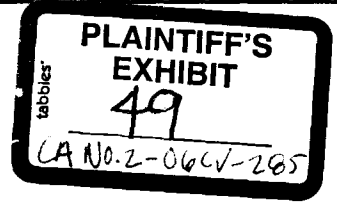


Exhibit 9

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
CAUSE NO. 06M0300-CCL



STATE OF TEXAS

VS.

WILLIE RAY

§
§
§
§
§

IN THE COUNTY COURT AT

LAW OF

BOWIE COUNTY, TEXAS

PLEA

On the 17th day of July, 2006 from 10:32 a.m. to 10:42 p.m. the Plea bargain came on to be heard outside the presence of a Jury in Bowie County, Texas, in the above-entitled cause; and the following proceedings were held in New Boston, Bowie County, Texas:

Proceedings reported by Oral Stenography; Reporter's Record produced by transcription.



Leslie P. Bates
Texas CSR #6346
OFFICIAL REPORTER
5TH JUDICIAL DISTRICT
203 Garden Road
Hooks, Texas 75561-5279
(903) 547-3120

1 P R O C E E D I N G S

2 THE COURT: Good morning, Ms. Ray.

3 THE DEFENDANT: Good morning.

4 THE COURT: Ms. Ray, there has been filed
5 early in the day what is called a Complaint and Information
6 in this case. Have you had a chance to read the Information
7 and understand what it is they claim you did wrong?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you want us to -- because this
10 is a different case that is set out than the one when we did
11 the arraignment back in May that you have now the right to
12 have this read aloud to you word for word before I ask you
13 how you plead. Would you like for me to read it aloud to
14 you?

15 MR. HARRELSON: Your Honor, Ms. Ray would
16 waive the reading of that. She'd continue her plead of
17 innocence as to the -- or not guilty as to the indicted
18 offenses and as to the information here, is prepared to enter
19 a plea of guilt as to helping Ms. Roach, who asked her to
20 mail her ballot.

21 THE COURT: Okay. Now, Ms. Ray, this is a
22 misdemeanor offense and it carries the same punishment range
23 that I had discussed with you before, except this is a
24 different case, which means there could be a fine up to -- if
25 anybody is convicted, then it could be a fine of up to \$2,000

1 or a term in county -- Bowie County jail up to six months,
2 180 days, or a combination of both a jail term and a money
3 fine. Do you understand all that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: As to the new charge, how would
6 you like to plead, guilty or not guilty?

7 THE DEFENDANT: Guilty, Your Honor.

8 THE COURT: Do you understand if you enter a
9 plea of guilty you could -- oh, incidentally, let me go back.
10 The Information was only filed today and you have the right,
11 if you wanted to, to put this case off and have a sufficient
12 time for you and your lawyer to assess this new case and
13 decide whatever you wanted to do about it. Now, do you
14 understand that if you're pleading guilty you're giving up
15 that right to claim additional time?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Now, in entering a plea of
18 guilty, do you realize that you would be agreeing that it is
19 a fact that you did those things that are alleged in the
20 Information?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And therefore, it would not be
23 necessary for the Attorney General to call into court any
24 witnesses to prove these facts?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And if they're -- the witnesses
2 are not going to be here, then you would not get to see and
3 hear them testify and your good lawyer would not be able to
4 cross examine them. Do you realize that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: You have a right to call witnesses
7 in your own behalf, but if your witnesses are not here today
8 you're giving up your right to call such witnesses.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You can testify if you want to,
11 but you don't have to; you have the right to remain silent.
12 By that, I mean you do not have to plead guilty, you don't
13 have to sign any kind of paper giving up any rights, you
14 don't have to testify. Do you realize all those things?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: You and your lawyer have been able
17 to discuss the facts and circumstances of not only this case,
18 but the indicted cases?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did he understand whatever you
21 were telling him?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Did you understand whatever he
24 might have said to you?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any question you need
2 to ask me or ask your lawyer before we go any further?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Counsel, are you satisfied this
5 lady is competent?

6 MR. HARRELSON: Yes, sir.

7 THE COURT: And is it still your desire, Ms.
8 Ray, to enter to the Information a plea of guilt?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: I'll accept the defendant's
11 voluntary plea of guilt, find she's competent, find she is
12 aware of her rights as reflected by this record. Now, Ms.
13 Ray?

14 THE DEFENDANT: Yes, sir?

15 THE COURT: There is a plea bargain agreement
16 which I will honor. I find that the evidence substantiates
17 and guilt beyond a reasonable doubt. However, I will not
18 formally find you guilty; I'm going to place you on deferred
19 or unadjudicated probation for 180 days, beginning today.
20 I'll order you to pay court costs and a \$200 fine, probation
21 fees of \$60 a month. I am dismissing the indicted offenses
22 in the other cases and there will be a bar as to any further
23 prosecution under this set of circumstances. Ms. Ray, did I
24 do what you and your lawyer and the state's attorney asked me
25 to do?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 MR. ROMMEL: Judge, if I could ask, with
4 regard -- Ms. Ray is a retired registered nurse, and so with
5 regards to provisions No. 21 and 22, I would just ask the
6 Court to -- and the probation department -- to consider that
7 she has completed requisite educational, I think with regard
8 to those requirements, and we would assert that she, being
9 retired and active in the community, with regard to full time
10 employment, that won't be necessary --.

11 THE COURT: Okay. Well, 21 and 22 are
12 deleted.

13 MR. HARRELSON: In addition, Your Honor, she
14 does have an ill mother that lives in Mt. Pleasant and she
15 has a daughter that lives, as you heard earlier, in Tarrant
16 County, and she, too, lives in Texarkana, Texas and needs
17 travel to Texarkana, Arkansas as well, so with regards to the
18 Bowie County restriction, then those three -- at least those
19 three areas we would ask the Court that she be allowed to
20 travel to those places. Oh, and Your Honor, Ms. Ray is --.

21 THE COURT: You said in Mt. Pleasant?

22 MR. HARRELSON: Yes, Your Honor. Ms. Ray is
23 also a member of the Texarkana City Council, and in that
24 capacity has need to travel through that position, and we
25 would ask that at least with regards to those travels that

1 are connected with her duties as a city councilman that she
2 be allowed to do that as well.

3 THE COURT: Okay. I've okayed travel to and
4 from Miller County, Arkansas, to and from Tarrant County and
5 Titus County, Texas, and travel per the city council and its
6 duties.

7 THE DEFENDANT: Thank you.

8 MR. HARRELSON: Thank you, Your Honor.

9 THE COURT: All right. Anything else?

10 MR. ROMMEL: No, Your Honor.

11 (End of proceedings)

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1 STATE OF TEXAS)

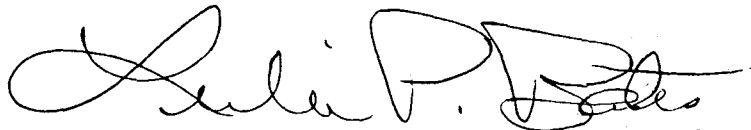
2 COUNTY OF BOWIE)

3 I, Leslie P. Bates, acting Official Court Reporter in
4 and for the County Court at Law of Bowie County, State of
5 Texas, hereby certify that the above and foregoing contains
6 a true and correct transcription of all portions of evidence
7 and other proceedings requested by counsel for the parties to
8 be included in this volume of the Reporter's Record, in the
9 above-styled and numbered cause, all of which occurred in
10 open court and were reported by me.

11 I further certify that this Reporter's Record of the
12 proceedings truly and correctly reflects the exhibits, if
13 any, offered by the respective parties.

14 I further certify that the total cost for the
15 preparation of this Reporter's Record is \$55.00 and was paid
16 by the State of Texas.

17 WITNESS MY OFFICIAL HAND THIS THE 5th day of November,
18 2006.

19 
20 _____

21 LESLIE P. BATES - Texas CSR #6346
22 Acting Official Reporter, County Court At Law
23 Bowie County, Texas
24 203 Garden Road, Hooks, Texas 75561-5279
25 CSR Certification No. 3646 expires: 12/31/06

Exhibit 10

COMMUNITY SUPERVISION ORDER

On the _____ day of _____, 20____, the Defendant was placed on ADJUDICATED/NON-ADJUDICATED community supervision for a period of _____ years/months for the offense of _____.

During the period of supervision the Defendant will strictly obey and abide by the following terms and conditions of supervision:

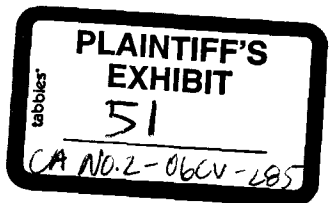
1. Pay assessed fine in the amount of \$ _____, within _____ days;
2. Pay court costs in the amount of \$ _____, within _____ days;
3. Pay restitution in the amount of \$ _____, within _____ days;
4. Pay court appointed attorney fees in the amount of \$ _____, at the rate of \$ _____ per month;
5. Pay monthly supervision fees in the amount of \$ _____ beginning the month following the date you were placed on supervision;
6. Pay a \$15 Crime Stopper Fee, in the amount of \$5 a month for the first three months of supervision.
7. The Defendant shall pay a \$25 time payment fee, if applicable;
8. Complete _____ hours of Community Service Work at an agency approved by the Court, at no less than eight hours per month;
9. Commit no offense against the laws of Texas or any other State or the United States;
10. Avoid injurious and vicious habits;
11. Avoid persons or places of disreputable or harmful character;
12. Report to the Community Supervision Department once a month or as otherwise directed;
13. Permit the Community Supervision Officer to visit you anytime at home or elsewhere;
14. Actively seek, obtain and maintain suitable employment as far as possible;
15. Remain within the limits of Bowie County and not leave therefrom without permission of the Court;
16. Support your dependents you now have or you may acquire during the period of supervision;
17. Totally abstain from the possession or use of any controlled substance, narcotic, dangerous drug, inhalants or prescription drug without first obtaining a prescription from a licensed physician;
18. Submit to chemical testing for the purpose of determining drug or alcohol use;
19. Submit to persons approved by the Community Supervision Department for the purpose of being evaluated to determine the appropriateness of alcohol or drug rehabilitation, and complete such program if needed;
20. Report to the Community Supervision Officer within 48 hours any change in address, employment and all arrests;
21. Participate in Adult Basic Education until the 7th grade level is obtained, or obtain a GED or equivalent, as determined by the Community Supervision Department;
22. Attend Job Skill Training Class as imposed by the Community Supervision Department.



IN ADDITION TO THE FOREGOING, THE DEFENDANT SHALL ALSO (IF CHECKED):

23. Evaluation and Treatment
24. () Successfully complete DWI/DWI Repeat Offender/Drug Education Program within 180 days from the date placed on supervision and pay assessed fee for said program;
25. () The defendant shall not operate a motor vehicle unless the vehicle is equipped with an ignition interlock device, as prescribed by Article 42.12, Section 13(i);
26. () The Defendant's driver's license will be suspended for a period of _____ months;
27. () Serve _____ days in jail;
28. () Completely abstain from the possession and use of any alcoholic beverages and drugs; random alcohol and drug testing; RAD fee;
29. () Pay \$ _____ (0-100) to the Domestic Violence Shelter;
30. () Attend domestic violence/anger management classes as prescribed by the Domestic Violence Shelter, and pay assessed fees for said program;
31. () Community service hours are waived if fine and court costs are paid within 45 days;
32. () Attend Personal Development Seminar as imposed by the Community Supervision Department.
33. _____

Exhibit 11



CASE OPENING FORM

DATE: 3-1-06

EMPLOYEE ASSIGNED TO (required): William R. Tatum

CAUSE NUMBER: 06M0302-CCL COURT: County Court at Law

STYLE (required): State of Texas vs Jamillah Johnson

CLIENT AGENCY (required): Secretary of State

COUNTY (required): Bowie

TYPE OF CASE (required): Election Violation

- | | | |
|----------------------------------|-----------------------------|--------------------|
| Asset Forfeiture | Election Violation | Major Crimes |
| Auto Theft | Fraud | Misc. |
| Breach of Computer Security | Gambling | Money Laundering |
| Child Exploitation | Hacking | Nuisance Abatement |
| Child Pornography | Identity Theft | Obscenity |
| Computer Forensics | Intellectual Property Crime | Threats |
| Criminal Prosecution | Insurance Fraud | Traveler |
| Criminal Solicitation of a Minor | Litigation Activities | |

CURRENT CASE ACTIVITY (required): Indicted, Awaiting Arraignment

PARTY (SUBJECT) NAMES: Jamillah Johnson - Defendant
& ADDRESSES: 7407 W. 7th St.
Texarkana, TX

OPPOSING COUNSEL: N/A

SYNOPSIS OF CASE FACTS (required): Defendant and two other women were collecting election ballots for early voting from the elderly and mailing them.

HOW DID OAG BECOME INVOLVED AND IS OAG INVOLVEMENT NECESSARY? (required): Referral from Secretary of State. Involvement is necessary.

APPROVED: _____

COMMUNITY SUPERVISION ORDER

On the 11th day of July, 2016, the Defendant was placed on ADJUDICATED/NON-ADJUDICATED community supervision for a period of 18 months years/months for the offense of Aggravated Assault. During the period of supervision the Defendant will obey and abide by the following terms and conditions of supervision:

1. Pay assessed fine in the amount of \$ 200.00, within 30 days;
2. Pay court costs in the amount of \$ 200.00, within 30 days;
3. Pay restitution in the amount of \$ _____, within _____ days;
4. Pay court appointed attorney fees in the amount of \$ _____, at the rate of \$ _____ per month;
5. Pay monthly supervision fees in the amount of \$ _____ beginning the month following the date you were placed on supervision;
6. Pay a \$15 Crime Stopper Fee, in the amount of \$5 a month for the first three months of supervision.
7. The Defendant shall pay a \$25 time payment fee, if applicable;
8. Complete 0 hours of Community Service Work at an agency approved by the Court, at no less than _____ hours per month;
9. Commit no offense against the laws of Texas or any other State or the United States;
10. Avoid injurious and vicious habits;
11. Avoid persons or places of disreputable or harmful character;
12. Report to the Community Supervision Department once a month or as otherwise directed;
13. Permit the Community Supervision Officer to visit you anytime at home or elsewhere;
14. Actively seek, obtain and maintain suitable employment as far as possible;
15. Remain within the limits of Bowie County and not leave therefrom without permission of the Court;
16. Support your dependents you now have or you may acquire during the period of supervision;
17. Totally abstain from the possession or use of any controlled substance, narcotic, dangerous drug, inhalants or prescription drug without first obtaining a prescription from a licensed physician;
18. Submit to chemical testing for the purpose of determining drug or alcohol use;
19. Submit to persons approved by the Community Supervision Department for the purpose of being evaluated to determine the appropriateness of alcohol or drug rehabilitation, and complete such program if needed;
20. Report to the Community Supervision Officer within 48 hours any change in address, employment and all arrests;
21. Participate in Adult Basic Education until the 7th grade level is obtained, or obtain a GED or equivalent, as determined by the Community Supervision Department;
22. Attend Job Skill Training Class as imposed by the Community Supervision Department.

IN ADDITION TO THE FOREGOING, THE DEFENDANT SHALL ALSO (IF CHECKED):

23. Evaluation and Treatment
24. () Successfully complete DWI/DWI Repeat Offender/Drug Education Program within 180 days from the date placed on supervision and pay assessed fee for said program;
25. () The defendant shall not operate a motor vehicle unless the vehicle is equipped with an ignition interlock device prescribed by Article 42.12, Section 13(i);
26. () The Defendant's driver's license will be suspended for a period of _____ months;
27. () Serve _____ days in jail;
28. () Completely abstain from the possession and use of any alcoholic beverages and drugs; random alcohol and drug testing; RAD fee;
29. () Pay \$ _____ (0-100) to the Domestic Violence Shelter;
30. () Attend domestic violence/anger management classes as prescribed by the Domestic Violence Shelter, and pay assessed fees for said program;
31. () Community service hours are waived if fine and court costs are paid within 45 days;
32. () Attend Personal Development Seminar as imposed by the Community Supervision Department.

Exhibit 12

Tuesday, July 18, 2006

Attorney General Abbott Obtains Guilty Pleas In Bowie County Voter Fraud Case

Texarkana city councilwoman and co-defendant admit to ballot offenses

TEXARKANA - Texas Attorney General Greg Abbott has accepted guilty pleas from two Bowie County women who admitted they illegally handled mail-in ballots during the November 2004 general election.

Texarkana Ward 2 City Councilwoman Willie J. Ray, 69, pleaded guilty Monday to the Class B misdemeanor charge of handling mail-in ballots of another person and agreed to serve eight months probation and pay a \$200 fine. Co-defendant Jamillah Johnson, 30, agreed to six months probation and a fine of \$200.

A third defendant, Melinda Hunter, 35, will undergo a supervised six-month pretrial diversion, the successful completion of which will determine whether a similar charge against her is dropped. All three defendants were indicted by a Bowie County grand jury in February.

“These guilty pleas demonstrate precisely why it is so important to uphold the integrity of our election process in this state,” said Attorney General Abbott. “We will visit justice upon any who ignore the fact that we have election laws in Texas and they apply to everyone.”

The three women illegally assisted elderly and other voters in their applications for mail-in ballots. When the ballots were delivered by mail, the women collected the completed ballots, then mailed them for the residents. The offense is a violation of Chapter 86 of the Texas Election Code.

Today’s development results in six guilty pleas, one conviction and nearly a dozen indictments entered since the Attorney General began investigating referrals alleging voter fraud from the Secretary of State in mid-2005.

On June 28 Trinidad Villalobos, 60, of Pecos in Reeves County was found guilty by a jury of illegally possessing and handling election ballots of several voters during the March 2004 primary election. She was sentenced to six months probation on each count.

Also in June, the Attorney General obtained his administration’s first felony indictment for voter fraud. In this case, the Attorney General alleged Maria Dora Flores, 65, of Nueces County, illegally marked ballots for other voters without their consent during early voting for the March 2006 Democratic primary. The offense is a third-degree felony that could result in from two to 10 years in state prison and a \$10,000 fine.

In a separate case, four other Nueces County women were indicted in December for mail-in ballot violations during the May 2005 Robstown Independent School District election. Two of those defendants have pleaded guilty and one was sentenced in May to one year probation and a \$500 fine.

-30-

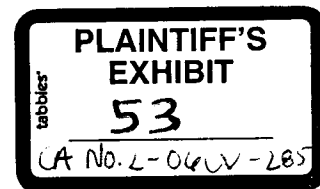


Exhibit 13

WILLIE RAY INDICTED AND CONVICTED

Press Release: Friday, February 17, 2006 **Attorney General Abbott Wins Indictments Against Texarkana Official**, for illegally handling mail-in ballots for seniors and other voters during the November 2004 general elections. A Bowie County grand jury indicted Texarkana Ward 2 City Councilwoman Willie J. Ray, 68, on charges of illegally possessing and transporting election ballots of several voters. Ray was charged with seven counts. When the ballots arrived by mail, the women returned to these homes to collect completed ballots and mailed them for the residents. To read entire press release see link <http://www.oag.state.tx.us/oagnews/release.php?id=1459>

Press Release: Tuesday, July 18, 2006 **Attorney General Abbott Obtains Guilty Pleas In Bowie County Voter Fraud Case**. Texarkana Ward 2 City Councilwoman Willie J. Ray, 69, pleaded guilty Monday to the Class B misdemeanor charge of handling mail-in ballots of another person and agreed to serve eight months probation and pay a \$200 fine. To read entire press release see link <http://www.oag.state.tx.us/oagnews/release.php?id=1657>

Residents Of Texarkana Is It Time For A Change?

Published and paid for by Concern Citizens - Jenana Hines

Texarkana Gazette 4-30-07
P. 5A



Exhibit 14

From: Press Office

Sent: Sep 21, 2006 5:38 PM

Subject: Statement from Solicitor General Ted Cruz

FOR IMMEDIATE RELEASE Thursday, September 21, 2006

<http://www.oag.state.tx.us/>

Solicitor General Ted Cruz issued the following statement

This lawsuit has no basis in law --- the plaintiffs are a combination of political operatives and individual criminals who have already pleaded guilty to voter fraud. We will vigorously defend this baseless lawsuit to ensure that admitted criminals like the plaintiffs will not be able to defraud Texas voters and undermine the integrity of Texas elections.

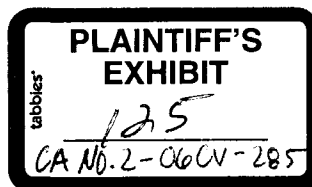


Exhibit 15

THE CAMPAIGN LEGAL CENTER
1640 Rhode Island Avenue, NW
Washington, DC 20036

+ + + + +

ATTORNEY GENERAL'S INTERVIEW
WITH GLORIA MEEKS

+ + + + +

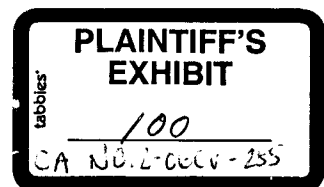
THURSDAY,
AUGUST 10, 2006

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This transcript produced from an
audio CD provided by the Campaign Legal Center

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COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433



1 P R O C E E D I N G S

2 (8:20 a.m.)

3 MR. GUEVARA: Today is August 10th,
4 2006, approximately 8:20 a.m. I'm Henry
5 Guevara with the Attorney General's Office
6 with Lieutenant Mitchell, attempting to
7 contact Gloria J. Meeks, 2408 Rodeo Street,
8 76119. See if she's home. Would you lock it,
9 sir. Hello. How are you doing, sir?

10 MALE SPEAKER: Good morning. Yes?

11 MR. GUEVARA: We're looking for
12 Gloria Meeks.

13 MALE SPEAKER: Just a minute.

14 MS. MEEKS: Yes?

15 MALE SPEAKER: Just a minute. She
16 said y'all was peaking through the bathroom
17 window. She's in there trying to get dressed.

18 MR. GUEVARA: Oh, is this the
19 bathroom window?

20 MS. MEEKS: Yes, and you have no
21 business peaking through that.

22 MR. GUEVARA: Oh, pardon me. We

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WASHINGTON, D.C. 20005-3701

1 just walked up.

2 MALE SPEAKER: She'll be dressed
3 in a minute.

4 MR. GUEVARA: Okay. Thank you.
5 Six Four Six Mary Lincoln Henry, we are here.

6 MS. MEEKS: Okay. Yes?

7 LT. MITCHELL: Good morning,
8 ma'am.

9 MR. GUEVARA: Good morning, ma'am.

10 MS. MEEKS: Good morning.

11 MR. GUEVARA: My name is Henry
12 Guevara.

13 MS. MEEKS: Yes.

14 MR. GUEVARA: This is Forrest
15 Mitchell, Detective with the Attorney
16 General's Office.

17 MS. MEEKS: Uh-huh.

18 MR. GUEVARA: Wanted to come by
19 and see if I could ask you a few questions.

20 MS. MEEKS: Come on in.

21 MR. GUEVARA: Thank you very much.
22 I'm sorry to bother you this early in the

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1 morning.

2 MS. MEEKS: You were peaking
3 through the bathroom window.

4 MR. GUEVARA: Oh, I'm sorry.
5 Didn't mean to peak through the window. We
6 just were walking up, and we saw somebody
7 there. I didn't know.

8 MS. MEEKS: And I'd been trying -

9 MR. GUEVARA: Oh, well, I really
10 thought it was your kitchen, ma'am.

11 MS. MEEKS: No, you don't forget
12 to go by the -

13 MR. GUEVARA: Well, I understand
14 that, ma'am. Do you have a couple of minutes
15 where we could talk to you for a little bit?

16 MS. MEEKS: Yes, sir. I'm getting
17 ready for the doctor, so you've got to make it
18 briefly.

19 MR. GUEVARA: Okay. How much time
20 do you have?

21 MS. MEEKS: I don't have much
22 time.

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WASHINGTON, D.C. 20005-3701

1 MR. GUEVARA: Okay. Do you mind
2 if we sit down a little bit?

3 MS. MEEKS: Go ahead.

4 MR. GUEVARA: Thank you. There's
5 something I'd like to show you, ma'am. And
6 perhaps, maybe you can help me out with it, or
7 help us out with it. This is a mail-in ballot
8 application regarding the March primary, the
9 Democratic primary back in March.

10 MS. MEEKS: Uh-huh.

11 MR. GUEVARA: Is this your
12 signature here, ma'am?

13 MS. MEEKS: Yes, it is.

14 MR. GUEVARA: Okay. This right
15 here, this writing here, is this your writing
16 as well, ma'am? You're welcome to take a look
17 at that if you need to.

18 MS. MEEKS: They probably took it
19 out of the phone bank some place. Just call
20 up and see if somebody wants them, you just
21 write their name and send them to them. And
22 then they sign it and mail it in.

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COURT REPORTERS AND TRANSCRIBERS

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WASHINGTON, D.C. 20005-3701

1 MR. GUEVARA: Oh, I see. So
2 there's a phone bank -

3 MS. MEEKS: I called the phone
4 bank. And we just mail it out.

5 MR. GUEVARA: Okay. So you called
6 somebody, or did you call, or somebody else
7 call in?

8 MS. MEEKS: Call in the phone
9 bank.

10 MR. GUEVARA: Okay. And is the
11 phone bank here?

12 MS. MEEKS: No, no, no. It's
13 (inaudible) it's different places.

14 MR. GUEVARA: So there are several
15 phone banks.

16 MS. MEEKS: Whoever is running the
17 campaign, there is phone banks all over.

18 MR. GUEVARA: Okay. Ma'am, do -

19 MS. MEEKS: But you have to go and
20 talk to everyone.

21 MR. GUEVARA: Okay. Let me ask
22 you, Ms. Meeks. Do you go around the

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WASHINGTON, D.C. 20005-3701

1 neighborhood, have you contacted anybody
2 during the elections and handed out these
3 forms, or helped assist anybody -

4 MS. MEEKS: I met with a man, and
5 then somebody tell me to come by, then I go
6 by.

7 MR. GUEVARA: Okay.

8 MS. MEEKS: And that's all.

9 MR. GUEVARA: Okay. What do you
10 go by and do with them?

11 MS. MEEKS: They want you to read
12 something to them, could be a letter.

13 MR. GUEVARA: Yes, ma'am.

14 MS. MEEKS: Something they want
15 you to read.

16 MR. GUEVARA: Yes, I know -

17 MS. MEEKS: I could not understand
18 this. Will you please read it to them.

19 MR. GUEVARA: I see.

20 MS. MEEKS: Most of the time we
21 can read it to them on the telephone.

22 MR. GUEVARA: I see. And is it

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1 only this form? This is the mail-in ballot
2 application.

3 MS. MEEKS: Yes, it's a mail-in
4 ballot.

5 MR. GUEVARA: Is that the form
6 they ask you to read to them, or do they ask
7 you for help with any forms?

8 MS. MEEKS: No.

9 MR. GUEVARA: Okay. So there's
10 nobody that would say that you helped them
11 with the ballot or anything like that.

12 MS. MEEKS: No, no, no.

13 MR. GUEVARA: Okay. Okay. Is
14 that your signature as well, ma'am? You're
15 double checking. That's the carrier envelope.

16 MS. MEEKS: Right.

17 MR. GUEVARA: Okay. Just double
18 checking. That's from a house, I want to find
19 out what -- there's a few other questions I'd
20 like to ask you, ma'am. We've talked to some
21 voters in the area.

22 MS. MEEKS: Uh-huh.

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1 MR. GUEVARA: And there's some
2 people that have indicated that you helped
3 them out with their applications?

4 MS. MEEKS: You have seniors
5 citizens, this is people that cannot get out
6 of the house.

7 MR. GUEVARA: Okay. Yes, ma'am.

8 MS. MEEKS: And they have called
9 me.

10 MR. GUEVARA: Uh-huh.

11 MS. MEEKS: And that's about it.

12 MR. GUEVARA: Okay. What do they
13 call you and ask you to do?

14 MS. MEEKS: Most of the time I had
15 to go by and drop off stamps.

16 MR. GUEVARA: Oh, I see.

17 MS. MEEKS: Some of them I just
18 dropped stamps off in the mailbox.

19 MR. GUEVARA: Okay.

20 MS. MEEKS: But normally, when you
21 send the applications, you send the stamps on
22 with it. That's what all the rest of them do

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1 in Dallas. We're not doing anything illegal.

2 MR. GUEVARA: Okay.

3 MS. MEEKS: The only thing I can
4 see that they're doing is targeting the
5 Hispanic people and the Blacks. You're not
6 getting the rest of the people.

7 MR. GUEVARA: Well, we're -- I'm
8 just here asking questions, ma'am. I'm not -

9 MS. MEEKS: I shouldn't say
10 anything unless I have an attorney with me,
11 but I don't have one.

12 MR. GUEVARA: Okay.

13 MS. MEEKS: But I can get one.

14 MR. GUEVARA: Okay.

15 MS. MEEKS: Because I have not
16 done anything illegal, and I don't plan on
17 doing anything illegal.

18 MR. GUEVARA: Okay. So would you
19 prefer not to talk to me? You don't have to
20 talk to me.

21 MS. MEEKS: Okay. Well, then I
22 don't have to say anything else.

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1 MR. GUEVARA: Okay.

2 MS. MEEKS: But there is people
3 that has -- I have people in their seventies,
4 has never registered to vote. These are the
5 people that we want to get out to vote. And
6 since you guys are going around, people are
7 calling up saying oh, we're not going to vote
8 any more, so you all are going to get what you
9 want to do, target the Blacks, target
10 Hispanics, and they don't vote, so I will vote
11 (inaudible). Now, that's bad.

12 MR. GUEVARA: Okay. Well, I
13 appreciate your time, ma'am. I won't ask you
14 any more questions.

15 MS. MEEKS: Okay.

16 MR. GUEVARA: I know you asked for
17 an attorney, so -

18 MS. MEEKS: I'm going to see my
19 attorney.

20 MR. GUEVARA: Do you -

21 MALE SPEAKER: Do you know who he
22 is?

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1 MS. MEEKS: I don't know, because
2 I haven't got one, but I'm not going to put up
3 with this, because I have not done anything
4 illegal.

5 MR. GUEVARA: Okay. Okay.

6 MS. MEEKS: And I'm sure you'd be
7 doing the same thing.

8 MR. GUEVARA: Okay. All right.

9 MS. MEEKS: You should see at the
10 courthouse when you go down there.

11 MR. GUEVARA: Okay.

12 MS. MEEKS: Oh, people have called
13 up, yes. They need rides to the polls. Yes,
14 I still take them to the polls.

15 MR. GUEVARA: Okay.

16 MALE SPEAKER: Do you have a card?

17 MR. GUEVARA: I do. Well, Ms.
18 Meeks, let me leave you with my business card
19 here. And if you go ahead and get an
20 attorney, if you would let me know who that is
21 so I can speak with your attorney at some
22 point in time. Again, that's who I am. We're

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1 out of Austin. We're with the Attorney
2 General's Office, and if your attorney wants
3 to talk to me, that's fine. If at any point
4 in time you want to talk to me, feel free to
5 give me a call, and I'll be able to help you.

6 MS. MEEKS: I'll call up the Legal
7 Department (inaudible).

8 MR. GUEVARA: Okay.

9 MS. MEEKS: We're not doing
10 anything illegal.

11 MR. GUEVARA: Okay.

12 MS. MEEKS: Everything we're doing
13 is legal.

14 MR. GUEVARA: Okay.

15 MS. MEEKS: So how come all this
16 is going on? Why?

17 LT. MITCHELL: Our office is
18 conducting criminal investigations throughout
19 the state, all over the state, for violations
20 of Texas election -

21 MS. MEEKS: Uh-huh.

22 LT. MITCHELL: These can be

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1 anything from illegal voting, to poll fix
2 violations where election officials commit
3 violations, to mail-in ballot violations, and
4 we investigate a wide variety of mail-in
5 ballot violations.

6 MS. MEEKS: Uh-huh.

7 LT. MITCHELL: People assisting
8 with the applications in the presence of the
9 voter, and failing to sign. The people -

10 MS. MEEKS: I know that we have to
11 assist someone with it, I know you're supposed
12 to witness their signature.

13 LT. MITCHELL: Did you do it in
14 their presence? That's correct.

15 MS. MEEKS: And they said I have,
16 so --

17 LT. MITCHELL: And if you pick up
18 any ballots, you're required to sign on the
19 carrier envelope, as well.

20 MS. MEEKS: Uh-huh.

21 LT. MITCHELL: So these are the
22 kinds of investigations that we do throughout

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1 the state.

2 MS. MEEKS: Uh-huh.

3 LT. MITCHELL: And we act upon
4 referral from the Secretary of State's office.

5 MS. MEEKS: Uh-huh. Okay.

6 MR. GUEVARA: Okay. Well, thank
7 you very much, Ms. Meeks. Appreciate your
8 time.

9 MS. MEEKS: (Inaudible.)

10 MR. GUEVARA: Okay. Have a good
11 day.

12 MS. MEEKS: You have one, too.

13 MR. GUEVARA: 0828 hours.

14 (End of Audio.)

15

16

17

18

19

20

21

22

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Interview of Gloria Meeks

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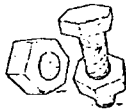
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Exhibit 16

**CAMPAIGNS AND VOTER
ASSISTANCE**

The Nuts and Bolts



June 23, 2006
Presented by Ann McGeehan
Texas Secretary of State's Office

***ABOUT THE OFFICE OF
THE SECRETARY OF STATE***

• The Secretary of State is Roger
Williams



***THE OFFICE OF
THE SECRETARY OF STATE***

The Secretary of State is one of six
state officials named by the Texas
Constitution to form the Executive
Department of the State. The
Secretary is appointed by the
Governor, with confirmation by the
Senate, and serves at the pleasure of
the Governor.

*Stephen F. Austin, the First
Secretary of the Republic of Texas*



**PLAINTIFF'S
EXHIBIT**

34

CA NO. 2-06CV-285

The Secretary of State and Elections

- The Secretary serves as Chief Election Officer for Texas, assisting county and local election officials and ensuring the uniform application and interpretation of election laws throughout Texas.

Other SOS Duties

The Office of the Secretary of State performs a number of government functions in addition to elections, including recordkeeping,

- Recordkeeping
- Statutory Documents
- Maintenance of the State Seal
- International Relations

Other SOS Duties - Recordkeeping

The Office of the Secretary of State:

- provides a repository for official and business and commercial records required to be filed with the Office;

Other SOS Duties - Statutory Documents

The Office of the Secretary of State:

- publishes government rules and regulations and commissions notaries public;

*Other SOS Duties - Maintenance of the
State Seal*

The Office of the Secretary of State:

- serves as keeper of the state seal and attests to the Governor's signature on official documents;

*Other SOS Duties - International
Relations*

The Office of the Secretary of State:

- serves as senior advisor and liaison to the Governor for Texas Border and Mexican Affairs, and serves as Chief International Protocol Officer for Texas.

ELECTIONS DIVISION

- provides assistance and advice to election officials on the proper conduct of elections
- administers and maintains the Texas Voter Registration System
- maintains a statewide master file of all registered voters

Campaign Assistance

The Texas Election Code regulates the following types of assistance:

1. registering voters;
2. requesting mail ballots;
3. voting ballots by mail and in person at the polls.

VOLUNTEER DEPUTY REGISTRARS

- Registering Voters
 - Anybody can distribute voter registration applications (children, non-U.S. citizens, candidates, etc.)

***VOLUNTEER DEPUTY REGISTRARS -
continued***

- Registering Voters
 - Only a VOLUNTEER DEPUTY REGISTRAR may collect voter registration applications *Tex. Elec. Code Ann. § 13.038 (Vernon 2003).*

Qualifications of a Volunteer Deputy Registrar

- 18 years of age or older *Id. 13.031*
- No convictions of failing to deliver a completed voter registration to the voter registrar *Id. 13.036*

How To Become a Volunteer Deputy Registrar

- Contact the county voter registrar (in most counties, the county voter registrar is the tax assessor-collector)

How To Become a Volunteer Deputy Registrar - continued

- County voter registrar may not refuse to appoint an eligible resident of the county (may appoint deputies who reside in other counties) *Id. 13.032*

How To Become a Volunteer Deputy Registrar - continued

- Voter registrar will make appointment and issue a certificate of appointment and a receipt book. *Id. 13.033*

Duties of a Volunteer Deputy Registrar - Duty to Register

- A volunteer deputy voter registrar may distribute and accept a voter registration application form from any resident of the county who is:
 - A United States citizen;
 - A resident of the county;
 - At least 17 years and 10 months of age;

Duties of a Volunteer Deputy Registrar - continued

- A volunteer deputy voter registrar may distribute and accept a voter registration application form from any resident of the county who is:
 - Not a convicted felon (unless the person's sentence has been completed, including probation or parole); or
 - Not a person who has been declared mentally disabled.

*Duties of a Volunteer Deputy Registrar-
Voter Updates*

- A volunteer deputy voter registrar may also distribute and accept applications from voters who wish to change or correct information on their voter registration certificate (such as name or address).

Accepting Applications - Responsibilities

- A volunteer deputy registrar may help a person fill out an application.
- Voters may correct or update information on their current voter registration certificate by filling out a new registration form and checking the "change" box.
- You may help a person fill out the registration form if he/she cannot read or has a physical disability.

*Accepting Applications - Responsibilities
cont'd*

- If an applicant cannot sign his/her name on the form, the applicant may make a mark on the signature line. Print the name of the applicant beside the mark. Sign your name and address as the witness and state the reason the applicant is unable to sign.

*Accepting Applications - Responsibilities
cont'd*

- You may allow another registered voter (or anyone who has submitted a registration application) to fill out and sign an application for his or her spouse, parent or child. That person must sign the application as "agent" and state the relationship to the applicant on the registration form. The "agent" must have the permission of the applicant to do this.

*Accepting Applications - Responsibilities
cont'd*

- Fill out a receipt for each applicant. Give the applicant the receipt. The duplicate receipt must be delivered to the voter registrar along with the application. You may wish to keep a copy or stub for your records.

Reviewing Application

- While the applicant is in your presence, the application must be reviewed for completeness. The application must include:
 - Full name, including any middle, or former name;

Reviewing Application - continued

- The application must also include:
- Residence address, which must be a street address or a description of the location of the residence;

Reviewing Application - continued

- Valid mailing address, if mail can't be delivered to the residence address;
- Signature of applicant and date of signing;
- Date of birth, including month, day, and year;

Reviewing application - continued

- Citizenship question is answered either yes or no;
- Texas driver's license number or personal I.D. issued by the Department of Public Safety

Reviewing application - continued

- If no driver's license # or personal I.D. #, make sure the voter provides the last 4 digits of his/her social security number; if voter has none of these identification numbers, then the appropriate box must be checked;

Reviewing application - continued

- Be sure the applicant has read the statements that he is signing regarding qualifications to register; and
- If an agent is registering for an applicant, be sure the agent provides his/her relationship to the applicant

Prohibited Actions

- A volunteer deputy registrar may NOT determine if the applicant is actually qualified to register to vote; or
- A volunteer deputy registrar may NOT make the applicant provide his/her telephone number.

Delivery of Applications

- **FAILURE TO DELIVER AN APPLICATION IN A TIMELY MANNER IS A CRIMINAL OFFENSE.**

Delivery of Applications - continued

- **Completed registration applications and receipts must be delivered in person to the voter registrar no later than 5 p.m. on the 5th day after the date you receive them.**

Delivery of Applications - continued

- **SPECIAL NOTE: To be eligible to vote, a person must be registered 30 days before Election Day.**

Delivery of Applications - continued

- **SPECIAL NOTE continued: If application received after the 34th day and before the 29th day before the date of any election in the county, deliver the application to the county voter registrar no later than 5 p.m. of the 29th day before Election Day.**

Delivery of Applications - continued

- **SPECIAL NOTE:** If the 29th day before Election Day falls on a Saturday or Sunday or on a legal state or national holiday, the deadline for delivering the applications is extended to 5 p.m. of the next regular business day.

The Voter Registration form - Summary

- Name
- Residence address—problems with residence address can't acquire residence at the state hospital, suggest close relative, call SOS office
- Mailing address
- Driver's license number
- Social Security number, **MAY BE REQUIRED**

The Voter Registration form - continued

- Gender, Telephone Number, **OPTIONAL**
- City and County of Former Residence
- Agent (husband, wife, father, mother, son, or daughter)
- US Citizen
- Signature
- Must review for completeness

The image shows a detailed scan of a voter registration form. At the top, there is a 'BUSINESS REPLY MAIL' label. Below it, the form is divided into several sections with checkboxes and text boxes. Key sections include:



- IN COUNTY OF VOTERS:** A section with a checkbox and the text 'COUNTY OF _____ STATE OF MISSOURI'.
- STATE OF MISSOURI:** A section with a checkbox and the text 'STATE OF MISSOURI'.
- Agent Information:** A section with checkboxes for 'Agent (husband, wife, father, mother, son, or daughter)' and 'US Citizen'.
- Signature:** A section with a line for a signature and a checkbox for 'Must review for completeness'.
- Other Fields:** Various other fields for name, address, and contact information.

 The form is densely packed with text and checkboxes, typical of a government document.

Last Name _____ First Name _____ Middle Name (if any) _____ Former Name _____
 Residence Address: Street Address and Apartment Number, City, State, and ZIP Code. If you do not have a street address, please provide a P.O. Box or A.M.S. No. _____
 Mailing Address: Street Address and Apartment Number or P.O. Box, City, State and ZIP Code. If mail should be directed to your residence address. _____
 Date of Birth: month, day, year _____ Gender: (M) Male (F) Female _____
 TX Driver's License No. or Personal I.D. No. _____
 If you are a TX Driver's License or Personal I.D. No. holder, please provide the last 4 digits of your Social Security Number _____
 I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law. Conviction of this crime may result in imprisonment for 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 I have not been declared mentally incompetent by final judgment of a court of law. _____
 Check if you do not have a Social Security Number _____
 Telephone Number, include Area Code _____
 Signature of Applicant in Agent and Relationship to Applicant or Personal Proxy of Applicant if Signed by Proxy and Date _____

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 see your name on the list, 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.
Complete These Questions Before Proceeding
 Check one Yes No 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" to the question above, do you complete this form? Yes No
 Are you incarcerated in a prison or jail on election day? Yes No
 Continue before to complete application.

General Information
 • Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later.
 • If you move to another county, you must re-register in the county of your new residence.
 • If you decline to register to vote, the fact that you have declined to register will remain confidential and will be used only for registration purposes. If you do register to vote, the identity of the office (if applicable) in which you submitted a voter registration application will remain confidential and will be used only for voter registration purposes.
 • You must provide your Texas driver's license or personal identification number. If you do not have a driver's license or personal identification number, then give the last four digits of your social security number or if you do not have any of these identification numbers, then you must indicate by checking the appropriate box on the application side.
Identification Requirements
 If you do not have a Texas driver's license or a social security number, you will be required to present identification when you vote in person or enclose a copy of such identification with your ballot if you vote by mail. Instead, you may enclose a copy of one of the following with this voter registration application. Identification includes a current and valid ID, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.
 Este formulario está disponible en Español. Favor de llamar sin cargo a la oficina del Secretario de Estado al 1-800-252-8683 para conseguir una versión en Español.

For Assistance Call
 Office of the Secretary of State
 Toll Free:
 1-800-252-VOTE(8683)
 TDD: 1-800-735-2989
 www.sos.state.tx.us

BUSINESS REPLY MAIL
 FIRST CLASS MAIL PERMIT NO. 4511 AUSTIN, TX
 POSTAGE WILL BE PAID BY ADDRESSEE
 REGISTRAR OF VOTERS
 COUNTY COURTHOUSE
 (CITY) _____ (ZIP CODE) _____
 _____, TX _____
 NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES


State of Florida
 Department of State
 Division of Elections
 Form DS-21

RETURN SERVICE REQUESTED

I hereby request that the enclosed ballot be returned to me by mail. I understand that I must pay the return postage for the ballot.

I am requesting that the ballot be returned to me by mail.

I am not requesting that the ballot be returned to me by mail.

*Early Voting By Mail
Chapter 82*

- Which voters are eligible to vote by mail?
A voter who
 - expects to be absent from the county of residency on election day AND during the regular hours for early voting by personal appearance;

Eligibility to Vote by Mail - continued

- is disabled (i.e., the voter has a sickness or disability that prevents the voter from going to a polling place on election day without likelihood of needing assistance or injuring the voter's health);

Eligibility to Vote by Mail continued

- will be 65 years of age or older on election day; or
- is confined in jail as follows:
 - serving time on a misdemeanor sentence which ends on or after election day;
 - pending trial after being denied bail;
 - awaiting the outcome of an appeal of a felony conviction; or
 - unlikely to be released on bail before election day

How to Request a Ballot By Mail

- Each qualified voter that wishes to vote early by mail must submit an application to the early voting clerk for the election who serves the election precinct of the applicant's residence. [Secs. 84.001]
- Official applications must be available from the county clerk and the Secretary of State. [Secs. 84.012 & 84.013]

How many applications may a person or group request

- From County Clerk/Election Administrator's office – one
- From Secretary of State:
 - Individual Request – one
 - Local Race – 100
 - Statewide Race – 500

Informal Applications for Ballot By Mail

- An informal application may be used provided it contains the information required by statute.
- An informal application must: [Secs. 84.001 - 84.004]
 - 1. be in WRITING (i.e., not verbal);
 - 2. be SIGNED by applicant or by witness;
 - 3. contain applicant's NAME;

Informal Application cont'd

- 4. state the RESIDENCE address at which the voter is registered; and
- 5. contain the ADDRESS to which ballot is to be MAILED, IF DIFFERENT from residence address.

Informal Application cont'd

- 6. state the **GROUND(S)** (reason) for voting early (see Section IV):
 - age 65 or older;
 - disability;
 - outside county; or
 - jail.

Informal Application cont'd

- 7. indicate the **TYPE AND DATE** of election for which the voter is applying.

Submission of an application for ballot by mail

- Before early voting by personal appearance begins:
 - Application may be submitted:
 - in person by the applicant;
 - by mail;
 - by common or contract carrier;

Submission of ABBM cont'd

- Application may be submitted by fax, if fax machine is available in the clerk's office AND if applicant is outside of the county;
- Only the voter may deliver his or her application in person to early voting clerk, except if the voter is confined in jail.

Submission of ABBM cont'd

- After early voting by personal appearance has begun, the application must be:
 - mailed; sent by common or contract carrier, or
 - submitted by fax, if fax is available in the clerk's office and if applicant is outside of the county

*Common or Contract Carrier
Section 81.005*

- For purposes of the Election Code, a common or contract carrier is a bona fide, for profit carrier, whose primary business is routinely transporting property.

*Common or Contract Carrier
Section 81.005 - continued*

- The common or contract carrier must be a business that routinely uses a receipt system that allows the carrier to retrieve the information contained on the receipt.

*Common or contract carrier cont'd
Section 86.006(d)*

- The receipt must contain:
 - Name and address of the of delivery person
 - Date, hour, and address at which the ballot envelope was received by the carrier

Common or contract carrier cont'd
Section 86.006(d)

- A delivery of a ballot envelope is prohibited by a common or contract carrier if the delivery originates from the address of:
 - an office of a candidate in the election;
 - a candidate in the election;

Common or contract carrier cont'd
Section 86.006(d)

- A delivery is also prohibited if the delivery originates from a specific-purpose or general-purpose political committee involved in the election

Assisting voter to complete an application for ballot by mail

- If a person assists an applicant in completing his or her application in the presence of the applicant, then the assistant must sign his name and print his name and residence address on the application. Tex. Elec. Code Ann. § 84.003(b).

Failure to sign statement of assistance

- It is an offense for an assistant if he or she fails to sign and include his or her name and residence address
- An offense under this section is a Class A misdemeanor.

*Exceptions to Requirement to Sign as
Assistant*

- **Exception:** Assistant does not need to sign his name if the assistant is related to the voter within second degree (parent, grandparent, spouse, child or sibling) OR if the assistant is registered to vote at the same address as the voter. Tex. Elec. Code Ann. § 84.003(d)

Number of people one may assist

- There is no limit to the number people the person may assist.

*Witnessing an application for ballot by
mail*

- If a voter cannot sign the application because of a physical disability or illiteracy, then the application may be witnessed. Tex. Elec. Code Ann. § 84.003 and 1.011

Witnessing cont'd

- A person commits an offence (Class B misdemeanor) if the person witnesses the application for ballot by mail of more than one voter in the election. Tex. Elec. Code Ann. § 84.004

Witnessing cont'd

- **Exception:** May witness multiple applications if the voters are close family (parent, grandparent, spouse, child or sibling).
- The above procedure must be conducted in the presence of the person who cannot sign. Tex. Elec. Code Ann. § 1.011

Witnessing cont'd

- It is a Class A misdemeanor if a person witnessing or assisting an applicant complete an application by mail and does not follow the requirements outlines above. Tex. Elec. Code Ann. § 84.003

*Assistance to voters
in marking the ballot*

A voter is eligible to receive assistance in marking a ballot, if the voter has:

1. a physical disability that renders the voter unable to write or see; or
2. an inability to read the language in which the ballot is written.

*Definition of Assistance - Section
64.0321*

Assisting a voter includes the following:

1. reading the ballot to the voter;
2. directing the voter to read the ballot;
3. marking the voter's ballot;
4. directing the voter to mark the ballot.

Assisting Voters With Mail Ballots

- Any person who assists a voter in submitting his ballot to the early voting clerk must sign his name and print his name and residence address on the carrier envelope containing the ballot. Tex. Elec. Code Ann. § 86.0051(b)
- Violation of this provision is a Class B misdemeanor.

*Failure to Sign Statement of Assistance
- Affirmative Defense*

- A person may deliver the ballots (carrier envelopes) of persons to whom he is related by the second degree of affinity and the third degree of consanguinity without signing. Tex. Elec. Code Ann. § 86.0051(e)

Delivering Voted Ballots by Mail

- Carrier envelopes may not be collected and stored at another location for subsequent delivery to the early voting clerk. Tex. Elec. Code Ann. § 86.006(e)

*Delivering Voted Ballots by Mail -
Criminal Offense*

- A person commits an offense if the person knowingly possesses an official ballot or carrier envelope other than his own ballot. Tex. Elec. Code Ann. § 86.006(f)
- Category of offense depends on number of ballots.

Illegal Possession of a Ballot

- Class B misdemeanor if person possesses fewer than 10 ballots
- Class A misdemeanor if person possesses at least 10 but fewer than 20 ballots
- State jail felony if the person possesses more than 20 ballots Tex. Elec. Code Ann. § 86.006(g)

Defenses to Prosecution for Possessing an Official Ballot

- Person is related to the voter
- Person is registered at the same address as the voter
- Person signs his name and prints his address on the carrier envelop pursuant to Section 86.0051.
- Person is common or contract carrier

Assisting Voters At the Polls

- Voters may be assisted by any person whom they choose (children, non-citizens) except they cannot be assisted by their employer or labor union representative. Section 64.032

Assistance at the polls cont'd

- If voter does not bring an assistant to the polls, then two election officials must provide the assistance on election day. (Only one election official is necessary during early voting.
- Assistants must take the oath of assistance.

Assistance at the polls cont'd

- Candidates may provide unlimited assistance as long as the voter chooses the candidate.
- If assistance is provided by election officials, then poll watchers are entitled to observe. Section 33.057

Unlawful Assistance

A person commits an offense if the person does any of the following while assisting a voter at the polls:

1. provides assistance to a voter who is not eligible for assistance;
2. prepares the voter's ballot without direction from the voter or other than how the voter directs;

Unlawful Assistance - Continued

3. suggests how the voter should vote; or
 4. provides assistance to a voter who has not requested assistance.
- An offense is a Class A misdemeanor. Section 64.036.

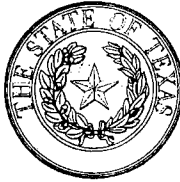
*Office of the Secretary of State
Elections Division*

- P.O. Box 12060
- Austin, Texas 78711-2060
- 512.463.5650 or
- 1.800.252.VOTE (8683)
- Fax 512.475.2811
- TTY 7.1.1
- www.sos.state.tx.us



Exhibit 17

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)

Phil Wilson
Secretary of State

March 27, 2008

Mr. Christopher Coates
Acting Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

EXPEDITED CONSIDERATION REQUESTED

RE: Submission under Section 5, Voting Rights Act, of changes to the Texas Ballot by Mail Carrier Envelope.

Dear Mr. Coates:

The Secretary of State has adopted changes to the ballot by mail carrier envelope ("carrier envelope"). These changes were necessitated by pending litigation, *Willie Ray, et. al. vs. State of Texas, No. 2-06CV-385*, which raised issues relating to the assistance of voters in completing a ballot by mail, possessing another individual's ballot and curtailing voter fraud.

Pursuant to 28 C.F.R. § 51.35, we respectfully request expedited consideration. As soon as preclearance is obtained, the Secretary of State will need to provide the updated language to Texas vendors so they can print several million carrier envelopes in both English and Spanish, and distribute the envelopes to all political subdivisions in the state before the next election season. We would greatly appreciate a response as soon as possible to ensure that all political subdivisions having an election use the most current materials.

Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to the change in procedure:

- (a) & (b) A copy of materials relating to the change in procedure is enclosed herewith. Provided for your review is a copy of the form.
- (c) The Office of Secretary of State has adopted changes to the Texas carrier envelope. A copy of the new form is enclosed with a copy of the current carrier envelope for comparison. Descriptions of the changes follow.

1. Content changes

The content has been amended to reflect the changes that were offered to the 5th Circuit Court of Appeals.

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- 1) The general information note on the top portion of the back side of the carrier envelope has been changed to include a warning to all persons handling the carrier envelope or assisting the early voting by mail voter in any way. The warning is consistent with the current Texas Election Code (the "Code"), Section 86.0051 which provides a criminal penalty for any person knowingly possessing another person's ballot or carrier envelope without including signature and address of the individual in possession. The warning printed in bold at the top of the informational side of the carrier envelope is intended to curtail voter fraud and provide notice to all individuals assisting an early voting by mail voter.
 - 2) The "Instructions to Voter" section of the carrier envelope and the "Oath of Assistance" section do not contain any changes or additions.
 - 3) The signature line for the voter has been moved to the right side of the informational portion of the carrier envelope to provide more space for the voter's signature and to allow for larger print so the voter can identify the requirement for his/her signature.
 - 4) Under the voter's signature line is the oath of the person providing assistance to the voter. The oath does not contain any changes or additions.
 - 5) Below the "oath of person assisting voter" is a line for the assistant or witness to include his/her information, as required by law. This portion has been modified to include the requirement for the printed name and signature of all witnesses or assistants who may have "handled the ballot or carrier envelope." The addition merely tracks the language of Section 86.0051 of the Code to inform individuals that any handling of the ballot or merely depositing the ballot in a mail box for the voter requires them to include their information and signature on the carrier envelope.
 - 6) The front part of the carrier envelope has been amended to include another warning to all individuals assisting a voter. The warning is the same one contained on the back side of the carrier envelope indicating that it is a crime to possess another person's ballot or carrier envelope if the person does not include his/her name and address on the envelope. As stated above, the warning is consistent with Section 86.0051 of the Code. The warning is intended to curtail voter fraud and provide notice to all individuals assisting an early voting by mail voter.
2. Spanish Language changes

The prior carrier envelope as well as the modified carrier envelope contains both English and Spanish on the same envelope. The modifications and additions to the envelope in English have been provided for in Spanish as well.

- (d) The submitting authority is the Honorable Phil Wilson, Secretary of State of Texas, in his capacity as chief elections officer of Texas. The Secretary of State's office may be reached at P.O. Box 12060, Austin, Texas 78711-2060, (512) 463-5650.
- (e) Not applicable.
- (f) Not applicable.
- (g) The authority responsible for the change in procedure is the Honorable Phil Wilson, Secretary of State of Texas.
- (h) These changes were initiated as a result of litigation in the 5th Circuit Court of Appeals, *Willie Ray, et. al v. State of Texas, No. 2-06CV-385*, pertaining to issues with assistance of ballot by mail voters and voter fraud. This case was recently remanded to the U.S. District Court for the Eastern District of Texas.
- (i) The case is currently still before the U.S. District Court for the Eastern District of Texas.
- (j) The changes to the form will take effect as soon as preclearance is obtained.
- (k) The provisions of the change have not been implemented because the State of Texas did not want to encourage vendors to print, or Texas counties to purchase and use, a form that has not yet been precleared.
- (l) These procedures will affect voters throughout the state of Texas.
- (m) The reason for the change is to provide additional information relating to the process governing the acts of assisting and witnessing the actions taken by early voting by mail voters. This information is intended to enhance understanding of these provisions and to curtail voter fraud.
- (n) This change will not affect members of any racial or linguistic minority differently from the way the general public is affected. The change does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority. For further information regarding the change, contact:

Ann McGeehan
Director of Elections
Office of the Texas Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
(512) 463-5650

- (o) There is pending litigation concerning the subject matter of the change. The litigation relating to the subject matter of this Act was *Willie Ray, et. al v. the State of Texas, No. 2-06CV-385*. The United States District Court for the Eastern District of Texas, Marshall Division, granted the plaintiff's request for preliminary injunction on the application of

Section 86.006(f) on October 30, 2006, finding that “§ 86.006 prevents {Plaintiffs} and dissuades others, under the pain of prosecution, from participating in legitimate organizational efforts designated to maximize early voter turnout.” The court’s decision was appealed by the State to the United States Court of Appeals for the Fifth Circuit. The Fifth Circuit remanded the case back to the trial court and the new trial is scheduled for May 28, 2008.

- (p) Section 86.0051 was added to the Code by House Bill 54, Chapter 393, 78th Legislature, 2003 (precleared on November 21, 2003). In addition, the pertinent sections of the Election Code relating to assistance of a voter are Section 85.035 and Section 86.010. Section 85.035 was amended by Senate Bill 1234, Chapter 203, § 2.09, 72nd Legislature, 1991 (precleared on September 23, 1991) and by Senate Bill 1186, Chapter 554, § 1, 72nd Legislature, 1991 (precleared on September 23, 1991). Section 86.010 was last amended by House Bill 1483, Chapter 1381, § 16, 75th Legislature, 1997 (precleared on September 2, 1997). Section 86.006 was added by Senate Bill 616, Chapter 211, 69th Legislature, 1985 § 1 (precleared on August 16, 1985); it was amended by House Bill 54, Chapter 393, § 14, 78th Legislature, 2003 (precleared on November 21, 2003) and most recently amended by House Bill 1987, Chapter 238, 80th Legislature, 2007 (precleared on October 3, 2007).

If you have any questions or need additional information, please contact Cristina Ruiz Blanton, Staff Attorney, Elections Division, at (512) 463-5650.

Sincerely,

Ann McGeehan
Director of Elections

Enclosure

AM:CB:sf