IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,
Plaintiff,

VS.

ERIC H. HOLDER, JR. in his official capacity as Attorney General of the United States,
Defendant,

ERIC KENNIE, et al,
Defendant-Intervenors,

TEXAS STATE CONFERENCE OF NAACP BRANCHES,
Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS EDUCATION FUND, et al,
Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS, et al,
Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,
Defendant-Intervenors.

**********************************************
ORAL DEPOSITION OF
JANICE McCOY
MAY 16, 2012
**********************************************
navigate the legislative process for the Senator in

terms of the behind-the-scenes staff work that takes

place.

Q. And can you describe that to me?

A. Filing the bill. Filing the bill and

requesting hearings, prepping talking points.

Q. Did you have any role in determining how
different senators would vote on SB 362?

A. No.

Q. Did Senator Fraser have any idea of how many

senators would support SB 362 when he introduced it?

MR. FREDERICK: Object. The question
calls for thought process and mental impressions of
Senator Fraser. It may also call for communications
with legislators and staff that are privileged. I would
instruct you not to answer on the basis of privilege.

A. I'll assert privilege.

(QExhibit 32 marked for identification.)

Q. (By Ms. Maranzano) Okay. Can you take a look

at what we've marked as Deposition Exhibit 32? In

particular, can you look at Rule 5.11, which is on Page

24. Do you see Provision D under 5.11?

A. Yes.

Q. When was that provision added to the rules?

A. January 14th, 2009.
correctly that there has not been, to the best of your recollection, another category of legislation that's been written into the rules as exempted from the two-thirds vote requirement under Rule 5.11?

MR. FREDERICK: The same objection, but you can answer.

A. Can you repeat the question?

Q. (By Ms. Maranzano) I just want to make sure I understood the answer that you gave, because you mentioned the Committee of the Whole. But am I understanding you correctly that it's your recollection, as you sit here, that during the time you worked for Senator Fraser, there has not been another category of legislation carved out of Rule 5.11 as voter identification requirements are carved out in Subsection D in the 2009 rules?

A. Yes.

Q. Okay. What was the purpose of carving out the voter ID identification requirement from the two-thirds rule?

A. I don't know.

Q. Did the Senator have any concerns about exempting SB 362 from the requirement that legislation get two-thirds support in the Senate?

MR. FREDERICK: Object on the grounds that
any public commitments to introduce Senate Bill 14 after Senate Bill 362 did not get enacted?
A. Probably, but I can't definitively say.
Q. Was Senate Bill 14 given a designation by Governor Perry as emergency legislation?
A. Governor Perry designated photo ID as an emergency. I don't think that order specifically said that bill number.
Q. What does it mean to be designated emergency legislation?
A. According to the constitution, the Legislature can't do anything substantive for 60 days unless the Governor says it's an emergency.
Q. How did photo ID come to be included in the Governor's designation?
A. I don't know. I'll just tell you. I mean...
Q. Did you have any conversations with anyone in the Governor's Office about the emergency designation?
A. No.
Q. Did the Senator?
A. I don't know.
Q. Why would photo ID requirements need to be considered within the first 60 days of the legislative session?
MR. FREDERICK: Objection, calls for