>	<p>1 board rejected this. I think it should be</p> <p>2 accepted. Do you think I should take it to</p> <p>3 court?</p> <p>4 And I look at it, and I say,</p> <p>5 Yeah, you should take that one to court.</p> <p>6 Q. Did you ever tell them no, that</p> <p>7 they shouldn't take it to court?</p> <p>8 A. No. I tell them, If you think</p> <p>9 it was a wrongful rejection, you should take</p> <p>10 it to court.</p> <p>11 We assist and advise; we don't</p> <p>12 tell them what to do.</p> <p>13 Q. Okay. And do early -- you said</p> <p>14 that since 2015 or 2017, you're not sure,</p> <p>15 which is totally fine, early ballot boards</p> <p>16 have used voter registration application</p> <p>17 signatures in their signature verification</p> <p>18 process. Is that correct?</p> <p>19 A. Well, I don't know whether</p> <p>20 they've used them or not. They've -- the law</p> <p>21 has allowed those signatures to be part of</p> <p>22 the process.</p>
Page 182	Page 184
<p>1 have possibly been made by the same person?</p> <p>2 It's a fairly loose standard.</p> <p>3 And some ballot boards want to apply a</p> <p>4 stricter standard than that.</p> <p>5 Q. Okay. And do you ever look at</p> <p>6 the signatures that early ballot boards are</p> <p>7 looking at, to see if they could be made by</p> <p>8 the same person?</p> <p>9 A. Almost never.</p> <p>10 Q. And can you tell me about how</p> <p>11 many times you've ever done that?</p> <p>12 A. Maybe three or four. And</p> <p>13 it's -- and it was after the fact.</p> <p>14 When the ballot board has</p> <p>15 finished their work, then the early voting</p> <p>16 clerk has the opportunity to take wrongfully</p> <p>17 rejected ballots to District Court and ask</p> <p>18 the court to reverse the ballot board's</p> <p>19 decision.</p> <p>20 And so sometimes -- I can think</p> <p>21 of a couple of times the early voting clerk</p> <p>22 has sent me signatures and said, The ballot</p>	<p>1 Q. Are you aware of any time when</p> <p>2 an early ballot board used a voter</p> <p>3 registration application signature during</p> <p>4 their deliberations?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. How many times?</p> <p>7 A. It happens every election, all</p> <p>8 the time. All day, into the night.</p> <p>9 I've been down to Bexar County</p> <p>10 and I've looked at their adjudication system.</p> <p>11 So what Bexar County does: For every by-mail</p> <p>12 voter, they have every single signature for</p> <p>13 that voter in the file.</p> <p>14 So the ballot board person can</p> <p>15 just click through and look at all of the</p> <p>16 signatures: from carrier envelopes, from</p> <p>17 other applications for ballot by mail, voter</p> <p>18 registrations, voter registration updates.</p> <p>19 I mean, any signature that</p> <p>20 voter's got on Bexar County's file, they can</p> <p>21 just look at them. They can put them all up</p> <p>22 on the screen at the same time and look at</p>

46 (Pages 181 to 184)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 185	Page 187
<p>1 'em. They can -- it's very user-friendly.</p> <p>2 Q. Okay. And they're doing that</p> <p>3 in a computer system. Is that correct?</p> <p>4 A. That's right.</p> <p>5 Q. They're not looking at paper</p> <p>6 voter registration applications?</p> <p>7 A. That's right. And a lot of the</p> <p>8 big counties use similar systems.</p> <p>9 Q. All right. And do early ballot</p> <p>10 boards also use signatures from applications</p> <p>11 they obtained from DPS?</p> <p>12 A. No -- I mean, yes, if you're</p> <p>13 talking about voter registration</p> <p>14 applications. If you're talking about</p> <p>15 driver's license applications, no.</p> <p>16 Q. I'm sorry. I apologize. I am</p> <p>17 talking about voter registration</p> <p>18 applications.</p> <p>19 Do they use those signatures</p> <p>20 from voter registration applications?</p> <p>21 A. Sure.</p> <p>22 Q. So I want to turn -- are you</p>	<p>1 Q. All right. And are you aware</p> <p>2 of large numbers of DPS signatures not having</p> <p>3 any merit or being legible?</p> <p>4 A. No. The ones I've seen look</p> <p>5 like the signature.</p> <p>6 Q. Have you ever seen a signature</p> <p>7 from a voter registration application that</p> <p>8 came through DPS that looked illegible or</p> <p>9 unusable?</p> <p>10 A. Well, I haven't seen very many</p> <p>11 of them. Only if the county has printed</p> <p>12 the -- made the PDF report, like they're</p> <p>13 supposed to. Then I've seen some of those.</p> <p>14 And they look like signatures.</p> <p>15 You know, some people's</p> <p>16 signatures are more scribbly than others.</p> <p>17 Q. Fair enough.</p> <p>18 And if this was a significant</p> <p>19 issue, is that something that would be raised</p> <p>20 with your office?</p> <p>21 A. Yes. If offline counties -- or</p> <p>22 any county was having trouble with DPS</p>
Page 186	Page 188
<p>1 aware of any issues that early ballot boards</p> <p>2 have had using signatures from DPS voter</p> <p>3 registration applications in this process?</p> <p>4 A. Well, I believe that some</p> <p>5 offline counties might not have preserved</p> <p>6 that signature. So I don't know for sure,</p> <p>7 but I -- because I'd rather not know. But</p> <p>8 I think that sometimes they're not following</p> <p>9 procedure when they get a DPS application and</p> <p>10 they haven't preserved that signature.</p> <p>11 Q. All right. But are you aware</p> <p>12 of any time where an early ballot board has</p> <p>13 looked at a signature from DPS and said,</p> <p>14 like, We just can't use this signature in our</p> <p>15 adjudication process?</p> <p>16 A. No.</p> <p>17 Q. Would they have called you</p> <p>18 about that?</p> <p>19 A. Potentially. But if it's a</p> <p>20 signature that is illegible or doesn't have</p> <p>21 any merit to their proceedings, they wouldn't</p> <p>22 necessarily call me about that, no.</p>	<p>1 signatures, I think they would have told us,</p> <p>2 yes.</p> <p>3 Q. Now I want to turn to signature</p> <p>4 verification committees. Does your office</p> <p>5 ever interact with signature verification</p> <p>6 committees?</p> <p>7 A. I'm sure we do, but they're not</p> <p>8 the ones that would end up calling me.</p> <p>9 Q. Okay. And are you aware of how</p> <p>10 signature verification committees function?</p> <p>11 A. It's very much the same as</p> <p>12 ballot boards, except that they cannot reject</p> <p>13 ballots.</p> <p>14 Q. And do they -- do signature</p> <p>15 verification committees use voter application</p> <p>16 signatures from DPS voter registration</p> <p>17 applications?</p> <p>18 A. Sure.</p> <p>19 Q. And are you aware of them ever</p> <p>20 not being able to use a DPS signature because</p> <p>21 it was unclear or illegible?</p> <p>22 A. I don't know. I haven't heard</p>

47 (Pages 185 to 188)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 189	Page 191
<p>1 of it. I'm sure it happens, but the county 2 people would know that better than me. 3 Q. So you said you're sure it 4 happens. Why are you sure it happens? 5 A. Because those kind of things 6 are bound to happen. But, again, county 7 election officials would know the incidents 8 and how often that occurs. I sure don't. 9 Q. Okay. But you've never heard 10 of it happening before? 11 A. That's right. 12 Q. And if it was a significant 13 problem, it would have been raised with your 14 office at some point. 15 A. I would think so. 16 Q. And it hasn't been raised with 17 your office? 18 A. That's right. 19 Q. So I want to move now to what 20 we've been talking about as imaged 21 signatures. Right? Which is a picture, as 22 we agreed earlier, of a wet ink signature.</p>	<p>1 anything. But what does that have to do with 2 anything? 3 Q. Well, you've expressed a 4 concern that someone will affix imaged 5 signatures to a whole host of documents, 6 presumably including voter registration 7 applications. Is that fair? 8 A. Sure. 9 Q. And so my question is -- I'm 10 trying to ascertain why you don't have that 11 same concern for voter registration 12 applications where someone just signs with a 13 wet ink signature on someone else's behalf 14 and mails in that voter registration 15 application. 16 A. It's not their signature. 17 When somebody affixes my JPEG 18 signature to a document, that's my signature. 19 Q. Um-hum. 20 A. Right? Whether or not I read 21 that document. 22 If somebody purports to be me</p>
Page 190	Page 192
<p>1 So a JPEG of a wet ink signature. 2 Are you with me? 3 A. Okay. 4 Q. Okay. And so you mentioned 5 earlier that you believed that it was easier 6 to mess with a -- I might be -- it was easier 7 to mess with JPEG signatures, imaged 8 signatures, than wet ink signatures. Is that 9 right? 10 A. Well, what I mean is that you 11 can affix that to documents that I've never 12 read. You can take my JPEG, and you can put 13 it on anything. Right? 14 My signature -- you can't make 15 me sign something I don't want to sign. 16 Q. All right. But someone can 17 sign something on your behalf; right? 18 A. But that's not my signature, 19 and I didn't sign it. 20 Q. Understood. But someone can 21 sign something on your behalf; right? 22 A. I guess anybody can do</p>	<p>1 and signs a piece of paper, that ain't me. 2 Q. All right. But during the 3 voter registration process, you testified 4 earlier you don't use signatures to determine 5 someone's eligibility to register to vote. 6 Correct? 7 A. I agree with that. 8 Q. And you don't use signatures to 9 verify someone's identity in the voter 10 registration process. Correct? 11 A. Agreed. 12 Q. And so your -- okay. 13 And so my question is: Have 14 you ever provided training to any county 15 election administrator about how to tell the 16 difference between a wet ink signature and an 17 imaged signature? 18 A. Nope. 19 Q. Have you ever received training 20 about how to tell the difference between a 21 wet ink signature and an imaged signature? 22 A. No.</p>

48 (Pages 189 to 192)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 193	Page 195
<p>1 Q. And have you ever provided 2 training to any county election administrator 3 about how to use a wet ink signature to 4 determine a voter's eligibility to vote? 5 A. No. 6 Q. And that's because you don't 7 use wet ink signatures to determine a voter's 8 eligibility to vote. Correct? 9 A. Right. 10 Q. Okay. And you've never 11 received training on that yourself; right? 12 A. Agreed. Did we not go through 13 all this this morning already? 14 Q. I just want to be -- I want to 15 make sure that I am being very clear. 16 A. I mean, I know you like the 17 answers to these questions, and you'd 18 probably like to hear it again, but can we go 19 to something new? 20 Q. I mean, I think it's just 21 important that I be as clear as possible 22 about whether you have provided training to</p>	<p>1 registration application? 2 A. Because it's not legal. 3 Q. Okay. But is there any -- are 4 you aware of other contexts, apart from 5 voting, where individuals are able to use 6 imaged signatures or electronic signatures or 7 digital signatures to swear to the accuracy 8 of something in a document? 9 A. Whether or not you can do it in 10 another context doesn't have anything to do 11 with whether you can do it on a voter 12 registration application. 13 For a voter registration 14 application, it says it has to be in writing 15 and signed by the voter. So other contexts 16 don't matter. Of course you can use those 17 signatures in other contexts. You can't use 18 it here. 19 Q. And have you used signatures 20 like that in other contexts? 21 A. I just said I did. I've got a 22 JPEG image of my signature that gets used</p>
Page 194	Page 196
<p>1 county election administrators, whether or 2 not you have received this training yourself. 3 And I actually don't think we went over this 4 this morning. 5 So you can just tell me if 6 you've ever provided guidance to county 7 election administrators on the use of an 8 original wet ink signature to determine 9 identity as part of the voter registration 10 process. 11 MS. HUNKER: Objection. Form. 12 Vague. 13 A. No. 14 BY MS. YUKEVICH: 15 Q. Okay. And I guess my question 16 is: Is there any reason that you can think 17 of, apart from those that we've already 18 discussed, why you cannot use an imaged 19 signature -- presuming it is the voter, 20 themselves, affixing it to the voter 21 registration application -- to affirm the 22 accuracy of information in the voter</p>	<p>1 quite frequently. 2 Q. In your official capacity; 3 right? 4 A. That's right. 5 Q. Okay. And when you -- have you 6 ever, like, signed the back of a check, for 7 example, and then scanned that check on an 8 application? 9 A. Sure. 10 Q. Okay. And so I'd like to 11 discuss whether you've experienced any 12 problems or issues related to imaged 13 signatures on voter registration 14 applications. 15 Make sense? 16 A. No. 17 Q. Okay. So have you -- so in 18 your capacity as the director of the 19 Elections Division of the Secretary of 20 State's Office, in your offices in general, 21 have you ever dealt with problems related to 22 imaged signatures being affixed to voter</p>

49 (Pages 193 to 196)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 197	Page 199
<p>1 registration applications?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. In what context?</p> <p>4 A. Back in 2018, Remi Garza called</p> <p>5 us from Cameron County and said he was</p> <p>6 getting some funny-looking applications from</p> <p>7 Vote.org.</p> <p>8 Q. Okay. Did you see those</p> <p>9 applications?</p> <p>10 A. I don't remember if I saw one</p> <p>11 or not.</p> <p>12 Q. Okay. And has anyone in your</p> <p>13 office -- did anyone in your office speak to</p> <p>14 Vote.org about those voter registration</p> <p>15 applications?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Who spoke to someone at</p> <p>18 Vote.org?</p> <p>19 A. Christina Adkins had a short</p> <p>20 call. And Christina and I, together, had a</p> <p>21 longer call.</p> <p>22 Q. Who did you speak to?</p>	<p>1 A. No.</p> <p>2 Q. Did Ms. Adkins take any notes</p> <p>3 during that conversation?</p> <p>4 A. She did not.</p> <p>5 Q. Did you provide a summary of</p> <p>6 that conversation to anyone?</p> <p>7 A. Sure.</p> <p>8 Q. In writing or verbally?</p> <p>9 A. Verbally.</p> <p>10 Q. Okay. And did you --</p> <p>11 subsequent to that, did you speak to anyone</p> <p>12 else at Vote.org, subsequent to that longer</p> <p>13 conversation?</p> <p>14 A. No, we did not.</p> <p>15 Q. Okay. Do you remember the date</p> <p>16 of that longer conversation?</p> <p>17 A. I do not.</p> <p>18 Q. Do you have a general --</p> <p>19 A. It was sometime in September of</p> <p>20 '18, I believe.</p> <p>21 Q. Okay. So I want to bring up</p> <p>22 Exhibit E, if we can. What's been premarked</p>
<p>Page 198</p> <p>1 A. The general counsel.</p> <p>2 Q. Do you remember that person's</p> <p>3 name?</p> <p>4 A. I do not.</p> <p>5 Q. Okay. And what was the context</p> <p>6 of that conversation?</p> <p>7 A. We wanted to make sure that we</p> <p>8 understood that they were actually doing what</p> <p>9 we thought they were doing, which we</p> <p>10 confirmed. And that's inviting voters to</p> <p>11 take pictures of their signatures and send</p> <p>12 them to Vote.org so that Vote.org could send</p> <p>13 in the application to the voter registrar.</p> <p>14 And we wanted to make sure that</p> <p>15 they understood that was against Texas law,</p> <p>16 and that they were putting these voters'</p> <p>17 right to vote and their eligibility -- their</p> <p>18 registration to vote in jeopardy because of</p> <p>19 their actions, and that they needed to stop</p> <p>20 it right now.</p> <p>21 Q. Okay. And did you take any</p> <p>22 notes during that conversation?</p>	<p>Page 200</p> <p>1 as Exhibit E.</p> <p>2 (Ingram Exhibit E, Press</p> <p>3 Release: Secretary Pablos Reminds</p> <p>4 Texans to Exercise Caution When</p> <p>5 Registering to Vote, was marked</p> <p>6 for identification, as of this</p> <p>7 date.)</p> <p>8 Q. Are you able to see that</p> <p>9 document?</p> <p>10 A. Sure.</p> <p>11 Q. Okay. Have you seen this</p> <p>12 document before?</p> <p>13 A. I have.</p> <p>14 Q. Okay. What is the document?</p> <p>15 A. It's a press release from</p> <p>16 Secretary Pablos.</p> <p>17 Q. Okay. And what is the</p> <p>18 general -- were you involved in the drafting</p> <p>19 of this release?</p> <p>20 A. I believe I was. Yes.</p> <p>21 Q. Okay. And what motivated the</p> <p>22 drafting of this release?</p>

50 (Pages 197 to 200)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 201	Page 203
<p>1 A. The fact that Vote.org was</p> <p>2 deceiving Texas voters.</p> <p>3 Q. Okay. Can you be a little more</p> <p>4 specific?</p> <p>5 A. That Vote.org was deceiving</p> <p>6 Texas voters into thinking they could use an</p> <p>7 online process to register to vote. That</p> <p>8 wasn't DPS, and it wasn't Texas.gov.</p> <p>9 Q. Okay. Did you discuss the</p> <p>10 announcement with any county election</p> <p>11 administrators?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Did your office discuss the</p> <p>14 content of the announcement with any election</p> <p>15 administrators?</p> <p>16 A. We certainly talked to election</p> <p>17 administrators about Vote.org's applications.</p> <p>18 It's our understanding that Vote.org was</p> <p>19 sending those applications to Bexar, Dallas,</p> <p>20 Travis, and Cameron Counties. And so we</p> <p>21 talked to all of those counties.</p> <p>22 Q. All right. And who spoke to</p>	<p>1 notice of incomplete.</p> <p>2 She agreed. And that's the end</p> <p>3 of the conversation.</p> <p>4 Q. Okay. What about your</p> <p>5 conversation with the election administrator</p> <p>6 in Cameron County, Mr. Garza?</p> <p>7 A. He also agreed that those</p> <p>8 needed to have a notice of incomplete. Same</p> <p>9 with Dallas.</p> <p>10 Q. Okay. And that was</p> <p>11 Ms. Pippins-Poole at that time; is that</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And so Ms. Adkins had a</p> <p>15 conversation with Ms. Pippins-Poole?</p> <p>16 A. Agreed.</p> <p>17 Q. And they -- she agreed that the</p> <p>18 voter registration applications required a</p> <p>19 wet ink signature at that time, the copies?</p> <p>20 A. That they needed to be signed</p> <p>21 by the voter, and that these weren't.</p> <p>22 Q. Okay. Because they didn't have</p>
<p>1 those counties?</p> <p>2 A. I believe that Christina spoke</p> <p>3 to most of them. I think I talked to Jacque.</p> <p>4 Q. All right. And did you keep</p> <p>5 any records of your conversation with</p> <p>6 Ms. Callanen?</p> <p>7 A. No.</p> <p>8 Q. You didn't take any notes?</p> <p>9 A. Agreed.</p> <p>10 Q. And you didn't send a summary</p> <p>11 of the call to anyone after that?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Okay. And can you describe the</p> <p>14 substance of your conversation with</p> <p>15 Ms. Callanen, please?</p> <p>16 A. That it's come to our attention</p> <p>17 that you may be receiving some of these voter</p> <p>18 registration applications that don't have a</p> <p>19 signature on them. She said, Yes, we have</p> <p>20 gotten some of those.</p> <p>21 I said, Well, if they're not</p> <p>22 signed by the voter, they have to be given a</p>	<p>1 a wet ink signature.</p> <p>2 A. Because they weren't signed by</p> <p>3 the voter.</p> <p>4 Q. Can you explain why you're</p> <p>5 saying they weren't signed by the voter if</p> <p>6 it's not that they didn't have a wet ink</p> <p>7 signature?</p> <p>8 A. Because the voter didn't sign</p> <p>9 them.</p> <p>10 Q. What do you mean by that?</p> <p>11 A. I mean that they didn't put a</p> <p>12 pencil or a pen to paper and make a</p> <p>13 signature.</p> <p>14 Q. Okay. So that there wasn't a</p> <p>15 wet ink signature on the voter registration</p> <p>16 application?</p> <p>17 A. There was not a signature on</p> <p>18 the application. It was not an original</p> <p>19 signature by the voter. There was a picture</p> <p>20 of a signature, but there was not a</p> <p>21 signature.</p> <p>22 Q. Yeah. So I just want to be</p>

51 (Pages 201 to 204)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 205	Page 207
<p>1 really clear.</p> <p>2 Just for the record, when we're</p> <p>3 talking about "signatures," we agreed earlier</p> <p>4 when we saw "wet ink signature," that means</p> <p>5 pen to paper, and that an imaged signature is</p> <p>6 a picture of a wet ink signature affixed to a</p> <p>7 document.</p> <p>8 And so I just want to be really</p> <p>9 clear when we're sort of going through. It's</p> <p>10 going to save us a lot of time if we're able</p> <p>11 to just use that language.</p> <p>12 Is that okay?</p> <p>13 A. That's fine.</p> <p>14 But a picture of a signature on</p> <p>15 a voter application is not a -- voter</p> <p>16 registration application is not a signature.</p> <p>17 Q. You're saying that it's not a</p> <p>18 wet ink signature or just, like, can never be</p> <p>19 considered a signature at all?</p> <p>20 A. It's not signed by the voter.</p> <p>21 Q. All right. I'm trying to</p> <p>22 figure out what you mean by "it's not signed</p>	<p>1 A. Christina did. She talked to</p> <p>2 Bruce and then she talked to Elizabeth.</p> <p>3 Q. Okay. And we talked a little</p> <p>4 bit about the substance of that conversation</p> <p>5 earlier.</p> <p>6 What -- Travis County, both</p> <p>7 through Bruce and through Elizabeth,</p> <p>8 expressed that they believe they could accept</p> <p>9 voter registration applications with imaged</p> <p>10 signatures attached. Is that correct?</p> <p>11 A. Not exactly. Bruce said that</p> <p>12 he was suspicious when he got these and so he</p> <p>13 called Elizabeth, over in the county</p> <p>14 attorney's office. And she looked at 13.143</p> <p>15 and said, Well, I guess the law has changed.</p> <p>16 We might as well accept them.</p> <p>17 So he had been advised by his</p> <p>18 lawyer that he could accept them. He didn't</p> <p>19 think that that was necessarily correct. He</p> <p>20 didn't necessarily agree with it. But he</p> <p>21 didn't want to hurt the voters involved</p> <p>22 either.</p>
Page 206	Page 208
<p>1 by the voter" if the voter affixes their</p> <p>2 imaged signature to a document.</p> <p>3 A. Exactly what I said. It's not</p> <p>4 signed by the voter.</p> <p>5 Q. All right. So just to be</p> <p>6 clear: If a voter affixes an imaged</p> <p>7 signature, a picture of a wet ink signature,</p> <p>8 to their voter registration application, you</p> <p>9 would say that it's not signed by the voter</p> <p>10 at all?</p> <p>11 A. That is correct. It is not</p> <p>12 signed by the voter.</p> <p>13 In other contexts, that might</p> <p>14 be sufficient for -- to be a signature. But</p> <p>15 in a voter registration, it has to be signed</p> <p>16 by the voter, which means physically put a</p> <p>17 pencil or a pen to paper and sign in the box.</p> <p>18 Q. All right. And did you</p> <p>19 discuss -- all right.</p> <p>20 Did you discuss the -- this</p> <p>21 Exhibit E, the 2018 press release, did you</p> <p>22 discuss this with Travis County as well?</p>	<p>1 Q. So he told you he didn't agree</p> <p>2 with the advice of his lawyer?</p> <p>3 A. No. He just said, They look</p> <p>4 funny to me, and I don't know -- you know,</p> <p>5 that's the reason why I called, to see what</p> <p>6 Elizabeth thought.</p> <p>7 Q. All right. And what was the</p> <p>8 substance of your conversation with</p> <p>9 Elizabeth, then, if I didn't characterize it</p> <p>10 correctly?</p> <p>11 A. That the law hadn't changed.</p> <p>12 13.002(b) still says what it said.</p> <p>13 And Elizabeth says, Well, I'm</p> <p>14 sorry, then, because all I looked at was</p> <p>15 13.143.</p> <p>16 Q. So she apologized to you?</p> <p>17 A. Right.</p> <p>18 Q. Okay. And did she, then,</p> <p>19 change her interpretation?</p> <p>20 A. Not as far as I know.</p> <p>21 Q. Okay. And did you discuss</p> <p>22 Vote.org with any of these election</p>

52 (Pages 205 to 208)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 209	Page 211
<p>1 administrators?</p> <p>2 A. Oh, yes. Absolutely.</p> <p>3 Q. Okay. And what was the</p> <p>4 substance of your conversation there?</p> <p>5 A. That Vote.org was deceiving</p> <p>6 Texas voters, and we cannot stand for that.</p> <p>7 Q. I understand.</p> <p>8 And that was your office's</p> <p>9 perspective; is that correct?</p> <p>10 A. That was definitely our</p> <p>11 office's perspective, yes.</p> <p>12 Q. Okay. And did you discuss with</p> <p>13 those four counties, Dallas, Cameron, Bexar,</p> <p>14 or Travis, the substance of any meetings that</p> <p>15 they might have had with Vote.org?</p> <p>16 A. No, not that I recall. I don't</p> <p>17 think that any of them met with Vote.org or</p> <p>18 talked to them. Maybe they did. I don't</p> <p>19 know.</p> <p>20 We did talk to League of Women</p> <p>21 Voters about their conversation, as well as</p> <p>22 Jeremy Smith.</p>	<p>1 announcement that's still on the screen here,</p> <p>2 this press release, your office issued the</p> <p>3 announcement -- why did your office issue</p> <p>4 this announcement?</p> <p>5 A. Because there was a group out</p> <p>6 there that was deceiving Texas voters, and we</p> <p>7 wanted to put the truth out.</p> <p>8 Q. I understand.</p> <p>9 So this -- is it fair to say</p> <p>10 that you released this announcement to stop</p> <p>11 Vote.org from using its e-signature tool?</p> <p>12 A. Well, to stop voters from using</p> <p>13 it, because it was going to mess them up with</p> <p>14 regard to registering to vote.</p> <p>15 Q. I understand.</p> <p>16 So it was to stop Vote.org from</p> <p>17 offering the e-signature tool and to</p> <p>18 discourage voters from using it. Is that</p> <p>19 correct?</p> <p>20 MS. HUNKER: Objection. Asked</p> <p>21 and answered.</p> <p>22 A. Yeah, it was definitely to</p>
<p>Page 210</p> <p>1 Q. Okay. Who did you speak with</p> <p>2 at the League of Women Voters?</p> <p>3 A. Cindy Weatherby.</p> <p>4 Q. Okay. And you spoke to Jeremy</p> <p>5 Smith as well?</p> <p>6 A. Maybe Cindy told us about</p> <p>7 Jeremy's conversation. Maybe we talked to</p> <p>8 Jeremy directly. I don't remember.</p> <p>9 Q. Okay. Do you have any records</p> <p>10 of any of these conversations?</p> <p>11 A. No.</p> <p>12 Q. No notes or written summaries</p> <p>13 of any of these conversations?</p> <p>14 A. No.</p> <p>15 Q. Does anyone in your office</p> <p>16 have -- just to be as clear as I can: No one</p> <p>17 in your office has those either; correct?</p> <p>18 A. I don't believe so. We could</p> <p>19 have sent an e-mail to the executive office</p> <p>20 summarizing what Cindy had said. I don't</p> <p>21 know. Maybe we did; maybe we didn't.</p> <p>22 Q. All right. And so the</p>	<p>Page 212</p> <p>1 discourage voters. We didn't have any</p> <p>2 control over Vote.org.</p> <p>3 BY MS. YUKEVICH:</p> <p>4 Q. And before you issued this</p> <p>5 announcement, or since your office issued</p> <p>6 this announcement, has anyone in the</p> <p>7 Secretary of State's Office conducted any</p> <p>8 research on the possibility of fraud related</p> <p>9 to wet ink signatures?</p> <p>10 A. No.</p> <p>11 Q. Has anyone in your office</p> <p>12 conducted any research on the possibility of</p> <p>13 fraud related to imaged signatures?</p> <p>14 A. No.</p> <p>15 Q. Has anyone in your office</p> <p>16 conducted any research on the possibility of</p> <p>17 fraud related to digital or electronic</p> <p>18 signatures?</p> <p>19 A. No.</p> <p>20 Q. Has anyone in your office</p> <p>21 attended training on any of those topics,</p> <p>22 fraud related to signatures in general?</p>

53 (Pages 209 to 212)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 213	Page 215
<p>1 A. No.</p> <p>2 Q. And before you issued the 2018</p> <p>3 announcement, is what I'm talking about,</p> <p>4 right here on the screen, or since then, has</p> <p>5 anyone in the Secretary of State's Office</p> <p>6 spoke with any experts on signatures?</p> <p>7 A. I don't know how to answer that</p> <p>8 question.</p> <p>9 Q. Have you spoken with anyone --</p> <p>10 has anyone in your office ever spoken with</p> <p>11 anyone who studies wet, imaged, or electronic</p> <p>12 signatures?</p> <p>13 A. Again, I don't know how to</p> <p>14 answer that question. We talk to a lot of</p> <p>15 people. We talk to thousands of people.</p> <p>16 Q. Okay. Has your office</p> <p>17 intentionally sought out the advice of any</p> <p>18 experts on signature verification?</p> <p>19 A. No.</p> <p>20 Q. Has your office intentionally</p> <p>21 sought out the advice of any experts on</p> <p>22 signature matching?</p>	<p>1 A. Storage capacity.</p> <p>2 Q. What does that mean?</p> <p>3 A. That means that in our old TEAM</p> <p>4 system, we kept a copy of the signature from</p> <p>5 DPS with the voter's record. And it was</p> <p>6 impacting our storage capacity.</p> <p>7 And storage, if you wanted to</p> <p>8 have instantaneous backups and all that rot</p> <p>9 with your service-level agreements of always</p> <p>10 on/always available, then it gets to be very</p> <p>11 expensive very fast.</p> <p>12 And so storage capacity became</p> <p>13 a real issue for us in 2013, a money --</p> <p>14 Q. All right. All right.</p> <p>15 Any other major recurring</p> <p>16 problems related to signatures before 2018?</p> <p>17 A. No.</p> <p>18 Q. What about after?</p> <p>19 A. No.</p> <p>20 Q. Before 2018 or after 2018, did</p> <p>21 your office have any policies or procedures</p> <p>22 in place relating to imaged signatures on</p>
<p>Page 214</p> <p>1 A. No.</p> <p>2 Q. And has your office ever sought</p> <p>3 out the advice, intentionally, of any experts</p> <p>4 on handwriting in general?</p> <p>5 A. No.</p> <p>6 Q. Prior to 2018, were you aware</p> <p>7 of any problems or issues related to</p> <p>8 signatures on voter registration</p> <p>9 applications?</p> <p>10 A. I don't know what that means.</p> <p>11 Q. Were there -- we talked earlier</p> <p>12 about the fact that your office is generally</p> <p>13 aware of, like, major or recurring issues in</p> <p>14 the voter registration process. Is that</p> <p>15 fair?</p> <p>16 A. That's fair.</p> <p>17 Q. Okay. Were there any major or</p> <p>18 recurring issues related to voter</p> <p>19 registration signatures that your office was</p> <p>20 aware of before 2018?</p> <p>21 A. Sort of. Yes.</p> <p>22 Q. What were they?</p>	<p>Page 216</p> <p>1 voter registration applications?</p> <p>2 A. I'm sorry. What?</p> <p>3 Q. Before 2018, did your office</p> <p>4 have any policies in place related to imaged</p> <p>5 signatures or telling the difference between</p> <p>6 wet ink signatures and imaged signatures?</p> <p>7 A. So our office obviously follows</p> <p>8 Texas law, which says that a voter</p> <p>9 registration application has to be in writing</p> <p>10 and signed by the voter.</p> <p>11 There's two exceptions to that:</p> <p>12 One, that allows for updates to your voter</p> <p>13 registration at Texas.gov; and, two, that</p> <p>14 allows for physical signature to be</p> <p>15 electronically captured and transmitted from</p> <p>16 DPS, in the context with the DPS transmittal.</p> <p>17 So obviously our office</p> <p>18 enforced that policy, that a voter</p> <p>19 registration application had to be signed by</p> <p>20 the voter, with the -- with two exceptions.</p> <p>21 Q. All right. So your office</p> <p>22 didn't really consider the difference between</p>

54 (Pages 213 to 216)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 217	<p>1 a wet ink signature and an imaged signature</p> <p>2 prior to 2018?</p> <p>3 A. There was no reason to</p> <p>4 consider. Right? Nobody has tried to</p> <p>5 deceive Texas voters into thinking that a</p> <p>6 picture was a signature.</p> <p>7 Q. Are you aware of any</p> <p>8 instances -- first, let me back up.</p> <p>9 What do you understand the term</p> <p>10 "voter fraud" to mean?</p> <p>11 A. Well, "voter fraud" can mean a</p> <p>12 lot of things. But generally, what it means</p> <p>13 is the injection into or the subtraction from</p> <p>14 legitimate vote counts, either fraudulent</p> <p>15 votes or taking away legal votes.</p> <p>16 Q. Okay. What do you mean by</p> <p>17 take -- what do you mean by "taking away</p> <p>18 legal votes"?</p> <p>19 A. Well, subtracting legal votes</p> <p>20 from the count.</p> <p>21 Q. Sorry. Are you saying</p> <p>22 "illegal" or "legal"? I apologize.</p>	Page 219	<p>1 instances of voter fraud relating to wet ink</p> <p>2 signatures on voter registration</p> <p>3 applications?</p> <p>4 A. No. Wet ink signatures on</p> <p>5 applications for ballot by mail.</p> <p>6 Q. All right. Are you aware of</p> <p>7 any instances -- can you tell me about those</p> <p>8 instances of voter fraud?</p> <p>9 A. Sure.</p> <p>10 There was a scheme in Dallas.</p> <p>11 I don't remember the year. 2016, maybe.</p> <p>12 That was a May election, so it wasn't a</p> <p>13 partisan election. And there was a series of</p> <p>14 about 700 ballots that were requested, all</p> <p>15 with the same assistant. And those requested</p> <p>16 ballots were not requested by the actual</p> <p>17 voters.</p> <p>18 So Dallas County, Toni</p> <p>19 Pippins-Poole and her staff, compared the</p> <p>20 signatures on the application with the</p> <p>21 signatures on the voter registration and</p> <p>22 determined that a large number of these</p>
Page 218	<p>1 A. "Legal." Legally cast ballots</p> <p>2 should be counted.</p> <p>3 Q. Right. And -- I understand.</p> <p>4 And so you're subtracting --</p> <p>5 A. Sorry.</p> <p>6 Q. It's okay.</p> <p>7 So either subtracting legal</p> <p>8 votes or adding illegal votes --</p> <p>9 A. Generally.</p> <p>10 Q. -- is generally what you define</p> <p>11 "voter fraud" to be.</p> <p>12 A. Sure.</p> <p>13 Q. And how -- are you aware of any</p> <p>14 instances of voter fraud connected to imaged</p> <p>15 signatures on voter registration</p> <p>16 applications?</p> <p>17 A. I can't think of an instance</p> <p>18 where that was the issue. You know,</p> <p>19 obviously some things that the voter didn't</p> <p>20 sign that other people did sign have been an</p> <p>21 issue.</p> <p>22 Q. All right. So those are</p>	Page 220	<p>1 hadn't been signed by the voter, hadn't been</p> <p>2 requested by the voter.</p> <p>3 And so there's nothing they</p> <p>4 could do under Texas law except send the</p> <p>5 ballot out. So they went ahead and sent the</p> <p>6 ballot out for these applications, but they</p> <p>7 also went and got a court order to hold these</p> <p>8 700 applications and return the ballots</p> <p>9 separately, so that -- and notify these</p> <p>10 700 voters, so that they could come in and</p> <p>11 say, yes, I did request that or, no, I did</p> <p>12 not, and have the opportunity to vote in</p> <p>13 person.</p> <p>14 So there was, you know, a</p> <p>15 special provision made to allow those voters</p> <p>16 the opportunity to vote instead of having</p> <p>17 their votes stolen by fraudsters who signed</p> <p>18 their name.</p> <p>19 Q. And all those signatures that</p> <p>20 you're talking about, those were all wet ink</p> <p>21 signatures. Is that correct?</p> <p>22 A. They were all original</p>

55 (Pages 217 to 220)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 221	Page 223
<p>1 signatures on an application, that's right.</p> <p>2 Q. And any instances of voter</p> <p>3 fraud in any context connected to imaged</p> <p>4 signatures? So pictures of voter -- pictures</p> <p>5 of signatures affixed to documents.</p> <p>6 A. No, I can't think of any.</p> <p>7 Q. Okay. Any instances of voter</p> <p>8 fraud connected to the voter registration</p> <p>9 applications that come through DPS?</p> <p>10 A. No.</p> <p>11 Q. Any instances of voter fraud</p> <p>12 that you're aware of connected to the</p> <p>13 signatures that voters provide to DPS?</p> <p>14 A. No.</p> <p>15 Q. And I might have cut you off</p> <p>16 before. Are there other instances of voter</p> <p>17 fraud that you're aware of connected to wet</p> <p>18 ink signatures, either on voter registration</p> <p>19 applications or applications to vote by mail?</p> <p>20 A. There was a pretty widespread</p> <p>21 problem back in 2010 in Harris County, before</p> <p>22 I got into this chair. But where a group was</p>	<p>1 voter registration applications from voters</p> <p>2 who used Vote.org's web application in 2018?</p> <p>3 A. We did not.</p> <p>4 Q. How do you know?</p> <p>5 A. Because they weren't addressed</p> <p>6 to us.</p> <p>7 Q. All right. Do you know if</p> <p>8 voters were able to register to vote using</p> <p>9 the process that we discussed before after</p> <p>10 they submitted voter registration</p> <p>11 applications signed using Vote.org's</p> <p>12 e-signature function?</p> <p>13 A. I don't know.</p> <p>14 Q. And why not? Why don't you</p> <p>15 know?</p> <p>16 A. How would I know? How would</p> <p>17 our office have any idea about that?</p> <p>18 Q. And is that because the</p> <p>19 information that you receive is sort of</p> <p>20 filtered through the county level?</p> <p>21 A. The counties are the ones who</p> <p>22 register voters in Texas.</p>
<p>1 incentivized to register as many people as</p> <p>2 possible by a compensation scheme. And they</p> <p>3 were fabricating registrations and submitting</p> <p>4 them.</p> <p>5 Q. Anything more recent than that?</p> <p>6 A. I can't think of any.</p> <p>7 Q. And you would presumably be</p> <p>8 aware of those issues if they existed. Is</p> <p>9 that right?</p> <p>10 A. If it was large scale, yes.</p> <p>11 Q. So we've talked -- I want to</p> <p>12 just go back a bit to talking about</p> <p>13 Vote.org's web application.</p> <p>14 And so you're obviously aware</p> <p>15 that in 2018, Vote.org created this web</p> <p>16 application with an e-sign function to be</p> <p>17 used in the state of Texas. Right?</p> <p>18 A. I agree.</p> <p>19 Q. Okay. And you learned about it</p> <p>20 first from Remi Garza. Is that right?</p> <p>21 A. That's right.</p> <p>22 Q. And did your office process any</p>	<p>1 Q. But you have to assign -- you</p> <p>2 have to process that information, make sure</p> <p>3 it matches, and assign a VUID. Right?</p> <p>4 A. Right.</p> <p>5 Q. And so if counties were</p> <p>6 entering information from voter registration</p> <p>7 applications signed using Vote.org's</p> <p>8 e-signature function, your office would have</p> <p>9 no way of knowing that?</p> <p>10 A. That's right.</p> <p>11 Q. Did you instruct counties to</p> <p>12 reject voter registration applications from</p> <p>13 voters who used Vote.org's web application?</p> <p>14 A. No.</p> <p>15 Q. What did you tell counties to</p> <p>16 do with applications that came -- that voters</p> <p>17 submitted if they signed them using</p> <p>18 Vote.org's web application?</p> <p>19 A. To send a notice of incomplete</p> <p>20 registration.</p> <p>21 Q. Okay. And then -- I</p> <p>22 understand.</p>

56 (Pages 221 to 224)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 225	Page 227
<p>1 And if voters didn't cure their 2 signature in the statutory time period, then 3 their voter registration application would be 4 rejected. Is that right? 5 A. That is correct. 6 MS. YUKEVICH: All right. 7 I actually -- I think we've been going 8 for about another hour. I think I'm 9 almost done with my questions. Maybe 10 10 or 15 minutes. 11 So maybe it makes sense to take 12 a 10-minute break and come back. And 13 then we'll spend 10 or 15 more minutes 14 together, Mr. Ingram. 15 THE DEPONENT: Okay. 16 MS. YUKEVICH: Okay. 17 THE VIDEOGRAPHER: The time is 18 2:38 p.m. We are now off the record. 19 (Recess taken.) 20 THE VIDEOGRAPHER: The time is 21 2:49 p.m. We are now on the record. 22 ///</p>	<p>1 registration applications with a wet ink 2 signature? 3 A. To make sure that they get 4 registered properly. 5 Q. Right. 6 Any -- does your office have 7 any interest in ensuring -- apart from, you 8 know, ensuring voters are registered and that 9 they've complied with the law, is there any 10 separate interest that's served by wet ink 11 signatures on voter registration 12 applications? 13 A. Well, again -- 14 MS. HUNKER: Objection. 15 Personal knowledge. Form. 16 A. -- what we talked about before: 17 The fact that it's a signature to which you 18 can compare later signatures to see if it's 19 the same. To see if it's the voter. 20 BY MS. YUKEVICH: 21 Q. Understood. 22 I'm trying to get a sense if</p>
Page 226	Page 228
<p>1 BY MS. YUKEVICH: 2 Q. Okay. Mr. Ingram, as promised, 3 I only have, like, maybe ten more minutes and 4 then I will be done. 5 Thank you so much for sticking 6 with me today. I do appreciate it. I know, 7 you know, you've been through these before, 8 but I do really appreciate it. 9 So I did want to ask you: We 10 had talked about the purpose and function of 11 a signature on a voter registration 12 application. But are there any other, you 13 know, interests that you believe are served 14 by House Bill 3107 or Section 14, in 15 particular? 16 A. Right. As we discussed, the 17 purpose of that section was to just make sure 18 it's not in conflict with the rest of Texas 19 law. 20 Q. Okay. And any interest that 21 your office has in ensuring -- apart from 22 following Texas law -- that voters sign voter</p>	<p>1 there's anything else -- any other reason 2 that your office thinks that wet ink 3 signatures are important on voter 4 registration applications. 5 A. What we've talked about today. 6 Q. Okay. And then I wanted to ask 7 about -- very briefly about the announcement 8 that your office put out in 2018 that we were 9 talking about earlier. 10 We don't need to put it back up 11 on the screen, but I was curious if there was 12 any policy changes that happened in your 13 office as a result of that announcement. 14 A. No. 15 Q. Okay. And any policy changes 16 in your office as a result of the passage of 17 House Bill 3107 and Section 14, in 18 particular? 19 A. No. 20 Q. Okay. I want to go back to 21 your conversations that you and the folks in 22 your office had with the counties</p>

57 (Pages 225 to 228)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

Page 229	Page 231
<p>1 specifically about Vote.org.</p> <p>2 Did any of the counties -- what</p> <p>3 did the counties -- well, I'll go down the</p> <p>4 line.</p> <p>5 What did Cameron County tell</p> <p>6 you about what Vote.org was doing?</p> <p>7 A. Well, they're the ones that</p> <p>8 reported that they were getting some</p> <p>9 applications to register to vote that didn't</p> <p>10 appear to be signed by the voter.</p> <p>11 Q. Did they tell you anything else</p> <p>12 about Vote.org?</p> <p>13 A. No.</p> <p>14 Q. Okay. Anything about any</p> <p>15 conversations they had with Vote.org?</p> <p>16 A. No, not -- we might have, but</p> <p>17 I don't think so.</p> <p>18 Q. But you don't know of any at</p> <p>19 this time; right?</p> <p>20 A. That's right.</p> <p>21 Q. And you talked to Ms. Adkins</p> <p>22 before your deposition today?</p>	<p>1 remember the substance of what that</p> <p>2 conversation was?</p> <p>3 A. No.</p> <p>4 Q. Anything that Dallas County</p> <p>5 told you -- I believe we just talked about</p> <p>6 it, but anything that Dallas County,</p> <p>7 Ms. Pippins-Poole, told you about her</p> <p>8 conversations with Vote.org, to the extent</p> <p>9 they existed?</p> <p>10 A. No.</p> <p>11 You know, again, it seems like</p> <p>12 they might have mentioned reaching out to</p> <p>13 Vote.org. I don't -- I just don't want to be</p> <p>14 wrong. I can't remember.</p> <p>15 Q. That's okay.</p> <p>16 Same question as to Travis</p> <p>17 County. Did they tell you anything about any</p> <p>18 conversations they missed with Vote.org?</p> <p>19 A. No. Like I said, I think it</p> <p>20 was something with Jacque and Toni, but</p> <p>21 I don't remember what. Nothing with Bruce</p> <p>22 and Remi.</p>
Page 230	Page 232
<p>1 A. I did.</p> <p>2 Q. And you discussed 2018 and the</p> <p>3 conversations that you had about Vote.org</p> <p>4 back in 2018. Correct?</p> <p>5 A. That's right.</p> <p>6 Q. And she didn't mention to you</p> <p>7 that any of the counties had told her</p> <p>8 anything about Vote.org. Correct?</p> <p>9 A. That's right.</p> <p>10 Q. Or any conversations that</p> <p>11 Vote.org had had with those county election</p> <p>12 administrators. Right?</p> <p>13 A. Agreed. It seems like, in the</p> <p>14 back of my mind, there was something with</p> <p>15 Jacque and Toni, but I just can't recall as</p> <p>16 we sit here.</p> <p>17 Q. All right. And sorry. Toni --</p> <p>18 who is Toni?</p> <p>19 A. Toni Pippins-Poole in Dallas.</p> <p>20 Q. Oh, okay. Yes.</p> <p>21 Ms. Pippins-Poole. Understood.</p> <p>22 And then -- but you don't</p>	<p>1 Q. Understood.</p> <p>2 And Jacque would just be -- if</p> <p>3 they were talking about Bexar County, you</p> <p>4 might remember that they had some</p> <p>5 conversations with Vote.org, but you don't</p> <p>6 remember what the substance of that was. Is</p> <p>7 that fair?</p> <p>8 A. Yes.</p> <p>9 Q. And -- all right. Any -- I do</p> <p>10 want to talk about your office's efforts.</p> <p>11 Has your office ever undertaken</p> <p>12 any specific program or activity to combat</p> <p>13 voter fraud related to signatures?</p> <p>14 A. No.</p> <p>15 Q. And back in 2018, did you talk</p> <p>16 to the Attorney General about what was going</p> <p>17 on with Vote.org and their web application?</p> <p>18 A. I don't remember. I don't</p> <p>19 think so.</p> <p>20 Q. Why not?</p> <p>21 A. We didn't feel the need to.</p> <p>22 Q. And lastly, I just want to</p>

58 (Pages 229 to 232)

3/4/2022

Vote.org v. Jacquelyn Callanen, et al.

Keith Ingram

<p style="text-align: right;">Page 233</p> <p>1 check one more question just about the 2 mission of your office and how you view your 3 role. 4 Do you view your office -- do 5 you think it's important for your office to 6 try to make voting more accessible for the 7 voters in Texas? 8 A. Our job is to make sure that 9 voters have what they need, informationwise 10 or otherwise, to register to vote 11 successfully and to vote successfully, if 12 they're so inclined. Any voter, anywhere, 13 anytime. 14 Q. Okay. So when you're thinking 15 about, you know, programs that your office 16 might undertake or initiatives that your 17 office might undertake, do you think, you 18 know, How will this program make voting more 19 accessible to the voters in Texas? 20 A. That's not usually the 21 framework through which we look at things. 22 We look at things -- so our</p>	<p style="text-align: right;">Page 235</p> <p>1 right now. Sorry. 2 BY MS. YUKEVICH: 3 Q. Are you able to hear me now? 4 A. Yes. 5 Q. Oh, okay. No worries. 6 I was just asking if you view 7 it as your responsibility to ensure that as 8 many voters are registered to vote as 9 possible. 10 A. No. I said that our purpose is 11 to make sure that as many voters as want to 12 register to vote have the tools and the 13 information that they need to do so 14 successfully. 15 It's not our office's business 16 to put pressure on voters to register. We 17 want to make sure that they've got the 18 opportunity to do so, the information they 19 need, and the capability. 20 And to that -- you know, to 21 that end, we've joined ERIC. And ERIC gives 22 us a list every month of eligible but</p>
<p style="text-align: right;">Page 234</p> <p>1 goal, like I said, is to make sure that every 2 person who wants to register to vote has the 3 tools to do so successfully, has the 4 information to do so successfully. And every 5 person who wants to cast a ballot has the 6 information and the tools necessary to do 7 that successfully. Period. 8 Q. All right. Do you think that 9 you have a responsibility -- the Secretary of 10 State has a responsibility or your office has 11 a responsibility to ensure that -- 12 (Cell phone ringing.) 13 A. Sorry. 14 Q. -- to ensure that -- it's 15 okay -- to ensure -- I'll just repeat the 16 question. 17 Do you think that you have an 18 obligation to ensure that as many people are 19 registered to vote as possible? 20 MS. HUNKER: We might be having 21 some tech issues. 22 THE DEPONENT: I can't hear you</p>	<p style="text-align: right;">Page 236</p> <p>1 unregistered voters. And we send those folks 2 a postcard, inviting them to register to 3 vote. So if they want to, they will; if they 4 don't, they won't. 5 MS. YUKEVICH: All right. 6 I don't think I have any further 7 questions for you, Mr. Ingram. 8 I appreciate you sticking with me -- 9 oh, I lied. I have two more 10 questions. 11 BY MS. YUKEVICH: 12 Q. Is there anything that I didn't 13 ask you today that you thought I would ask 14 you about? 15 A. No. 16 Q. Okay. And is there -- and then 17 just in terms of the document requests that I 18 showed you before, are you able to talk to me 19 about how you might be searching for 20 documents to comply with those document 21 requests? 22 A. Just the normal processes that</p>

59 (Pages 233 to 236)

Page 237

1 we go through whenever we get document  
 2 requests, either in litigation or as a public  
 3 information request.  
 4 Q. Okay. And are there particular  
 5 people in your office that you think might  
 6 have documents related to those requests?  
 7 A. Christina and I would have  
 8 some. Nobody else in particular would have  
 9 any. We would have -- generally, we've got  
 10 our trainings and stuff, all of which are  
 11 posted. The legislative advisory on 3107.  
 12 Q. All right. Thank you so much.  
 13 MS. YUKEVICH: Now I really  
 14 have no further questions for you.  
 15 I appreciate your time.  
 16 And I'll pass the witness, if  
 17 there's anyone else who is asking  
 18 questions.  
 19 MS. HUNKER: The State  
 20 defendants have no questions.  
 21 Do any of the other parties  
 22 have any questions?

Page 238

1 MR. PIATT: To the extent  
 2 Jacque Callanen has questions, she  
 3 will reserve them for the time of  
 4 trial.  
 5 MS. VEIDT: Travis County has  
 6 no questions at this time.  
 7 THE VIDEOGRAPHER: Does this  
 8 conclude for today?  
 9 MS. HUNKER: I would like to  
 10 reserve the right read and sign the  
 11 transcript beforehand.  
 12 UNIDENTIFIED SPEAKER: I don't  
 13 know if they heard you.  
 14 (Discussion off the record.)  
 15 MS. YUKEVICH: Yes.  
 16 I was going to say: Should we  
 17 put our transcript orders on the  
 18 record, or do you want to go off the  
 19 record?  
 20 THE STENOGRAPHER: Yes, please.  
 21 MS. YUKEVICH: Can we get a  
 22 rough by today? And then can we also

Page 239

1 get a rush transcript on the final  
 2 product?  
 3 THE STENOGRAPHER: Yes.  
 4 I believe you've requested final  
 5 delivery for Monday.  
 6 MS. YUKEVICH: Yes.  
 7 MS. HUNKER: State defendants  
 8 would like the same.  
 9 MS. VEIDT: So we just want a  
 10 copy. We don't need a rough or a  
 11 rush.  
 12 THE VIDEOGRAPHER: This  
 13 concludes for today's deposition. The  
 14 date is March 4, 2022. And the time  
 15 is 3:01 p.m. We are now off the  
 16 record.  
 17 (Time noted: 3:01 p.m.)  
 18 - - -  
 19  
 20  
 21  
 22

Page 240

1 CERTIFICATE  
 2 I, LISA A. KNIGHT, Registered  
 3 Diplomate Reporter and Certified Realtime  
 4 Reporter, do hereby certify that prior to the  
 5 commencement of the examination, KEITH INGRAM  
 6 was duly sworn by me to testify to the truth,  
 7 the whole truth, and nothing but the truth.  
 8 I DO FURTHER CERTIFY that the  
 9 foregoing is a verbatim transcript of the  
 10 testimony as taken stenographically by and  
 11 before me at the time, place, and on the date  
 12 hereinbefore set forth, to the best of my  
 13 ability, and that reading and signing was  
 14 requested.  
 15 I DO FURTHER CERTIFY that I am  
 16 neither a relative nor employee nor attorney  
 17 nor counsel of any of the parties to this  
 18 action, and that I am neither a relative nor  
 19 employee of such attorney or counsel, and  
 20 that I am not financially interested in the  
 21 action.  
 22

\_\_\_\_\_  
 LISA A. KNIGHT  
 NCRA Registered Diplomate Reporter  
 NCRA Certified Realtime Reporter  
 NCRA Certified LiveNote Reporter  
 NCRA Realtime Systems Administrator  
 Dated: March 7, 2022

Page 241

1 Keith Ingram, c/o  
OFFICE OF THE TEXAS ATTORNEY GENERAL  
2 209 West 14th Street  
Austin, Texas 78701  
3  
4 Case: Vote.org v. Jacquelyn Callanen, et al.  
Date of deposition: March 4, 2022  
Deponent: Keith Ingram  
5  
6 Please be advised that the transcript in the above  
referenced matter is now complete and ready for signature.  
7 The deponent may come to this office to sign the transcript,  
8 a copy may be purchased for the witness to review and sign,  
9 or the deponent and/or counsel may waive the option of  
10 signing. Please advise us of the option selected.  
11 Please forward the errata sheet and the original signed  
12 signature page to counsel noticing the deposition, noting the  
13 applicable time period allowed for such by the governing  
14 Rules of Procedure. If you have any questions, please do  
15 not hesitate to call our office at (202)-232-0646.  
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17  
18 Sincerely,  
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22 express written consent.

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5  
6 ERRATA SHEET  
7  
8 Case: Vote.org v. Jacquelyn Callanen, et al.  
9 Witness Name: Keith Ingram  
10 Deposition Date: March 4, 2022  
11 Page No. Line No. Change  
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Signature Date

Page 242

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(202) 232-0646  
3  
4 SIGNATURE PAGE  
Case: Vote.org v. Jacquelyn Callanen, et al.  
5 Witness Name: Keith Ingram  
Deposition Date: March 4, 2022  
6  
7 I do hereby acknowledge that I have read  
and examined the foregoing pages  
of the transcript of my deposition and that:  
8  
9 (Check appropriate box):  
( ) The same is a true, correct and  
10 complete transcription of the answers given by  
me to the questions therein recorded.  
11 ( ) Except for the changes noted in the  
attached Errata Sheet, the same is a true,  
12 correct and complete transcription of the  
13 answers given by me to the questions therein  
14 recorded.  
15  
16  
17 \_\_\_\_\_ DATE \_\_\_\_\_ WITNESS SIGNATURE  
18  
19  
20  
21 \_\_\_\_\_  
22 DATE NOTARY

Page 243

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

VOTE.ORG,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	
	)	
JACUELYN CALLANEN, in her	)	
official capacity as the	)	
Bexar County Elections	)	
Administrator, BRUCE	)	
ELFANT, in his official	)	
capacity as the Travis	)	
County Tax	)	
Assessor-Collector, REMI	)	CIVIL ACTION
GARZA, in his official	)	
capacity as the Cameron	)	NO.: 5:21-CV-00649
County Elections	)	
Administrator, MICHAEL	)	
SCARPELLO, in his official	)	
capacity as the Dallas	)	
County Elections	)	
Administrator,	)	
	)	
Defendants,	)	
	)	
And	)	
	)	
KEN PAXTON, in his	)	
official capacity as the	)	
Attorney General of Texas,	)	
Intervenor-Defendant.	)	

-----  
ORAL AND VIDEOTAPED DEPOSITION OF

DR. LISA BRYANT

FEBRUARY 7, 2022  
-----

2

1 ORAL AND VIDEOTAPED DEPOSITION OF DR. LISA  
 2 BRYANT, produced as a witness at the instance of  
 3 the DEFENDANT, and duly sworn, was taken in the  
 4 above-styled and numbered cause on  
 5 February 7, 2022, from 11:01 a.m. to 3:59 p.m.,  
 6 before Brian Christopher, Online Notary Public  
 7 in and for the State of Texas, reported remotely  
 8 by electronic reporting and transcription,  
 9 pursuant to the Federal Rules of Civil Procedure  
 10 and the provisions stated on the record or  
 11 attached hereto.  
 12  
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 21  
 22  
 23  
 24  
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4

1 FOR THE DEFENDANT REMI GARZA, in his official  
 capacity as the Cameron County Elections  
 2 Administrator:  
 3 Cameron Count District Attorney  
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 4 Brownsville, TX 78520  
 Phone:(956) 544-0849  
 5  
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 13  
 and  
 14  
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 15 ben.stool@dallascounty.org  
 16 FOR THE INTERVENOR-DEFENDANT TERRIE PENDLEY, in  
 her official capacity as Real County Tax  
 17 Assessor-Collector, and LUPE TORRES, in his  
 official capacity as Medina County Elections  
 18 Administrator  
 19 Texas Public Policy Foundation  
 901 Congress Avenue  
 20 Austin, TX 78701  
 Phone: (512) 472-2700  
 21  
 By: MUNERA AL\_FUHAIID  
 22 mal-fuhaid@texaspolicy.com  
 23  
 24  
 25

3

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5

1 INDEX  
 2 PAGE  
 DR. LISA BRYANT  
 3 APPEARANCES 3  
 PROCEEDINGS 6  
 4 EXAMINATION BY MR. SCANLON 7  
 REPORTER'S CERTIFICATION 183  
 5  
 6 EXHIBITS  
 7 NUMBER DESCRIPTION PAGE  
 Exhibit 1 Expert report of Dr. Bryant 16  
 8 Exhibit 2 Vote.org's Designation of  
 Potential Witnesses,  
 9 Testifying Experts, and  
 Proposed Exhibits  
 10 Exhibit 3 Texas Secretary of State web 106  
 page  
 11 Exhibit 4 Twitter post 175  
 12  
 13  
 14  
 15  
 16  
 17  
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 19  
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 22  
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6

1  
 2 (February 7, 2022, 11:01 a.m.)  
 3 PROCEEDINGS  
 4 THE REPORTER: We are on the  
 5 record. Today's date is February the 7th,  
 6 2022. The time is 11:01 a.m.  
 7 This is the -- the videotaped  
 8 deposition of Dr. Lisa Bryant in the matter of  
 9 Vote.org versus Jacquelyn Callanen, et al., and  
 10 is being conduct -- conducted remotely.  
 11 My name is Brian Christopher with  
 12 Integrity Legal Support Solutions, P.O. Box  
 13 245, Manchaca, Texas 78652.  
 14 Would all counsel please introduce  
 15 themselves, beginning with plaintiff's counsel.  
 16 MS. YUKEVICH: Morning. My name  
 17 is Kathryn Yukevich. I'm counsel for plaintiff  
 18 Vote.org in this matter.  
 19 MR. SCANLON: This is Cory Scanlon  
 20 on behalf of intervenor defendant, Ken Paxton.  
 21 I'm joined by my colleagues Johnathan Stone and  
 22 Kathleen Hunker today.  
 23 MS. VEIDT: Cynthia Veidt. I  
 24 represent defendant Bruce Elfant.  
 25 MS. AL-FUHAID: Munera Al-Fuhaid.

1 I represent intervenor defendant Terrie  
 2 Pendley, in her official capacity as Real  
 3 County tax assessor-collector, and intervenor  
 4 defendant Lupe Torres, in his official capacity  
 5 as Medina County elections administrator.  
 6 MR. LOPEZ: Daniel Lopez for  
 7 defendant Remi Garza.  
 8 THE REPORTER: One moment, Ms.  
 9 Nicholas is joining us now, just give us one  
 10 moment.  
 11 Just for the record, Barbara  
 12 Nicholas just joined us. She's still  
 13 connecting, so -- but I'll go ahead and swear  
 14 in the witness.  
 15 Dr. Bryant, would you please raise  
 16 your right hand, please.  
 17 DR. LISA BRYANT,  
 18 having been first duly sworn, testified as  
 19 follows:  
 20 THE REPORTER: You may proceed.  
 21 EXAMINATION  
 22 BY MR. SCANLON:  
 23 Q. Good morning Dr. Bryant. My name is  
 24 Cory Scanlon. I represent Ken Paxton in this  
 25 lawsuit that Vote.org has brought.

8

1 Do you understand who I am and --  
 2 and what I do?  
 3 A. I do, yes.  
 4 Q. And would you mind, pleas, just  
 5 stating your name for the record.  
 6 A. My name is Lisa Bryant.  
 7 Q. Dr. Bryant, have you ever been deposed  
 8 before?  
 9 A. I have not.  
 10 Q. Have you ever been a party to any  
 11 lawsuit?  
 12 A. I have not.  
 13 Q. And ever been arrested or had any  
 14 criminal justice issues?  
 15 A. I have -- I do not.  
 16 Q. Okay. So, with you not having been  
 17 deposed before, there's kind of a checklist I  
 18 like to go over with witnesses just to make  
 19 sure we're -- we're all on the same page. And  
 20 it's gotten a little bit lengthier now that  
 21 we're doing these over Zoom, so if you'll bear  
 22 with me.  
 23 A couple of these are -- you know,  
 24 first of all, we're -- we're here to kind of  
 25 make a written record, and the court reporter

9

1 will take down everything you say. With that,  
 2 it's important that I speak clearly and slowly  
 3 to get an accurate record, and I would ask that  
 4 you agree to do the same.  
 5 A. Okay.  
 6 Q. Does that sound fair?  
 7 A. I will do my best. I know I can be a  
 8 fast talker, so I will try to slow down.  
 9 Q. I understand. And I'm -- I'm the same  
 10 way, or can be. I'll try to slow down.  
 11 But with that, if -- if you have  
 12 not understood any question I've asked, you'll  
 13 ask me to clarify. Is that okay?  
 14 A. Yes, I will. Thank you.  
 15 Q. Great.  
 16 And I know sometimes, and I'm --  
 17 I'm pretty bad about this as well, we sometimes  
 18 get ahead of ourselves and kind of try to talk  
 19 over each other, not with -- without -- without  
 20 really meaning to, but you might already know  
 21 where I'm headed with a question.  
 22 But I would just ask that, if  
 23 you'll let me make sure I finish stating my  
 24 question before you answer. And I will  
 25 endeavor to do the same, to let you finish

<p style="text-align: right;">10</p> <p>1 giving your answer after I ask.                  2 Can you tell me where you are                  3 currently located physically.                  4 A. I am in Fresno, California, and I'm                  5 currently in my office at California State                  6 University, Fresno.                  7 Q. Are there any other people in the room                  8 with you right now?                  9 A. No. I'm in here by myself and my door                  10 is closed.                  11 Q. Okay. Do you have any documents in                  12 front of you, and I know you're in your office,                  13 but do you have any documents that you'll be                  14 referring to during the course of this                  15 deposition?                  16 A. The only document I have in front of                  17 me, or anywhere in my proximity related to                  18 this, is my -- a copy of my expert report.                  19 Q. Okay. And is that the same expert                  20 report that has been filed and served in this                  21 lawsuit?                  22 A. Yes, it is the filed copy.                  23 Q. Okay. Have you made any handwritten                  24 notes in that document?                  25 A. No, I printed a clean copy. Just -- I</p>	<p style="text-align: right;">12</p> <p>1 Q. Okay. The last one is -- is pretty                  2 important on the ground rules. If you need a                  3 break at any time, feel free to -- to let me                  4 know, and we can go off the record. And the                  5 only thing I ask is that if there's a question                  6 pending that has not yet been answered, that                  7 you answer the question before we take a break.                  8 Does that sound fair?                  9 A. Yes, that's fair. Thank you.                  10 Q. Great.                  11 Another thing I -- I guess I                  12 forgot to mention. I see that you're nodding,                  13 and that's fine to do, as long as you also                  14 accompany it with a -- a verbal answer so that                  15 the court reporter can take a full record.                  16 A. That makes sense.                  17 Q. Great. Okay.                  18 What did you do to prepare for                  19 today's deposition?                  20 A. I started my preparation by rereading                  21 the materials that I submitted. I reread HB                  22 3107, in particular, the section 13 related to                  23 a question in this case.                  24 I looked back over the files that                  25 I used in my analysis. I pretty much, you</p>
<p style="text-align: right;">11</p> <p>1 just told the court reporter I just now printed                  2 it, so it's a clean copy.                  3 Q. Okay. Do you have any other --                  4 besides the device you're using for this                  5 deposition, do you have any other electronic                  6 devices with you that you'll be referring to?                  7 A. No. I have my cell phone, but I can                  8 put it in a drawer, it's on silent, if you                  9 want.                  10 Q. That's fine, if -- if you just want to                  11 keep it on silent. I only ask this question so                  12 that we can have an agreement that you won't                  13 refer to your cell phone while we're on the                  14 record in order to answer any questions. Is                  15 that fair?                  16 A. Yes.                  17 Q. Great. And today, are you on any                  18 medications that would affect your ability to                  19 tell the truth?                  20 A. No.                  21 Q. Okay. Is there any reason today that                  22 you would be unable to give a full and honest                  23 answer to any of the questions I am asking                  24 today?                  25 A. No, there's not.</p>	<p style="text-align: right;">13</p> <p>1 know, just sort of reviewed the materials used                  2 to come to my conclusions and submit the                  3 report.                  4 I also met with my attorneys to                  5 discuss what to expect in a deposition, since I                  6 hadn't done a deposition before.                  7 Q. And, I'm sorry, I'll just jump in real                  8 quick. I -- I should have said this before I                  9 asked you, but if -- if you -- I -- I guess I'm                  10 not looking for any material related to                  11 conversations you had with your attorney                  12 because those are privileged.                  13 A. Okay.                  14 Q. So, fine for you to -- to not answer                  15 those questions. And I'll try to do better of                  16 asking questions that -- that may call for                  17 that. But I just want to clarify that I'm not                  18 asking for you to divulge any of the                  19 conversations that you've had with your                  20 attorney or any of the --                  21 A. Okay.                  22 Q. -- protected product that you might                  23 have gone over, but I do want to ask a little                  24 bit more about the report that you reviewed,                  25 obviously.</p>

<p style="text-align: right;">14</p> <p>1 And you said that, for preparation 2 today, you reviewed your report again, and then 3 all the background materials that are mentioned 4 in your report. Is that accurate? 5 A. The, you know, sort of most important 6 materials, or that were related to it, like the 7 files that I received and the analysis I did. 8 I didn't go reread every single thing that I 9 cited again because that would be -- 10 Q. Sure. 11 A. -- quite a bit of time, but -- but, 12 yes, I reviewed some of the key materials that 13 I cited in the report as well. 14 Q. And just to kind of drill down on 15 that, that would be the materials that the 16 counties gave you? 17 A. Yes. The materials that I was given 18 that were obtained during discovery, I reviewed 19 what I received to do my analysis. And I 20 didn't redo any analysis, rerunning analysis, I 21 just looked as a reminder of what exactly I 22 received. 23 Q. Okay. And we'll cover a little bit 24 more of that in a minute. 25 And without, I guess, telling me</p>	<p style="text-align: right;">16</p> <p>1 hours. 2 Q. Okay. And working on the case in 3 general, is -- is there more hours that you did 4 in addition to that? 5 A. All of my hours are pretty well 6 documented, so I would say that's pretty close 7 to accurate. 8 Q. Okay. So, the time you spent working 9 on the report and the time you spent working on 10 the case in general are about the same, is that 11 fair to say? 12 A. Yeah, I just tracked my time as sort 13 of all inclusive. 14 Q. Okay. So, in total, with the hours -- 15 the hours you spent working on the report, I 16 think you said were 80. In total, about how 17 much time would you say you worked on the case? 18 A. I would say between 80 and 100 hours 19 total, and that includes, you know, refreshing 20 my memory on materials in the report, like 21 citations. 22 (Exhibit 1 marked.) 23 Q. (BY MR. SCANLON) Okay. And I'll go 24 ahead and put Exhibit 1 for this position in 25 the chat. That will be a copy of your report.</p>
<p style="text-align: right;">15</p> <p>1 about any of the content of any conversation 2 that you had, did you have the opportunity to 3 meet with your attorney? I believe you said 4 that you did already. 5 A. Yes. 6 Q. Is that correct? 7 A. Yes. 8 Q. And can you tell me how many times you 9 met? 10 A. To be specific, how many times I've 11 met since first meeting them or how many times 12 I've met in preparation for today? 13 Q. Well, let's start with in preparation 14 for today's deposition. 15 A. I believe we met four times. 16 Q. Okay. And do you know about how long 17 those meetings lasted? 18 A. I would say between one and a half and 19 two and a half hours. 20 Q. Okay. And you were, I guess, retained 21 to write a report for this -- this lawsuit, 22 obviously. Can you say how many hours you've 23 spent working on the report? 24 A. I would say, I believe in total, in 25 terms of doing research, I've probably spent 80</p>	<p style="text-align: right;">17</p> <p>1 Trying to drag it over. 2 MS. YUKEVICH: And Cory, I don't 3 know if we went over this at the beginning, I 4 apologize for -- for interrupting. Just in 5 terms of the logistics of how we're going to 6 access exhibits, they'll go in the chat and 7 we'll download them, or will they be shared on 8 the screen as well? 9 MR. SCANLON: I will share them on 10 the screen. If you want to download it and 11 pull it up, either way is fine with me. I do 12 intend to, when I go over the exhibit, I'll 13 make sure it's displayed on the screen. 14 MS. YUKEVICH: Great. 15 MR. SCANLON: Just so everyone's 16 on the same page. 17 MS. YUKEVICH: Okay. Thanks. 18 BY MR. SCANLON: 19 Q. Before I, I guess get into that, I'll 20 just ask, can you give us a brief rundown of 21 your -- your education. 22 A. Sure. I did my undergraduate and 23 graduate degrees, my Ph.D., at University of 24 New Mexico in Albuquerque, New Mexico. My 25 areas of specialization are American politics</p>

18	<p>1 and political methodology, which most people</p> <p>2 usually refer to as statistics. But in</p> <p>3 political science, we use a lot of data</p> <p>4 analysis, so -- especially in American</p> <p>5 politics, so that's a good partner subfield.</p> <p>6 And within American politics, I</p> <p>7 focused on election administration and voter</p> <p>8 participation, or political behavior of the</p> <p>9 electorate. My dissertation was about how to</p> <p>10 incorporate and mobilize voters. And at my</p> <p>11 time at UNM, I was graduate assistant for</p> <p>12 Dr. Lonna Atkeson, who is one of the leaders</p> <p>13 and sort of founders of the field of election</p> <p>14 science and election administration. And so,</p> <p>15 I've been fortunate to sort of be in the area</p> <p>16 of election science since, almost its</p> <p>17 inception.</p> <p>18 And a lot of my work there as a</p> <p>19 graduate student centered around election</p> <p>20 observations, looking at election</p> <p>21 administration and processes, election reforms,</p> <p>22 the voter experience during elections, and even</p> <p>23 poll worker experiences and -- and how</p> <p>24 elections are run and how that impacts voter</p> <p>25 turnout and voter participation.</p>	20
19	<p>1 Q. Okay. So, that's -- that was your</p> <p>2 undergrad and master's at UNM. And did you --</p> <p>3 also got your Ph.D. from UNM, if I heard you</p> <p>4 right.</p> <p>5 A. I did. That's correct.</p> <p>6 Q. Okay.</p> <p>7 A. I graduated with my bachelor's in</p> <p>8 2006, and I started graduate school that same</p> <p>9 year, right away. And then I defended my</p> <p>10 dissertation in 2014.</p> <p>11 Q. Okay. And going back to your</p> <p>12 dissertation, I -- I think I heard you, but can</p> <p>13 you briefly say again what the topic of your</p> <p>14 dissertation was.</p> <p>15 A. Sure. The topic of my dissertation</p> <p>16 was called mobilizing the immigrant vote, and</p> <p>17 it's about how to incorporate naturalized</p> <p>18 citizens into the process. So, that's the</p> <p>19 topic. And it was looking at how best to</p> <p>20 increase turnout among low propensity voters,</p> <p>21 particularly minority voters.</p> <p>22 Q. Okay. So, it's fair to say you've</p> <p>23 been working on election related issues since</p> <p>24 you were a grad student?</p> <p>25 A. Since about 2006, yes. Actually,</p>	21

<p style="text-align: right;">22</p> <p>1 CV, it has a list of my publications.  2 Q. Okay. Great.  3 A. Those are the peer reviewed  4 publications. And then invited publications  5 are below those. I guess they begin on page  6 21.  7 Q. Right.  8 A. But the article I'm referring to is on  9 page 22.  10 Q. What -- what's the title of the  11 article again?  12 A. A New Barrier to Participation:  13 Heterogenous Application of Voter  14 Identification Policies.  15 Q. And that dealt with registration as  16 well?  17 A. No, that was about the voter -- I'm  18 sorry, I --  19 Q. Just the registration process as  20 distinct from --  21 A. Okay.  22 Q. -- just casting a ballot.  23 A. My first published piece that deals  24 exclusively with registration was published in  25 2019, it's, If You Ask, They Will Come To</p>	<p style="text-align: right;">24</p> <p>1 with one paper in -- it's not a published  2 paper, so it doesn't appear in my list of  3 publications. One study in Travis  4 County, Texas, that took place in 2011, and it  5 focused on the implementation of vote centers  6 in Travis County and how -- how voters chose  7 where to vote, which vote center to use.  8 Q. Okay. But that -- did that study deal  9 with the registration process at all?  10 A. It was not the registration. It was  11 about general voter behavior in Texas in Travis  12 County.  13 Q. Okay. Do you use social media?  14 A. I do, yes.  15 Q. And what -- is one of those accounts,  16 a Twitter account?  17 A. It is.  18 Q. What is your handle on Twitter?  19 A. It's @poliscigr1, G-R-L.  20 Q. Would you mind spelling that for the  21 record.  22 A. It's the at symbol,  23 P-O-L-I-S-C-I-G-R-L.  24 Q. And are there anybody -- is there  25 anybody else that you know of that would use</p>
<p style="text-align: right;">23</p> <p>1 Register and Vote. However, those studies took  2 place in 2014.  3 Q. Okay. And I think you said there was  4 another one that dealt with registration  5 specifically?  6 A. Yes. At the top of page 22, The Power  7 of the State: How Postcards from the State  8 Increased Registration and Turnout in  9 Pennsylvania, and that was published in 2020.  10 Q. Okay. And for the other publications  11 you had that did not specifically focus on  12 registration as distinct from passing a ballot,  13 to what extent would you say those pieces kind  14 of went into the registration issue?  15 A. In the publication, Considering Mix  16 Mode Surveys, there were questions about voter  17 experiences with the registration process. And  18 then -- that's probably the -- the one that  19 deals with registration the most, besides the  20 two I mentioned.  21 Q. Okay. And for the two that you  22 mentioned dealing with registration, did those  23 cases incorporate any studies on the electoral  24 process in Texas?  25 A. Those two did not. I have experience</p>	<p style="text-align: right;">25</p> <p>1 that account?  2 A. Not to my knowledge. Though, I have  3 teenagers, and they have been known to post on  4 my social media before.  5 Q. Okay. But besides your children, I  6 guess, is it reasonable to assume that if a  7 Tweet is sent out under your Twitter handle,  8 that it would be coming from you?  9 A. Yes.  10 Q. Okay. I think we talked about whether  11 you had ever been deposed before. Have you  12 ever given any expert testimony in any other  13 cases?  14 A. No, not in a case.  15 Q. Have you ever worked as a consulting  16 expert in your area of expertise on any other  17 lawsuits?  18 A. Yes, when I worked for Research &amp;  19 Polling, Inc., in Albuquerque, New Mexico, in  20 2012, 2013. That's a research and survey firm  21 in Albuquerque. I worked on a case related to  22 gerrymandering.  23 Q. And the -- was it brought in state  24 court in New Mexico?  25 A. Yes, I believe. It was a case about</p>

<p style="text-align: right;">26</p> <p>1 city council districts in Albuquerque, and my                  2 employer at the time was the expert witness in                  3 that case.                  4 Q. Who was your employer at the time?                  5 A. His name is Brian Sanderoff, and he                  6 owns Research &amp; Polling, Inc.                  7 Q. Okay. So, was he the testifying                  8 expert in that case?                  9 A. He was, yes.                  10 Q. And in your capacity, you were                  11 considered as a consulting expert --                  12 A. I --                  13 Q. -- in that lawsuit?                  14 A. I did -- no. I -- I guess I would be                  15 considered a research analyst that did work on                  16 the report for that case.                  17 Q. Okay. Do you know what year that                  18 lawsuit was?                  19 A. 2013.                  20 Q. And forgive me if we've kind of                  21 already brushed on this, but did you have your                  22 Ph.D. at that point?                  23 A. I was what was considered ABD. So, my                  24 dissertation was complete, but your,                  25 essentially publication clock, starts when you</p>	<p style="text-align: right;">28</p> <p>1 A. I -- let me think. I have done                  2 consulting on occasion for the Democracy Fund.                  3 It's not consistent income, but I have done                  4 consulting for Democracy Fund and received                  5 income.                  6 When I worked on the research                  7 projects with state election officials using                  8 ERIC data, I received compensation from Pew.                  9 And -- and I did consulting                  10 recently for the Carter Center, looking at                  11 election administration in New Mexico and                  12 Michigan, and I received consulting fees for                  13 that.                  14 Q. Okay. Any other outside employment                  15 other than that?                  16 A. No.                  17 Q. And you mentioned the Democracy                  18 Project, I think, is that one of the --                  19 A. The Democracy -- the Democracy Fund.                  20 Q. Democracy Fund.                  21 Can you tell me a little bit more                  22 about the Democracy Fund?                  23 A. The Democracy Fund is a nonpartisan                  24 nonprofit organization run out of Washington,                  25 D.C., and they focus on enhancing and securing</p>
<p style="text-align: right;">27</p> <p>1 defend your dissertation. And so, in the                  2 tenure process, I delayed defending my                  3 dissertation until I had secured a tenure track                  4 job offer. So, my dissertation was complete,                  5 but I was essentially doing a gap year, where I                  6 was working as a -- a data analyst for Research                  7 &amp; Polling, Inc.                  8 Q. Okay. And can you tell me a little                  9 bit about who was suing whom in that lawsuit?                  10 A. I know that -- I actually can't be                  11 sure about the details of who was suing the                  12 district that drew the city council districts.                  13 I don't know the specific clients.                  14 Q. Do you know -- okay. Do you know if                  15 it was a -- was it just a private individual                  16 who was the, maybe the client, or whether it                  17 was an organization, such as an -- an outreach                  18 organization, maybe similar to the plaintiffs                  19 in this case?                  20 A. I -- that -- I would have to                  21 speculate. I -- honestly, I don't know.                  22 Q. Okay. Other than your work at the                  23 university and your work on this case,                  24 obviously, do you have any other sources of                  25 income?</p>	<p style="text-align: right;">29</p> <p>1 democracy. And so, one branch of the work that                  2 they do looks at election administration, and                  3 they work with former election administrators                  4 from -- that worked in counties and states, and                  5 do studies on, you know, the quality of                  6 election administration around the country and                  7 where there are -- where there's room for                  8 improvement.                  9 They also do a large scale study                  10 on voter experiences across the country, to see                  11 where voters think that elections work well and                  12 where they might have room for improvement.                  13 Q. Okay. And I guess, kind of going into                  14 that, are the officials that are participating                  15 in Democracy Fund's activities, are they                  16 generally -- I know you said it's nonpartisan,                  17 but do they tend to skew to one side of the                  18 political spectrum or not?                  19 A. I can't say that I have, in any of the                  20 meetings I've been in, that there's been, like,                  21 explicit discussions of partisanship or that I                  22 know -- they come from states, like Colorado,                  23 Arizona, California, Maryland. And so, I think                  24 it would be difficult for me to assume their                  25 partisanship.</p>

<p style="text-align: right;">30</p> <p>1 Q. Okay. But in your experience as an  2 expert in political science, or at least in  3 this field, certainly you have a, kind of an  4 indication of which way certain counties in the  5 country might lean. Is that fair to say?  6 A. That's true. I mean, certain counties  7 might -- although a lot of election officials  8 run in nonpartisan offices, they're nonpartisan  9 offices. The -- the majority of local election  10 officials are nonpartisan. And so, I do know  11 that sometimes their personal partisan leanings  12 don't always align with their county, but  13 election officials generally just want to make  14 sure that elections run well and do the best  15 job that they can in serving voters. And so, I  16 don't -- I don't know that I can testify to  17 their partisanship.  18 Q. Okay. And I'm not necessarily asking  19 about the partisanship of the officials, but  20 maybe more -- more so the voters in those  21 counties. Would you say that those  22 administrators who were seeking to work with  23 Democracy Fund, do they come from counties that  24 -- that tend to skew one way or the other?  25 A. I would say most of the samples, like</p>	<p style="text-align: right;">32</p> <p>1 A. I would say my first real work with  2 Texas' system, is, again, in 2011, though I was  3 very familiar with a lot of the work coming out  4 of Texas. Because as early as 2006 or 2007, I  5 would see presentations by an academic from  6 Texas who focuses a lot on Texas election  7 administration.  8 Q. Do you remember the name of that  9 academic?  10 A. His name is Robert Stein. Bob Stein.  11 Q. Is Bob Stein cited in your expert  12 report at all? I guess I can look.  13 A. Let me look through my presentations.  14 I do not believe he is. Bob Stein  15 focuses a lot on vote centers and voter  16 convenience measures and not specifically on  17 registration.  18 Q. Okay. Have you ever contributed or  19 worked on any political campaigns in Texas?  20 A. I have not.  21 Q. Okay. You've never given any money to  22 any candidate seeking office in Texas?  23 A. I have not.  24 Q. Okay. You mentioned earlier, the ERIC  25 organization, or Electronic Registration</p>
<p style="text-align: right;">31</p> <p>1 surveys, are done nationally. So, even if the  2 election official is working with Democracy  3 Fund, the voters aren't necessarily just from  4 that county. So, they'll run national studies,  5 national samples, or they'll use data from all  6 of the states, not just the county that the  7 people working with the organization are from.  8 Q. Okay. Does Democracy Fund do a lot of  9 work with officials from Texas?  10 A. I can't -- I don't know how much work  11 they do with Texas. My extent of my work with  12 them has been on voter surveys, and those were  13 nationally representative samples administered  14 by YouGov.  15 Q. And do those surveys include  16 information from Texas?  17 A. Yes.  18 Q. Do they focus on any specific  19 counties?  20 A. To my knowledge, it's a statewide  21 sample, so it doesn't focus exclusively on any  22 particular counties.  23 Q. Okay. Do you remember when you first  24 became involved in issues related to Texas'  25 electoral system?</p>	<p style="text-align: right;">33</p> <p>1 Information Center, and it's also cited in your  2 report. And I guess this time might be a good  3 time to actually screen share to go over that  4 information. Just a second.  5 Okay. All right. So, are you  6 seeing the -- the screen share that I have  7 pulled up now?  8 A. Yes, I am.  9 Q. And do you recognize this as the third  10 page of your expert report?  11 A. Yes, I do.  12 Q. Okay. So, I wanted to go into a  13 little bit on the second paragraph. You talked  14 about this Electronic Registration Information  15 Center, and I guess I'll just ask, what's your  16 relationship with the entity?  17 A. My current relationship with ERIC is  18 that I serve on the research advisory board as  19 one of two academics on the board, along with  20 Charles Stewart from MIT.  21 Q. And what was your relationship at the  22 time you mentioned working on this direct mail  23 notification project?  24 A. I worked as an academic researcher.  25 So, ERIC partnered with Pew Charitable Trusts</p>

34

1 at the time. They wanted to know if the work  
 2 that they were doing to help election  
 3 officials, state election officials, could be  
 4 effective.  
 5       And so, I was an academic  
 6 researcher, and in my capacity, I designed,  
 7 along with Chris Mann, and then later Mike  
 8 Hanmer, designed field experiments to test the  
 9 effectiveness of the outreach that they were  
 10 doing to eligible but unregistered voters.  
 11       Q. What did you conclude in the course of  
 12 that work?  
 13       A. Over the course of time I did work  
 14 with ERIC -- I have two publications that list  
 15 three states, but we actually did experiments  
 16 in -- in more states than just the ones in the  
 17 publications -- and over the course of it, we  
 18 concluded that outreach by election officials  
 19 to eligible but unregistered voters could  
 20 increase voter registration.  
 21       Q. Okay. So, basically, sending out  
 22 mailers to people who were unregistered would  
 23 result in greater participation. Is that fair  
 24 to say?  
 25       A. Yeah. I mean, it's more -- it was

35

1 more targeted than that. So, it was people who  
 2 were -- already had a driver's license or state  
 3 ID in the state, and then using that motor  
 4 vehicle's information, or department of state  
 5 information, depending on the state, we could  
 6 identify people who met the requirements for  
 7 eligibility but were not registered by  
 8 partnering it with the voter registration  
 9 database.  
 10       And so, then we could notify those  
 11 people, we believe that you are eligible but  
 12 unregistered to vote, and so here is  
 13 information on how to register. And that  
 14 increased registration.  
 15       Q. And can any voter outreach  
 16 organization take advantage of those methods?  
 17       A. No. ERIC's information is a  
 18 relationship between the state and ERIC. So,  
 19 states become partner organizations with ERIC  
 20 and they join ERIC. Texas is one of them. And  
 21 then the -- the services that ERIC provides are  
 22 for the state, to make sure that the state can  
 23 have clean voter rules.  
 24       Q. Is there a process by which you can  
 25 become a partner with the state government in

36

1 order to facilitate this registration process?  
 2       A. As an -- just to clarify, do you mean  
 3 as an academic?  
 4       Q. No. For the organizations that  
 5 conduct voter outreach.  
 6       A. They cannot become -- to my knowledge,  
 7 they cannot become partners with the state. It  
 8 wouldn't be under the -- the umbrella of ERIC.  
 9 The state, of course, with their data, can  
 10 partner with whomever they want, I assume.  
 11       Q. Okay. But if -- if -- well, let's say  
 12 I'm running a voter outreach organization and  
 13 I'm interested in using the ERIC data to kind  
 14 of help my processes be more streamlined. Is  
 15 that an option for, you know, nonprofit  
 16 organizations that are out there?  
 17       A. No. Because the ERIC data takes  
 18 place, sort of on the back end of the voter  
 19 registration file. So, as an outreach  
 20 organization, you would just want to get a copy  
 21 of the voter registration file from your state  
 22 or -- or your local election officials,  
 23 depending on where you were targeting. The  
 24 ERIC process takes place prior to the release  
 25 of -- of public voter registration records.

37

1       Q. So, I guess what I'm getting at is,  
 2 this information that ERIC has compiled  
 3 wouldn't really -- you're saying it wouldn't  
 4 really be available to share with other voter  
 5 outreach organizations?  
 6       A. Well, to clarify, the -- the data from  
 7 ERIC, even for us as academics working with  
 8 ERIC and Pew Charitable Trusts, ERIC didn't  
 9 just hand over data to us. What they did is,  
 10 they worked with the state, and then they --  
 11 because motor vehicle information is protected,  
 12 because it often includes social security  
 13 numbers, for example, that information is  
 14 protected and can't be released. And that's  
 15 one of the reasons you couldn't release it to  
 16 voter outreach organizations as well.  
 17       And so, what happens is, ERIC  
 18 worked with the state, and then the state  
 19 provided us with a copy of the voter  
 20 registration records that they matched, and so  
 21 there was flags for, these are people who are  
 22 registered according to motor vehicle, and  
 23 these are people who are not. And all of the  
 24 data that would have been considered sensitive,  
 25 such as social security numbers, was already

<p style="text-align: right;">38</p> <p>1 pre-removed. So, we received a name, an  2 address, and in some cases we didn't receive a  3 birth date, but in most cases we did.  4 Q. Okay. Do you have -- do you receive  5 any financial compensation for your work with  6 ERIC?  7 A. The -- we did receive compensation for  8 designing the field experiment and then working  9 with print shops. And in some states we worked  10 with the state print shop, and in some states  11 we worked with private vendors to design the  12 mailers and create the mailing lists. So, the  13 randomization and the design of the experiment  14 is what the compensation was for.  15 Q. Okay. But they didn't personally  16 compensate you as an employee, is what I'm  17 asking, or a contractor?  18 A. No. The -- the compensation actually  19 went to the university, and then I was paid a  20 stipend through the university.  21 Q. Okay. I understand.  22 Do you have any personal financial  23 interest in ERIC?  24 A. I do not.  25 Q. Are you part of any other</p>	<p style="text-align: right;">40</p> <p>1 A. I have seen a version of this  2 document, but I believe it had a different date  3 on it.  4 Q. Okay. Do you remember what date that  5 would have been?  6 A. I believe on the file date, it might  7 have been July.  8 Q. So, were you involved, or were you --  9 were you retained at that time, in July of '21,  10 as an expert for this case?  11 A. No, I was not.  12 Q. When did you become employed with  13 Vote.org?  14 A. I believe it was --  15 MS. YUKEVICH: Objection,  16 mischaracterizes. Dr. Bryant is not employed  17 by Vote.org.  18 BY MR. SCANLON:  19 Q. You can answer.  20 A. I believe I was contacted in early  21 November.  22 Q. Okay. And I'm going to skip down to  23 page 2. Have you seen this portion of the  24 document before?  25 A. No, I have not.</p>
<p style="text-align: right;">39</p> <p>1 organizations or political groups that have an  2 interest in the outcome from this litigation?  3 A. I am not. Not to my knowledge.  4 Q. Have you ever been involved with  5 Democracy Docket?  6 A. I have not.  7 Q. Do you know what Democracy Docket is?  8 A. I do not. I believe I've seen their  9 name before, but I -- I don't know who they  10 are.  11 Q. Okay. And you don't know what their,  12 I guess, mission, or what their operations are?  13 A. I do not.  14 (Exhibit 2 marked.)  15 Q. (BY MR. SCANLON) Are there any  16 other -- well, let me turn this off, and I'm  17 going to bring up what we've marked as  18 Exhibit 2 now, and I'll go ahead and drop that  19 in the chat first, okay, and turn the screen  20 share on.  21 Okay, Dr. Bryant, are you seeing  22 the document that we have named Exhibit 2 on  23 your screen?  24 A. I do, yes, I am seeing it.  25 Q. Have you seen this document before?</p>	<p style="text-align: right;">41</p> <p>1 Q. Okay. Do you see where it reads that,  2 Dr. Bryant may present testimony regarding the  3 burdens and costs to voters imposed by the  4 challenged law?  5 A. I do.  6 Q. And is that the expert opinion you are  7 here to provide today?  8 A. Yes, that is correct.  9 Q. Are there any other topics or opinions  10 you'll give in this case that are not included  11 in your expert report?  12 A. I suppose that, depending on the line  13 of questioning, I could rely on other  14 information that I know as a -- a scholar of  15 election administration and voter behavior.  16 Q. But are you planning to do any  17 additional work for Vote.org in addition to  18 what you've already put in your expert report?  19 A. No, I am not.  20 Q. Do you have any plans to testify on  21 any topics other than what's included in your  22 expert report?  23 A. I do not currently, unless the line of  24 questioning goes down that path, and then I  25 would answer.</p>

<p style="text-align: right;">42</p> <p>1 Q. Sure.</p> <p>2 Have you been promised any</p> <p>3 additional information about this case that has</p> <p>4 not yet been provided to you?</p> <p>5 A. I have not.</p> <p>6 Q. From the time that you produced the</p> <p>7 expert report to the time of this deposition,</p> <p>8 have you been provided with any additional</p> <p>9 information related to this case?</p> <p>10 A. I have not, no.</p> <p>11 Q. In preparing your report, were you</p> <p>12 asked to make any assumptions?</p> <p>13 A. No, not in preparation. I was just</p> <p>14 asked to look at the bill and determine if it</p> <p>15 was -- if it presented a burden to -- to voters</p> <p>16 and the people of Texas.</p> <p>17 Q. Okay. I'm going to go back to Exhibit</p> <p>18 1.</p> <p>19 In -- in talking about your</p> <p>20 report, has anybody else assisted you in</p> <p>21 preparing this report?</p> <p>22 A. Yes. I worked with a research</p> <p>23 assistant, and he is a specialist in working</p> <p>24 with census data.</p> <p>25 Q. Is he an undergrad student or grad</p>	<p style="text-align: right;">44</p> <p>1 research in New Mexico, California, Texas,</p> <p>2 Maryland, Pennsylvania, Nevada, Oregon,</p> <p>3 Washington, are the -- the big states that I</p> <p>4 have focused on.</p> <p>5 But when I look at what voter</p> <p>6 registration rates, or when I look at changes</p> <p>7 in election reforms, we generally do, sort of</p> <p>8 an encompassing overview of how those things</p> <p>9 work across states. And then I'm also a</p> <p>10 regular participant in election science</p> <p>11 conferences, and so I get to be exposed to</p> <p>12 election studies all over the country.</p> <p>13 Q. Okay. And you mentioned that some of</p> <p>14 that research did include Texas. I know we</p> <p>15 already talked about the vote centers in Travis</p> <p>16 County in 2011, and then obviously your work on</p> <p>17 this case. Does your research include any</p> <p>18 other topics that we -- that we haven't</p> <p>19 discussed yet as it relates to Texas</p> <p>20 specifically?</p> <p>21 A. I often cite literature that comes out</p> <p>22 of Texas. So, again, one of the areas that I</p> <p>23 look at is election reforms, and in particular,</p> <p>24 shifts to voter convenience center or early</p> <p>25 in-person voting. And so, a lot of that --</p>
<p style="text-align: right;">43</p> <p>1 student?</p> <p>2 A. He has a Ph.D.</p> <p>3 Q. Already has a Ph.D.</p> <p>4 A. He does, yes.</p> <p>5 Q. Is his focus on election related</p> <p>6 issues as well?</p> <p>7 A. Yes. He does a significant amount of</p> <p>8 his research on election administration as</p> <p>9 well.</p> <p>10 Q. Okay. And before I continue, this is</p> <p>11 a little bit out of order, but kind of going</p> <p>12 back to, sort of the -- the questions about</p> <p>13 your testimony in this case. What is your area</p> <p>14 of expertise that you've been asked to testify</p> <p>15 in?</p> <p>16 A. In election administration and voter</p> <p>17 behavior.</p> <p>18 Q. So, you would consider yourself an</p> <p>19 expert in election administration and voter</p> <p>20 behavior, is that fair to say?</p> <p>21 A. Yes, that's correct.</p> <p>22 Q. Does your expertise center around any</p> <p>23 particular state's government?</p> <p>24 A. No, I wouldn't say in particular; a</p> <p>25 focus on voter behavior broadly. I have done</p>	<p style="text-align: right;">45</p> <p>1 that research originates in Texas, and so I</p> <p>2 often reread and cite that information about</p> <p>3 voter behavior in Texas, especially with regard</p> <p>4 to election reforms.</p> <p>5 Q. I'm going to go up to the -- page --</p> <p>6 page 2 of your report, and at the bottom</p> <p>7 paragraph you mention that your areas of</p> <p>8 expertise are in election administration,</p> <p>9 political behavior, gender representation,</p> <p>10 public opinion and survey, and experimental</p> <p>11 methodology. Did I read that accurately?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. And when you say experimental</p> <p>14 methodology, can you explain what that means?</p> <p>15 A. Sure.</p> <p>16 So, a lot of my research includes,</p> <p>17 what are called field experiments, including</p> <p>18 the voter registration pieces that took place</p> <p>19 in Pennsylvania, Delaware, and Oregon. And my</p> <p>20 dissertation included four field experiments.</p> <p>21 So, in a field experiment, you</p> <p>22 have a control group, some portion of people</p> <p>23 who don't get any treatment at all, and then</p> <p>24 you have people who are assigned to treatment.</p> <p>25 And so, field experiments allow us to, in</p>

<p style="text-align: right;">46</p> <p>1 social science it can be difficult to get to  2 causal mechanisms, but field experiments allow  3 us to do that similar to how you would in a  4 lab.  5       And so, in my research with voter  6 registration, we conducted field experiments  7 where, under the ERIC contract, states are  8 allowed to hold back 5 percent of those  9 eligible but unregistered citizens and not  10 contact them in order to test whether or not  11 outreach by election officials actually has any  12 sort of effect.  13       And so, that's how we would -- we  14 would take the voter registration role. We  15 would randomly assign people to be either in a  16 control or a treatment. The people in a  17 treatment would receive contact from the state  18 election officials, and the people in the  19 control group would not. So, that's how a  20 field experiment works, and that's how I use  21 experiments in my research.  22       Q. And did you use field experiments in  23 your -- preparing this report for Vote.org?  24       A. No.  25       Q. Okay. And I guess with the word</p>	<p style="text-align: right;">48</p> <p>1 like, mean, median, mode, range, distributions  2 of how the data look. Those are descriptive  3 statistics, things that describe your data,  4 primarily.  5       And you can -- you can still run  6 statistical analysis on those. You can run  7 Pearson's correlations, for example, to find  8 out if there are differences between means or  9 medians among various groups.  10       Q. And was that method that you just  11 explained used in this report?  12       A. Yes, it was.  13       Q. Okay. So, where did the data come  14 from for you to prepare that statistical model?  15       A. I use multiple sources of data in  16 here. The median household income, for  17 example, or smartphone dependence, comes from  18 the American community survey of the  19 U.S. Census for -- which was conducted between  20 2015 and 2019. That is publicly available  21 data.  22       And I used the voter Texas -- the  23 Texas voter registration file. The extraction  24 date on that was January 2021. And I used  25 information that was presented in the discovery</p>
<p style="text-align: right;">47</p> <p>1 "modeling," or maybe I -- I misread, do you use  2 any kind of modeling approaches in your  3 research?  4       A. Sure. I mean, in survey research and  5 experimental methodology, I teach graduate and  6 undergraduate statistics broadly, which is just  7 general use of descriptive and inferential  8 statistics, which I did use in this report.  9 And in any of -- any sort of analysis that is a  10 regression analysis, for example, you build a  11 regression model.  12       And so, if you're talking about  13 formal modeling, like I don't use formal  14 modeling. I use analytical models to -- to  15 estimate the size of an effect. And that's  16 true for the data and field experiments, the  17 data and surveys, observational data that you  18 -- you might use, you know, census tracks,  19 median income, secondary data you can collect.  20 You can still put those into a statistical  21 model and run an analysis. And so, in this, I  22 used descriptive statistics in this report.  23       Q. So, what -- what are descriptive  24 statistics?  25       A. So, descriptive statistics are things</p>	<p style="text-align: right;">49</p> <p>1 files about the people who attempted to  2 register via facsimile.  3       Q. Okay. As far as the information that  4 was included in discovery, did that information  5 include information from Bexar County?  6       A. It did not.  7       Q. Did it include information from Dallas  8 County?  9       A. It did not.  10       To clarify, I received a  11 spreadsheet from Dallas County, but I couldn't  12 use it because it wasn't indicated how those  13 names -- what those names meant. There was no  14 indication that -- whether or not they  15 submitted their -- their applications via  16 facsimile or not in the spreadsheet I received.  17       Q. Okay. And is it fair to say that you  18 only used information coming from Travis and  19 Cameron counties?  20       A. That's correct, in my analysis, yes.  21       Q. And when you're using descriptive  22 statistics or experimental methodology, would  23 you agree that when you create a model, it  24 doesn't always end up being true to real life?  25       A. Can you -- I don't -- I'm sorry, I</p>

50	<p>1 don't understand what you mean by true to real 2 life.</p> <p>3 Q. Well, would you agree that, I guess, 4 when you use these methods and you create a 5 model, right, something that's, for lack of a 6 better term, extrapolation from the data, would 7 you say that oftentimes when you create those 8 models, they don't end up bearing out, you 9 know, what actually happens in any voting 10 jurisdiction?</p> <p>11 A. So, extrapolation is an actual 12 statistical technique that you use when you 13 have incomplete or missing data. I did not 14 extrapolate in this data, so the data that I 15 used is the actual data. And so, I would not 16 say that it's misrepresentative because I have, 17 like, the entirety of the population from 18 Travis County of people that attempted to 19 register via facsimile.</p> <p>20 When you have an entirety of a 21 population, you're not working in estimation 22 anymore. Estimation assumes that you're taking 23 a sample and making inferences to the 24 population. But in this case, assuming that I 25 was provided all of the -- of the people who</p>	52
51	<p>1 actually attempted to register using the 2 Vote.org app and the facsimile, then I have the 3 true population.</p> <p>4 So, I'm not -- I don't have 5 missing data that I'm accounting for among 6 those registrants, and I'm not extrapolating 7 anything. So, extrapolation has a very, sort 8 of specific term in data analysis. And in this 9 case -- and -- and, yes, extrapolation can be 10 off, but I did not extrapolate in my research 11 here.</p> <p>12 Q. Okay. And that was probably a poor 13 choice of word on -- on my part. For whatever 14 reason, I got a flashback to my days as a field 15 artillery man in the army and that was -- 16 that's something we use with the meteorological 17 data we get. But anyway, I digress.</p> <p>18 I guess what I'm getting at is, I 19 think you testified that you did create some 20 sort of model with this report. Is that 21 accurate?</p> <p>22 A. So, I used primarily descriptive 23 statistics in this report, and I ran -- you can 24 run statistical comparisons, like a Pearson's 25 correlation. That's not a model in the way</p>	53
50	<p>1 that you would run, like a linear regression 2 model, where you add multiple variables in one 3 analysis.</p> <p>4 So, I looked at these pieces 5 independently, and it's descriptive -- 6 descriptive statistics are what are primarily 7 presented in this report.</p> <p>8 Q. Okay. Understood.</p> <p>9 I'm going to actually skip ahead 10 in your report to page 33, just to make sure 11 that we look at the materials. Here it is.</p> <p>12 So, we talked about Travis County, 13 I think, but just looking at this first data 14 source, it says Texas voter registration file 15 extracted January 16 -- and I'm -- I'm guessing 16 that's incomplete. Is it supposed to say 2021?</p> <p>17 A. That is correct. That is a typo that 18 I discovered yesterday.</p> <p>19 Q. Okay. And since we're still near the 20 -- the -- the cutoff for the year, I just want 21 to make sure. Would it be 2022 or 2021?</p> <p>22 A. It was 2021.</p> <p>23 Q. It was 2021. Okay.</p> <p>24 Do you know what that voter 25 registration file included? It just looks a</p>	52
51	<p>1 little vague to me, so I just want to make sure 2 I know what data we're working with.</p> <p>3 A. Sure. It's the publicly available 4 voter registration file provided by the 5 Secretary of State. And when you receive it, 6 you receive a separate CV -- CSV file with 7 voter information for each county. So, you 8 have to -- if you want a complete file, you 9 have to assemble all of the counties together 10 to create one complete file.</p> <p>11 Q. So, in this case, I think we talked 12 about you were only focused on Travis and 13 Cameron county. Is that accurate?</p> <p>14 A. Initially, I thought I was also going 15 to be looking at Dallas County and Bexar 16 County, but I wasn't provided with enough 17 information to -- to do an analysis on those 18 counties.</p> <p>19 Q. Okay. And the information that you 20 got from the Secretary of State included those 21 other counties. Did it include every county in 22 -- in the state of Texas?</p> <p>23 A. Yes, it was the complete file.</p> <p>24 Q. Okay. And from that file, you can 25 take the data for whichever county you need.</p>	53

<p style="text-align: right;">54</p> <p>1 A. That's correct.</p> <p>2 Q. Okay. Did you look at individual</p> <p>3 voter applications for each, I guess, voter</p> <p>4 that was trying to register in -- in Travis</p> <p>5 County?</p> <p>6 A. Yes. I received them as PDF scans of</p> <p>7 the applications, and then I used those PDF</p> <p>8 scans and I entered them into Excel and created</p> <p>9 an Excel file of all of the applicants.</p> <p>10 Q. Did those files -- those files came --</p> <p>11 I guess the PDF files, did those actually come</p> <p>12 from the county?</p> <p>13 A. That is my understanding. I received</p> <p>14 them from my attorney as they were delivered in</p> <p>15 discovery.</p> <p>16 Q. Right. Okay.</p> <p>17 Did you review information or</p> <p>18 literature about electronic signatures and</p> <p>19 voting in any of these sources?</p> <p>20 A. These sources are primarily all data</p> <p>21 sources, the ones on the screen. The Texas</p> <p>22 Administrative Code, I looked at HB 3107, and</p> <p>23 what that said about original document,</p> <p>24 original signature. I looked at the Business</p> <p>25 and Commerce Code, the Uniform Electronic</p>	<p style="text-align: right;">56</p> <p>1 report?</p> <p>2 A. In my -- sorry. In my studying of</p> <p>3 information about state processes on voter</p> <p>4 registration, I looked at the National</p> <p>5 Conference of State Legislatures website, which</p> <p>6 I believe is on the next page down, or I cited</p> <p>7 them in the text.</p> <p>8 I looked at The NCSL, which is --</p> <p>9 oh, I'm sorry, it's on page 31, in the middle</p> <p>10 of the page, National Conference of State</p> <p>11 Legislatures online voter registration</p> <p>12 database, to look up -- and that lists each of</p> <p>13 the rules by state, on what the requirements</p> <p>14 are for voter registration. And it also</p> <p>15 indicates if a state does not do online voter</p> <p>16 registration.</p> <p>17 Q. Okay. And when you say online voter</p> <p>18 registration, what's your idea of how that</p> <p>19 works?</p> <p>20 A. It can vary by state, but most states</p> <p>21 have sort of come to the point where they do it</p> <p>22 quite similarly. So, in online voter</p> <p>23 registration, a voter completes a form</p> <p>24 providing all of the information that the state</p> <p>25 needs about them online. They affirm that the</p>
<p style="text-align: right;">55</p> <p>1 Transactions Act, and that talks about</p> <p>2 electronic signatures.</p> <p>3 Q. Do you know which jurisdictions use</p> <p>4 electronic signatures for voter registration?</p> <p>5 A. Nationally, or in Texas?</p> <p>6 Q. Which -- I guess I would ask which</p> <p>7 states.</p> <p>8 A. Currently, online voter registration</p> <p>9 is currently active in 40 states. There are</p> <p>10 two other states, including Oklahoma and Maine,</p> <p>11 that have adopted it and are in the process of</p> <p>12 implementing it. North Dakota does not require</p> <p>13 voter registration. So, that leaves seven</p> <p>14 states that do not, to my knowledge, use</p> <p>15 digital signatures. Except for, through</p> <p>16 registration at the DMV, in which, under HAVA,</p> <p>17 all states accept electronic signatures.</p> <p>18 Q. And when you say HAVA, that's the Help</p> <p>19 America Vote Act?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. Okay. I guess other than what I'm</p> <p>22 looking at here on this page, were there any</p> <p>23 other -- was there literature or information</p> <p>24 concerning electronic signatures in voting that</p> <p>25 you used in your report, or referenced in your</p>	<p style="text-align: right;">57</p> <p>1 information is true and accurate. Often,</p> <p>2 that's by clicking a checkbox. And then they</p> <p>3 submit their registration fully online. So,</p> <p>4 fully through the computer. The -- that's my</p> <p>5 understanding of how that works.</p> <p>6 Q. Okay. And when it comes to</p> <p>7 signatures, are there ways that states that</p> <p>8 utilize online voter registration capture a</p> <p>9 signature? And, I guess, if you can tell me</p> <p>10 what the different methods are there.</p> <p>11 A. Sure.</p> <p>12 So, most states use -- and this is</p> <p>13 actually in this reference that I cited as</p> <p>14 well. Most states use DMV, or motor vehicle</p> <p>15 driver's license, state ID captured signatures,</p> <p>16 and pair it with the voter registration</p> <p>17 information, what was submitted. That requires</p> <p>18 the voter, enter their driver's license or</p> <p>19 state ID number.</p> <p>20 If a -- if a state doesn't -- if a</p> <p>21 person doesn't have a -- or a social security</p> <p>22 number. I -- I want to correct that. Most</p> <p>23 states, you can enter your social security</p> <p>24 number, driver's license, or state ID number,</p> <p>25 then they compare it with an existing signature</p>

<p style="text-align: right;">58</p> <p>1 they have on file. And that's how the majority 2 of states do it today.</p> <p>3       There are a few states where, if 4 you do not have that information, then you 5 might be required to send in -- or request a 6 paper registration form. Or some places will 7 flag the voter as not having a signature on 8 file, and they will -- they will collect it 9 when they vote the first time.</p> <p>10    Q. Okay. Which jurisdictions collect the 11 signatures when the person votes for the first 12 time?</p> <p>13    A. I know that, for example, California, 14 if you do not have a driver's license or state 15 ID on file, they will flag you as having to 16 show your ID the first time you vote.</p> <p>17    Q. And -- and I'm sorry, I might have 18 missed it, but which jurisdiction uses that --</p> <p>19    A. I used California as an example.</p> <p>20    Q. California does that. Okay.</p> <p>21       Are there any other states that do 22 that?</p> <p>23    A. I don't know all of them off the top 24 of my head, or which ones they would be. I 25 just had personal experience with that, so I</p>	<p style="text-align: right;">60</p> <p>1 presenting to a caucus, that's not considered a 2 live committee hearing or anything like that?</p> <p>3    A. It is not. That's correct.</p> <p>4    Q. Okay. Have you ever testified in any 5 live committee hearings where you're -- you're 6 on the legislative record, basically?</p> <p>7    A. I have not.</p> <p>8    Q. Have you ever testified in front of 9 any municipal bodies?</p> <p>10   A. I have not.</p> <p>11   Q. Okay. We were also talking earlier 12 about the data sets that you analyzed in this 13 case, and you said that you only received data 14 from -- that you used in making your models, 15 from Travis and Cameron counties. Is it fair 16 to say, then, that your conclusions in this 17 opinion are limited to Travis and Cameron 18 county?</p> <p>19   A. No. I think that when we look at 20 descriptive statistics, if we have a good 21 sample, if we have a good -- whether it's a 22 sample drawn from a population, we can, to use 23 a term you used earlier, sort of make 24 inferences, right, from the data, to talk about 25 how this would affect other people with sort of</p>
<p style="text-align: right;">59</p> <p>1 know that one.</p> <p>2       MR. SCANLON: Okay. We've been 3 going for a little over an hour, Dr. Bryant, so 4 I was just going to propose if we want to take 5 a break right now for about 10 minutes. Does 6 that work for everybody?</p> <p>7       MS. YUKEVICH: Yeah, that's great. 8 Cory, thanks.</p> <p>9       MR. SCANLON: Hearing no 10 objections, all right.</p> <p>11      THE REPORTER: Well, then, we'll 12 go off the record at 12:06 p.m. 13      (Recess taken.)</p> <p>14      THE REPORTER: We're back on the 15 record. The time is 2:17 p.m. [sic].</p> <p>16 BY MR. SCANLON:</p> <p>17    Q. Okay, Dr. Bryant, we were talking 18 earlier about former testimony, and I think I 19 was talking about lawsuits, but I was also 20 going to ask you, have you ever testified 21 before any legislative body?</p> <p>22    A. I presented my research to the 23 Congressional Women's Caucus in Washington, 24 D.C., so I presented to a caucus.</p> <p>25    Q. Okay. Was that -- so, if you're</p>	<p style="text-align: right;">61</p> <p>1 similar demographics or in the state of Texas 2 more broadly.</p> <p>3    Q. Okay. But you testified that you did 4 not use extrapolation in this case, right?</p> <p>5    A. I did not use extrapolation as a 6 statistical technique. So, that is a --</p> <p>7    Q. Okay.</p> <p>8    A. That is a statistical technique.</p> <p>9    Q. But you're saying that the conclusion 10 that you made in this report applies statewide, 11 is that what I'm understanding you to say?</p> <p>12   A. Yeah. So, we use -- we can make 13 inferences from the data based on how it would 14 affect other people who might be in similar 15 circumstances. So, for example, if I look at 16 people who are low income in Travis County, 17 it's reasonable to expect that people who are 18 low income in Dallas County, or people who are 19 low income in Bexar County, would be impacted 20 the same way.</p> <p>21   Q. Okay. So, it's your testimony that 22 Cameron County is comparable to any other 23 county in Texas?</p> <p>24       MS. YUKEVICH: Objection, 25 mischaracterizes.</p>

<p style="text-align: right;">62</p> <p>1 BY MR. SCANLON:</p> <p>2 Q. You can answer the question.</p> <p>3 A. Okay. So, I was going to say, what I</p> <p>4 -- what I said is, how I would phrase it is,</p> <p>5 that if we are looking at the impact of a</p> <p>6 policy, that we might expect the impact of the</p> <p>7 policy to be similar in Cameron County as it</p> <p>8 would be in Travis County or Dallas County or</p> <p>9 Bexar County or El Paso. That we can make</p> <p>10 inferences based on what we know about the</p> <p>11 people in Cameron County, that this is how the</p> <p>12 policy would affect others.</p> <p>13 Q. Okay. And what is it about the people</p> <p>14 in Cameron County that allows you to infer that</p> <p>15 the other counties would experience a similar</p> <p>16 result in terms of their voter population?</p> <p>17 A. Well, they are residents and citizens</p> <p>18 of the state of Texas. They probably fall --</p> <p>19 if I'm making inferences about age, for</p> <p>20 example, if people fall between 18 and 29 in</p> <p>21 Cameron County, they probably have similar, in</p> <p>22 terms of generational life experiences, as</p> <p>23 people in any other county in Texas or</p> <p>24 California or Indiana. Right? And so, if I</p> <p>25 want to make inferences based on an experience</p>	<p style="text-align: right;">64</p> <p>1 example.</p> <p>2 Q. I'm sorry, you said that it's not</p> <p>3 comparable in terms of income?</p> <p>4 A. They might not be comparable in terms</p> <p>5 of income. So, again, that's a median</p> <p>6 household income. There's a distribution in</p> <p>7 any of these counties, but on average, right,</p> <p>8 the household income varies by county in -- in</p> <p>9 Texas.</p> <p>10 Q. Okay. So, even though the household</p> <p>11 income can vary by county to county, you're</p> <p>12 making an inference that the impact is</p> <p>13 statewide based on just that demographic</p> <p>14 analysis, is that fair to say?</p> <p>15 A. The way I would say it is that when we</p> <p>16 are looking at voters in a county, so I could</p> <p>17 say here's how it impacts lower income voters</p> <p>18 versus higher income voters, so here's how it</p> <p>19 might impact. And because we don't have</p> <p>20 economic data on all the voters in the state of</p> <p>21 Texas, one of the best things that we can do is</p> <p>22 use the census data on median household income</p> <p>23 in those tracks.</p> <p>24 Census data also doesn't provide</p> <p>25 information down to individual level because of</p>
<p style="text-align: right;">63</p> <p>1 with a policy, a state level policy in a</p> <p>2 particular state, there are -- we do this --</p> <p>3 it's -- it's very commonplace in statistics</p> <p>4 that you can't necessarily look at all of the</p> <p>5 people in the entire state, so we look at a</p> <p>6 subset of them or a sample of them.</p> <p>7 So, the people in Cameron County</p> <p>8 are being impacted by this policy very</p> <p>9 similarly to people in Travis County or, you</p> <p>10 know, Harris County, or any other county. It's</p> <p>11 not --</p> <p>12 Q. And have you --</p> <p>13 A. Sorry.</p> <p>14 Q. I'm -- I'm sorry. I didn't mean to</p> <p>15 cut you off. I was just going to ask, have you</p> <p>16 -- have you looked at the demographics of other</p> <p>17 counties as they compare to Cameron County?</p> <p>18 A. I have.</p> <p>19 Q. And is that included in your report?</p> <p>20 A. I include a map of the state of Texas</p> <p>21 that looks at median income by county across</p> <p>22 the whole state. And so, when I drill down</p> <p>23 into Cameron County, I can say that Cameron</p> <p>24 County's median income might not be comparable</p> <p>25 to some other counties in the state, for</p>	<p style="text-align: right;">65</p> <p>1 privacy reasons. So, we use median household</p> <p>2 income. So, if we find an overall pattern</p> <p>3 where lower income voters behave one way, then</p> <p>4 it is reasonable to assume that lower income</p> <p>5 voters, even in a high income county, might</p> <p>6 bear a higher cost or more burden when</p> <p>7 attempting to overcome time constraints, for</p> <p>8 example, or resource constraints, than -- than</p> <p>9 higher income voters.</p> <p>10 Is that -- is that clear?</p> <p>11 Q. I think so. But I -- I guess I'd also</p> <p>12 ask, you know, in terms of Travis County, would</p> <p>13 you say that Travis County's income level or</p> <p>14 other demographic -- well, I'll just -- I'll</p> <p>15 just ask, is the income level in Travis County</p> <p>16 comparable to the rest of the counties in</p> <p>17 Texas?</p> <p>18 A. So, Travis County has a little higher</p> <p>19 median household income. So, some voters in</p> <p>20 that county, especially higher income voters,</p> <p>21 higher resource voters, might be able to bear a</p> <p>22 burden more easily than low income voters, even</p> <p>23 in Travis County. And so, the reason we use,</p> <p>24 again, the median household income, is because</p> <p>25 that allows us to compare low income counties,</p>

<p style="text-align: right;">66</p> <p>1 and so we can see the -- the impact of a burden  2 on low income voters versus high income voters.  3 And then from that, we can infer  4 that even within a county that has a high  5 median income, the people who have lower  6 incomes in that county are probably still going  7 to be more likely to incur a burden similar to  8 low income voters in Cameron County.  9 Q. Okay. But you said that you used that  10 analysis, and it's very detailed in your report  11 as to Travis County, and we're basically saying  12 that the same applies for the rest of the  13 state. That's -- that's kind of your  14 conclusion, right, or am I misphrasing that?  15 A. I would say we can make inferences to  16 how we expect it to apply in the rest of the  17 state, yes. So, that if there are other low  18 income counties across the state, that means  19 you have a higher percentage of people who are  20 low income. There are probably more people  21 affected by the additional cost or the  22 additional burden of having an additional step  23 in the voter registration process relative to a  24 high income county or people with high incomes.  25 Q. Okay. And you mentioned that Dallas</p>	<p style="text-align: right;">68</p> <p>1 worked on helping you with this report?  2 A. I do not know.  3 Q. And other than Dr. Manson and  4 yourself, were there anybody -- was there  5 anybody else that worked on this report?  6 A. No, there was not.  7 Q. Okay. Going back to page 4 of your  8 report, I'll go ahead and put this back on the  9 screen, Exhibit 1.  10 I wanted to kind of talk about  11 materials reviewed. Now, I remember where I  12 was going with this question about the  13 literature on voter registration, scholarly  14 literature on voter registration and the cost  15 of voting. And I think I just wanted to know,  16 of these articles that you considered and the  17 ones that are mentioned, I think, on page 33,  18 are any of those specific to Texas?  19 And I know, I think we might have  20 -- I might have asked you this already, but I  21 just want to make sure I'm covering both sides  22 of this.  23 A. I'm going to look at my references, if  24 that's okay.  25 Of the sources I used, the two</p>
<p style="text-align: right;">67</p> <p>1 County and Bexar County were counties that you  2 were expecting to get more data from; is that  3 right?  4 A. That is correct.  5 Q. And if you had those data sets, would  6 that have made your report more reliable?  7 A. I don't know that I would say it would  8 make it more reliable. We would have more data  9 points to analyze, so we could see if the  10 patterns were consistent. But I do think it's  11 worth mentioning that Travis County, there were  12 -- it is a fairly large sample of people who  13 attempted to use the app and -- so, we do get  14 good information on people in Travis County to  15 be able to make some -- some good inferences  16 about what happened with those applicants.  17 Q. Okay. Going back to -- I asked you  18 about getting help on preparing this report,  19 and you mentioned that you had a research  20 assistant helping you who's a -- a Ph.D. Who  21 has a Ph.D. Is his name in the report?  22 A. I do not believe it is in the report.  23 Q. And do you mind telling us his name?  24 A. His name is Paul Manson.  25 Q. Okay. Do you know how many hours he</p>	<p style="text-align: right;">69</p> <p>1 that might either be specific to Texas, or  2 include large samples from Texas, are the  3 Grofman and Garcia piece, which is about using  4 Spanish surnames to -- to estimate Hispanic  5 voting populations, and the piece by  6 Pei-te Lien, which is Ethnicity and Political  7 Participation: A Comparison Between Asian and  8 Mexican Americans. I believe she has an over  9 sample of Hispanics in Texas in that analysis.  10 Q. What was the last one you mentioned?  11 A. It's called Ethnicity and Political  12 Participation: A Comparison Between Asian and  13 Mexican Americans.  14 And my recollection, she uses the  15 Asian American political survey and the  16 Hispanic American political survey, which I  17 know does include a large sample of Texas.  18 Q. Okay.  19 A. But those are the ones that would have  20 any -- like I said, they -- they might not be  21 exclusive to Texas, but could have large  22 samples related to Texas.  23 They're on page 30.  24 Q. Thirty. Okay.  25 A. So, Grofman and Garcia is the second</p>

<p style="text-align: right;">70</p> <p>1 from the top, and I do not recall if that was  2 in Texas or if it's a national sample of  3 Spanish surnames.  4       And then down, second from the  5 bottom, is Pei-te Lien, and I believe she uses  6 the national Latino political survey in her  7 comparison, second from the bottom, L-I-E-N, is  8 her last name.  9       Q. Okay. On the Grofman piece, does that  10 study include looking at burdens on voter  11 registration?  12       A. I believe that's more of a  13 methodological piece about matching to Spanish  14 surnames using census data.  15       Q. Okay. So, it's just about the  16 methodology of compiling data; is that right?  17       A. Correct. Yes.  18       Q. Okay. And then the other one you  19 mentioned Pei-te Lien, does that mention  20 anything about voter registration burdens?  21       A. Yes, she talks about why we see  22 registration and turnout gaps among these  23 ethnic groups.  24       Q. And what was her conclusion as it  25 applies to Texas?</p>	<p style="text-align: right;">72</p> <p>1 information.  2       Q. Okay. What is your understanding  3 about how long the requirement under HB 3107  4 regarding the ability to register by fax, do  5 you know how long that's been around?  6       A. I am -- I don't know the date of  7 origin. I know that it obviously preexisted HB  8 3107.  9       Q. Okay. But you don't know when it was  10 enacted?  11       A. I do not.  12       Q. Okay. I think you also mention here  13 that you've relied on data and statutes by  14 various agencies and counties, and I think we  15 talked about the counties, but which agencies  16 did you get materials from for this report?  17       A. Primarily, the Secretary of State's  18 Office. And then I looked at multiple county  19 websites to see what the voter registration  20 process looked like if I were to go to those  21 county election officials' websites.  22       Q. Okay. So, you looked at the websites  23 from various counties; is that correct?  24       A. Correct.  25       Q. Which counties were those?</p>
<p style="text-align: right;">71</p> <p>1       A. I don't know that she draws inferences  2 that are specific to Texas. Like I said, I  3 believe she uses the national Latino political  4 survey, which has a large sample of Texas  5 respondents.  6       Q. Okay.  7       A. It will have respondents from other  8 states with large Hispanic populations as well,  9 but Texas being one of the largest, is often  10 well represented or overrepresented in the data  11 in the national Latino political survey.  12       Q. Okay. What's your familiarity with  13 the Texas Election Code?  14       A. I have reviewed a few pieces of the  15 election code. I have not read the election  16 code in its entirety.  17       Q. I don't think any of us have.  18       Which -- which provisions are you  19 most familiar with?  20       A. I read the requirements of  21 registration in the election code. I read --  22 which is Chapter 13, I believe. I read the  23 section on -- that's -- that's -- the amended  24 section in HB 3107. Those were the -- and I  25 read the section on updating voter registration</p>	<p style="text-align: right;">73</p> <p>1       A. Of my recollection, I looked at the  2 four counties named in this case. I looked at  3 El Paso. I looked at Jackson County. I looked  4 at Harris County. I just chose, sort of a  5 random selection of counties in the state of  6 Texas so I could get sort of a baseline idea of  7 -- of if a voter went to go look how to  8 register to vote, what might they encounter.  9       Q. Okay. What did you -- well, let me  10 back up.  11       I asked if you knew when HB 3107,  12 or the requirement to allow voters to register  13 by fax came into effect. Do you know when the  14 wet signature rule, as it's defined in this  15 lawsuit, came into effect?  16       A. My understanding is that it came into  17 effect in January of this year; however, the  18 Secretary of State attempted to implement it in  19 September of 2018.  20       Q. What is your understanding of the  21 requirement to use a wet ink signature prior to  22 that time?  23       A. Prior to HB 3107, my understanding is  24 that it was primarily done on an original paper  25 application if you obtained one and mailed it</p>

74

1 in or sent it into your county clerk's office.  
 2 And that if you registered via fax, then a wet  
 3 ink signature was not necessarily required.  
 4 And if you registered through the department  
 5 of, I believe in Texas, the -- the Department  
 6 of State, where you get your motor vehicle's  
 7 registration, your driver's license, your state  
 8 ID, that you use an electronic keypad.  
 9 Q. So --  
 10 A. Signature pad.  
 11 Q. Do you know how long, as far as the  
 12 requirement to sign a registration application  
 13 that's on printed paper, do you know how long  
 14 that requirement has been in effect?  
 15 A. So, under the voter registration  
 16 requirements, that is not listed as a  
 17 requirement. So, how long it's been included  
 18 on the paper registration form, I do not know.  
 19 Q. Again, when you say voter registration  
 20 requirements, are you referring to Chapter 13  
 21 of the Texas Election Code generally?  
 22 A. Yes, where they list, these are the  
 23 requirements to become a registered voter in  
 24 the state of Texas.  
 25 Q. And what are those requirements?

75

1 A. That you have to be registered in your  
 2 county of residence. You have to be 18. You  
 3 have to be a citizen or resident of the state  
 4 of Texas.  
 5 Q. Are there any other requirements?  
 6 A. I believe those are the primary  
 7 requirements.  
 8 Q. Okay. When you talked about, kind of  
 9 going through the resources from the -- from  
 10 the county websites to determine what a voter  
 11 -- what kind of information they're getting, I  
 12 guess, to be able to register to vote, how did  
 13 that inform any of your conclusions in the  
 14 expert report?  
 15 A. I found that, for several county  
 16 websites, they all led back to the Secretary of  
 17 State's Office, so that -- that people would  
 18 most likely be reliant in the information that  
 19 they find on the Secretary of State's website,  
 20 or the VoteTexas.org website.  
 21 I found that there was an online  
 22 form, and that could inform them. I also found  
 23 that in some instances there were conflicting  
 24 information, including on the Secretary of  
 25 State's website on multiple pages, about the

76

1 requirements needed to register or to update a  
 2 voter registration.  
 3 Q. What were, I guess, the conflicts that  
 4 you mention?  
 5 A. So, for example, on one page on the  
 6 Secretary of State's website, it says that if  
 7 you are moving between counties, that you  
 8 cannot update your information online. On  
 9 another web -- on the same site, but on a  
 10 different page, it says that if you are moving  
 11 between counties you can do it online and it  
 12 will be -- your -- your registration in one  
 13 county will be canceled and your information  
 14 will be sent to your new county of residence.  
 15 So, that could pose, you know,  
 16 some confusing information on voters on what  
 17 they need to do if they need to update their  
 18 registration. And, you know, erring on the  
 19 side of caution, they may just decide they just  
 20 need to reregister altogether.  
 21 Q. Do you remember when it was that you  
 22 viewed that, those web pages on the secretary  
 23 -- Secretary of State's page?  
 24 A. I have viewed them multiple times  
 25 since November, and most recently this week,

77

1 this past week.  
 2 Q. This past week. And when you viewed  
 3 it this past week, had there been any updates  
 4 to what you had seen prior?  
 5 A. With regards to the conflicting  
 6 information, it is still on the website.  
 7 Q. Did you take any actions to notify  
 8 anyone with the Secretary of State's Office  
 9 that there was conflicting information on their  
 10 website?  
 11 A. I have not done that at this time, but  
 12 I would be happy to do that.  
 13 Q. Okay. Did you not do that because  
 14 you're engaged in the litigation against the  
 15 Secretary of State?  
 16 A. No. I didn't do it primarily because  
 17 it's after hours when I'm looking at the  
 18 website, because I usually do it after I'm done  
 19 with my other teaching and -- and academic  
 20 duties.  
 21 Q. Okay. This paragraph that I'm looking  
 22 at here on page 4 at the top, are there any  
 23 other materials, other than what we've talked  
 24 about and what's listed in this paragraph, that  
 25 you've reviewed to aid in your conclusion?

<p style="text-align: right;">78</p> <p>1 A. I tried to be as comprehensive as 2 possible in remembering to record every 3 website, an article that I went to. It is 4 possible -- so, for example, you know, I 5 visited the Jackson County website, and I 6 didn't list it out specifically. So, it's -- 7 it's possible that I forgot some, but I did try 8 to be as diligent and accurate as possible.</p> <p>9 Q. Okay. Isn't it true, the studies 10 you've identified, none of them specifically 11 focus on Texas only; is that right?</p> <p>12 A. I believe that that is correct. As I 13 mentioned, I would say the majority of the 14 studies on voter behavior, and in particular in 15 registration, that get published in political 16 science and in academia, often use nationally 17 representative surveys. And so, a lot of the 18 literature, including sort of the canon, the 19 seminal literature, much of which I've cited 20 here, uses nationally representative surveys 21 about experiences with voter registration.</p> <p>22 Q. Do you know how often Texans move?</p> <p>23 A. I do not know in particular how often 24 Texans move, but I know that studies of movers 25 in the United States estimate that, on average,</p>	<p style="text-align: right;">80</p> <p>1 County, we know that a sizable percentage of 2 the people who attempted to register to vote 3 through the app had moved, and that they were 4 updating their voter information within Texas. 5 So, I think about -- and I report this on page 6 19 -- about 27 percent of the people who 7 attempted to use the app to register were 8 movers.</p> <p>9 Q. Of those, I guess, of those, that 10 percentage that -- that used the app who were 11 recent movers, how many of those people did not 12 end up being able to register to vote?</p> <p>13 A. I didn't -- I don't have that 14 information. Because by the time that I built 15 the -- the data set -- I don't have that 16 information.</p> <p>17 Q. Did you personally interview any 18 younger Texans that had any of the experiences 19 you describe in your report?</p> <p>20 A. I did not interview anyone for my work 21 on this case.</p> <p>22 Q. And going back to the, I guess, the 23 data that you relied on from Travis County, you 24 also mentioned that you looked at whether 25 people rent or own their home, correct?</p>
<p style="text-align: right;">79</p> <p>1 about 10 percent of the population moves every 2 year, and that that number is significantly 3 higher for young voters or people who are under 4 30.</p> <p>5 Q. Of that 10 percent that moves every 6 year, how many of those people do not register 7 to vote?</p> <p>8 A. I don't know the exact percentage on 9 the number that don't register to vote. I do 10 know that it is often cited as one of the, sort 11 of an obstacle -- a reason that people forget 12 to update or reregister, is immediately 13 following a move. And so, it's -- when you ask 14 people why they don't vote, one of them is, I 15 moved and I forgot to register to vote, or I 16 wasn't able to get my registration updated in 17 time.</p> <p>18 Q. But we don't have any number of a 19 percentage of -- you know, that represents 20 that, do we?</p> <p>21 A. We have information in the people who 22 attempted to register in Travis County. And, 23 again, Travis County I used because it's where 24 I got the most complete information from and it 25 was a reliable sample size. So, in Travis</p>	<p style="text-align: right;">81</p> <p>1 A. Yes. I looked at whether they 2 registered as living in an apartment or 3 multi-unit dwelling, or at a single residence 4 address.</p> <p>5 Q. But isn't it true that just because 6 someone lives in a multi-unit dwelling, that 7 it's not necessarily true that they are renting 8 as opposed to owning that residence?</p> <p>9 A. That is true. You could own a condo 10 or -- or something like that. However, what we 11 know about people who -- who live in multi-unit 12 dwellings, is that they are less likely to 13 register and turn out. They're less likely to 14 be contacted and encouraged to vote. They're 15 less likely to be targets of campaigns who 16 might be doing registration drives or any sort 17 of get out the vote messaging.</p> <p>18 MR. SCANLON: And I'll just object 19 to the portion of your response that was 20 nonresponsive.</p> <p>21 BY MR. SCANLON:</p> <p>22 Q. I -- I guess when you were looking at 23 whether someone rents versus owns, did you look 24 at any title information on any of the 25 dwellings that were part of your data set?</p>

<p style="text-align: right;">82</p> <p>1 A. I did not pull titles. I think that 2 was sort of outside the scope of my analysis. 3 Q. But your analysis was, if it's a unit 4 on that address, then that means renter; is 5 that right? 6 A. I specifically talk about movers, and 7 that people who move and people who -- who live 8 in multi-unit houses are less likely to be 9 contacted and encouraged to register to vote in 10 there. 11 MR. SCANLON: And sorry to do this 12 again. I have to object as nonresponsive. 13 BY MR. SCANLON: 14 Q. My question was, the analysis or the 15 assumption that you made was, if a person's 16 registration form lists a unit number instead 17 of a, you know, just a regular address that 18 would -- that would apply to a house, the 19 assumption is that that person does not own 20 that property; isn't that correct? 21 A. So, in the census -- so, I just -- 22 there's two things. So, in the census data, 23 they give us the percent renter occupied, and 24 we overlaid all addresses with the census 25 tracks that have percent renter occupied. So,</p>	<p style="text-align: right;">84</p> <p>1 unit number, the likelihood that they are not 2 an owner is higher, yes. 3 Q. And I'm not talking about the 4 likelihood. I just am simply asking what this 5 model was -- was based on. Were there any 6 applicants that, you know, had a unit number 7 that were treated as owning that property 8 instead of as renting? Was that -- was that 9 percentage of likelihood built into your model? 10 A. So, again, I didn't run individual 11 level models in this analysis. I used 12 descriptive statistics, which uses all of the 13 data aggregated. So, I didn't run models on 14 individual voters. So, I didn't specify a 15 person in a unit was an owner or a renter, I 16 just looked at the -- the people who were in 17 multi-unit households and then overlaid that 18 with the census tracks where there was a 19 percent of rental occupied units in Travis 20 County. 21 And so, you can see in the bright 22 red counties, right, those are nearly 100 23 percent rental occupied homes, according to the 24 census data. And you can see the number of 25 people who, in that -- those census tracks,</p>
<p style="text-align: right;">83</p> <p>1 we could look at where the people attempting to 2 use the app lived. And there are census tracks 3 where a higher percentage of people, in this 4 case in Figure 2B, Travis County, that there's 5 a higher percentage of renter occupied spaces. 6 So, that was that analysis. 7 That's different than the mover. So, I don't 8 know if you're asking those questions as being 9 related to each other or separate. Those are 10 in two separate sections of the report. 11 MR. SCANLON: Dr. Bryant, again, I 12 have to object as nonresponsive. 13 BY MR. SCANLON: 14 Q. So, I'm -- I'm just trying to -- to 15 understand the analysis that -- that went into 16 your report here. Because it seems to me that 17 the assumption is that -- and I understand you 18 said that percentage-wise, that they're more 19 likely to be a renter, but aren't the numbers 20 that, or the data set that you built into this 21 model, it's basically saying that the person 22 who lists a unit number is treated as not 23 owning the property. That's -- that's all I'm 24 trying to ask. 25 A. The -- right. So, if a person lists a</p>	<p style="text-align: right;">85</p> <p>1 attempted to use the app to register to vote. 2 Again, I didn't assign if they're 3 a renter or if they're an owner based on the 4 individual applicant. This is just an 5 aggregate analysis of where the applicants 6 resided in Travis County laid over the percent 7 of occupied rental homes. 8 MR. SCANLON: I object as 9 nonresponsive. 10 BY MR. SCANLON: 11 Q. Is the model related to renters versus 12 owning part of the experimental methodology 13 that you mentioned earlier? 14 A. I did not use any experimental 15 methodology in this report. 16 Q. You didn't use any experimental 17 methodology? 18 A. I did not. 19 Q. Is there a reason why it's listed at 20 the beginning of your report as one of the 21 tools that you use? 22 A. I didn't list it as one of the tools I 23 used. I listed it in my summary about myself 24 and my areas of expertise. 25 Q. Okay. So, on page 17 of your report,</p>

<p style="text-align: right;">86</p> <p>1 around the bottom of the first paragraph says:  2 Just over half, 50.7 percent, of  3 the applications submitted with electronic  4 signatures came from individuals who listed a  5 multi-unit permanent residence, even though  6 only 30.3 percent of registered voters in  7 Travis County live in an apartment or  8 multi-unit dwelling.  9 Did I read that correctly?  10 A. You did, yes.  11 Q. And the conclusion was that this has a  12 disproportionate effect on renters, right?  13 A. Yes. So -- yes.  14 Q. And we did talk earlier about how,  15 just because someone lists a unit number on  16 their application, doesn't necessarily mean  17 they're renter as opposed to actually owning  18 that dwelling, right?  19 A. That is correct. That is, you know,  20 an assumption, that the majority of people who  21 live in multi-unit dwellings are most likely  22 renters.  23 Q. Okay. And that was what you applied  24 as far as this statistical model, correct?  25 A. Yes. That's correct.</p>	<p style="text-align: right;">88</p> <p>1 including using apps like Vote.org app, and  2 including a national voter registration form.  3 Q. Okay. But have you, I guess, compared  4 Texas' fax machine provision to any other  5 states in terms of their election code?  6 A. Not for fax machine exclusively,  7 mostly for just electronic or digital imaged  8 signatures.  9 Q. Is it possible to use a smartphone to,  10 I guess, send a fax? In other words, are there  11 apps on smartphones that can send faxes?  12 A. Yes, there are.  13 Q. And has that ever been utilized in any  14 registration process that you're aware of?  15 A. My understanding is that some of the  16 apps, like the Vote.org app, that that is how  17 the transmission of the information takes  18 place, in the back end of the app.  19 Q. So, is it your understanding that the  20 voter is actually the one that's sending the  21 app by using the Vote.org software, as opposed  22 to sending the information to Vote.org, who  23 then faxes everything?  24 A. I believe from -- my understanding is,  25 from the voter perspective, right, they're</p>
<p style="text-align: right;">87</p> <p>1 Q. Thank you.  2 What is your understanding of, as  3 far as HB 3107 as it applies to this case, what  4 is your understanding of what HB 3107 addresses  5 in the state of Texas?  6 A. My understanding is that if a -- a  7 registrant attempts to apply via facsimile and  8 a digital image of her signature is transmitted  9 to the election official, that that must be  10 followed up with a printed paper copy of their  11 registration and they must affix an original or  12 wet ink signature to the form.  13 Q. And of the other states that you've  14 studied that have this -- or -- or that have a  15 fax machine -- I'll -- I'll just call it an  16 option -- have you found any that are similar  17 to that requirement?  18 A. I have not.  19 Q. Do you know -- and I might have asked  20 this already, I apologize if I'm asking you  21 again -- which states allow applicants to  22 register with a fax machine?  23 A. I cannot list the states that do that.  24 I know that a number of states allow people to  25 register via a variety of online methods,</p>	<p style="text-align: right;">89</p> <p>1 entering the information into app, which they  2 understand will be transmitted. You know,  3 they, I'm sure, click an "agree" transmission,  4 and they transmit it to their local election  5 official, and is informed that they'll be sent  6 to their election official or their state. And  7 then I -- I would imagine that most people  8 registering to vote don't know the particulars  9 of what happens once they hit "submit".  10 Q. Okay. And I'm just asking if you know  11 those particulars.  12 A. Oh, I do, yes.  13 Q. And what are they?  14 A. That when you enter the Vote.org  15 transmission, it then uses a fax app to  16 transmit that, and then it also relays that  17 information to a third-party printer which  18 prints and sends the form.  19 Q. Okay. Do you know who the third-party  20 printer is?  21 A. I do not.  22 Q. Going further down your report, you  23 introduce the idea of the cost of voting index,  24 and you write that it considers state election  25 laws that influence the cost of voting.</p>

90

1 So, I just want to ask a little  
 2 bit about how this factors in some of the costs  
 3 that are relevant to this lawsuit. How much  
 4 does a fax machine cost in Texas?  
 5 A. Just to clarify, are you asking me,  
 6 like a dollar amount, about how much it costs?  
 7 Q. Do you have -- yeah, do you have any  
 8 figures on that?  
 9 A. I do not know how much a fax machine  
 10 costs in Texas.  
 11 Q. And that cost was not factored into  
 12 your cost of voting index analysis in this  
 13 report, is that fair to say?  
 14 A. I would like to answer the question in  
 15 a way that -- the cost of voting index doesn't  
 16 assign a dollar amount to each activity. It  
 17 takes into account time and energy and burdens  
 18 and administrative requirements that a -- a  
 19 person has to overcome to register to vote and  
 20 to cast a ballot.  
 21 Q. How are those burdens quantified if  
 22 not with a dollar figure?  
 23 A. They create an index of how many steps  
 24 a person must take in order to be able to  
 25 register to vote or to cast a ballot in the

91

1 state according to state laws.  
 2 Q. So, the index is just this -- or I  
 3 guess the quantifiable aspect of it is just the  
 4 number of steps that a person has to take?  
 5 A. So, they create a scale, yes, on how  
 6 -- how -- so, for example, a state like Texas,  
 7 it might say is a -- a paper signature or a wet  
 8 ink signature, you know, required, or paper,  
 9 some form of paper registration required. That  
 10 might count as a one. Whereas, it might  
 11 compare to a state like Arizona, where that is  
 12 not required. That would count as a zero for  
 13 Arizona. That means that Texas has now scored  
 14 one point higher than Arizona in the number of  
 15 steps, or the cost of voting in that state.  
 16 So, it's not an actual monetary  
 17 cost. It's -- monetary cost could be  
 18 considered in it, in terms of need to have  
 19 resources, but it's really about the overall  
 20 burden on the voter.  
 21 Q. So, just so we're clear, is there a  
 22 signature requirement in Arizona to register to  
 23 vote?  
 24 A. Arizona was the first state in the  
 25 United States to create online voter

92

1 registration, and they use DMV records as the  
 2 source for their signatures.  
 3 Q. Okay. So, there's a signature  
 4 attendant in the process of going through the  
 5 DMV, correct?  
 6 A. Yes. So, when people get their  
 7 driver's license or state ID, they sign on a  
 8 digital pad. That digital signature is  
 9 collected and then connected to the voter  
 10 registration file.  
 11 Q. And is every step in the cost of  
 12 voting index considered a burden?  
 13 A. So, every action that you have to take  
 14 is an additional cost. And, so where there are  
 15 fewer restrictions or fewer steps to -- to  
 16 voting, then the overall cost is lower than  
 17 when there are more steps or more requirements.  
 18 Q. Okay. Can you walk me through what  
 19 the steps are for Texas?  
 20 A. So, just as a hypothetical, or you  
 21 want every step that's required for voter  
 22 registration?  
 23 Q. Yeah, just, I -- I guess, your general  
 24 idea of what the -- what the steps are as it  
 25 pertains to the cost of voting index for

93

1 registration in Texas.  
 2 A. Okay. So, a voter in Texas has to  
 3 first familiarize themselves with the  
 4 requirements of how to register and what the  
 5 deadlines are to register. They need to figure  
 6 out when the election date is, so they can make  
 7 sure that they register in time to participate  
 8 in that election. So, in Texas, 30 days prior  
 9 to election day.  
 10 They need to find information  
 11 about -- so, for example, in the cost of voting  
 12 index, having a registration deadline 30 days  
 13 out is a higher cost than if you can vote five  
 14 days, you know, you can register five days  
 15 before the election, or you can do same day or  
 16 election day registration. Right? So, that's  
 17 how the cost of index works in terms of -- of  
 18 why Texas might score higher than a place like  
 19 Arizona where you have a shorter window prior  
 20 to the election to still be able to register to  
 21 vote, just as a side note.  
 22 So, Texas, the person has to first  
 23 familiarize themselves with the deadline. They  
 24 have to find a place to be able to register.  
 25 So, most people today, and especially young

<p style="text-align: right;">94</p> <p>1 people under 30, will go online to try and find 2 out that information. Then they have to submit 3 their application. 4       When in Texas, they will submit 5 it, probably, most likely, through the 6 Secretary of State's online form, and then they 7 will be informed that they also have to print 8 and sign and mail that, and that that has to be 9 received within four days of them submitting 10 their online application. So, then they will 11 have to take the time to make sure that they 12 have access to a printer and to be able to mail 13 that or hand deliver it, which is allowed in 14 the law as well. 15       And so, those are the steps 16 associated with -- with the cost of voting to 17 get registered to vote in the state of Texas. 18       Q. Okay. And how -- sorry, were you 19 going to say more? 20       A. I was going to say, I can talk about, 21 like, the voting process too, if you want, but 22 I -- I didn't know if you wanted me to 23 continue. 24       Q. Well, I think we can -- we can keep it 25 to registration. I mean, that's -- that's what</p>	<p style="text-align: right;">96</p> <p>1 approaches. 2       Q. And does that -- does that weighing 3 process factor in, you know, if someone's able 4 to -- let's say they're, you know, out at a 5 movie or whatever, and they come across a voter 6 registration table and someone there helps them 7 register to vote. How does the cost of voting 8 index factor in the availability of those, you 9 know, maybe -- maybe third-party actors? 10       A. I would have to go back and look at 11 the index to see if there's an indicator for if 12 a state allows third-party registrations. 13       Q. But to your knowledge, the cost of 14 voting index doesn't take factors like that 15 into account? 16       A. It might. There are a -- a long list 17 of state policies that are analyzed, and then 18 those are grouped into nine factors from that 19 long list. And so, that could be one of the 20 questions, if third-party registrations are 21 allowed in a state. I just -- I -- I don't 22 recall at this time. 23       Q. And I think, you know, we talked a 24 little bit about the cost of a fax machine, but 25 what about the cost of actually locating a fax</p>
<p style="text-align: right;">95</p> <p>1 this -- this case is about. 2       And your opinion for this case 3 doesn't extend beyond the cost of voting index 4 as it relates to the registration process, is 5 that fair to say? 6       A. Right. I was asked to look at 7 registration burdens in this case and -- and 8 how that might affect voters. 9       Q. So, for each of those steps you just 10 described, are all those steps weighted the 11 same? 12       A. Yes. So, if they were -- they're 13 basically an index, a score. So, if you have a 14 voter registration deadline 30 days ahead of 15 election, that might get a higher score, say, 16 if you had a one to five scale, that might get 17 a five, as opposed to if you had same day or 18 election day registration, where you would get 19 zero. Or if you had 10 days before election 20 day, right, you might get a one. 21       So, the closer to election day the 22 deadline falls, the lower the score that you 23 will get in the index. Because it gives the 24 voter more time to register and more 25 opportunity to register as the election</p>	<p style="text-align: right;">97</p> <p>1 machine, would that be something that the cost 2 of voting index accounts for? 3       A. I doubt it. Because I think 4 registering to vote by fax transmission is not 5 very common, and so I -- I wouldn't think that 6 that would be in there. 7       Q. Okay. So, the -- the cost of voting 8 index that you've kind of described in your 9 report, that's not tailored towards what the 10 restrictions are in Texas, is it? 11       A. The cost of voting index is a way to 12 compare burdens to be able to participate in 13 voting across the United States. So, it 14 collects the policies of all 50 states and 15 Washington, D.C. 16       Q. Okay. To your knowledge, does it -- 17 does it factor in -- I guess, let me -- let me 18 back up. I'll strike that. 19       Let's assume -- I mean, for the -- 20 for the next question, I'll just ask that you 21 would assume that registration by fax is not 22 available in -- in the state. Does that 23 influence the cost of voting index? 24       MS. YUKEVICH: I object that this 25 line calls for speculation.</p>

98

1 THE WITNESS: Okay. Do I proceed?  
 2 Can answer?  
 3 BY MR. SCANLON:  
 4 Q. Yeah, Dr. Bryant, just to take a quick  
 5 aside, when I [sic] make an objection, unless  
 6 Kathy instructs you not to answer the question,  
 7 you'll generally answer the question. So,  
 8 it'll go, I'll [sic] object -- or, I'm sorry,  
 9 she'll object, and then you'll be able to just  
 10 answer the question after she objects.  
 11 THE WITNESS: Okay.  
 12 MS. YUKEVICH: That's fine,  
 13 Dr. Bryant.  
 14 THE WITNESS: Okay. Could you  
 15 restate your question, please?  
 16 BY MR. SCANLON:  
 17 Q. Sure.  
 18 So, I was asking, kind of a  
 19 hypothetical. Just assume that there is no,  
 20 you know, fax option offered for registration  
 21 in Texas. Would the cost of voting index  
 22 analysis that goes into looking at the burdens  
 23 or, you know, the costs related to voting in  
 24 Texas, would they go up or down?  
 25 A. I -- again, I would have to go review

100

1 mentioned that -- I guess, are you aware of  
 2 what the state agency for the state of Texas  
 3 called the Department of Public Safety does?  
 4 A. They issue driver's licenses and state  
 5 IDs, to my understanding.  
 6 Q. Yeah, that's -- that's part of it.  
 7 So, with that, I think we talked about, you  
 8 know, how a person can register to vote using  
 9 that -- that process.  
 10 Can you tell me what the cost of  
 11 voting index would say about using that process  
 12 versus using the fax process?  
 13 A. The cost of voting index, I don't  
 14 think, would compare them. Those would be  
 15 scored as separate items. So, for each option  
 16 there is in a state. And being able to  
 17 register to vote when you renew or get a  
 18 driver's license or state ID is one of the  
 19 items in the cost of voting index. So,  
 20 theoretically, it should be the same across all  
 21 states because it's required by federal law.  
 22 But that reduces the cost or the  
 23 burden to voters. At the time that they are  
 24 updating their information with the DPS for  
 25 their driver's license, they can then have the

99

1 how the -- all of the considerations that they  
 2 had. If getting rid of the fax option meant  
 3 that people wouldn't be able to register  
 4 through a third-party that might use a tablet  
 5 or an app, then I would think that that would  
 6 increase the cost of voting in Texas. But,  
 7 again, that's -- you know, I'm just  
 8 speculating.  
 9 Q. Okay. But I think we said it doesn't  
 10 take into account the cost of a fax machine; is  
 11 that right?  
 12 A. Right. But the cost increase is  
 13 because then it limits the number of ways that  
 14 somebody can register to vote. So, the fewer  
 15 options that a voter has, the higher cost or  
 16 burden that that person might have to overcome  
 17 to be able to -- to register.  
 18 Q. Okay. And this is a lawsuit about  
 19 Texas' fax provision. Would you agree with  
 20 that?  
 21 A. I think -- yes, about the wet  
 22 signature or original signature requirement  
 23 related to fax registrations, yes.  
 24 Q. Okay. And that kind of dovetails into  
 25 the, sort of the next topic. We -- we

101

1 option to register to vote as well. So, that  
 2 is a convenience measure that reduces the  
 3 overall cost for the voter.  
 4 The -- the app would be scored, or  
 5 a third-party registrant rate would be scored  
 6 as a separate item and then clustered under the  
 7 same factor in the index. So, it clusters like  
 8 items to create the calculus, the cost of  
 9 voting.  
 10 Q. Okay. So, would -- I guess -- you  
 11 said they would be scored differently, but  
 12 would there be a less -- a lesser burden by  
 13 using that process, the DPS process?  
 14 A. Well, to clarify, I said they would be  
 15 scored separately. So, multiple -- I -- at  
 16 least that's what I intended to say. If I  
 17 didn't say it, I apologize. But they would be  
 18 scored separately, as having different options  
 19 to register to vote.  
 20 And, I'm sorry, what was the  
 21 second part?  
 22 Q. Yeah, I'm just wondering -- so, I  
 23 mean, both the DPS process and using the fax  
 24 machine process, you mentioned that a person  
 25 has to look up the information for the

<p style="text-align: right;">102</p> <p>1 deadline, and maybe the steps to take to do 2 that. So, you would agree with me that that 3 would be the same under both analyses, right, 4 if you're looking at the cost of voting index 5 for either option? 6 A. I think, actually, in this case, that 7 that might not be the same, because the onus is 8 more on the person registering. When they're 9 doing it through an online website, they're 10 going out and seeking that information on how 11 to. When they're at the motor vehicles, that's 12 a convenience measure. And so, because they 13 are at the motor vehicles, or DPS, getting 14 their license, and it's offered to them as a 15 convenience at the time, that might be a lower 16 cost. 17 And that they -- they probably 18 aren't going to say, well, hold on, let me 19 check and see when the registration deadline 20 is. If they know they need to update their 21 information and the opportunity to do so is in 22 front of them, then I think that that is less 23 costly than having to do the fax machine 24 registration or to go online and seek the 25 information.</p>	<p style="text-align: right;">104</p> <p>1 go to register to vote today, start by going 2 online and finding that in information. So, 3 all things being equal, you know, access to 4 internet and things like that, I think that the 5 assumption that that burden is equal across 6 everybody is fair. 7 I think that when we start to look 8 at information, additional information, such 9 as, now what do I have to do with this 10 registration form, are there additional steps 11 required, that people who have more resources 12 might be able to absorb additional burdens 13 easier than people who don't. 14 Q. Okay. And you also mentioned 15 administrative hurdles, I think, as part of 16 this cost of voting index. What kind of 17 administrative hurdles are -- are factored into 18 that? 19 A. So, for example, in the case that 20 we're talking about here, administrative 21 burdens would be that you have to print off -- 22 so, you've already completed your voter 23 registration form, you've already affirmed with 24 your digital signature that you are -- you meet 25 the legal requirements in the state of Texas,</p>
<p style="text-align: right;">103</p> <p>1 Q. And do you know the proportion of 2 voters in Texas who register using that method 3 as opposed to the fax machine method? 4 A. I do not, because that is not in the 5 voter registration file -- 6 Q. Okay. 7 A. -- that is -- that is made publicly 8 available. 9 Q. I think -- and going a little bit more 10 into the report, there is -- we -- we've kind 11 of talked about this already, the information 12 collection burden, I think, is what you 13 mentioned. 14 Other than the information about 15 the deadlines, how else is that, I guess, 16 burdensome? 'Cause if -- I -- I would imagine 17 that, and correct me if I'm wrong, but someone 18 going onto a website to get the information 19 they need to register to vote, that would be 20 pretty similar no matter -- like that step of 21 the process would be, I would think it would be 22 the same burden no matter what method you're 23 using. 24 A. I think that that assumption is fair. 25 I think that, you know, most people, when they</p>	<p style="text-align: right;">105</p> <p>1 and now you have to print that off. So, that 2 is an administrative burden, requiring someone 3 to print something that they've already 4 provided the information to the state. 5 And you have to mail that or 6 deliver that to the election official. And 7 there is a very limited amount of time. That, 8 to a degree, is out of the registrant's 9 control. Right? Putting it in the postal 10 service and hoping that it gets there within 11 four days is something that's out of their 12 control. 13 And we call that an administrative 14 burden because it's a seemingly arbitrary 15 requirement. What is special about four days, 16 or why is a paper copy of something you've 17 already submitted and affixed your signature to 18 affirm that the information is true, what is 19 this additional administrative requirement for? 20 And so, that's what we would call 21 an administrative burden, additional steps that 22 you have to take to be able to complete a 23 process, or, you know, sort of bureaucratic 24 rules that you have to navigate in order to -- 25 to complete a process.</p>

<p style="text-align: right;">106</p> <p>1 MR. SCANLON: Okay. And I'll just 2 object to the portions that are nonresponsive. 3 I'm going to go ahead and pull up 4 another exhibit here. Before we take the next 5 break, I just want to go over -- there is a 6 piece of information on the Secretary of 7 State's website, and I'll drop this in. This 8 is going to be Exhibit 3. 9 (Exhibit 3 marked.) 10 Q. (BY MR. SCANLON) Okay. Dr. Bryant, do 11 you see this, I guess, web page from the 12 Secretary of State's website that I have pulled 13 up on the screen? 14 A. Yes, I do. 15 Q. And have you visited this page before? 16 A. Yes, I have. 17 Q. Okay. And on the second page, the 18 first bullet point, it says: You may request a 19 postage paid application by filling out this 20 form so that a voter registration application 21 can be mailed to you. 22 Did I read that correctly? 23 A. Yes, you did. 24 Q. Okay. I'll go ahead and stop this. 25 So, I read part of your report,</p>	<p style="text-align: right;">108</p> <p>1 A. So, they already incurred the cost 2 that we agree that everybody incurs, right, 3 that they went to the website, they found the 4 information about how to register to vote. But 5 rather than being able to complete their 6 process online, like some people with higher 7 resources might be able to do under the current 8 requirements, they have to then go to an 9 additional step, which is, they have to read 10 more of the page, right, to get down to it at 11 the bottom of the page, anyway, but then they 12 also have to request this additional step of 13 having a form mailed to them, complete that 14 out, and then resend it back in. 15 And so, their process of getting 16 to register to vote takes more steps than, you 17 know, person A's process. 18 Q. So, person A's process would be using 19 the transportation to, I guess, take it to the 20 office themselves? 21 A. I guess, in my example, say that, you 22 know, I'm a 40-year-old woman with a career 23 that allows me to print at work or to have a 24 printer in my home. I can simply go online. I 25 can fill out my form. I can print my</p>
<p style="text-align: right;">107</p> <p>1 and I apologize that I'm jumping around so 2 much, I can't remember exactly where it is, but 3 that the transportation burden is part of the 4 cost of voting index for complying with HB 5 3107; is that right? 6 A. Yes, that's correct. 7 Q. But as we just saw, you know, there's 8 the option to have the application mailed to 9 you, right? 10 A. That is correct. Though, the previous 11 question about administrative burden applies 12 really well to this. Right? So, the person 13 would be able to complete this online if they 14 could get the -- the form to a registrar within 15 four days; otherwise, they have to go through 16 the additional step of requesting that it be 17 mailed to them, wait for it to get there, and 18 then mail it back in. 19 And so, that is what we would 20 classify as an administrative burden, requiring 21 an additional step on the part of the voter to 22 be able to register. 23 Q. And this step about getting a postage 24 paid application would be an additional step to 25 what else?</p>	<p style="text-align: right;">109</p> <p>1 application and send it in. 2 If I'm a young person without a 3 printer at home, I now have to find a place to 4 be able to print my application. I can fill it 5 out in the form the Secretary of State gives 6 online, right, but now I have to find a place 7 to print it out. And we know, for example, 8 young people are far less likely to own 9 printers in their homes or have access to a 10 printer at work. So, I have to find a place to 11 print this. I -- if I presumably go to, like, 12 a FedEx/Kinkos, I have to pay for that print. 13 And then I have to also get it to a post box or 14 take it back home and then put it in the mail 15 and do it. 16 So, I've increased the cost of the 17 young person without a printer relative to the 18 cost of the person who does have it. And so, 19 that's where we talk about the cost or the 20 burdens that people are presented with and how 21 they might not be equal. Even if seemingly 22 equal in -- in law, when you actually apply 23 those laws out to people, they're not 24 necessarily equal. 25 Q. So, it seems like if there's any</p>

<p style="text-align: right;">110</p> <p>1 burden beyond visiting a website, that that                  2 would, you know, be considered, I guess, an                  3 unreasonable burden under the cost of voting                  4 index analysis. Is that fair to say?                  5 A. I would not say unreasonable, and I                  6 don't believe I characterized it that way. I                  7 said that there were additional costs or                  8 additional burdens to voters who might not be                  9 as resource rich. Right? And so, any                  10 additional step you take, whether that's                  11 requesting a ballot be mailed to you and then                  12 having to wait and fill that out when it comes,                  13 that you couldn't complete the task that you                  14 sat down to complete at the time. So, this                  15 increases the likelihood that the person might                  16 not make the deadline. This increases -- so, I                  17 believe, for example, right now in Texas, you                  18 can't request it be mailed to you 'cause it                  19 won't be received in time, you have to go do it                  20 in person for an upcoming election.                  21 So, a person who wanted to attempt                  22 to make that, but has to wait for that to be                  23 mailed to them, and then has to mail it back                  24 in, it might -- effectively, that's a bigger                  25 burden, a bigger administrative burden they</p>	<p style="text-align: right;">112</p> <p>1 voters, but it's important to note that it also                  2 reduces the cost and the burden on                  3 administrators themselves, on local election                  4 officials.                  5 And so, I think that allowing that                  6 process, or if you want a new signature, you                  7 don't want to use the one on the DMV, most                  8 state business today, and I think this has been                  9 even amplified during COVID, you know, you can                  10 use a digital or an imaged signature. I used                  11 it to submit my executive report, right, and it                  12 was accepted by the Texas courts.                  13 And so, it's become very                  14 commonplace in today's day and age, when people                  15 have smartphones, when we can easily image our                  16 signatures, we can easily create digital copies                  17 of our signatures, and they're still valid                  18 affirmations of the information that we're                  19 providing, and those can be accepted. I think                  20 that that would be, you know, more ideal and                  21 help reduce the burdens.                  22 Because there will still be other                  23 burdens that people have to overcome, but where                  24 we can, minimize them to the best of our                  25 abilities as states and lawmakers. But I think</p>
<p style="text-align: right;">111</p> <p>1 have to overcome, it's a larger hurdle for that                  2 person than the person who could have sat down                  3 and done it online and sent it in.                  4 Q. And would you object to, I guess, any                  5 kind of burden beyond having to visit a web                  6 page?                  7 A. I think that "any kind of burden" is                  8 -- is too vague for me to answer.                  9 Q. I mean, what -- I guess, what I'm                  10 trying to get at is, that you -- you obviously,                  11 in your field, recognize that different states                  12 have different procedures that they make their                  13 citizens, you know, comply with.                  14 If you were to design your own                  15 system, what would the ideal level of burden                  16 under this cost of voting index analysis be?                  17 A. I think that we are headed towards, as                  18 a country, I think that we're headed towards a                  19 really efficient system where people can                  20 complete their voter registrations online and                  21 they can partner that with existing signatures                  22 that the state already has, so through a state                  23 ID or a driver's license. And I think that                  24 that reduces the cost of having to send in a                  25 paper form. It reduces the cost not only for</p>	<p style="text-align: right;">113</p> <p>1 that that's in the best interest of voters.                  2 Q. Okay. And, I guess, when you mention                  3 that the state already has a digital signature                  4 on file, wouldn't there have been some level of                  5 burden for the state to have captured that                  6 information?                  7 A. Yes. And the person has already                  8 overcome that burden, right, they've already                  9 paid that cost of going to the DMV or getting a                  10 state ID and providing that signature to the                  11 state. So, they've incurred that burden once.                  12 And so, I guess that my question as a scholar                  13 would be, why is it necessary for them to incur                  14 that burden again --                  15 Q. So, if --                  16 A. -- when the state has that                  17 information.                  18 And furthermore, the state has                  19 that information in a way that is much more                  20 secure and verified than just submitting it via                  21 mail, right, because they saw the person in                  22 front of them at the -- at the Department of                  23 Public Safety and they had documents to confirm                  24 their identity, which you cannot do through a                  25 signature.</p>

114

1 Q. So, the methodology of using the DPS  
 2 office is more secure than, I guess, a method  
 3 of registering by mail, is that your testimony?  
 4 A. I would say if what you want is to  
 5 confirm identity, that a signature through mail  
 6 is not the best way to confirm identity. And  
 7 so, the process that you use at the DMV when  
 8 you take documentation of your identity and you  
 9 present it to the DMV, or the DPS in Texas, is  
 10 a better confirmation of identity than a  
 11 signature on a voter registration form.  
 12 MR. SCANLON: Okay. It's about 1,  
 13 getting to be about 1:30 here. I don't know  
 14 if, Dr. Bryant, you had a time that you want to  
 15 take lunch. We can keep going if you'd like,  
 16 but I thought maybe we could work in a break if  
 17 -- if everybody's okay with that.  
 18 MS. YUKEVICH: Does it make sense  
 19 just to go off -- I'm sorry. Does it make  
 20 sense, Cory, just to go off the record to  
 21 discuss breaks?  
 22 MR. SCANLON: Yeah, let's go ahead  
 23 and go off the record.  
 24 THE REPORTER: Thank you. We're  
 25 off the record at 1:26 p.m.

115

1 (Recess taken.)  
 2 THE REPORTER: We are back on the  
 3 record. The time is 2:16 p.m.  
 4 BY MR. SCANLON:  
 5 Q. Dr. Bryant, earlier we were talking  
 6 about how you applied descriptive statistics in  
 7 this report and I'm wondering if you used any  
 8 inferential statistical methodologies, or was  
 9 it just descriptive statistics?  
 10 A. In this report, I'm using just  
 11 descriptive statistics. I didn't use any sort  
 12 of linear regression or anything like that.  
 13 So, descriptive statistics with, like Pearson's  
 14 correlations, (r) correlations, that type of  
 15 approach.  
 16 Q. Okay. And can you kind of give a  
 17 brief description or definition of what  
 18 descriptive statistics is?  
 19 A. Sure. So, descriptive statistics  
 20 essentially describes patterns in your behavior  
 21 -- patterns in your behavior -- patterns in the  
 22 data. And so, when we look at, you know, a  
 23 mean, for example, that's an average of -- if  
 24 we looked at income, we could look at the  
 25 average income of a community, or among a

116

1 subset of people. And then if we looked at  
 2 age, right, we could look at the average age  
 3 among respondents.  
 4 But we can also use median, which  
 5 would be more appropriate with income because  
 6 of the way that income is distributed. We can  
 7 use median. We can use mode. We can use the  
 8 range of observations, so the highest to the  
 9 lowest observation. And those are the primary  
 10 descriptive statistics that we use.  
 11 And then for correlations, we look  
 12 at the relationship or the degree to which  
 13 those variables are related to each other.  
 14 Q. So, descriptive statistics can be used  
 15 to, I guess, demonstrate correlation?  
 16 A. Um-hmm. Yeah.  
 17 Q. Is it used to show causation?  
 18 A. No, it is not. You really have to --  
 19 you really have to get into, for the most part,  
 20 experimental methodology, to -- to demonstrate  
 21 causation.  
 22 Q. Okay. And I believe, as you testified  
 23 earlier, experimental methodology wasn't  
 24 utilized in this report.  
 25 A. That's correct.

117

1 Q. Is that right?  
 2 A. That's correct.  
 3 Q. We were talking a little bit about the  
 4 process for going to the DPS to register a  
 5 person to vote.  
 6 MR. SCANLON: I'm sorry, I'm very  
 7 sorry, I need to close my door real quick.  
 8 THE WITNESS: That's okay, I had  
 9 to get rid of my throat lozenge.  
 10 BY MR. SCANLON:  
 11 Q. Okay. Now, that we're both straight,  
 12 do you know how much it costs in terms of the  
 13 -- the cost of voter index to do a registration  
 14 through a driver's license renewal?  
 15 A. Again, just to clarify, are you asking  
 16 me, like an actual monetary cost to renew a  
 17 driver's license, or are you asking about how  
 18 many points would be assigned in the cost of  
 19 voting index?  
 20 Q. So, I think we talked about you have a  
 21 weighted score under the cost of voting index.  
 22 So, if I ask -- if I ask about cost of voting  
 23 index, I'll just refer to this weighted scale  
 24 and how it's weighted.  
 25 A. I'm not sure. My guess is that it

<p style="text-align: right;">118</p> <p>1 would be a dichotomous variable, so it would  2 be, like a zero/one, if it's allowed in a state  3 or not.  4 Q. A zero/one. And is the zero/one  5 comparable to any other, I guess, registration  6 procedure that you know of?  7 A. Right. So, in the index, there will  8 be scales. So, if -- you know, you can  9 increase in, like one point increments, or one  10 point values, in how difficult something might  11 be, or what the policies in the state might be.  12 And so, then you can take those values and  13 create an index, or an additive score for the  14 states.  15 And I'm sure that there are -- if  16 the questions in the cost of voting index are  17 just the presence of a policy or not, then that  18 would be a zero/one, a dichotomous measure.  19 Q. Okay. And what do you mean when you  20 say a dichotomous measure?  21 A. There are only two options, right?  22 It's -- it's present, which would be coded as a  23 one; or it's not present, which would be coded  24 as a zero.  25 Q. Okay.</p>	<p style="text-align: right;">120</p> <p>1 online assist, like you can fill it out online  2 and then have to mail it in. Or there's  3 exclusively paper, where there is no online  4 interaction at all. And so, that might be a  5 zero/one/two.  6 Q. Okay. If I'm, let's say, a homeless  7 person, and I don't own a smartphone, you know,  8 would -- and I -- and I -- could I just go into  9 a DPS to register to vote? And let's say I had  10 the -- you know, I guess I'm curious if -- if  11 that's been analyzed, whether somebody without  12 access to the internet, generally, if -- if  13 that kind of cost of voting index analysis  14 would be the same.  15 A. The cost of analysis doesn't  16 necessarily take into condition the -- the  17 factors for that individual, 'cause it's just  18 looking at state policies and the -- how  19 restrictive or how inclusive state policies are  20 in terms of being able to register and vote.  21 So, I don't think that it would consider that  22 in the cost of voting index.  23 Q. Okay. Are you familiar with  24 procedures under the Texas Election Code that  25 allow a person to become a deputy registrar?</p>
<p style="text-align: right;">119</p> <p>1 A. So, for example, does the state offer  2 online voter registration is a yes/no response.  3 So, a no would be zero, and a yes, you know --  4 in the cost of voting index, if the state  5 offers online voter registration, for example,  6 then that would be zero, because there is a  7 cost associated -- a higher cost associated  8 with a paper registration, so it would get  9 coded as a one. Right?  10 So, zero/one dichotomous, meaning  11 bivariate, right, there's only -- or binomial,  12 there's only two possible responses.  13 Q. Right.  14 So, online voter registration, on  15 the one hand, would be a zero, and registering  16 at the DPS would be a one. Is that -- am I  17 getting that correct?  18 A. If that's how it's captured in the  19 measure, yes.  20 Like -- and then there could be,  21 you know, in an index, any given index, they  22 could have coded it, the researchers could have  23 coded it differently. They could have said  24 there's online registration exclusively.  25 There's paper registration with, you know,</p>	<p style="text-align: right;">121</p> <p>1 A. I am not.  2 Q. Are you familiar with the procedure  3 under the Texas Election Code that allow, I  4 guess, school officials at a high school, let's  5 say, to become registrars to register students  6 that are voting age?  7 A. No, I did not look at that for -- it  8 was outside the scope of this report, and so I  9 did not look at that.  10 Q. Okay. So, that wasn't considered  11 under the cost of voting index analysis in this  12 report, correct?  13 A. So, the cost of voting index is a  14 measure that was created by three scientists.  15 The calculus of voting is all of these burdens  16 that a voter might have to incur in order to be  17 able to register and vote. And so, the  18 calculus of voting is sort of a foundation, a  19 theoretical foundation that we use when we're  20 analyzing how people who register to vote, who  21 doesn't register to vote, how costly is that  22 activity.  23 So, they're two separate things.  24 The cost of voting index is an actual index  25 that was created by three political scientists</p>

<p style="text-align: right;">122</p> <p>1 that I referenced, so those are two different                  2 things, so I just wanted to clarify.                  3 Q. Okay. And, yeah, I guess that was --                  4 I'm glad you said that. So, the calculus of                  5 voting, that's another, sort of way that you                  6 analyze these burdens. Is that fair to say?                  7 A. Yes. The calculus of voting has been,                  8 sort of the -- the primary way that people who                  9 look at voting behavior in the U.S., but also                  10 it's now applied internationally as well, think                  11 about the costs and burdens that people have to                  12 overcome to be able to register and then be                  13 able to cast a vote.                  14 Q. Okay. And I believe you testified                  15 earlier that you did not know whether the cost                  16 of voting index took into account the burdens                  17 associated with using a fax machine to register                  18 to vote, right?                  19 A. That is correct.                  20 Q. Does the --                  21 A. But it -- sorry.                  22 Q. I didn't mean to step on you. I                  23 apologize.                  24 Does the calculus of voting                  25 approach also not include -- maybe I'm saying</p>	<p style="text-align: right;">124</p> <p>1 to be able to get registered to vote and cast a                  2 ballot, you could include any number of steps                  3 that have to be taken in that approach to                  4 thinking about voting.                  5 And that is the primary way that                  6 we think about burdens and the cost of                  7 registration in the United States today. "We"                  8 meaning political science as a discipline,                  9 economists, anybody who studies political                  10 behavior.                  11 Q. Okay. And thank you for that                  12 explanation.                  13 So, did you utilize the calculus                  14 of voting analysis to say what are the burdens                  15 associated with using a fax machine to register                  16 to vote?                  17 A. Yes. That's sort of the foundation of                  18 my analysis in this report.                  19 Q. Okay. But you didn't mention, I                  20 guess, a cost, a dollar cost associated with                  21 fax machines, right?                  22 A. Right. So, again, even in the                  23 calculus of voting -- I know, it was developed                  24 by an economist, so he looks at it as costs and                  25 benefits. Right? But these are not</p>
<p style="text-align: right;">123</p> <p>1 that -- does it include a -- the burdens                  2 associated with utilizing a fax machine to                  3 register to vote?                  4 A. So, in the calculus of voting                  5 approach, so it's a theoretical foundation                  6 where you can consider all of the steps that                  7 somebody has to take to be able to do that.                  8 So, if I were comparing, say, a voter in                  9 Oregon, for example, compared to a voter in                  10 Texas, I could say, well, if you could take two                  11 voters who have similar qualities, right, you                  12 know, income and age and education and -- and                  13 all of those kinds of things, and I wanted to                  14 compare the burdens that they would incur in                  15 the process of trying to register and vote, the                  16 calculus of voting would allow me to do that                  17 more easily.                  18 Because then I can look at the                  19 rules and the requirements of that state, and I                  20 can say, well, this voter in Texas is going to                  21 have to overcome more burdens or more steps to                  22 be able to register to vote than this voter in                  23 Oregon. And so, in that way, because it's                  24 essentially a theoretical approach to how we                  25 think about burdens and approaches to -- to --</p>	<p style="text-align: right;">125</p> <p>1 necessarily tangible costs and benefits. They                  2 can be things like, how much time do they take,                  3 how much mental energy do they take, how                  4 resource intensive are they.                  5 So, even though it is called --                  6 called a cost or calculus or an economic theory                  7 of voting, that's because an economist applied                  8 it to a political behavior that people have.                  9 And so, there's not -- we don't attach dollar                  10 amounts to each of these behaviors, but we                  11 think about them more in terms of time, energy,                  12 and the amount of administrative burden                  13 incurred in completing the tasks.                  14 Q. Okay. And, again, thank you for the                  15 explanation, Dr. Bryant. And I don't want to                  16 be rude, but, I mean, it was a yes or no                  17 question. So, to the extent we can, I would                  18 appreciate, just kind of those responses.                  19 So, the question really was just,                  20 is there a dollar amount. And I think we've                  21 already talked about, you know, as you said,                  22 no. And if I ask you for an explanation of                  23 that, I -- I would appreciate that. But to the                  24 extent we want to kind of keep things on track,                  25 I would just appreciate that if it can be</p>

126	<p>1 answered yes or no, that we do that. Does that 2 sound fair? 3       And I know -- I know that these 4 are complicated questions, not always 5 susceptible to that, but I -- I feel like the 6 question of was there a dollar amount 7 associated with that is -- is a pretty 8 straightforward answer. 9       And, again, I'm not trying to be 10 rude. I just -- I think, you know, it'll help 11 us all maybe go home a little bit earlier if we 12 can try to streamline at least a few of these 13 -- these answers. And, again, I apologize, I'm 14 not trying to be rude, but I'll -- I'll just 15 ask the question one more time. 16       When it comes to the cost 17 associated with a fax machine, that was not 18 listed in this report, right, in a dollar 19 amount? 20       A. No, a dollar amount was not listed. 21       Q. Thank you. 22       Can you tell me what an early 23 voting ballot -- balloting board is? 24       A. An early voting balloting board, I 25 believe, in the state of Texas, is the name</p>	128	
127	<p>1 that they assign to the group of people who 2 compare the absentee ballots that come in to 3 voter registration information. 4       Q. And how does that comparison take 5 place? 6       A. My guess is that they -- again, this 7 is my speculation. I just want to go on the 8 record saying that. My guess is that if it's 9 similar to other ones I've observed, that they 10 check the address and voter information that's 11 on the external envelope of the absentee ballot 12 and compare it against the voter registration 13 information in the voter rolls. 14       Q. Does that process also entail 15 comparing the signatures? 16       A. It varies by state. Sometimes there 17 are people who are assigned exclusively to 18 signature matching. And sometimes it is the 19 people who are checking the ballots when they 20 first come in. And sometimes it is done 21 mechanically by a software that reads the 22 signatures. 23       Q. Okay. And to your knowledge, is that 24 done as part of the Texas process for early 25 voting balloting boards with -- with regard to</p>	<p>1 signatures? 2       A. To my knowledge, yes, I believe it is. 3       Q. And then what is a signature 4 verification committee? 5       A. My guess would be that if there is -- 6 and, again, this is my understanding of it 7 based on observations in other places -- my 8 guess is that if there is a question about the 9 signature, they don't match, they're not within 10 a certain percentage of accuracy of each other, 11 that that is then advanced to another group of 12 people who does a more intensive check on the 13 signatures. 14       Q. Okay. And can you -- I guess, when 15 they're comparing signatures, are they doing so 16 with the signature that they have on file that 17 you mentioned earlier that maybe is collected 18 at DPS versus the signature that's on the 19 envelope if it's a mail in ballot? 20       A. That's correct. Depending on the 21 location, they use the electronic signature 22 collected through DPS as a way to compare the 23 signature, or if the person registered via 24 paper, then that signature was likely scanned 25 into the voter registration system, and then</p>	129

<p style="text-align: right;">130</p> <p>1 agencies that includes, things like Health and  2 Human Services, possibly Veterans  3 Administration offices, something to that  4 effect. I think there are, I don't know, eight  5 agencies, maybe, on that list.  6 Q. Okay. And in -- in your report, did  7 you analyze the extent to which any of those  8 registration agencies alleviate the burden on  9 voters?  10 A. I did not in my report. Although,  11 that could be taken into consideration when  12 looking at cost of voting. And it's  13 important -- I'm not trying to not answer your  14 question, but we do know, on behavior, that  15 often in those agencies, people don't utilize  16 the voter registration the way they do in DPS.  17 Often, because the business that they're there  18 to take care of, you know, is more -- might  19 rank more important at the time or might be  20 resource intensive and -- and so, it might not  21 be as high a priority at the time that they're  22 taking care of that business.  23 Q. Okay. But those avenues for  24 registration were not considered as part of  25 your report, correct?</p>	<p style="text-align: right;">132</p> <p>1 Q. Okay. And is there any kind of cutoff  2 for where you define younger person as opposed  3 to an older person?  4 A. Generally, when we are looking at  5 young voters in American politics, we are  6 looking at people 29 -- between 18 and 29 years  7 of age.  8 Q. And is that the age group that you  9 looked at for the purposes of this report and  10 your conclusions that were -- where you cited  11 Charlotte Hill?  12 A. Yes. So, she actually breaks down  13 information for 18 to 24, and 25 to 29, in her  14 report, and that is very common. Other  15 information I cite does under 30, so I  16 generally talked about young voters as being 29  17 and under, or under 30.  18 Q. Okay. How much more, I guess, for  19 lack of better phraseology for that, how much  20 more does it cost for younger voters than for  21 older voters?  22 A. To register to vote in general or with  23 the original signature requirement?  24 Q. To register to vote under the original  25 signature requirement.</p>
<p style="text-align: right;">131</p> <p>1 A. No. But my understanding of how the  2 information is collected through those, is that  3 that would be more similar to DPS, where they  4 might collect an electronic signature or create  5 a -- a separate file that then they transmit to  6 the voter registration election officials.  7 Q. Okay. Do you know who Charlotte Hill  8 is?  9 A. I do know who Charlotte Hill is.  10 She's a researcher at UC-Berkeley.  11 Q. And one of the conclusions I noted, or  12 one of the citations you use in your report for  13 her is the proposition that young people have a  14 hard time figuring out how to register to vote  15 and meeting the cost of registering to vote  16 than other voters. Is that accurate?  17 A. Yes, that is correct.  18 Q. And you conclude that the cost that  19 voter -- that younger voters face in  20 registering is higher than that faced by other  21 Texans. Is that fair to say?  22 A. That is correct. Based not only on  23 Dr. Hill's research, but on a large body of  24 political science research that came before her  25 as well.</p>	<p style="text-align: right;">133</p> <p>1 A. I would say when looking at young  2 voters in particular, that the burden is  3 significantly greater than it is for older  4 voters. And there are a myriad of reasons for  5 that, if you would like me to go into those.  6 Q. Well, I'm just curious as to, again,  7 how are we quantifying it. Are you using both  8 the calculus of voting and the cost of voting  9 index?  10 A. I'm primarily relying on the calculus  11 of voting here, where we consider all of the  12 circumstances surrounding young people that  13 make it more costly for them to participate in  14 the system and to be successful in a voter  15 registration attempt overall.  16 Q. Okay. And you said it's significantly  17 greater. Again, I guess I'm -- I'm just  18 wondering, is there any way to quantify, when  19 you say that younger voters, let's say in  20 Travis County, how much greater is the burden  21 for them as opposed to older voters?  22 A. So, we can look at this and make  23 inferences from the descriptive statistics.  24 So, for example, if we know that, you know, 30  25 percent of households in general don't have</p>

<p style="text-align: right;">134</p> <p>1 printers, but that that number jumps  2 significantly to, say, 60 percent for young  3 voters, then we have, you know, essentially  4 doubled the cost of them being -- having access  5 to a printer to be able to print this and affix  6 their wet ink signature to send to the clerk's  7 office.</p> <p>8           And so, when we take into account,  9 in the calculus of voting, when we say the  10 likelihood that they are digital natives and  11 that they are smartphone reliant, and we can  12 look at the data collected by Pew, we have good  13 information on this, that younger voters are  14 significantly more likely to be smartphone  15 reliant, which makes it more difficult to  16 print. They're less likely to own a printer.  17 They're less likely to have interactions with  18 the postal service, which is based on research  19 that the United States Postal Service has done  20 on how young people utilize the mail. We --  21 they're less likely to own their own  22 transportation and be more reliant on public  23 transportation.</p> <p>24           So, in a calculus of voting  25 equation, right, we can say that all of these</p>	<p style="text-align: right;">136</p> <p>1 distribution of voters, again, we can make  2 inferences based on our knowledge of smartphone  3 reliance and smartphone use as sort of their  4 exclusive way to access the internet, that  5 there was a high likelihood that for young  6 voters it was most likely done throughout a  7 phone app. But that is not, to answer  8 directly, that is not in the data.</p> <p>9           Q. Okay. And do you have any indication  10 of people that registered using the online  11 voter registration tool, whether they did so at  12 their home computer or at a computer located at  13 their school or at work?</p> <p>14           A. That was not information collected in  15 the application. Or if it was, that was not  16 information that was shared with me by the  17 discovery materials.</p> <p>18           Q. And these were -- these were not  19 considerations that you looked at in forming  20 your expert opinion, correct?</p> <p>21           A. No. But I did, again, similar to with  22 the rental data, I did plot smartphone reliance  23 with the -- the applicants themselves, because  24 we geocoded their addresses, so we know where  25 they live and we can map that with census</p>
<p style="text-align: right;">135</p> <p>1 factors compound, making it significantly more  2 costly for a young person to meet all the  3 requirements of the policy.</p> <p>4           Q. Okay. And when we talk about  5 smartphone reliance, what does that mean? Does  6 that mean that, I guess, the person uses the  7 smartphone as their only means of accessing the  8 internet?</p> <p>9           A. That's correct. That's how we -- it's  10 measured in the census data and in Pew research  11 data as well.</p> <p>12           Q. And does that mean that the -- that  13 person does not -- oh, excuse me -- have any  14 access to, like, a home computer, a laptop or a  15 desktop computer?</p> <p>16           A. It means that they reported that they  17 do not have access to a laptop or desktop in  18 their home.</p> <p>19           Q. And for the data that you looked at in  20 this report, do you have any way of knowing  21 whether a person used a smartphone to try to  22 register or a computer?</p> <p>23           A. I do not. It's not differentiated in  24 the application, how they use the app. Though,  25 when we look at the distribution, age</p>	<p style="text-align: right;">137</p> <p>1 tracks. And so, smartphone reliance by voters  2 was one of the things that we looked at, and  3 they -- they do overlap -- well, with the smart  4 -- the census tracks that have high smartphone  5 reliance in Travis County.</p> <p>6           Q. Okay. But the -- the data points that  7 say whether a certain population is smartphone  8 reliant doesn't take into account whether that  9 person has access to a computer, either at  10 their home or at their school/work?</p> <p>11           A. It does. The census question asks  12 what you use to access in your home, and it  13 asks do you have a desktop, do you have a  14 laptop, or a smartphone exclusively.</p> <p>15           Q. Okay. Okay.</p> <p>16                   Are you aware that all students at  17 Austin ISD are issued a laptop?</p> <p>18           A. No, I was not aware of that. But the  19 data also doesn't let me know how many of them  20 are students at Austin ISD.</p> <p>21           Q. So, it wouldn't be --</p> <p>22           A. Because ISD -- I'm sorry.</p> <p>23           Q. No, that's okay. I didn't mean to cut  24 you off.</p> <p>25           A. I was going to ask if that was K-12</p>

<p style="text-align: right;">138</p> <p>1 education.</p> <p>2 Q. Yes, it is.</p> <p>3 A. Okay. So, the majority of those</p> <p>4 students wouldn't be 18 and -- and weren't in</p> <p>5 my analysis.</p> <p>6 Q. Okay. We talked about, I guess, the</p> <p>7 -- the data that you relied on only came from</p> <p>8 Travis County and Cameron County, correct?</p> <p>9 A. Except for the census data that I use</p> <p>10 in here, which is -- I have for all counties</p> <p>11 and the state of Texas.</p> <p>12 Q. Okay. And that was used to formulate</p> <p>13 your conclusions on which parts of your report,</p> <p>14 as far as the census data?</p> <p>15 A. I used census data to look at median</p> <p>16 household income, to look at the percentage of</p> <p>17 renters, to look at smartphone reliance, and to</p> <p>18 look at minority populations.</p> <p>19 Q. Okay. And we talked about the, I</p> <p>20 guess the demographics that you looked at in</p> <p>21 Cameron County and Travis County. Did you look</p> <p>22 at, you know, the -- the racial demographics of</p> <p>23 those two counties?</p> <p>24 A. Yes. I looked at the percent minority</p> <p>25 and -- primarily Hispanic Latino voters,</p>	<p style="text-align: right;">140</p> <p>1 anywhere in here accounting for -- well, let me</p> <p>2 just ask you this. You would agree with me</p> <p>3 that there's a significant population in Texas</p> <p>4 that is -- is not -- you know, are not</p> <p>5 citizens. I mean, they may be recent</p> <p>6 immigrants here on a visa, but they're not --</p> <p>7 I'm sorry, they're -- they're not necessarily</p> <p>8 citizens for the purposes of establishing their</p> <p>9 eligibility to vote.</p> <p>10 A. Right. So, they would not be voting</p> <p>11 eligible. Yes, I believe that there probably</p> <p>12 are. I don't know the size in Travis County,</p> <p>13 or in the state of Texas as a whole, but I'm</p> <p>14 sure that there is a -- a portion of the</p> <p>15 population that is not voting eligible.</p> <p>16 Q. Okay. So, where is that captured</p> <p>17 again, I guess, in -- in these statistics? Can</p> <p>18 you -- can you just point me to which stats</p> <p>19 reflect that?</p> <p>20 A. The -- the census data doesn't report</p> <p>21 in this table the voting eligible population.</p> <p>22 They just report the voting age population, and</p> <p>23 they report the percent registered to vote.</p> <p>24 Q. Okay. So, that does not account for</p> <p>25 citizenship status, correct?</p>
<p style="text-align: right;">139</p> <p>1 because that's what's included in the voter</p> <p>2 file in the state of Texas.</p> <p>3 Q. Okay. And when you looked at Hispanic</p> <p>4 voters, did you differentiate between -- when</p> <p>5 we're talking about the voting age population,</p> <p>6 the voting age population versus the citizen</p> <p>7 voting age population?</p> <p>8 A. Yes. And I reported those numbers in</p> <p>9 my report on page 16.</p> <p>10 Q. So, is that captured when you write 34</p> <p>11 percent eligible immigrant voters?</p> <p>12 A. So, at the top -- at the top of that</p> <p>13 paragraph, I talked about they make up</p> <p>14 40 percent of the general population, but 26</p> <p>15 percent of the voting age population. They</p> <p>16 make up 28.8 percent of registered voters. So,</p> <p>17 that's the difference between the voting age</p> <p>18 gap and the registered voters in the voter</p> <p>19 registration file. That's the statewide Texas</p> <p>20 voter registration file.</p> <p>21 And then in Travis County,</p> <p>22 Hispanics make up 34 percent of the general</p> <p>23 population, 21.2 of the voting age population,</p> <p>24 and 14.7 percent of registered voters.</p> <p>25 Q. Okay. But I -- I'm not seeing</p>	<p style="text-align: right;">141</p> <p>1 A. That is correct.</p> <p>2 Q. Okay. In looking at, I guess, what</p> <p>3 you -- what you talk about the wet signature</p> <p>4 rule, is it your assertion that this portion of</p> <p>5 HB 3107 is discriminatory on the basis of race?</p> <p>6 A. No, I'm not making that argument. I'm</p> <p>7 saying that it increases the burden</p> <p>8 disproportionately for people who might be</p> <p>9 younger voters, people who might be lower</p> <p>10 income and have less access to a printer and be</p> <p>11 more smartphone reliant, and minority voters,</p> <p>12 who the data also shows are more smartphone</p> <p>13 reliant and don't have access to technology in</p> <p>14 their home, like desktops and laptops, and</p> <p>15 presumably printers as well, because those are</p> <p>16 more often hooked up to desktops, laptops.</p> <p>17 And so, I didn't -- I don't</p> <p>18 conclude that it's discriminatory in nature,</p> <p>19 that's not in the scope of the -- what I</p> <p>20 analyzed. I just looked at the burden and that</p> <p>21 the wet ink signature burden increases the cost</p> <p>22 disproportionately for those voters.</p> <p>23 Q. Okay. What is the proportion by which</p> <p>24 it -- it impacts minority voters more than?</p> <p>25 A. I don't have an -- I don't have an</p>

142	<p>1 exact number attached to it. As a proportion,                  2 it's taken, making sort of an ecological                  3 inference based on the information that we have                  4 about all of those characteristics of voters.                  5 Q. Do you have any data on how many                  6 voters in Texas registered by fax in 2010?                  7 A. I do not. That is not included in the                  8 public voter registration file that I was                  9 provided.                  10 Q. In 2018, how many outreach                  11 organizations conducted registration drives by                  12 setting up a table in an area with high foot                  13 traffic?                  14 A. I would have no way to know that. And                  15 I don't know that it's directly related to the                  16 wet signature burden as presented here, unless                  17 those organizations were submitting                  18 applications via fax.                  19 Q. Okay. But, I guess, did you consider,                  20 I guess, alternative avenues for -- for people                  21 to vote when you were looking at the burden                  22 imposed by the -- the wet signature rule and                  23 the fax requirement?                  24 A. The -- the question that I was asked                  25 to examine and to think about, given the data I</p>	144
143	<p>1 was provided, was whether this wet signature                  2 burden -- wet signature requirement or original                  3 signature requirement increased and presented a                  4 burden to voters.                  5 Q. I mean, doesn't pretty much every, I                  6 guess, registration scheme in any state,                  7 doesn't it present some level of burden?                  8 A. Yes. And then the state, I think, has                  9 the ability to increase or decrease the cost of                  10 those burdens depending on what policies they                  11 make. So, in this case, voters could fax a                  12 form prior to the change in law, and now an                  13 additional step was added on, which increases                  14 the overall burden of this particular process                  15 of being able to register to vote in Texas.                  16 Q. Okay. I'm going to bring Exhibit 1                  17 back up again. And I believe if we go to page                  18 8 -- so, do you remember at the beginning of                  19 this deposition, I asked you if you had any                  20 assumptions that you made, I guess prior to                  21 writing your report, did you make any                  22 assumptions regarding the presence of printers                  23 in the voting population?                  24 A. I looked up information about access                  25 to printers, which I cite here on this page.</p>	145

<p style="text-align: right;">146</p> <p>1 also cited the report. This was the most  2 accessible, so that's what I put in here.  3 Q. Okay. And is Medifax considered a  4 common source for scholars to reference?  5 A. I would say that if I were in an  6 academic article, you sometimes cite new cites  7 and publicly available cites. And for the  8 purposes of this, that's a market research  9 study, and so I don't know that it's outside  10 the scope of what somebody would cite if they  11 were looking for the same information. Like is  12 mentioned, there's not a lot of publicly  13 available information on home printer  14 ownership. It's -- 'cause it's all market  15 research. And so, you know, it's a  16 non-traditional source, but that doesn't make  17 it less valid, I would say.  18 Q. Okay. And I just want to drill down  19 on this because I want to know about whether --  20 I think we -- we established earlier, correct  21 me if I'm wrong, but young people are assumed  22 to be part of this statistic, correct?  23 A. Pew research has more research on what  24 types of technology young people have access to  25 and what types of technology they use. And so,</p>	<p style="text-align: right;">148</p> <p>1 either the calculus of voting or the cost of  2 voting index?  3 A. I don't know in the cost of voting  4 index, I can't speak to that. In the calculus  5 of voting, in my approach to thinking about the  6 original wet signature requirement, yes, I  7 considered the likelihood that somebody has a  8 printer at home which they can conduct their  9 private business on and how likely it was for  10 that to occur and if it -- if it's normally  11 distributed throughout the population. Right?  12 So, that's really the foundation  13 of this piece of the report and the section of  14 the report on young voters, is that, are young  15 voters as likely as older voters to have a  16 printer in the home; are they as likely to have  17 a desktop computer. So, is this requirement  18 equally shared by people across the population,  19 is the question I was looking at.  20 And so, I make the argument that,  21 no, because young people are more likely to be  22 smartphone reliant, probably less likely to own  23 a printer due to that, we do know, based on  24 some research, that young people are less  25 likely to have desktops and laptops and other</p>
<p style="text-align: right;">147</p> <p>1 I also cited some of the Pew research in this  2 report on that. But, yes, an assumption is  3 young people are less likely to have printers  4 in the home.  5 Q. Well, were you asked to make that  6 assumption?  7 A. No, I was not. I was asked to -- to  8 think about the wet signature rule and the  9 steps involved and if it posed a burden or not.  10 Q. Okay. Is there anything else in  11 forming the assumption that young people are  12 part of the 32 percent of Americans who do not  13 have a printer at home?  14 A. Well, I -- I guess I have day to day  15 experience with young voters all the time, and  16 young people. And so, you know, I have some  17 built-in assumptions just based on my  18 experience and direct and constant contact with  19 them. But -- so, that, I guess, could inform  20 my assumptions about young people.  21 Q. Okay. And we talked about the access  22 to fax machines under the provision that's  23 being challenged here, and I want to ask about  24 access to printers. Was a person's ability to  25 access a printer considered in looking at</p>	<p style="text-align: right;">149</p> <p>1 technology in the home, other than a  2 smartphone, those are informing my opinion that  3 the burden is not equally distributed. Right?  4 So, the process of affixing a wet signature to  5 a piece of paper is not the same for everyone.  6 Q. So, you only looked at whether these  7 young people were likely to have a printer in  8 the home as part of the -- the burden analysis?  9 A. Yes.  10 Q. Okay. Of the 32 percent of Americans  11 who are cited as not having a printer in their  12 home, how many have a printer available at  13 school?  14 A. It's unknown to me, and unknown what  15 the school policies on printing may be.  16 Q. How many of the 32 percent have a  17 printer available to them at their place of  18 work?  19 A. That is also unknown to me. However,  20 there could be workplace restrictions on being  21 able to print as well.  22 Q. And how many of the 32 percent have  23 access to a printer within walking distance of  24 their home, say, at a post office or library?  25 A. Again, I don't have a way to know</p>

<p style="text-align: right;">150</p> <p>1 that. Of course, then there are assumptions  2 that people can access those printers, you  3 know, outside of working hours. Libraries  4 might not be accessible to all people all the  5 time. And so, again, when you say they have to  6 walk somewhere to print it, that is an  7 additional burden. Right?  8         So, remembering, if I'm at home  9 and I fill out my voter application at home,  10 and then I have to remember that when I get to  11 work the next day, or when I get to school the  12 next day, or I have to walk down the street to  13 print it, that has still increased, even if  14 slightly, but it has still increased the cost  15 of me being able to register to vote over  16 someone else who might have a printer at home.  17         Or if my digital image signature,  18 which I have already affixed to affirm that my  19 name and information is correct, were accepted,  20 then I wouldn't have to incur that additional  21 cost.  22         MR. SCANLON: Well, I'm going to  23 object to the extent the response is  24 nonresponsive.  25 BY MR. SCANLON:</p>	<p style="text-align: right;">152</p> <p>1         Q. So, is there a difference, I guess --  2 I'm sorry if I'm repeating the question -- but  3 is there a difference between smartphone  4 dependent and smartphone reliable [sic]?  5         A. I think -- no, I don't think that  6 there is. So, the census measure is smartphone  7 dependence, meaning that you have only a  8 smartphone in the home with no other device. I  9 believe Pew uses smartphone reliance, but it's  10 the same implication.  11         Q. Okay. Are there -- do you know how  12 many smartphone dependent people in Texas  13 cannot use direct mail?  14         A. I do not. I would assume it's only  15 people who do not have a physical mailing  16 address or post office box.  17         Q. Okay. But do you know how many people  18 that applies to?  19         A. No, I do not.  20         Q. Do you know how many of the smartphone  21 reliant people rent a home?  22         A. No, I do not. I do not believe I  23 included that.  24         Q. The basis for the, I guess, the  25 smartphone reliant figures that you cite here,</p>
<p style="text-align: right;">151</p> <p>1         Q. Out of the 32 percent of Americans who  2 do not have a printer at home, how many were  3 unable to register to vote because there was  4 not a printer available by any other means?  5         A. I cannot answer that question. I do  6 not know.  7         Q. Would you agree with me that locating  8 a computer printer is easier than locating a  9 fax machine?  10         A. I would agree that that is probably  11 likely, yes.  12         Q. Do you know how many smartphone  13 dependent -- and I guess I'll just pause here  14 and ask, is -- is there a difference between  15 when you say someone is smartphone dependent  16 versus smartphone reliant?  17         A. I believe I use dependent primarily in  18 the report, meaning that they -- that is  19 essentially their exclusive way of accessing  20 the internet in their home. But I -- I could  21 see the argument to use them interchangeably.  22         Q. And I'm just scrolling here to page  23 13, I think you talk about this a little bit on  24 this page.  25         A. Yes.</p>	<p style="text-align: right;">153</p> <p>1 does this all come from census data?  2         A. This is all census data, yes.  3         Q. And the census data gives you those  4 measures by -- by each county in Texas, is that  5 correct?  6         A. By census tracked within county. So,  7 we can -- this, on the page that you are  8 showing right now, it shows it by county. If  9 we wanted to drill down into a county, like  10 with Travis County, we can break it down into  11 census track.  12         Q. Okay. So -- so, for, I guess, the --  13 the 60 percent of smartphone dependent people  14 in, I guess in -- in Texas, is what you say  15 here --  16         A. Um-hmm.  17         Q. -- how many of those people were not  18 able to register to vote?  19         A. Again, I wouldn't have information at  20 that level. I would have to know who those 16  21 percent of people were, and then that they were  22 smartphone reliant, and then if they attempted  23 to register and were successful, and I don't  24 have any way to know that information.  25         Q. Okay. Same question for Travis</p>

<p style="text-align: right;">154</p> <p>1 County, would you answer that the same way?</p> <p>2 A. Yes, I'd answer it the same way.</p> <p>3 Q. And you would answer the same way for</p> <p>4 all the other counties that you mentioned in</p> <p>5 this paragraph?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. And is this part of the descriptive</p> <p>8 statistics you mentioned, as being kind of</p> <p>9 central to your approach in this report?</p> <p>10 A. Yes, these are averages. So, these</p> <p>11 are descriptive statistics, so they're showing</p> <p>12 what smartphone reliance looks like. So, you</p> <p>13 know, it's reasonable to assume based on this,</p> <p>14 that people in Travis County are less</p> <p>15 smartphone dependent more than, say, people in</p> <p>16 Bexar County, right. Bexar County is -- is</p> <p>17 higher, 17 percent, than Travis at 9 percent.</p> <p>18 So, we would expect to see more people</p> <p>19 smartphone reliant in Bexar County than Travis</p> <p>20 County.</p> <p>21 Q. Would that be any -- you know, would</p> <p>22 that be a reason to not, you know, infer that</p> <p>23 the burdens are the same on the population in</p> <p>24 those counties?</p> <p>25 A. So, you could infer that with the wet</p>	<p style="text-align: right;">156</p> <p>1 similar situation in other counties and make</p> <p>2 inferences about people in those counties. So,</p> <p>3 for example, in Cameron County, we know 26</p> <p>4 percent of people, we can make inferences that</p> <p>5 it's likely more difficult for people in</p> <p>6 Cameron County to access a printer than it is</p> <p>7 for people in Travis County.</p> <p>8 But that doesn't mean that we</p> <p>9 can't say people in other counties, if they</p> <p>10 were similar they -- then they -- you know</p> <p>11 it -- it would be in the same situation. And</p> <p>12 so, inferences take being able to -- to take</p> <p>13 the data in front of us and infer what might</p> <p>14 happen in other counties across the state.</p> <p>15 BY MR. SCANLON:</p> <p>16 Q. And you testified earlier that you did</p> <p>17 not use inferential statistics as a method to</p> <p>18 write this report, correct?</p> <p>19 A. I didn't use inferential statistics in</p> <p>20 form of models, like regression models, but</p> <p>21 making inferences based off descriptive</p> <p>22 statistics is a very common practice and, you</p> <p>23 know, widely accepted. Anything that uses,</p> <p>24 essentially, percentages to discuss patterns of</p> <p>25 behavior or -- or observations, is using --</p>
<p style="text-align: right;">155</p> <p>1 signature requirement and the need to print a</p> <p>2 form, that people in Bexar County may incur a</p> <p>3 higher cost, more likely to incur a higher cost</p> <p>4 than people in Travis County.</p> <p>5 And then when you look at Cameron</p> <p>6 County, 26 percent of residents are smartphone</p> <p>7 dependent, so they're going to pay a higher</p> <p>8 cost of trying to find a printer and affix</p> <p>9 their signature than people in either Bexar</p> <p>10 County or Travis County.</p> <p>11 Q. Okay. But earlier you testified that</p> <p>12 because of the demographic information you</p> <p>13 looked at related -- related Travis and Cameron</p> <p>14 counties related to income, whether a person</p> <p>15 rents or owns, whether they're younger and</p> <p>16 whether they belong to a minority group, that</p> <p>17 you could use that information and infer that</p> <p>18 any other county in Texas would have a similar</p> <p>19 level of burden for, you know, registering to</p> <p>20 vote. Is that accurate?</p> <p>21 MS. YUKEVICH: Objection to the</p> <p>22 extent it mischaracterizes her testimony.</p> <p>23 THE WITNESS: So, what I said was</p> <p>24 you could use the data from these counties, and</p> <p>25 I said you could take people who are in a</p>	<p style="text-align: right;">157</p> <p>1 making inferences based off of descriptive</p> <p>2 statistics.</p> <p>3 Q. So, how do we infer that the</p> <p>4 demographic statistics lead us to one</p> <p>5 conclusion about the burden being uniform</p> <p>6 throughout the state, essentially, and another</p> <p>7 that looks at smartphone usage and says these</p> <p>8 people have different levels of smartphone</p> <p>9 reliance, and therefore, the burden is bound to</p> <p>10 be, you know, different for those counties? I</p> <p>11 think that's what you testified to, right? I</p> <p>12 mean, how would you reconcile that?</p> <p>13 A. I believe what I said was that if you</p> <p>14 take people in a similar situation in a</p> <p>15 different county, that you could expect the</p> <p>16 burden to be the same. So, we have sort of two</p> <p>17 things here. I can say overall the burden is</p> <p>18 likely less for people in Travis County than</p> <p>19 Cameron County because overall people in Travis</p> <p>20 County are not as smartphone reliant as people</p> <p>21 in Cameron County.</p> <p>22 However, that does not mean that</p> <p>23 everybody in Travis County has a printer at</p> <p>24 home or is not smartphone reliant. It's just</p> <p>25 that those individuals in Travis County are</p>

<p style="text-align: right;">158</p> <p>1 more likely. But a person similarly situated  2 in Cameron County, say that they are smartphone  3 dependent, say that they don't -- they are a  4 renter, that they are new in the area, maybe  5 they just moved, with a person who is  6 smartphone dependent who is a renter who maybe  7 just moved in Travis County, those two people  8 are similarly situated.  9       So, the aggregate statistics at  10 the county level allow us to make comparisons  11 between groups. The inference we are making is  12 that similarly situated individuals within the  13 different counties might expect to have the  14 same burden even though they're in counties  15 that overall are different. And I think that's  16 how I -- that's what I testified to, and that's  17 how we use the statistics.  18       Q. So, according to this map that I have  19 pulled up, page 13, there are -- and you'll  20 forgive me here, I'm -- I'm a little bit  21 colorblind, but there are some counties in  22 Texas that are at a 60 percent level of  23 smartphone reliance, correct?  24       A. Correct. Yeah.  25       Q. And I guess my question is, are any of</p>	<p style="text-align: right;">160</p> <p>1 digital appli- -- applications with digital  2 signatures; is that correct?  3       A. They have -- well, I guess, could you  4 restate your question? I don't understand what  5 the question is.  6       Q. Sure.  7       So, Travis County has a much  8 higher number of applications that include a  9 digital signature, despite having a lower  10 reliance on smartphones, right?  11       A. Yes. But Travis County is  12 significantly larger than Cameron County.  13       Q. Did you account for, you know, those  14 proportions in determining, you know, what the  15 level of the burden was?  16       A. In all of the data reported here about  17 the counties, it's aggregated by county, and so  18 it's a percentage of the county size, so that  19 doesn't account for the population.  20       Q. So, if Cameron County is 26 percent  21 smartphone reliance, did you look at, you know,  22 how much of the population that accounts for?  23       A. No, not in a raw number.  24       Q. Did you do that for Travis County?  25       A. Not in raw number. Just the</p>
<p style="text-align: right;">159</p> <p>1 those counties included as a party to this  2 lawsuit?  3       A. No. The -- the counties that I list  4 above, none of those are at 60 percent.  5       Q. Do you know if any of the counties  6 that are 50 percent are included as a party to  7 this lawsuit?  8       A. No. The -- the highest county is  9 Cameron County at 26 percent.  10       Q. Okay. Going to go to pages 14 and 15  11 here. And in footnote 55, you write:  12       Travis and Cameron County are the  13 only counties that provide copies of all  14 applications they receive with digital  15 signatures. Cameron County is a small sample,  16 17, but Travis County is fairly large, 937.  17       Did I read that accurately?  18       A. Yes.  19       Q. But we said earlier that Cameron  20 County is the highest county with -- in terms  21 of their smartphone reliance, right?  22       A. Of the counties looked at in this  23 report exclusively, yes.  24       Q. But Travis County, with a lower  25 percentage, has a much higher incidence of</p>	<p style="text-align: right;">161</p> <p>1 percentages.  2       Q. So, you couldn't determine whether  3 there was a connection between, you know, just  4 based on looking at those proportions, whether  5 the level of smartphone incidence led to a  6 higher rate of applying using a digital  7 signature?  8       A. No. But I would need more  9 information, such as, like, the total number of  10 applications received. So, what proportion  11 were received using the smartphone application.  12       Q. And you didn't have that information  13 when you compiled this report, correct?  14       A. Correct. I did not.  15       Q. Out of the 937 people you cite in  16 Travis County, how many of these people were  17 eventually able to register using other methods  18 other than the electronic signature method or  19 the fax machine method?  20       A. I cannot answer that because I did not  21 have time to -- so, the 962 applications didn't  22 include voter registration information with  23 them. They were just copies of the  24 applications themselves. So, I'd have to match  25 them back to the voter file and then determine</p>

<p style="text-align: right;">162</p> <p>1 whether or not they were able to successfully 2 register and when that occurred. 3       And in order to do that, because 4 voter data is often complex, and I would have 5 to do some, certainly matching on the file, and 6 so between the time I received the information, 7 created a usable spreadsheet of the 8 applications and had to submit my report to the 9 court, I did not have time to complete that 10 step. 11       Q. Okay. So, you don't know how many 12 people were able to register even -- even 13 though they applied using this electronic 14 signature method, right? 15       A. That is correct, yes. 16       Q. How many were prevented from 17 registering because they didn't have access to 18 a fax machine? 19       A. Well, all 962 of these applications, 20 including the -- the 937 that was used in the 21 analysis, submit -- these are only the people 22 who submitted via the app. 23       Q. Okay. 24       A. So, they were submitted via facsimile. 25       Q. Do you have any data on people who</p>	<p style="text-align: right;">164</p> <p>1 again, the Cameron sample was very small. And 2 then the other two counties at question at the 3 time didn't provide data that I could use to do 4 this. 5       Q. Do you think that Travis County would 6 be comparable to Medina County? 7       A. I think that Travis County, if I 8 recall about Medina, Travis County is a little 9 higher median income and has a little less 10 smartphone reliance. And so, they may be in a 11 -- the burden might be, you know, slightly less 12 for people in Travis. 13       But then when we look down at 14 voters within Travis and voters within Medina, 15 again, if we wanted to make sort of comparisons 16 across individuals, if we were able to do that, 17 then I would think that we could still make 18 inferences from what we found in Travis and -- 19 and apply to people in Medina. 20       Q. I'm going to go back to page 17, where 21 you talked about renters. The -- I guess where 22 you make the claim that renters are more likely 23 to be low income and Hispanic or black, that's 24 cited to this Hourin source, correct? 25       A. Correct.</p>
<p style="text-align: right;">163</p> <p>1 tried to register using a fax machine that 2 didn't use the Vote.org app? 3       A. It was not indicated in the file 4 how -- again, for Travis County, I received 5 actual physical copies of scanned applications, 6 not a file that indicated how they applied, 7 just that these were the ones received via 8 facsimile through the -- the Vote.org app. 9       Q. Okay. So, again, the question was, 10 did you look at any voter applications that 11 came from facsimile that were not through the 12 Vote.org app? 13       A. No, I was not provided any of those. 14       Q. Of all these, you know, digitally 15 signed applications, how many were using a 16 computer? 17       A. That is not indicated on the form. 18       Q. Do you know how many were done using a 19 smartphone? 20       A. That is also not indicated on the 21 form. 22       Q. And you only used this methodology for 23 Travis County, correct? 24       A. Yes. I also -- well, I also used it 25 for Cameron, which is in the appendix. But</p>	<p style="text-align: right;">165</p> <p>1       Q. Does that statistic apply to Travis 2 County individually? 3       A. That's a general finding nationwide. 4 And so, I would imagine that that would apply 5 to Travis County as well. 6       Q. Okay. But you didn't have a source 7 here that's specific to Travis County or to -- 8 to Texas, for that matter; is that correct? 9       A. No. But those findings are pretty 10 consistent nationally, so -- but, no, I did 11 not. 12       Q. I guess, other than this source, where 13 can I go to learn about how these findings are 14 the same, you know, no matter where you go? 15       A. You could likely find rates of home 16 ownership in the census, the full census, and 17 the American community survey, and you could 18 break it down by race and ethnicity. There's 19 lots of research in economic -- in the 20 economics field about rates of home ownership, 21 and that homeowners are more likely to be white 22 than minority groups. 23       I think if you're looking for a 24 specific source, I think Jessica Trounstone is 25 a political scientist who -- who looks at that</p>

<p style="text-align: right;">166</p> <p>1 stuff. But I don't -- again, I don't know</p> <p>2 necessarily for Texas, but for Texas, you could</p> <p>3 look at it in the census data.</p> <p>4 Q. Okay. Going to go to page 20. In</p> <p>5 your conclusion, you make the statement that</p> <p>6 the wet signature rule does not make elections</p> <p>7 more secure. And I'm -- I'm paraphrasing there</p> <p>8 a little. Let me see if I can get the actual</p> <p>9 quote. I think it's in the -- this paragraph:</p> <p>10 In my expert opinion, the wet</p> <p>11 signature rule does not make the voter rules</p> <p>12 more accurate or elections more secure.</p> <p>13 And I'll stop there, and I just</p> <p>14 want to verify what we talked about earlier,</p> <p>15 that you were -- you were only retained to give</p> <p>16 an opinion on whether the rule imposed a burden</p> <p>17 on certain categories of voters, correct?</p> <p>18 A. Right. Whether it imposed a burden</p> <p>19 overall. And, you know, the -- in the process</p> <p>20 of reading the laws, looking at the -- and in</p> <p>21 my research, looking at sort of the material</p> <p>22 purpose of the wet signature requirement.</p> <p>23 MR. SCANLON: I'll object to the</p> <p>24 portion that's nonresponsive.</p> <p>25 BY MR. SCANLON:</p>	<p style="text-align: right;">168</p> <p>1 Does that sound good to everyone?</p> <p>2 MS. YUKEVICH: Yeah, sounds good.</p> <p>3 MR. SCANLON: Let's go off the</p> <p>4 record.</p> <p>5 THE REPORTER: Going off the</p> <p>6 record. The time is 3:22 p.m.</p> <p>7 (Recess taken.)</p> <p>8 THE REPORTER: We are back on the</p> <p>9 record. The time is 3:37 p.m.</p> <p>10 BY MR. SCANLON:</p> <p>11 Q. All right, Dr. Bryant, I want you to</p> <p>12 assume for the purposes of the next question</p> <p>13 that you have someone who's applied with a</p> <p>14 application using a digital application, and</p> <p>15 the application looks very different from, I</p> <p>16 guess, the other signature that the county has</p> <p>17 on file for this person.</p> <p>18 How would a registrar address that</p> <p>19 issue? Maybe registrar is not the right word,</p> <p>20 but how would the county address that issue</p> <p>21 when they see a signature that's not matching?</p> <p>22 A. Just to clarify, the -- the image</p> <p>23 signature on the application doesn't match one</p> <p>24 they previously have on file?</p> <p>25 Q. Yes. Let's just say it looks, you</p>
<p style="text-align: right;">167</p> <p>1 Q. Were you retained to give any expert</p> <p>2 opinion on what the state's interest is in</p> <p>3 enacting this law?</p> <p>4 A. I was asked to look at the wet</p> <p>5 signature rule as a burden overall, and sort of</p> <p>6 if that addition increased the cost of voting,</p> <p>7 so...</p> <p>8 Q. Did you speak with any election</p> <p>9 officials regarding the administration of this</p> <p>10 rule?</p> <p>11 A. No, I did not.</p> <p>12 Q. Have you ever spoken with election</p> <p>13 officials about registration -- registration</p> <p>14 requirements in any other context?</p> <p>15 A. Yes, I have worked a lot with</p> <p>16 registration officials. And in the process of</p> <p>17 doing my research with ERIC and with Pew, I've</p> <p>18 worked with chief election officials in upwards</p> <p>19 of seven states now, and so that work focuses</p> <p>20 exclusively on voter registration, so have had</p> <p>21 lots of conversations about voter registration</p> <p>22 with election officials.</p> <p>23 MR. SCANLON: Been going at it</p> <p>24 again for a little over an hour. I'm going to</p> <p>25 propose that we -- we take another break again.</p>	<p style="text-align: right;">169</p> <p>1 know, really different from the one they have</p> <p>2 on file.</p> <p>3 A. I -- I would imagine -- again, this is</p> <p>4 a hypothetical, so it's speculation, but I</p> <p>5 would imagine that the local election official</p> <p>6 would reach out to that voter and inform them</p> <p>7 that the signatures they have don't match, and</p> <p>8 could they cure their signature or come in and</p> <p>9 provide a signature, similar that to -- to what</p> <p>10 you might do with an absentee ballot.</p> <p>11 Q. Okay. And that process to cure, that</p> <p>12 applies to the provision that's at issue in</p> <p>13 this case too, correct?</p> <p>14 A. I -- I can't speak to if there's</p> <p>15 already policy for that, but asked in a</p> <p>16 hypothetical how I think they might handle it,</p> <p>17 that's how I think they might handle it.</p> <p>18 Q. Okay. And putting the hypothetical</p> <p>19 aside, is it your understanding that there is</p> <p>20 curative provisions regarding the provision at</p> <p>21 issue in this lawsuit?</p> <p>22 A. I did not see language regarding</p> <p>23 curing in the section of HB 3017, so I don't</p> <p>24 know if the policy has been spelled out.</p> <p>25 Q. So, that was not factored into your</p>

170

1 expert conclusion, correct?  
 2 A. Correct.  
 3 Q. I want to take a look at Appendix C  
 4 real quick in Exhibit 1. All right, and I'll  
 5 hit the screen share.  
 6 Okay. So, we're looking at the  
 7 numbers from Cameron County now, and I'll just  
 8 go to the part -- I think it's in the -- the  
 9 first -- yeah, at the end of the first  
 10 paragraph, you say that two individuals did not  
 11 get registered until after election day; two  
 12 people did not attempt to correct their  
 13 registration at all.  
 14 So, that would be four people,  
 15 right, that registered after election day?  
 16 A. Two people after election day and two  
 17 who did not appear in the voter registration  
 18 file that I got.  
 19 Q. Okay. And I think at the last -- in  
 20 the last sentence you write that two  
 21 individuals did not register at all when faced  
 22 with the additional burden of the wet signature  
 23 rule.  
 24 Did I read that accurately?  
 25 A. That's correct.

171

1 Q. And did you have any basis to say that  
 2 these two individuals chose not to register  
 3 because they had to comply with the wet  
 4 signature rule?  
 5 A. Well, they attempted to use the app to  
 6 register to vote, and so the county they did  
 7 receive an application. The application was  
 8 sent back to the individuals, or notification  
 9 was sent to them that they had to submit a wet  
 10 signature, and then they did not do that. And  
 11 so, as of January 2021, they still did not  
 12 appear in the voter registration file.  
 13 And so, given that they had  
 14 attempted to register but then did not  
 15 register, my assumption was, when they had to  
 16 produce the wet signature and do the curing,  
 17 for lack of a better term, to meet the  
 18 requirement, that they did not.  
 19 Q. So, this is another assumption that  
 20 they did this solely because of the -- the  
 21 burdens of the wet signature rule, correct?  
 22 A. Sure. I mean, I can make lots of  
 23 assumptions about, you know, if they were,  
 24 like, well, I'm not going to get registered in  
 25 time for the election, so I may as well just

172

1 not do it. But, you know, I can't know that  
 2 for sure, yes.  
 3 Q. Did you attempt to reach out to these  
 4 two voters to speak with them?  
 5 A. No, I -- I did not attempt to contact  
 6 any of the people that appeared in the voter  
 7 file or in the documents I received.  
 8 Q. Okay. And can I ask why that's not  
 9 your practice?  
 10 A. Given that there was a lawsuit pending  
 11 about this, I don't know what the legal rules  
 12 around that are. But I was asked look at the  
 13 burden, for the burden's sake, and how it might  
 14 present a burden for voters overall, not to  
 15 interview or contact specific people about it.  
 16 And I wouldn't want to overstep my bounds or do  
 17 any sort of -- anything that's like an  
 18 egregious violation of -- of protocol.  
 19 Q. Sure.  
 20 A. So, it didn't even occur to me to  
 21 interview them.  
 22 Q. Sure. In -- in any of your -- I guess  
 23 you said this wasn't a field experiment, but in  
 24 any of your methodologies that you've used,  
 25 have you ever spoken with individual voters to

173

1 get a sense of how they grapple with certain  
 2 burdens as it comes to voting?  
 3 A. Yes. So, I have helped draft and  
 4 distribute and circulate surveys about people's  
 5 experience with the voting process. I have  
 6 also run, not a field experiment, but  
 7 essentially an in-person experiment with people  
 8 and asked them about their experience  
 9 registering to vote.  
 10 I have talked with voters and done  
 11 exit polling and asked people about their  
 12 experience with the voting system overall,  
 13 which includes voter registration as a  
 14 component. So, I've had multiple conversations  
 15 with people about voter registration, including  
 16 -- including voters and election officials and  
 17 poll workers, about voter registration and the  
 18 various experiences with that.  
 19 Q. Have you ever used any of those  
 20 methods in Texas?  
 21 A. I did not personally interview people  
 22 in Texas when we did our field experiment, but  
 23 we did have exit polling done by students in  
 24 Texas for that.  
 25 Q. For -- for this report?

174	<p>1 A. No, not for this report. I didn't</p> <p>2 contact or interview any of the people in the</p> <p>3 data.</p> <p>4 Q. Okay. So, you've used those methods</p> <p>5 in the past, but that was not part of your,</p> <p>6 let's just say scope of work for this report,</p> <p>7 correct?</p> <p>8 A. That's correct. My scope of work was</p> <p>9 to look at the -- the law as written and</p> <p>10 implemented and if that created a burden in the</p> <p>11 aggregate for voters.</p> <p>12 MR. SCANLON: Objection,</p> <p>13 nonresponsive.</p> <p>14 BY MR. SCANLON:</p> <p>15 Q. We talked about using digital</p> <p>16 signatures and using wet ink signature. Let me</p> <p>17 just ask, when you sign an electronic screen</p> <p>18 with a stylus, does your signature look the</p> <p>19 same as when you sign with an ink pen?</p> <p>20 A. My signature is pretty close, yes.</p> <p>21 Q. Okay. So, it doesn't look any</p> <p>22 different when you use a stylus as opposed to a</p> <p>23 wet ink signature?</p> <p>24 MS. YUKEVICH: Objection, asked</p> <p>25 and answered.</p>	176	
175	<p>1 THE WITNESS: My signature is</p> <p>2 pretty consistent with a stylus and a pen.</p> <p>3 BY MR. SCANLON:</p> <p>4 Q. Okay. I have one more exhibit to</p> <p>5 cover. I hope this -- let me produce this</p> <p>6 first in the chat.</p> <p>7 (Exhibit 4 marked.)</p> <p>8 Q. (BY MR. SCANLON) Okay. Dr. Bryant,</p> <p>9 we talked about your Twitter account earlier,</p> <p>10 and I just want to double check. Do you</p> <p>11 recognize this as a Tweet from your account?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And it looks like, if I scroll</p> <p>14 down here, you're quoting a different Tweet</p> <p>15 that talks about a provision under the Texas</p> <p>16 Election Code about transporting people to the</p> <p>17 polls. Is that accurate?</p> <p>18 A. Yes.</p> <p>19 Q. Are you aware of the current status of</p> <p>20 that bill?</p> <p>21 A. No, I am not.</p> <p>22 Q. And then in the body of your Tweet,</p> <p>23 you write:</p> <p>24 Sure, this is what election</p> <p>25 officials should spend their time doing,</p>	<p>1 policing rides to the polls.</p> <p>2 And is it fair to say that that --</p> <p>3 those first couple sentences are said with</p> <p>4 sarcasm?</p> <p>5 A. Yes, that is fair.</p> <p>6 Q. Okay. And then you write:</p> <p>7 Come on, TX, this isn't about</p> <p>8 election security in any way, shape or form,</p> <p>9 this is about voter suppression, plain and</p> <p>10 simple, #protecttherighttovote.</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. Okay. When it comes to HB 3107, do</p> <p>14 you believe that this is a form of voter</p> <p>15 suppression?</p> <p>16 A. I believe it -- it could be perceived</p> <p>17 that way. I believe it's putting an additional</p> <p>18 administrative burden on voters for a policy</p> <p>19 that has been longstanding before this change</p> <p>20 to 3107, as we discussed earlier, and wasn't</p> <p>21 required. And so, the intention seems to be</p> <p>22 just to add an additional step to voters. And</p> <p>23 placing a four-day window, in particular, if we</p> <p>24 think about administrative burden, especially</p> <p>25 if -- if voters are using the mail and taking</p>	177

<p style="text-align: right;">178</p> <p>1 not voter suppression?</p> <p>2 A. I would say yes, that --</p> <p>3 Q. So -- I'm sorry. I didn't mean to cut</p> <p>4 you off.</p> <p>5 A. That's okay. I was just going to say</p> <p>6 that, yes, it's a seemingly arbitrary</p> <p>7 requirement with a seemingly arbitrary</p> <p>8 deadline. And it's not used for purposes of</p> <p>9 identifying or confirming identity of the</p> <p>10 voter, it's simply another administrative</p> <p>11 burden to add when the voter has already met</p> <p>12 all the requirements and they have affirmed</p> <p>13 with their digital image signature that they</p> <p>14 have met those requirements. And the signature</p> <p>15 on a voter registration form is not identity</p> <p>16 confirmation, it's just affirmation that the</p> <p>17 information you corrected -- that you provided</p> <p>18 is true and accurate.</p> <p>19 So, by the voter having completed</p> <p>20 that with a digital signature and submitted</p> <p>21 their information, they've already met the</p> <p>22 requirements to register to vote. And so, I</p> <p>23 think that adding the additional burden step is</p> <p>24 a way to suppress voter registration.</p> <p>25 MR. SCANLON: I'm going to object</p>	<p style="text-align: right;">180</p> <p>1 to --</p> <p>2 MR. SCANLON: That's okay. I can</p> <p>3 say it again.</p> <p>4 BY MR. SCANLON:</p> <p>5 Q. Do you intend to testify to any</p> <p>6 opinions other than the opinions we've</p> <p>7 discussed here today?</p> <p>8 A. No, I don't.</p> <p>9 Q. Okay. Have you understood all of the</p> <p>10 questions that I've asked today?</p> <p>11 A. Yes, I believe I understood the</p> <p>12 questions today.</p> <p>13 Q. And have I been courteous in asking</p> <p>14 you these questions?</p> <p>15 A. Yes.</p> <p>16 MR. SCANLON: Okay. With that, I</p> <p>17 will pass the witness.</p> <p>18 Thank you very much, Dr. Bryant,</p> <p>19 for taking your time to testify today.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 THE REPORTER: Any other</p> <p>22 questions?</p> <p>23 All right, well, then --</p> <p>24 MS. YUKEVICH: I'll just ask that</p> <p>25 --</p>
<p style="text-align: right;">179</p> <p>1 nonresponsive.</p> <p>2 I hate to do this again so quickly</p> <p>3 after the break, but I think I'm about done.</p> <p>4 And if I do have any more questions, it's only</p> <p>5 going to be a few. If we could just take a</p> <p>6 quick five-minute break, and then I'm going to</p> <p>7 check my notes, and if I need to come back with</p> <p>8 more, I will let you all know.</p> <p>9 MS. YUKEVICH: Okay.</p> <p>10 THE REPORTER: We're going off the</p> <p>11 record. The time is 3:51 p.m.</p> <p>12 (Recess taken.)</p> <p>13 THE REPORTER: We're back on the</p> <p>14 record. The time is 3:57 p.m.</p> <p>15 BY MR. SCANLON:</p> <p>16 Q. Okay, Dr. Bryant, I only have a couple</p> <p>17 more questions.</p> <p>18 Do you intend to testify to any</p> <p>19 opinions other than the opinions you've</p> <p>20 discussed here today?</p> <p>21 MS. YUKEVICH: I'm sorry.</p> <p>22 THE WITNESS: Sorry.</p> <p>23 MR. SCANLON: Did you hear --</p> <p>24 MS. YUKEVICH: I wasn't able to</p> <p>25 hear the question. I apologize. I didn't mean</p>	<p style="text-align: right;">181</p> <p>1 (Simultaneous speakers.)</p> <p>2 MS. VEIDT: -- questions until</p> <p>3 time of trial.</p> <p>4 THE REPORTER: Repeat that again.</p> <p>5 MS. VEIDT: I said Travis County</p> <p>6 will reserve questions until time of trial.</p> <p>7 THE REPORTER: Before we go off</p> <p>8 the record, may I ask the parties to state</p> <p>9 their orders for the record if they need a copy</p> <p>10 of the transcript and/or video.</p> <p>11 MS. VEIDT: Travis County just</p> <p>12 wants a copy of the transcript. Thanks, Brian.</p> <p>13 MS. YUKEVICH: Yeah, I think we</p> <p>14 need a copy of the transcript.</p> <p>15 Are you intending to do a rough,</p> <p>16 or no?</p> <p>17 THE REPORTER: It has not been</p> <p>18 requested, but we can certainly accommodate you</p> <p>19 if you would like to have a rough.</p> <p>20 MS. YUKEVICH: Yeah, I think, the</p> <p>21 rough -- what's the turnaround time, just on</p> <p>22 the transcript, just so I --</p> <p>23 THE REPORTER: For a transcript,</p> <p>24 the normal turnaround time would be two weeks.</p> <p>25 MS. YUKEVICH: Okay, yeah, can we</p>

182

1 get a rough?  
 2 THE REPORTER: Yes, ma'am.  
 3 MS. YUKEVICH: Great. Thank you  
 4 so much.  
 5 MR. LOPEZ: And Cameron County  
 6 would take a copy, please.  
 7 THE REPORTER: Yes, Mr. Lopez.  
 8 Okay, with that, we'll go ahead  
 9 and conclude the deposition. The time now is  
 10 3:59 p.m.  
 11 (Deposition adjourned at 3:59 p.m.)  
 12 (Pursuant to FRCP 30(e)(1),  
 13 signature was not requested.)  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

184

1 That the witness, DR. LISA BRYANT, was  
 2 duly sworn by the officer and that the  
 3 transcript of the oral deposition is a true  
 4 record of the testimony given by the witness;  
 5 That the original deposition was  
 6 delivered to CORY SCANLON;  
 7 That a copy of this certificate was  
 8 served on all parties and/or the witness shown  
 9 herein on February 28, 2022;  
 10 I further certify that pursuant to  
 11 FRCP Rule 30(e)(1) that the signature of the  
 12 deponent was not requested by the deponent or a  
 13 party before the completion of the deposition;  
 14 Sworn to by me this 28th day of  
 15 February, 2022.  
 16  
 17  
 18 \_\_\_\_\_  
 19 Brian Christopher  
 20 Notary Public # 12206962  
 21 My Commission Expires 01/05/2025  
 22 Integrity Legal Support Solutions  
 23 P.O. Box 245  
 24 Manchaca, Texas 78652  
 25 (512) 320-8690

183

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE WESTERN DISTRICT OF TEXAS  
 3 AUSTIN DIVISION  
 4 VOTE.ORG, )  
 5 )  
 6 Plaintiffs, )  
 7 )  
 8 VS. )  
 9 )  
 10 )  
 11 JACUELYN CALLANEN, in her )  
 12 official capacity as the )  
 13 Bexar County Elections )  
 14 Administrator, BRUCE )  
 15 ELFANT, in his official )  
 16 capacity as the Travis )  
 17 County Tax )  
 18 Assessor-Collector, REMI ) CIVIL ACTION  
 19 GARZA, in his official )  
 20 capacity as the Cameron ) NO.: 5:21-CV-00649  
 21 County Elections )  
 22 Administrator, MICHAEL )  
 23 SCARPELLO, in his official )  
 24 capacity as the Dallas )  
 25 County Elections )  
 26 Administrator, )  
 27 )  
 28 Defendants, )  
 29 )  
 30 And )  
 31 )  
 32 KEN PAXTON, in his )  
 33 official capacity as the )  
 34 Attorney General of Texas, )  
 35 Intervenor-Defendant. )  
 36 )  
 37 REPORTER'S CERTIFICATION  
 38 DEPOSITION OF DR. LISA BRYANT  
 39 FEBRUARY 7, 2022  
 40 I, Brian Christopher, Online Notary  
 41 Public in and for the State of Texas, hereby  
 42 certify to the following:

RETRIEVED FROM DEMOCRACYDOCKET.COM

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

-----+  
VOTE.ORG, |  
Plaintiff, | Case No.  
vs. | 5:21-cv-649-JKP-HJB

JACQUELYN CALLANEN, |  
in her official capacity as |  
the Bexar County Elections |  
Administrator; BRUCE ELFANT, |  
in his official capacity as |  
the Travis County Tax |  
Assessor-Collector; |  
REMI GARZA, in his official |  
capacity as the Cameron County |  
Elections Administrator; |  
MICHAEL SCARPELLO, in his |  
official capacity as the |  
Dallas County Elections |  
Administrator, |  
Defendants. |

-----+  
CAPTION CONTINUED ON NEXT PAGE|

-----+  
Remote Videotaped Deposition of  
RIVELINO LOPEZ 30(b)(6)  
February 11, 2022

---

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

Page 3

1 Friday, February 11, 2022  
2  
3 Remote Videotaped Deposition of  
4 RIVELINO LOPEZ, a Witness herein, called for  
5 examination by counsel for Plaintiff in the  
6 above-entitled matter, pursuant to Federal Rule of  
7 Civil Procedure 30(b)(6), the witness being duly  
8 sworn by MICHELE EDDY, RPR, CRR, a Notary Public in  
9 and for the District of Columbia, taken virtually with  
10 the witness located in Texas, at 2:19 p.m. Central  
11 Standard Time.  
12  
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14  
15  
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19  
20  
21  
22

Page 2

1 -----+  
2 CAPTION CONTINUED FROM PAGE 1 |  
3 -----+  
4 and |  
5 |  
6 KEN PAXTON, in his official |  
7 capacity as Attorney General |  
8 of Texas, LUPE TORRES, in |  
9 their official capacity as |  
10 Medina County Elections |  
11 Administrator; TERRIE PENDLEY, |  
12 in her official capacity as |  
13 Real County Tax |  
14 Assessor-Collector, |  
15 |  
16 Intervenor-Defendants. |  
17 -----+  
18  
19  
20  
21  
22

Page 4

1 APPEARANCES  
2 ON BEHALF OF THE WITNESS and DEFENDANT DALLAS COUNTY  
3 ELECTIONS ADMINISTRATOR:  
4 JASON G. SCHUETTE, ESQUIRE  
5 BENJAMIN STOOL, ESQUIRE  
6 Dallas District Attorney's Office  
7 Dallas County Administration Building  
8 500 Elm Street, Suite 6300  
9 Dallas, Texas 75202  
10 (214) 653-2798  
11 jason.schuette@dallascounty.org  
12 ben.stool@dallascounty.org  
13  
14 ON BEHALF OF THE PLAINTIFF:  
15 JOSHUA HARRIS, ESQUIRE  
16 NOAH BARON, ESQUIRE  
17 Elias Law Group  
18 10 G Street, Northeast, Suite 600  
19 Washington, D.C. 20002  
20 (202) 968-4490  
21 jharris@elias.law  
22 nbaron@elias.law

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 5

1 ATTENDANCE, Continued  
 2 ON BEHALF OF THE DEFENDANT REMI GARZA, CAMERON COUNTY  
 ELECTIONS ADMINISTRATOR:  
 3 DANIEL N. LOPEZ, ESQUIRE  
 Cameron County Commissioners Court  
 4 Civil Legal Division  
 1100 East Monroe Street, Suite 233  
 5 Brownsville, Texas 78520  
 (956) 550-1345  
 6 daniel.n.lopez@co.cameron.tx.us  
 7 - AND -  
 BARBARA NICHOLAS, ESQUIRE  
 8 Dallas County District Attorney's Office  
 LB 19 Frank Crowley Courts Building  
 9 133 North Riverfront Boulevard  
 Dallas, Texas 75207  
 (214) 653-3600  
 10 barbara.nicholas@dallascounty.org  
 11  
 12  
 13 ON BEHALF OF THE DEFENDANT BRUCE ELFANT, TRAVIS COUNTY  
 TAX ASSESSOR-COLLECTOR:  
 14 CYNTHIA VEIDT, ESQUIRE  
 Travis County Attorney's Office  
 15 P.O. Box 1748  
 Austin, Texas 78767  
 16 (512) 854-9513  
 17 cynthia.veidt@traviscountytx.gov  
 18 - AND -  
 GRETCHEN NAGY, ESQUIRE  
 19 Travis County Sheriff's Officers Association  
 20 400 West 14th Street, Suite B-50  
 21 Austin, Texas 78701  
 22

Page 7

1 EXAMINATION INDEX  
 2 PAGE  
 3 EXAMINATION BY MR. HARRIS 10  
 4 EXAMINATION BY MR. STONE 91  
 5 FURTHER EXAMINATION BY MR. HARRIS 128  
 6  
 7 E X H I B I T S  
 8 (Attached to the Transcript)  
 9 DEPOSITION EXHIBIT PAGE  
 10 Exhibit 4 The Dallas Morning News article 121  
 titled "Hundreds of voter  
 11 registration filed in Dallas  
 County using online tool could  
 12 be 'invalid' and open to legal  
 13 challenges"  
 14 Exhibit P Letter from Andrea Hailey 60  
 15 Exhibit T Responses 78  
 16 Exhibit W Document titled "The Official Website 85  
 of the Dallas County Elections  
 17 Department" with Home, Search,  
 Search Español, Registered Voters  
 18 as of 02/01/22; Total 1,389,354  
 19  
 20  
 21  
 22

Page 6

1 ATTENDANCE, Continued  
 2 ON BEHALF OF JACQUELYN CALLANEN, BEXAR COUNTY  
 ELECTIONS ADMINISTRATOR:  
 3 ROBERT D. GREEN, ESQUIRE  
 4 Bexar County Criminal  
 District Attorney's Office, Civil Division  
 5 101 West Nueva Street  
 San Antonio, Texas 78205  
 6 (210) 335-2311  
 7 robert.green@bexar.org  
 8  
 9 ON BEHALF OF THE ATTORNEY GENERAL OF TEXAS:  
 JONATHAN STONE, ESQUIRE  
 10 KATHLEEN HUNKER, ESQUIRE  
 Office of the Attorney General of Texas  
 11 300 West 15th Street  
 Austin, Texas 78701  
 12 (512) 463-2100  
 13 kathleen.hunker@oag.texas.gov  
 14  
 15 ALSO PRESENT:  
 16 Henry Marta, Video and Exhibit Technician  
 17 Munera Al-Fuhaid, Esquire  
 18 Texas Public Policy Foundation  
 19  
 20  
 21  
 22

Page 8

1 EXHIBIT INDEX CONTINUED  
 2 PREVIOUSLY MARKED AND REFERRED TO  
 3 DEPOSITION EXHIBIT PAGE  
 4 Exhibit B H.B. No. 3107 36  
 5 Exhibit M Defendant Michael Scarpello's 20  
 6 Objections and Response to  
 7 Plaintiff's Notice of Rule 30(b)(6)  
 8 deposition directed to Defendant  
 9 Michael Scarpello, and to  
 10 Intervenor-Defendant Ken Paxton's  
 11 Cross-Notice of Rule 30(b)(6)  
 12 Deposition of Michael Scarpello  
 13 Exhibit X Document titled "The Official Website 33  
 of the Dallas County Elections  
 14 Department" with Home, Search,  
 15 Search Español, Registered Voters  
 16 as of 02/10/22, Total 1,389,813;  
 17  
 18  
 19  
 20  
 21  
 22

2 (Pages 5 to 8)

Page 9

1 PROCEEDINGS  
 2 February 11, 2022  
 3 ---  
 4 VIDEO TECHNICIAN: We are now on the  
 5 record. My name is Henry Marta, the videographer,  
 6 with Digital Evidence Group. Today's date is  
 7 February 11, 2022, and the time is 2:20 p.m. This  
 8 deposition is being held by Remote Zoom in the  
 9 matter of Vote.org versus Jacquelyn Callanen, et  
 10 al. The deponent today is Mr. Rivelino Lopez.  
 11 All parties to this deposition are appearing  
 12 remotely and have agreed to the witness being  
 13 sworn in remotely. All appearances have also been  
 14 noted on the stenographic record.  
 15 Will the court reporter please  
 16 administer the oath to the witness.  
 17 ---  
 18 RIVELINO LOPEZ,  
 19 having been duly sworn, testified as follows:  
 20 THE REPORTER: You may begin.  
 21  
 22

Page 10

1 EXAMINATION BY MR. HARRIS:  
 2 Q Good afternoon, Mr. Lopez. How are you?  
 3 A I'm doing well.  
 4 Q Great. So I know you were present  
 5 earlier today, but I'm going to act as if we're  
 6 starting anew, so maybe my questions will be  
 7 better the second time around than the first, but  
 8 I promise to make sure that I will be as efficient  
 9 as possible and to get you in and out as soon as I  
 10 possibly can.  
 11 My name is Josh Harris. I along with my  
 12 colleague Noah Baron represent the Plaintiff,  
 13 Vote.org, in this case. Can you please state and  
 14 spell your last name for the record.  
 15 A First name, Rivelino, R-I-V-E-L-I-N-O;  
 16 last name Lopez, L-O-P-E-Z.  
 17 Q And what is your business address,  
 18 Mr. Lopez?  
 19 A 1520 Roundtable Drive, Dallas, Texas  
 20 75247.  
 21 Q So today, like with Mr. Scarpello, I  
 22 would like to have a conversation with you around

Page 11

1 the voter registration process and particularly  
 2 the procedures there in the Dallas County Election  
 3 Department's Office. But before we start, I want  
 4 to go over a few ground rules with you. That way  
 5 we make sure we're on the same page as we have our  
 6 conversation. Is that okay with you?  
 7 A Yes, that's cool.  
 8 Q All right. So this is, like I said,  
 9 this is a conversation. This is not a memory  
 10 test. I am not in a search to try to trick you  
 11 up. I just want information from you, and I think  
 12 you have it or at least your lawyers say that you  
 13 have it, and so I'm hoping by virtue of our  
 14 conversation, you will provide that information.  
 15 I like to think that depositions are like dental  
 16 cleanings. They are inconvenient but necessary,  
 17 so I think I'll try to be as painless as possible  
 18 to try to get you in and out. Is that okay with  
 19 you?  
 20 A Yes.  
 21 Q We are going to, like I said -- this  
 22 case focuses on one aspect of the voter

Page 12

1 experience, and that is the registration process.  
 2 And so like I made clear, I am not concerned with  
 3 anything beyond the registration process because  
 4 that is not what my client alleges in this  
 5 complaint. And so to the extent that my questions  
 6 seem to veer off beyond that registration process,  
 7 you should let me know so that I can make sure  
 8 that I stay on track. Is that okay with you?  
 9 A Yes.  
 10 Q I will ask questions, and I will need,  
 11 as you have already done so on the record today,  
 12 for you to give me a full response or in some  
 13 instances a yes or a no versus a head nod or a  
 14 head shake. Does that make sense to you?  
 15 A Yes.  
 16 Q And our court reporter, our good friend  
 17 Michele, she is here to capture everything that we  
 18 say today, so it is important that we don't speak  
 19 over each other. I promise I will try my level  
 20 best to not cut you off while you are providing  
 21 your answer, and I ask that you provide that same  
 22 courtesy to me. Is that fair?

Page 13

1 A Yes.

2 Q You understand that you're testifying

3 today as if you were in court in front of a judge,

4 right?

5 A Yes.

6 Q And you also understand that the

7 testimony that you're going to provide today,

8 you're providing it subject to the penalty of

9 perjury, right?

10 A Yes.

11 Q And you understand that you are

12 providing your testimony for the Dallas County

13 Elections Department, so I'm not talking about the

14 county clerk. I'm not talking about the Mayor's

15 office. I'm not talking about any constable or

16 any other elected official in Dallas County. I

17 solely want to focus our conversation on the

18 Dallas County Elections Department and the office

19 in which you serve. Does that make sense?

20 A Yes.

21 Q Do you know who the Plaintiff is in this

22 case?

Page 15

1 Have you ever been deposed before?

2 A No.

3 Q Oh, wow, so this is great. I don't

4 often get, you know, first timers for a

5 deposition, so I apologize for my excitement.

6 So what we're going to do here, like I

7 said, is a very simple process whereby you and me

8 are going to have conversations. It is being

9 recorded as you know and that is -- that is done

10 so -- for two reasons. First, we're going to have

11 a written record of our conversation today.

12 That's what Michele is helping us out with. And

13 then, two, we're going to have a recorded or

14 videotaped recording of your deposition today, and

15 Henry is helping us out with that. And the reason

16 is that I want to make sure that whatever --

17 however we use this conversation later, we being

18 the lawyers, I want to make sure that we

19 accurately reflect our conversation. Does that

20 make sense to you?

21 A Yes.

22 Q Have you ever testified in court?

Page 14

1 A Vote.org.

2 Q And you understand that you are a

3 Defendant in this case?

4 A Yes.

5 Q And when I use the term "you," I do not

6 mean you in your personal capacity, Mr. Lopez. I

7 mean you as a representative of the Elections

8 Department there in Dallas County. Does that make

9 sense?

10 A Yes.

11 Q So oftentimes I will say you or your

12 office or Dallas County. I am still referring

13 solely to the Elections Department. Does that

14 make sense?

15 A Yes.

16 Q And when I refer to the State of Texas

17 or Secretary of State, I mean that to all be the

18 same as the Office of the Secretary of State of

19 Texas. Is that okay if we use that terminology?

20 A Yes.

21 Q All right. And then -- well, I'll just

22 go to -- I'll get to that part later.

Page 16

1 A No.

2 Q Have you ever served as an expert

3 witness?

4 A No.

5 Q There may be times over the course of

6 our conversation today that your lawyer may object

7 to a question. That is okay. It's just what

8 we're supposed to do. I'm going to try to avoid

9 getting those objections, but if they come, that

10 is okay. The idea here, though, is that unless

11 your lawyer tells you not to respond or -- because

12 it calls for certain privileged information, you

13 are required to still give me a truthful answer to

14 the best of your ability. Does that make sense to

15 you?

16 A Yes.

17 Q And if you need to take a break during

18 the balance of our afternoon conversation,

19 completely fine. Just let me know. I'll stop.

20 One rule, though. I don't like to take breaks

21 during the pendency of a question, so I like to

22 get a question, your answer, and then we can do a

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 17	Page 19
<p>1 break. Does that make sense?</p> <p>2 A Yes.</p> <p>3 Q And if you don't ask for a break, I may</p> <p>4 ask for a break because I'm drinking a lot of</p> <p>5 water while I'm talking to you so I want to make</p> <p>6 sure that we can get through this and it's not too</p> <p>7 laborious of a process.</p> <p>8 If you do not tell me that you don't</p> <p>9 understand a question, I will assume that you do</p> <p>10 understand or you did understand the question that</p> <p>11 I asked. Does that make sense to you?</p> <p>12 A Yes.</p> <p>13 Q So if you don't understand a question,</p> <p>14 just let me know. I'll work my -- I'll do my best</p> <p>15 to rephrase it. If you do not hear a question, I</p> <p>16 will ask Michele to read it back for you so that</p> <p>17 you can actually hear the question and provide a</p> <p>18 truthful answer. Is that okay with you?</p> <p>19 A Yes.</p> <p>20 Q Are you under any medications or</p> <p>21 influences that would prevent you from providing</p> <p>22 truthful testimony today?</p>	<p>1 Q Do you have any notes in front of you?</p> <p>2 A No.</p> <p>3 Q Is your phone around you?</p> <p>4 A I have a phone, yes.</p> <p>5 Q Is it on?</p> <p>6 A Yes.</p> <p>7 Q Is it on silent?</p> <p>8 A Yes.</p> <p>9 Q Okay. I ask that you leave it on silent</p> <p>10 for the duration of our deposition.</p> <p>11 And, finally, the rules are going to</p> <p>12 allow me, you know, the balance of my seven-hour</p> <p>13 time with you. Like I said earlier with</p> <p>14 Mr. Scarpello, I'll make the same promise or</p> <p>15 endeavor to make the same promise to you. I don't</p> <p>16 think I'm going to need the full time that I'm</p> <p>17 allowed under the rules. My idea here is to make</p> <p>18 this as efficient and streamlined as possible. In</p> <p>19 so doing, some of the questions that I asked your</p> <p>20 good friend earlier I will not have to ask here.</p> <p>21 Now, there may be some questions that I will need</p> <p>22 to follow up on. That's just because I think it's</p>
Page 18	Page 20
<p>1 A No.</p> <p>2 Q Are you being compensated for your time</p> <p>3 today?</p> <p>4 A Yes, I'm on the clock.</p> <p>5 Q On the clock for whom?</p> <p>6 A For the Elections Department.</p> <p>7 Q Did anyone promise you anything in</p> <p>8 exchange for your testimony today?</p> <p>9 A No.</p> <p>10 Q Did anyone threaten you in exchange for</p> <p>11 your testimony today?</p> <p>12 A No.</p> <p>13 Q Where are you physically right now?</p> <p>14 A In my office, office 126 in the</p> <p>15 Elections Department.</p> <p>16 Q Is anyone else present in the room with</p> <p>17 you?</p> <p>18 A No.</p> <p>19 Q How many screens do you have up in front</p> <p>20 of you right now?</p> <p>21 A I got the laptop and my desktop</p> <p>22 computer.</p>	<p>1 important within your role that I get, you know,</p> <p>2 an accurate and full answer. Is that okay with</p> <p>3 you?</p> <p>4 A Yes.</p> <p>5 Q If we could, Henry -- before we go on,</p> <p>6 do you have any questions about any of the</p> <p>7 deposition basics that we just went over?</p> <p>8 A No.</p> <p>9 Q All right. Let's get started.</p> <p>10 MR. HARRIS: So, Henry, if you could</p> <p>11 pull up Exhibit M.</p> <p>12 (Exhibit M was previously marked and</p> <p>13 referred to.)</p> <p>14 Q And in particular, I'm going to point</p> <p>15 you to the topics section of Exhibit M.</p> <p>16 So what I'll do right now, and what</p> <p>17 we'll do often, Mr. Lopez, during our</p> <p>18 conversation, is I will call up certain exhibits.</p> <p>19 What I like to do, because I think it is fairer to</p> <p>20 you, is to give you a time, a moment to review the</p> <p>21 document before I ask any questions about the</p> <p>22 document. So what I would like for you to do now</p>

5 (Pages 17 to 20)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 21	Page 23
<p>1 is to take a moment to review the topics that are</p> <p>2 in this screen in front of you on this deposition</p> <p>3 notice, and then you can let me know once you're</p> <p>4 ready for my next set of questions.</p> <p>5 A All four of them?</p> <p>6 Q The ones on --</p> <p>7 A All four of those topics that are on the</p> <p>8 screen?</p> <p>9 Q Yes.</p> <p>10 A Okay. (Document review).</p> <p>11 MR. HARRIS: My apologies. Please go to</p> <p>12 page 4, Henry. Actually I want to look at Section</p> <p>13 2, Response to Plaintiff's Notice.</p> <p>14 Q Mr. Lopez, I do apologize.</p> <p>15 A Okay.</p> <p>16 Q Do you see Section 2, Response to</p> <p>17 Plaintiff's Notice, in front of you right now?</p> <p>18 A Yes.</p> <p>19 Q All right. Take a moment to review</p> <p>20 number 1 through 4 and once you have, could you</p> <p>21 let Henry know and he'll scroll it down to page 5</p> <p>22 so you can see the full topics, and then we can</p>	<p>1 7, 8, and 11. Is that your understanding?</p> <p>2 A Yes.</p> <p>3 Q And you are prepared to testify</p> <p>4 truthfully as to each of those topics we just</p> <p>5 listed?</p> <p>6 A Yes.</p> <p>7 Q Did you do anything to prepare for your</p> <p>8 deposition today? We can take it down, Henry.</p> <p>9 I'm sorry.</p> <p>10 A No. When I first applied for this job,</p> <p>11 I never knew it was going to be something like</p> <p>12 this. I just -- you know, it's just kind of first</p> <p>13 time so -- first experience.</p> <p>14 Q Okay. All right, I apologize. I didn't</p> <p>15 mean to cut you off.</p> <p>16 So you did not meet with anyone in</p> <p>17 connection with today's conversation?</p> <p>18 A Yes, I met with Ben and Jason. They let</p> <p>19 us know which ones we're going to be asked on,</p> <p>20 like what numbers and everything like that.</p> <p>21 Q All right. Outside of meeting with Ben</p> <p>22 and Jason -- and Ben and Jason, the lawyers, on</p>
<p>1 continue our conversation.</p> <p>2 A (Document review).</p> <p>3 Okay, Henry, could you go to 5.</p> <p>4 (Document review).</p> <p>5 Okay.</p> <p>6 Q Have you seen this document before?</p> <p>7 A I have, yes.</p> <p>8 Q What is this document?</p> <p>9 A It's topics -- discussion topics or</p> <p>10 deposition topics, I think?</p> <p>11 Q Yes. And so I understand, you correct</p> <p>12 me if I'm wrong, that you have been designated for</p> <p>13 certain of these topics. Is that correct?</p> <p>14 A Yeah, that's me.</p> <p>15 Q Fair enough.</p> <p>16 And as I also understand, that you have</p> <p>17 been designated to talk about the procedures as it</p> <p>18 relates to topics number 1, 2, and 3. Is that</p> <p>19 your understanding as well?</p> <p>20 A Yes.</p> <p>21 Q And you are the sole designee or</p> <p>22 representative to talk to me about topic number 4,</p>	<p>1 this call today, right?</p> <p>2 A The lawyers in the case, yes.</p> <p>3 Q Okay. Did you meet with any nonlawyer?</p> <p>4 A Mike was in the room, Scarpello.</p> <p>5 Q Okay. Outside of the meeting you had --</p> <p>6 A I guess he's a lawyer too.</p> <p>7 Q I'm sorry?</p> <p>8 A I guess he's a lawyer too, but, you know</p> <p>9 ...</p> <p>10 Q Fair enough. So outside of your</p> <p>11 conversation with your lawyers and Mr. Scarpello,</p> <p>12 did you do anything else to prepare for today's</p> <p>13 conversation?</p> <p>14 A No, I sure didn't.</p> <p>15 Q You didn't review any documents?</p> <p>16 A No, I was just getting ready for this</p> <p>17 election starting Monday, so I just, you know --</p> <p>18 I'm just trying to give you what you need.</p> <p>19 Q Fair enough.</p> <p>20 And just so that I close the record, so</p> <p>21 no documents and no other conversations with --</p> <p>22 outside of the ones you had with your lawyers and</p>

6 (Pages 21 to 24)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 25	Page 27
<p>1 Mr. Scarpello, correct?</p> <p>2 A Correct.</p> <p>3 Q Okay. Do you know how long your meeting</p> <p>4 was with your lawyers and Mr. Scarpello?</p> <p>5 A Well, we had technical issues, so that</p> <p>6 took about 30, 45 minutes for me to get on. I</p> <p>7 don't know, over an hour, I would say, plus two</p> <p>8 hours talking.</p> <p>9 Q Okay. Was that just you only had one</p> <p>10 meeting or did you have multiple meetings?</p> <p>11 A No, just that one meeting.</p> <p>12 Q Did you take any notes during that</p> <p>13 meeting?</p> <p>14 A Sounds like I'm supposed to, right?</p> <p>15 Q I don't know. I was just asking.</p> <p>16 A Oh, okay.</p> <p>17 Q All right. And you told me earlier that</p> <p>18 you don't have any notes or anything else in front</p> <p>19 of you as you testified today; is that correct?</p> <p>20 A I mean, besides on my paperwork for my</p> <p>21 regular stuff, that's about it.</p> <p>22 Q Okay. Fair enough.</p>	<p>1 A I got another one through -- it's called</p> <p>2 Certificate of Public Leadership. And that's</p> <p>3 through George Washington University.</p> <p>4 Q All right. So let me -- I just want to</p> <p>5 get the dates of your two certificates. But,</p> <p>6 first, the Election Administration --</p> <p>7 Administrator Certificate, when did you get that</p> <p>8 one?</p> <p>9 A That was 2013.</p> <p>10 Q Okay. And the Certificate of Public</p> <p>11 Leadership?</p> <p>12 A 2014.</p> <p>13 Q And outside of your bachelor's degree</p> <p>14 and the two certificates we just discussed, do you</p> <p>15 have any other credentials?</p> <p>16 A No.</p> <p>17 Q Who's your current employer?</p> <p>18 A Dallas County.</p> <p>19 Q And how long have you worked for Dallas</p> <p>20 County?</p> <p>21 A About ten years, since 2011.</p> <p>22 Q And what's your job title?</p>
Page 26	Page 28
<p>1 What's your highest level of education,</p> <p>2 Mr. Lopez?</p> <p>3 A I've got a bachelor's.</p> <p>4 Q And where is your bachelor's from?</p> <p>5 A Dallas Baptist University.</p> <p>6 Q And when did you earn that degree?</p> <p>7 A When you said?</p> <p>8 Q Yes.</p> <p>9 A Oh, 2002.</p> <p>10 Q And what is the degree in?</p> <p>11 A Business administration.</p> <p>12 Q Any other degrees?</p> <p>13 A No.</p> <p>14 Q What about any certifications?</p> <p>15 A Yeah, like Mike talked earlier, I'm a</p> <p>16 Certified Election Registrar Administrator --</p> <p>17 Registrar Administrator from -- the CERA is from</p> <p>18 the Election Center through Auburn University.</p> <p>19 Q Through Auburn University, all right.</p> <p>20 And outside of that Certified Election</p> <p>21 Administrator Certificate, do you have any other</p> <p>22 certificates?</p>	<p>1 A Voter Registration Manager.</p> <p>2 Q Have you always been the Voter</p> <p>3 Registration Manager in Dallas County?</p> <p>4 A Yes.</p> <p>5 Q And what are some of your duties and</p> <p>6 responsibilities as the Voter Registration Manager</p> <p>7 in Dallas County?</p> <p>8 A Just list maintenance, processing of</p> <p>9 voter registration applications, updates, working</p> <p>10 with the state on syncing files, bringing in DPS</p> <p>11 records, text on non-records, managing staff from</p> <p>12 full-timers to part-timers to temporary workers</p> <p>13 that come in during election time.</p> <p>14 Q Okay. So you did list maintenance,</p> <p>15 processing applications. Did that also include</p> <p>16 registration applications?</p> <p>17 A Yes.</p> <p>18 Q And then you said you also worked with</p> <p>19 the state on sync files. What are sync files?</p> <p>20 A Because we're what they call an offline</p> <p>21 county, so we have our own voter registration</p> <p>22 database, so we make sure we are in sync with what</p>

7 (Pages 25 to 28)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 29	Page 31
<p>1 we have in our system to what the state has. So</p> <p>2 we're constantly sending files back and forth.</p> <p>3 Q So would that back and forth include a</p> <p>4 verification of a voter's, I think a VUID number?</p> <p>5 Is that -- am I saying that right?</p> <p>6 A Yes, state number, state ID number, yes.</p> <p>7 Q Perfect. And that's V-U --</p> <p>8 A I-D.</p> <p>9 Q VUID.</p> <p>10 And you also said you worked with DPS?</p> <p>11 A Again, we receive files from the state</p> <p>12 that are submitted through DPS, yes.</p> <p>13 Q Okay. And that would include voter</p> <p>14 registration applications?</p> <p>15 A Yes.</p> <p>16 Q And then, finally, you mentioned</p> <p>17 managing staff, whether full-time or temporary</p> <p>18 workers as well. Is that correct?</p> <p>19 A That's correct, yes.</p> <p>20 Q So how many people would you estimate</p> <p>21 that you manage on a daily basis?</p> <p>22 A Right now, we got six full-timers. My</p>	<p>1 you have helped run in Dallas County, they include</p> <p>2 both municipal, state, and federal elections?</p> <p>3 A Right. Yes.</p> <p>4 Q And the election that you're getting</p> <p>5 ready for is which one?</p> <p>6 A The primary election.</p> <p>7 Q Got it.</p> <p>8 Do you receive or did you receive any</p> <p>9 trainings in order to be able to do your role as</p> <p>10 you -- as the Voter Registration Manager in Dallas</p> <p>11 County?</p> <p>12 A I was sent to different trainings</p> <p>13 through conferences. That's where I got the CERA</p> <p>14 Certificate and the Certificate of Public</p> <p>15 Leadership. So I was sent to different --</p> <p>16 different cities, wherever they had the</p> <p>17 conferences for those. Also the Annual Secretary</p> <p>18 of State Legislative Conference that's held in</p> <p>19 Austin every year, so I attend that every year to</p> <p>20 get further training.</p> <p>21 And then, you know, here, what I got</p> <p>22 here, you know, they kind of show me everything</p>
Page 30	Page 32
<p>1 staff has been cut so I lost some positions, so</p> <p>2 we've got six full-timers right now. And then</p> <p>3 we've got a part-timer and we just got a temp in</p> <p>4 right now getting ready for the election. In a</p> <p>5 busy election, we could have up to 20, 25 temps</p> <p>6 come in.</p> <p>7 Q Okay. And how many elections have you</p> <p>8 run in Dallas County?</p> <p>9 A Gosh, I lost count. I don't know.</p> <p>10 Q Would you say more than ten?</p> <p>11 A Yes.</p> <p>12 Q More than 20?</p> <p>13 A Yes, it's about two every year, yes,</p> <p>14 more than that every year.</p> <p>15 Q So more than 30?</p> <p>16 A Yes.</p> <p>17 Q What about less than 50?</p> <p>18 A Yes, in between 30 and 50 is good.</p> <p>19 Q Okay. So in between 30 and 50</p> <p>20 elections.</p> <p>21 A Yes.</p> <p>22 Q And the 30 or 50 or so elections that</p>	<p>1 because when I first started working here, I knew</p> <p>2 nothing about elections, nothing about voter</p> <p>3 registrations. So, yes, it was kind of them</p> <p>4 helping me out and showing me the way and, you</p> <p>5 know, what to do, working with the state and the</p> <p>6 vendors and stuff like that. So, yes, I've been</p> <p>7 trained pretty well.</p> <p>8 Q Sure.</p> <p>9 And you mentioned there is a legislative</p> <p>10 state conference that the Secretary of State's</p> <p>11 office puts on. Has that conference happened</p> <p>12 already?</p> <p>13 A Yes, it usually happens in the summer,</p> <p>14 usually around the end of July, beginning of</p> <p>15 August.</p> <p>16 Q All right. So there's one scheduled, I</p> <p>17 guess, for this upcoming summer?</p> <p>18 A Right, yes.</p> <p>19 Q Are you the only one from your office</p> <p>20 who attends those -- that conference?</p> <p>21 A No, it's usually a majority of the</p> <p>22 staff, probably more than half that we have been</p>

8 (Pages 29 to 32)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 33	Page 35
<p>1 taking. It's all the managers and then the</p> <p>2 managers can kind of take some of their staff</p> <p>3 members as well. And so I rotate mine. When I</p> <p>4 used to have nine staff members, I would rotate</p> <p>5 maybe three every year, every other year. And so</p> <p>6 I would take them so they could get the benefits</p> <p>7 of learning, you know, what goes on, the new laws</p> <p>8 that have changed and everything like that.</p> <p>9 Q Do you know if there was any meetings</p> <p>10 surrounding H.B. 3107 discussed at the legislative</p> <p>11 state conference?</p> <p>12 A No, I don't.</p> <p>13 MR. HARRIS: All right. So I want to</p> <p>14 pull up -- bear with me -- can we do Exhibit X,</p> <p>15 Henry? And I want to zoom in on the mission</p> <p>16 statement.</p> <p>17 (Exhibit X was previously marked and referred to.)</p> <p>18 Q All right. Mr. Lopez, please take a</p> <p>19 moment to review that statement, and then let me</p> <p>20 know when you're ready for my next set of</p> <p>21 questions.</p> <p>22 A Okay.</p>	<p>1 that the VUID numbers match up. And then the</p> <p>2 second instance you mentioned were the</p> <p>3 conferences -- the legislative state conferences</p> <p>4 that the Secretary of State's Office puts on in,</p> <p>5 you know, the summertime, late July, August.</p> <p>6 Outside of those two, you know,</p> <p>7 interactions with the Secretary of State, are</p> <p>8 there any other interactions you have with the</p> <p>9 Secretary of State within your role as the Voter</p> <p>10 Registration Manager?</p> <p>11 A Yes, on a regular basis sometimes,</p> <p>12 they'll email us if a voter calls their office and</p> <p>13 they need to verify something with our office, and</p> <p>14 so we'll look in our VR system and see, you know,</p> <p>15 if it's -- it could be somebody that's questioning</p> <p>16 their voter record or something like that. So,</p> <p>17 yeah, on a regular basis we interact with them,</p> <p>18 like they shoot us an email, give them a call.</p> <p>19 Q Okay. Does the state provide your</p> <p>20 office with advisories?</p> <p>21 A Yes.</p> <p>22 Q And how do you use those advisories?</p>
Page 34	Page 36
<p>1 Q All right. Is this the mission</p> <p>2 statement for your office?</p> <p>3 A Yes.</p> <p>4 Q So would it be fair to say that part of</p> <p>5 your mission includes helping registered people to</p> <p>6 vote?</p> <p>7 A Yes.</p> <p>8 Q Would it also be fair to say part of</p> <p>9 your mission includes making sure voting is more</p> <p>10 accessible to the residents of Dallas County?</p> <p>11 A Yes.</p> <p>12 Q And would it be fair to say that your</p> <p>13 mission includes ensuring all eligible voters are</p> <p>14 able to cast a ballot?</p> <p>15 A Yes.</p> <p>16 Q You mentioned earlier -- we can take</p> <p>17 this one down. Thanks, Henry.</p> <p>18 You mentioned earlier that you do</p> <p>19 interact with the secretary of the state. And I</p> <p>20 think two instances I have it here in my notes</p> <p>21 with the sync files earlier to making sure because</p> <p>22 you were an offline county, you want to make sure</p>	<p>1 A We use them as they're directed, you</p> <p>2 know, however they direct us on their advisories,</p> <p>3 that's where we -- that's how our operations run.</p> <p>4 MR. HARRIS: So let's pull up -- bear</p> <p>5 with me. Sorry. Can we pull up Exhibit B and go</p> <p>6 to page 8, please. And I want to zone in on -- or</p> <p>7 zoom in on Section 14.</p> <p>8 (Exhibit B was previously marked and referred to.)</p> <p>9 Q Mr. Lopez, if you could take a moment</p> <p>10 and read the highlighted section of this exhibit</p> <p>11 and let me know when you're ready for my next set</p> <p>12 of questions.</p> <p>13 A (Document review).</p> <p>14 Okay.</p> <p>15 Q Do you know what this is, Mr. Lopez?</p> <p>16 A Section 14 of the National Code?</p> <p>17 Q Yes, in fact, it is. And this is -- I</p> <p>18 will represent to you that it is part of House</p> <p>19 Bill No. 3107. If you look at the top right of</p> <p>20 the document, it says H.B. No. 3107. I do this</p> <p>21 for a few reasons. Are you familiar with House</p> <p>22 Bill 3107?</p>

9 (Pages 33 to 36)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 37	Page 39
<p>1 A I am now.</p> <p>2 Q How did you become aware of House Bill</p> <p>3 3107?</p> <p>4 A When it came about and then the lawsuits</p> <p>5 happened and I was included in all that and we</p> <p>6 talked about it, so that's how I became aware of</p> <p>7 it.</p> <p>8 Q And do you understand that my client,</p> <p>9 Vote.org, is only challenging one provision of</p> <p>10 House Bill 3107?</p> <p>11 A I knew they were challenging this one.</p> <p>12 I didn't know if they had any other challenges for</p> <p>13 any other part of it.</p> <p>14 Q Fair enough.</p> <p>15 So I will represent to you, like I said</p> <p>16 at the top of our call, that I'm only concerned</p> <p>17 with, you know, one step in the voter experience</p> <p>18 there in Dallas County and Section 14, and in</p> <p>19 particular Section 13.143 (d-2) of the Texas</p> <p>20 Election Code is the particular section that my</p> <p>21 client is challenging. So that's the reason why I</p> <p>22 showed you -- this is the reason why we are here,</p>	<p>1 registration application submitted by fax must</p> <p>2 also be accompanied by the voter's original</p> <p>3 signature as listed here in Section 14 (d-2) of</p> <p>4 this law. Does that make sense to you?</p> <p>5 A Yes.</p> <p>6 Q What is your understanding of a wet</p> <p>7 signature?</p> <p>8 And I am done with the exhibit, Henry.</p> <p>9 Thank you.</p> <p>10 MR. STONE: Objection. Form.</p> <p>11 A Somebody, you know, writing with a pen</p> <p>12 on a piece of paper.</p> <p>13 Q And if I were to say describe the</p> <p>14 difference between a signature using a pen versus</p> <p>15 an imaged signature -- strike that.</p> <p>16 Is a wet signature the same as an imaged</p> <p>17 signature?</p> <p>18 A No, one is wet and one is dry, I guess</p> <p>19 you would call it.</p> <p>20 Q So let me ask you this. You received</p> <p>21 voter registration applications from the</p> <p>22 Department of Public Safety, correct?</p>
<p>Page 38</p> <p>1 basically, because this section requires that in</p> <p>2 order for -- and you can look at Section a-2 when</p> <p>3 you follow along with me, it says, "For a</p> <p>4 registration application submitted by telephonic</p> <p>5 facsimile machine to be effective, a copy of the</p> <p>6 original" -- and the original is underlined --</p> <p>7 "registration application containing the voter's</p> <p>8 original signature must be submitted by personal</p> <p>9 delivery or mail and be received by the registrar</p> <p>10 no later than the fourth business day after the</p> <p>11 transmission by telephonic facsimile machine is</p> <p>12 received."</p> <p>13 Did I read that correctly, Mr. Lopez?</p> <p>14 A Yes.</p> <p>15 Q And are you familiar with this</p> <p>16 particular provision of the bill?</p> <p>17 A Yes.</p> <p>18 Q So earlier -- I wanted to ask you about</p> <p>19 the terminology that we use, we being Vote.org,</p> <p>20 called the wet signature rule, and what I will</p> <p>21 represent to you what I mean when I use that term</p> <p>22 is the requirement that a registration -- voter</p>	<p>Page 40</p> <p>1 A Yes.</p> <p>2 Q And throughout our conversation today, I</p> <p>3 will refer to the Department of Public Safety as</p> <p>4 DPS. Is that okay?</p> <p>5 A Yes.</p> <p>6 Q Do the voter registration applications</p> <p>7 submitted through DPS contain an original wet</p> <p>8 signature or an imaged signature?</p> <p>9 A Like when the applicant first signs it</p> <p>10 -- signs the application at the DPS office?</p> <p>11 Q Right. Does it have that original</p> <p>12 signature or some -- some copy of that signature?</p> <p>13 A Yes, they sign a paper document, but we</p> <p>14 get the image of that signature.</p> <p>15 Q So DPS sends you imaged signatures?</p> <p>16 A Correct.</p> <p>17 Q Can you tell me what you believe to be</p> <p>18 -- what would you describe to be a digital</p> <p>19 signature?</p> <p>20 A Electronic.</p> <p>21 Q And the same question that was</p> <p>22 actually -- do you have my outline in front of</p>

10 (Pages 37 to 40)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 41	Page 43
<p>1 you -- I was going to ask you about, what would</p> <p>2 you describe as an electronic signature?</p> <p>3 A A digital signature.</p> <p>4 Q So the -- I guess, and you can correct</p> <p>5 me if I'm wrong, in one group we have an original</p> <p>6 pen-to-paper signature. And that's what we call</p> <p>7 like the original wet signature. Would that be</p> <p>8 fair?</p> <p>9 A Yes.</p> <p>10 Q And then in this other group, we have</p> <p>11 imaged signatures, digital signatures, or</p> <p>12 electronic signatures, right? Because they're all</p> <p>13 -- they're not the actual pen signature. Would</p> <p>14 that be fair?</p> <p>15 A Yes.</p> <p>16 Q Okay. So now I want to shift our focus</p> <p>17 here. Can you walk me through the voter</p> <p>18 registration process? So say, for example, I just</p> <p>19 moved to Dallas and I have my driver's license and</p> <p>20 I want to be able to register to vote in time for</p> <p>21 the primary elections that you are preparing for</p> <p>22 right now. Can you walk me through the</p>	<p>1 go through the state to get approved as a new</p> <p>2 applicant would.</p> <p>3 Q Okay. Now, let me ask you this. In</p> <p>4 both instances -- well, let me -- I'll take both</p> <p>5 of them in turn. For the new voter, right,</p> <p>6 someone like myself who had just moved to Dallas,</p> <p>7 I come into your office and I sign the</p> <p>8 application, right, with my -- with my pen and I</p> <p>9 give it to you. What are you using that signature</p> <p>10 for?</p> <p>11 A I mean, they have to have the signature</p> <p>12 to attest that everything is correct on the form,</p> <p>13 they are citizens, they are not, you know,</p> <p>14 mentally handicapped or anything about court law,</p> <p>15 those kinds of things. So they're signing to</p> <p>16 attest to that form they are turning in.</p> <p>17 Q So they are signing to attest to the</p> <p>18 accuracy of the information on the form?</p> <p>19 A Right.</p> <p>20 Q But you're not using that signature to</p> <p>21 verify their identity, right?</p> <p>22 A No, unless we got a duplicate issue. So</p>
Page 42	Page 44
<p>1 step-by-step process for how I can register to</p> <p>2 vote in Dallas County?</p> <p>3 A You would fill out a voter registration</p> <p>4 application, you know, completely fill it out,</p> <p>5 mail it in or bring it to our office. We take it.</p> <p>6 We process it in our voter registration system.</p> <p>7 And once we do that, we send it over to the state</p> <p>8 to get approved. And then once it comes back as</p> <p>9 approved, we send out a confirmation, which is a</p> <p>10 voter registration certificate card to that voter,</p> <p>11 and they're ready to go vote.</p> <p>12 Q Okay. So that is the process that I</p> <p>13 would have to take. What about someone who is</p> <p>14 already registered to vote but they wanted to</p> <p>15 update their voter registration?</p> <p>16 A Same thing. They submit a change</p> <p>17 through the application. They can also just</p> <p>18 change some line if it's change a name and address</p> <p>19 change. And we process the application the same</p> <p>20 way, submit it up to the state, but, you know, we</p> <p>21 can print out that card right then and there</p> <p>22 because it was just a change. It didn't have to</p>	<p>1 if we have a duplicate and it looks like the same</p> <p>2 voter, we'll compare signatures.</p> <p>3 Q And then -- but -- and then you're not</p> <p>4 using the signature on the actual application to</p> <p>5 determine eligibility to vote, right?</p> <p>6 A Yeah. I mean, they have to sign it to</p> <p>7 be eligible to register.</p> <p>8 Q But you're not actually determining that</p> <p>9 by virtue of looking at the signature on the</p> <p>10 application.</p> <p>11 A No.</p> <p>12 Q So you told me that since you are an</p> <p>13 offline county, can you give me an example, if you</p> <p>14 know, is the voter registration -- is the voter</p> <p>15 registration process the same for a resident in an</p> <p>16 offline county as it is for -- I guess the</p> <p>17 terminology would be online county; is that fair?</p> <p>18 A Yes.</p> <p>19 Q Is the voter registration process the</p> <p>20 same in both?</p> <p>21 A They're working what we call a Teams</p> <p>22 system, the state system. They're working</p>

11 (Pages 41 to 44)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 45	Page 47
<p>1 directly on this. So they're entering their</p> <p>2 application information right on to the state's</p> <p>3 system. Us, we enter into VR, and then we got to</p> <p>4 upload a file -- a voter file to the Teams system.</p> <p>5 Q All right. Let me ask you this. So</p> <p>6 when I -- I'm still in the new voter discussion</p> <p>7 just to like frame our discussion. So after I</p> <p>8 send you -- I submit the application, does your</p> <p>9 office time stamp the application so that you know</p> <p>10 when it was submitted? Is that a yes?</p> <p>11 A It's not a time stamp. It's a date</p> <p>12 stamp, yes.</p> <p>13 Q A date stamp, okay.</p> <p>14 Aside from the date stamp, do you put</p> <p>15 any other type of receiving information on the</p> <p>16 application?</p> <p>17 A No, just the date stamp.</p> <p>18 Q What involvement does your office have</p> <p>19 in processing voter registration applications that</p> <p>20 come through DPS?</p> <p>21 A It's just pretty simple. We import the</p> <p>22 file name from DPS from the Secretary of State.</p>	<p>1 Q Okay. Can voters call to your office to</p> <p>2 request a voter registration application form to</p> <p>3 be mailed to their home?</p> <p>4 A Yes.</p> <p>5 Q And you have a budget for that -- those</p> <p>6 types of requests?</p> <p>7 A It's just the application and the</p> <p>8 postage is funded by the state -- it's funded by</p> <p>9 the state, so it's really -- it doesn't cost us</p> <p>10 anything.</p> <p>11 Q Okay. So how would that process work?</p> <p>12 Instead of me coming in person, I could be the</p> <p>13 voter who's afraid of COVID and I call your office</p> <p>14 and say, Mr. Lopez, I would like to register in</p> <p>15 advance of the primary elections, but can you mail</p> <p>16 me my application. Walk me through that</p> <p>17 conversation you would have with that voter.</p> <p>18 A Sure. We can get you an application.</p> <p>19 We just need your address, your name and address.</p> <p>20 We put a label, and we put a blank application, or</p> <p>21 if they want more than one, we put a couple of</p> <p>22 applications in for their family, and then we mail</p>
<p>1 And we import it into our VR system to get them</p> <p>2 registered in our system.</p> <p>3 Q All right. And then like I said before,</p> <p>4 solely for the registration process, the only</p> <p>5 purpose for that signature is to make sure that</p> <p>6 the application is actually complete, right?</p> <p>7 A Right.</p> <p>8 Q Are there other ways voters can submit</p> <p>9 voter registration applications in Dallas County?</p> <p>10 A Other than DPS and a paper application?</p> <p>11 Q Yes.</p> <p>12 A Just those two I can think of.</p> <p>13 Q Okay. Do you know roughly -- and you</p> <p>14 can give me an estimate, because like I said, this</p> <p>15 is not a memory test. Do you know roughly the</p> <p>16 breakdown between how many people submit</p> <p>17 application -- voter registration applications</p> <p>18 through fax versus mail-in versus in-person?</p> <p>19 A I mean, fax is really, really low. I</p> <p>20 mean, in-person -- everything -- I would say</p> <p>21 probably 85 percent by mail. The rest is</p> <p>22 in-person. Fax is probably less than 1 percent.</p>	<p>1 that off. And we just tell them you can leave it</p> <p>2 in your post office -- I mean, in your mailbox for</p> <p>3 your post man to pick up. It will be delivered to</p> <p>4 us. You don't even have to leave your home. So</p> <p>5 it's a pretty simple process and that's what we</p> <p>6 do.</p> <p>7 Q And do you have staff that, I guess, is</p> <p>8 dedicated to, you know, working that side of the</p> <p>9 voter process?</p> <p>10 A Anybody can do it on my staff, but we do</p> <p>11 have staff to check voice mails because some of</p> <p>12 those calls come in after hours and so they leave</p> <p>13 voice mails of how many applications they want</p> <p>14 mailed to them. So we have specific staff members</p> <p>15 that will check those voice mails and mail out the</p> <p>16 applications. We have -- you know, they answer</p> <p>17 the voice mails. Many are in Spanish, so</p> <p>18 sometimes Spanish callers, so they check the voice</p> <p>19 mail.</p> <p>20 Q It's fine. I'm smiling because that was</p> <p>21 the next line of questions I had in my outline,</p> <p>22 and I'm not -- I'm starting to not believe that</p>

12 (Pages 45 to 48)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 49	Page 51
<p>1 you're a rookie at this deposition thing, but fair</p> <p>2 enough.</p> <p>3 So you said any member on your staff can</p> <p>4 fill these types of requests and send the</p> <p>5 applications out?</p> <p>6 A Yes.</p> <p>7 Q How long does it generally take between</p> <p>8 after receiving that initial phone call and then</p> <p>9 an actual voter registration application being put</p> <p>10 into the mail to the voter?</p> <p>11 A Same day. Our courier, he takes it in</p> <p>12 the morning at 11 and then again at 4:00. So if</p> <p>13 we get a call like at 4:25 or something, it will</p> <p>14 probably go the next day. Or, of course, if they</p> <p>15 leave a voice mail, it will go the next day, but</p> <p>16 usually it's the same day, within a day.</p> <p>17 Q Okay. And then do you typically --</p> <p>18 strike that.</p> <p>19 How long between it being put in the</p> <p>20 mail do you normally receive applications back to</p> <p>21 your office?</p> <p>22 A By the time we put the blank application</p>	<p>1 no issues.</p> <p>2 Q Okay. And does your office use the</p> <p>3 signatures on DPS voter registration applications</p> <p>4 to verify voter identity?</p> <p>5 A Not the voter's identity, no. Like I</p> <p>6 said, if it's like a duplicate voter, maybe</p> <p>7 another county, then the other county wants to</p> <p>8 check. If it's the same voter, we'll send that</p> <p>9 imaged signature to that other county so they can</p> <p>10 verify.</p> <p>11 Q So even if in that other instance the</p> <p>12 other county is not going to have an original</p> <p>13 signature, right?</p> <p>14 A Well, they may have received an original</p> <p>15 application, but they just want to check and</p> <p>16 confirm, so we give them whatever we have.</p> <p>17 Q Does your office use the signatures on</p> <p>18 DPS voter registration applications when a voter</p> <p>19 mistakenly affixes their signature to a roster for</p> <p>20 in-person voting?</p> <p>21 A Yes, they use it before to verify the</p> <p>22 signature.</p>
Page 50	Page 52
<p>1 in the mail?</p> <p>2 Q Yes.</p> <p>3 A Depending on the voter.</p> <p>4 Q Okay.</p> <p>5 A Yeah. I mean, we just mail them out.</p> <p>6 It's up to them how long it takes them.</p> <p>7 Q Please bear with me.</p> <p>8 All right. So you told me earlier that</p> <p>9 you do not get original signatures from DPS</p> <p>10 applications, right? They're imaged signatures,</p> <p>11 right?</p> <p>12 A Right.</p> <p>13 Q Do you have -- have you -- do you have</p> <p>14 any knowledge of any issues from voter</p> <p>15 registration applications that have imaged</p> <p>16 signatures?</p> <p>17 A No. It's a pretty smooth process. We</p> <p>18 get it. We work them. We make sure -- the only</p> <p>19 thing -- you know, sometimes we'll get something</p> <p>20 that belongs to another county, but it's an</p> <p>21 automated process, so we just forward it to that</p> <p>22 correct county. But it's a pretty smooth process,</p>	<p>1 Q And have you ever had any problems with</p> <p>2 that?</p> <p>3 A No, because we just get copies of the</p> <p>4 signature, whoever request it, the Ballot Board or</p> <p>5 signature verification or something like that.</p> <p>6 Q And that process happens after the voter</p> <p>7 has already been -- the registration application</p> <p>8 has been accepted?</p> <p>9 A For that process, yes.</p> <p>10 Q Okay. But for the registration process</p> <p>11 itself, we are not comparing signatures. We're</p> <p>12 just making sure the application is complete, and</p> <p>13 it is not complete if it doesn't have the</p> <p>14 signature, right?</p> <p>15 A Right.</p> <p>16 Q So apart from DPS applications, have you</p> <p>17 ever received voter registration applications with</p> <p>18 imaged signatures on them? So not DPS received,</p> <p>19 but an application maybe using a different</p> <p>20 platform that used an imaged signature. Have you</p> <p>21 ever received those into your office?</p> <p>22 A Yes. Not very often, but yes.</p>

13 (Pages 49 to 52)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 53	Page 55
<p>1 Q So you said not very often. So when?</p> <p>2 When was the last time you received an application</p> <p>3 with an imaged signature?</p> <p>4 A I think we received an emailed</p> <p>5 application right at the beginning of this year, I</p> <p>6 remember seeing one.</p> <p>7 Q And then what did you do? Walk me</p> <p>8 through the process of when you received that</p> <p>9 non-DPS application with the imaged signature.</p> <p>10 A We put the voter's information in our VR</p> <p>11 system, and we sent an incomplete notice for not a</p> <p>12 wet signature. And then we send that out to the</p> <p>13 voter so they can fill -- along with the full</p> <p>14 application so they can send us the application</p> <p>15 and so they can be registered.</p> <p>16 Q Okay. What is your understanding of the</p> <p>17 word -- the term "voter fraud"?</p> <p>18 A You cut out for a second. What was the</p> <p>19 question?</p> <p>20 Q My apologies.</p> <p>21 What do you understand the term "voter</p> <p>22 fraud" to mean?</p>	<p>1 A No, I'm good.</p> <p>2 Q Oh, great.</p> <p>3 MR. STONE: This is Jonathan. I really</p> <p>4 would appreciate a quick five-minute break. I got</p> <p>5 a phone call I have to make on another case, if</p> <p>6 that would be possible.</p> <p>7 MR. HARRIS: Well, you better get back</p> <p>8 in five minutes.</p> <p>9 MR. STONE: I'll be quick.</p> <p>10 MR. HARRIS: That's fine.</p> <p>11 VIDEO TECHNICIAN: The time is 3:09 p.m.</p> <p>12 Going off the record.</p> <p>13 (A brief recess was taken.)</p> <p>14 THE VIDEOGRAPHER: The time is 3:14 p.m.</p> <p>15 We are back on the record.</p> <p>16 BY MR. HARRIS:</p> <p>17 Q Mr. Lopez, I want to circle back on one</p> <p>18 question, and I'll ask it again. Earlier I asked</p> <p>19 what you had done to prepare for today's</p> <p>20 deposition. Do you remember that question?</p> <p>21 A Yes.</p> <p>22 Q And now since our break, did you --</p>
<p>Page 54</p> <p>1 A Somebody trying to scam the -- cheat the</p> <p>2 system any way they can. I mean, it's politics.</p> <p>3 It's competitive, so, you know, they'll try to get</p> <p>4 any advantage they can.</p> <p>5 Q Are you aware of any instances of voter</p> <p>6 fraud connected with imaged signatures on voter</p> <p>7 registration applications?</p> <p>8 A Not that I can recall, no.</p> <p>9 Q Are you aware of any instances of voter</p> <p>10 fraud connected to voter registration applications</p> <p>11 received from the Department of Public Safety?</p> <p>12 A No.</p> <p>13 Q And are you aware of any instances of</p> <p>14 voter fraud connected with signatures on voter</p> <p>15 registration applications? And these are the</p> <p>16 original wet signature on paper voter registration</p> <p>17 applications.</p> <p>18 A No.</p> <p>19 Q Is that a no?</p> <p>20 A No.</p> <p>21 Q So we've been going for like an hour.</p> <p>22 Do you want to take five?</p>	<p>Page 56</p> <p>1 strike that.</p> <p>2 What did you do in order to prepare for</p> <p>3 today's deposition?</p> <p>4 A I met with Jason and Ben.</p> <p>5 Q And outside of meeting with Jason and</p> <p>6 Ben, did you review any documents as part of your</p> <p>7 preparation for today's deposition?</p> <p>8 A Yes.</p> <p>9 Q What documents did you review?</p> <p>10 A The deposition topics and the</p> <p>11 spreadsheet of I believe it's rejected</p> <p>12 applications or something like that.</p> <p>13 Q And that spreadsheet is the one your</p> <p>14 counsel provided to us already?</p> <p>15 A I believe so, yes.</p> <p>16 Q Okay. All right. Have you had any</p> <p>17 interactions with my client, Vote.org, while in</p> <p>18 your tenure as the Voter Registration Manager in</p> <p>19 Dallas County?</p> <p>20 A Yes.</p> <p>21 Q And then tell me, how would you describe</p> <p>22 those interactions?</p>

14 (Pages 53 to 56)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 57	Page 59
<p>1 A Pretty good. I mean, it was just a</p> <p>2 quick conference little meeting we had. We had it</p> <p>3 on like a Friday and then we were partnered with</p> <p>4 them and we were receiving faxes by Monday during</p> <p>5 that time back in 2018.</p> <p>6 Q You said we. Who is the "we" from your</p> <p>7 office that met with Vote.org?</p> <p>8 A It was me and Toni Pippins-Poole.</p> <p>9 Q And Ms. Pippins-Poole was</p> <p>10 Mr. Scarpello's predecessor?</p> <p>11 A Yes.</p> <p>12 Q Do you recall with whom you and</p> <p>13 Ms. Pippins-Poole met with that Friday in 2018?</p> <p>14 A Her name was I believe Sarah. I can't</p> <p>15 remember the last name, though.</p> <p>16 Q Was Sarah -- does the name Sarah Jackel</p> <p>17 ring a bell?</p> <p>18 A Yes, that's it.</p> <p>19 Q Was Sarah alone?</p> <p>20 A She might have had somebody else with</p> <p>21 her. I can't remember.</p> <p>22 Q Would the name Raven Brooks sound</p>	<p>1 days.</p> <p>2 Q And what was your initial reaction to</p> <p>3 understanding of what they were trying to do?</p> <p>4 A I'm not sure what the reaction was. We</p> <p>5 were kind of close to the cutoff. I think maybe</p> <p>6 it was not the best time, we didn't know who they</p> <p>7 were at the time. We didn't -- we didn't know if</p> <p>8 this was approved or anything like that. So my</p> <p>9 initial reaction was 10 and 20, maybe not, you</p> <p>10 know. But, of course, she's the administrator, so</p> <p>11 she said, no, we are going to do it and so we did</p> <p>12 it.</p> <p>13 Q Okay. And did your view of the platform</p> <p>14 change over time?</p> <p>15 A No.</p> <p>16 Q So after you said you met on Friday, and</p> <p>17 then I believe you said by Monday you were</p> <p>18 receiving faxes from the Vote.org platform; is</p> <p>19 that correct?</p> <p>20 A Yes, it was a pretty quick turnaround,</p> <p>21 yes.</p> <p>22 Q Was that a smooth process?</p>
<p>Page 58</p> <p>1 familiar to you?</p> <p>2 A Yes, that sounds familiar.</p> <p>3 Q So outside of yourself and</p> <p>4 Ms. Pippins-Poole, no one else in the office met</p> <p>5 with Sarah Raven on that Friday -- I'm sorry. No</p> <p>6 one outside of you and Ms. Pippins-Poole met with</p> <p>7 Sarah and Raven that Friday in 2018, correct?</p> <p>8 MR. STONE: Objection. Form.</p> <p>9 A Not that I can recall.</p> <p>10 Q And you said -- you described the</p> <p>11 interaction as, you know, pretty good?</p> <p>12 A Yes, they just laid out what they wanted</p> <p>13 to do, and Ms. Pippins-Poole agreed to it and we</p> <p>14 started the process.</p> <p>15 Q How did they describe "what they wanted</p> <p>16 to do" to you?</p> <p>17 A They wanted to have some application,</p> <p>18 whatever they had built, and they had -- they were</p> <p>19 going to take faxes and then send us -- mail us</p> <p>20 the originals. And so that was what we thought</p> <p>21 the process was going to be, we were going to get</p> <p>22 the original applications within four business</p>	<p>Page 60</p> <p>1 A No. The faxes were coming in. You</p> <p>2 couldn't really see all the signatures. Some of</p> <p>3 them were just totally black. You know, the</p> <p>4 signatures were bad on them. I even tested it out</p> <p>5 myself. I put myself through the process too. I</p> <p>6 went to their application, I did everything. Even</p> <p>7 mine, it was just -- the signatures were not good</p> <p>8 enough.</p> <p>9 Q Okay. And what did you do? Did you</p> <p>10 notify anyone at Vote.org about that issue?</p> <p>11 A I showed Toni. I remember showing her.</p> <p>12 And she said, well, we'll see what the original</p> <p>13 applications look like, and they were just as bad</p> <p>14 because they were copies. And so, you know, none</p> <p>15 of them got processed -- they all got rejected</p> <p>16 because they're not the original.</p> <p>17 (Exhibit P was marked for identification</p> <p>18 and attached to the deposition transcript.)</p> <p>19 BY MR. HARRIS:</p> <p>20 Q Okay. Can we look at Exhibit P as in</p> <p>21 Peter. And I'm going to -- if you look,</p> <p>22 Mr. Lopez, at the bottom right of this document it</p>

15 (Pages 57 to 60)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 61	Page 63
<p>1 says, "Vote.org Scarpello resp to 1st RFP," and</p> <p>2 then it has a sequence of numbers. Do you see</p> <p>3 that?</p> <p>4 A Yes.</p> <p>5 Q Is this document a document you produced</p> <p>6 in this case?</p> <p>7 A I believe so, yes.</p> <p>8 Q Okay. So I want to take your attention</p> <p>9 -- we're going to go from the bottom up, if that</p> <p>10 makes sense to you. So I want to go down to page</p> <p>11 17. And it's the Bates ending in 17. You'll see</p> <p>12 that at the very bottom.</p> <p>13 Do you see the email dated Thursday,</p> <p>14 September 20th, 2018? Mr. Lopez?</p> <p>15 A Oh, yes.</p> <p>16 Q Fair enough.</p> <p>17 Take a moment to read that email and let</p> <p>18 me know when you're done.</p> <p>19 A Okay. I'm done. I was reading it, so</p> <p>20 ...</p> <p>21 Q Fair enough.</p> <p>22 So is -- in the "from" it says, "Jacque</p>	<p>1 you, Jacque Callanen."</p> <p>2 Did I read that email correctly?</p> <p>3 A Yes.</p> <p>4 Q Is it fair to say that you, your team,</p> <p>5 first became aware of Vote.org from one of the</p> <p>6 other election administrators in Texas?</p> <p>7 A Yes.</p> <p>8 Q Do you know -- and then I'm assuming</p> <p>9 after September 20th, you in fact did meet with</p> <p>10 Sarah and Raven; is that correct?</p> <p>11 A Yes.</p> <p>12 Q All right. Can we scroll up to page 16.</p> <p>13 Now I'm going to look at the email dated Thursday,</p> <p>14 September 20th at 6:07 p.m. Take a moment,</p> <p>15 Mr. Lopez, to read that one and let me know once</p> <p>16 you're done.</p> <p>17 A Okay.</p> <p>18 Q All right. So this email is from Raven</p> <p>19 Brooks at Vote.org. And that is, I'm assuming,</p> <p>20 the same Raven you mentioned earlier in our</p> <p>21 conversation today?</p> <p>22 A Yes.</p>
Page 62	Page 64
<p>1 Callanen." Do you know who Jacque Callanen is?</p> <p>2 A Yes.</p> <p>3 Q Who is Jacque Callanen?</p> <p>4 A She's the Elections Administrator in</p> <p>5 Bexar County.</p> <p>6 Q And then is the Tom Pippins-Poole</p> <p>7 listed in the "to" section the same individual you</p> <p>8 mentioned earlier who also with you met with</p> <p>9 members of the Vote.org team?</p> <p>10 A Yes.</p> <p>11 Q All right. So follow along as I read</p> <p>12 this aloud. It says, "Hi, Toni. Wanted to share</p> <p>13 that we had a very fruitful meeting with Vote.org</p> <p>14 this morning. They are meeting with the larger</p> <p>15 counties to inform them of their program, which</p> <p>16 appears to help us considerably. I know they are</p> <p>17 headed to your part of the state from here and</p> <p>18 hope you have time to meet with them on such short</p> <p>19 notice. You may have a call from Raven Brooks or</p> <p>20 Sarah Jackel. Don't know how long they plan to be</p> <p>21 in your neck of the woods but wanted to reach out</p> <p>22 to you. Hope you are having a great week. Thank</p>	<p>1 Q And then again we have your former</p> <p>2 colleague, Ms. Pippins-Poole, and then we have</p> <p>3 Sarah Jackel, the same Sarah that you were</p> <p>4 referring to earlier, correct?</p> <p>5 A Correct.</p> <p>6 Q All right. It says, "Hi Toni. Jacque</p> <p>7 sent this message on to us. We're really looking</p> <p>8 forward to chatting with you. We're driving up to</p> <p>9 Dallas tonight and will be available to meet</p> <p>10 tomorrow. Can we stop by your office to chat at</p> <p>11 11 a.m.?"</p> <p>12 Did I read that correctly?</p> <p>13 A Yes.</p> <p>14 Q So after this you actually met -- did in</p> <p>15 fact meet with Sarah and Raven, correct?</p> <p>16 A Yes.</p> <p>17 Q And you said you described that</p> <p>18 interaction as generally good?</p> <p>19 A Yes.</p> <p>20 Q Would it be fair to say you had a</p> <p>21 positive interaction with them?</p> <p>22 A Yes.</p>

16 (Pages 61 to 64)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 65	Page 67
<p>1 Q Did you get the impression that they 2 were doing something illegal? 3 A Yes. 4 Q In what way? 5 A Because we've always done things where 6 we would -- any time a fax would come in, we 7 always asked for the original signature, and 8 because I came in -- I didn't come in at the 9 beginning of the meeting. It started at 11. Toni 10 called me into the meeting. Like I said, they had 11 been meeting about 30 minutes earlier. I'm not 12 sure what all was discussed before that, but when 13 I came in at the end and they kind of briefly went 14 over, and I said, well, it seems like if you are 15 going to send us the copy, that's not the original 16 signature. And they said, well, it just says the 17 copy in the election field. It doesn't really say 18 the original signature or something like that. 19 And I said, we still -- still we never operated 20 that way and any time we went to state conference, 21 they have always told us, you know, this is -- 22 ever since I've been there, state conferences and</p>	<p>1 A They gave me an overview of what they 2 discussed before. They told me what the whole 3 program was about, everything like that. So I 4 don't know, you know, if it was the full, you 5 know, contents of what they talked about before, 6 but that's what they told me. 7 Q Okay. And then you also told me after 8 that meeting that you felt uncomfortable about 9 using or accepting applications because they 10 didn't have the original signature, but 11 Ms. Pippins-Poole had a different perspective 12 about what the law required it. Would that -- is 13 that a fair characterization of your prior 14 testimony? 15 A Yes. 16 Q Okay. And after that meeting, can we 17 scroll up to -- now I'm at the bottom of 15, the 18 email dated September 23rd, 2018. 19 Mr. Lopez, as I will do, I sound like a 20 broken record, and I apologize, but I want you to 21 read this email and let me know once you've read 22 it for my next set of questions.</p>
<p>Page 66</p> <p>1 everything, they have always told the original 2 signature. So it felt like we weren't doing what 3 we were supposed to do. And this is the first 4 time -- at that point this is the first time that 5 anybody's ever brought that up as far as copying 6 or anything like that. So it was just 7 uncomfortable at that point when I had my talk 8 with Toni after the meeting. 9 Q Okay. So I want to break that down. 10 And I thank you for that information because it 11 provides some additional context for me. 12 So, first, just to be clear, did you say 13 that you came in later in the meeting or were you 14 there for the full meeting with Sarah and Raven? 15 A No, I wasn't first -- originally invited 16 to the meeting. It was just Toni. And I came in 17 after she called my office, said, hey, I want you 18 to come over here, I'm meeting with this 19 organization. And so I came in the meeting. 20 Q So you didn't get the full pitch as it 21 were about the platform that my client was about 22 to launch or wanted to launch in Dallas County?</p>	<p>Page 68</p> <p>1 A (Document review). 2 Okay. 3 Q So after the meeting -- and you did 4 testify earlier that it was actually a quick 5 turnaround, and I think this email kind of 6 reflects that earlier testimony. Is that a fair 7 characterization? 8 A Yes. 9 Q So after the meeting, Dallas County 10 said, yes, we will allow the E-sign tool to be 11 used for voter registration applications submitted 12 by fax. Is that correct? 13 A Yes. 14 Q And this email also lets us know that 15 the faxes would start being received by Monday. 16 Is that correct? 17 A Yes. 18 Q Let's scroll up a little bit more to 19 number 13, and this is a Tuesday, September 25th, 20 2018, email at the bottom of that page, there's an 21 email Vote.org to -- and I'm going to apologize in 22 advance if I mispronounce this name, Jadira</p>

17 (Pages 65 to 68)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 69	Page 71
<p>1 Sustaita?</p> <p>2 A Yes, Jadira Sustaita.</p> <p>3 Q Jadira, sorry about that. Who is</p> <p>4 Jadira; who is she?</p> <p>5 A She was a Voter Registration Clerk here</p> <p>6 with us at the county.</p> <p>7 Q Is she no longer a Voter Registration</p> <p>8 Clerk with Dallas County?</p> <p>9 A No.</p> <p>10 Q When did she leave your office?</p> <p>11 A I would say 2020, I believe.</p> <p>12 Q Oh, so fairly recent, probably within</p> <p>13 the past two years?</p> <p>14 A Yes.</p> <p>15 Q Is that a yes?</p> <p>16 A Yes.</p> <p>17 Q Okay. All right. So Jadira received</p> <p>18 this email from Vote.org. And I believe, and</p> <p>19 correct me if I'm wrong, is this what you were</p> <p>20 referring to earlier about how you had staff</p> <p>21 members test out the platform to see how it would</p> <p>22 operate?</p>	<p>1 Q And the issue that you wanted to rectify</p> <p>2 was regarding a -- letting the application noting</p> <p>3 that it was previously sent by fax. Is that</p> <p>4 correct?</p> <p>5 A Right.</p> <p>6 Q Was this issue resolved by the Vote.org</p> <p>7 team?</p> <p>8 A They -- I forgot what they replied.</p> <p>9 Q We can scroll up.</p> <p>10 A Okay.</p> <p>11 Q I'll give you a moment to read over that</p> <p>12 as well.</p> <p>13 A Okay. (Document review).</p> <p>14 Q So I'll ask my question again. Did</p> <p>15 Vote.org respond to your request regarding the fax</p> <p>16 issue?</p> <p>17 A I can't remember what they were -- I</p> <p>18 think they did. I can't remember what they</p> <p>19 replied, though, if they were going to put some</p> <p>20 kind of notation on there or how we were going to</p> <p>21 know, you know, what went with what.</p> <p>22 MR. HARRIS: Okay. Let me -- Henry, is</p>
<p>Page 70</p> <p>1 A Yes.</p> <p>2 Q Okay. So I think we're on the same</p> <p>3 page. Let's scroll up a little bit more, Henry.</p> <p>4 She forwards this communication to you.</p> <p>5 And then if we go to the bottom of page 12, there</p> <p>6 is a Tuesday, September 25th, 2018, email from Mr.</p> <p>7 Lopez to Raven. I'll give you a moment to read</p> <p>8 that. You can let me know once you're ready.</p> <p>9 A Okay. (Document review).</p> <p>10 Q It says, "Hi, Raven. We tested this</p> <p>11 process with one of our staff members. The fax</p> <p>12 came through successfully, but when we opened the</p> <p>13 application, we did not see a notation that states</p> <p>14 this application was previously faxed. This</p> <p>15 notation will help us match up these faxes.</p> <p>16 Please let me know if this is still the case."</p> <p>17 Did I read that correctly?</p> <p>18 A Yes.</p> <p>19 Q So this email lets us know that the</p> <p>20 faxes came through successfully to your office,</p> <p>21 correct?</p> <p>22 A Yes.</p>	<p>Page 72</p> <p>1 there -- so this link in the production was -- it</p> <p>2 actually is embedded as a live embed. Is there a</p> <p>3 way to actually click on that link in the first</p> <p>4 paragraph of that email so that you can see the</p> <p>5 image that populates?</p> <p>6 VIDEO TECHNICIAN: Let me actually --</p> <p>7 MR. HARRIS: If not, I can screen share</p> <p>8 and do it that way as well.</p> <p>9 VIDEO TECHNICIAN: Yes, maybe you should</p> <p>10 screen share since you probably have a PDF open,</p> <p>11 so let me give you rights, okay? You should be</p> <p>12 able to share.</p> <p>13 MR. STONE: Josh, you might also want to</p> <p>14 clarify what page of the exhibit you're on.</p> <p>15 MR. HARRIS: Okay, fair enough.</p> <p>16 BY MR. HARRIS:</p> <p>17 Q So for clarity sake, on page 12 of this</p> <p>18 exhibit, there is an embedded link in the</p> <p>19 paragraph that reads, "Yes, you will only see that</p> <p>20 on the copy that gets sent to you. Here is a</p> <p>21 screenshot of the top of my form to show you what</p> <p>22 that will look like." Is everybody -- are you</p>

18 (Pages 69 to 72)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 73	Page 75
<p>1 with me now? "And if you click on the embedded</p> <p>2 link, the following will show up." Let's see, how</p> <p>3 do I screen share?</p> <p>4 VIDEO TECHNICIAN: So click the green</p> <p>5 button.</p> <p>6 Q Oh, I figured it out and I'm going to</p> <p>7 hit share. Can you see this?</p> <p>8 A Yes.</p> <p>9 Q All right. So here is an image. This</p> <p>10 is -- I will represent to you that this is the</p> <p>11 image or the screenshot reference in that email</p> <p>12 from the document you produced to us. And if</p> <p>13 you'll note at the very top, right below the voter</p> <p>14 registration application, you'll see the following</p> <p>15 language: "Application previously submitted by fax</p> <p>16 at 24 Sep 2018, 8:31 CDT."</p> <p>17 Do you see that, Mr. Lopez?</p> <p>18 A Yes.</p> <p>19 Q So would it fair to say that Vote.org</p> <p>20 did address the fax issue that you raised in that</p> <p>21 earlier email?</p> <p>22 A Yes.</p>	<p>1 read -- after reading that out, you can let me</p> <p>2 know once you've read it.</p> <p>3 A Oh, I have read it.</p> <p>4 Q Oh. Okay, great.</p> <p>5 So after the fax issue was resolved,</p> <p>6 which we just saw in the prior exhibit, what is</p> <p>7 this email exchange about?</p> <p>8 A I know Toni was asking for numbers, and</p> <p>9 then also we were trying to capture -- we were</p> <p>10 trying to stay organized with all the faxes coming</p> <p>11 through to make sure we were capturing all of the</p> <p>12 faxes. So we were asking for numbers and see if,</p> <p>13 you know, we were matching up whatever was going</p> <p>14 to -- whatever applications were going to come in,</p> <p>15 we can match up because this was right around the</p> <p>16 cutoff, you know, and it is a busy election, so we</p> <p>17 had tons of applications coming in. So we were</p> <p>18 trying to organize this thing because we never had</p> <p>19 anything like this. This is the first time we got</p> <p>20 this many faxes, and trying to keep up with it,</p> <p>21 was a chore in itself, so ...</p> <p>22 Q Right. So would you say -- when you say</p>
<p>Page 74</p> <p>1 Q How do I stop sharing? I just click</p> <p>2 stop share.</p> <p>3 VIDEO TECHNICIAN: So if you hover --</p> <p>4 there you go.</p> <p>5 BY MR. HARRIS:</p> <p>6 Q I'm learning as I'm doing and I</p> <p>7 apologize -- I appreciate you, Mr. Lopez, for</p> <p>8 bearing with me in that regard. All right.</p> <p>9 So they handled that issue for you. And</p> <p>10 then let's scroll up a little bit more in this</p> <p>11 email chain, so we are going far back in time to</p> <p>12 more recent.</p> <p>13 VIDEO TECHNICIAN: And so this is page</p> <p>14 10 or Bates 10?</p> <p>15 MR. HARRIS: Bates 11. Sorry. My</p> <p>16 apologies. And thank you for calling that out for</p> <p>17 me.</p> <p>18 Q All right. So this is an email from</p> <p>19 Sarah Jackel on Friday, September 28, 2018, to</p> <p>20 you, Mr. Lopez. Do you see that?</p> <p>21 A Yes.</p> <p>22 Q All right. I'll give you a moment to</p>	<p>Page 76</p> <p>1 you were trying to keep up with this many faxes</p> <p>2 because it was a chore, is that because a lot of</p> <p>3 voters were using the platform?</p> <p>4 A More than use. You get about -- at that</p> <p>5 time it may be a dozen faxes and then now we're</p> <p>6 getting hundreds. So, yes, we had to make sure</p> <p>7 there was paper in the fax machine, that's for</p> <p>8 sure.</p> <p>9 Q Fair enough. Fair enough.</p> <p>10 Okay. We're done with this exhibit,</p> <p>11 Henry. Thank you.</p> <p>12 All right. So throughout that entire</p> <p>13 process, the initial meeting, and you told me that</p> <p>14 Ms. Pippins-Poole had a view, you had some</p> <p>15 concerns, but initially that was all resolved and</p> <p>16 you tested out the platform, and then you were</p> <p>17 also receiving data to make sure you could deal</p> <p>18 with the volume of faxes you were receiving. Is</p> <p>19 that a fair summary of your testimony so far?</p> <p>20 MR. STONE: Objection. Form.</p> <p>21 A Yes.</p> <p>22 I mean, but my issue was not getting the</p>

19 (Pages 73 to 76)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 77	Page 79
<p>1 original application back, so we still had that 2 issue to deal with. We weren't getting the 3 original. We were getting a copy of the fax. And 4 when I say it was a chore, we only had one fax 5 number at the time they were sending it to, and 6 that was the whole department used that. So we 7 had faxes coming in for people, you know, 8 requesting to be absentee ballots or requesting to 9 be poll workers. So it was trying to thumb 10 through all of those and, you know, not get lost 11 in the shuffle. So it wasn't just our faxes 12 coming through for the department.</p> <p>13 Q Okay. Could you tell the difference 14 between Vote.org applications and any other 15 application?</p> <p>16 A The copies that we were receiving? You 17 can tell --</p> <p>18 Q I mean you -- yes. So there are 19 individuals who submitted their applications via 20 fax who did not use the platform, but were you 21 able to like distinguish between an application 22 submitted via Vote.org's platform between an</p>	<p>1 came in, one by the year, another by -- 2 distinguishing by mail, fax in, personal delivery, 3 and another one by DPS.</p> <p>4 Q Okay, I got it. So I want to look 5 particularly in section -- in number 1 that says, 6 "Please state the number of new voter registration 7 applications Dallas County received each year from 8 2011 to 2022." Do you see that?</p> <p>9 A Yes.</p> <p>10 Q And for purposes of our conversation, 11 let's focus on the bottom half of this and in 12 particular 2016 to 2021. Do you see that?</p> <p>13 A Yes.</p> <p>14 Q And in 2018, you received a total of 15 159,563 new voter applications. Is that correct?</p> <p>16 A Yes.</p> <p>17 Q All right. Scroll down and look at the 18 second box there. And then in this one, I see a 19 breakdown by year, and now this chart 20 distinguishes between those new voter registration 21 applications received in Dallas County as to the 22 method of receipt, so we have by mail, by fax, and</p>
<p>1 application that was not?</p> <p>2 A Yes, because what you just showed us, 3 they had that special thing on the top that 4 talked, you know, submitted by fax, so that helped 5 us distinguish between them and anybody else 6 faxing in.</p> <p>7 MR. HARRIS: Okay. Can we pull up 8 Exhibit T as in tiger.</p> <p>9 (Exhibit T was marked for identification 10 and attached to the deposition transcript.)</p> <p>11 MR. HARRIS: So, Henry, if you could, I 12 want Mr. Lopez to be able to review this entire 13 document. This was a document, I will represent 14 on the record, produced yesterday by counsel, 15 which I believe has some responsive information to 16 certain requests.</p> <p>17 And so, Mr. Lopez, once you've had a 18 moment to review the document, let me know and 19 we'll continue.</p> <p>20 A Okay.</p> <p>21 Q Mr. Lopez, what is this document?</p> <p>22 A It tracks a number of applications that</p>	<p>1 then by personal delivery. Am I reading your 2 chart correctly?</p> <p>3 A Yes.</p> <p>4 Q All right. If you look, in 2011, zero 5 applications submitted by fax, right?</p> <p>6 A Right.</p> <p>7 Q In 2012, zero applications submitted by 8 fax, correct?</p> <p>9 A Yes.</p> <p>10 Q In 2013, the same thing, zero 11 applications submitted by fax, right?</p> <p>12 A Yes.</p> <p>13 Q Is that right? I'm sorry, you were 14 cutting off.</p> <p>15 A Yes.</p> <p>16 Q No problem.</p> <p>17 And then in 2014, same thing, zero 18 applications submitted by fax. Correct?</p> <p>19 A Yes.</p> <p>20 Q Now, if you scroll down and look at 2018 21 --</p> <p>22 MR. STONE: This is Jonathan Stone with</p>

20 (Pages 77 to 80)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 81	Page 83
<p>1 the OAG. I don't believe we received this</p> <p>2 document yesterday. Could the attorneys for</p> <p>3 Mr. Lopez send us a copy as well just so we have</p> <p>4 it?</p> <p>5 MR. SCHUETTE: Yes, we can do that. You</p> <p>6 should have received a copy of it, but we'll do</p> <p>7 that. Let's see, this is -- what is this, Ben?</p> <p>8 MR. STOOL: Yes, it's a Response to a</p> <p>9 Request for Production -- it is -- let me get it</p> <p>10 over to you.</p> <p>11 MR. SCHUETTE: Mr. Stone, we'll get that</p> <p>12 over to you as quick as we can.</p> <p>13 MR. STONE: Thank you so much.</p> <p>14 MR. SCHUETTE: Thank you.</p> <p>15 BY MR. HARRIS:</p> <p>16 Q All right. I told you, Mr. Lopez,</p> <p>17 sometimes lawyers will interrupt our conversation,</p> <p>18 but it's all good. It's a joke.</p> <p>19 So if you look at 2018, unlike the prior</p> <p>20 years, in 2018, you had a total number of 478 new</p> <p>21 voter registration applications received in your</p> <p>22 office; is that correct?</p>	<p>1 Q Okay. Fair enough. And I appreciate</p> <p>2 that clarification. So the first -- so it's not</p> <p>3 that you didn't receive any application -- voter</p> <p>4 registration applications by fax in 2011 through</p> <p>5 2014. It is just that you didn't track that</p> <p>6 information until 2015. Is that correct?</p> <p>7 A Correct, yes.</p> <p>8 Q Okay. And so talk to me about this</p> <p>9 third chart. What is this?</p> <p>10 A The third column or --</p> <p>11 Q No. 3, it says, "Please state the number</p> <p>12 of voter registration -- new voter registration</p> <p>13 applications Dallas County received each year from</p> <p>14 2011 to 2022 from the Department of Public</p> <p>15 Safety."</p> <p>16 A Oh, okay. Those are the ones that get</p> <p>17 imported to us from the Secretary of State that</p> <p>18 are DPS applications.</p> <p>19 Q Does this number of DPS applications</p> <p>20 denote the number of accepted DPS applications or</p> <p>21 does it denote something else?</p> <p>22 A All applications that we receive, it may</p>
Page 82	Page 84
<p>1 A Yes.</p> <p>2 Q And, in fact, if you look at 2018, we</p> <p>3 had the highest number, outside of by mail, but we</p> <p>4 had the highest number of voter registration</p> <p>5 applications submitted between 2011 and 2021.</p> <p>6 Would that be a fair reading of this chart?</p> <p>7 A What was the question? I'm sorry.</p> <p>8 Q So between 2011 and 2021, the highest</p> <p>9 number of voter -- the year -- the highest number</p> <p>10 of new voter registration applications in Dallas</p> <p>11 County would be the year of 2018, is that correct,</p> <p>12 submitted by fax?</p> <p>13 MR. STONE: Objection.</p> <p>14 A Yes, by fax. Okay. Yes, by fax. On</p> <p>15 this chart, I will say the zeros -- I think that</p> <p>16 we really should put NA because we didn't start</p> <p>17 coding them. I asked our vendor for our voter</p> <p>18 registration database to create a fax code so we</p> <p>19 could start tracking that, and that was back in</p> <p>20 2015. So if we got them by fax, you know, before</p> <p>21 that like in a heavy election in 2012, you know,</p> <p>22 we did not have the data.</p>	<p>1 include -- I'm trying to think of it, if it would</p> <p>2 include anything else. No, it's just applications</p> <p>3 received that do get registered because if it's</p> <p>4 like an out-of-county application that we have to</p> <p>5 forward back to the other county, that wouldn't be</p> <p>6 included in these numbers.</p> <p>7 Q Okay. So this number -- the numbers in</p> <p>8 this chart do not include rejected applications.</p> <p>9 A Right.</p> <p>10 Q And that is because you don't reject</p> <p>11 applications submitted from DPS, correct?</p> <p>12 A We do. We generate incomplete letters</p> <p>13 if we have to. If we can't verify an address or</p> <p>14 if it's a different county, like I say, we send</p> <p>15 them a rejection letter and let them know we're</p> <p>16 forwarding their application to the correct</p> <p>17 county.</p> <p>18 Q Okay. But you're not rejecting</p> <p>19 applications from the Department of Public Safety</p> <p>20 because they are submitted with an imaged</p> <p>21 signature, correct?</p> <p>22 A Very, very seldom, but sometimes we'll</p>

21 (Pages 81 to 84)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 85	Page 87
<p>1 get an application that says no signature exists,</p> <p>2 and so we have to reject it and send them a</p> <p>3 letter.</p> <p>4 Q That's because there's no signature on</p> <p>5 the application at all, correct?</p> <p>6 A Correct.</p> <p>7 Q But not -- you do not reject</p> <p>8 applications from DPS if that imaged signature is</p> <p>9 on the application, right?</p> <p>10 A Right.</p> <p>11 MR. HARRIS: Okay. We can take this</p> <p>12 down. All right. Let's put up Exhibit W as in</p> <p>13 watermelon. Scroll down to the second page,</p> <p>14 please. And we can hone in on the red box.</p> <p>15 (Exhibit W was marked for identification</p> <p>16 and attached to the deposition transcript.)</p> <p>17 BY MR. HARRIS:</p> <p>18 Q Mr. Lopez, I'll give you a moment to</p> <p>19 review that, and then let me know when you're</p> <p>20 ready to proceed.</p> <p>21 A (Document review). Okay.</p> <p>22 Q What is this announcement, Mr. Lopez?</p>	<p>1 mission. Do you remember that?</p> <p>2 A Yes.</p> <p>3 Q And I asked you and I believe you agreed</p> <p>4 that one of your missions is to make sure that you</p> <p>5 can get as many residents of Dallas registered to</p> <p>6 vote as possible; is that fair?</p> <p>7 A Yes.</p> <p>8 Q So even though you were receiving a ton</p> <p>9 of registration applications via fax, was that --</p> <p>10 I know it could be, you know, hard because you</p> <p>11 only have one fax machine, but wouldn't that be</p> <p>12 something good as it relates to the mission of</p> <p>13 your office, to have more people registering to</p> <p>14 vote?</p> <p>15 MR. STONE: Objection. Form.</p> <p>16 A Yes.</p> <p>17 Q And so I'm going to take -- I'm looking</p> <p>18 at my outline and my time. I only have a few more</p> <p>19 questions for you, Mr. Lopez. So what I would</p> <p>20 like to do is take a quick five-minute break. I</p> <p>21 will come back and hopefully be able to go through</p> <p>22 these questions in relative short order, and then</p>
Page 86	Page 88
<p>1 A What is what?</p> <p>2 Q What is this announcement?</p> <p>3 A I'm not sure. We'll have to check with</p> <p>4 our outreach coordinator. I don't know what they</p> <p>5 are trying to announce. I mean, just to let them</p> <p>6 know, let the voters know, hey, remember you got</p> <p>7 to -- here's the process, you got to actually sign</p> <p>8 it, print and sign it, mail it in, type it up.</p> <p>9 Q I'm sorry, were you done with your</p> <p>10 answer?</p> <p>11 A Yes.</p> <p>12 Q Okay. We can take that one down.</p> <p>13 So earlier in your testimony you said</p> <p>14 you were receiving a lot more new voter</p> <p>15 registration applications by fax. Is that</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Is that a yes?</p> <p>19 A Yes.</p> <p>20 Q It's the deposition thing, that's why,</p> <p>21 so I apologize. I'm not trying to be rude at all.</p> <p>22 Earlier we also looked at your office's</p>	<p>1 I'll tender the witness. Does that sound good</p> <p>2 with you?</p> <p>3 A Yes.</p> <p>4 MR. HARRIS: All right. Let's take a</p> <p>5 five-minute break.</p> <p>6 VIDEO TECHNICIAN: All right. The time</p> <p>7 is 3:51 p.m. Off the record.</p> <p>8 (A brief recess was taken.)</p> <p>9 VIDEO TECHNICIAN: The time is 3:57 p.m.</p> <p>10 We are back on the record.</p> <p>11 BY MR. HARRIS:</p> <p>12 Q All right. So, Mr. Lopez, I think I</p> <p>13 have a few more questions here and then I will</p> <p>14 tender you over to my friend at the state's house</p> <p>15 -- the State's Attorney General Office.</p> <p>16 You produced documents in connection</p> <p>17 with Vote.org's document request in this case?</p> <p>18 A Yes.</p> <p>19 Q And how did you collect those documents</p> <p>20 to produce?</p> <p>21 A Through email.</p> <p>22 Q So was your search only electronic in</p>

22 (Pages 85 to 88)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 89	Page 91
<p>1 nature or did you also search for hard copy files?</p> <p>2 A Electronic.</p> <p>3 Q And whose emails did you search?</p> <p>4 A Mine.</p> <p>5 Q Anyone else's?</p> <p>6 A No.</p> <p>7 Q And you turned over all of those</p> <p>8 responsive documents to your lawyers and they</p> <p>9 produced them to us, correct?</p> <p>10 A Yes.</p> <p>11 Q Have you -- since we've been in this</p> <p>12 pandemic, you know, oftentimes some people work</p> <p>13 from home and then some people actually work in</p> <p>14 the office. Do you have a personal laptop in</p> <p>15 which -- at home that you also do work-related</p> <p>16 stuff on?</p> <p>17 A No.</p> <p>18 Q Do you have -- have you ever used a</p> <p>19 personal email address for work-related material?</p> <p>20 A No.</p> <p>21 Q And then, finally, you spoke about</p> <p>22 earlier, I believe, could you talk to me about</p>	<p>1 A I don't believe so. I think I did</p> <p>2 pretty good.</p> <p>3 MR. HARRIS: Okay. Good. And with</p> <p>4 that, I will tender you to my friend Mr. Stone.</p> <p>5 THE WITNESS: Thank you.</p> <p>6 EXAMINATION</p> <p>7 BY MR. STONE:</p> <p>8 Q Good afternoon, Mr. Lopez. I have just</p> <p>9 a few questions for you. I'm hoping to -- well, I</p> <p>10 won't give a time, but let's go ahead and get</p> <p>11 started. I will try to be as quick as possible.</p> <p>12 Earlier you were asked a question about</p> <p>13 voter registration in Dallas County and you</p> <p>14 responded that you thought it was a pretty simple</p> <p>15 process. Do you remember that?</p> <p>16 A Yes.</p> <p>17 Q Someone can just call your office and</p> <p>18 you'll mail them a postage-paid stamp and voter</p> <p>19 registration application, right?</p> <p>20 A Yes.</p> <p>21 Q And the state reimburses you for doing</p> <p>22 that, right?</p>
<p>Page 90</p> <p>1 your document retention policy there in the</p> <p>2 office? I do understand, and correct me if I'm</p> <p>3 wrong, that certain, for example, voter</p> <p>4 registration applications are kept for a certain</p> <p>5 period of time and then they are destroyed. Is</p> <p>6 that the policy there at your office?</p> <p>7 A Yes.</p> <p>8 Q So is that just a policy as it relates</p> <p>9 to voter registration applications or is that just</p> <p>10 the overall policy, you keep documents for a year</p> <p>11 and then they're gone?</p> <p>12 A Voter registration applications.</p> <p>13 Q Do you keep certain categories of</p> <p>14 documents for longer than a year?</p> <p>15 A Yes.</p> <p>16 Q Which categories of documents are those?</p> <p>17 A Like election records, voter rosters.</p> <p>18 There's a 22-month retention period per the</p> <p>19 election code for election documents.</p> <p>20 Q Okay. And then, finally, were there any</p> <p>21 questions that I asked during our conversation</p> <p>22 today that you did not understand?</p>	<p>Page 92</p> <p>1 A Yeah. There's a permit number to pay</p> <p>2 for the postage. They take care of that permit</p> <p>3 number. If we need more applications, we order</p> <p>4 those through the state and they fund that as</p> <p>5 well.</p> <p>6 Q Was that the process you were describing</p> <p>7 as pretty simple?</p> <p>8 A Yes.</p> <p>9 Q Is it also convenient for voters?</p> <p>10 A Yes.</p> <p>11 Q What kind of feedback have you gotten</p> <p>12 from voters about that process?</p> <p>13 A Positive. They like it. They can just</p> <p>14 request an application, get it in the mail and</p> <p>15 send it right back in.</p> <p>16 Q A person can also request a postage-paid</p> <p>17 -- a postage-paid envelope and voter registration</p> <p>18 form application online through the Secretary of</p> <p>19 State's website, right?</p> <p>20 A That's right.</p> <p>21 Q Do you think that's also a pretty simple</p> <p>22 process?</p>

23 (Pages 89 to 92)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 93	Page 95
<p>1 A Simple? It might take a little longer</p> <p>2 because they have the Austin address on it, so it</p> <p>3 goes to them first and then they send it out to</p> <p>4 the county.</p> <p>5 Q Do you think that's convenient for</p> <p>6 voters?</p> <p>7 A Yes.</p> <p>8 Q Have you gotten any feedback from voters</p> <p>9 specifically about that process?</p> <p>10 A No. I mean, they're pretty positive.</p> <p>11 Any time they ask, hey, what does it take to get</p> <p>12 registered to vote, we tell them, okay, just send</p> <p>13 in an application and then they take care of it.</p> <p>14 Q Do you think voter registration -- the</p> <p>15 voter registration process in Texas using mail is</p> <p>16 convenient?</p> <p>17 A Yes.</p> <p>18 Q You said about 85 percent of voters</p> <p>19 register in Dallas County using the mail method.</p> <p>20 Do you remember that?</p> <p>21 A Yes.</p> <p>22 Q About how many, approximately,</p>	<p>1 is on there and it's signed. And then the deputy</p> <p>2 has five -- within five business days to get it</p> <p>3 back to our office.</p> <p>4 Q So if they register with the Deputy</p> <p>5 Voter Registrar, they don't even have to send it</p> <p>6 in. The Deputy Voter Registrar sends it in for</p> <p>7 them, right?</p> <p>8 A Yes.</p> <p>9 Q Do you think that's convenient for some</p> <p>10 voters?</p> <p>11 A Yes.</p> <p>12 Q Have you ever received negative feedback</p> <p>13 about that process from voters?</p> <p>14 A No.</p> <p>15 Q Have you ever had to sign your name</p> <p>16 using your finger?</p> <p>17 A A lot of times, yes.</p> <p>18 Q Okay. Do you think your signature looks</p> <p>19 the same just for you personally when you're</p> <p>20 signing with your finger as when you're using a</p> <p>21 pen to sign?</p> <p>22 A No.</p>
<p>Page 94</p> <p>1 individuals register each year using a Deputy</p> <p>2 Registrar?</p> <p>3 A On average, maybe 2,000.</p> <p>4 Q Deputy Board of Registrars go out into</p> <p>5 the community to help individuals register, right?</p> <p>6 A Yes.</p> <p>7 Q Sometimes they set up tables at stores,</p> <p>8 right?</p> <p>9 A Yes.</p> <p>10 Q Sometimes they set up tables at</p> <p>11 colleges, right?</p> <p>12 A Yes.</p> <p>13 Q If an individual sees a Deputy Voter</p> <p>14 Registrar and wants to register using them, do you</p> <p>15 think that's a pretty simple process?</p> <p>16 A Yes.</p> <p>17 Q What is that process?</p> <p>18 A They would -- the same thing, the deputy</p> <p>19 would offer them the application, a blank</p> <p>20 application. They assist them if they need to</p> <p>21 fill it out. They should be checking for</p> <p>22 completion, make sure everything that's required</p>	<p>Page 96</p> <p>1 Q They look totally different?</p> <p>2 A Yes.</p> <p>3 Q Could you tell from the Vote.Org</p> <p>4 applications that were submitted -- voter</p> <p>5 registration applications that were submitted by</p> <p>6 fax in 2018 whether the voters were signing with</p> <p>7 their finger?</p> <p>8 A I couldn't tell.</p> <p>9 Q So you testified that your signature</p> <p>10 looks different if you're signing with your finger</p> <p>11 versus using a pen on a piece of paper. Do you</p> <p>12 think that -- strike that.</p> <p>13 If someone on the Signature Verification</p> <p>14 Committee was looking -- was comparing your</p> <p>15 signatures to see if they match and one of your</p> <p>16 signatures was using your finger and the other one</p> <p>17 was using a pen, would your signatures match?</p> <p>18 A Probably not.</p> <p>19 Q Currently, what is the process for a</p> <p>20 voter to register using fax in Dallas County?</p> <p>21 A They would get the application, sign it,</p> <p>22 complete it, fax it over to us. Once we get that,</p>

24 (Pages 93 to 96)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 97	Page 99
<p>1 you know, the fax of course has a date and</p> <p>2 everything it came in so we know when to start the</p> <p>3 four-day process. And then we -- hopefully we get</p> <p>4 the original in. If we don't, then they get</p> <p>5 rejected for not a true wet signature and they get</p> <p>6 a letter sent out.</p> <p>7 Q And when you say that it has to be --</p> <p>8 have a signature, do you mean a signature signed</p> <p>9 with a pen?</p> <p>10 A Yes.</p> <p>11 Q What was the process for a person in</p> <p>12 Dallas County to register using fax in 2017?</p> <p>13 A The same one I just described. They</p> <p>14 would, you know, submit the fax in. We would get</p> <p>15 it into our office. If they sent the original in,</p> <p>16 we would continue their registration, get them</p> <p>17 registered. If the original didn't come in, then</p> <p>18 they would get rejected.</p> <p>19 Q When did Texas first begin accepting</p> <p>20 voter registration through fax?</p> <p>21 A I don't know.</p> <p>22 Q Does 2013 sound approximate?</p>	<p>1 Q What does that mean to you, that phrase,</p> <p>2 "voter registration nation"?</p> <p>3 A It's just our slogan because we take</p> <p>4 pride in what we do, registering people to vote,</p> <p>5 going out into the community when we can and going</p> <p>6 to, like I said, high schools and colleges,</p> <p>7 different events on National Registration Day. We</p> <p>8 just do that. We've been doing that for ten</p> <p>9 years. And, yeah, you know, doing a lot of just</p> <p>10 outreach to the community and registering them to</p> <p>11 vote.</p> <p>12 Q Is it fair to say that voter</p> <p>13 registration is something that you are passionate</p> <p>14 about?</p> <p>15 A Yeah. I don't know. When I first</p> <p>16 started working here, it was like I didn't really</p> <p>17 know much about anything. You know, I just had to</p> <p>18 learn as I got the experience of what it is. I</p> <p>19 just developed a passion for it, you know. I</p> <p>20 assist anybody I can, you know. I like serving</p> <p>21 the community and just doing it through voter</p> <p>22 registrations. It is great.</p>
Page 98	Page 100
<p>1 A That sounds pretty close, yes.</p> <p>2 Q Were you the person who wrote the voter</p> <p>3 registration by fax policy at your agency?</p> <p>4 A No.</p> <p>5 Q Who wrote it?</p> <p>6 A I don't know if it was ever written. I</p> <p>7 know it was stated.</p> <p>8 Q Do you think that one of the purposes of</p> <p>9 the election code is to create uniformity for</p> <p>10 voter registration among all the counties in</p> <p>11 Texas?</p> <p>12 A Yes.</p> <p>13 Q Are there a lot of counties in Texas?</p> <p>14 A 454.</p> <p>15 Q Would you agree with me that's a lot of</p> <p>16 counties?</p> <p>17 A Yes.</p> <p>18 Q What does your shirt say?</p> <p>19 A Oh, "voter registration nation." We</p> <p>20 like to do different shirts, register to vote</p> <p>21 shirts, stuff like that, me and my staff. I get</p> <p>22 them shirts from time to time.</p>	<p>1 Q Okay. I want to switch gears and talk a</p> <p>2 little bit about data. Do you remember us sending</p> <p>3 you an interrogatory asking you to provide us with</p> <p>4 voter registration information for all individuals</p> <p>5 in Dallas County whose registration had been</p> <p>6 denied because of the lack of a wet ink signature?</p> <p>7 A Yes.</p> <p>8 Q Do you remember sending us a spreadsheet</p> <p>9 with that information?</p> <p>10 A Yes.</p> <p>11 Q And were there approximately 874</p> <p>12 individuals identified on that document?</p> <p>13 A Yes.</p> <p>14 Q We also sent you an interrogatory asking</p> <p>15 you to give us the number, approximately, of faxed</p> <p>16 voter registration applications in 2018 that were</p> <p>17 denied due to a lack of a wet ink signature. Do</p> <p>18 you remember that?</p> <p>19 A Yes.</p> <p>20 Q And in your interrogatory, it's number</p> <p>21 6, you said it was approximately 1,300 in just</p> <p>22 2018 alone. Do you remember that?</p>

25 (Pages 97 to 100)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 101	Page 103
<p>1 A No. I remember you all showing that</p> <p>2 when Mike was talking. I don't remember where the</p> <p>3 1,300 came from.</p> <p>4 Q Okay. Is -- was it approximately 1,300</p> <p>5 voter -- faxed voter applications that were</p> <p>6 ultimately rejected in 2018 because of the lack of</p> <p>7 a wet ink signature?</p> <p>8 A It wasn't that much.</p> <p>9 Q Was it half that?</p> <p>10 A I would say less than half.</p> <p>11 Q Okay. And of the 874 individuals</p> <p>12 identified in the spreadsheet you sent to us,</p> <p>13 approximately 330 of them were between the ages of</p> <p>14 18 and 29, right?</p> <p>15 A I believe so. I didn't look at dates.</p> <p>16 Q Was there --</p> <p>17 MR. HARRIS: I'm sorry, can we see this</p> <p>18 spreadsheet?</p> <p>19 Q Oh, let me ask the witness. Mr. Lopez,</p> <p>20 do you -- would it help you to remember the exact</p> <p>21 numbers if I put the spreadsheet up on the screen</p> <p>22 or do you remember it from memory?</p>	<p>1 back in 2018, right?</p> <p>2 A Yes.</p> <p>3 Q It's fair to say that you were in the</p> <p>4 room where it happened?</p> <p>5 A Yes.</p> <p>6 Q That was a reference. All right.</p> <p>7 You said that you were uncomfortable</p> <p>8 with the proposed decision to partner with the</p> <p>9 Vote.org platform at the time, right?</p> <p>10 A Yes.</p> <p>11 Q And remind me again, what were -- what</p> <p>12 were those reasons that you felt uncomfortable?</p> <p>13 A It was still something new. I always</p> <p>14 liked to be prepared. Any kind of changes we may</p> <p>15 have when it comes to voter registration, like I</p> <p>16 said, we take pride in what we do, and I just</p> <p>17 didn't feel like I had time to, you know, even</p> <p>18 talk to the Secretary of State to see if this is</p> <p>19 something we can do. There was really no time.</p> <p>20 It was kind of a directive from my administrator</p> <p>21 and just said we're going to participate in it.</p> <p>22 Q Did you feel like it was something that</p>
<p>Page 102</p> <p>1 A No, it was just something that I did</p> <p>2 numbers on. I can't comment what the age limit</p> <p>3 was or what the age ranges were. I didn't do the</p> <p>4 homework on that.</p> <p>5 MR. HARRIS: Mr. Stone, do you want to</p> <p>6 email me that spreadsheet?</p> <p>7 MR. STONE: Absolutely. Do you not have</p> <p>8 it? It was disclosed --</p> <p>9 MR. HARRIS: I do not.</p> <p>10 MR. STONE: Ah, okay. Why don't we go</p> <p>11 off the record because I think -- let's determine</p> <p>12 whether or not you got all of the discovery</p> <p>13 responses that was sent to us as well from Dallas</p> <p>14 County. So let's go off the record.</p> <p>15 VIDEO TECHNICIAN: All right. The time</p> <p>16 is 4:14 p.m. Going off the record.</p> <p>17 (A brief recess was taken.)</p> <p>18 VIDEO TECHNICIAN: The time is 4:16 p.m.</p> <p>19 Back on the record.</p> <p>20 BY MR. STONE:</p> <p>21 Q Let's talk about the meeting with</p> <p>22 Vote.org. You were in the meeting with Vote.org</p>	<p>Page 104</p> <p>1 you needed to check with the Secretary of State on</p> <p>2 first?</p> <p>3 A Yes.</p> <p>4 Q Why is that?</p> <p>5 A Just to make sure we're doing the right</p> <p>6 thing, you know, if the process was okay and</p> <p>7 approved by them.</p> <p>8 Q You mentioned that there are annual or</p> <p>9 biannual trainings that are put on for election</p> <p>10 administrators, right?</p> <p>11 A Right.</p> <p>12 Q How many of them have you attended in</p> <p>13 your time at Dallas County?</p> <p>14 A I've been here ten years, so ten of</p> <p>15 them.</p> <p>16 Q And what were you specifically told at</p> <p>17 those trainings about wet ink signatures as it</p> <p>18 relates to voter registration by fax?</p> <p>19 A They have four business days to produce</p> <p>20 the original application with a wet ink signature.</p> <p>21 Q And did you say ink signature?</p> <p>22 A Wet ink signature, yes.</p>

26 (Pages 101 to 104)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 105	Page 107
<p>1 Q Were you ever told during those</p> <p>2 trainings that an imaged -- an image of a</p> <p>3 signature was sufficient?</p> <p>4 A No.</p> <p>5 Q You said you came to the meeting a</p> <p>6 little late, right?</p> <p>7 A Right.</p> <p>8 Q But that the individuals in the meeting</p> <p>9 explained to you what they wanted to do.</p> <p>10 A Right.</p> <p>11 Q How did they describe what they wanted</p> <p>12 to do?</p> <p>13 A They were going to use their program,</p> <p>14 their application to take in all the faxes and</p> <p>15 then send them to us as a fax application, and</p> <p>16 then we would get copies of those applications</p> <p>17 soon after. The question that I had was, well,</p> <p>18 copies of the original or, you know, copies. And</p> <p>19 that's when they started getting into it will just</p> <p>20 be copies. And that's -- at that point, that's</p> <p>21 what made me feel uncomfortable because it wasn't</p> <p>22 going to be the original.</p>	<p>1 to fly under the radar of the Secretary of State?</p> <p>2 A No.</p> <p>3 Q Did they tell you whether they had run</p> <p>4 their idea by the Secretary of State?</p> <p>5 A No.</p> <p>6 Q How did you know then during the meeting</p> <p>7 that this hadn't been run by or approved by the</p> <p>8 Secretary of State?</p> <p>9 A Because they never mentioned that they</p> <p>10 were going to talk to the Secretary of State.</p> <p>11 That's another thing that made me feel</p> <p>12 uncomfortable is like, you know, maybe we should</p> <p>13 give a call to the Secretary of State. I mean, it</p> <p>14 wouldn't take much for a quick call or a quick</p> <p>15 email just to see, you know, if we're okay.</p> <p>16 Q Did you express that concern to Toni?</p> <p>17 A Yes.</p> <p>18 Q How did Toni respond?</p> <p>19 A She was a little upset with me. She</p> <p>20 said we got to think about the voters. You know,</p> <p>21 we're trying to help out the voters. I said,</p> <p>22 well, I've always been here to help out the</p>
<p>Page 106</p> <p>1 Q Did you tell everyone present in the</p> <p>2 meeting that you were uncomfortable with what they</p> <p>3 were proposing?</p> <p>4 A No, that was a conversation me and Toni</p> <p>5 had, Ms. Pippins-Poole.</p> <p>6 Q What was the demeanor like of the</p> <p>7 Vote.org individuals who were present in that</p> <p>8 meeting?</p> <p>9 A They were nice. They were pleasant,</p> <p>10 polite and everything, so no issues.</p> <p>11 Q Did they tell you that they were trying</p> <p>12 to be discrete about their activities?</p> <p>13 A No.</p> <p>14 Q Did they tell you that Dallas County was</p> <p>15 elected because it was a favorable county?</p> <p>16 A I don't recall them saying that. They</p> <p>17 said they were going to test this out in a handful</p> <p>18 of counties. They didn't classify why they picked</p> <p>19 the counties they were. I know at that time that</p> <p>20 they said there and I believe Travis. I don't</p> <p>21 remember the other counties.</p> <p>22 Q Did they tell you that they were trying</p>	<p>Page 108</p> <p>1 voters, Toni, but I just wanted to make sure we're</p> <p>2 doing the right thing according to what's directed</p> <p>3 by the state.</p> <p>4 Q Did you suggest to Toni during your</p> <p>5 meeting with her that you should check with the</p> <p>6 Secretary of State first?</p> <p>7 A Yes.</p> <p>8 Q And how did she respond to that?</p> <p>9 A Part of the reason she was upset with</p> <p>10 me, she told me she already made the decision</p> <p>11 we're going to do it and you're going to make</p> <p>12 sure, you know, you get those applications in.</p> <p>13 Q Were you told not to contact the</p> <p>14 Secretary of State?</p> <p>15 A No.</p> <p>16 Q Did you contact the Secretary of State</p> <p>17 after that meeting?</p> <p>18 A I did not.</p> <p>19 Q You said that she --</p> <p>20 THE REPORTER: I think you cut out. I</p> <p>21 didn't get your whole question.</p> <p>22 MR. STONE: Oh, I'm sorry, I haven't</p>

27 (Pages 105 to 108)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 109	Page 111
<p>1 asked one yet. I started and then --</p> <p>2 THE REPORTER: Sorry.</p> <p>3 BY MR. STONE:</p> <p>4 Q So at any point during the meeting with</p> <p>5 Vote.org, did you express concern to either them</p> <p>6 or to Toni while everyone was in the room about</p> <p>7 what Vote.org was proposing?</p> <p>8 A No. I said very little. I just kind of</p> <p>9 listened to their pitch. And so I didn't say much</p> <p>10 at all in the meeting.</p> <p>11 Q You testified earlier that you thought</p> <p>12 what they were proposing was illegal, right?</p> <p>13 A I just had a concern that, you know, I</p> <p>14 just wanted to make sure we were doing the right</p> <p>15 thing. It didn't seem like it was the right thing</p> <p>16 if we weren't going to get the original</p> <p>17 applications.</p> <p>18 Q Did you think that the method that was</p> <p>19 being proposed by Vote.org in that meeting was</p> <p>20 illegal?</p> <p>21 MR. HARRIS: Objection. Calls for a</p> <p>22 legal conclusion.</p>	<p>1 get rejected and not get registered to vote.</p> <p>2 Q At the time the Election Administrator</p> <p>3 in Dallas County was Toni Pippins-Poole, right?</p> <p>4 A Yes.</p> <p>5 Q When did Toni Pippins-Poole leave that</p> <p>6 position?</p> <p>7 A December or the end of November in 2021.</p> <p>8 Q 2021?</p> <p>9 A 2020, sorry.</p> <p>10 Q And was Ms. -- was Toni fired?</p> <p>11 A No, she retired.</p> <p>12 Q So I want to -- let's sort of go through</p> <p>13 the events of what happened. So this meeting</p> <p>14 takes place between you, Toni and Vote.org on</p> <p>15 September 21st of 2018, right?</p> <p>16 A Right.</p> <p>17 Q Had you began receiving applications</p> <p>18 from Vote.org the very next day? No, I'm sorry,</p> <p>19 the following Monday.</p> <p>20 A Right, yes.</p> <p>21 Q September 24th, 2018, right?</p> <p>22 A Yes.</p>
Page 110	Page 112
<p>1 A At that time I didn't. And that's why I</p> <p>2 kind of had the question in my mind that we need</p> <p>3 to check with, you know, the Secretary of State or</p> <p>4 even our district attorneys, somebody just to</p> <p>5 confirm. I mean, I'm not a lawyer so I don't</p> <p>6 know. I just wanted to confirm.</p> <p>7 Q And I understand that you're not a</p> <p>8 lawyer, but you have been working in elections,</p> <p>9 though, for many years, right?</p> <p>10 A Yes.</p> <p>11 Q And, in fact, you've helped manage</p> <p>12 between 30 and 50 elections, right?</p> <p>13 A Yes.</p> <p>14 Q And like you testified earlier, voter</p> <p>15 registration is something you're passionate about,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q Did you believe at the time that</p> <p>19 Vote.org's proposal could actually disenfranchise</p> <p>20 some voters?</p> <p>21 A At the time, yes, because if we didn't</p> <p>22 get their original application, they were going to</p>	<p>1 Q And you received 40 applications that</p> <p>2 day.</p> <p>3 A Yes.</p> <p>4 Q And the next day you got 371</p> <p>5 applications.</p> <p>6 A Yes.</p> <p>7 Q And the day after that you got 125</p> <p>8 applications.</p> <p>9 A Yes.</p> <p>10 Q And on September 27th, 2018, you got 65</p> <p>11 applications.</p> <p>12 A Yes.</p> <p>13 Q On September 28th, 2018, you got 59</p> <p>14 applications from Vote.org.</p> <p>15 A Yes.</p> <p>16 Q And on September 29th, 2018, you got 21</p> <p>17 applications, correct?</p> <p>18 A Yes.</p> <p>19 Q On September 30th, 2018, you got 27</p> <p>20 applications, right?</p> <p>21 A Yes.</p> <p>22 Q On October 1st, you got 45 applications</p>

28 (Pages 109 to 112)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 113	Page 115
<p>1 from Vote.org.</p> <p>2 A Yes.</p> <p>3 Q And on October 2nd, you got 24</p> <p>4 applications from Vote.org.</p> <p>5 A Yes.</p> <p>6 Q Were all of those applications by fax?</p> <p>7 A Yes.</p> <p>8 Q So I tallied that up and I came up with</p> <p>9 737 applications from Vote.org. Does that sound</p> <p>10 accurate to you?</p> <p>11 A It sounds right.</p> <p>12 Q On October 4th, the Secretary of State</p> <p>13 issued guidance that a wet ink signature was</p> <p>14 necessary for applications that were submitted via</p> <p>15 fax, right?</p> <p>16 A Yes.</p> <p>17 Q And October 9th was the deadline --</p> <p>18 October 9th, 2018, was the deadline to register to</p> <p>19 vote that year.</p> <p>20 A I can't remember the exact day the</p> <p>21 cutoff was, but it's right around there.</p> <p>22 Q Okay. Were there any problems with the</p>	<p>1 Q And when you received the paper copy</p> <p>2 that was mailed, was the signature quality the</p> <p>3 same as the copy that had been faxed?</p> <p>4 A No, because it was actually a duplicate</p> <p>5 of the one that was faxed.</p> <p>6 Q So it was -- did they have exactly the</p> <p>7 same problems as the copy that was faxed?</p> <p>8 A Yes.</p> <p>9 Q Did you tell Toni that?</p> <p>10 A Yes, I showed her.</p> <p>11 Q I'm sorry?</p> <p>12 A Yes, I showed her. I showed her the --</p> <p>13 Q You showed her.</p> <p>14 A Yes.</p> <p>15 Q How did Toni respond?</p> <p>16 A She said if you can't see them, you're</p> <p>17 going to have to ask for another application, send</p> <p>18 them out a paper application in the mail because</p> <p>19 we don't -- we can't see the signature.</p> <p>20 Q Ask who for another voter registration</p> <p>21 application?</p> <p>22 A The voter who submitted the application</p>
<p>Page 114</p> <p>1 signature lines on the applications that were</p> <p>2 submitted by Vote.org?</p> <p>3 A Yes, there were some signatures and some</p> <p>4 of them came with -- you know, you can barely see</p> <p>5 them. Some of them came with just black. So I</p> <p>6 don't know if it was the application or what was</p> <p>7 going on.</p> <p>8 Q And of the 737 applications that were</p> <p>9 submitted by Vote.org, how many of them,</p> <p>10 approximately, had problems with the signature</p> <p>11 line where it was blank, blacked out, illegible,</p> <p>12 or just such poor quality you couldn't accept it?</p> <p>13 A Not a lot. Like I would say 20 percent.</p> <p>14 I wouldn't even go that high. It was probably</p> <p>15 closer to 15 percent.</p> <p>16 Q Approximately 15 percent, right?</p> <p>17 A Right.</p> <p>18 Q And you testified that for those</p> <p>19 approximate 15 percent, Toni directed you to wait</p> <p>20 until the mailed applications arrived. Is that</p> <p>21 correct?</p> <p>22 A Yes.</p>	<p>Page 116</p> <p>1 that we couldn't see their signature, we would</p> <p>2 send them a new blank application.</p> <p>3 Q Did you also communicate to Vote.Org?</p> <p>4 A No.</p> <p>5 Q Why not?</p> <p>6 A That was just an internal discussion --</p> <p>7 internal process that we did.</p> <p>8 Q Prior to meeting with Vote.org on</p> <p>9 September 21st of 2018, what was your policy on</p> <p>10 wet signatures in relation to faxed voter</p> <p>11 registrations?</p> <p>12 A Same thing that I said earlier, it's</p> <p>13 a -- when a fax comes in, they -- we put them in</p> <p>14 and we wait for the original signature to come,</p> <p>15 continue processing their application to get</p> <p>16 registered. If it doesn't come within four</p> <p>17 business days, they get rejected.</p> <p>18 Q And after your meeting with Vote.org on</p> <p>19 September 21st of 2018 until the Secretary of</p> <p>20 State issued a statement on October 4th of 2018,</p> <p>21 what was your office's policy on wet signatures in</p> <p>22 relation to faxed voter registration applications?</p>

29 (Pages 113 to 116)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 117	Page 119
<p>1 A The same.</p> <p>2 Q So is it your testimony today that even</p> <p>3 if the Secretary of State hadn't issued a</p> <p>4 statement on October 4th of 2018, all of the</p> <p>5 applications submitted by Vote.org would have been</p> <p>6 rejected because they weren't followed up with a</p> <p>7 wet ink signature in the mail?</p> <p>8 A Yes, that's correct.</p> <p>9 Q Was that communicated to Vote.org?</p> <p>10 A I didn't communicate it to them. I</p> <p>11 don't know if Toni did, but I didn't.</p> <p>12 Q Did you communicate that to Toni?</p> <p>13 A Yes.</p> <p>14 Q And how did Toni react to that?</p> <p>15 A She came to me -- I don't know if the</p> <p>16 state emailed her, called her. She came to me and</p> <p>17 said, hey, we have to reject those applications</p> <p>18 because the state said they didn't authorize this</p> <p>19 method. And I told her at that time, I said, we</p> <p>20 haven't accepted one because we don't have any</p> <p>21 original signatures.</p> <p>22 Q Bear with me just a moment. I'm going</p>	<p>1 numbers that were provided to you by Vote.org?</p> <p>2 A Vote.org was giving us numbers of what</p> <p>3 they were receiving by fax and what they were</p> <p>4 giving us. 478 is what we actually received by</p> <p>5 fax. So what happened to those 200 and some or</p> <p>6 close to 300? Whatever. We don't know. And</p> <p>7 around that time when the state said, you know,</p> <p>8 not to do this, and we just -- you know, that was</p> <p>9 the end of the process. And we -- I think Toni</p> <p>10 may have notified them and they stopped sending</p> <p>11 anything.</p> <p>12 Q So Vote.org did not even send you half</p> <p>13 of the applications that --</p> <p>14 A I believe they stopped. I think Toni</p> <p>15 had notified them that we could no longer continue</p> <p>16 the process once the state notified her, and so</p> <p>17 whatever they received, I don't even think they</p> <p>18 sent us the full 700.</p> <p>19 Q Now, that 737 number was from before the</p> <p>20 secretary issued -- the Secretary of State issued</p> <p>21 that announcement on November 4th of 2018, right?</p> <p>22 A Yes. So from what I understand with</p>
<p>Page 118</p> <p>1 to open up an exhibit, but I got to get into the</p> <p>2 exhibit folder. Bear with me.</p> <p>3 MR. STONE: Can we put up Exhibit T --</p> <p>4 Henry, could you put Exhibit T up on the screen?</p> <p>5 Q I specifically want to talk about your</p> <p>6 response to number 2.</p> <p>7 A Okay.</p> <p>8 Q The numbers that you provided in this</p> <p>9 response, are these the numbers of people who</p> <p>10 successfully registered in Dallas County?</p> <p>11 A No.</p> <p>12 Q So this also includes rejected</p> <p>13 applications?</p> <p>14 A Yes.</p> <p>15 Q So a little while -- five minutes ago,</p> <p>16 we counted up 737 applications that were submitted</p> <p>17 by Vote.org in 2018. Do you remember that?</p> <p>18 A Yes.</p> <p>19 Q Can you explain the discrepancy here of</p> <p>20 the 478 number that I'm looking at for 2018 in</p> <p>21 your response number 2 in Exhibit number T and the</p> <p>22 737 number that we reached from the emailed</p>	<p>Page 120</p> <p>1 Vote.org, they were telling us how many they were</p> <p>2 receiving and then how many they were going to</p> <p>3 send us. So that's the number we were expecting,</p> <p>4 so that's why I asked for numbers to kind of match</p> <p>5 up, you know, pulling it off the fax machine,</p> <p>6 matching up with their numbers. And, you know,</p> <p>7 whether it took them a day or two days, however</p> <p>8 long it took to get to us, to fax it to us, I was</p> <p>9 trying to match up the numbers. That's why I kept</p> <p>10 asking for numbers because the numbers weren't</p> <p>11 matching.</p> <p>12 Q But ultimately Vote.org could have faxed</p> <p>13 you one application or 1 million applications.</p> <p>14 Every single one of them would get rejected,</p> <p>15 right?</p> <p>16 A Right.</p> <p>17 Q Because they didn't have a wet ink</p> <p>18 signature that they were subsequently mailing to</p> <p>19 you, right?</p> <p>20 A Right.</p> <p>21 Q After the Secretary of State issued</p> <p>22 guidance on October 4th of 2018, your office</p>

30 (Pages 117 to 120)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 121	Page 123
<p>1 contacted every person who had submitted an</p> <p>2 application via fax using -- through Vote.org,</p> <p>3 right?</p> <p>4 A Our office contacted who?</p> <p>5 Q The individuals identified in the faxes</p> <p>6 that you received from Vote.org.</p> <p>7 A No, we didn't contact them, no.</p> <p>8 MR. STONE: Oh, I'm sorry. Henry, could</p> <p>9 you take down the exhibit that you have on the</p> <p>10 screen?</p> <p>11 Q I'm dropping in the chat what I'm</p> <p>12 marking as Exhibit 4. And I'm going to use the</p> <p>13 share screen feature to show it to you, Mr. Lopez.</p> <p>14 (Exhibit 4 was marked for identification</p> <p>15 and attached to the deposition transcript.)</p> <p>16 BY MR. STONE:</p> <p>17 Q Can you see Exhibit 4 on your screen</p> <p>18 right now?</p> <p>19 A Yes.</p> <p>20 Q Does it look like a newspaper article</p> <p>21 from the Dallas Morning News?</p> <p>22 A Yes.</p>	<p>1 Q Now let's go up to the top of this --</p> <p>2 the first page of this -- sorry, the second page</p> <p>3 of this exhibit, I want to get the date. Do you</p> <p>4 see the date on October 4th, 2018, on this</p> <p>5 document?</p> <p>6 A Yes.</p> <p>7 Q Okay. So did you -- did your office</p> <p>8 notify the individuals who submitted -- who</p> <p>9 Vote.org had submitted applications on behalf of</p> <p>10 that they needed to submit an application --</p> <p>11 strike that.</p> <p>12 Did you contact the individuals from</p> <p>13 whom you received voter registration applications</p> <p>14 from Vote.org to notify them that their</p> <p>15 applications were incomplete?</p> <p>16 A The one thing I can think that she may</p> <p>17 be referring to is when they reject it, they do</p> <p>18 their rejection letter that they need to fill out</p> <p>19 a complete application. So that may have been the</p> <p>20 context she was referring to.</p> <p>21 Q Would the individuals who had -- so the</p> <p>22 deadline I think we established was October 9th or</p>
Page 122	Page 124
<p>1 Q And is it titled, "Hundreds of voter</p> <p>2 registrations filed in Dallas County used online</p> <p>3 tool -- using online tool could be invalid and</p> <p>4 open to legal challenges."</p> <p>5 Did I read that correctly?</p> <p>6 A Yes.</p> <p>7 Q I'm very good at reading.</p> <p>8 Let's go down to page 4 of this exhibit.</p> <p>9 And I'm going to read to you the second paragraph</p> <p>10 from the bottom. I'm going to highlight it so</p> <p>11 that you can see it. Do you see it on your</p> <p>12 screen?</p> <p>13 A Yes.</p> <p>14 Q Tell me if I'm reading this accurately.</p> <p>15 "Pippins-Poole said Dallas County will follow the</p> <p>16 state's guidance and notify applicants that their</p> <p>17 registrations are incomplete and require an</p> <p>18 original signature. To finish their registration,</p> <p>19 they would need to send in an original signature</p> <p>20 within ten days of receiving the notice."</p> <p>21 Did I read that accurately?</p> <p>22 A Yes.</p>	<p>1 thereabouts, 2018, right?</p> <p>2 A Right.</p> <p>3 Q And the Secretary of State's</p> <p>4 announcement came five days before that on October</p> <p>5 4th of 2018, right?</p> <p>6 A Right.</p> <p>7 Q Based on your knowledge, training, and</p> <p>8 experience, would the individuals who had</p> <p>9 applications submitted on their behalf by Vote.org</p> <p>10 have -- would they have received notification that</p> <p>11 their application had been rejected prior to that</p> <p>12 October 9th, 2018, deadline?</p> <p>13 A Maybe some. I can't say all of them.</p> <p>14 Q For those who didn't receive</p> <p>15 notification prior to that October 9th, 2018,</p> <p>16 deadline -- well, let me strike that.</p> <p>17 When a voter receives a notification</p> <p>18 that their application -- when a voter receives</p> <p>19 notification that their voter registration</p> <p>20 application has been rejected, do they have an</p> <p>21 opportunity to cure whatever defect there is?</p> <p>22 A Yes.</p>

31 (Pages 121 to 124)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 125	Page 127
<p>1 Q And if they cure that defect, what is</p> <p>2 the effective date of their voter application?</p> <p>3 A They respond ten days from the rejection</p> <p>4 or incomplete letter. It goes back to the</p> <p>5 original application date. If it's after, then</p> <p>6 they -- the dates, say if it's the 12th day, then</p> <p>7 it goes off of that date.</p> <p>8 Q So the -- sorry. I got a notification</p> <p>9 that my Internet wasn't stable so I paused for a</p> <p>10 moment.</p> <p>11 So the 478 applications received,</p> <p>12 applicants that submitted applications by fax in</p> <p>13 2018 that were rejected would have received</p> <p>14 notification from your office at some point,</p> <p>15 right?</p> <p>16 A Right.</p> <p>17 Q Of that 478 applications that were</p> <p>18 submitted by fax in 2018, do you know how many of</p> <p>19 them were actually from Vote.org?</p> <p>20 A I don't.</p> <p>21 Q Is it fair to say, though, not all of</p> <p>22 the 478 voter registration applications that you</p>	<p>1 applications, you could not have sent out a notice</p> <p>2 to them that their application had been rejected,</p> <p>3 could you?</p> <p>4 A That's right.</p> <p>5 Q Those 259 voters potentially were</p> <p>6 disenfranchised, weren't they?</p> <p>7 A Could have been, yes.</p> <p>8 Q By Vote.org?</p> <p>9 A From when they sent the original</p> <p>10 application and I got them registered, I don't</p> <p>11 have that information, though.</p> <p>12 Q Do you know how many of the -- do you</p> <p>13 know how many of the applications -- voter</p> <p>14 registration applications that were submitted by</p> <p>15 Vote.org, how many of the applicants themselves</p> <p>16 subsequently cured the defects with their</p> <p>17 applications?</p> <p>18 A No, I don't.</p> <p>19 Q If they didn't cure the defects with</p> <p>20 their applications, they couldn't vote, right?</p> <p>21 MR. HARRIS: Objection. Calls for</p> <p>22 speculation.</p>
<p>Page 126</p> <p>1 received in 2018 were from Vote.org?</p> <p>2 A Yes, that's fair.</p> <p>3 Q So we've got two numbers. We've got the</p> <p>4 number provided by Vote.org of 737 individuals who</p> <p>5 used their app and wanted to register via fax,</p> <p>6 right?</p> <p>7 A Right.</p> <p>8 Q And then we've got the 478 applications</p> <p>9 that you received on the 28th that were actually</p> <p>10 by fax, right?</p> <p>11 A Yes.</p> <p>12 Q And not even all of those were from</p> <p>13 Vote.org, right?</p> <p>14 A Right.</p> <p>15 Q Let's just assume they were. That's</p> <p>16 just still 259 applications that you never</p> <p>17 received from Vote.org, right?</p> <p>18 MR. HARRIS: Objection. Calls for</p> <p>19 speculation.</p> <p>20 Q Oh, go ahead and answer. I'm sorry.</p> <p>21 A I said yes. I'm sorry.</p> <p>22 Q If you didn't receive those 259</p>	<p>Page 128</p> <p>1 A Yes, if they never got registered, they</p> <p>2 couldn't vote.</p> <p>3 MR. STONE: I am almost done. If we</p> <p>4 could take a five-minute break, I think when we</p> <p>5 come back, I may just have a few more questions</p> <p>6 and I'll pass the witness.</p> <p>7 VIDEO TECHNICIAN: All right. The time</p> <p>8 is 4:49 p.m. Off the record.</p> <p>9 (A brief recess was taken.)</p> <p>10 VIDEO TECHNICIAN: All right. The time</p> <p>11 is 5:02 p.m. We are back on the record.</p> <p>12 MR. STONE: I pass the witness.</p> <p>13 MR. HARRIS: Okay. I didn't expect that</p> <p>14 one. Fair enough.</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. HARRIS:</p> <p>17 Q All right. So let's -- I only have a</p> <p>18 few questions, Mr. Lopez, and then I will be out</p> <p>19 of your face. And so what I want to do is circle</p> <p>20 back on your meeting with my client, Vote.org.</p> <p>21 Okay? And so as I understand your earlier</p> <p>22 testimony was that you were not there for the</p>

32 (Pages 125 to 128)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 129	Page 131
<p>1 entirety of that meeting. Is that correct?</p> <p>2 A Yes, that's correct.</p> <p>3 Q And you also testified earlier that you</p> <p>4 came in near the back end of that meeting; is that</p> <p>5 correct?</p> <p>6 A Yes.</p> <p>7 Q And when you arrived at that meeting,</p> <p>8 was Toni still there?</p> <p>9 A Toni was, yes.</p> <p>10 Q Do you recall anyone else who was</p> <p>11 present when you arrived at the meeting?</p> <p>12 A That's what's been bothering me. I want</p> <p>13 to say somebody was there and then left before I</p> <p>14 got there, and there might have been one other</p> <p>15 person. I just didn't want to start saying names</p> <p>16 and that not be true. I just couldn't recall.</p> <p>17 But I know there had to be one person there at</p> <p>18 least that left before I got there and there might</p> <p>19 have been one other person.</p> <p>20 Q But the Vote.org team, Sarah and Raven,</p> <p>21 they were there when you joined -- came to the</p> <p>22 meeting?</p>	<p>1 to implement?</p> <p>2 A I did not.</p> <p>3 Q And you also testified earlier that</p> <p>4 Ms. Pippins-Poole did not direct you not to call</p> <p>5 the Secretary of State, right?</p> <p>6 A Correct.</p> <p>7 Q And you testified that your interactions</p> <p>8 with both the Vote.org team were good, they were</p> <p>9 positive, right?</p> <p>10 A Yes.</p> <p>11 Q Would you say from your interaction that</p> <p>12 you guys shared a mission to help people register</p> <p>13 to vote?</p> <p>14 A They shared a mission with Toni, yes. I</p> <p>15 was the only one in disagreement, I guess, you</p> <p>16 know.</p> <p>17 Q You were in disagreement about the</p> <p>18 method to register people to vote, not actually --</p> <p>19 A Yes.</p> <p>20 Q -- the overall. Okay, makes sense.</p> <p>21 You testified also that you felt</p> <p>22 uncomfortable because the technology was, I think</p>
Page 130	Page 132
<p>1 A Yes, yes, they were there.</p> <p>2 Q Was this meeting in a back alley</p> <p>3 somewhere?</p> <p>4 A It was in our conference room.</p> <p>5 Q Were the lights off in the conference</p> <p>6 room?</p> <p>7 A Usually it was because we had windows,</p> <p>8 some big windows, and we just let the natural</p> <p>9 light come in.</p> <p>10 Q So this wasn't like some secret that you</p> <p>11 were meeting with the Vote.org team?</p> <p>12 A A secret? No.</p> <p>13 Q No.</p> <p>14 You testified earlier that you felt that</p> <p>15 what the team was proposing was illegal. Is that</p> <p>16 the word you used?</p> <p>17 A Yeah. I questioned if it was -- we were</p> <p>18 doing the right thing legally, yes.</p> <p>19 Q And you're not a lawyer, right?</p> <p>20 A Right.</p> <p>21 Q Did you speak with any lawyers in your</p> <p>22 office regarding the program that Vote.org wanted</p>	<p>1 you used the word new. Is that correct?</p> <p>2 A The process of what they --</p> <p>3 Q The process was going to be new.</p> <p>4 A Uh-hmm.</p> <p>5 Q And you felt uncomfortable because you</p> <p>6 didn't -- there was a fast turnaround between when</p> <p>7 you met with the Vote.org team until when it</p> <p>8 actually -- when it was going to launch that</p> <p>9 following Monday, right?</p> <p>10 A Right.</p> <p>11 Q You also testified -- when we looked at</p> <p>12 the chart earlier, you testified, and I just want</p> <p>13 to be extremely clear for the record, you are</p> <p>14 unable to differentiate a faxed voter registration</p> <p>15 application submitted using the Vote.org platform</p> <p>16 from a faxed voter registration application just</p> <p>17 faxed in normally, correct?</p> <p>18 MR. STONE: Objection. Form.</p> <p>19 A No. No, not at that time.</p> <p>20 Q You could not tell the difference. I'm</p> <p>21 sorry. I didn't mean to talk over you.</p> <p>22 A No, we couldn't tell the difference.</p>

33 (Pages 129 to 132)

Page 133

1 That's why we were asking if it was going to have  
 2 anything on top of it. And they did produce that  
 3 this is what it would look like, like the  
 4 screenshot you all showed, so that's how we would  
 5 tell the difference between Vote.org and others.  
 6 Q Okay. And so let me just make sure.  
 7 You also testified that you would have  
 8 no way of knowing whether or not Vote.org  
 9 contacted the individuals whose applications --  
 10 voter registration applications were rejected.  
 11 You just don't know that, correct?  
 12 MR. STONE: Objection to form.  
 13 A If Vote.Org contacted them?  
 14 Q Right.  
 15 A Yes, I wouldn't know that.  
 16 Q Would it surprise you if I told you  
 17 that, in fact, they did contact the voters after  
 18 the Secretary's October 4th, 2018, announcement?  
 19 A Yeah, I would be surprised because it  
 20 was something I didn't think they would do.  
 21 Q And finally, you testified that you do  
 22 not set the policies in the office; is that

Page 134

1 correct?  
 2 A Correct.  
 3 MR. STONE: Objection. Form.  
 4 Q You implement the policies that, say,  
 5 for example, Mr. Scarpello articulates. Would  
 6 that be fair to say?  
 7 A Yes.  
 8 MR. HARRIS: Okay. I have no further  
 9 questions. I think we're done.  
 10 VIDEO TECHNICIAN: Are we done?  
 11 MR. STONE: No, just a moment.  
 12 MR. HARRIS: Spoke too soon.  
 13 MR. STONE: No further questions. Thank  
 14 you so much, Mr. Lopez. I really appreciate you  
 15 taking the time today to come and be here all day  
 16 for this deposition. We really appreciate you  
 17 taking the time. I see your attorney has come on  
 18 the screen. Does anyone else have any questions?  
 19 I guess I should have said pass the witness. I'm  
 20 not sure since --  
 21 MR. HARRIS: You can't pass the witness  
 22 to somebody who wasn't noticed, so I think we are

Page 135

1 done. I want to thank you --  
 2 VIDEO TECHNICIAN: Off the record?  
 3 MR. HARRIS: Yes, we are off the record.  
 4 VIDEO TECHNICIAN: All right. This  
 5 marks the end of today's deposition. The time is  
 6 5:09 p.m.  
 7  
 8 (The deposition was concluded at 5:09 p.m.;  
 9 signature was not discussed.)  
 10  
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 13  
 14  
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 16  
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 18  
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 21  
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Page 136

1 REPORTER'S CERTIFICATION  
 2 VIDEOTAPED DEPOSITION OF RIVELINO LOPEZ  
 3 February 11, 2012  
 4 I, Michele E. Eddy, Registered Professional  
 5 Reporter in and for the District of Columbia, hereby  
 6 certify the following:  
 7 That the witness, RIVELINO LOPEZ, was duly  
 8 sworn by the officer and that the transcript of the  
 9 oral deposition is a true record of the testimony  
 10 given by the witness;  
 11 That the deposition transcript was submitted on  
 12 February 24, 2022 to the witness or to the attorney  
 13 for the witness for examination, signature and return  
 14 to me by March 24, 2022.  
 15 That the amount of time used by each party at the  
 16 deposition is as follows:  
 17 Mr. Harris: 1 hour, 37 minutes  
 18 Mr. Stone: 52 minutes  
 19 That pursuant to information given to the  
 20 deposition officer at the time said testimony was  
 21 taken, the following includes counsel for all parties  
 22 of record:  
 Mr. Joshua Harris and Mr. Noah Baron, Attorney  
 for Plaintiff  
 Mr. Jonathan Stone and Ms. Kathleen Hunker,  
 Attorneys for Defendant Attorney General of Texas  
 Mr. Benjamin Stool and Mr. Jason Schuette  
 Attorneys for Defendant Dallas County Election  
 Administrator  
 Attorneys for Defendant Rami Garza and Cameron County  
 Ms. Cynthia Veidt and Ms. Gretchen Nagy,  
 Attorneys for Defendants Bruce Elfant and Travis  
 County Tax Assessor-Collector  
 Mr. Robert Green, Attorney for Defendant  
 Jacquelyn Callanen and Bexar County Election  
 Administrator  
 -CERTIFICATE CONTINUED ON NEXT PAGE-

2/11/2022

Vote.org v. Jacquelyn Callanen, et al.

Rivelino Lopez 30(b)(6)

Page 137

1 REPORTER'S CERTIFICATION

2

3 I further certify that I am neither counsel for,

4 related to, nor employed by any of the parties or

5 attorneys in the action in which this proceeding was

6 taken, and further that I am not financially or

7 otherwise interested in the outcome of the action.

8 Further certification requirements pursuant to

9 Rule 203 of TRCP will be certified to after they have

10 occurred.

11 Certified by me on February 24, 2022.

12

13

14

15

16

17

18 \_\_\_\_\_

19 MICHELE E. EDDY, DISTRICT OF COLUMBIA

20 Expiration Date: June 30, 2022

21

22

Page 139

1 Digital Evidence Group, L.L.C.

2 1730 M Street, NW, Suite 812

3 Washington, D.C. 20036

4 (202) 232-0646

5

6 SIGNATURE PAGE

7 Case: Vote.org v. Jacquelyn Callanen, et al.

8 Witness Name: Rivelino Lopez 30(b)(6)

9 Deposition Date: February 11, 2022

10

11 I do hereby acknowledge that I have read

12 and examined the foregoing pages

13 of the transcript of my deposition and that:

14

15 (Check appropriate box):

16  The same is a true, correct and

17 complete transcription of the answers given by

18 me to the questions therein recorded.

19  Except for the changes noted in the

20 attached Errata Sheet, the same is a true,

21 correct and complete transcription of the

22 answers given by me to the questions therein

recorded.

\_\_\_\_\_  
DATE WITNESS SIGNATURE

\_\_\_\_\_  
DATE NOTARY

Page 138

1 Rivelino Lopez 30(b)(6), c/o

2 Dallas District Attorney's Office

3 500 Elm Street, Suite 6300

4 Dallas, Texas 75202

5

6 Case: Vote.org v. Jacquelyn Callanen, et al.

7 Date of deposition: February 11, 2022

8 Deponent: Rivelino Lopez 30(b)(6)

9

10 Please be advised that the transcript in the above

11 referenced matter is now complete and ready for signature.

12 The deponent may come to this office to sign the transcript,

13 a copy may be purchased for the witness to review and sign,

14 or the deponent and/or counsel may waive the option of

15 signing. Please advise us of the option selected.

16 Please forward the errata sheet and the original signed

17 signature page to counsel noticing the deposition, noting the

18 applicable time period allowed for such by the governing

19 Rules of Procedure. If you have any questions, please do

20 not hesitate to call our office at (202)-232-0646.

21

22 Sincerely,

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5

6 ERRATA SHEET

7

8 Case: Vote.org v. Jacquelyn Callanen, et al.

9 Witness Name: Rivelino Lopez 30(b)(6)

10 Deposition Date: February 11, 2022

11 Page No. Line No. Change

12

13

14

15

16

17

18

19

20

21 \_\_\_\_\_

22 Signature Date

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

-----+  
VOTE.ORG, |  
Plaintiff, | Case No.  
vs. | 5:21-cv-649-JKP-HJB

JACQUELYN CALLANEN, |  
in her official capacity as |  
the Bexar County Elections |  
Administrator; BRUCE ELFANT, |  
in his official capacity as |  
the Travis County Tax |  
Assessor-Collector; |  
REMI GARZA, in his official |  
capacity as the Cameron County |  
Elections Administrator; |  
MICHAEL SCARPELLO, in his |  
official capacity as the |  
Dallas County Elections |  
Administrator, |

Defendants. |

-----+  
CAPTION CONTINUED ON NEXT PAGE|  
-----+  
  
Remote Videotaped Deposition of  
MICHAEL SCARPELLO 30(b)(6)  
February 11, 2022

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

Page 3

1 Friday, February 11, 2022

2

3 Remote Videotaped Deposition of

4 MICHAEL SCARPELLO, a Witness herein, called for

5 examination by counsel for Plaintiff in the

6 above-entitled matter, pursuant to Federal Rule of

7 Civil Procedure 30(b)(6), the witness being duly

8 sworn by MICHELE EDDY, RPR, CRR, a Notary Public in

9 and for the District of Columbia, taken virtually with

10 the witness located in Texas, at 11:00 a.m. Central

11 Standard Time.

12

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Page 2

1 -----+  
2 CAPTION CONTINUED FROM PAGE 1 |  
3 -----+  
4 and |  
5 |  
6 KEN PAXTON, in his official |  
7 capacity as Attorney General |  
8 of Texas, LUPE TORRES, in |  
9 their official capacity as |  
10 Medina County Elections |  
11 Administrator; TERRIE PENDLEY, |  
12 in her official capacity as |  
13 Real County Tax |  
14 Assessor-Collector, |  
15 |  
16 Intervenor-Defendants. |  
17 -----+  
18  
19  
20  
21  
22

Page 4

1 APPEARANCES

2 ON BEHALF OF THE WITNESS and DEFENDANT DALLAS COUNTY  
ELECTIONS ADMINISTRATOR:

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1 (Pages 1 to 4)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 5

1	ATTENDANCE, Continued
2	ON BEHALF OF THE DEFENDANT REMI GARZA, CAMERON COUNTY ELECTIONS ADMINISTRATOR:
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10	- AND -
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	- AND -
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	Travis County Sheriff's Officers Association
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Page 7

1	EXAMINATION INDEX	
2	PAGE	
3	EXAMINATION BY MR. HARRIS	10
4	EXAMINATION BY MR. STONE	94
5		
6	E X H I B I T S	
7	(Attached to the Transcript)	
8	DEPOSITION EXHIBIT	PAGE
9	Exhibit 1 Email chain; most recent email dated 9-24-18 from Bruce Elfant Gretchen Nagy; 302.2444 - 2449	115
10		
11	Exhibit 2 Article by Erin Anderson dated 5-14-21 titled "Mismanaged City Election a Million-Dollar Mistake for Dallas County"	131
12		
13	Exhibit 3 The Dallas Morning News article titled "Outrage at Dallas election failure is the right response"	137
14		
15	Exhibit B H.B. No. 3107	55
16	Exhibit L Plaintiff's Notice of Taking Deposition of Defendant Michael Scarpello Pursuant to Federal Rule of Civil Procedure 30(b)(6)	24
17		
18	Exhibit M Defendant Michael Scarpello's Objections and Response to Plaintiff's Notice of Rule 30(b)(6) deposition directed to Defendant Michael Scarpello, and to Intervenor-Defendant Ken Paxton's Cross-Notice of Rule 30(b)(6) Deposition of Michael Scarpello	27
19		
20		
21		
22		

Page 6

1	ATTENDANCE, Continued
2	ON BEHALF OF JACQUELYN CALLANEN, BEXAR COUNTY ELECTIONS ADMINISTRATOR:
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11	KATHLEEN HUNKER, ESQUIRE
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14	Austin, Texas 78701
15	(512) 463-2100
16	kathleen.hunker@oag.texas.gov
17	
18	ALSO PRESENT:
19	Rivelino Lopez
20	Henry Marta, Video and Exhibit Technician
21	Munera Al-Fuhaid, Esquire
22	Texas Public Policy Foundation

Page 8

1	EXHIBIT INDEX CONTINUED	
2		
3	DEPOSITION EXHIBIT	PAGE
4	Exhibit Q Defendant Michael Scarpello's Responses to Plaintiff's First Set of Interrogatories	64
5		
6	Exhibit X Document titled "The Official Website of the Dallas County Elections Department" with Home, Search, Search Español, Registered Voters as of 02/10/22, Total 1,389,813;	47
7		
8		
9		
10		
11		
12		
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14		
15		
16		
17		
18		
19		
20		
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22		

2 (Pages 5 to 8)

Page 9

1 PROCEEDINGS  
 2 February 11, 2022  
 3 ---  
 4 VIDEO TECHNICIAN: We are now on the  
 5 record. My name is Henry Marta. I'm the  
 6 videographer on behalf of Digital Evidence Group.  
 7 Today's date is February 11th, 2022, and the time  
 8 is 10:05 a.m. This deposition is being held  
 9 remotely in the matter of Vote.org versus  
 10 Jacquelyn Callanen, et al.  
 11 The deponent today is Mr. Michael  
 12 Scarpello. All parties to this deposition are  
 13 appearing remotely and have agreed to the witness  
 14 being sworn in remotely. Additionally, all  
 15 appearances are noted on the stenographic record.  
 16 Will the court reporter please administer the oath  
 17 to the witness.  
 18 ---  
 19 MICHAEL SCARPELLO,  
 20 having been duly sworn, testified as follows:  
 21 THE REPORTER: You may begin.  
 22

Page 11

1 lawsuit against you and some of the other  
 2 defendants in your official capacities as the  
 3 election administrators in your various counties,  
 4 but in particular in your role as the election  
 5 administer in Dallas County.  
 6 This is going to be a conversation. I  
 7 want to be extremely clear because I'm not sure if  
 8 you've been -- have you been deposed before?  
 9 A Yes.  
 10 Q Okay. So you kind of know how this  
 11 dance will go.  
 12 A Right.  
 13 Q For me this is not a memory test. I'm  
 14 not out to trick you. I will try to ask very  
 15 specific and clear questions. If I do not, you  
 16 should feel free to say, Josh, I don't understand  
 17 the question, and I will do my level best to  
 18 rephrase the question in a manner in which you do  
 19 understand. Because we are taking this deposition  
 20 remotely, as you can imagine, it can be difficult  
 21 for everyone to hear everyone at the same time.  
 22 So one of the things that I want to make sure at

Page 10

1 EXAMINATION  
 2 BY MR. HARRIS:  
 3 Q Good morning, Mr. Scarpello. How are  
 4 you?  
 5 A Very good, Mr. Harris. How are you  
 6 doing?  
 7 Q Very well.  
 8 So, my name is Josh Harris. You can  
 9 call me Josh or Mr. Harris, whichever you prefer.  
 10 And I, along with my colleague Noah Baron, we  
 11 represent the plaintiff, Vote.org, in this case.  
 12 Could you please state and spell your  
 13 name for the record.  
 14 A Michael Scarpello, S-C-A-R-P-E-L-L-O.  
 15 Q And then what is your business address,  
 16 Mr. Scarpello?  
 17 A 1520 Round Table Drive, Dallas, Texas.  
 18 Q Okay. So before we get into the nut and  
 19 bolts of why we're here today, I just want a level  
 20 setting, kind of set the stage for our  
 21 conversation today.  
 22 We're here because my client has filed a

Page 12

1 the outset is that, instead of giving head nods or  
 2 head shakes, you actually answer with an  
 3 affirmative yes or no. Does that make sense?  
 4 A Yes.  
 5 Q And what I would like also to note is  
 6 that we have our lovely court reporter Michele  
 7 here. And she is going to take down everything  
 8 that we talk about today. So what I also would  
 9 like to note is that I'm going to try my absolute  
 10 best to make sure that I do not interrupt you  
 11 while you're providing an answer and I ask that  
 12 you give me that same courtesy when I'm giving a  
 13 question. Is that fair?  
 14 A Yes.  
 15 Q And you understand that you're  
 16 testifying today as if you were in a court in  
 17 front of a judge.  
 18 A Yes.  
 19 Q And you also understand that you're  
 20 providing your testimony in your official capacity  
 21 as the Dallas County Elections Administrator, and  
 22 I'm not talking about Mayor Johnson, any other

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 13	Page 15
<p>1 constables or anything of that sort, just you and 2 everyone under your auspice at the Election 3 Administrator's Office. Does that make sense to 4 you? 5 A Yes. 6 Q Do you understand who the plaintiff is 7 in this case? 8 A I have a general understanding, yes. 9 Q What is your general understanding? 10 A An organization. The name speaks for 11 itself. It helps people vote. It registers 12 people. 13 Q Fair enough. Yes, fair enough. 14 So the plaintiff in this case is my 15 client, Vote.org. So throughout today's 16 conversation, I may refer to my client as Vote.org 17 or I may refer to my client as the plaintiff. Is 18 that okay if we use those terms interchangeably 19 throughout our conversation today? 20 A Yes. 21 Q And you understand that you are a 22 defendant in this case, correct?</p>	<p>1 Q All right. And when I refer to the 2 State or Texas or Secretary of State, can we agree 3 that that means the Office of the Texas Secretary 4 of State? 5 A Yes. 6 Q Finally, if I use the term wet signature 7 rule, can we agree that it refers to the 8 requirement that a voter registration application 9 be submitted with a copy of the voter's original 10 wet signature as codified in the H.B. 3107? 11 A No, I don't know that -- I think what 12 you said was contradictory there. 13 Q Okay. What part was contradictory? 14 A Well, if it's a wet signature, is it a 15 wet signature or is it a copy of a -- 16 Q That's actually why we're going to be 17 here talking about it. That's the beauty of our 18 conversation. 19 And so what I'm going to do, and I'll 20 try my absolute best to clarify what I mean, and 21 then I'm obviously going to ask you what you 22 understand the original signature requirement in</p>
Page 14	Page 16
<p>1 A Yes. 2 Q You also understand that there are other 3 defendants in this case? 4 A Yes. 5 Q But for purposes of our conversation, 6 what I am going to try to do so that I can make 7 sure I'm being extremely clear in my questioning 8 is that when I'm referring -- if I use the term 9 you, Dallas County, or the Office of the Dallas 10 County Elections Administrator, I am referring to 11 your office. 12 A Correct. 13 Q No other defendant, just you. Does that 14 make sense? 15 A Yes. 16 Q And sometimes I may refer to the other 17 county defendants, including Travis County, 18 Cameron County, or Bexar County. In those 19 instances, I will specifically note which county 20 I'm referring so I can be extremely clear with 21 you. Is that fair? 22 A Yes.</p>	<p>1 the actual law is as well. So part of it, we'll 2 get into this a little bit more, but I wanted to 3 hit that point early on because I think it hits at 4 the very heart of our case. And so we're going to 5 talk about the signature requirement for voter 6 registration applications. And so when I refer to 7 the signature requirement for voter registration 8 applications, I am using my terminology and 9 referring to that as the wet signature rule. Does 10 that make sense? 11 A Sure. Yes. 12 Q Okay. All right. You told me you've 13 been deposed before; is that correct? 14 A Yes. 15 Q How many times? 16 A I think twice. 17 Q And when were those depositions? 18 A What year or -- I don't recall. It was 19 in San Bernardino, California and in Denver, 20 Colorado, but I don't -- I don't recall. 21 Q All right. Fair enough. Were you a 22 party to those two lawsuits or just a witness?</p>

4 (Pages 13 to 16)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 17	Page 19
<p>1 And what was your capacity in those two cases?</p> <p>2 A I believe I was a party.</p> <p>3 Q In which case -- were you a party in</p> <p>4 both or just one?</p> <p>5 A I -- you said it wasn't going to be a</p> <p>6 memory test. I don't -- I don't recall. I don't</p> <p>7 remember.</p> <p>8 Q Fair enough.</p> <p>9 So outside of those two depositions,</p> <p>10 have you ever testified in court?</p> <p>11 A Yes.</p> <p>12 Q Were you testifying as a fact witness --</p> <p>13 A Yes.</p> <p>14 Q -- in that case?</p> <p>15 A Yes.</p> <p>16 Q Do you recall the nature of the case</p> <p>17 that you testified -- in which you testified?</p> <p>18 A There was one recently I did. I'm</p> <p>19 trying to recall. Ben would have to -- Ben would</p> <p>20 have to -- the case I just testified in.</p> <p>21 Q It's enough to suffice that you have</p> <p>22 testified in those cases.</p>	<p>1 sitting across from you and your lawyers having</p> <p>2 today's conversation, but because we are still</p> <p>3 dealing with the pandemic, we are taking this</p> <p>4 deposition remotely. The court reporter, as I</p> <p>5 said earlier, is here to make sure we have a clean</p> <p>6 written record of today's conversation. Your</p> <p>7 deposition is also being videotaped so that way</p> <p>8 after our conversation, we will have a written</p> <p>9 record of what we talked about, but then, two, we</p> <p>10 will have a videotaped recording of today's</p> <p>11 conversation. Does that make sense to you?</p> <p>12 A Yes.</p> <p>13 Q During today's conversation, and I hope</p> <p>14 that this doesn't happen too often, but your</p> <p>15 lawyer may object to a question and that is okay,</p> <p>16 but after he objects and unless he instructs you</p> <p>17 not to answer, you are still required to answer my</p> <p>18 question truthfully to the best of your ability.</p> <p>19 Does that make sense?</p> <p>20 A Yes.</p> <p>21 Q And if you need to take a break during</p> <p>22 today's conversation, that is completely fine. I</p>
<p>Page 18</p> <p>1 A Yes.</p> <p>2 Q Were you an expert? Did you testify as</p> <p>3 an expert in that case?</p> <p>4 A No, as a party.</p> <p>5 Q Plaintiff or defendant?</p> <p>6 A I don't remember.</p> <p>7 Q And I don't -- if I ask any questions</p> <p>8 today to which you do not know the answer, that is</p> <p>9 completely fine that you do not know. In those</p> <p>10 instances where you do not know an answer as you</p> <p>11 sit here today, I may ask that during a break that</p> <p>12 you go and, you know, consult with some of your</p> <p>13 team to actually get that information. Is that a</p> <p>14 fair request?</p> <p>15 A Yes. In -- to the extent that if it was</p> <p>16 recent. If it was ten years ago, that's not a</p> <p>17 fair request.</p> <p>18 Q I promise you I'm not going to ask you</p> <p>19 anything about 2011. Okay.</p> <p>20 So as we said earlier, your deposition</p> <p>21 is being recorded. Normally, preCOVID, I would</p> <p>22 normally -- like I said, I would be in the room</p>	<p>Page 20</p> <p>1 can already guaranty you if you don't ask for a</p> <p>2 break, I will ask for a break. And so you should</p> <p>3 ask for a break when you need to. I do not care</p> <p>4 when you ask for a break, only with one exception.</p> <p>5 Can we agree that we will not take a break during</p> <p>6 the pendency of a question? For example, if I ask</p> <p>7 a question, your response should not be can I have</p> <p>8 a break. I would like to have the answer and then</p> <p>9 we can take a break. Is that fair agreement we</p> <p>10 can make?</p> <p>11 A Yes.</p> <p>12 Q Similarly, if you need me to repeat a</p> <p>13 question or if you do not understand any of my</p> <p>14 questions, feel free to let me know. I will try</p> <p>15 my best, like I said earlier, to rephrase my</p> <p>16 question or I will ask my friend, Michele, to</p> <p>17 repeat the question because there may be some</p> <p>18 times that I ask the perfect question and I don't</p> <p>19 want to mess it up on the record, so I may ask</p> <p>20 Michele just to repeat it. And that is completely</p> <p>21 fine. So feel free to let me know if you didn't</p> <p>22 hear a question or if you do not understand a</p>

5 (Pages 17 to 20)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 21	Page 23
<p>1 question. Make sense?</p> <p>2 A Yes.</p> <p>3 Q Are you under any influences or</p> <p>4 medications that would prevent you from providing</p> <p>5 truthful testimony today?</p> <p>6 A No, unless you include lack of sleep.</p> <p>7 Q You and me both.</p> <p>8 Are you being compensated for your time</p> <p>9 today?</p> <p>10 A Yes, as Election Administrator.</p> <p>11 Q So you're being compensated in your role</p> <p>12 as your job, actually?</p> <p>13 A Yes.</p> <p>14 Q Did anyone promise you anything in</p> <p>15 exchange for your testimony today?</p> <p>16 A No.</p> <p>17 Q Did anyone threaten you in exchange for</p> <p>18 your testimony today?</p> <p>19 A No.</p> <p>20 Q Where are you right now, Mr. Scarpello?</p> <p>21 A In Dallas, Texas.</p> <p>22 Q No, physically where are you?</p>	<p>1 A No.</p> <p>2 Q What notes?</p> <p>3 A I have the -- all of the documents</p> <p>4 related -- from the court related to this</p> <p>5 collection -- to this court case.</p> <p>6 Q So what documents are those</p> <p>7 specifically?</p> <p>8 A Ken Paxton's Cross Notice of Intent to</p> <p>9 Take Oral and Videotaped Deposition, the Complaint</p> <p>10 for Declaratory Injunctive Relief, my Amended</p> <p>11 Answers to the Complaint, my Answers to the</p> <p>12 Request for Admissions, my Responses to the First</p> <p>13 Set of Interrogatories, my Responses to the</p> <p>14 Request for Production, my Plaintiff's Notice of</p> <p>15 Taking Deposition, and a copy of H.B. 3107.</p> <p>16 Q Fair enough.</p> <p>17 And in fact, I think we're going to talk</p> <p>18 about all of those documents, so you are a</p> <p>19 well-prepared witness.</p> <p>20 Do you have a cell phone with you today?</p> <p>21 A Yes.</p> <p>22 Q Is it on silent?</p>
<p>Page 22</p> <p>1 A I don't know the address, but I'm in the</p> <p>2 Civil Division -- the offices of the Civil</p> <p>3 Division for the AG's office.</p> <p>4 Q And I think I know the answer to this</p> <p>5 question already, but I want to ask it for the</p> <p>6 record. Is there anyone else in the room with you</p> <p>7 right now?</p> <p>8 A Yes.</p> <p>9 Q Who's in the room with you right now?</p> <p>10 A My attorneys.</p> <p>11 Q And who are your attorneys?</p> <p>12 A Ben Stool and Jason Schuette.</p> <p>13 Q Fair enough.</p> <p>14 How many screens do you have up in front</p> <p>15 of you right now?</p> <p>16 A Two.</p> <p>17 Q What two screens do you have up?</p> <p>18 A I have the screen showing multiple</p> <p>19 images of all the participants in this meeting on</p> <p>20 my laptop as well as a large one on the wall.</p> <p>21 Q Sure.</p> <p>22 Do you have any notes in front of you?</p>	<p>Page 24</p> <p>1 A Yes.</p> <p>2 Q Finally, the rules allow me seven hours</p> <p>3 today. I will level set with you, Mr. Scarpello.</p> <p>4 I do not think I will take all seven hours, but I</p> <p>5 also know that I'm not the only examiner today.</p> <p>6 My goal is to be as efficient as possible with my</p> <p>7 questions, but I want to also make sure that I get</p> <p>8 through all of my questioning, but I will endeavor</p> <p>9 to you to be as efficient -- or I will promise to</p> <p>10 you to be as efficient as possible so that I can</p> <p>11 be respectful of your time and, equally, I would</p> <p>12 ask that you be, you know, thorough and efficient</p> <p>13 in your answers so that you can be respectful of</p> <p>14 my time. Is that fair?</p> <p>15 A Yes.</p> <p>16 Q Do you have any questions about any of</p> <p>17 the rules that we have discussed?</p> <p>18 A No.</p> <p>19 Q Okay. So what I want to do is -- Henry,</p> <p>20 if you could populate Exhibit L.</p> <p>21 (Exhibit L was marked for identification</p> <p>22 and attached to the deposition transcript.)</p>

6 (Pages 21 to 24)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 25

1 BY MR. HARRIS:  
 2 Q Mr. Scarpello, I understand that you  
 3 have a copy of our Notice of Intent to take your  
 4 deposition today in front of you. Is that  
 5 correct?  
 6 A Yes.  
 7 Q Can you please take a moment to review  
 8 this document and let me know when you are ready  
 9 to proceed with my line of questioning.  
 10 A (Document review).  
 11 Okay, I'm ready.  
 12 Q Mr. Scarpello, what is this document?  
 13 A Plaintiff's Notice of Taking Deposition  
 14 of Defendant Michael Scarpello Pursuant to Federal  
 15 Rule of Civil Procedure 30(b)(6).  
 16 Q Have you seen this document before  
 17 today?  
 18 A Yes.  
 19 Q And you understand that you are here to  
 20 testify on behalf of the Dallas County Election  
 21 Administrator's Office in this case, correct?  
 22 A Yes. Dallas County Elections

Page 26

1 Department.  
 2 Q Dallas County Elections Department.  
 3 Thank you so much.  
 4 So this exhibit also includes a list of  
 5 topics.  
 6 Henry, could you scroll to that page.  
 7 So what I want to do now, Mr. Scarpello,  
 8 is to note on the record which of these topics you  
 9 -- to which you have been designated. So topic  
 10 number 1 asks for -- about the "Policies and  
 11 procedures for voter registration applications."  
 12 Are you the designee for this topic?  
 13 A We indicated that I would be the  
 14 designee for the policies and Mr. Rivelino for the  
 15 procedures.  
 16 Q Fair enough.  
 17 Let's look at -- let's do this, I think.  
 18 Henry, could you actually pull up Exhibit M, M as  
 19 in Mary.  
 20 VIDEO TECHNICIAN: Do you want that  
 21 side-by-side or --  
 22 MR. HARRIS: No, no, no. I will have

Page 27

1 the topics there, and I think this will help us  
 2 with our conversation.  
 3 (Exhibit M was marked for identification  
 4 and attached to the deposition transcript.)  
 5 BY MR. HARRIS:  
 6 Q I apologize, Mr. Scarpello. All right.  
 7 And can you scroll down to the topics? I think  
 8 it's a little bit down in this document after the  
 9 objections. Scroll back up. I'm sorry. Right  
 10 there. Okay.  
 11 So we want to scroll to the next page,  
 12 Henry. Yes, Section 2, Response to Plaintiff's  
 13 Notice. All right.  
 14 Mr. Scarpello, I will represent to you  
 15 on the record that this is your response and  
 16 objections to our deposition notice. Do you have  
 17 this document in front of you?  
 18 A No, I don't.  
 19 Q Okay. So what I would like to do is --  
 20 let me see.  
 21 MR. HARRIS: Is there a way, Henry, for  
 22 Mr. Scarpello to have access so that he can review

Page 28

1 this document on his own or is there another  
 2 method, because I want to make sure that the  
 3 witness has a chance to review the document before  
 4 I ask any questions about that document.  
 5 VIDEO TECHNICIAN: Yes. So there's the  
 6 link that was circulated to Box.com, the documents  
 7 are up there, but in the event that perhaps it  
 8 didn't reach him, I am going to paste it on the  
 9 chat.  
 10 MR. HARRIS: Okay.  
 11 A That's going to be problematic. I can  
 12 review them on the screen.  
 13 Q Okay. Fair enough. I just wanted to  
 14 make sure -- if that's how you want to proceed, I  
 15 just want to make sure that I just don't put any  
 16 document or a section of a document in front of  
 17 you --  
 18 A Understood.  
 19 Q -- and represent it as such without  
 20 giving you an opportunity to review the entire  
 21 document. But if this -- the screen version works  
 22 well for you, it works well for me. Is that how

7 (Pages 25 to 28)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 29	Page 31
<p>1 you want to proceed, Mr. Scarpello?</p> <p>2 A Yes.</p> <p>3 Q Fair enough. All right.</p> <p>4 So what we have here is your response</p> <p>5 and objections to our deposition notice. So let's</p> <p>6 return to topic number 1. And I believe this is</p> <p>7 consistent with your earlier testimony. Topic</p> <p>8 number 1 asks about the policies and procedures</p> <p>9 for processing voter registration applications.</p> <p>10 And Mr. Scarpello, you testified earlier</p> <p>11 that you have been designated to testify regarding</p> <p>12 the policies, whereas you have also designated</p> <p>13 Mr. Lopez to testify regarding procedures. Is</p> <p>14 that correct?</p> <p>15 A Yes.</p> <p>16 Q Let's look at topic number 2.</p> <p>17 Similarly, topic number 2 asks about the procedure</p> <p>18 and -- "Policies and procedures for processing</p> <p>19 voter registration applications received from the</p> <p>20 Department of Public Safety, including any</p> <p>21 problems, issues, or concerns related to those</p> <p>22 applications."</p>	<p>1 broken record in this part of the conversation,</p> <p>2 but like the first two topics, you have been</p> <p>3 designated to testify regarding the policy as it</p> <p>4 relates to topic number 3, and Mr. Lopez has been</p> <p>5 designated to discuss the procedures as it relates</p> <p>6 to topic number 3. Is that correct?</p> <p>7 A Yes.</p> <p>8 Q All right. Let's go down to topic</p> <p>9 number 4. So topic number 4 asks about Secretary</p> <p>10 of State's October 2018 announcement that</p> <p>11 applications submitted without a wet signature</p> <p>12 should be rejected, including any communications</p> <p>13 with the Secretary of State's Office regarding</p> <p>14 that policy.</p> <p>15 For topic number 4, I understand that</p> <p>16 you are not the designee for this topic. Is that</p> <p>17 correct?</p> <p>18 A Yes.</p> <p>19 Q All right. So Mr. Lopez is designated</p> <p>20 for topic number 4.</p> <p>21 Let's go to topic number 5. Topic</p> <p>22 number 5 discusses the "Purpose and function of a</p>
Page 30	Page 32
<p>1 Did I read that correctly,</p> <p>2 Mr. Scarpello?</p> <p>3 A Yes.</p> <p>4 Q At one point for today's discussion, if</p> <p>5 I refer to the Department of Public Safety as DPS</p> <p>6 as in Dog Pie Sam, is that okay if I refer to that</p> <p>7 entity as DPS in our conversation today?</p> <p>8 A Yes.</p> <p>9 Q And similar to the designation in topic</p> <p>10 number 1, in topic number 2, you have been</p> <p>11 designated to talk about the policies for this</p> <p>12 topic, whereas Mr. Lopez has been designated to</p> <p>13 testify regarding procedures. Is that correct?</p> <p>14 A Yes.</p> <p>15 Q Let's look at topic number 3. Topic</p> <p>16 number 3 asks about "Policies and procedures for</p> <p>17 processing voter registration applications</p> <p>18 received without a wet ink signature, including</p> <p>19 any problems, issues, or concerns related to those</p> <p>20 applications or changes to those policies or</p> <p>21 procedures since 2018."</p> <p>22 And I apologize, I may sound like a</p>	<p>1 signature on a voter registration -- on voter</p> <p>2 registration applications, including any</p> <p>3 difference in the purpose and function between a</p> <p>4 wet signature and an electronic or imaged</p> <p>5 signature." And I understand that you are the</p> <p>6 sole designee for this deposition topic. Is that</p> <p>7 correct, Mr. Scarpello?</p> <p>8 A Yes.</p> <p>9 Q Let's go to number 6. Topic number 6</p> <p>10 reads, "Any interests served by Section 14 of H.B.</p> <p>11 3107 or any other requirement that voter</p> <p>12 registration applications contain a wet</p> <p>13 signature."</p> <p>14 You are the sole designee for this topic</p> <p>15 as well; is that correct, Mr. Scarpello?</p> <p>16 A Yes.</p> <p>17 Q Excellent.</p> <p>18 Let's go to number 7. Topic number 7</p> <p>19 discusses the "Difficulties experienced by or</p> <p>20 complaints from potential registrants regarding</p> <p>21 the wet signature rule."</p> <p>22 Like the prior topics, like number 6,</p>

8 (Pages 29 to 32)

Page 33

1 you are also the sole designee for this topic as  
 2 well; is that correct?  
 3 A That's incorrect.  
 4 Q That is correct, I'm sorry?  
 5 A That is incorrect.  
 6 Q For topic number 7?  
 7 A Yes.  
 8 Q So for topic number 7, is this a dual --  
 9 who are the designees for topic number 7?  
 10 A Mr. Lopez.  
 11 Q Okay.  
 12 MR. SCHUETTE: Joshua, I apologize for  
 13 that. That was my error.  
 14 MR. HARRIS: Fair enough.  
 15 BY MR. HARRIS:  
 16 Q And Mr. Lopez is the sole designee for  
 17 topic number 7.  
 18 A Correct.  
 19 Q Correct. Okay. Let's go to topic  
 20 number 8. Topic number 8 asks about "Your  
 21 communications with the Secretary of State  
 22 regarding signatures on voter registration

Page 34

1 applications." I understand that Mr. Lopez is the  
 2 designee for this topic. Is that correct.  
 3 Mr. Scarpello?  
 4 A Yes.  
 5 Q Let's go to topic number 9. Topic  
 6 number 9 reads, "The use of signatures on voter  
 7 registration applications by Signature  
 8 Verification Committees in the county." I  
 9 understand that you are the designee for this  
 10 topic. Is that correct?  
 11 A Yes. Yes.  
 12 Q All right. Let's go to number 10.  
 13 Okay, great, we will do this in turn. Thanks,  
 14 Henry.  
 15 Topic number 10 reads, "Your efforts to  
 16 encourage voter registration, including any  
 17 efforts to distribute voter registration  
 18 applications." For topic number 10, I understand  
 19 that you, Mr. Scarpello, are the only designee for  
 20 this topic. Is that correct?  
 21 A Yes.  
 22 Q And, finally, topic number 11 discusses

Page 35

1 "Discovery responses and documents produced by you  
 2 in this litigation." And I understand that  
 3 Mr. Lopez is the designee for that topic. Is that  
 4 correct?  
 5 A Yes.  
 6 Q Amazing. We can drop that one, Henry.  
 7 All right. Can you discuss with me,  
 8 Mr. Scarpello, what you did in order to prepare  
 9 for today's deposition?  
 10 A I gathered the documents and reviewed  
 11 them briefly, the documents mentioned above.  
 12 Q That you mentioned earlier?  
 13 A Yes.  
 14 Q All right. Did you speak to anyone in  
 15 connection with your preparation for our  
 16 conversation today?  
 17 A Yes.  
 18 Q All right. With whom did you speak?  
 19 I'm sorry, I don't mean to cut you off.  
 20 A Yes, my attorneys.  
 21 Q Outside of your attorneys, and I do not  
 22 want to know anything that you discussed with them

Page 36

1 because that would be a demerit on my part, but  
 2 outside of your attorneys, did you speak to anyone  
 3 in your office about today's conversation?  
 4 A Mr. Lopez was involved in some  
 5 discussions with the attorneys.  
 6 Q Did you have any conversations outside  
 7 the presence of your attorneys with anyone in your  
 8 office?  
 9 A No.  
 10 Q Do you know who Ms. Toni Pippins-Poole  
 11 is?  
 12 A Yes, she was the former elections  
 13 administrator for Dallas County.  
 14 Q And do you know how -- when was she last  
 15 in the position in which you hold today?  
 16 A She -- the end of November 2020.  
 17 Q Okay. Is your position an elected  
 18 position, an appointed position or -- let me ask  
 19 -- let me strike that.  
 20 How did you become -- to have the role  
 21 you have today?  
 22 A I was hired by -- chosen by the Election

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 37

1 Commission of Dallas County and referred to that  
 2 position by that body.  
 3 Q Do you know who Robert Heard is?  
 4 A Yes, Robert Heard is the former -- is  
 5 the former Assistant Elections Administrator for  
 6 Dallas County.  
 7 Q And did you speak with Mr. Heard in  
 8 preparation for your deposition today?  
 9 A No.  
 10 Q And just let me go back. I want to take  
 11 a step back. Did you speak with Ms. Pippins-Poole  
 12 in preparation for your deposition today?  
 13 A No.  
 14 Q Do you know who Ruth Hughs is?  
 15 A I believe she is the former Secretary of  
 16 State.  
 17 Q Of Texas?  
 18 A Of Texas, yes.  
 19 Q And just so the record is clear, did you  
 20 speak with Ms. Hughs in connection with your  
 21 preparation for today's conversation?  
 22 A No.

Page 38

1 Q You told me that you met with your  
 2 attorneys to prepare for your deposition today.  
 3 Fair enough.  
 4 Do you know how long that meeting was?  
 5 A A couple of hours.  
 6 Q Was it just one meeting or multiple  
 7 meetings?  
 8 A In preparation for deposition, just one  
 9 meeting. In preparing the documents for this --  
 10 for the case, many, many meetings.  
 11 Q Sure.  
 12 Did you take any notes during that  
 13 meeting with your attorneys?  
 14 A No.  
 15 Q And you also testified earlier, but I  
 16 want to make sure the record is clear, you did  
 17 review some documents in connection with today's  
 18 conversation, correct?  
 19 A Correct.  
 20 Q Did you speak to anyone at the Texas  
 21 Secretary of State's Office in preparation for  
 22 your deposition today?

Page 39

1 A No.  
 2 Q So you did not speak with a person by  
 3 the name of Keith Ingram?  
 4 A No.  
 5 Q What about Christina Adkins?  
 6 A No.  
 7 Q Did you speak with any of your  
 8 counterparts in the other defendant counties? So,  
 9 for example, did you speak with Ms. Jacque  
 10 Callanen in Bexar County?  
 11 A I think in order for me to answer that  
 12 question, I think you need to rephrase it because  
 13 I speak to my colleagues all the time generally,  
 14 but if -- if you are asking if it was in  
 15 preparation for this deposition, the answer is no.  
 16 Q Fair enough. And I apologize. I see we  
 17 understand our rules. If I don't ask the question  
 18 right, you will keep me on track. So I appreciate  
 19 that, Mr. Scarpello.  
 20 Okay. So now -- what I want to do now  
 21 is talk a little bit about your background. What  
 22 is your highest level of education?

Page 40

1 A Juris doctorate degree.  
 2 Q Oh, you're a lawyer.  
 3 A Yes.  
 4 Q Nice. What school?  
 5 A University of Nebraska.  
 6 Q When did you get that degree?  
 7 A 1995.  
 8 Q Nice.  
 9 Do you hold any other advanced degrees?  
 10 A No, just a bachelor's degree.  
 11 Q And then do you hold any certifications  
 12 as it relates to your current position?  
 13 A I'm a certified -- Certified Election  
 14 and Registration Administrator through the  
 15 Election Center.  
 16 Q And what did you have to do in order to  
 17 obtain that certification?  
 18 A There's prescribed course work. The  
 19 course --  
 20 Q Was that -- I'm sorry.  
 21 Was that course work done over some  
 22 months, some weeks, some years?

10 (Pages 37 to 40)

Page 41

1 A A couple of years.  
 2 Q A couple years?  
 3 A Over a couple of years.  
 4 Q All right. Fair enough. All right.  
 5 Who is your current employer,  
 6 Mr. Scarpello?  
 7 A The County of Dallas.  
 8 Q And how long have you worked for the  
 9 County of Dallas?  
 10 A Since December 7th, 2020.  
 11 Q And before that, who was your employer?  
 12 A Runbeck Election Services.  
 13 Q And what is Runbeck Election Services?  
 14 Is that correct?  
 15 A Yes.  
 16 Q Could you spell that for me, please?  
 17 A R-U-N-B-E-C-K.  
 18 Q And what was your role with Runbeck  
 19 Election Services?  
 20 A I was Vice President of Voter  
 21 Registration -- I was Vice President of Election  
 22 Management Systems.

Page 42

1 Q Can you describe to me some of your  
 2 duties and responsibilities as Vice President of  
 3 Election -- what was the term you used? I  
 4 apologize.  
 5 A Election Management Systems.  
 6 Q Election Management Systems. So let me  
 7 ask my question again.  
 8 Could you describe to me some of your  
 9 duties and responsibilities as Vice President of  
 10 Election Management Systems with Runbeck Election  
 11 Services?  
 12 A I was responsible for the management of  
 13 existing accounts -- counties that used --  
 14 utilized our existing voter registration system  
 15 and also in charge of the development of a new  
 16 voter registration system.  
 17 Q And what new voter registration system  
 18 did you lead the charge on?  
 19 A It's one that has not hit the market  
 20 yet.  
 21 Q Fair enough.  
 22 And then how long were you with Runbeck

Page 43

1 Election Services?  
 2 A I believe around 15 months.  
 3 Q And would I be accurate in saying after  
 4 your tenure at Runbeck, it went into December of  
 5 2020 before you joined Dallas County?  
 6 A Just immediately before that, yes.  
 7 Q Fair enough.  
 8 And how long have you held your current  
 9 role as the Elections Administrator in the Dallas  
 10 County Elections Department?  
 11 A Since December 7th, 2020.  
 12 Q And what are some of your duties and  
 13 responsibilities within your current role?  
 14 A I am responsible for managing all  
 15 aspects of the policies and procedures that take  
 16 place within the office.  
 17 Q Can you list some of those policies and  
 18 procedures to which you are responsible for  
 19 implementing in that office?  
 20 A Management of the voter -- of  
 21 maintaining the voter registration roles,  
 22 conducting elections, voter outreach and education

Page 44

1 generally speaking.  
 2 Q Do you have any direct reports?  
 3 A That's a good question. It's a funny  
 4 structure. I'm hired -- the five-person Election  
 5 Commission has the ability to hire and fire me. I  
 6 have no direct report. I don't -- I do not direct  
 7 report to anyone on a day-to-day basis.  
 8 Q Okay. Do you have any staff members?  
 9 A We have 51 budgeted positions. I think  
 10 currently we have 42 of those positions filled.  
 11 Q Does the Commission hire for those  
 12 positions as well?  
 13 A No, I am responsible for running the  
 14 department.  
 15 Q So you hire the staff in your office  
 16 directly?  
 17 A That's correct.  
 18 Q All right. How many elections have you  
 19 run within your current role?  
 20 A In my current role?  
 21 Q Yes.  
 22 A I think six.

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 45

1 Q Before your --

2 A Give me one second. I want to make sure

3 I'm accurate.

4 Q Sorry for cutting you off.

5 A I believe it is six.

6 Q Had you run an election before your

7 current position?

8 A Many, many elections, yes.

9 Q In Dallas County?

10 A No.

11 Q Where did you run those elections?

12 A I was the Registrar of Voters in San

13 Bernardino County between 2011 and 2018. I was

14 the Director of Elections for the City and County

15 of Denver between 2007 and 2011. And I was the

16 Elections Manager in Douglas County, Nebraska,

17 between 2004 and 2007. And I was the Chief Deputy

18 of Elections -- Chief Deputy Election Commissioner

19 in Douglas County between 2000 and 2004.

20 Q So it's fair to say you are well

21 knowledgeable of election process and procedure.

22 A I would hope so, yes.

Page 46

1 Q Fair enough.

2 Did you have to do any trainings to get

3 into your current role?

4 A My -- my current role as Election

5 Administrator in Dallas County?

6 Q Yes.

7 A There were no requirements for that job.

8 Q Do you conduct any trainings for your

9 office as it relates to election administration in

10 Dallas County?

11 A Do I conduct them?

12 Q Yes.

13 A No.

14 Q Does your office have trainings

15 regarding election administration in Dallas

16 County?

17 A Our office has historically not had --

18 not had a lot of training and that is -- one of

19 our goals is to increase our training. I do

20 believe some people, such as Mr. Lopez, had

21 historically received their election

22 administration, CERA role, Certified Election and

Page 47

1 Registration Administrator. There's a couple of

2 people in our office, I believe, that have that

3 training.

4 Q Okay. Fair enough.

5 So I want to turn your attention now to

6 Exhibit X. Henry, if you could populate that for

7 us.

8 (Exhibit X was marked for identification

9 and attached to the deposition transcript.)

10 BY MR. HARRIS:

11 Q And I want to zone in on the mission

12 statement.

13 Mr. Scarpello, take a moment to review

14 this, and then let me know when you're ready to

15 proceed with our conversation.

16 A Okay, I'm ready.

17 Q All right.

18 How would you describe the mission of

19 the Dallas County Elections Department?

20 A Painfully long and unreadable. That's

21 the way -- this mission statement is under review

22 by our Citizen Election Advisory Board, and we're

Page 48

1 going to make it look more like a traditional

2 mission statement.

3 Q So you said this mission statement is

4 under review by the Citizen Election Advisory

5 Board. Is that correct?

6 A Advisory Committee, yes.

7 Q Advisory Committee. Sorry about that.

8 And thank you for the correction.

9 Who is on this Citizens Election

10 Advisory Committee?

11 A Appointees -- 13 appointees of the

12 Commissioner -- the County Commissioner's Court.

13 Q And how often does your office interact

14 with the Citizens Election Advisory Committee?

15 A We are scheduled to meet four times a

16 year.

17 Q So you meet quarterly?

18 A Yes.

19 Q And what in general terms -- I don't

20 need too many specifics -- what's normally

21 discussed at these meetings?

22 A I present the policies and practices of

12 (Pages 45 to 48)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 49	Page 51
<p>1 the Elections Department for -- to obtain -- so</p> <p>2 that they have an understanding and can provide</p> <p>3 advice to me from a citizen's perspective.</p> <p>4 Q So would it be fair to say that this</p> <p>5 committee is, I guess, a collaborative committee</p> <p>6 in which you're getting direct feedback from the</p> <p>7 citizens of Dallas about how they would like to</p> <p>8 see the elections run in that county?</p> <p>9 A I think that's one way of putting it.</p> <p>10 There is -- there are bylaws that describe exactly</p> <p>11 the role of that committee.</p> <p>12 Q Fair enough.</p> <p>13 So let's return back to this mission.</p> <p>14 Oh, strike that.</p> <p>15 Have you met already this year, 2022,</p> <p>16 with the Citizens Election Advisory Committee?</p> <p>17 A No, the last time we met was in</p> <p>18 December.</p> <p>19 Q In December, okay.</p> <p>20 And when is the first meeting for 2022?</p> <p>21 A I believe it's March.</p> <p>22 Q Okay. All right. Let's turn back to</p>	<p>1 there's some other social media pages that I'm --</p> <p>2 that are also under review, frankly.</p> <p>3 Q In fact, you guys actually have a</p> <p>4 Twitter account as well.</p> <p>5 A Yes.</p> <p>6 Q And you said Facebook, correct?</p> <p>7 A Yes.</p> <p>8 Q What about Instagram?</p> <p>9 A You know, to be totally honest with you,</p> <p>10 we've got a brand-new communications manager that</p> <p>11 is reviewing what we do and do not have, and</p> <p>12 that's all being updated. So I don't recall what</p> <p>13 we do and do not have.</p> <p>14 Q And finally, for the sake of clarity of</p> <p>15 the record, what about YouTube?</p> <p>16 A I don't know -- I think there might be</p> <p>17 some historic documents on YouTube. There hasn't</p> <p>18 been anything recently that we have published --</p> <p>19 no, I think we are in the middle of publishing</p> <p>20 something related to mail ballot applications.</p> <p>21 Q Okay. Let me ask you this. We</p> <p>22 discussed the mission and how the committee -- the</p>
Page 50	Page 52
<p>1 your mission. And I understand as you testified</p> <p>2 earlier that it is, you know, under review by the</p> <p>3 Citizen Election Advisory Committee, but would it</p> <p>4 be fair to say that part of your mission includes</p> <p>5 helping people register to vote?</p> <p>6 A Yes.</p> <p>7 Q Would it also be fair to say that your</p> <p>8 mission includes making sure voting is more</p> <p>9 accessible in Dallas County?</p> <p>10 A Yes.</p> <p>11 Q What about ensuring all eligible voters</p> <p>12 are able to cast a ballot?</p> <p>13 A Yes.</p> <p>14 Q You can take that down, Henry. Thank</p> <p>15 you.</p> <p>16 Besides the website that you guys have</p> <p>17 up -- that your team has up -- and I apologize for</p> <p>18 saying you guys -- that your team has up for the</p> <p>19 voters of Dallas County, do you have any other</p> <p>20 what I like to call voter interfacing materials</p> <p>21 that are available publicly?</p> <p>22 A We have a Facebook page. And I believe</p>	<p>1 Citizens Election Advisory Committee is working to</p> <p>2 revamp that, but we also -- you just testified</p> <p>3 that you have a new Communications Director -- and</p> <p>4 I apologize if that's not the exact title -- who</p> <p>5 is also working to figure out what voter facing</p> <p>6 materials we want to -- your team wants to put</p> <p>7 out. Is that accurate?</p> <p>8 A That's accurate.</p> <p>9 Q Is this -- and I don't mean overhaul in</p> <p>10 the negative way, but I believe -- I'm thinking</p> <p>11 this revamping of the department, is that done at</p> <p>12 your direction?</p> <p>13 A Yes.</p> <p>14 Q What's the purpose behind these changes?</p> <p>15 A To improve our outreach efforts to the</p> <p>16 public.</p> <p>17 Q Do you have any data within your office</p> <p>18 that suggests that the outreach wasn't good or bad</p> <p>19 or needed improvement?</p> <p>20 A No data. Just anecdotal evidence.</p> <p>21 Q Sure.</p> <p>22 And in your prior roles, would it be</p>

13 (Pages 49 to 52)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 53	Page 55
<p>1 common for you to come in to a position to figure</p> <p>2 out how we can make, you know, the elections</p> <p>3 process, you know, and voter engagement better?</p> <p>4 Would that be fair to say about your prior</p> <p>5 experience as well?</p> <p>6 A That is my MO, if you will. I -- I am</p> <p>7 brought in typically as a fixer to revamp</p> <p>8 departments from A to Z.</p> <p>9 Q Nice.</p> <p>10 And so the reason why I asked is because</p> <p>11 that was the theme I was getting from our</p> <p>12 conversation already, so I can see the work that</p> <p>13 you are already doing as well.</p> <p>14 Do you know how big Dallas County is?</p> <p>15 A I think you need to be more precise in</p> <p>16 your language. Are we talking square miles? Are</p> <p>17 we talking about voter population? Are we talking</p> <p>18 about general population?</p> <p>19 Q I think we're going to have fun today</p> <p>20 because you're going to make me a better lawyer,</p> <p>21 and it's not often I get to actually depose</p> <p>22 another lawyer, so I'm having fun with this. So,</p>	<p>1 Q Okay. Because the overall mission and</p> <p>2 goal of your office is to get more eligible voters</p> <p>3 to register and then ultimately to cast a ballot.</p> <p>4 Is that correct?</p> <p>5 A I think that's a fair statement.</p> <p>6 Q Fair enough.</p> <p>7 MR. HARRIS: Henry, can we look at</p> <p>8 Exhibit B.</p> <p>9 (Exhibit B was marked for identification</p> <p>10 and attached to the deposition transcript.)</p> <p>11 MR. HARRIS: And in particular I want</p> <p>12 you to scroll down to Section 14. Can you zoom in</p> <p>13 on that a bit?</p> <p>14 VIDEO TECHNICIAN: Do you got a Bates</p> <p>15 for that at the bottom there or do you want -- oh,</p> <p>16 you want 14 in this --</p> <p>17 MR. HARRIS: Section 14. So you have to</p> <p>18 scroll down.</p> <p>19 VIDEO TECHNICIAN: Yes, just give me one</p> <p>20 second. There is a page number at the bottom of</p> <p>21 the page. Can you just tell me what page that is?</p> <p>22 Do you have it?</p>
<p>1 yes, I will ask my question a little bit better.</p> <p>2 So let's talk about the eligible voting</p> <p>3 population in Dallas County. How big is that?</p> <p>4 A I don't know. I know the population is</p> <p>5 2.4 million, roughly. I don't know the voting age</p> <p>6 population off the top of my head.</p> <p>7 Q And do you know how many of the eligible</p> <p>8 voting population are actually registered to vote</p> <p>9 in Dallas County?</p> <p>10 A I do not recall.</p> <p>11 Q Do you know if you've seen an increase</p> <p>12 in certain segments of registered voters? So let</p> <p>13 me give you an example. In my mind I'm thinking</p> <p>14 have we seen more young people registered to vote,</p> <p>15 have we seen more millennials registered to vote.</p> <p>16 Do you have any insight into that?</p> <p>17 MR. STONE: Objection. Form.</p> <p>18 Q You may answer, Mr. Scarpello.</p> <p>19 A We have very limited data on the types</p> <p>20 of questions you are asking, and that is part of</p> <p>21 our efforts to get better data so that we can</p> <p>22 better target folks in the future.</p>	<p>1 MR. HARRIS: Yes, just a second.</p> <p>2 VIDEO TECHNICIAN: Sure.</p> <p>3 A I do have a copy in front of me that I'm</p> <p>4 looking at Section 14.</p> <p>5 Q Yes, but I don't want to make the</p> <p>6 lawyers angry, Mr. Scarpello. They like to see</p> <p>7 what we're talking about.</p> <p>8 A Understood.</p> <p>9 VIDEO TECHNICIAN: It is a big document.</p> <p>10 MR. HARRIS: So it is on page 8, Henry,</p> <p>11 of 50 of the PDF.</p> <p>12 VIDEO TECHNICIAN: Okay.</p> <p>13 MR. HARRIS: It is highlighted as well.</p> <p>14 VIDEO TECHNICIAN: Perfect. Thanks.</p> <p>15 BY MR. HARRIS:</p> <p>16 Q All right. Mr. Scarpello, like -- and I</p> <p>17 apologize that I did not say this earlier, but it</p> <p>18 is my practice during depositions to make sure</p> <p>19 that I give the witness, you know, time to review</p> <p>20 whatever section I'm about to talk about so that</p> <p>21 you can know what I'm actually talking about. So</p> <p>22 like what we've done with our prior exhibits,</p>

14 (Pages 53 to 56)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 57

1 please take a moment to review the highlighted  
 2 section in this exhibit and let me know when you  
 3 are ready to proceed.  
 4 A Ready.  
 5 Q Are you familiar with this particular  
 6 bill?  
 7 A Yes.  
 8 Q What is this bill?  
 9 A This bill is a 50-page document, very  
 10 comprehensive, covering a variety of items related  
 11 to elections.  
 12 Q And do you understand that my client,  
 13 Vote.org, is challenging only one particular  
 14 provision of House Bill 3107?  
 15 A Yes.  
 16 Q Do you know -- excuse me.  
 17 Do you know what that provision is?  
 18 A Section 14, I believe.  
 19 Q All right. So we have the highlighted  
 20 text of Section 14. Are you familiar with that  
 21 particular provision, Mr. Scarpello?  
 22 A Yes, yes.

Page 58

1 Q And how did you become familiar with  
 2 that provision?  
 3 A Mostly through this lawsuit.  
 4 Q Prior to the passage of H.B. 3107, did  
 5 you take a position as it relates to Section 14 of  
 6 House Bill 3107?  
 7 A We have -- let's put it this way. We  
 8 have existing policies that I've instructed the  
 9 staff that existing policies will continue until  
 10 reviewed and changed, unless they're changed by  
 11 me. This particular one was never reviewed by me,  
 12 so the existing policy remains.  
 13 Q Got it. So let me ask you this. Do you  
 14 plan to review the existing policy as it relates  
 15 to this particular provision?  
 16 A Yes.  
 17 Q When do you plan to do that?  
 18 A Because we're in the middle of  
 19 litigation, I don't know. That is dependent upon  
 20 the advice of my attorneys after consulting with  
 21 them.  
 22 Q Okay. And you testified that the

Page 59

1 existing policy will continue until this  
 2 litigation ends. What is the existing policy as  
 3 it relates to this particular section?  
 4 A I think that's a pretty broad -- I think  
 5 you need to be more precise in your question.  
 6 Q What existing policy did you refer to  
 7 when we discussed the implementation of Section 14  
 8 within H.B. 3107?  
 9 A I'm not sure I understand your question.  
 10 Q Fair enough. Let me ask it this way.  
 11 Do you have a policy as it relates to voter  
 12 registration applications?  
 13 A We have lots and lots of policies  
 14 related to voter registration applications.  
 15 Q And the policy -- one of those policies  
 16 as it relates to voter registration applications  
 17 is the process or policy for accepting and  
 18 rejecting voter registration applications. Would  
 19 that be fair?  
 20 A Yes.  
 21 Q The particular policy in place right now  
 22 for voter registration applications, and in

Page 60

1 particular accepting and rejecting voter  
 2 registration application, says what?  
 3 A That there's -- I think -- I'm not  
 4 understanding your question. That is a really,  
 5 really broad question.  
 6 Q Do you accept voter registration  
 7 applications with original signatures?  
 8 A Yes.  
 9 Q Do you accept voter registration  
 10 applications with imaged signatures?  
 11 A Yes, from -- from the Department of  
 12 Public Safety.  
 13 Q Okay. Do you accept voter registration  
 14 applications that include imaged signatures from  
 15 any entity other than DPS?  
 16 A I don't believe so.  
 17 Q Okay. I apologize and thank you for  
 18 helping me do the -- making you work very early  
 19 here.  
 20 So you testified that you accept voter  
 21 registration applications from DPS and that DPS  
 22 uses -- I think the term we used was an imaged

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 61	Page 63
<p>1 signature; is that correct?</p> <p>2 A I believe, from my memory of these</p> <p>3 documents, I believe there was two different terms</p> <p>4 that were used, imaged and I can't remember what</p> <p>5 the other term was.</p> <p>6 Q Would it -- would it have been</p> <p>7 electronic?</p> <p>8 A Yes.</p> <p>9 Q Okay. What is your understanding of</p> <p>10 what an imaged signature is?</p> <p>11 A An electronic representation of an</p> <p>12 image.</p> <p>13 Q So it is not an original wet signature?</p> <p>14 A Yes.</p> <p>15 Q What is in your understanding -- let me</p> <p>16 strike that.</p> <p>17 What do you understand an original wet</p> <p>18 signature to be?</p> <p>19 A I would -- I would understand that to be</p> <p>20 a document that has -- that contains ink from a</p> <p>21 marking device -- or contains material, if you</p> <p>22 will, from a marking device that goes directly</p>	<p>1 it's basically a paper process for original</p> <p>2 registrations.</p> <p>3 Q All right. So I want to drill down on</p> <p>4 something you just said. Do you have a particular</p> <p>5 position as to whether Texas should have online</p> <p>6 voter registration?</p> <p>7 A I have a personal opinion.</p> <p>8 Q Okay. What is your personal opinion?</p> <p>9 A I believe 41 states or so, it might be</p> <p>10 more than that, have online registration, and it</p> <p>11 seems to me the second largest state in the</p> <p>12 country should have the same.</p> <p>13 Q And is that personal belief based upon</p> <p>14 -- well, let me strike that.</p> <p>15 On what basis do you have that belief,</p> <p>16 that Texas should have online voter registration?</p> <p>17 Why should Texas have it?</p> <p>18 A It's the second largest state in the</p> <p>19 country that, you know, claims to do everything</p> <p>20 the best, you know. We do it bigger and better in</p> <p>21 Texas. And so it seems to me that online</p> <p>22 registration -- not having online registration is</p>
<p>1 from the marking device to the paper.</p> <p>2 Q Okay. And I'm with you. I'm following</p> <p>3 you.</p> <p>4 So it would be fair to say that an</p> <p>5 original wet signature is not the same thing as an</p> <p>6 imaged signature?</p> <p>7 A Correct.</p> <p>8 Q Correct, all right. So that helps me.</p> <p>9 All right. So we can take down Exhibit B.</p> <p>10 I want to pivot here, and can you</p> <p>11 describe the policy as it relates to the voter</p> <p>12 registration process? So if I were -- just moved</p> <p>13 to Dallas County, I have my Texas ID. How do I</p> <p>14 register to vote in Dallas County?</p> <p>15 A You can fill out a voter registration</p> <p>16 application yourself, hand it to us. You can</p> <p>17 receive a voter registration application from a</p> <p>18 Deputy Registrar, and they'll help you fill it out</p> <p>19 and turn it into them. You can -- and that's --</p> <p>20 that's the primary way. We do -- we do not have</p> <p>21 online registration in Texas for some reason per</p> <p>22 se. And so that's a little bit different. So</p>	<p>1 a bit embarrassing, frankly.</p> <p>2 Q Would it make your job easier if you had</p> <p>3 online voter registration?</p> <p>4 A I am not concerned about the ease of my</p> <p>5 job. I'm concerned about the welfare of the</p> <p>6 public.</p> <p>7 Q So in your concern for the welfare of</p> <p>8 the public, do you believe it would make voting</p> <p>9 easier for the eligible voters in Dallas County if</p> <p>10 you had online voter registration?</p> <p>11 A It would make voter registration easier.</p> <p>12 It would not affect voting directly.</p> <p>13 Q All right. Fair enough. All right. So</p> <p>14 let's look at Exhibit Q. In particular, I want to</p> <p>15 go down to interrogatory number 5.</p> <p>16 (Exhibit Q was marked for identification</p> <p>17 and attached to the deposition transcript.)</p> <p>18 BY MR. HARRIS:</p> <p>19 Q Mr. Scarpello, please take a moment to</p> <p>20 read the interrogatory number 5 and your response</p> <p>21 to it and then let me know once you are ready to</p> <p>22 proceed.</p>

16 (Pages 61 to 64)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 65	Page 67
<p>1 A Sure. (Document review).</p> <p>2 Okay.</p> <p>3 Q All right. If you look down, I'm</p> <p>4 looking particularly at the paragraph that starts</p> <p>5 with "Subject to and without." Do you see that?</p> <p>6 A Yes.</p> <p>7 Q All right. And then in the third row</p> <p>8 down near the end, it says, "Dallas County</p> <p>9 Elections Department has not accepted voter</p> <p>10 registration applications with electronic or</p> <p>11 imaged signatures based on the directions and</p> <p>12 guidance provided by the Texas Secretary of</p> <p>13 State."</p> <p>14 Did I read that correctly?</p> <p>15 A Yes.</p> <p>16 Q And in particular, what I want to know</p> <p>17 is what guidance -- or excuse me -- what direction</p> <p>18 and/or guidance did the Texas Secretary of State</p> <p>19 provide such that you do not accept applications</p> <p>20 with electronic or imaged signatures?</p> <p>21 A I think in other documents, we explain</p> <p>22 that I was not here when that guidance was</p>	<p>1 application?</p> <p>2 A The application itself has certain</p> <p>3 requirements and a person attests to those</p> <p>4 requirements.</p> <p>5 Q And what requirements does a voter</p> <p>6 attest to as part of the application process?</p> <p>7 A I couldn't tell you off the top of my</p> <p>8 head all the -- the long list of requirements.</p> <p>9 Q Could you tell me some of those</p> <p>10 requirements?</p> <p>11 A Age 18, citizen -- citizen of the United</p> <p>12 States, et cetera.</p> <p>13 Q And after I fill out the paper</p> <p>14 application and I sign it I believe with ink, what</p> <p>15 happens with my application?</p> <p>16 A I can -- I can ballpark that for you,</p> <p>17 but that really gets into procedures that</p> <p>18 Mr. Lopez can detail more, but that -- generally</p> <p>19 speaking, that document is imaged and then the</p> <p>20 information from that document is entered into our</p> <p>21 voter registration system, which is called Remax,</p> <p>22 and then that's -- I believe that image -- or that</p>
<p>Page 66</p> <p>1 provided, but my understanding was that at some</p> <p>2 point some time ago, guidance was provided to this</p> <p>3 office by the Secretary of State and that we</p> <p>4 follow that guidance and sent that policy, if you</p> <p>5 will, and we continue that, have not changed that</p> <p>6 policy.</p> <p>7 Q And that policy, just to like come full</p> <p>8 circle, if you will, is the policy that is under</p> <p>9 review during the pendency of this litigation?</p> <p>10 A Yes.</p> <p>11 Q Understood. All right. We can take</p> <p>12 that one down.</p> <p>13 Do you know -- when you received -- you</p> <p>14 told me earlier that the voter registration</p> <p>15 application process in Texas, it's all paper</p> <p>16 because there's no online voter registration,</p> <p>17 right?</p> <p>18 A Correct.</p> <p>19 Q So if I walk into your office to fill</p> <p>20 out an application, do you make any determination</p> <p>21 about whether or not I am actually eligible to</p> <p>22 vote in Texas when I'm coming in to fill out that</p>	<p>Page 68</p> <p>1 document marries up with the state's Team voter</p> <p>2 registration system. That image -- or that</p> <p>3 document is then put into storage, I believe, for</p> <p>4 a year and then destroyed after that, and then</p> <p>5 from that point on, only the electronic image of</p> <p>6 the registration exists. Generally speaking</p> <p>7 that's the procedure.</p> <p>8 Q I think that's actually helpful.</p> <p>9 So I just want to make sure I understand</p> <p>10 the process. I come into your friendly office. I</p> <p>11 can state on the record that I am 35 years old so</p> <p>12 I think I meet the age requirement, and I have my</p> <p>13 Texas ID. I am going to sign and hand my</p> <p>14 application to you. Once you receive -- your team</p> <p>15 receives my paper application, do you put like a</p> <p>16 time stamp on the application to note when it was</p> <p>17 received by your office?</p> <p>18 A I believe so.</p> <p>19 Q Any other markings to indicate receipt</p> <p>20 by your office outside of a time stamp, like, for</p> <p>21 example, a barcode?</p> <p>22 A Those would be procedures that I'm not</p>

17 (Pages 65 to 68)

Page 69

1 familiar with.

2 Q So I should defer to Mr. Lopez for

3 those?

4 A That's correct.

5 Q Okay. Fair enough.

6 And the second question I want to

7 clarify from your prior response is that you said

8 the paper application is then imaged into your

9 system. Is that correct?

10 A It's -- an image is taken and it's

11 attached to the voter registration electronic

12 record.

13 Q And that electronic record is what is

14 then sent to the state?

15 A I don't believe it's sent to the state.

16 It's just held within our registration system.

17 The information from that record is sent to the

18 state.

19 Q Does the state get my original wet

20 signature from the paper application?

21 A I don't believe so, but that might be

22 beyond my knowledge, but I don't believe so.

Page 70

1 Q Okay. Fair enough.

2 One of the goals of your office is to

3 make sure that voting is more accessible, right?

4 A That's one of our goals.

5 Q Another one -- I guess let me rephrase

6 that. My apologies.

7 Would it be fair to say that another

8 goal of your office is to ensure as many people as

9 possible are registered to vote?

10 A I believe that's one of our goals.

11 Q Has your office ever received any

12 complaints from residents of Dallas County about

13 the voter registration process?

14 A I think that would be a safe assumption.

15 I don't have any figures, numbers. I think --

16 that's an assumption, yes.

17 Q So the answer is yes, your office has

18 received complaints from residents of Dallas

19 County regarding the voter registration process?

20 A Yes.

21 Q And this is part of the -- I am just

22 interested in this process. Where do those

Page 71

1 complaints go? Like what do you do when you

2 receive a complaint regarding the process?

3 A We receive complaints -- you know, we

4 receive phone calls, emails, et cetera, and we log

5 those into a tracking system. But that tracking

6 system has historically been one that's only been

7 up around election time. It's something that

8 we're looking to expand to have year-round, so we

9 don't have reliable data from that -- that system

10 now.

11 Q But it's fair enough that you have

12 received them and those complaints are, you know,

13 addressed in some manner as appropriate given the

14 actual complaint.

15 A Can you rephrase the question or repeat

16 it?

17 Q Yes. So once the complaint is received

18 and you enter it into your system, who makes sure

19 -- who in your team makes sure that that complaint

20 is addressed?

21 A So we get a variety of complaints or

22 comments, whatever it may be, whatever the call

Page 72

1 may be about.

2 Q Yes.

3 A They were categorized by the department,

4 whether it's voting sites, voter registration,

5 whatever the -- whatever the complaint may be.

6 And it goes to that department. And then that

7 department reviews and acts upon the complaint or

8 comment or question.

9 Q Do you know if you have received any

10 complaints regarding the wet signature requirement

11 for voter registration applications?

12 A I don't know.

13 Q But that is not to say that you have

14 not. You just don't know.

15 A I don't know.

16 Q So you -- is it possible that you have?

17 A Absolutely, yes.

18 Q All right. So we've been going for an

19 hour, and you didn't ask for a break, but I

20 promise you, I told you I probably would ask

21 before you did, and I need to go to the men's

22 room. So can we take a five-minute break and

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 73	Page 75
<p>1 reconvene?</p> <p>2 A Sure.</p> <p>3 Q Absolutely. Thank you so much.</p> <p>4 A All right. Thanks.</p> <p>5 VIDEO TECHNICIAN: The time is 11:15</p> <p>6 a.m. Off the record.</p> <p>7 (A brief recess was taken.)</p> <p>8 VIDEO TECHNICIAN: We are back on the</p> <p>9 record. The time is 11:23 a.m.</p> <p>10 BY MR. SCHUETTE:</p> <p>11 Q All right. Welcome back, Mr. Scarpello.</p> <p>12 Did you have a good break?</p> <p>13 A Wonderful.</p> <p>14 Q Fair enough.</p> <p>15 So I believe we left off in our</p> <p>16 conversation discussing the in-person, I like to</p> <p>17 say, voter registration process, so I would come</p> <p>18 into your office, fill out the form. I would meet</p> <p>19 your requisite, you know, age requirements and the</p> <p>20 other points you listed earlier. And then I would</p> <p>21 actually sign in.</p> <p>22 And do you recall us talking about that?</p>	<p>1 A Yes.</p> <p>2 Q What do you use it for?</p> <p>3 A Without the signature, the application</p> <p>4 is void.</p> <p>5 Q So you actually need the signature in</p> <p>6 order for the application to be complete.</p> <p>7 A Yes.</p> <p>8 Q Are you comparing it to something?</p> <p>9 A No.</p> <p>10 Q Are you using it for any other purpose</p> <p>11 other than to make sure that the application is</p> <p>12 complete?</p> <p>13 A Yes. I mean, it's the proof that -- I</p> <p>14 believe from getting -- this gets into one of your</p> <p>15 questions later -- but it gets to the intent of</p> <p>16 what the purpose of that signature is by the</p> <p>17 legislature, but I would assume it is to have that</p> <p>18 person attest that what they have written on that</p> <p>19 application is accurate.</p> <p>20 Q Okay. Great. And I'm happy you brought</p> <p>21 that up. So I want to be extremely clear with my</p> <p>22 line of questioning at this point. I am not here</p>
<p>Page 74</p> <p>1 A Yes.</p> <p>2 Q And you told me that your team would</p> <p>3 then take those applications and put it into your</p> <p>4 system, and there would be an image that would</p> <p>5 then be sent, I think, to the state. And then you</p> <p>6 would keep the actual physical records, I think</p> <p>7 you said, for one year. Is that correct?</p> <p>8 A No.</p> <p>9 Q Okay. So --</p> <p>10 A What you -- what I said was we image --</p> <p>11 we take an image. It's put into our local voter</p> <p>12 registration system, and it's attached to the</p> <p>13 voter's official record within the system. I</p> <p>14 believe the data from that system goes up to the</p> <p>15 state system. I don't believe the image does, but</p> <p>16 that might be something you might want to follow</p> <p>17 up with Mr. Lopez. I don't know if the state</p> <p>18 maintains an image. I'm going to guess they</p> <p>19 don't.</p> <p>20 Q Okay. Do you use the signature on the</p> <p>21 voter registration application for any purpose as</p> <p>22 part of the registration process?</p>	<p>Page 76</p> <p>1 to ask you about legislative intent. I do not</p> <p>2 know what the Texas legislature -- well, I do know</p> <p>3 what they think about the signature requirement,</p> <p>4 but that is not the purpose of our conversation</p> <p>5 today. And so I want to be very clear with you.</p> <p>6 I will deal with the state when I -- as I deal</p> <p>7 with the state. But for purposes of our</p> <p>8 conversation, I don't want you to opine or to</p> <p>9 speculate about what they -- the purpose I -- my</p> <p>10 goal here, and I apologize if I'm not as artful as</p> <p>11 I would want to be, but my purpose in questioning</p> <p>12 you regarding that particular requirement was</p> <p>13 really to get at what does your office use it for.</p> <p>14 And as I understand it, your office does not use</p> <p>15 it for anything other than to make sure that the</p> <p>16 application is complete. Is that correct?</p> <p>17 A It's a required element of the</p> <p>18 application, correct.</p> <p>19 Q All right. But it's not a required</p> <p>20 element of the application process as it relates</p> <p>21 to voter eligibility?</p> <p>22 A No.</p>

19 (Pages 73 to 76)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 77	Page 79
<p>1 Q What about identity?</p> <p>2 A You would have to be more precise in</p> <p>3 your question.</p> <p>4 Q You're not using that signature to</p> <p>5 verify someone's identity, correct?</p> <p>6 A No.</p> <p>7 Q In fact, from your perspective, your</p> <p>8 office's perspective, there is no real practical</p> <p>9 purpose for that signature or requiring a wet</p> <p>10 signature as opposed to an electronic or imaged</p> <p>11 signature on voter registration applications,</p> <p>12 right?</p> <p>13 A If we were in court, I would say object</p> <p>14 because it's a compound question. I think you</p> <p>15 asked a couple questions there.</p> <p>16 MR. STONE: Okay. Let me do it this</p> <p>17 way. Can we pull up Exhibit Q. All right. And I</p> <p>18 want to scroll down to Interrogatory number 2.</p> <p>19 Q Mr. Scarpello, as I have done</p> <p>20 previously, take a moment to review your response</p> <p>21 to Vote.org's Interrogatory number 2 and let me</p> <p>22 know when you are ready for my next set of</p>	<p>1 role of" -- that of the -- I'm sorry -- "which is</p> <p>2 the role Dallas County Elections Administrator</p> <p>3 plays in connection with processing voter</p> <p>4 registration applications."</p> <p>5 Outside of my blunder there, did I</p> <p>6 accurately read your response to Interrogatory</p> <p>7 number 2?</p> <p>8 A Yes.</p> <p>9 Q And this is still your position,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q All right. Let's look at Interrogatory</p> <p>13 number 3. Similarly, could you please take a</p> <p>14 moment to review interrogatory number 3 and your</p> <p>15 response and let me know when you're ready for my</p> <p>16 next line of questions.</p> <p>17 A Okay.</p> <p>18 Q And I want to again focus your attention</p> <p>19 down to the "Subject to and without waiver"</p> <p>20 paragraph. And I'll --</p> <p>21 A I'm reading that.</p> <p>22 Q Go ahead. Thank you for letting me</p>
<p>1 questions.</p> <p>2 A (Document review).</p> <p>3 Okay.</p> <p>4 Q I'm going to start as I did previously</p> <p>5 and focus your attention on the "Subject to and</p> <p>6 without waiver of said objection" paragraph. Do</p> <p>7 you see that?</p> <p>8 A Yes.</p> <p>9 Q All right. And if you go down to one,</p> <p>10 two, three, fourth line, second word in, it is</p> <p>11 starting with "From."</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q So I'm going to read this out loud and</p> <p>15 you can follow along.</p> <p>16 "From the perspective of Defendant</p> <p>17 Scarpello as the Dallas County Election</p> <p>18 Administrator, there is no practical purpose for</p> <p>19 requiring a wet ink signatures as opposed to an</p> <p>20 electronic or imaged signature on voter</p> <p>21 registration applications for purposes of</p> <p>22 registering an individual to vote, which is the</p>	<p>1 know. I apologize. If at any moment I start</p> <p>2 rambling on and you haven't had enough chance,</p> <p>3 just stop me. I will not take offense to it.</p> <p>4 A I've read it and I'm ready to answer</p> <p>5 your question.</p> <p>6 Q Okay. Fair enough. All right.</p> <p>7 So if you look at the 7-2 paragraph, and</p> <p>8 I want to start at the second line, it says,</p> <p>9 "Defendant Scarpello in his official capacity as</p> <p>10 Dallas County Election Administrator sees no</p> <p>11 practical interests of the Dallas County Elections</p> <p>12 Department served by Section 14 of H.B. 1307."</p> <p>13 Did I read that part correctly,</p> <p>14 Mr. Scarpello?</p> <p>15 A Yes.</p> <p>16 Q And this is still your position as you</p> <p>17 testify today?</p> <p>18 A Yes.</p> <p>19 Q Your response goes on to say, "From the</p> <p>20 perspective of Defendant Scarpello as Dallas</p> <p>21 County Election Administrator, there really is no</p> <p>22 practical reason as to whether voter registration</p>

20 (Pages 77 to 80)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 81	Page 83
<p>1 applications include wet ink signatures versus 2 imaged signatures." 3 Did I read that correctly? 4 A Yes. 5 Q And this is still your position today? 6 A Yes. 7 Q We can take that down. And we discussed 8 earlier that you from time to time do receive 9 complaints about the voter registration process. 10 Correct? Do you remember us having that 11 conversation? 12 A Yes. 13 Q And you told me that part of that -- I 14 hate to use the word complaint -- you used the 15 word concern, so I'll use concern if that's kind 16 of fair with you. Okay? 17 A Okay. 18 Q So you receive these concerns from the 19 voters in Dallas. Your team then categorizes the 20 concerns in order to address those concerns. Is 21 that correct? 22 A Yes. But typically that is done only</p>	<p>1 Committee? 2 A Yes, I am familiar with both of those. 3 Q Okay. So let's start with the Early 4 Ballot Board. Does your office interact with the 5 Early Ballot Board? 6 A Yes. 7 Q In what way do you interact with the 8 Early Voting Ballot board? 9 A The Early Voting Ballot Board is -- 10 Q Early Voting, sorry. 11 A -- it's to a certain extent is an 12 independent body, but they work with us as far as 13 the paperwork regarding appointments and regarding 14 the location out where they work, the equipment 15 they use, the hours they work, the pay they 16 receive. And so, in other words, we take care of 17 the administrative pieces of their body, and they 18 consult with us. But to a certain extent, they 19 are independent as far as their responsibilities. 20 Q Does the Early Voting Ballot Board 21 request the original hard copy of voter 22 registration applications as part of its process</p>
Page 82	Page 84
<p>1 during a short period around an election. It's 2 not captured year-round. 3 Q Okay. Do you know if you have received 4 or had any problems with receiving voter 5 registration applications from DPS? 6 A I believe that is when -- something that 7 Mr. Lopez will be able to address more accurately. 8 Q Okay. Fair enough. 9 And I appreciate you letting me know 10 that. So like I said at the top of our 11 conversation, if I ask any question of which you 12 are not the designee but Mr. Lopez is, it is fine 13 for you to let me know. I will note it in my 14 record so I do not waste your time, so thank you, 15 Mr. Scarpello. 16 A Sure. 17 Q So I want to scroll down and talk about 18 the Early Ballot Board. Are you familiar with the 19 Early Ballot Board, Mr. Scarpello? 20 A Yes, it's the Early Voting Ballot Board. 21 Q Early Voting Ballot Board. 22 What about the Signature Verification</p>	<p>1 in the voting, I guess, mechanism? 2 A No. 3 Q Do you know if the Early Voting Ballot 4 Board uses the voter registration applications for 5 any purpose? 6 A They can to certain circumstances and 7 I'll elaborate. 8 Q Sure. 9 A So the Early Voting Ballot Board and 10 sometimes the Signature Verification Committee -- 11 the Signature Verification Committee is an arm of 12 Early Voting Ballot Board. They fall under their 13 authority, if you will. Sometimes they have a 14 Signature Verification Committee and sometimes 15 they don't, and that -- either one of those bodies 16 uses -- can use a voter registration system as 17 part of vetting a vote-by-mail ballot. So a 18 vote-by-mail ballot comes in and that vote-by-mail 19 ballot signature is compared against the 20 application for a vote-by-mail ballot, and then 21 the voter -- the signature on a voter registration 22 is sometimes used as a third signature to inspect.</p>

21 (Pages 81 to 84)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 85	Page 87
<p>1 It's not every time, but it is used sometimes.</p> <p>2 Q Okay. So I think we're on the same page</p> <p>3 here.</p> <p>4 So if I were to think about the voting</p> <p>5 -- the life -- the lifeline -- the life span of</p> <p>6 the voting process, step 1 would be I need to</p> <p>7 actually be eligible to vote, right?</p> <p>8 A Right.</p> <p>9 Q And would it be fair to say that step 2</p> <p>10 would be actually applying to register to vote?</p> <p>11 Would you agree with me in that regard?</p> <p>12 A Yes.</p> <p>13 Q Okay. And then step 3 would be, I</p> <p>14 guess, you know, voting, whether that be by mail,</p> <p>15 in person, or any of the other ways citizens can</p> <p>16 vote in Texas. Would that be fair?</p> <p>17 A Step 3 would be that application would</p> <p>18 be accepted, and step 4 would be the actual vote.</p> <p>19 Q Okay. So I just want to focus on step</p> <p>20 2.</p> <p>21 So as part of -- in your office, not the</p> <p>22 Early Voting Ballot Board, not the Signature</p>	<p>1 You told me that you believe that in</p> <p>2 prior years, your office has had interactions with</p> <p>3 my client, Vote.org. Is that correct?</p> <p>4 A Yes.</p> <p>5 Q And in those interactions, to the best</p> <p>6 of your knowledge, how would you describe the</p> <p>7 relationship between my client and your office?</p> <p>8 A I couldn't -- I have no knowledge to</p> <p>9 characterize that relationship.</p> <p>10 Q Would it be fair for this to be a line</p> <p>11 of questions for Mr. Lopez?</p> <p>12 A I think that's up to my attorneys to</p> <p>13 determine that.</p> <p>14 MR. HARRIS: Okay. Fair enough. So I</p> <p>15 think what I would like to do here is let's -- let</p> <p>16 me take five minutes and then go over -- I want to</p> <p>17 look at my outline because I do believe I am</p> <p>18 getting into some of those questions regarding</p> <p>19 procedures, interactions that may have predated</p> <p>20 your tenure at Dallas County, so if you will</p> <p>21 indulge me, let me take five minutes and I'll</p> <p>22 consult with Noah to make sure that I am not like</p>
<p>Page 86</p> <p>1 Verification Committee, which does their work</p> <p>2 after the application has been accepted, but for</p> <p>3 your purposes, that signature serves no other</p> <p>4 purpose other than to make sure that that</p> <p>5 application is complete. Is that correct?</p> <p>6 A That's correct.</p> <p>7 Q All right. Has your office had any</p> <p>8 interactions with my client, Vote.org?</p> <p>9 A I have not -- well, I don't -- I don't</p> <p>10 know.</p> <p>11 Q Let me ask --</p> <p>12 A I would assume so, but I -- I have not</p> <p>13 had interactions with them. I assume that</p> <p>14 previously years ago some staff members might</p> <p>15 have.</p> <p>16 Q Okay. Fair enough.</p> <p>17 Let me ask you this way. What do you</p> <p>18 know about my client, Vote.org?</p> <p>19 A Not much.</p> <p>20 Q How would you describe -- well, maybe I</p> <p>21 should -- this is probably a question for</p> <p>22 Mr. Lopez, but you can tell me if you disagree.</p>	<p>Page 88</p> <p>1 messing anything up. And then I will come back on</p> <p>2 the record. And if -- at that time I will know</p> <p>3 whether or not I should continue with you or we</p> <p>4 can switch hot seats and I can talk to our other</p> <p>5 friend Mr. Lopez, so give me five minutes,</p> <p>6 Mr. Scarpello.</p> <p>7 THE WITNESS: Okay, great. Thanks.</p> <p>8 MR. HARRIS: Thank you.</p> <p>9 VIDEO TECHNICIAN: The time is 11:40</p> <p>10 a.m. Going off the record.</p> <p>11 (A brief recess was taken.)</p> <p>12 VIDEO TECHNICIAN: Okay. The time is</p> <p>13 11:47 a.m. We are back on the record.</p> <p>14 BY MR. SCHUETTE:</p> <p>15 Q All right. So, Mr. Scarpello, I think</p> <p>16 we will go another 10, 15 with you, we'll break</p> <p>17 for lunch because I'm hungry, and then we'll come</p> <p>18 back, and then I think I'm going to start with our</p> <p>19 other friend, Mr. Lopez, after the lunch break.</p> <p>20 Does that sound okay with you?</p> <p>21 MR. SCHUETTE: This is Jay Schuette</p> <p>22 speaking.</p>

22 (Pages 85 to 88)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 89	Page 91
<p>1 MR. HARRIS: Yes, go ahead.</p> <p>2 MR. SCHUETTE: I would prefer if we</p> <p>3 could finish with this witness. He does have a</p> <p>4 meeting with Dallas County Commissioner Price at</p> <p>5 1:30, at 1:30, and not that there's only one way</p> <p>6 to do things, but typically we finish one witness</p> <p>7 in a 30(b)(6) and then move on to the next</p> <p>8 designee. If possible, we would ask that</p> <p>9 Mr. Paxton's counsel question this witness and we</p> <p>10 can allow him to get on with his day. And all the</p> <p>11 more so since we have early voting starting on</p> <p>12 Monday, this man has got a big load of stuff on</p> <p>13 his plate.</p> <p>14 MR. HARRIS: I have no objection to</p> <p>15 that. Like I said, I can finish my line of</p> <p>16 questioning and then -- because the person's time</p> <p>17 I care more about is Mr. Scarpello's, I can finish</p> <p>18 my line of questioning, but I do not control the</p> <p>19 State's line of questioning. So I will state that</p> <p>20 and then we can hear from Mr. Stone.</p> <p>21 MR. STONE: Yes, that works fine for me.</p> <p>22 MR. SCHUETTE: Thank you, gentlemen. I</p>	<p>1 voluntary deputy registrars. And those deputy</p> <p>2 registrars receive training from us on how to</p> <p>3 accept -- help a person fill out a registration</p> <p>4 and accept a registration. And so then they</p> <p>5 receive a set of registrations that we record, and</p> <p>6 they go out into the community and receive those</p> <p>7 registrations. And to a certain extent, that's</p> <p>8 the limit of our current registration efforts. We</p> <p>9 have plans to expand those.</p> <p>10 Q Okay. So let's talk about some of those</p> <p>11 plans. What -- what plans do you have? Like talk</p> <p>12 to me about what else you have in store for the</p> <p>13 future.</p> <p>14 A I don't think I can at this moment</p> <p>15 because they haven't been authorized by</p> <p>16 Commissioner's Court. It's one of the reasons I</p> <p>17 have a meeting here at 1:30. And so until I</p> <p>18 receive funding, if you will, I can't -- I don't</p> <p>19 know that I can speak to those.</p> <p>20 Q So is it fair to say that any voter</p> <p>21 outreach plan -- or policies that you are looking</p> <p>22 to implement, before implementation they have to</p>
<p>1 appreciate it.</p> <p>2 MR. HARRIS: Absolutely. Great.</p> <p>3 Thanks.</p> <p>4 BY MR. HARRIS:</p> <p>5 Q All right. I only have a few more</p> <p>6 questions so I want to get you to your meeting on</p> <p>7 time.</p> <p>8 If we could look back at Exhibit M,</p> <p>9 Henry, and in particular, I want to go and focus</p> <p>10 on topic number 10.</p> <p>11 (Discussion off the record.)</p> <p>12 Q Do you see the topic in front of you,</p> <p>13 Mr. Scarpello?</p> <p>14 A Yes.</p> <p>15 Q So topic number 10 asks about your</p> <p>16 efforts to encourage voter registration, including</p> <p>17 any efforts to distribute voter registration</p> <p>18 applications. Could you talk to me about what</p> <p>19 efforts you've implemented at the office to</p> <p>20 encourage voter registration?</p> <p>21 A Our existing efforts basically consists</p> <p>22 of -- we have an outreach person that works with</p>	<p>1 be approved by the commissioners you mentioned?</p> <p>2 A If it -- the commissioners are not line</p> <p>3 authority over me, but they do control my budget.</p> <p>4 Q Sure.</p> <p>5 A So if it affects my budget, then yes.</p> <p>6 Q Okay. Fair enough. All right.</p> <p>7 And then one other point that I wanted</p> <p>8 to circle back on at the very top, you told me</p> <p>9 that you had some documents in front of you. Is</p> <p>10 that correct?</p> <p>11 A Yes.</p> <p>12 Q Are there any markings on those</p> <p>13 documents that you have in front of you?</p> <p>14 A Highlights. Just I highlighted certain</p> <p>15 things.</p> <p>16 Q You highlighted those documents?</p> <p>17 A Yes.</p> <p>18 Q Okay. Fair enough.</p> <p>19 And then let me -- I want to return back</p> <p>20 to one point you made regarding, you know, the</p> <p>21 budget. And that can -- I'm rambling.</p> <p>22 I want to return to the discussion we</p>

23 (Pages 89 to 92)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 93	Page 95
<p>1 just had previously about voter registration</p> <p>2 outreach and your efforts to actually encourage</p> <p>3 voter registration. Do you mean -- do you have</p> <p>4 any funding for certain voter registration</p> <p>5 outreach programs like right now?</p> <p>6 A We get reimbursement from the state for</p> <p>7 certain voter registration activities. I think</p> <p>8 they call it Chapter 19 funds.</p> <p>9 Q Okay. And do you have a budget for</p> <p>10 mailing out voter registration forms?</p> <p>11 A There's a -- there's a lot of voter</p> <p>12 registration forms. Are we -- so are you Talking</p> <p>13 about voter registration applications, voter --</p> <p>14 Q Yes, I'm sorry. Yes. My apologies.</p> <p>15 So for voter registration applications,</p> <p>16 do you have a budget for mailing those out?</p> <p>17 A Sometimes someone asks us to send them a</p> <p>18 voter registration application, we will do so.</p> <p>19 Q Does that cost the office anything?</p> <p>20 A It would cost us, but we would be</p> <p>21 reimbursed by the state.</p> <p>22 Q And who does the reimbursement?</p>	<p>1 Q What is H.B. 3107?</p> <p>2 A It's a House Bill that was passed by the</p> <p>3 Texas legislature in I believe the normal session</p> <p>4 last summer.</p> <p>5 Q What year was it passed?</p> <p>6 A 2021, I believe.</p> <p>7 Q When did it go into effect?</p> <p>8 A The 2020 -- I can't remember its</p> <p>9 effective date.</p> <p>10 Q Is it in effect right now?</p> <p>11 A Yes.</p> <p>12 Q What did H.B. 3107 do?</p> <p>13 MR. HARRIS: Object to form.</p> <p>14 A I think that that's a question that I</p> <p>15 would have to -- I would have to look through page</p> <p>16 by page of H.B. 3107, and then I would have to</p> <p>17 just spend the next couple hours doing that. It's</p> <p>18 a 50-page document that touches on all sorts of</p> <p>19 aspects of voter -- of election administration.</p> <p>20 Q But H.B. 3107 was about election</p> <p>21 administration; is that accurate?</p> <p>22 A That's correct.</p>
<p>Page 94</p> <p>1 A The State of Texas.</p> <p>2 Q Do you know roughly how many voter</p> <p>3 registration applications the State of Texas has</p> <p>4 reimbursed you for?</p> <p>5 A I don't know that off the top of my</p> <p>6 head. I'm sure we have records related to Chapter</p> <p>7 19 reimbursements over the last several years.</p> <p>8 Q All right. And just bear with me. I</p> <p>9 just want to make sure I crossed all my Ts.</p> <p>10 Okay. Have there been any questions</p> <p>11 that I have asked today, Mr. Scarpello, that you</p> <p>12 did not understand?</p> <p>13 A No.</p> <p>14 Q Well --</p> <p>15 A I corrected them.</p> <p>16 MR. HARRIS: With your help, of course.</p> <p>17 You've been a good troop, so I can appreciate</p> <p>18 that. And with that, I will tender the witness.</p> <p>19 EXAMINATION</p> <p>20 BY MR. STONE:</p> <p>21 Q Good morning, Mr. Scarpello.</p> <p>22 A Good morning.</p>	<p>Page 96</p> <p>1 Q What did --</p> <p>2 A Yes, that's correct.</p> <p>3 Q What did Section 14 of H.B. 3107 do?</p> <p>4 A It confused a lot of people because of</p> <p>5 its imprecise language. But generally speaking it</p> <p>6 attempts to -- let me take a look at it real</p> <p>7 quick. It basically says that when you receive a</p> <p>8 fax of a voter registration application, that</p> <p>9 there must be -- it must be followed up with a</p> <p>10 hard copy within four business days. And let me</p> <p>11 elaborate. What I'm -- so what's confusing to me</p> <p>12 is the imprecise language, it says, "For</p> <p>13 registration applications submitted by fax machine</p> <p>14 to be effective, a copy of the original containing</p> <p>15 voter's original signature must be submitted." So</p> <p>16 I don't know what that means. Is it a copy or is</p> <p>17 it an original? It's terrible language.</p> <p>18 MR. STONE: Objection. Nonresponsive.</p> <p>19 Q But let me -- let me ask about this a</p> <p>20 little differently.</p> <p>21 Do you understand that to be the wet</p> <p>22 signature rule at issue in this case?</p>

24 (Pages 93 to 96)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 97	Page 99
<p>1 A I think the wet signature rule is slang 2 and I don't see within any official document. 3 MR. STONE: Objection. Nonresponsive. 4 Q I am asking if you understand the wet 5 signature rule to be referencing Section 14 of 6 H.B. 3107 in this case. 7 A Yes. 8 Q Now, you're a lawyer. 9 A Yes. 10 Q Are you currently licensed? 11 A I am licensed, but my status is 12 inactive. 13 Q Where are you licensed? 14 A State of Nebraska. 15 Q How long did you practice law? 16 A In what capacity? 17 Q How long did you use your law license to 18 practice law? 19 MR. HARRIS: Object to form. 20 A I had an active law license for nine 21 years before I went into inactive status. 22 Q And during those nine years, how many of</p>	<p>1 question of intent, right? I mean -- 2 Q So far as suppression -- you understand 3 voter suppression to be only a question of intent 4 and not effect? 5 A No, I think it depends -- the 6 terminology can be used to describe an intentional 7 act or it can be used to describe an unintentional 8 act. I mean, it's a very broad -- it's a very 9 broad term. 10 Q Could an organization putting the wrong 11 day to vote on billboards in a community result in 12 voter suppression? 13 A Sure. Yes. 14 Q How so? 15 A Because the net effect would be that 16 person -- that voters would be confused and less 17 likely to vote. 18 Q Do you believe Section 14 -- 19 VIDEO TECHNICIAN: I think he froze on 20 us. Let's give him another second, otherwise it 21 will become apparent because he's going to drop 22 from Zoom.</p>
Page 98	Page 100
<p>1 those nine years were you practicing law as an 2 attorney? 3 A Actively? Well, I think that's a vague 4 question. As far as -- I worked for several, 5 different people but not in a law practice, if 6 that's -- in a law firm, no. A couple -- about a 7 year. 8 Q You have decades of experience 9 administering elections, right? 10 A That's correct. 11 Q What is voter suppression? 12 MR. HARRIS: Object to form. 13 A I think that is an incredibly -- well, 14 it's -- I guess it would be -- a general 15 description would be an effort by a person or a 16 group to prevent people from casting votes. 17 Q Would a group telling the public the 18 wrong day to vote be a form of voter suppression? 19 A I think that it could be. I don't think 20 it necessarily -- it could be a mistake. So 21 intentional or by accident, I guess, the net 22 result would be voter suppression. It's a</p>	<p>1 MR. STONE: I think I froze. I'm sorry, 2 I froze. 3 VIDEO TECHNICIAN: Mr. Stone, you froze 4 and I interjected right away, so we didn't get 5 your question in, so you can just restart. 6 MR. STONE: Sorry. This may happen 7 periodically. And I apologize. It's just the 8 Internet in our government building. 9 BY MR. STONE: 10 Q Is Section 14 of H.B. 1307 a form of 11 voter suppression? 12 MR. HARRIS: Objection. Calls for a 13 legal conclusion. 14 A Let me think about that for a second. 15 I think that you could interpret Section 16 14 to make registering to vote more difficult with 17 a net effect that if you're not registered to 18 vote, it makes it more harder -- it makes it more 19 difficult to vote, so in essence the answer to the 20 question is yes. 21 Q And you started to explain it, but how 22 would Section 14 of H.B. 3107 be a form of voter</p>

25 (Pages 97 to 100)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 101

1 suppression?

2 A If you can't register to vote, you can't

3 vote. It makes it harder to register to vote.

4 Q And who does it make it harder to

5 register to vote for in Section 14 of H.B. 3107?

6 A Someone who sends in an electronic copy

7 of a registration, who wants -- who wants to send

8 in an electronic copy of a voter registration.

9 Q So would you agree that all the members

10 of the legislature that supported H.B. 3107

11 supported voter suppression?

12 A I think it gets back to what I said

13 before. I don't know if they intended to, but the

14 net effect may be that they succeeded in voting

15 suppression, intending to or not.

16 Q H.B. 3107 passed with unanimous consent,

17 right?

18 A I'm not aware.

19 Q How many voters are registered to vote

20 in Dallas County? I'm looking for a number.

21 A Can you repeat the question?

22 Q How many voters are registered to vote

Page 102

1 in Dallas County?

2 A I don't have the exact number, but it's

3 approaching 1.4 million.

4 Q What percentage of eligible voters in

5 Dallas County are currently registered to vote?

6 A So the question can be -- I don't know

7 if you're asking what percentage of the eligible

8 age population is registered to vote or what

9 percentage of the total population is registered

10 to vote. Either way -- either way I don't have

11 that answer off the top of my head.

12 Q Thank you.

13 What is the Early Voting Ballot Board?

14 A The Early Voting Ballot Board is a board

15 that is -- in Texas law is a board that has legal

16 status that is appointed to do certain -- conduct

17 certain actions during an election.

18 Q Is there an Early Voter Ballot Board in

19 Dallas County?

20 A Yes.

21 Q Who's on that?

22 A It depends on the election. Every

Page 103

1 election, an Early Voting Ballot Board is

2 appointed by the appointing authority. That

3 number of people on the Early Voting Ballot Board

4 and people on it varies by election. It's not a

5 permanent role that's year-round.

6 Q What does the Early Voting Ballot Board

7 do?

8 A The Early Voting Ballot Board does a

9 variety of work, including having responsibility

10 over early voting -- the ballots cast early,

11 whether they be vote by mail or balancing the

12 books, for instance, at early voting sites as well

13 as handling provisional ballots, the approval of

14 provisional ballots.

15 Q What is the Signature Verification

16 Committee?

17 A The Signature Verification Committee is

18 also an appointed body. It's not always -- Early

19 Voting Ballot Board is in every election. A

20 Signature Verification Committee is optional.

21 That role can be taken up by the Early Voting

22 Ballot Board if it so chooses.

Page 104

1 Q How does --

2 A The Signature Verification Committee,

3 what they do is they verify the signatures on

4 early voting mail-in ballots.

5 Q How do they do that?

6 A Currently they have electronic

7 signatures that -- well, an application comes in.

8 That application is scanned electronically and put

9 into an electronic system, and then the ballot is

10 sent out and then the ballot comes back in. It is

11 scanned into an electronic system, and the two

12 electronic signatures are compared side-by-side on

13 a screen by the early voting -- by the Signature

14 Verification Committee. And if they compare

15 favorably, then the -- the ballot is accepted and

16 the ballot is opened and counted.

17 Q How does a voter register to vote in

18 Dallas County using a fax machine as of January

19 1st, 2022?

20 A If they send a faxed voter registration

21 in, it needs to be followed up within four days by

22 what -- according to the law, a copy of the

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 105	Page 107
<p>1 original registration containing the voter's 2 original signature. 3 Q And how would a voter register to vote 4 in Dallas County using a fax machine on January 5 1st of 2020? 6 A I believe I just answered that question. 7 Q No, I asked you about 2022. 8 A I'm sorry. The same way. 9 Q How would a voter register to vote in 10 Dallas County via fax on January 1st of 2017? 11 A In that same way. 12 Q And by the same way, do you mean they 13 would fax in the form and then have to mail in 14 within four days a copy? 15 A I believe so. Keep in mind that I 16 wasn't here in 2017, so I'm not familiar with 17 that, but I'm pretty sure nothing has changed 18 regarding the policy. 19 Q So is it your understanding that in 20 2017, 2020, and 2022, that subsequent document 21 that is mailed in after the faxed voter 22 registration application had to contain a wet</p>	<p>1 A Yes. 2 Q So between your start at Dallas County 3 as an Election Administrator until the passage of 4 H.B. 3107, did an application -- a voter 5 registration submitted by fax, was it required to 6 be subsequently followed up by a mail-in that 7 contained a wet signature? 8 A That's correct. Well, I think you have 9 to define what a wet signature means. 10 Q You received a definition of a wet 11 signature earlier in this deposition, but let's go 12 over it again. When I use the word "wet 13 signature," I'm talking about using a pen to sign 14 a piece of paper. Does that make sense? 15 A Yes. 16 Q Okay. So would you like me to repeat 17 the question? 18 A Yes. 19 Q Okay. I'm asking you about your time in 20 Dallas County as an Election Administrator from 21 when you began until the passage of H.B. 3107, did 22 you require a wet signature on the mail-in that</p>
Page 106	Page 108
<p>1 signature? 2 A For what period of time? 3 Q 2017. Let's start there. 4 A Okay. So for 2017, I believe, a copy of 5 the registration must be submitted within the 6 fourth business day. The only thing that's 7 changed between 2017, unless there might be some 8 intervening laws -- let's put it this way. The 9 only thing that's changed between 2020 and 2022 is 10 the law has added it as -- they call it the 11 original registration containing the voter's 12 original signature must be made and must be made 13 personally rather than some other way. 14 Q So is it your testimony that on January 15 1st of 2017, your office would accept a voter 16 registration application submitted via fax if the 17 subsequent mailing contained an imaged signature? 18 A I don't know what the policy was in 19 2017. 20 Q You started in your role as an Election 21 Administrator in Dallas County in December of 22 2020. Is that correct?</p>	<p>1 had to be submitted following the submission via 2 fax of a voter registration application? 3 A I don't know that answer for sure. I do 4 know what the law states. And the law is not 5 entirely clear whether or not it needs to be -- it 6 would require a wet signature. I don't know what 7 the practice, the procedure was. You would have 8 to discuss that with Mr. Lopez. 9 Q Sure. I'm not asking about procedure. 10 I'm asking about your policy. Well, let me -- let 11 me strike that and start again. 12 You were the Election Administrator from 13 when you began in that role in Dallas County up 14 through the passage of H.B. 3107, right? 15 A Yes. 16 Q And were you responsible for 17 establishing policy for your department? 18 A I don't know that I'm responsible for 19 reviewing and revising every -- being familiar 20 with every -- with the thousands of policies. I 21 am responsible for implementing -- for maintaining 22 the current -- the current policies and reviewing</p>

27 (Pages 105 to 108)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 109	Page 111
<p>1 and potentially revising them as dictated by law 2 or improvement of the systems.</p> <p>3 That particular policy you're referring 4 to, I don't -- I was not -- that's not one that we 5 had to review. So like I mentioned earlier in my 6 testimony, the overarching policy of me as the 7 administrator was unless all remaining -- all 8 existing policies of the department shall remain 9 in effect until they have been reviewed or revised 10 by me. So the question is what was the existing 11 policy, and Mr. Lopez would probably be in a 12 better position to answer that for 2017 or 2020 13 even.</p> <p>14 Q So you're not here to testify about a 15 policy as it relates to the Dallas County Election 16 Office -- strike that.</p> <p>17 So it's fair to say that you don't know 18 what the policy was with respect to wet signatures 19 and voter registration applications submitted by 20 fax when you took office as the Election 21 Administrator in Dallas County?</p> <p>22 A That would be a fair statement. I would</p>	<p>1 predated your time as the Election Administrator 2 in Dallas County?</p> <p>3 A Yes.</p> <p>4 Q And what was that policy?</p> <p>5 A That's what I said, that I believe we 6 need to talk to Mr. Lopez to get a clear 7 understanding of what that policy was.</p> <p>8 Q So you still don't have a clear 9 understanding of what that policy is today?</p> <p>10 A Of what that policy was in 2020 prior to 11 3107.</p> <p>12 Q Did your -- did your policy change after 13 the passage of H.B. 3107?</p> <p>14 A I don't know if it changed. How would I 15 know if it changed if I wasn't aware of what it 16 was in 2020?</p> <p>17 Q What is a Deputy Voter Registrar?</p> <p>18 A A Deputy Voter Registrar is someone who 19 is deputized after getting training and getting 20 certified to be a Deputy Registrar to assist 21 someone taking voter registrations and then to 22 return those voter registrations to us.</p>
Page 110	Page 112
<p>1 have to get clarification on that from Mr. Lopez.</p> <p>2 Q When did you first become aware of what 3 Dallas -- of what your office's policy was with 4 respect to wet signatures and to voter 5 registration applications submitted via fax?</p> <p>6 A Most likely to the best of my 7 recollection it was when this lawsuit was filed.</p> <p>8 Q Has your office rejected applications 9 since you started working there -- voter 10 registration applications submitted by fax if the 11 follow-up mail-in did not contain a wet signature?</p> <p>12 A I would assume so, yes. I don't have 13 those numbers.</p> <p>14 Q You said that you first became aware of 15 the policy when this lawsuit was filed, right?</p> <p>16 A That's to the best of my recollection, 17 yes.</p> <p>18 Q Was that policy one that you had 19 reviewed and changed since becoming the Election 20 Administrator in Dallas County?</p> <p>21 A No.</p> <p>22 Q So is it fair to assume that that policy</p>	<p>1 Q What do they do? Strike that. 2 Who trains them?</p> <p>3 A Our office provides training for those 4 deputy registrars.</p> <p>5 Q How many deputy voter registrars are 6 there currently in Dallas County?</p> <p>7 A I don't have the exact number, but I'm 8 going to guess it's 800. That would be my guess. 9 Maybe more. And then -- that are -- I mean, it 10 varies. There are lots of them that are 11 deputized. But how many are active, it just 12 depends.</p> <p>13 Q I want to talk about your interrogatory 14 responses. I believe it's already been marked as 15 an exhibit. Could the court reporter or Josh let 16 me know which exhibit it is?</p> <p>17 MR. HARRIS: I believe it's Exhibit M. 18 Is that --</p> <p>19 MR. STONE: You know what, I have a 20 Dropbox. I can pull it up.</p> <p>21 MR. HARRIS: Interrogatory responses, 22 Exhibit Q.</p>

28 (Pages 109 to 112)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 113	Page 115
<p>1 MR. STONE: Q, yes.</p> <p>2 MR. HARRIS: I should have said</p> <p>3 something else, but that's fine. There you go.</p> <p>4 BY MR. STONE:</p> <p>5 Q Would you just -- I would like to go to</p> <p>6 page 7 of Exhibit Q. This is your response to</p> <p>7 interrogatory number 6.</p> <p>8 And do you see on the screen where --</p> <p>9 I'm just going to read the sentence that I'm going</p> <p>10 to ask about. "Subject to and without waiver of</p> <p>11 these objections, based on the guidance and</p> <p>12 direction of the Texas Secretary of State, the</p> <p>13 voter registration application of approximately</p> <p>14 1,300 people were rejected in 2018 because they</p> <p>15 did not include wet ink signatures."</p> <p>16 Did I read that correctly?</p> <p>17 A Yes.</p> <p>18 Q Now, we also sent you an interrogatory</p> <p>19 asking for the number of individuals whose</p> <p>20 applications had been rejected since September 1st</p> <p>21 of 2018 through the date that you received that</p> <p>22 request because they lacked a wet signature. Do</p>	<p>1 day.</p> <p>2 THE WITNESS: My preference would be to</p> <p>3 keep going.</p> <p>4 MR. STONE: Okay. Let's go a little bit</p> <p>5 longer.</p> <p>6 MR. HARRIS: Can we have a five-minute</p> <p>7 -- never mind. I'm good. Let's play.</p> <p>8 MR. STONE: Okay.</p> <p>9 BY MR. STONE:</p> <p>10 Q I'm sharing in the chat what I'm marking</p> <p>11 as OAG's Exhibit 1.</p> <p>12 (Exhibit 1 was marked for identification</p> <p>13 and attached to the deposition transcript.)</p> <p>14 Q And if we could start on page 5 of the</p> <p>15 document, I would like to talk a little bit about</p> <p>16 it.</p> <p>17 VIDEO TECHNICIAN: Would you like me to</p> <p>18 bring it up on the screen?</p> <p>19 MR. STONE: Yes, if you would.</p> <p>20 VIDEO TECHNICIAN: I'm going to bring it</p> <p>21 up with Adobe Acrobat because it will be faster.</p> <p>22 If I bring it into my app, it might take longer.</p>
<p>Page 114</p> <p>1 you recall that?</p> <p>2 A Yes.</p> <p>3 Q And you produced a spreadsheet, correct?</p> <p>4 A Yes.</p> <p>5 Q And the spreadsheet had 874 individuals</p> <p>6 identified, right?</p> <p>7 A I believe that we designated Mr. Lopez</p> <p>8 to be the expert on -- to answer these types of</p> <p>9 questions because I'm not familiar with them.</p> <p>10 Q Okay. I understand.</p> <p>11 We can take that down.</p> <p>12 MR. STONE: I think now might be a good</p> <p>13 time to break for lunch because I've still got a</p> <p>14 ways to go. Would that be acceptable to everybody</p> <p>15 if we took a brief, maybe 45-minute break for</p> <p>16 lunch?</p> <p>17 MR. HARRIS: Are you done with</p> <p>18 Mr. Scarpello?</p> <p>19 MR. STONE: No. But I still have a ways</p> <p>20 to go with him.</p> <p>21 MR. HARRIS: Well, I have no objection</p> <p>22 to that. It's Mr. Scarpello's call. I'm here all</p>	<p>Page 116</p> <p>1 MR. STONE: Actually, you know what, can</p> <p>2 I use the share screen feature? I think it</p> <p>3 actually might be faster if I do it.</p> <p>4 VIDEO TECHNICIAN: Yes, absolutely. You</p> <p>5 should have permission now.</p> <p>6 BY MR. STONE:</p> <p>7 Q All right. I just want to go through a</p> <p>8 few emails and have you read them or follow along</p> <p>9 while I read them. The first one is -- do you see</p> <p>10 this document on your screen?</p> <p>11 A Yes.</p> <p>12 Q Does it appear to be an email?</p> <p>13 A Yes.</p> <p>14 Q I want you to follow along while I read,</p> <p>15 and tell me if I'm reading this portion correctly</p> <p>16 that I've highlighted on the screen. "Raven</p> <p>17 (Vote.org's COO) and Sarah (Vote.org's general</p> <p>18 counsel) are in Austin briefly with a busy meeting</p> <p>19 schedule, but we want to make sure that we have a</p> <p>20 chance to connect with us as many people as</p> <p>21 possible while we're here. Please feel free to</p> <p>22 invite friends who work in civic engagement or</p>

29 (Pages 113 to 116)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 117	Page 119
<p>1 elections and we'll tell you why we're in town 2 over drinks and barbecue. Raven is a dear friend 3 and what they are announcing should interest any 4 anyone who registers voters in Travis County. 5 Please be discrete should you forward this 6 message." 7 Did I read that correctly? 8 A Yes. 9 Q Next I'm going to page 3 of this 10 exhibit, Exhibit 1. And I'm going to be reading. 11 And it's going to go on to page 4. Can you see it 12 on your screen clearly, Exhibit 1? 13 A Yes. 14 Q Follow along while I read this email. 15 "So this is pretty much a game changer. 16 Vote.org has this tool already deployed" -- and 17 there's a link for the Vote.org -- "for Texas in 18 certain favorable counties they have added a new 19 feature. Instead of printing out your voter reg 20 form and mailing it in within four days as 21 required by law, a voter applicant can submit by 22 fax the other option under the law. Vote.org has</p>	<p>1 the first paragraph of this email. "Here's the 2 full email chain that we discussed today. You 3 know how much you and the League wants to have 4 online voter registration. I'm very sensitive to 5 things like this that may be damaging. The person 6 forwarding this to us (Charla Welch) chooses not 7 to believe me when I've indicated it isn't 8 permitted. Be sure to begin your read at the 9 bottom and work up. Words like intimate, be 10 discrete, under the radar of SOS. They do say 11 they have the approval of Travis and Harris 12 Counties to do this. Of course, the email says 13 they worked with the Travis and Harris County 14 clerks on this and you and I know they have 15 nothing to do with VR." 16 Did I read that email accurately? 17 A Yes. 18 Q Do you ever partner with community 19 organizations to promote voter turnout? 20 A Yes. 21 Q Mr. Lopez's camera is -- I just want to 22 put us on the radar. It seems to be flashing.</p>
Page 118	Page 120
<p>1 created a system where the reg form is sent to a 2 local print shop, and they are responsible for 3 mailing it to the county clerk. No VDR required. 4 As for the favorable counties, they are in -- they 5 are on their Texas tour now. They've got the nod 6 in Harris and Travis. They are in Bexar County 7 this morning and DFW tomorrow. They are getting 8 the blessing of the county clerk staff so they can 9 fly under the SOS radar between now and October 10 9th. They have eight target counties, but if you 11 know of any county clerks that are receptive of 12 making our voter reg efforts less asinine, please 13 let us know. In those eight counties, it's 14 estimated that 2.4 million people are eligible but 15 not registered. That could turn us blue." Then 16 there's a little heart emoji. 17 Did I read that accurately? 18 A Yes. 19 Q Next I'm scrolling up to page 1 of 20 Exhibit 1. Do you see an email on your screen? 21 A Yes. 22 Q Okay. Just follow along while I read</p>	<p>1 Okay. 2 Do you -- he goes off screen so I can't 3 see it. 4 Will you partner with any organization 5 to promote voter turnout? 6 A Yes. 7 Q Would you partner with an organization 8 if you met with them and they told you one of 9 their goals was to try to fly under the radar of 10 the Secretary of State in their voter registration 11 efforts? 12 A I think that's a speculative question. 13 I can't answer. You're not giving me enough 14 detail to answer that question. 15 Q If an organization came in and met with 16 you and wanted to partner with you on a voter 17 registration drive or effort and they told you 18 that they were trying to be discrete and one of 19 their goals was to fly under the Secretary of 20 State's radar because they wanted to turn Texas 21 blue, would you partner with that organization? 22 A I can answer the same way you asked the</p>

30 (Pages 117 to 120)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 121	Page 123
<p>1 same question. You just asked it -- you just</p> <p>2 repeated yourself. It's too much -- there are not</p> <p>3 enough detail there to provide you with an answer.</p> <p>4 Q So you might.</p> <p>5 A I have not turned down a single meeting</p> <p>6 with any organization that wants to talk to me</p> <p>7 about promoting voter registration or turning out</p> <p>8 the vote. How I would respond or whether I would</p> <p>9 do anything after meeting with someone is</p> <p>10 dependent upon the legality of what they wanted to</p> <p>11 do and whether or not I have time, budget,</p> <p>12 permission to partner with them in their efforts.</p> <p>13 Q Have you ever declined to work with or</p> <p>14 partner with a group on a voter registration</p> <p>15 effort?</p> <p>16 A Not that I'm aware of, no.</p> <p>17 Q Let's talk a little bit about your</p> <p>18 background and experience. You worked for the</p> <p>19 City of Denver, right?</p> <p>20 A City and County of Denver.</p> <p>21 Q And you were --</p> <p>22 A It's a -- it's a combined city and</p>	<p>1 timely.</p> <p>2 Q And why was that?</p> <p>3 A Their incompetence.</p> <p>4 Q What ultimately happened with those</p> <p>5 11,000 ballots?</p> <p>6 A They were eventually sent and in</p> <p>7 response to that, we created a new</p> <p>8 first-in-the-country ballot tracking mechanism to</p> <p>9 prevent that from happening again and that -- what</p> <p>10 you're seeing now is what Texas is taking up some</p> <p>11 form of that some 13, 14 years later.</p> <p>12 Q Were those 11,000 ballots ultimately</p> <p>13 counted?</p> <p>14 A I don't recall. They were -- they were</p> <p>15 ultimately sent. The question is whether or not</p> <p>16 they were returned and how many of them were</p> <p>17 returned and how many were counted.</p> <p>18 Q And do you know the answer to any of</p> <p>19 those questions?</p> <p>20 A I don't. I mean, you know, you send out</p> <p>21 11,000 ballots and you're going to get a certain</p> <p>22 percentage back and a certain percentage you are</p>
<p>Page 122</p> <p>1 county.</p> <p>2 Q I understand. Thank you.</p> <p>3 You were the Director of Elections,</p> <p>4 right?</p> <p>5 A That's correct.</p> <p>6 Q What were your duties as the Director Of</p> <p>7 Elections?</p> <p>8 A The same -- basically the same as my</p> <p>9 duties here in Dallas, to manage all aspects of</p> <p>10 voter registration and election administration.</p> <p>11 Q And how long approximately did you work</p> <p>12 as the Director of Elections in Denver?</p> <p>13 A Approximately four years.</p> <p>14 Q And what were those years?</p> <p>15 A 2007 to 2011.</p> <p>16 Q In 2008, was there an issue with 11,000</p> <p>17 ballots that were not -- that went missing?</p> <p>18 A I don't think that's an accurate</p> <p>19 portrayal.</p> <p>20 Q Okay. How would you portray it?</p> <p>21 A I think what you may be referring to is</p> <p>22 that our vendor did not send 11,000 ballots</p>	<p>Page 124</p> <p>1 going to have problems, et cetera. I don't have</p> <p>2 those numbers from 14 years ago.</p> <p>3 Q And then you worked for San Bernardino,</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q You were the Registrar of Voters; is</p> <p>7 that right?</p> <p>8 A Yes.</p> <p>9 Q How long did you work for San Bernardino</p> <p>10 as the Registrar of Voters?</p> <p>11 A Just over seven years.</p> <p>12 Q And what were those years?</p> <p>13 A 2011 through 2018.</p> <p>14 Q What was your -- what were your job</p> <p>15 duties as the Registrar of Voters in San</p> <p>16 Bernardino?</p> <p>17 A Very similar to what they are here in</p> <p>18 Dallas and they were in Denver and they were in</p> <p>19 Omaha, Nebraska, though, I will say that the</p> <p>20 duties in every state vary somewhat because of the</p> <p>21 authority granted to the administrator as opposed</p> <p>22 to the authority granted to other bodies.</p>

31 (Pages 121 to 124)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 125

1 Q As the Registrar of Voters in San  
 2 Bernardino County, did you have concerns --  
 3 security concerns about the elections that were  
 4 being held?  
 5 A Yes.  
 6 Q Was one of those security concerns about  
 7 the election results' web page?  
 8 A Yes.  
 9 Q Describe those concerns for us.  
 10 A I think the county administrators -- the  
 11 county administrators of the county's  
 12 infrastructure -- technology infrastructure, if  
 13 you will, had some bad practices. And we -- as a  
 14 result of that, I wanted to get an audit of those  
 15 practices by the department of -- DHS, Department  
 16 of Homeland Security. We got on the list for that  
 17 and we -- but we were kind of backlogged, so what  
 18 we did is we partnered with the local -- or the  
 19 state, I can't remember the name of it, but  
 20 basically it was the State National Guard, and  
 21 they did an audit of our systems. And the reason  
 22 we did that was because our -- our county's

Page 126

1 website was hacked twice, and the county was  
 2 nonresponsive in fixing those problems.  
 3 Q Who hacked the website twice?  
 4 A I don't know who.  
 5 Q Did you have concerns about foreign  
 6 actors interfering in the elections that you were  
 7 conducting as the Director of Elections -- as the  
 8 Registrar of Voters in San Bernardino?  
 9 A Yes, I did.  
 10 Q Why?  
 11 A Because we were put on notice by the  
 12 federal government that -- and by the FBI that  
 13 elections offices were the target of hacking  
 14 efforts by those foreign actors.  
 15 Q Is election security something you take  
 16 seriously?  
 17 A Yes, I do.  
 18 Q Do you think signature verification is  
 19 one way that elections can be made more secure?  
 20 A Signature verification, you need to be  
 21 more specific.  
 22 Q That was a -- yes. Would you agree that

Page 127

1 signature matching is one method that can help  
 2 make elections more secure?  
 3 A Yes.  
 4 Q In California the Secretary of State had  
 5 a system that housed voter registration  
 6 information, right?  
 7 A Yes.  
 8 Q Were you concerned --  
 9 A As every state, all 50 states, as  
 10 required by federal law.  
 11 Q Were you concerned about the security of  
 12 that -- of the California Secretary of State  
 13 system that housed voter registration information?  
 14 A Yes.  
 15 Q Why?  
 16 A For the same reasons that I was  
 17 concerned about the counties, because we were  
 18 under -- from the FBI told us that we were under  
 19 attack by foreign -- potential foreign  
 20 governments.  
 21 Q Did you want the -- your Information  
 22 Technology Department to scan or audit the

Page 128

1 California Secretary of State's system that housed  
 2 voter registration information?  
 3 A We did. Yes, we did. That was part of  
 4 our discussions.  
 5 Q And you were forced to resign from your  
 6 position as Registrar of Voters in San Bernardino,  
 7 right?  
 8 A Yes.  
 9 Q You became the Elections Administrator  
 10 in Dallas County in December of 2020, right?  
 11 A Yes.  
 12 Q And you still hold that position today?  
 13 A Yes.  
 14 Q You already shared with us your duties  
 15 in that role so I'll skip over that question.  
 16 The first election you administered was  
 17 in May of 2021, right?  
 18 A That's incorrect.  
 19 Q Oh, okay. When was the first election  
 20 that you administered in that role?  
 21 A I think we had a couple small elections  
 22 in February and another small election in March.

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 129

1 Q But you did administer an election as  
 2 the Elections Administrator for Dallas County in  
 3 May of 2021, right?  
 4 A That's correct.  
 5 Q And egregious mistakes were made during  
 6 that election, right?  
 7 A You would have to be more specific.  
 8 Q Sure.  
 9 Polling places were closed, weren't  
 10 they?  
 11 A No.  
 12 Q There were no polling places closed  
 13 during the election that was administered in May  
 14 of 2021 in Dallas County?  
 15 A No.  
 16 Q And election workers weren't adequately  
 17 trained for that election, were they?  
 18 MR. HARRIS: Objection to form.  
 19 A I don't -- you would have to be more  
 20 specific. I would disagree with that statement.  
 21 Q Okay. So they were adequately trained  
 22 in your opinion?

Page 131

1 I was satisfied with the procedures and training  
 2 in the May election, I wouldn't have revised them  
 3 and rebuilt them going into November. So the May  
 4 standards and procedures and processes and  
 5 training were okay, but they weren't great.  
 6 Q I'm dropping in the chat what we're  
 7 marking as Exhibit 2. I'm just going to screen  
 8 share, see if you can see where I'm looking at.  
 9 (Exhibit 2 was marked for identification  
 10 and attached to the deposition transcript.)  
 11 BY MR. STONE:  
 12 Q Are you able to see Exhibit 2 on your  
 13 screen?  
 14 A Yes.  
 15 Q Does it appear to be an article entitled  
 16 "Mismanaged city election a million dollar mistake  
 17 for Dallas County"?  
 18 A Yes, I can see that.  
 19 Q Does it go on to say, "Dallas City  
 20 Council voted against paying more money for a June  
 21 runoff after county's 'egregious failure'  
 22 administering the May election."

Page 130

1 A Well, adequately enough to conduct the  
 2 election. Not adequate enough for my standards.  
 3 Q How are your standards different than  
 4 what would be adequate to conduct the election?  
 5 A The training program -- well, let's  
 6 start with the procedures used are the State of  
 7 Texas and the County of Dallas to me are  
 8 inefficient and inadequate. That is why coming  
 9 into the May election we revised as many as we  
 10 could in a short period of time. I believe we  
 11 made 16 major changes going into that election.  
 12 Subsequent to that, we have made many, many more  
 13 changes. Going into the May election, we made  
 14 some tweaks -- minor tweaks to the training  
 15 program. By the November election, the election  
 16 of last year, we revised the entire process at the  
 17 polling place and the entire training program by  
 18 November of 2021. So you can't turn the Titanic  
 19 on a dime. We did what we could going into the  
 20 May election to try to make it -- make slight  
 21 improvements and made more major improvements  
 22 going into the November election. So obviously if

Page 132

1 Did I read that correctly?  
 2 A Yes, you did.  
 3 Q I'm going to --  
 4 A Was there a question? Are we going to  
 5 come back? Do we want to elaborate on that?  
 6 Q Yes, sir. We will elaborate on it, so  
 7 if you'll just wait for the question, I'm going to  
 8 give you an opportunity to elaborate.  
 9 Were there -- were there technology  
 10 issues with some of the locations -- voting  
 11 locations during the May 2021 election in Dallas  
 12 County?  
 13 A You would have to be more specific.  
 14 There's a lot of electronics in an election.  
 15 Q I'm asking about technology issues.  
 16 Were there any technological issues that occurred  
 17 during that election that took place?  
 18 A There are technology issues in every  
 19 election in every county in every state in the  
 20 United States for every election.  
 21 Q So the answer is yes?  
 22 A Yes.

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 133	Page 135
<p>1 Q What were the technology issues at the</p> <p>2 sites -- voting sites in the May 2021 election in</p> <p>3 Dallas County?</p> <p>4 A Dallas County employs -- uses a variety</p> <p>5 of electronic equipment at its polling places</p> <p>6 purchased from a company called Election Systems</p> <p>7 and Software, including electronic toll booths,</p> <p>8 including ballot marking devices, including vote</p> <p>9 tabulators, as well as -- and there is also cradle</p> <p>10 point connectivity devices that are provided by a</p> <p>11 different vendor. And so at any one -- at any</p> <p>12 polling place, there can be a variety of issues</p> <p>13 with any one of those pieces of equipment. So</p> <p>14 we're talking about, you know, 400 -- I think for</p> <p>15 that election, it might have been 438 locations.</p> <p>16 So at any one time you might have some degree of</p> <p>17 problems at any one of those locations.</p> <p>18 Q Sure. So let's talk -- let's discuss</p> <p>19 this a little bit further. I'm going back to</p> <p>20 Exhibit number 2. I'm going to read the -- do you</p> <p>21 see highlighting on Exhibit number 2 on your</p> <p>22 screen?</p>	<p>1 major overhauls before the next big election in</p> <p>2 2022."</p> <p>3 Did I read that accurately?</p> <p>4 A Yes, you did.</p> <p>5 Q And did you say those words?</p> <p>6 A I believe so, yes.</p> <p>7 Q Finally, I want to read the final</p> <p>8 paragraph that I've got highlighted here. I</p> <p>9 believe it's only a sentence. "In a low turnout</p> <p>10 election like these council races are, some of</p> <p>11 them being decided by literally a couple dozen</p> <p>12 votes, you should be outraged at this, Johnson</p> <p>13 said. We're paying for this. The residents of</p> <p>14 Dallas are paying for this."</p> <p>15 Did I read that accurately?</p> <p>16 A Yes, you did.</p> <p>17 Q Okay. And you testified that earlier</p> <p>18 there were no polling places that were closed at</p> <p>19 all in the May of 2021 election in Dallas County,</p> <p>20 right?</p> <p>21 A Yes, because you used - you asked if</p> <p>22 they were closed, and that's inaccurate language.</p>
Page 134	Page 136
<p>1 A Yes.</p> <p>2 Q Okay. I'm going to read the first</p> <p>3 paragraph that's highlighted, if you could just</p> <p>4 follow along. "After -- after prodding from</p> <p>5 Johnson's, our caller produced a list of at least</p> <p>6 nine Dallas voting centers that opened from one to</p> <p>7 four hours late on election day, most attributed</p> <p>8 to inadequately trained poll workers. He also</p> <p>9 said a system to show what polling locations were</p> <p>10 open wasn't working and acknowledged his office</p> <p>11 failed to efficiently dispatch technicians to</p> <p>12 problem sites."</p> <p>13 Did I read that accurately?</p> <p>14 A Yes, you did.</p> <p>15 Q Did you say that?</p> <p>16 A I believe so.</p> <p>17 Q I'm going to read -- I'm going to</p> <p>18 continue to read the next paragraph. "Personnel</p> <p>19 is probably the biggest issue we had for this</p> <p>20 election, Scarpello told council members, adding</p> <p>21 he's found multiple systemic issues within the</p> <p>22 department that he plans to review and modify with</p>	<p>1 If you were more precise in your language, the</p> <p>2 question would be were any locations open late.</p> <p>3 Q So if a location opens late, you don't</p> <p>4 consider it temporarily closed for the period that</p> <p>5 it should have been open?</p> <p>6 A He didn't say temporarily closed.</p> <p>7 Q I see.</p> <p>8 A If he used -- if he had used that</p> <p>9 language, I might have responded differently.</p> <p>10 Q Sure. I understand. I understand.</p> <p>11 A And so I think there is something -- you</p> <p>12 can't distinguish something that's opened and then</p> <p>13 closed as opposed to never opened. So it may --</p> <p>14 if you could be more precise in your language, you</p> <p>15 can get to your point.</p> <p>16 Q Thank you. I'll try to be more precise</p> <p>17 in my language and I also object as nonresponsive.</p> <p>18 The May 2021 election in Dallas County</p> <p>19 was a low turnout election, right?</p> <p>20 A Yes. Well, yes, compared to -- compared</p> <p>21 to what we consider a high turnout election like a</p> <p>22 gubernatorial or a presidential.</p>

34 (Pages 133 to 136)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 137	Page 139
<p>1 So I got a question for you. Are we</p> <p>2 going to just review a bunch of documents without</p> <p>3 questions attached? I mean, I don't understand</p> <p>4 the point of this. We've seen a bunch of</p> <p>5 documents, but I have no questions.</p> <p>6 Q I'm dropping what I'm marking as Exhibit</p> <p>7 3 into the chat.</p> <p>8 (Exhibit 3 was marked for identification</p> <p>9 and attached to the deposition transcript.)</p> <p>10 BY MR. STONE:</p> <p>11 Q Are you able to see Exhibit number 3 on</p> <p>12 your screen right now?</p> <p>13 A Yes.</p> <p>14 Q Okay. I'm going to go to page 2 and I'm</p> <p>15 going to read a highlighted paragraph. I want you</p> <p>16 to follow along and tell me if I'm reading it</p> <p>17 accurately, okay?</p> <p>18 A Okay.</p> <p>19 Q "No one should be surprised by Council</p> <p>20 Member Carolyn King Arnold's sentiment. What I</p> <p>21 feel right now is there is an underlying effort</p> <p>22 with the process to suppress the vote in the</p>	<p>1 I'm going to read the next highlighted</p> <p>2 portion and tell me if I'm reading it accurately.</p> <p>3 "What's worse is that there was a</p> <p>4 breakdown in communications between the election</p> <p>5 workers and the county elections office. Calls</p> <p>6 went unanswered and technology issues weren't</p> <p>7 resolved. Some polling locations remained locked</p> <p>8 when they should have opened because election</p> <p>9 officials lacked keys. Those are just inexcusable</p> <p>10 lapses." Did I read that accurately?</p> <p>11 A Yes, you are very good at reading.</p> <p>12 Q Thank you, I think.</p> <p>13 So earlier you testified that you didn't</p> <p>14 agree that egregious mistakes occurred during the</p> <p>15 May 2021 election in Dallas County, right?</p> <p>16 A I don't believe I said -- I don't -- I</p> <p>17 don't recall answering that. I think I said that</p> <p>18 you may need to elaborate on what egregious meant,</p> <p>19 what mistakes you're referring to.</p> <p>20 Q Right, yes. So assume egregious</p> <p>21 mistakes includes everything that we just read.</p> <p>22 Would you agree that egregious mistakes</p>
Page 138	Page 140
<p>1 southern sector she said."</p> <p>2 Did I read that accurately?</p> <p>3 A Yes.</p> <p>4 Q Now I'm going on to page 3 of this</p> <p>5 document, and I'm going to read a paragraph and</p> <p>6 tell me if I'm reading it accurately. I'm</p> <p>7 scrolling here.</p> <p>8 "There are at least some explanations</p> <p>9 for the problems. The county was required, for</p> <p>10 example, to have some 468 polling locations open</p> <p>11 for an election that everyone understood would</p> <p>12 have low turnout. The elections office was also</p> <p>13 unable to relocate voting centers even if they</p> <p>14 were located immediately across the street from</p> <p>15 each other. The high number and poor distribution</p> <p>16 of the centers led to staffing problems.</p> <p>17 Meanwhile, relatively new voting equipment, poor</p> <p>18 training were problems as well. None of that is</p> <p>19 acceptable."</p> <p>20 Did I read that accurately?</p> <p>21 A Yes. Do you have a question?</p> <p>22 Q Yes, if I read it accurately.</p>	<p>1 occurred during the May 2021 election in Dallas</p> <p>2 County?</p> <p>3 A Well, I think that we have to look at</p> <p>4 the source documents. You're looking at a bunch</p> <p>5 of newspaper articles, which I can tell you that</p> <p>6 half of them are inaccurate, and so your source</p> <p>7 documents are not good ones. We could go to</p> <p>8 accurate source documents that would explain the</p> <p>9 issues, and it would explain the problems and</p> <p>10 explain the solutions in a much more accurate way.</p> <p>11 Sensationalism doesn't really help us</p> <p>12 that much, does it?</p> <p>13 Q Sure. I'm just trying to understand the</p> <p>14 issues. What are those source documents?</p> <p>15 A There was a full -- I'm trying to</p> <p>16 remember the name of the document, but a review of</p> <p>17 those elections and the problems in those</p> <p>18 elections authored by the Dallas County Elections</p> <p>19 Department.</p> <p>20 Q Is that report public?</p> <p>21 A Yes.</p> <p>22 Q Would you agree that an unknown number</p>

35 (Pages 137 to 140)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 141

1 of voters were unable to vote in the May 2021  
 2 election in Dallas County?  
 3 A That's inaccurate in that we are set up  
 4 in Dallas County as a vote center county, and so  
 5 unlike in the past, if -- where you had to go to a  
 6 particular location to vote, an assigned precinct.  
 7 If an assigned polling place was closed, or using  
 8 your terminology, or open late, using accurate  
 9 terminology, then a person would potentially  
 10 disenfranchise. But in Dallas County, we use vote  
 11 centers where anyone can vote anywhere on election  
 12 day. So if a location is opened late, on the door  
 13 of that location there is a sign that says the  
 14 nearest location might be across the street, might  
 15 be a half mile away, might be a mile away. And so  
 16 the person could go to that alternate location and  
 17 cast votes.  
 18 Q Earlier you testified that some of the  
 19 statements that we were reading in those  
 20 documents, Exhibits 2 and 3, were inaccurate,  
 21 right?  
 22 A Yes.

Page 143

1 brand-new training program. That's why the call  
 2 center that we used that had problems in May, we  
 3 revised by the next -- a month later for the  
 4 general election. That's why the monitoring of  
 5 the electronic poll booths never -- there was  
 6 never a system in place and we put one in place by  
 7 the November -- the June and November elections so  
 8 that we could find out if a location was open or  
 9 not. So these were all problems that existed and  
 10 were -- well, the problems that had historically  
 11 taken place in the county, some were fixed and  
 12 some were -- continued to be fixed and some have  
 13 still not been fixed yet. This is a big ship to  
 14 turn around. It takes years. And we're  
 15 addressing those as fast as we can.  
 16 So, see, you know -- I think what you're  
 17 -- you're trying -- you're trying to portray us as  
 18 this is some sort of -- trying to get to portray  
 19 us as being incompetent somehow. I think that's  
 20 highly offensive and highly inaccurate when the  
 21 record has an -- an objective view of the record  
 22 would show quite the opposite. So I'm not sure

Page 142

1 Q All right. Which statements were  
 2 inaccurate?  
 3 A You would have to show me those  
 4 documents again because I don't have that good of  
 5 a memory.  
 6 Q Okay. What mistakes do you believe your  
 7 office made in conducting the May 2021 election in  
 8 Dallas County?  
 9 A The May 2020 -- and this has been  
 10 publicized if you so choose to pick them. It has  
 11 been publicized or said by me often. The 2020 May  
 12 election was conducted using existing processes  
 13 inherited from the previous administration. As I  
 14 said in my earlier testimony, I was brought in as  
 15 a fixer. It's well-known that the problems in  
 16 Dallas County had existed for a long time. And so  
 17 coming into the May election, we fixed certain  
 18 things. We couldn't fix everything. The problems  
 19 that we ended up having you saw me quote.  
 20 Training was inaccurate -- inadequate. That's why  
 21 we eventually going into the November election  
 22 completely dumped our training and started a

Page 144

1 where you're going with this.  
 2 MR. STONE: Right. Objection.  
 3 Nonresponsive.  
 4 Q And I assure you that that is not my  
 5 goal.  
 6 A I just don't see how this is related to  
 7 this case.  
 8 Q I understand. It's just your job to  
 9 answer questions today, though.  
 10 Is it your position that the problems  
 11 that occurred in the May 2021 election in Dallas  
 12 County were your predecessor's fault?  
 13 A It's my position that the institution,  
 14 the department had many institutional flaws that  
 15 had taken place over years, decades, in that we  
 16 addressed -- were addressing it the best we can,  
 17 as fast as we can.  
 18 Q Do you believe the problems that  
 19 occurred during the May 2021 election in Dallas  
 20 County resulted in voter suppression?  
 21 A No. I believe I answered that because  
 22 people had alternate locations to go to.

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 145	Page 147
<p>1 MR. STONE: Objection. Nonresponsive.</p> <p>2 Q Dallas Count -- Dallas City Council</p> <p>3 ultimately voted 11 to 3 to deny you an additional</p> <p>4 \$1.4 million to conduct a runoff election after</p> <p>5 the May 2021 election, right?</p> <p>6 A They -- they did not -- they sent a</p> <p>7 check.</p> <p>8 Q So they did ultimately send you the \$1.4</p> <p>9 million?</p> <p>10 A No. I'll tell you why. Going in --</p> <p>11 Q Sir, I didn't ask you why. I just asked</p> <p>12 if they sent the -- if they sent you the \$1.4</p> <p>13 million check.</p> <p>14 A They sent money. They did not send 1.4</p> <p>15 because they didn't need to because we conducted</p> <p>16 the election for a lot less than that.</p> <p>17 MR. HARRIS: Jonathan, I need a break.</p> <p>18 MR. STONE: Oh, okay, okay, perfect. Do</p> <p>19 you want to take a ten-minute break?</p> <p>20 MR. HARRIS: How much longer do you</p> <p>21 have?</p> <p>22 MR. STONE: I think I've got less than</p>	<p>1 other options to register besides just registering</p> <p>2 by fax, right?</p> <p>3 A That's correct. Yes.</p> <p>4 Q Thank you.</p> <p>5 So applying the same logic, would you</p> <p>6 agree that Section 14 of H.B. 3107 is not a voter</p> <p>7 -- form of voter suppression because voters have</p> <p>8 other methods or means of registering to vote?</p> <p>9 A They have other means that are</p> <p>10 considerably less convenient. So, no, I don't</p> <p>11 agree.</p> <p>12 Q So it's your position that registering</p> <p>13 by fax and then having to mail four days later a</p> <p>14 signed application in is more convenient than just</p> <p>15 dropping off the form at your office?</p> <p>16 A I'm going to read this Section 14 again.</p> <p>17 I think part of the problem I have with Section</p> <p>18 14, what I stated earlier, is that it is so poorly</p> <p>19 written that it's confusing and election</p> <p>20 administrators aren't quite sure how to -- is it a</p> <p>21 copy or an original, et cetera? And so that</p> <p>22 confusion lends to the entire problem of whether</p>
Page 146	Page 148
<p>1 -- I probably have less than 30 minutes.</p> <p>2 MR. HARRIS: I'm going to hold you to</p> <p>3 it. I'm going to take five minutes and get</p> <p>4 started sooner, yeah, because I need a break and I</p> <p>5 do have another witness, and I'm mindful of the</p> <p>6 time that I have for this deposition today.</p> <p>7 MR. STONE: Yes.</p> <p>8 VIDEO TECHNICIAN: I'll get us off the</p> <p>9 record. Okay? The time is 1:05 p.m. and we're</p> <p>10 going off the record.</p> <p>11 (A brief recess was taken.)</p> <p>12 VIDEO TECHNICIAN: The time is 1:18 p.m.</p> <p>13 We're back on the record.</p> <p>14 BY MR. STONE:</p> <p>15 Q Thank you, Mr. Scarpello. I just have a</p> <p>16 few more questions. I'm almost done.</p> <p>17 A few moments ago you testified that the</p> <p>18 problems that occurred in the May 2021 election in</p> <p>19 Dallas County weren't voter suppression because</p> <p>20 voters had other places to go, right?</p> <p>21 A Correct.</p> <p>22 Q In registering to vote, residents have</p>	<p>1 or not -- of how we're supposed to enforce it and</p> <p>2 confusion to the public on what their</p> <p>3 responsibilities are.</p> <p>4 MR. STONE: Objection. Nonresponsive.</p> <p>5 Q So let's set aside H.B. 3107. Okay?</p> <p>6 I'm not asking about that. I'm asking you, based</p> <p>7 on your testimony, is it more convenient for a</p> <p>8 voter to register by sending in a fax and then</p> <p>9 within four days mailing in a signed application</p> <p>10 than the other methods of registering to vote are</p> <p>11 available in Dallas County?</p> <p>12 A Can you repeat the question?</p> <p>13 Q Is registering to vote in Dallas County</p> <p>14 by fax or an individual faxes in their application</p> <p>15 and then within four days mails in a physical copy</p> <p>16 of the application that they have signed the most</p> <p>17 convenient way to register to vote in Dallas</p> <p>18 County?</p> <p>19 A No.</p> <p>20 Q Is it the least convenient way to</p> <p>21 register in Dallas County?</p> <p>22 A I think those are -- that's too broad of</p>

37 (Pages 145 to 148)

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

<p style="text-align: center;">Page 149</p> <p>1 a question in that it just depends on a person.  2 Who has a fax machine, right? If I have a fax  3 machine, yes, it's the most convenient thing in  4 the world, right? If I -- if I'm a person that  5 has a Deputy Registrar come to my door, that's  6 most convenient. If I happen to be across the  7 street from my office, that's the most convenient.  8 I can't speak to 2.4 million people on what's most  9 convenient for them.  10 Q So it's fair to say you don't know what  11 would be the most convenient way to register in  12 Dallas County for a voter?  13 A That's correct.  14 Q Is it fair to say that the wet signature  15 rule, you don't know whether that's convenient for  16 voters or not?  17 MR. HARRIS: Object to form.  18 A I think that the -- I think the wet  19 signature rule makes it less convenient.  20 Q So you can testify about the convenience  21 of a wet signature rule but not the convenience of  22 any other method of registering to vote in Dallas</p>	<p style="text-align: center;">Page 151</p> <p>1 inconvenience?  2 A No, my --  3 Q Which ones don't?  4 A The lack of having online registration  5 is inconvenient.  6 Q So right now in Texas voters can  7 register using online voter registration?  8 A No, they cannot.  9 Q So that's not a method that we're  10 talking about right now, is it?  11 A No.  12 Q Okay. I'm asking you about methods that  13 you can actually register using -- to vote  14 using -- in Texas. Which methods are convenient?  15 A I think that the method that DPS uses  16 provides some convenience when you get your --  17 when you renew your driver's license.  18 Q So other than the DPS method of voter  19 registration when you renew your driver's license,  20 are there any other methods of voter registration  21 in Texas that you think are convenient?  22 A I'm going to answer the same way. It</p>
<p style="text-align: center;">Page 150</p> <p>1 County; is that accurate?  2 A I think that --  3 MR. HARRIS: Object to form.  4 A I think that the convenience of any  5 method is dependent upon the person and the  6 situation that they are in. I can say also that  7 Texas's laws are -- generally speaking are all  8 inconvenient compared to 41 other states.  9 MR. STONE: Objection. Nonresponsive.  10 Q So the wet signature rule might be more  11 convenient for some voters, right?  12 A It might be.  13 Q But in your opinion all methods of voter  14 registration in Texas are inconvenient?  15 MR. HARRIS: Objection.  16 Mischaracterizes testimony.  17 A I would make the same objection because  18 that's not what I said.  19 Q You didn't just say that in Texas --  20 well, let me just ask it again. In Texas -- is it  21 your testimony that in Texas all methods of voter  22 registration involve some element of</p>	<p style="text-align: center;">Page 152</p> <p>1 depends on the person. I mean, if I'm -- if I  2 happen to be at the mall and there is a deputy  3 registrar sitting right there at a table, that's  4 convenient. Right?  5 Q Do you -- do you view the fax machine  6 option as a way of circumventing Texas' failure to  7 have an online voter registration system.  8 MR. HARRIS: Object to form.  9 A I think it's a creative way to try to  10 operate under the law to provide convenience for  11 voters.  12 Q Do you view Vote.org's app as a way of  13 circumventing Texas's failure to have online voter  14 registration?  15 MR. STONE: Object to form.  16 A I think that -- I don't agree with the  17 terminology that you use. I think it's a creative  18 way to try to assist people in voting.  19 Q So explain to me the difference between  20 circumventing and creatively getting around Texas'  21 lack of an online voter registration system?  22 A I don't think it's --</p>

38 (Pages 149 to 152)

Page 153

1 MR. HARRIS: Objection.  
 2 Mischaracterizes the prior testimony.  
 3 A I don't think it's circumventing the  
 4 law. I think it's working -- the attempt was to  
 5 work within the law.  
 6 Q When did Dallas County first begin  
 7 accepting faxed voter registration applications?  
 8 A I don't know.  
 9 Q Do you know the origin of Dallas  
 10 County's voter registration fax policy?  
 11 A I don't know.  
 12 Q Do you believe one of the purposes of  
 13 the election code is to create uniformity in all  
 14 the counties so there's no variants for voters?  
 15 A I believe that's probably one of the  
 16 purposes.  
 17 Q Earlier you testified that  
 18 signature-matching verification could help improve  
 19 election security. Do you remember that?  
 20 A Yes.  
 21 Q So could that be a practical purpose for  
 22 having the wet signature rule?

Page 154

1 A No, because when we -- when we do  
 2 compare signatures, we do it electronically. We  
 3 don't do it with a piece of paper.  
 4 Q But didn't you testify earlier that  
 5 you're scanning an image of the wet signature into  
 6 the system?  
 7 A Yes. So we're looking at the -- when we  
 8 look at a signature, we look at the signature  
 9 itself. We don't look at the content -- we don't  
 10 look at the form. We don't look at the -- we  
 11 don't study the ink. We look at the stroke of the  
 12 pen. We look at the -- we look at the  
 13 characteristics within the signature that would  
 14 show this signature equals this signature. We  
 15 don't look at the method on which it -- that  
 16 signature gets on to the page.  
 17 Q And when you say "we," who are you  
 18 talking about?  
 19 A The office, the Dallas County Elections  
 20 Department and ultimately the Signature  
 21 Verification Committee and the Early Voting Ballot  
 22 Board.

Page 155

1 MR. STONE: I'll pass the witness.  
 2 MR. HARRIS: I have no further questions  
 3 for Mr. Scarpello.  
 4 MR. SCHUETTE: Ladies and gentlemen,  
 5 with that, we're going to allow Mr. Scarpello to  
 6 go on to his other meetings and we'll pick up with  
 7 Mr. Lopez.  
 8 MR. HARRIS: Yes. How long -- we can go  
 9 off the record. I'm sorry.  
 10 VIDEO TECHNICIAN: The time is 1:31 p.m.  
 11 We're going off the record.  
 12  
 13 (The deposition was concluded at 1:31 p.m.;  
 14 signature was not discussed.)  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22

Page 156

1 REPORTER'S CERTIFICATION  
 2 REMOTE VIDEOTAPED DEPOSITION OF MICHAEL SCARPELLO  
 3 February 11, 2012  
 4 I, Michele E. Eddy, Registered Professional  
 5 Reporter in and for the District of Columbia, hereby  
 6 certify the following:  
 7 That the witness, MICHAEL SCARPELLO, was duly  
 8 sworn by the officer and that the transcript of the  
 9 oral deposition is a true record of the testimony  
 10 given by the witness;  
 11 That the deposition transcript was submitted on  
 12 February 24, 2022 to the witness or to the attorney  
 13 for the witness for examination, signature and return  
 14 to me by March 24, 2022.  
 15 That the amount of time used by each party at the  
 16 deposition is as follows:  
 17 Mr. Harris: 1 hour, 22 minutes  
 18 Mr. Stone: 1 hour, 24 minutes  
 19 That pursuant to information given to the  
 20 deposition officer at the time said testimony was  
 21 taken, the following includes counsel for all parties  
 22 of record:  
 Mr. Joshua Harris and Mr. Noah Baron, Attorney  
 for Plaintiff  
 Mr. Jonathan Stone and Ms. Kathleen Hunker,  
 Attorneys for Defendant Attorney General of Texas  
 Mr. Benjamin Stool and Mr. Jason Schuette  
 Attorneys for Defendant Dallas County Election  
 Administrator  
 Mr. Daniel Lopez and Ms. Barbara Nicholas,  
 Attorneys for Defendant Rami Garza and Cameron County  
 Ms. Cynthia Veidt and Ms. Gretchen Nagy,  
 Attorneys for Defendants Bruce Elfant and Travis  
 County Tax Assessor-Collector  
 Mr. Robert Green, Attorney for Defendant  
 Jacquelyn Callanen and Bexar County Election  
 Administrator  
 -CERTIFICATE CONTINUED ON NEXT PAGE-

2/11/2022

Vote.org v. Jacquelyn Callanen, et al. Michael Scarpello 30(b)(6)

Page 157

1 REPORTER'S CERTIFICATION

2

3 I further certify that I am neither counsel for,

4 related to, nor employed by any of the parties or

5 attorneys in the action in which this proceeding was

6 taken, and further that I am not financially or

7 otherwise interested in the outcome of the action.

8 Further certification requirements pursuant to

9 Rule 203 of TRCP will be certified to after they have

10 occurred.

11 Certified to by me on February 23, 2022.

12

13

14

15

16

17

18

19

20 \_\_\_\_\_

21 MICHELE E. EDDY, DISTRICT OF COLUMBIA

22 Expiration Date: June 30, 2022

Page 159

1 Digital Evidence Group, L.L.C.

2 1730 M Street, NW, Suite 812

3 Washington, D.C. 20036

4 (202) 232-0646

5

6 SIGNATURE PAGE

7 Case: Vote.org v. Jacquelyn Callanen, et al.

8 Witness Name: Michael Scarpello 30(b)(6)

9 Deposition Date: February 11, 2022

10

11 I do hereby acknowledge that I have read

12 and examined the foregoing pages

13 of the transcript of my deposition and that:

14

15 (Check appropriate box):

16  The same is a true, correct and

17 complete transcription of the answers given by

18 me to the questions therein recorded.

19  Except for the changes noted in the

20 attached Errata Sheet, the same is a true,

21 correct and complete transcription of the

22 answers given by me to the questions therein

recorded.

\_\_\_\_\_  
DATE WITNESS SIGNATURE

\_\_\_\_\_  
DATE NOTARY

Page 158

1 Michael Scarpello 30(b)(6), c/o

2 Dallas District Attorney's Office

3 500 Elm Street, Suite 6300

4 Dallas, Texas 75202

5

6 Case: Vote.org v. Jacquelyn Callanen, et al.

7 Date of deposition: February 11, 2022

8 Deponent: Michael Scarpello 30(b)(6)

9

10 Please be advised that the transcript in the above

11 referenced matter is now complete and ready for signature.

12 The deponent may come to this office to sign the transcript,

13 a copy may be purchased for the witness to review and sign,

14 or the deponent and/or counsel may waive the option of

15 signing. Please advise us of the option selected.

16 Please forward the errata sheet and the original signed

17 signature page to counsel noticing the deposition, noting the

18 applicable time period allowed for such by the governing

19 Rules of Procedure. If you have any questions, please do

20 not hesitate to call our office at (202)-232-0646.

21

22 Sincerely,

Digital Evidence Group

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express written consent.

Page 160

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2 1730 M Street, NW, Suite 812

3 Washington, D.C. 20036

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6 ERRATA SHEET

7

8 Case: Vote.org v. Jacquelyn Callanen, et al.

9 Witness Name: Michael Scarpello 30(b)(6)

10 Deposition Date: February 11, 2022

11 Page No. Line No. Change

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22 Signature Date

40 (Pages 157 to 160)