

Brazil & Dunn

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Scott Brazil
Board Certified Civil Trial
Board Certified Personal Injury Law
Texas Board of Legal Specialization

Chad W. Dunn
Board Certified Personal Injury Law
Texas Board of Legal Specialization

August 1, 2008

The Honorable Paul Bettencourt
1001 Preston
Houston, Texas 77002

BY FAX ONLY: 713-368-2329

Dear Mr. Bettencourt:

You have received a letter from the Chairman of the Texas Democratic Party, Boyd Richie, concerning a recent *Houston Chronicle* article that reported activities of your office involving the removal of names from the Harris County Voter Registration List, and other efforts to refuse registration of applicants under certain circumstances. This letter is a follow-up to that letter, and notice pursuant to 42 U.S.C. § 1973gg-9(b)(2). This letter should also be considered a request for information under all applicable open record laws. Finally, this is a request for information under the Voting Rights Act, and in particular, whether your jurisdiction has complied with § 5 of the Voting Rights Act requiring pre-clearance of all voting procedures.

As we understand the information reported in the *Chronicle*, your office is removing or suspending names on the Harris County Voter Registration Database at either regular, or ad-hoc intervals. We are requesting information as to the timing of these activities and the criteria followed in performing same. Furthermore, we are requesting any and all records created as a result of these activities. We are also requesting the number of voters removed or suspended during each review, as well as the identities of such voters. In short, we are requesting any information available under the open records laws and 42 U.S.C. § 1973gg-6(i), that pertain to the removal or suspension of names from the list of registered voters in Harris County, Texas, or refusal to register voters, in the last 18 months.

We understand that your office is undertaking at least two activities with regard to the registration database that are legally suspect. First, we understand that in relation to these reviews, your office is utilizing a government database of official addresses and cross-checking those with the addresses provided by registered voters. When the address does not appear in the government database, the registered voter is removed from the registered voter list. It is unclear whether that voter is placed on a suspense list or what occurs with regard to their name and information. It has also been reported that the government database employed is at least six months behind in terms

EXHIBIT "A"

The Honorable Paul Bettencourt
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of inclusion of new addresses. For example, a voter who recently moved into a newly constructed home and provided a change of address to the registration authority would subsequently be removed or suspended when that address did not yet appear in the government database. We are requesting information on how often these activities occurred, the specific identity of the database employed with the address information, as well as the number of, and identities of, the voters removed pursuant to these activities. Furthermore, we are requesting copies of any such notices sent to voters who were removed or suspended from the voter registration list as a result of these activities. We are also requesting any information concerning voters who challenged their removal.

The next activity we understand that is occurring concerns the failure to register voters who provide on their voter registration card only their Social Security Number. The *Chronicle* reports that your office, when it receives a voter registration card that is otherwise completed properly, does not contain a driver's license number, but does contain a Social Security Number, is not registering the voter because the voter fails to check a box certifying they do not possess a driver's license. What authority do you have for failing to register voters under these circumstances? If you have any such authority, and if it is grounded in state law, how do you reconcile that state law with 42 U.S.C. § 15483, which requires registration of applicants who provide a driver's license number or the last four digits of their Social Security Number? What authority do you have for requiring the voter to certify he/she does not have a driver's license when such information is otherwise available to you? How many voters have not been registered pursuant to these activities? Have they been notified they were not registered? Has anyone challenged the failure to register them? Has anyone filed suit in District Court challenging the failure to register? Also, please provide copies of any and all records for the last 18 months involving such activities. Also, provide copies of any notices sent to voters not registered under these provisions.

More generally, with regard to the Voting Rights Act, when were the foregoing activities pre-cleared by the United States Attorney General or by the United States District Court for the District of Columbia? If they were pre-cleared by your office or jurisdiction, please provide the date of the request, the inquiry number or file number, and any records or documents reflecting such pre-clearance request.

If the activities were pre-cleared as a result of a request by another jurisdiction, including the Texas Secretary of State, please provide any such information in your possession regarding that pre-clearance request. With regard to any pre-clearance request concerning these activities, provide the exact language and information provided to the pre-clearing authority describing such activities. If you claim the pre-clearance is implied from the overall pre-clearance of the Texas Election Code, explain why pre-clearance of the statute is imputed to your activities.

The Honorable Paul Bettencourt

August 1, 2008

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Based upon what we know to date, it appears your office is undertaking activities with regard to the Voter Registration List that violate federal and state law and that also violate provisions of the United States Constitution insofar as they burden the Fundamental Right to Vote without a significantly weighty governmental basis. Having said that, we desire to know more about the activities and seek to avoid litigation. Instead, we are asking for information from your office and also an opportunity to meet with you and your staff concerning these important matters.

In summary, the information we are requesting is as follows:

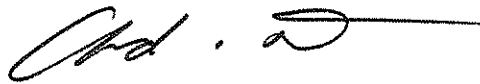
- Any documents relating to the removal of names of registered voters or the suspension of any registered voter in the last 18 months;
- Any documents, voter registration cards, notices, or other materials created, collected or gathered involving the failure to register a voter who sought registration in the last 18 months;
- Any documents relating to the pre-clearance of the activities described above pursuant to § 5 of the Federal Voting Rights Act;
- Any documents, memoranda, correspondence, or e-mails between your office and the Texas Secretary of State concerning the activities described above; and
- Any documents concerning or reflecting the database used to check addresses pursuant to the activities described above.

Also, because the deadline is rapidly approaching for closing the list of registered voters for the upcoming November 2008 General Election, the information requested is needed without delay. If it would facilitate the production of the information, we are willing to come to your offices and go through the materials to save time and any copying expenses. Hopefully our collaboration will reveal that a misunderstanding has occurred concerning the activities undertaken by your office with regard to the voter registration list or that we can reach an agreement as to the remedy of any past violations, and the implementation of procedures moving forward.

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Again, we are hoping it is unnecessary, but pursuant to 42 U.S.C. §1973gg-9, you have 20 days from the date of this letter to provide a response. In the event you do not do so, my client will have the right to proceed with claims in the United States District Court for violations of federal statutes and other claims. Hopefully, we can avoid that by an immediate collaborative relationship.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chad W. Dunn", with a long horizontal flourish extending to the right.

Chad W. Dunn
General Counsel
Texas Democratic Party

CWD:crw



Moving Texas Forward

Texas Democratic Party

Boyd L. Richie, Chair

August 22, 2008

Mr. Mike Stafford
Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002

BY FAX ONLY: 713-755-8924

Re: Information Request by the Texas Democratic Party Concerning Voter
Registration Procedures.

Dear Mr. Stafford:

I am in receipt of your August 14, 2008 letter as well as Mr. Bettencourt's August 13, 2008 letter. This letter is in response to both and addressed to you only, since you represent Mr. Bettencourt. I am sure it comes as no surprise to you that I found both letters evasive and in conflict with state and federal law. As I made clear in my most recent letter, it is not the Texas Democratic Party's desire to proceed with litigation. Unfortunately, if you and your client continue stonewalling and refuse to provide information on reasonable terms, litigation will be the only alternative. We were surprised by the lack of cooperation and evasiveness of your letters. The lack of transparency by Mr. Bettencourt even in the face of clear statutes is disappointing.

I note at the outset, that 42 USC § 1973gg-6(i) does not permit the various defenses you allege in the State Open Records Act. Though it is true federal law permits you to charge a "reasonable cost" for copying of records, the federal statute also requires that documents be made available for inspection in lieu of photocopying. Clearly my previous letter requested such an inspection and also requested a meeting with Mr. Bettencourt and/or his representatives to explain some of the procedures regarding voters' registration. Please confirm that you have rejected any request for an inspection of records and that Mr. Bettencourt and/or staff will not be made available for a meeting to discuss the Texas Democratic Party's concerns.

Understandably, Hurricane Ike and its aftermath have changed the analysis. I would not be surprised to learn that the voting registration staff is overwhelmed at this time. Had Mr. Bettencourt complied with the law and permitted inspection of the records when they were requested, we would not be dealing with this now. Despite everyone's hardship, the November General Election will go forward. I have been provided information that Mr. Bettencourt has failed to register more than 100,000 voters over the last year or so. This figure is remarkably high and out of proportion with similar statistics from other counties. Mr. Bettencourt's failure

EXHIBIT "B"

Mr. Mike Stafford
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to provide information, along with these statistics and others leads one to conclude that purposeful efforts are underway in Mr. Bettencourt's office to systematically deny voter registration.

Other than the inspection of records, the Texas Democratic Party is seeking concise answers to very specific questions. Despite an inquiry by the Texas Democratic Party, Boyd Richie, and my own letter, these inquiries were ignored. To summarize, the Texas Democratic Party seeks to understand the facts and circumstances regarding the following questions:

- How often and at what interval are names removed from the Harris County voters' registration database on a systematic basis?
- In other words, excluding editing done to the database at the request of a registered voter, when does Mr. Bettencourt's office review the voter registration database and search for names to be removed?
- When is the voter registration database compared to another database concerning "active addresses" and decisions made regarding removal of voters?
- In the last 18 months how many times has this occurred and how many voters were removed?
- Are written notices sent to the voters when their names are removed?
- If so, how many have responded in an effort to retain their voter registration status?
- With regard to new voter applicants, how many registration forms were received in the last 18 months where a voter did not check the box certifying they lacked a driver's license, but still provided a social security number?
- How are these applications treated?
- Were the voters registered?
- Were the voters' applications deemed to be incomplete?
- Were the voters' applications simply rejected?

Mr. Mike Stafford
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- What notice, if any, was sent to the voter notifying them of the treatment of their application under these circumstances?
- How many total voters in the last 18 months were not registered despite having provided a social security number?
- How often are voters not registered due to a mismatch from the drivers license database?
- How does the office deal with mismatched drivers license records?

Hurricane Ike had raised new questions:

- How will voter registration applications be dealt with now that written notices to voters in affected areas were not likely received?
- Will Mr. Bettencourt use the numerous home destructions as an opportunity to suspend or withdraw the registration for voters in those residences?
- Is Mr. Bettencourt using foreclosure and evacuation information to suspend or remove registered voters?

I hope you and Mr. Bettencourt understand that these issues are critically important to all voters in Harris County because it concerns their fundamental right to vote. As I stated in my earlier letter, it is not the Texas Democratic Party's desire to get into litigation with Harris County or its officers. We are simply looking for answers. Hopefully, Harris County has and will continue to comply with state and federal law in performance of its voters' registration duties. Even if it has not, hopefully our collaboration will result in an agreed plan of action to remedy any past transgressions and to insure compliance with law. We are particularly concerned that many of Mr. Bettencourt's activities have not been pre-cleared pursuant to the Voting Rights Act.

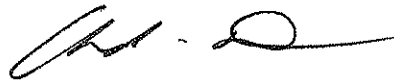
Regarding the memorandum you supplied from the Secretary of State's office concerning use of social security numbers to register voters when they certify they do not have a driver's license or state identification number, numerous questions raised in my earlier letter have been left unanswered. First, if you review the registration form you will note the box where a voter can certify they do not have a state driver's license or identification number. However, in the section where one actually enters their social security number there is also a similar certification the person does not have a driver's license or identification number. Thus filling in a social security number can be a certification of a lack of state identification. This certification is

Mr. Mike Stafford
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sufficient to comply with state law, but even if state law required the second, duplicitous certification, that requirement is outside the scope of the federal statute in this area and therefore would be pre-empted. You continue to fail to provide any data on how often these types of voter registration cards are received. You have provided no information that you are complying with the Secretary of State's memo in so far as you are sending notification to the would be registrants that there voter registration card is incomplete. Answering these questions is one of my goals in obtaining an inspection of these records.

That being said, another "cute" response like those I have received will leave the Texas Democratic Party with no choice but to file suit in pursuit of discovery which we intend to do by the end of next week. Given the tight deadlines for closing the voter registration database, I require your response early next week. We are available September 22, 23, 24 or 25 for a meeting to discuss these issues and to review records.

Very truly yours,



Chad W. Dunn
General Counsel
Brazil & Dunn
4201 FM 1960 West, Suite 530
Houston, Texas 77068
(281) 580-6310

CWD:crw

cc: Ann McGeehan
Director of Elections
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060

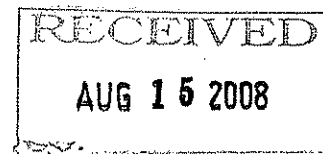
BY FAX ONLY: 512-475-2811



Mike Stafford
Harris County Attorney

August 14, 2008

Via Certified Mail/ Return Receipt Requested
And Via Fax to (281) 580-6362



Chad W. Dunn, Esq.
General Counsel, Texas Democratic Party
4201 FM 1960 West, Suite 530
Houston, Texas 77068

Re: Public Information Request by Chad W. Dunn, Esq.; any documents relating to the removal of names of registered voters or the suspension of any registered voter in the last 18 months, any documents, voter registration cards, notices, or other materials created, collected or gathered involving the failure to register a voter who sought registration in the last 18 months, any documents relating to the pre-clearance of the activities described above pursuant to section 5 of the Federal Voting Rights Act, any documents, memoranda, correspondence, or e-mails between your office and the Texas Secretary of State concerning the activities described above; and any documents concerning or reflecting the database used to check addresses pursuant to the activities described above
C. A. File No. 08GEN1243

Dear Mr. Dunn:

This is in reference to your letter dated August 1, 2008 sent to the Honorable Paul Bettencourt, the Harris County Tax Assessor/Collector. In your letter you specifically requested the above referenced information. For example, in your request regarding voters removed or suspended during the last 18 months, you seek "any information available under the open records laws and 42 U.S.C. section 1973gg-6(i) that pertain to the removal or suspension of names from the list of registered voters in Harris County, Texas, or refusal to register voters in the last 18 months." Does this request include out of county residents whether or not they are registered elsewhere? (These applications are forwarded to Voter Registration of their county of residence.) If they are not a citizen of the United States? If the individual is a convicted felon? If the individual is ruled to be mentally or partially mentally incapacitated? If the individual is deceased? We respectfully urge you to consider the scope of your request and clarify with greater specificity what you are seeking.

In addition to the extent of your request there are certain items of information that are clearly considered to be confidential under the Public Information Act. An individual's social security number (§ 552.147), driver's license number (§ 552.130), personal ID number from the Texas Department of Public Safety (§ 552.101), and any indication the individual is interested in working as an election judge (§ 552.101).

Letter to Chad Dunn, Esq.
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August 14, 2008

If the documents indicate the individual is or was a police officer, county jailer, employee of the Texas Department of Criminal Justice or commissioned security officer there may also be home address information and other information that should be withheld pursuant to (§ 552.117) and (§ 552.1175).

Other than the social security number which we can unilaterally redact, we will have to submit the other exceptions to the Office of the Attorney General for a letter ruling if you do not agree that they may be redacted. If such a letter ruling request is sent to the Office of the Attorney General, that office may have forty-five working days in which to make a determination as to whether the items may be redacted. We respectfully request that you carefully review and determine if you will agree in writing to the proposed redactions without the necessity of seeking an attorney general ruling.

In the event you choose not to narrow the scope of your requests, we remind you that pursuant to the Public Information Act, governmental bodies may charge for providing copies of public information an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. The Act requires that governmental bodies provide an itemized estimate of charges when the charges exceed \$40. Section 552.231 of the Government Code provides:

- (a) A governmental body shall provide to a requestor the written statement described by Subsection (b) if the governmental body determines:
 - (1) that responding to a request for public information will require programming or manipulation of data; and
 - (2) that:
 - (A) compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
 - (B) the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

An estimate of the total charge to provide you with copies of **the presently requested documents** is **\$1,597,282.73**. An invoice itemizing the estimated charges is attached to this letter. Please make out the check to the Harris County Treasurer. Upon presentation of the check you should contact Sonya Aston, Public Information Officer for the Harris County Tax Assessor/Collector Office at 1001 Preston, Houston, Texas 77002, phone (713) 368-2137, to confirm an estimated date, time and method for receiving the requested information.

Letter to Chad Dunn, Esq.
Page 3
August 14, 2008

You must respond in writing within ten working days that you will accept the estimated charges or that you desire to modify your request in response to the itemized statement. As provided by the Texas Public Information Act, TEX. GOV'T CODE ANN. § 522.2615 (Vernon 2005), your request will be considered withdrawn if you do not respond, in writing, by the 10th calendar day from your receipt of this letter and inform this office of your decision to accept the charges or amend your request.

If you have any questions please contact me at (713) 755-3601.

Yours very truly,

MIKE STAFFORD
County Attorney

By 
DAVID M. SWOPE
Assistant County Attorney

MAS/DMS

Enclosures

cc: Paul Bettencourt
Linda Harvey
Sonya Aston

OPEN RECORDS REQUEST #2174
Calculation of Estimated Labor and Material Cost
a/o 8/13/08

REGISTRATION CATEGORY	RECORD COUNT	TIME (MINUTES) TO RETRIEVE, COPY, REDACT DOCUMENTS FOR EACH FILE	TOTAL LABOR HOURS	PER HOUR LABOR RATE	TOTAL ESTIMATED LABOR	EST NO PAGES PER RECORD	TOTAL ESTIMATED NO PAGES	COPY COST PER PAGE	ESTIMATED COPY COST	TOTAL ESTIMATED COST
CANCELLED	58,936	10	9,822.7	\$15.00	\$147,340.00	8	471,488	\$0.10	\$47,148.80	\$194,488.80
PUT ON SUSPENSE	232,189	15	58,047.3	\$15.00	\$870,708.75	12	2,786,268	\$0.10	\$278,626.80	\$1,149,335.55
NOT REGISTERED: OUT OF COUNTY INCOMPLETE & OTHER	32,077 58,163	5 12	2,673.1 11,632.6	\$15.00 \$15.00	\$40,096.25 \$174,489.00	3 5	96,231 290,815	\$0.10 \$0.10	\$9,623.10 \$29,081.50	\$49,719.35 \$203,570.50
OTHER DOCUMENTS	1,070	0.23	4.1	\$15.00	\$61.53	1	1,070	\$0.10	\$107.00	\$168.53
ESTIMATED TOTAL	382,435		82,179.7		\$1,232,695.53		3,645,872		\$364,587.20	\$1,597,282.73

AUG 1 1 2008



Paul Bettencourt

Harris County Tax Assessor - Collector

www.tax.co.harris.tx.us

Texas Democratic Party
Mr. Boyd L. Richie
Chairman
505 W. 12th St, Suite 200
Austin, Texas 78701

August 1, 2008

Dear Mr. Richie,

In response to your letter dated July 30, 2008, please find below information the provided.

Cancellations following the end of the suspense list period occur once every two years. In the past 24 months, only one such cancellation occurred in December of 2006. At that time 147,951 voters on the suspense list in Harris County were cancelled according to section 16.032 of the Texas Election Code.

The law that requires Harris County to purge its voter registration roll can be found in the Texas Election Code, Federal Help America Vote Act and the Federal National Voting Rights Act. Additional information can be found at the Texas Secretary of State site <http://tlo2.tlc.state.tx.us/statutes/el.toc.htm>, the Federal Election Commission site <http://www.fec.gov/hava/hava.htm>, and the Department of Justice site http://www.usdoj.gov/crt/voting/nvra/activ_nvra.htm.

Should you have any further questions, please do not hesitate to contact me at 713-368-2513.

Sincerely,

A handwritten signature in black ink, appearing to read "George Hammerlein".

George Hammerlein
Director, Voter Registration
Harris County Tax Office



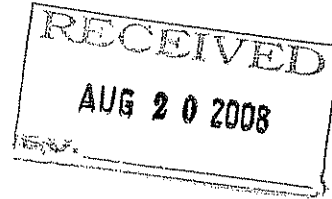
Paul Bettencourt

Harris County Tax Assessor-Collector

www.hctax.net

August 13, 2008

Mr. Chad W. Dunn
General Counsel, Texas Democratic Party
Brazil & Dunn
4201 FM 1960 West, Suite 530
Houston, TX 77068



Reference: Your Letter of August 1, 2008

Dear Mr. Dunn:

Due to the voluminous request for information from the Harris County Tax Office as stated and summarized in your letter of August 1st, the Harris County Attorney's office will be responding on our behalf regarding this matter.

Please find below, information provided to the Houston Chronicle for the article (by Alan Bernstein, dated July 28, 2008) that seems to have generated many of your questions. Hopefully, this will give you and Mr. Richie an understanding of the Voter Registration efforts in place at the Harris County Tax Office.

Please note, the number of cancellations of suspended registered voters at the end of each two-year cycle has actually decreased from 2002 in Harris County:

2006	-	147,951
2004	-	103,695
2002	-	148,906

Therefore, the actual number of voter cancellations is down by 955 as compared to the last equivalent year in the election cycle. Cancellations will be down in Presidential Election years as more voters turnout to vote, change their registration address, update their records at the DPS or on-line, etc., and the Harris County Tax Office is projecting a slight drop in 2008 as compared to 2004.

Also sent to the Houston Chronicle for the same article is the attached copy of memo sent by the Texas Secretary of State, which outlines the statewide procedure used for voter registration regarding the "TDL / ID or last four (4) digits of SSN" issue. The procedures outlined in this memo are probably the basis of your questions in this area. Hopefully, this document resolves those questions.

Since your Open Record Request as filed seeks documents containing confidential information, the processing of this request will take longer, and if not waived, the County will necessarily need to seek an Attorney General's opinion. However, we do have summary data that excludes the confidential information and is considerably cheaper. For example, the entire Harris County Voter Roll is available for \$25.00 and is posted at www.hcvoter.net. Lists of voter specific categories are similarly inexpensive.

Feel free to contact me when you have had the chance to review in detail the County Attorney's Office response. My office will be awaiting your response in this matter.

Sincerely,

Paul Bettencourt
Tax Assessor-Collector & Voter Registrar
Harris County, Texas

Attachments

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Roger Williams
Secretary of State

MEMORANDUM

TO: Voter Registrars and Election Administrators

FROM: Ann McGeehan, Director of Elections

A handwritten signature in black ink, appearing to read "Ann McGeehan".

DATE: December 12, 2005

RE: New Voter Registration Applications

The Secretary of State's Office will be mailing all counties a supply of the new voter registration applications before January 1, 2006. A copy of the new application is enclosed for your review. The application has two (2) changes; the checkbox currently titled "Check if you do not have a social security, driver's license, or personal identification number" has been broken out into two separate questions:

- Check if you do not have a driver's license, or personal identification number
- Check if you do not have a Social Security Number

The law requires ALL applicants to provide their Texas driver's license number or personal identification number issued by DPS. Tex. Elec. Code 13.002 (c). If the applicant doesn't have a Texas driver's license or identification number (TDL/ID), then he or she must provide the last four (4) digits of his or her social security number. If the applicant does not have any of these numbers, then the applicant must check both boxes stating that he or she does not have such a number.

If an applicant provides his social security number and fails to either check the box indicating he does not have a TDL number or didn't supply his TDL information, the application is considered incomplete. A Notice of Incomplete should be sent to the applicant indicating the new reason "TDL/ID or last four (4) digits of SSN." The applicant can then either provide the required information or check the box on the application form indicating he does not have a driver's license or identification number. The timeframe to process the Notice of Incomplete is still ten (10) days to receive a response back to secure the original receipt date. If the applicant submits the supplemental information after the ten (10) day period, you must still register the voter but the effective date is when you receive the completed application, not the original submission date of the original application.

You may continue to accept "old" applications that have the single check box IF the voter supplied her driver's license or personal identification number. If you receive an "old" application after January 1, 2006 where the applicant supplied only the social security number, you must send the applicant a Notice of Incomplete.

The second change involves the addition of the following question:

Are you interested in serving as an election worker? Yes No

If you receive a new application where the applicant did not respond to this question, it is not grounds to send a Notice of Incomplete. You may accept the application as long as all other required fields are completed. If you receive an old application that is complete, including the submission of a driver's license or ID number, you may accept it. The absence of a response for this question is not grounds to take further action on the application.

Our office is working with the Department of Public Safety (DPS) to implement the new application form. However, it will be several months before DPS is able to implement the new application into their system. You should continue with the same business rules you are currently using to process applications received from DPS. The applications received from DPS will always include a driver's license or ID number; therefore, the extra question on the new form is immaterial. The absence of the election worker question is not grounds to send the voter a Notice of Incomplete unless another required field is missing; thus, old forms used by DPS will be acceptable.

Effective January 1, 2006, when the state begins to verify the TDL/ID or SSN, most first time voters who register to vote by mail will no longer be required to provide a copy of identification with the application or when they present themselves to vote in person. The only group of first time voters who register by mail that will still be required to present identification in order to register will be those voters who register for the first time and who have not been issued a TDL/ID or SSN. If these voters do not include a copy of identification with their voter registration applications, their names should be annotated with an "ID" on the list of registered voters.

If you have any questions, please do not hesitate to contact Karen Richards, Louria Harrigan, Brenda Hester, A.J. Harper or Andrea Williams toll free at (800) 252-2216.

Enclosure: Copy of New Voter Registration Application

AM:KR

Texas Voter Registration Application

Please complete sections by printing legibly. If you have any questions about how to fill out this application, please call your local voter registrar or the Secretary of State's Office toll free at 1-800-252-VOTE(8683), TDD 1-800-735-2989, www.sos.state.tx.us.

Qualifications

- You must register to vote in the county in which you reside.
- You must be a citizen of the United States.
- You must be at least 17 years and 10 months old to register, and you must be 18 years of age by election day.
- You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.

If you are already registered to vote, you do not need to complete this form. If you have moved, you must complete this form to update your address. If you do not need this form, please pass it on to someone who could use it.

Prescribed by the Office of the Secretary of State VR42.05E.p65

For Official Use Only

Este formulario para inscribirse para votar tambien está disponible en Español. Para conseguir la version en Español favor de llamar sin cargo 1-800-252-8683 a la oficina del Secretario de Estado.

Complete These Questions Before Proceeding

- Check one New Change Replacement
- Are you a United States Citizen? Yes No
- Will you be 18 years of age on or before election day? Yes No

If you checked "no" in response to either of the above, do not complete this form.

- Are you interested in serving as an election worker? Yes No

• Continue below to complete application.

Last Name	First Name	Middle Name (if any)	Former Name
-----------	------------	----------------------	-------------

Residence Address: Street Address and Apartment Number, City, State, and ZIP Code. If none, describe where you live. (Do not include P.O. Box or Rural Rt.)

Mailing Address: Street Address and Apartment Number or P.O. Box, City, State and ZIP Code: If mail cannot be delivered to your residence address.

Date of Birth: month, day, year	Gender (Optional) <input type="checkbox"/> Male <input type="checkbox"/> Female
---------------------------------	--

TX Driver's License No. or Personal I.D. No.
(Issued by the Department of Public Safety)

Check if you do not have a driver's license, or personal identification number

If no TX Driver's License, give last 4 digits of your Social Security Number

Check if you do not have a Social Security Number

Telephone Number, Include Area Code
(Optional)

I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to 180 days, a fine up to \$2,000, or both.

I affirm that I

- am a resident of this county;
- have not been finally convicted of a felony or if a felon I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and
- have not been declared mentally incompetent by final judgment of a court of law.

X

Date

Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY; §
BOYD L. RICHIE, in his capacity as §
Chairman of the Texas Democratic §
Party; HARRIS COUNTY §
DEMOCRATIC PARTY; §
GERALD BIRNBERG, in his capacity §
as Chairman of the Harris County §
Democratic Party; and §
J. GOODWILLE PIERRE §

Plaintiffs,

vs.

Cause No. 4:08-CV-3332

PAUL BETTENCOURT, in his capacity §
as Harris County Tax Assessor Collector §
and Harris County Voter Registrar §

Defendant.

AFFIDAVIT OF CYNTHIA A. SPOONER

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority on this day personally appeared CYNTHIA A. SPOONER, who being duly sworn upon her oath deposed as follows:

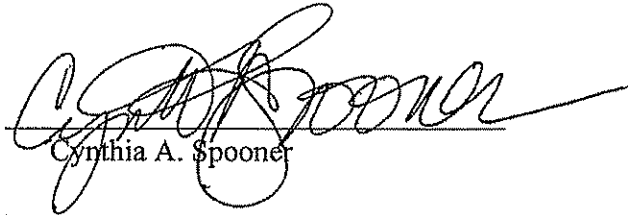
1. "My name is CYNTHIA A. SPOONER. I am over the age of 18 years and am in all respects competent to make this Affidavit. I have never been convicted of a felony. I have personal knowledge of each of the facts stated herein, and they are all true and correct.
2. I am a poll watcher for the ballots currently being presented and counted in Harris County, Texas. I was appointed by J. Goodwille Pierre.
3. Originally, there were approximately 6,950 provisional ballots to be presented and counted. Of that approximately 6,950, only 2,439 have been provided to the Harris County Clerk by the Harris County Tax Assessor's Office. As of November 10, 2008, 427 were accepted and ready to be

EXHIBIT "D"

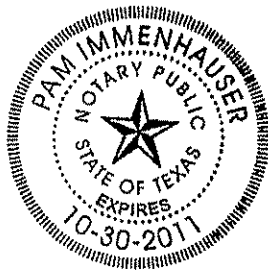
counted by the Harris County Clerk's office. There are approximately 1,000 of the 2,439 that still await final disposition by the precinct judge.


4. I was instructed to be present for the ballot presenting and counting that was to begin at 8:00 a.m. November 10, 2008. However, on November 10, 2008, the ballot counting did not begin until after 10:00 a.m. At this rate, many, if not most, of the provisional and mail-in ballots will not be presented to be counted by the close of the seven day post election day deadline.

Further, Affiant sayeth not.


Cynthia A. Spooner

SUBSCRIBED and SWORN to before me, the undersigned Notary Public in and for the State of Texas on this the 11th day of November, 2008.




Notary Public in and for the State of TEXAS

My Commission Expires: 10-30-2011

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY; §
BOYD L. RICHIE, in his capacity as §
Chairman of the Texas Democratic §
Party; HARRIS COUNTY §
DEMOCRATIC PARTY; §
GERALD BIRNBERG, in his capacity §
as Chairman of the Harris County §
Democratic Party; and §
J. GOODWILLE PIERRE §

Plaintiffs,

vs.

Cause No. 4:08-CV-3332

PAUL BETTENCOURT, in his capacity §
as Harris County Tax Assessor Collector §
and Harris County Voter Registrar §

Defendant.

AFFIDAVIT OF NILES^{NC} COPELAND

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority on this day personally appeared NILES^{NC} COPELAND, who being duly sworn upon her oath deposed as follows:

1. "My name is NILES^{NC} COPELAND. I am over the age of 18 years and am in all respects competent to make this Affidavit. I have never been convicted of a felony. I have personal knowledge of each of the facts stated herein, and they are all true and correct.
2. I am a poll watcher for the ballots currently being presented and counted in Harris County, Texas. I was appointed by the Harris County Democratic Party.
3. Originally, there were approximately 6,950 provisional ballots to be presented and counted. Of that approximately 6,950, only 2,439 have been provided to the Harris County Clerk by the Harris County Tax Assessor's Office. As of November 10, 2008, 427 were accepted and ready to be

EXHIBIT "E"

counted by the Harris County Clerk's office. There are approximately 1,000 of the 2,439 that still await final disposition by the precinct judge.

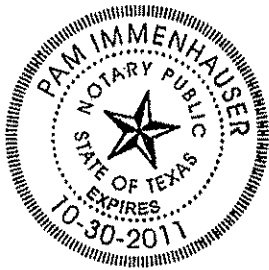
4. I was instructed to be present for the ballot presenting and counting that was to begin at 8:00 a.m. November 10, 2008. However, on November 10, 2008, the ballot counting did not begin until after 10:00 a.m. At approximately 10:30 a.m. on November 10, 2008, I was informed that the work done on November 9, 2008 would have to be redone due to various inconsistencies. At this rate, many, if not most, of the provisional and mail-in ballots will not be presented to be counted by the close of the seven day post election day deadline.

Further, Affiant sayeth not.



Niles Cope land

SUBSCRIBED and SWORN to before me, the undersigned Notary Public in and for the State of Texas on this the 11th day of November, 2008.





Notary Public in and for the State of TEXAS

My Commission Expires: 10-30-2011

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY; §
BOYD L. RICHIE, in his capacity as §
Chairman of the Texas Democratic §
Party; HARRIS COUNTY §
DEMOCRATIC PARTY; §
GERALD BIRNBERG, in his capacity §
as Chairman of the Harris County §
Democratic Party; and §
J. GOODWILLE PIERRE §

Plaintiffs,

vs.

Cause No. 4:08-CV-3332

PAUL BETTENCOURT, in his capacity §
as Harris County Tax Assessor Collector §
and Harris County Voter Registrar §

Defendant.

AFFIDAVIT OF COLLYN A. PEDDIE

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority on this day personally appeared COLLYN A. PEDDIE, who being duly sworn upon her oath deposed as follows:

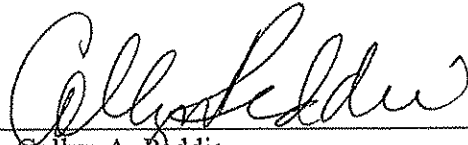
1. "My name is COLLYN A. PEDDIE. I am over the age of 18 years and am in all respects competent to make this Affidavit. I have never been convicted of a felony. I have personal knowledge of each of the facts stated herein, and they are all true and correct.
2. I am a poll watcher for the ballots currently being presented and counted in Harris County, Texas. I was appointed by Gerald Birnberg, Chairman of the Harris County Democratic Party. I was appointed to watch the processing of provisional ballots and activities of or on behalf of the Early Voting Ballot Board at Voter Registrar Paul Bettencourt's office.
3. I was initially given an explanation of the process then allowed to remain present for the processing of the provisional ballots at Voter Registrar Paul Bettencourt's office for approximately 1 hour. After that time, I was told I could no longer do so by Sonya Aston,

EXHIBIT "F"

an attorney in Voter Registrar Paul Bettencourt's office. She wrote the reason on the attached appointment certificate. It is attached. Although I was initially told by Ms. Aston, after her review of the election code, that there was no prohibition in the election code to my watching this process, the explanation given for my later ouster was that the Secretary of State had informed her that there was confidential information involved in this process a poll watched was not permitted to observe.

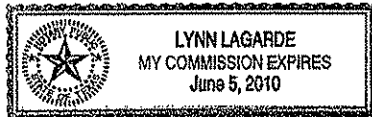
4. I personally witnessed the affidavits and hence the votes of voters being set aside and not processed for the sole reason that they listed what was believed to be a commercial address. I saw numerous affidavits where it had been noted that the voter registered at DPS offices but the affidavit was set aside because the voter was not listed as registered to vote in the system used for checking the voting rolls in Mr. Bettencourt's office.
5. If allowed, I stand ready and willing to return as a poll watcher for the processing of the provisional ballots at Voter Registrar Paul Bettencourt's office.

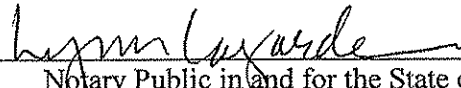
Further, Affiant sayeth not.



Collyn A. Peddie

SUBSCRIBED and SWORN to before me, the undersigned Notary Public in and for the State of Texas on this the 11th day of November, 2008.





Notary Public in and for the State of TEXAS

My Commission Expires: _____

According to the Elect Secretary of State, Poll watchers are not allowed to watch voter registration process due to the confidential nature of the information.

AW4-19.doc
 Prescribed by Secretary of State
 Sections 33.003, 33.006, V.T.C.A., Election Code 10/04

- Sonya L. Astra
 11/7/08

APPOINTMENT OF POLL WATCHER BY POLITICAL PARTY
 (NOMBRAMIENTO DE UN OBSERVADOR POR UN PARTIDO POLITICO)

To the Presiding Judge:
 (Al Juez Presidente:)

The following person has been appointed poll watcher in accordance with Sec. 33.003, V.T.C.A., Election Code. (La siguiente persona ha sido nombrada observador de acuerdo con la Sec. 33.003, V.T.C.A., Código de Elecciones.)

Name of Poll Watcher <i>(Nombre del/la Observador(a))</i> Collyn Ann Peddie	Name of Political Party <i>(Nombre del Partido Político)</i> Harris County Democratic Party
Residence Address of Poll Watcher <i>(Dirección Residencial del/la Observador(a))</i> 1221 Post Oak Park Dr., Houston, TX 77027	Name and Date of Election <i>(Tipo y Fecha de Elección)</i> November 4, 2008 General Election
Voter Registration Certificate Number of Poll Watcher <i>(Núm. del Certificado del/la Observador(a))</i> 0768362-6	Precinct Poll Watcher is to serve Activities of or on behalf of <i>(Precinto en Que Servirá el Observador)</i> Early Voting Ballot Board occurring at Office of Harris County Tax Assessor/ Collector, 1001 Preston, Houston, Texas 77002



 Signature of the County Chair
 (Firma del Secretario del Condado)

 Signature of Committee Member
 (Firma de un Miembro del Comité)

 Signature of Committee Member
 (Firma de un Miembro del Comité)

 Signature of Committee Member
 (Firma de un Miembro del Comité)

If the County Chair does not make an authorized appointment, any three members of the county executive committee may make the appointment.
 Si el secretario del condado no hace un nombramiento autorizado, cualesquier tres miembros del comité ejecutivo del condado podrán hacer el nombramiento.


 Signature of the Watcher
 (Firma del Observador)

AFFIDAVIT OF POLL WATCHER
 DECLARACION JURADA DE OBSERVADOR

I, Collyn Peddie, a poll watcher for the above appointing authority, do hereby swear or affirm that I do not have in my possession any type of mechanical or electronic means of recording images or sound while serving as a watcher at this precinct.

(Yo, _____, observador(a) de elección designado/a por la autoridad citada, por el presente juro o protesto que no tendré en mi poder, durante mi gestión de observador(a) en este precinto electoral, ningún dispositivo mecánico o electrónico, de cualquier tipo, para la grabación de imágenes o de sonidos.)

 Signature of Poll Watcher (Firma del/la Observador(a))

Sworn to and subscribed before me this the _____ day of _____, 20____.
 (Jurado y suscrito ante mí, a los _____ días del mes de _____ de 20____.)

 Signature of Election Judge (Firma del/la Juez Electoral)

 Printed Name of Election Judge (Nombre del/la Juez Electoral, en letras de molde)