<table>
<thead>
<tr>
<th>Table 8—Survey of Potential At-Risk Population of Texas</th>
<th>Full Sample Un-weighted</th>
<th>Full Sample Weighted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Driver’s License</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>85%</td>
<td>76%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Passport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>39%</td>
<td>40%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Don’t know</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>U.S. Military ID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>19%</td>
<td>18%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>77</td>
<td>79</td>
</tr>
<tr>
<td>Don’t know</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Citizenship Certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>17%</td>
<td>16%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>78</td>
<td>78</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Handgun License</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>9%</td>
<td>8%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>87</td>
<td>88</td>
</tr>
<tr>
<td>Don’t know</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>U.S. Social Security Administration determined that you qualify for an absentee ballot?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>44%</td>
<td>69%</td>
</tr>
<tr>
<td>No</td>
<td>46</td>
<td>24</td>
</tr>
<tr>
<td>Don’t know</td>
<td>10</td>
<td>7</td>
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<tr>
<td>U.S. Veteran’s Affairs determined that you qualify for an absentee ballot?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>17%</td>
<td>8%</td>
</tr>
<tr>
<td>No</td>
<td>67</td>
<td>60</td>
</tr>
<tr>
<td>Don’t know</td>
<td>17</td>
<td>32</td>
</tr>
<tr>
<td>Requiring voters to present ID:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support</td>
<td>65%</td>
<td>61%</td>
</tr>
<tr>
<td>Oppose</td>
<td>35</td>
<td>38</td>
</tr>
</tbody>
</table>
Table 9—Survey of Hispanic Surnames from Potential At-Risk Texas Population

<table>
<thead>
<tr>
<th></th>
<th>Hispanic surname sample</th>
<th>Hispanic surname sample</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Un-weighted</td>
<td>Weighted</td>
</tr>
<tr>
<td>Texas Driver's License</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>76%</td>
<td>78%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Don't have it</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Don't know</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Passport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>55%</td>
<td>52%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Don't have it</td>
<td>41</td>
<td>45</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Military ID</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>16%</td>
<td>13%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Don't have it</td>
<td>82</td>
<td>86</td>
</tr>
<tr>
<td>Don't know</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Citizenship Certificate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>34%</td>
<td>31%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't have it</td>
<td>60</td>
<td>65</td>
</tr>
<tr>
<td>Don't know</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Handgun License</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>7%</td>
<td>8%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Don't have it</td>
<td>92</td>
<td>91</td>
</tr>
<tr>
<td>Don't know</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>U.S. Social Security Administration determined that you qualify for an absentee ballot?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>13%</td>
<td>11%</td>
</tr>
<tr>
<td>No</td>
<td>63</td>
<td>84</td>
</tr>
<tr>
<td>Don't know</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>U.S. Veteran's Affairs determined that you qualify for an absentee ballot?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>13%</td>
<td>11%</td>
</tr>
<tr>
<td>No</td>
<td>75</td>
<td>87</td>
</tr>
<tr>
<td>Don't know</td>
<td>13</td>
<td>3</td>
</tr>
<tr>
<td>Requiring voters to present ID:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support</td>
<td>66%</td>
<td>65%</td>
</tr>
<tr>
<td>Oppose</td>
<td>34</td>
<td>35</td>
</tr>
</tbody>
</table>

Even if the size of the potentially affected population is quite small, the question remains whether any turnout effect would be disproportionately great among Hispanic voters? Looking at the general sample, it appears that amongst those who identify as Hispanic, the possession of some form of ID (as defined above) is actually the same or higher than the rate among white respondents. Hispanic respondents didn’t have any form of identification necessary for voting either 5% of the time (un-weighted) or 6% of the time (weighted), the same rate as for white respondents.

Additionally, when looking at the 600 person Hispanic-surname sample, even fewer respondents indicated not having any of the forms of identification necessary to vote: between 2% (un-weighted) and 3% (weighted). A large part of this positive discrepancy with respect to ID possession is probably due to varying rates of passport possession. In the un-weighted general sample, 45% of Hispanics state...
that they have passports compared with 42% of white respondents—(46% compared with 42% in the weighted sample). Within the Hispanic surname sample, between 53% (weighted) and 56% (un-weighted) indicated possessing a valid passport. Additionally, between 21% (weighted) and 22% (un-weighted) of Hispanics in the general sample indicated possessing a citizenship certificate with their photograph (32% and 35%, respectively, in the Hispanic-surname sample) compared with only 10% and 12% of whites.

Making inferences about African Americans in the sample is slightly more difficult. The reason for this is that unlike Hispanic surname, there is no readily provided piece of information in the full population file that indicates one's race relative to non-Hispanic-surname. On account of this, reporting the weighted numbers is somewhat misleading given that they are not weighted based on the "true" (or "assumed") African American portion of the sample.

Still, the raw numbers from the sample do provide some insight on how SB 14 might affect turnout among African Americans. Out of 196 African Americans in the sample, 18 do not have an acceptable form of voter ID as per SB 14. Ten of those 18 are over 65 years of age, however, and thus qualify for absentee ballots. And another four of the remaining eight self-identify as disabled, and thus also qualify for absentee ballots. In short, four out of 196 African Americans reputedly "at risk" due to Texas's new voter ID law could potentially be affected by SB 14.

Another way to look at the present research is to consider that the purpose of surveying this population of registered voters was to find those respondents whom we specifically expected to be affected by SB 14. What the above shows is that the population of interest is far smaller than it has currently been defined. What is also clear from this analysis is how few people, in raw numbers, we were able to find who would be unable to vote if they wanted to. In the general sample, out 1,238 respondents, we identified 19 respondents who indicated not having any of the necessary forms of ID, were also under the age of 65, and were not disabled. Out of this 19, 3 were actually not registered to vote by their own account. In the Hispanic sample, there were 3 respondents out of 600 who met the above definition and claimed to be registered to vote, and that number drops further to 2 because 1 of those 3 respondents reported not being a United States citizen.

Similar to the scholarship reported above by Ansolabehere (2008; 2009), who found an infinitesimal number of voters actually turned away from voting when attempting to do so, my analysis, which seeks out the at-risk population found 16 respondents out of a 1,238 person general sample (1.3%) and 2 respondents out of a 600 person Hispanic-surname sample (0.33%) who would be unable to vote if SB 14 were implemented.

When appending phone numbers to the population provided, we also appended voting information. Voter registrars do not tell us for whom people voted, of course, but they do tell us whether or not they cast a vote in a given election. Of those 16 respondents from the general sample, 8 have not recorded a general election vote since 2002. Three have voted in every general election (five elections), one has voted four times, one has voted three times, two have voted twice, and one has voted once. What this means is that we're really talking about 0.65% of the
sample who would actually be directly affected by SB 14 who have shown some
history of voting.

One final piece of information is worth noting. Similar to the public opinion
data described below, even amongst this theoretically at-risk population, 65% of the
un-weighted sample and 61% of the weighted sample indicate support for a voter ID
law. Looking at the results across racial identification, 71/69% (un­
weighted/weighted) of whites support voter ID, 59/55% of Hispanics, and 51/57%
of African Americans. The support amongst Hispanics is actually higher in the
Hispanic-surname sample, where 65% (un-weighted) and 64% (weighted) indicate
support.

IV. Voter ID Laws Are Popular

The second main question posed at the outset is the degree of support for
voter ID laws. The data here are over-whelming: no matter how the question is
framed, and no matter which sub-group we examine, and no matter which
jurisdiction we examine, there is majority support for voter ID laws. All of the
results described below can be found in EXHIBIT B.

Nationally, the notion that voters should present some form of identification,
most often a government issued photo-identification or a social security card,
engenders widespread support. In seven nationally representative surveys
conducted between 2006 and 2012, not once was there less than 70% support for a
voter-ID proposal, and in many cases greater than 80% support. A 2006 survey
conducted by the Pew Research Center for the People & the Press found that in
addition to 78% support for the idea that voters should show a government issued
photo-identification, 74% of blacks and 83% of Hispanics supported this proposal.

Not surprisingly, Texas' views on voter-ID laws do not deviate from the
nation as a whole. A Texas Lyceum statewide survey conducted in 2009, which is
distinguished by the fact that it surveys a representative sample of Texans (not just
registered voters), found that 71% of Texans support a voter-ID law, even when
given a two-sided question providing them with the arguments on both sides of the
issue. More remarkable still, 75% of blacks support the proposal as well as 59% of
Hispanics. Additionally, three University of Texas or University of Texas/Texas
Tribune surveys conducted between 2009 and 2011 found between 69 and 75
percent support for a voter-ID requirement providing respondents with a two-sided
question. This support extended to minority groups, with between 53% and 63% of
blacks supporting the proposals, and 64% and 70% of Hispanics.

These proposals also have a high degree of support across political parties.
While between 86 and 92 percent of Republicans favor voter-ID laws, between 54
and 59 percent of Democrats support these requirements as well. In political terms,
this is clearly a winning issue for GOP politicians because Democratic politicians are
forced, based on certain portions of their coalitions, to take what amounts to a very
unfavorable position on these laws. Indeed, the public opinion dynamics here

7 The photo-ID question used in the survey of the potential at-risk population in Texas uses this two­sided frame, even rotating which side is presented first.
suggest that voter ID is the very definition of a "wedge issue"; that is, an issue that serves to divide the opposing party's coalition while uniting your own coalition and attracting independent voters.

In summary, voter-identification laws engender widespread support both nationally and in Texas, they engender this support across the minority groups that these laws are claimed to negatively impact, and they claim wide support amongst Democrats, Independents, and Republicans, giving a very reasonable rationale for Republican promotion of such laws.

V. Conclusion

The main questions considered in this report pertain to the likely impact of SB 14 on voter turnout, especially among minority groups, and the level of support for photo ID laws among the general population. The data are clear on both of these issues. First, the data suggest that while certain groups are typically less likely to have certain forms of photo identification, there is almost no evidence that they are less likely to turn out to vote when photo ID is required. Studies relying on data from the aggregate- and individual-levels, from single states, multiple states, and the nation as a whole tell a similar story: turnout rates appear to be unaffected by the institution of voter ID laws like the one under consideration in the Texas case. Second, there is over-whelming support for voter ID in general, and photo ID in particular, at both the national and statewide level. This support is consistent over the past several years and is unaffected by question framing. From this perspective, it is unsurprising that certain law-makers in Texas would latch on to this issue and pursue it as public policy.
I swear the foregoing is true and correct to the best of my knowledge.

Dated: June 1, 2012

Respectfully submitted.

Daron R. Shaw

Austin, Texas
EXHIBIT A


Perez, Thomas E. (United States Department of Justice, Civil Rights Division). 2012. Department of Justice Letter to Keith Ingram, Director of Elections, Elections Division, Office of the Texas Secretary of State.

EXHIBIT B

National:

There is a debate about state laws that require voters to show a valid form of state or federally-issued photo identification to prove US (United States) citizenship before being allowed to vote. Supporters of these laws say they are necessary to stop ineligible people from voting illegally. Opponents say these laws are unnecessary and mostly discourage legal voters from voting. What do you think?

70% Voter identification laws are needed to stop illegal voting
26% Voter identification laws are unnecessary and discourage legal voting
3% Don’t know

*Survey by Fox News. Methodology: Conducted by Anderson Robbins Research/Shaw & Co. Research, April 9 - April 11, 2012 and based on 910 telephone interviews. Sample: National registered voters. 706 respondents were interviewed on a landline telephone, and 204 were interviewed on a cell phone.

Do you think people should be required to show a valid form of state or federally issued photo identification to prove US (United States) citizenship before being allowed to vote?

80% Yes, should
19% No, should not
1% Don’t know


Do you think requiring US (United States) citizens to show identification before being allowed to vote in elections is a good idea or bad idea?

88% Good idea
9% Bad idea
3% Don’t know

*Survey by Fox News. Methodology: Conducted by Anderson Robbins Research/Shaw & Co. Research, April 3 - April 5, 2011 and based on 914 telephone interviews. Sample: National registered voters. 712 respondents were interviewed on a landline telephone, and 202 were interviewed on a cell phone.
Do you think people should be required to show photo identification or a social security card to prove US (United States) citizenship before being allowed to register to vote?

91% Yes, should
8% No, should not
1% Don’t know


Do you think requiring voters to show photo identification at their polling places before being allowed to vote is a good idea because it helps avoid fraud or a bad idea because it could discriminate against people who don’t have a driver’s license or other photo id?

83% Good idea
15% Bad idea
2% Don’t know


On Election Day, should voters be required to show an official photo identification, such as a Drivers’ License, or shouldn’t they have to do this?

78% Should show Photo ID
18% Should not have to do this
4% Don’t know/refuse

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Should show Photo ID</td>
<td>77%</td>
<td>74%</td>
<td>83%</td>
</tr>
<tr>
<td>Should not have to do this</td>
<td>19%</td>
<td>22%</td>
<td>15%</td>
</tr>
<tr>
<td>Don’t know/refuse</td>
<td>4%</td>
<td>4%</td>
<td>2%</td>
</tr>
</tbody>
</table>

I'm going to read you several major changes that could be made in politics or specific policies. For each one, please tell me whether you would strongly favor, mildly favor, feel neutral about, mildly oppose, or strongly oppose this change....Require voters to produce a valid photo identification when they go to vote.

52%  Strongly favor
19%  Mildly favor
12%  Feel neutral
 3%  Mildly oppose
 4%  Strongly oppose

*Survey by NBC News, Wall Street Journal. Methodology: Conducted by Hart and McInturff Research Companies, April 21 - April 24, 2006 and based on 1,109 telephone interviews. Sample: National adult with an oversample of Hispanics. The sample includes an oversample of 104 Hispanics. Results are weighted to be representative of a national adult population.
Texas:

The Texas legislature recently considered legislation stating that people have to provide photo ID in order to vote in Texas elections. Supporters say such an ID check is required to purchase groceries or receive any government services, and is needed to guarantee the integrity of the electoral system. Opponents say that there is no evidence that unregistered people are voting in Texas and that a voter ID requirement would disproportionately discourage Hispanics and senior citizens, who are less likely to have ID, from voting. Do you support or oppose voter ID legislation? Would that be strongly or just somewhat?

54% Strongly support
17% Somewhat support
8% Somewhat oppose
18% Strongly oppose
3% Don’t know/ Refused/ NA

<table>
<thead>
<tr>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly support</td>
<td>61%</td>
<td>58%</td>
</tr>
<tr>
<td>Somewhat support</td>
<td>17%</td>
<td>17%</td>
</tr>
<tr>
<td>Somewhat oppose</td>
<td>8%</td>
<td>2%</td>
</tr>
<tr>
<td>Strongly oppose</td>
<td>13%</td>
<td>20%</td>
</tr>
<tr>
<td>Don’t know/ Refused/ NA</td>
<td>2%</td>
<td>3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Democrats</th>
<th>Independents</th>
<th>Republicans</th>
</tr>
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<tbody>
<tr>
<td>Strongly support</td>
<td>39%</td>
<td>55%</td>
</tr>
<tr>
<td>Somewhat support</td>
<td>19%</td>
<td>15%</td>
</tr>
<tr>
<td>Somewhat oppose</td>
<td>9%</td>
<td>7%</td>
</tr>
<tr>
<td>Strongly oppose</td>
<td>31%</td>
<td>18%</td>
</tr>
<tr>
<td>Don’t know/ Refused/ NA</td>
<td>3%</td>
<td>5%</td>
</tr>
</tbody>
</table>

*Survey conducted between June 5-12, 2009 of 860 Texans for the Texas Lyceum. The method was a phone survey with Spanish language interviews available upon request.*
Some people argue that requiring registered voters to present government-issued photo identification at the polls reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote. Other people argue that such a requirement has a negligible effect on voter fraud but places significant obstacles on elderly, low-income, disabled, and minority voters. Do you agree or disagree with the idea that registered voters should be required to present a government-issued photo ID at the polls before they can be allowed to vote?

75% Agree  
17% Disagree  
8% Don't know

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>80%</td>
<td>63%</td>
<td>68%</td>
</tr>
<tr>
<td>Disagree</td>
<td>12%</td>
<td>28%</td>
<td>22%</td>
</tr>
<tr>
<td>Don't know</td>
<td>8%</td>
<td>9%</td>
<td>10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Democrats</th>
<th>Independents</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>59%</td>
<td>70%</td>
<td>92%</td>
</tr>
<tr>
<td>Disagree</td>
<td>32%</td>
<td>19%</td>
<td>4%</td>
</tr>
<tr>
<td>Don't know</td>
<td>9%</td>
<td>12%</td>
<td>5%</td>
</tr>
</tbody>
</table>

*Survey conducted between February 11-17, 2011 of 800 registered voters in Texas with a margin of error of +/- 3.46%. The method was an Internet survey administered by YouGov/Polymetrix in English and Spanish.

Some people argue that requiring registered voters to present government-issued photo identification in order to vote reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote. Other people argue that such a requirement has a negligible effect on voter fraud and places significant obstacles on immigrants, elderly, low-income, disabled, and minority voters. Do you agree or disagree with requiring registered voters to present a government-issued photo identification at the polls before they can be allowed to vote?

70% Agree  
17% Disagree  
14% Don't know

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>73%</td>
<td>65%</td>
<td>70%</td>
</tr>
<tr>
<td>Disagree</td>
<td>14%</td>
<td>27%</td>
<td>16%</td>
</tr>
<tr>
<td>Don't know</td>
<td>12%</td>
<td>8%</td>
<td>14%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Democrats</th>
<th>Independents</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>54%</td>
<td>71%</td>
<td>86%</td>
</tr>
<tr>
<td>Disagree</td>
<td>31%</td>
<td>14%</td>
<td>7%</td>
</tr>
<tr>
<td>Don't know</td>
<td>15%</td>
<td>16%</td>
<td>7%</td>
</tr>
</tbody>
</table>

*Survey conducted between June 11-29, 2009 of 924 adults in Texas with a margin of error of +/- 3.22%.
Some people argue that requiring registered voters to present government-issued photo identification in order to vote reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote. Other people argue that such a requirement has a negligible effect on voter fraud and places significant obstacles on immigrants, elderly, low-income, disabled, and minority voters. Do you agree or disagree with requiring registered voters to present a government-issued photo identification at the polls before they can be allowed to vote?

69% Agree  
18% Disagree  
13% Don’t know  

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<th></th>
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<th>Black</th>
<th>Hispanic</th>
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<tr>
<td>Agree</td>
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<td>53%</td>
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<td>Disagree</td>
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<td>21%</td>
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<tr>
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<td>20%</td>
<td>15%</td>
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<table>
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<tr>
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<td>54%</td>
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<td>88%</td>
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<td>32%</td>
<td>14%</td>
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<tr>
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<td>13%</td>
<td>22%</td>
<td>5%</td>
</tr>
</tbody>
</table>

*Survey conducted between February 24 to March 6, 2009 of 800 adults in Texas with a margin of error of +/- 3.22%.*
EXHIBIT C

DARON ROBERT SHAW
Distinguished Teaching Professor

Government Department
University of Texas at Austin
Austin, TX 78712
512-232-7275 (W)
6506 Augusta National Drive
Austin, TX 78746
512-328-0655 (H)
dshaw@austin.utexas.edu

EMPLOYMENT
Professor, University of Texas at Austin, Fall 2008-Present
Associate Professor, University of Texas at Austin, Fall 2001-Spring 2008
Assistant Professor, University of Texas at Austin, Fall 1994-Spring 2001

EDUCATION
University of California, Los Angeles, Ph.D. (1994), Political Science
University of California, Los Angeles, M.A. (1990), Political Science
University of California, Los Angeles, B.A. (1988), Political Science, graduated Summa cum Laude

BOOKS


REFEREED JOURNAL ARTICLES


TEXT BOOKS

EDITED BOOKS

OTHER PUBLICATIONS


WORKS IN PROGRESS


Casellas, Jason, David Leal, and Daron Shaw. "How do Perceptions about Traits Influence Presidential Voting Behavior?"

Baek, Mijeong, Taofang Huang, Brian Roberts, and Daron Shaw. "Does Information about Candidate Contributions Influence Vote Choice?"

Hetherington, Marc, Robert Luskin, and Daron Shaw. "The Democratic Bias (?) in Pre-Election Media Polls: A Tale of Campaign Spending and Partisan Straying and Homecoming across Two Eras."

GRANTS, AWARDS, AND FELLOWSHIPS
College Research Fellowship, Fall 2012
Liberal Arts Instructional Technology Grant, "Understanding Public Opinion," 2009-2010
National Science Foundation, Research Grant, "Black Over-Sample for the American National Election Study" (SES-0840550), 2008-10
University of Texas, Faculty Research Assignment, 2008
National Science Foundation, Doctoral Dissertation Research Grant, "The Communication Contest: Candidate Discourse, News Coverage, and Effects on Voters" (SES-0519275), 2005-06
National Historical Publications and Records Commissioner, 2005
Visiting Fellow, Hoover Institute, Stanford University, 2003-08
Faculty Recipient, J.J. "Jake" Pickle Regents Chair in Congressional Studies, 2002-05
University of Texas Dean's Fellow Award, 1997, 2004
University of Texas Summer Research Assignment, 1997
University of Texas Special Research Grant, 1996-97
Charles F. Scott Political Science Fellowship, 1988-89, 1990-93
Center for American Politics and Public Policy Research Fellowship, 1990

TEACHING EXPERIENCE
Political Parties (1994-2012)
Campaigns and Elections (1994-2011)
Political Behavior (2001)
Teaching Awards
Academy of Distinguished Teachers, 2010.
University Coop Outstanding Graduate Teaching Award, 2009.
President’s Associates Teaching Excellence Award, 2008.
Texas Blazers’ Award for Teaching Excellence, 2005.
Dad’s Teaching Award Fellowship, 2004.

Nominated by the Government Department for President’s Associates Teaching Excellence Award, 2006.
Nominated by the Government Department for the Dad’s Teaching Award Fellowship, 2003.
Nominated by the Government Department for the Friar Centennial Teaching Fellowship, 2002.

Professional Experience
Co-Director, Fox News Poll, 2011-current. Aided with the design, instrumentation, and analysis of all national surveys for Fox News.
Co-Director, University of Texas Government Department Poll, 2008-current. Designed and implemented an online survey of issue and political attitudes across the state of Texas.
Director, Texas Lyceum Poll, 2007-current. Designed and executed a non-partisan statewide survey of Texans.
Member, Board of Overseers, National Election Study, 2006-12. Helped plan and design the biennial national survey.
Member, National Historical Publications and Records Commission, 2005-08. Helped to evaluate federal grant proposals.
Member, Board of Directors, YouGov/Polimetrix, 2004-current. Advised on the planning and execution of a company measuring public opinion via online surveys.
Member, Board of Advisers, Annette Strauss Institute for Civic Participation, 2002-current. Offered advice on the Institute’s programs and overarching goals.
Planning Board Member, 2004 National Election Study. Helped develop and design the survey instrumentation for the 2004 survey.
Member, Fox News Decision Desk, 2002-current. Worked with VNS and EMR in the design and execution of national and statewide exit polls, and with Fox News personnel in the design and implementation of models to determine election winners.
Director of Election Studies, Bush for President, 2000. Estimated vote targets for the primary elections, conducted swing voter analysis for the general election, and assisted in the development of an Electoral College strategy.
Member, Pew Charitable Trust’s “Task Force of Campaign Finance Reform,” 1997-98. Served as one of fourteen academics asked to apply their professional expertise and insights to the practical problem of improving the quality of discourse in American political campaigns.


Assistant Research Director, *Southern California Social Science Survey*, 1990. Helped design and analyze the SCSSS.


**CONFERENCE PAPERS**


PROFESSIONAL ACTIVITIES, SERVICE, AND MEMBERSHIPS


Invited Talks (select listing)—Stanford University, University of Illinois, University of Maryland, UCSD, UCLA, Texas A&M, Miami University, Brookings Institute, Hoover Institute, Clemson University, Northwestern University, Texas Tech University, University of Georgia, Vanderbilt University, University of Pennsylvania.


UNIVERSITY AND DEPARTMENT SERVICE (since 2001)
Chairman, American Politics Field, 2007-current
Graduate Placement Director, 2008-current
Chairman, Political Behavior Field, 2001-02
Member, Government Department Executive Committee, 2001-current.
Chairman, Hogg Professorship Search Committee, 2006-07
Chairman, Erwin Chair Search Committee, 2004-05, 08-09
Chairman, American Politics Search Committees, 2003-04, 2004-05
Chairman, Political Behavior Search Committees, 2002-03, 2004-05
Graduate Student Admissions, 2003
Computer Committee, 2001-04
ADVISING, STUDENT SERVICE (since 2001)

Dissertation Committee Chairman
Brian Arbour (2007 Ph.D.)
Brian Brox (2004 Ph.D.)
Joseph Giammo (2003 Ph.D.)
Daniel Hayes (2006 Ph.D.)
Robert Marbutt (2005 Ph.D.)
Seth McKee (2005 Ph.D.)
Mark McKenzie (2007 Ph.D.)
Jaesung Ryu (2006 Ph.D.)
Eric Svenson
Jeremy Teigen (2005 Ph.D.)
Michael Unger (2007 Ph.D.)
Mijeong Baek (2009 Ph.D.)
Taofang Huang
Matthew Vandenbroek

Dissertation Committee Member
Tamara Bell
Eunjung Choi
Jonghoon Eun
Patrick Hickey
Joanne Ibarra
Donald Inbody
So Young Lee
Ernest McGowen
Dorothy Morgan
Adam Myers
Curt Nichols
Jerod Patterson
Stephanie Sanford
Kris Seago
Mary Slosar
Jenna Tighe
Shinya Wakao
Donald Zinman

Undergraduate Honors Thesis Advisor, 2001-06, 2009-20
EXHIBIT D

Voter Identification Project
Texas Statewide Survey

CONFIDENTIAL DOCUMENT
N=1238 Adults, N=600 Adults with Hispanic Surnames

Hello. May I please speak with [INSERT NAME FROM DATABASE]?  

[IF PERSON DOES NOT LIVE IN THAT HOUSEHOLD]: Okay, thank you for your time and have a nice evening.  

[IF PERSON IS NOT CURRENTLY AVAILABLE]: Okay, we'll try back again another time. Thank you and have a nice evening.  

[WHEN CORRECT RESPONDENT ONLINE]:

We're conducting a survey on behalf of Sentis Research. We're interested in finding out about people's attitudes towards registration and voting in Texas. We would like to include your responses to this survey, which will be kept confidential, with the responses of several hundred other people like you. The survey should take about 6 minutes to complete.  

First,

Q1. Are you registered to vote in the state of Texas?  
   1. Yes, registered  
   2. No, not registered  
   3. Don't know

Q2. There are many elections in the state of Texas. Furthermore, many people intend to vote in a given election, but sometimes personal and professional circumstances keep them from the polls. Thinking back over the past two or three years, would you say that you voted in all elections, almost all, about half, one or two, or none at all?  
   1. Every election  
   2. Almost every election  
   3. About half  
   4. One or two  
   5. None  
   6. Don't know/Refused/NA
[Split-Sample Q3A and Q3B]
Q3A. Some people argue that requiring registered voters to present government-issued photo identification at the polls reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote.

Other people argue that such a requirement has a minimal effect on reducing voter fraud but places significant obstacles on elderly, low-income, disabled, and minority voters.

Which of these comes closer to your opinion: requiring registered voters to present government-issued photo identification reduces voter fraud and does not place major obstacles on those legally entitled to vote; OR, such requirements have minimal effects on voter fraud but place significant obstacles on the elderly, low-income, disabled, and minority voters?

1. Requiring voters to present ID reduces fraud and doesn't place a burden on eligible voters.
2. Requiring voters to present ID has minimal effect on fraud and places major obstacle on many voters.

Q3B. Some people argue that requiring registered voters to present government-issued photo identification at the polls has a minimal effect on reducing voter fraud but places significant obstacles on elderly, low-income, disabled, and minority voters.

Other people argue that such a requirement reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote.

Which of these comes closer to your opinion: requiring registered voters to present government-issued photo identification has a minimal effect on voter fraud but places significant obstacles on the elderly, low-income, disabled, and minority voters; OR, such requirements reduce voter fraud and do not place major obstacles on those legally entitled to vote?

1. Requiring voters to present ID reduces fraud and doesn't place a burden on eligible voters.
2. Requiring voters to present ID has minimal effect on fraud and places major obstacle on many voters.

IDENTIFICATION BATTERY

Next, I'm going to go through some different forms of identification that citizens can have. For each, please tell me, to the best of your knowledge, whether you currently have a valid form of this identification, have an expired form of this identification, or don't have this form of identification.

Q4. A Texas driver's license.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q5. A United States passport.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q6. An election identification card issued by the Department of Public Safety.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q7. A Personal Identification Card issued by the Department of Public Safety.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q8. A United States military identification card with your photograph.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q9. A United States citizenship certificate that contains your photograph

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q10. A license to carry a concealed handgun issued by the Department of Public Safety.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know
Q11. [Ask if NONE of Q4 through Q10 equal 1] As you may know, the Department of Public Safety provides election identification cards free of charge. How likely are you to go to your local DPS office and get an election identification card: very likely, somewhat likely, not very likely, or not at all likely?

1. Very likely
2. Somewhat likely
3. Not very likely
4. Not at all likely

Q12. [Ask if NONE of Q4 through Q10 equal 1] Has the United States Social Security Administration determined that you have a disability?

1. Yes
2. No
3. Don’t know

Q13. [Ask if NONE of Q4 through Q10 equal 1] Has the United States Department of Veterans Affairs determined that you have a disability rating of at least 50%?

1. Yes
2. No
3. Don’t know

These last few questions are for statistical purposes.

HISPANIC. Do you consider yourself to be Hispanic or Latino?

1. Yes
2. No

RACE. [Ask if HISPANIC=2] What would you say is your main race: white, African American, Asian, or something else?

1. White
2. African American
3. Asian
4. Something else

AGE. In what year were you born?

______________ (1910-1994)
INCOME. Would you say that your total household income was less than or greater than $40,000 last year?

1. Less than $40,000.
2. Greater than $40,000.
3. Don't know/Refused.

INCOME2. [Ask if INCOME=1] Would you say that your total household income was less than $15,000 or greater than $15,000?

1. Less than $15,000.
2. Greater than $15,000.
3. Don't know/Refused.

INCOME3. [Ask if INCOME=2] Would you say that your total household income was less than $75,000 or greater than $75,000?

1. Less than $75,000.
2. Greater than $75,000.
3. Don't know/Refused.

EDU. What is the highest level of education that you have received: less than high school, a high school degree, some college, a two-year college degree, a four-year college degree, or a post-graduate degree?

1. Less than high school
2. High school degree
3. Some college
4. Two-year college degree
5. Four-year college degree
6. Post-graduate degree

HOME. Do you currently own or rent your home?

1. Own
2. Rent

GENDER. (By Observation)

CITIZEN. Are you a United States citizen?

1. Yes
2. No
3. Don't Know/NA
Thank you very much for your cooperation and patience. Have a good evening.
GENERAL
LENGTH OF INSTRUMENT – 7 minutes
INCIDENCE – 30%

DISPOSITION REPORT:

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**HISPANIC**
**LENGTH OF INSTRUMENT- 6.1**
**INCIDENCE- 23%**
**DISPOSITION REPORT:**
Hispanic FOR
LOGAN
DAILING ONLY

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Total: 72131
THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff

vs.

ERIC H. HOLDER, JR.,
in His Official Capacity as Attorney
General of the United States,

Defendant.

REBUTTAL EXPERT DECLARATION OF DARON R. SHAW

Overview

Dr. Ansolabehere's report attempts to estimate the number of registered voters in the Texas Secretary of State's (SOS) registered voter list that do not currently have a valid driver's license, personal identification card, or license to carry (LTC) card. He concludes that between 1.5 and 1.9 million registrants do not possess the identifications listed above, and that racial minorities make up a disproportionate share of those registrants.

Dr. Ansolabehere’s analysis does not address the fundamental issue in this case, however, which is whether SB 14 will disproportionately impact the voting rates of different racial groups. There are two major reasons why his analysis does not address this issue: (1) his analysis does not account for all the acceptable forms of ID and other provisions outlined under SB 14, and (2) differential ID possession rates do not translate into differential turnout effects.

In addition, Dr. Ansolabehere’s conclusions about the alleged disparate possession of photo identification amongst minorities in his “no match” population are contradicted by the results of a survey of that population. Like the survey disclosed in my initial report, the results of the survey of Dr. Ansolabehere’s “no match” population do not show a statistically significant difference amongst minority groups in the possession of photo identifications that are acceptable under S.B. 14. The results and implications of this survey are discussed in greater detail below.1

1 Attached as Exhibit A is the instrument used for the survey of Dr. Ansolabehere's “no match” population.
Estimating the “At-Risk” Universe

Dr. Ansolabehere’s findings with respect to the number and nature of registered voters who might be affected by the voter photo ID requirements of SB 14 are attenuated by the fact that he does not consider all forms of acceptable identification and provisions in Texas law that permit certain voters to vote without photo identification.

It is simply not true that those individuals lacking a driver’s license, personal identification card, or LTC card will be unable to vote in 2012 and beyond. Under SB 14, the aforementioned forms of identification are part of a set of acceptable identifications, which also includes a United States Passport, a United States military identification card, or a United States citizenship certificate with photograph. I presume that the United States government (and, by way of inference, the Department of Justice) has information about those possessing U.S. passports, those possessing U.S. citizenship certificates, and those in the military (information that Texas does not have access to), and yet none of these other forms of identification were considered in the analysis Dr. Ansolabehere provided to the court.2

This exclusion is particularly important given that Hispanic registrants are more likely than their Anglo counterparts to have these federal forms of voter photo ID.

Dr. Ansolabehere’s analysis is also flawed because he failed to take into account the provisions of SB 14 and Texas law that exempt certain voters from the photo identification requirement. SB 14 does not alter the provisions of Texas law that permit registered voters over the age of 65 to vote with an absentee ballot. As such, voters over 65 without photo identification may vote notwithstanding the requirements of SB 14. In addition, SB 14 photo identification requirements do not apply to registered voters with a disability as so defined by the Social Security Administration or the department of Veteran’s affairs. Thus, voters that fall into these categories can vote even if they do not possess acceptable photo identifications.

An analysis of Dr. Ansolabehere’s data shows that the impact of ignoring these provisions is substantial: although we cannot be certain who in the SOS registered voter data is deceased, we see that 18.44% (342,318) of those with valid DOB information between the ages of 18 and 100 are over the age of 65, and thus qualify for an absentee ballot.3 The percentage of those on the “at risk” list with disabilities is probably smaller, but we don’t know this and there is certainly no effort undertaken to even estimate this number.

All of this brings up a larger point: while substantial effort appears to have been spent purging the DPS data of duplicate, potentially deceased, and expired driver’s license holders, almost no perceptible effort was made to similarly cleanse the SOS registered voter data of potentially problematic entries. A relevant number not provided by Dr. Ansolabehere is how many of those Texans he determined to be

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2 Dr. Ansolabehere acknowledges this in section 15 of his report (pages 9-10): "No federal lists were provided to me for the sake of this analysis."

3 Among Ansolabehere’s more restricted “at risk” population of 1.5 million, the percentage is 21.80% (or 319,497).
deceased in the DPS data (or to have an expired driver’s license) end up in the final 1.9 million “at risk” registrants? Some of those registrants should not be on that list if their inclusion is due to the determination that they are deceased. Additionally, what proportion of his final list can rectify their situation by simply renewing their driver’s license?¹⁴ We cannot address these latter questions because we have not been given any of the necessary information.

In sum, it is extremely difficult to know what to make of the numbers provided by Dr. Ansolabehere. At best, one could characterize his 1.5 million estimate as a starting point for identifying a potential “at risk” population (the 1.9 million figure, which simply assumes that ambiguous driver’s license status will automatically result in disqualification, is clearly too high). One could then reasonably proceed by identifying and purging deceased voters from the SOS list, and then identifying and purging those with acceptable forms of federally issued photo ID, and then identifying and purging those seniors and disabled registrants who can vote even if they do not possess photo ID.

Voter ID Possession Rates and Turnout

Setting aside the questions of the size of the potential “at-risk” population and whether or not there are racial or ethnic differences in photo-ID possession, it is critical to reiterate that the available evidence establishes that differential ID possession does not result in a differential impact on voter turnout when photo identification requirements are enforced. The relevant political science literature (some of it forcefully argued by Professor Ansolabehere and ignored in the report), finds no evidence that voter ID laws affect the turnout rates of citizens in states where those laws have been established, much less with respect to minority groups within those states (for a full accounting, see my initial report).

In his own published work, Dr. Ansolabehere has established that voter identification requirements do not prevent voters from voting. In his 2008 article published in the *NYU Annual Survey of American Law*, he analyzes a massive nationally-representative survey and concludes, “Simply put, almost no one was excluded from voting. Only twenty-three people in the entire 36,500-person sample said that they were not allowed to vote because of voter ID requirements. That figure translates into approximately 0.1% of voters... The real lesson from the data is that the total number of people who said they were not allowed to vote because of voter ID requirements is trivially small” (2008, 624). Similarly, in his 2009 article in *PS: Political Science and Politics* analyzing voter ID laws, Professor Ansolabehere states, “the actual denials of the vote in these two surveys suggest that photo-ID laws may prevent almost no one from voting” (2009, 129). As I explained in my initial report, these findings hold up even where there is a disparate rate of identification possession amongst minority voters.

In his report for the Texas case, Professor Ansolabehere attempts to address this issue by examining the past voting behavior of those among his 1.5 million

¹⁴ In Texas, persons with a driver’s license expired by less than two years can obtain a renewed license online. [https://txapps.texas.gov/tolapp/txdl/eligibility.dl?locale=en_US](https://txapps.texas.gov/tolapp/txdl/eligibility.dl?locale=en_US)
potential "at risk" registrants. Using Catalist records of participation in the 2008 and 2010 general elections to identify those registrants who actually voted, he argues that the rates at which voters could be excluded based on photo-ID requirements are different by race and ethnicity. The problem, as noted above, is that the estimate of the potential "at risk" population does not conform to the actual provisions of SB 14.

Indeed, given that the main disparity reported by Professor Ansolabehere is between Anglos and Hispanics, it is problematic that he in no way takes into account passports or citizenship IDs. For example, he estimates that 120,152 Hispanics who voted in 2008 are "at risk" in light of SB 14, and that this suggests "disparate impact" compared to Anglos. Put another way, he estimates that Hispanics constitute 18.48% of the total vote, but 23.16% of the potentially "at risk" vote. But if 30,000 of these 120,152 Hispanics have a passport or citizenship ID (24.97% of the total), then they make-up 18.44% of potentially "at risk" registrants. This, of course, does not make comparable adjustments for Anglos who hold passports or citizenship cards. As mentioned above, however, survey data demonstrate that Hispanics are much more likely than Anglos to possess these forms of ID. Moreover, the main point persists: Dr. Ansolabehere's report does not allow us to say much of anything relevant about voting under SB 14.

A Closer Look at Dr. Ansolabehere's “At Risk” Population

In my initial report, I analyzed a survey of the roughly 800,000 registrants who were identified by the Texas SOS to the DOJ as potentially not having a valid DPS drivers' license. I did this to directly address these questions regarding the magnitude and nature of the potential "at risk" population. These voters constitute a large portion of Professor Ansolabehere's more expansive list of 1.9 million. The difference between his analysis and my own is that the survey more accurately measures the full-range of identification possession, finding that most respondents hold some form of ID requisite for voting under SB 14. In interviewing actual Texans (those living in the state and registered to vote), we found that the vast majority of them did in fact report having a valid driver's license or other form of photo ID and that there was not a statistically significant difference of identification possession amongst racial or ethnic groups. Furthermore, I have no reason to believe that these results are biased in any particular way, a suspicion validated by the lower reported possession of other forms of photo-ID (for example, passports) within the sample.

In order to more directly address the claims Dr. Ansolabehere made based on his "no match" population, I have conducted a survey of this group, as well as

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5 For the 2010 general election, Dr. Ansolabehere estimates that Blacks cast 15.15% of the total number of ballots, and that they cast 15.13% of the total number of ballots among potential "at risk" voters (see Table 3 of Ansolabehere report).

6 A survey of the potential "at risk" population originally defined by the Texas SOS to the Department of Justice showed that 55% of "at risk" Hispanic registrants claim to have a valid passport (compared to 39% of Anglos). Thirty-four percent of "at risk" Hispanics claim to have a citizenship certificate (compared to 17% of Anglos).
surveys of the "no match" black and Hispanic populations (survey instrument attached as EXHIBIT A). The sample design is similar to the one previously performed. Out of the 1,858,790-person list, we randomly selected approximately 98,000 people from which to append phone number information. We then conducted three polls. The first poll consists of 1,000 people randomly selected and interviewed via telephone from the 98,000 person list (margin of error = +/- 3.1 percentage points). These individuals are meant to be representative of the entire population that Dr. Ansolabehere's report purports to be at risk. The second and third samples consist of 600 persons each, and are comprised of black and Hispanic respondents, respectively, (as defined through the race matching performed by Catalist). These respondents were randomly selected from the relevant racial/ethnic subset of the 98,000 person list and interviewed via telephone (margin of error = +/- 4 percentage points). The results of these surveys enable me to reach scientifically reliable conclusions about the relevant characteristics of the registered voters in Dr. Ansolabehere’s 1.9 million "no match" population.

The results of this survey show that there is no statistically significant difference in photo identification possession amongst Anglo, Hispanic, and black registered voters. More particularly, the survey of Hispanics in Dr. Ansolabehere's "no match" population shows that Hispanic registered voters have passport and citizenship certificate possession rates that far exceed the rest of the population. With respect to black respondents, the results of my survey also show that Catalist's identification of voters as black is highly error-prone, thereby rendering Dr. Ansolabehere's conclusions about identification possession for black voters in his "no match" set unreliable.

Problems with Using Catalist's Race/Ethnicity Projections

Let us take the issue of the black "at risk" population first. Among Dr. Ansolabehere's "at risk" population, our survey found that only 68% of Catalist's "black" respondents actually identified themselves as black. The remainder identified as white (15%), Hispanic (5%), Asians (1%), or something else (11%). The most obvious ramification of this finding relates to Dr. Ansolabehere's claim of a disproportionate impact on black registered voters. In his report, Table 1 on page 30 claims that although black voters make up 11.6% of the registered voters in Texas, they make up 17.6% of the registered voters on the "no match" list. However, the survey data indicate that 32% of those Dr. Ansolabehere presumed were "at risk" black registered voters are not in fact black. This fact alone renders Dr. Ansolabehere's claim about disparate photo ID possession amongst blacks scientifically unreliable.

If we take those who do self-identify as black as an accurate estimate of the true percentage of "at risk" black registered voters, instead of finding 304,931 on his "no match" list, we are left with 207,353. This corrected estimate for the black percentage among the potential "at risk" population is 11.7% of the "no match" list, indistinguishable from the black proportion on the registered voter list.

Those identified as Hispanics by Catalist identified themselves as such 87% of the time in the Hispanic sample. Using this number, I estimate that 457,188 is a more accurate number of Hispanic registrants on the list, or 25.9% of the no match
list compared with 23.6% of the registered voter list – a difference that is inconsequential once all forms of identification are considered, as explained below.7

**Estimating Voter ID Possession**

Catalist's racial and ethnic mis-classifications notwithstanding, the main problem with Dr. Ansolabehere's analysis is the failure to account for all of the provisions of SB 14. This point is clearly evident in the surveys of his potentially "at risk" population.

Descriptively, the general sample contains 57.6% Anglo (white) respondents, 12.9% black, 17.8% Hispanic, 1.9% Asian, and 9.8% other. Eleven percent are between 18 and 29 years of age, 9% are between 30 and 44, 31% are between 45 and 64, and 49% are over the age of 65. For the Hispanics in the Hispanic sample, 15% are between 18 and 29, 14% are between 30 and 44, 31% are between 45 and 64, and 40% are over the age of 65. For the blacks in the black sample, 10% are between 18 and 29, 14% are between 30 and 44, 40% are between 45 and 64, and 35% are over the age of 65.8

The results with respect to ID possession are presented in Table 1. The first, and most noticeable, finding is that the identified population overwhelmingly possesses driver's licenses. Seventy-three percent of respondents in the general sample profess to possess valid driver's licenses, including 76% of whites, 72% of blacks, and 70% of Hispanics. In the black and Hispanic samples, 70% and 68% respectively affirm possession of a valid driver's license.

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7 The results presented below will therefore be for those who identify as Hispanic in the Hispanic sample (521 out of 600 respondents) and those who identify as black in the black sample (406 out of 600 respondents).

8 I have decided not to weight these results because it is clear that (1) the racial designations provided by Catalist are not appropriate for ascertaining the racial breakdown of the population that Dr. Ansolabehere's report defines, and (2) the results show that defining this population as "at risk" (even based on lack of a limited set of identification types alone) is extremely problematic.
Table 1—Survey of Potential At-Risk Population of Texas

<table>
<thead>
<tr>
<th></th>
<th>Full Sample</th>
<th>Hispanic Sample</th>
<th>Black Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Texas Driver's License</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>73%</td>
<td>68%</td>
<td>70%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>10</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>15</td>
<td>25</td>
<td>22</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>U.S. Passport</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>39%</td>
<td>53%</td>
<td>24%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>9</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>50</td>
<td>41</td>
<td>70</td>
</tr>
<tr>
<td>Don’t know</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>U.S. Military ID</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>18%</td>
<td>13%</td>
<td>20%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>3</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>77</td>
<td>84</td>
<td>75</td>
</tr>
<tr>
<td>Don’t know</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>U.S. Citizenship Certificate</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>18%</td>
<td>41%</td>
<td>21%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>75</td>
<td>56</td>
<td>76</td>
</tr>
<tr>
<td>Don’t know</td>
<td>6</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Handgun License</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have it, valid</td>
<td>10%</td>
<td>4%</td>
<td>10%</td>
</tr>
<tr>
<td>Have it, expired</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Don’t have it</td>
<td>86</td>
<td>95</td>
<td>87</td>
</tr>
<tr>
<td>Don’t know</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>U.S. Social Security...</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>24%</td>
<td>22%</td>
<td>41%</td>
</tr>
<tr>
<td>No</td>
<td>71</td>
<td>75</td>
<td>57</td>
</tr>
<tr>
<td>Don’t know</td>
<td>5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>U.S. Veteran’s Affairs...</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>12%</td>
<td>10%</td>
<td>20%</td>
</tr>
<tr>
<td>No</td>
<td>79</td>
<td>85</td>
<td>73</td>
</tr>
<tr>
<td>Don’t know</td>
<td>9</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td><strong>Requiring voters to present ID:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support</td>
<td>60.5%</td>
<td>62%</td>
<td>49%</td>
</tr>
<tr>
<td>Oppose</td>
<td>39.5%</td>
<td>38</td>
<td>51</td>
</tr>
</tbody>
</table>

As with the earlier survey, amongst Hispanics, possession of a valid passport or citizenship certificate is higher than that for the Anglo population. In the general sample, 40% of Anglos possessed passports and 13% possessed citizenship certificates compared with 53% and 41% of Hispanics in the Hispanic sample.

Again, these results are sensible given the population of interest. Hispanics in Texas tend to live much closer to the U.S./Mexico border than their Anglo counterparts, a point illustrated by Figure 1 below.
The general sample therefore suggests that, when all forms of requisite voter ID under SB 14 are taken into account, 9.38% of whites do not possess one or more of the photo IDs identified in SB 14 compared with 6.18% of Hispanics and 9.30% of blacks. If we rely on data from the Hispanic and black surveys (respectively), 6.72% of Hispanics and 7.64% of blacks do not possess one or more of the photo IDs identified in SB 14.

Again, however, this is not the appropriate standard because provisions are made allowing for absentee voting amongst those over the age of 65 while those with a disability are exempted from showing photo identification. Given this more appropriate standard, 1.90% of whites in the general sample would have to obtain a photo ID to vote compared with 0.96% of Hispanics and 1.23% of blacks in the respective sub-samples.9

The sum total of all this is that there is no statistically significant difference in ID possession rates amongst whites, blacks, and Hispanics when the appropriate

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9 Notably, a discrepancy exists between blacks and whites with respect to disability status. In the general sample, 23% of whites indicated having a disability that would exempt them from the photo ID requirements of SB 14 compared with 35% of blacks. In the black sample, the percentage is 44%.
universe of ID types is accounted for. Furthermore, the actual size of the potential “at risk” population is miniscule compared to the registered voter population, irrespective of race. More specifically, while Dr. Ansolabehere’s report claims that roughly one in seven registered voters will be affected by this law, the actual percentage is only 2.4% of his 1.8 million, which translates to 0.35% of registered voters in the state.

In addition, amongst those who would actually be impacted by SB 14, 46% indicated that they would be either “likely” or “very likely” to get an Election Identification card offered by the state.

I would also point out that support for voter ID laws amongst the sample mirrors that for the state at large. Sixty-percent of the general sample of Dr. Ansolabehere’s “at risk” population favor a voter ID law, with 62% of Hispanics in the Hispanic sample supporting it and 49% of blacks in the black sample supporting it. Even amongst those not possessing any of the appropriate forms of identification for voting, support for voter ID is still 59% in the general sample, 40% amongst Hispanics in the Hispanic sample, and 61% amongst blacks in the black sample.

In sum, Dr. Ansolabehere’s report admits to the limitations of his analysis with respect to problematic data, lack of data, data entry errors, etc., and these problems have substantial ramifications. Surveys of his potential “at risk” population confirm what common sense tells us about most Texans: they have driver’s licenses, and if Hispanic, they are more likely to have citizenship certificates and passports.

I swear the foregoing is true and correct to the best of my knowledge.

Dated: June 11, 2012

Respectfully submitted.

[Signature]

Daron R. Shaw

Austin, Texas
EXHIBIT A

Voter Identification Project
Texas Statewide Survey

CONFIDENTIAL DOCUMENT
N=1000 Adults, N=600 Adult Hispanics, N=600 Adult African Americans

Hello. May I please speak with [INSERT NAME FROM DATABASE]?

[IF PERSON DOES NOT LIVE IN THAT HOUSEHOLD]: Okay, thank you for your time and have a nice evening.

[IF PERSON IS NOT CURRENTLY AVAILABLE]: Okay, we'll try back again another time. Thank you and have a nice evening.

[WHEN CORRECT RESPONDENT ONLINE]:

We're conducting a survey on behalf of Sentis Research. We're interested in finding out about people's attitudes towards registration and voting in Texas. We would like to include your responses to this survey, which will be kept confidential, with the responses of several hundred other people like you. The survey should take about 6 minutes to complete.

First,

Q1. Are you registered to vote in the state of Texas?
   1. Yes, registered
   2. No, not registered
   3. Don't know

Q2. There are many elections in the state of Texas. Furthermore, many people intend to vote in a given election, but sometimes personal and professional circumstances keep them from the polls. Thinking back over the past two or three years, would you say that you voted in all elections, almost all, about half, one or two, or none at all?
   1. Every election
   2. Almost every election
   3. About half
   4. One or two
   5. None
   6. Don't know/Refused/NA
[Split-Sample Q3A and Q3B]
Q3A. Some people argue that requiring registered voters to present government-issued photo identification at the polls reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote.

Other people argue that such a requirement has a minimal effect on reducing voter fraud but places significant obstacles on elderly, low-income, disabled, and minority voters.

Which of these comes closer to your opinion: requiring registered voters to present government-issued photo identification reduces voter fraud and does not place major obstacles on those legally entitled to vote; OR, such requirements have minimal effects on voter fraud but place significant obstacles on the elderly, low-income, disabled, and minority voters?

1. Requiring voters to present ID reduces fraud and doesn’t place a burden on eligible voters.
2. Requiring voters to present ID has minimal effect on fraud and places major obstacle on many voters.

Q3B. Some people argue that requiring registered voters to present government-issued photo identification at the polls has a minimal effect on reducing voter fraud but places significant obstacles on elderly, low-income, disabled, and minority voters.

Other people argue that such a requirement reduces voter fraud and does not place major obstacles on anyone who is legally entitled to vote.

Which of these comes closer to your opinion: requiring registered voters to present government-issued photo identification has a minimal effect on voter fraud but places significant obstacles on the elderly, low-income, disabled, and minority voters; OR, such requirements reduce voter fraud and do not place major obstacles on those legally entitled to vote.

1. Requiring voters to present ID reduces fraud and doesn’t place a burden on eligible voters.
2. Requiring voters to present ID has minimal effect on fraud and places major obstacle on many voters.

IDENTIFICATION BATTERY

Next, I’m going to go through some different forms of identification that citizens can have. For each, please tell me, to the best of your knowledge, whether you currently have a valid form of this identification, have an expired form of this identification, or don’t have this form of identification.

Q4. A Texas driver’s license.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q5. A United States passport.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q7. A Personal Identification Card issued by the Department of Public Safety.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q8. A United States military identification card with your photograph.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q9. A United States citizenship certificate that contains your photograph.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q10. A license to carry a concealed handgun issued by the Department of Public Safety.

1. Have it, valid
2. Have it, expired
3. Don’t have it
4. Don’t know

Q11. As you may know, the Department of Public Safety provides election identification cards free of charge. How likely are you to go to your local DPS office and get an election identification card: very likely, somewhat likely, not very likely, or not at all likely?

1. Very likely
2. Somewhat likely
3. Not very likely
4. Not at all likely
Q12. Has the United States Social Security Administration determined that you have a disability?

1. Yes
2. No
3. Don't know

Q13. Has the United States Department of Veterans Affairs determined that you have a disability rating of at least 50%?

1. Yes
2. No
3. Don't know

These last few questions are for statistical purposes.

HISPANIC. Do you consider yourself to be Hispanic or Latino?

1. Yes
2. No

RACE. [Ask if HISPANIC=2] What would you say is your main race: white, African American, Asian, or something else?

1. White
2. African American
3. Asian
4. Something else

AGE. In what year were you born?

_____________ (1910-1994)

INCOME. Would you say that your total household income was less than or greater than $40,000 last year?

1. Less than $40,000.
2. Greater than $40,000.
3. Don't know/Refused.

INCOME2. [Ask if INCOME=1] Would you say that your total household income was less than $15,000 or greater than $15,000?

1. Less than $15,000.
2. Greater than $15,000.
3. Don't know/Refused.

INCOME3. [Ask if INCOME=2] Would you say that your total household income was less than $75,000 or greater than $75,000?

1. Less than $75,000.
2. Greater than $75,000.
3. Don't know/Refused.

EDU. What is the highest level of education that you have received: less than high school, a high school degree, some college, a two-year college degree, a four-year college degree, or a post-graduate degree?

1. Less than high school
2. High school degree
3. Some college
4. Two-year college degree
5. Four-year college degree
6. Post-graduate degree

HOME. Do you currently own or rent your home?

1. Own
2. Rent

GENDER. (By Observation)

CITIZEN. Are you a United States citizen?

1. Yes
2. No
3. Don't Know/NA

Thank you very much for your cooperation and patience. Have a good evening.
<table>
<thead>
<tr>
<th>Code</th>
<th>Disposition</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>No Answer</td>
<td>11403</td>
<td>23.2%</td>
</tr>
<tr>
<td>02</td>
<td>Busy Signal</td>
<td>873</td>
<td>1.8%</td>
</tr>
<tr>
<td>03</td>
<td>Telephone Answering Device</td>
<td>9714</td>
<td>19.8%</td>
</tr>
<tr>
<td>04</td>
<td>Not Available</td>
<td>1328</td>
<td>2.7%</td>
</tr>
<tr>
<td>05</td>
<td>Callback</td>
<td>582</td>
<td>1.2%</td>
</tr>
<tr>
<td>06</td>
<td>Non-Working/Discconnected</td>
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, *
   Plaintiff *

V. *

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

ERIC KENNIE, et al., *
   Defendant-Intervenors,*

TEXAS STATE CONFERENCE OF *
NAACP BRANCHES, et al., *
   Defendant-Intervenors,*

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

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

VICTORIA RODRIGUEZ, et *
al., *
   Defendant-Intervenors.*

* * * * * * * * * * *

ORAL DEPOSITION
OF
JOSE ALISEDÁ
JUNE 6, 2012

* * * * * * * * * *
ORAL DEPOSITION OF JOSE ALISEDA, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 6th of June, 2012, from 9:30 a.m. to 6:46 p.m., before RHONDA HOWARD, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Attorney General, 816 Congress, Suite 320, Bluebonnet Room, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF:
Mr. John McKenzie
TEXAS ATTORNEY GENERAL'S OFFICE
209 West 14th Street, 8th Floor
Austin, Texas 78701
(512) 836-2155

FOR THE DEFENDANT:
Mr. Daniel J. Freeman
U.S. DEPARTMENT OF JUSTICE
Civil Rights Division
950 Pennsylvania Avenue NW
NWB Room 7203
Washington, DC 20530
(202) 305-4355

ALSO PRESENT:
Mr. Jose Garza
Mr. Martin Golando

Jose Aliseda
June 6, 2012
A I tried to give you an example earlier of a situation that I was intimately familiar with --
Q (By Mr. Freeman) Uh-huh.
A -- where I'm aware of at least one individual who has a driver's license and has two voter registrations. I'm aware of registered aliens that have voter registrations when they shouldn't have voter registrations in Bee County itself. So do I think a poll of 500 people done over the telephone is necessarily accurate? The answer is no.

Do I think that government -- matching government records to each other as has been attempted in what I've read after the passage of SB 14 to be an accurate representation of what the reality is? The answer is no.
Q Okay. Now, you just mentioned that there are -- you're aware of aliens who are registered to vote --
A Uh-huh.
Q -- in Bee County.
A Uh-huh.
Q I assume you mean noncitizens?
A Yes.
Q What is your foundation for that? What is
the basis for your belief?

A They've come to me to ask me advice.

Q Okay. So you have an attorney/client privilege with those I.D.

A An attorney/client's privilege. But I'm aware of at least three.

Q Okay. Do those I.D. have driver's licenses --

A Yes.

Q -- to the extent you're able to --

A Yes.

Q Okay. So they wouldn't be in the no match list, would they?

A No, they wouldn't.

Q Okay. Are you aware that the State of Texas in the context of this litigation, not -- not prior to the passage of SB 14, has stated that there are 795,955 registered voters whose records couldn't be matched to driver's license records? Have you heard that figure?

A I've heard a figure similar to that, yes.

Q Okay.

A But I tried to explain why that might be.

Q Okay. Are you familiar with the term Spanish surname voter registration?
campaign website to see if they're there? They might be there. I might have actually put them on there.

Q  Okay. Do you recall stating in an interview with KXAN-TV in Austin that, quote, "The reality is they have Republicans now representing minorities, as well. That, I think, is what really upset the Democrats"?

A  Yes.

Q  Do you believe that you were supported by a majority of Hispanic voters on SB what, 4?

A  I'd like to think so, but I've been told I wasn't by -- by people that conducted a study.

Q  Did you ever look at precinct level returns yourself?

A  No.

THE REPORTER: Precinct what returns?

MR. FREEMAN: Precinct level.

A  I do think voter I.D. is an issue that Hispanics wanted, because I personally talked to a number of Hispanics, including Hispanic-elected officials, from counties that had been victims of voter fraud; for example, Jim Wells County. I had several elected Representatives from Jim Wells County tell me they were anxious to see voter I.D.
pass and any other bill I could pass with respect to
t voter fraud, because they were sick and tired of it.

Q (By Mr. Freeman) Who were those people?
A The county judge, for one.
Q Who is that?
A Arnulfo Saenz.
Q Could you spell that out for me? I'm
sorry.
A Arnulfo, A-R-N-U-L-F-O, Saenz, S-A-E-N-Z,
I believe.

Oh, the fellow who represented the Chamber
of Commerce was there. They had a little Jim Wells
County Day come here to town. And I -- I went with
them for lunch, and I gave them a tour of the
Capitol. And we discussed things that were going on
in -- in the Legislature. And I asked them about
this issue. There must have been 15, 20, 25
community leaders from Jim Wells County, and I would
say 90 percent of those were Hispanic.

Q Any other individuals you can remember?
A That I particularly talked to about voter
I.D.?

Q Yes, please.
A Oh, Hispanics that would show up at my
events, people in my county, Hispanics that are
being in Bee County for about a week or so, saying, "No voter fraud in Bee County." And I proved that they hadn't been doing their investigation.

Q All right.

A I'm not a push-around or a pushover.

Q Yeah.

So that investigation -- four charges came out of that investigation. Right?

A Yes.

Q Four Class B misdemeanors for unlawful assistance?

A Yeah, and it was hell getting those.

Q But only two people were convicted.

Correct?

A Yes.

Q What happened to the other two?

A Witnesses -- you've got to understand what's going on here. Are you interested?

Q I am interested. That why I asked.

A Okay. Let's talk about mail-in ballots.

Normally what you have is an elderly person, because most people don't qualify to vote by mail-in.

Q Uh-huh.

A So what happens is these vote harvesters in my area of South Texas, we call them politiqueras
or politiqueros --

THE WITNESS: Do you need me to spell that? P-O-L-I-Q-E-T-E-R-A-S is a politiqueras, which is a female term, and then politiquero would be the same except for an O at the end. Did I spell it right?

(Discussion off the record)

A So what would happen is these vote harvesters would, one, get -- go to these elderly people's homes and say, "You're going to vote this time. Right?" And the old person would be happy to even have them come into their home. So they fill out a mail-in ballot application and send it in. And when that mail-in ballot application arrived at the County Clerk's office, she would promptly get out the ballot. And these people would literally at that time follow the mailman to the person's home and, quote, "assist them" in voting, which in reality was vote for them in -- in one way or other, either tell them by word, sign, or gesture who to vote for, or complete the ballot form and have them sign it, send it in. They wouldn't even send it in. They would give it to the politiquero or politiquera. Then that person would then go on to the next voter and en masse all these ballots.
And so what you would have is an election, for example, for commissioner where you'd have 500 total votes in an election and 200, 300 of those would be mail-in ballots. And they were ballots that were required -- acquired through this process of politiqueros and politiquera.

Well, these old people weren't the best of witnesses. One had rarely ever spoke English. And if they did, they did not want to be involved in the legal system. So the only way I was able to catch these people was if I had actual witnesses in the home at the time that this vote harvester showed up that were willing to testify, "Yes, I saw that person do that to my parents or do that to my uncle or do that to my grandma." And to get those kind of people was very difficult.

In one of my cases, I actually had somebody testify, "Yeah, I saw them do that to my grandma and give my grandma $5 for that vote."

So one of the reasons that these cases were very difficult is, one, you had unwilling witnesses. And -- and memories seem to fade with time. So it was a very difficult thing to do --

Q  Okay.

A  -- and I was lucky enough to actually get
convictions.

But what it did -- what it did do is the
next election cycle people got worried. These
politiqueros and politiqueras got worried that
someone was actually going to do something. So the
mail-in ballot activity on their part was much
smaller.

And the other thing it did is -- and this
is probably the most important reason why I did it --
is it made the people of Bee County think that
somebody was actually watching these elections and
gave them more confidence in the system, because for
years they had heard about Grand Jury investigations
about these shenanigans going on and nobody had ever
done anything about it. And they were happy to see
me do something about it.

Q Okay. The people who were convicted,
they -- they only got fines and probation. Right?

A Yes.

Q But there's --

A It's a Class B misdemeanor.

Q I'm barred in New York, not Texas.

A Yes.

Q Okay.

A I mean, if I could have given them a
All they had -- most people will actually take out their -- their driver's license and say, "This is me."

Look what happened in -- in Washington, D.C. Somebody came into a polling place in Washington, D.C., and said they were Eric Holder. And they were about to be handed an ident -- a ballot impersonating our very Attorney General. Is that not ridiculous?

Q. Do you know if they were actually handed a ballot?

A. No. They -- this person didn't follow through with it. You know why? Because they knew at that point it would be a crime if they accepted the ballot, but was the -- was the election worker ready and able to give them a ballot? Yes. It's all caught on tape.

Q. Are you aware of any incidents of non-citizen voting that occurred in HD 35?

MR. MCKENZIE: Same standard objection.

A. Yes.

Q. (By Mr. Freeman) Are you aware of any prosecutions for non-citizen voting that have occurred in HD-35?
A  No.
Q  Are there any prosecutions for non-citizen
voting that have occurred in Texas as a whole?
   MR. MCKENZIE: Same objection.
A  I thought there were. I thought we heard
something about in Lavaca County that there were
several non-citizens that were prosecuted for
voting.
   Q  (By Mr. Freeman) Where --
A  I thought the Attorney General did that
prosecution. I may be wrong.
   Q  With regard to the non-citizen voting that
has occurred in HD 35, are you aware if those
individuals had photographic I.D.?
   MR. MCKENZIE: Same objection.
A  Did they have a driver's license?
   Q  (By Mr. Freeman) Uh-huh.
A  Yes, they had a driver's license.
   Q  Are you aware of any public statements
made by advocates of photographic voter I.D. that
such laws will deter illegal immigrants from voting?
   MR. MCKENZIE: Same objection.
A  That came up in the committee.
   Q  (By Mr. Freeman) With regard to
constituents, constituent communication, lobbyists
I'm answering this to not say that it -- it entered
my mind in deliberations on voter I.D. or my vote.
But what I read prior to the -- the legislative
session and what I've read after, I don't know.
I've -- I've heard -- I read some things that that's
what they were doing.

Q   If ACORN had been paying its employees
based on the number of voter registration
applications that they were submitting --

A   Let me -- let me tell you my experience --

Q   Sure.

A   -- with voter registration, okay, because
I think it's important. I mentioned that I helped
Jimmy Martinez in his election in Bee County. He
was a Democrat, very well known in the county. And
he got me involved with the Southwest Voter
Registration Project, which was a precursor to, I
think, ACORN and those types of organizations. And
here I was a young attorney. I wasn't even County
Attorney then, and they got me involved in this
organization. And I think we went to San Antonio
for training. And this is what we were told,
"Register, register, register. And don't ask, don't
tell about citizenship."

Q   Who told you that?
1  A The trainers that gave us our
2  training there --
3  Q Do you remember --
4  A -- in San Antonio.
5  I don't remember. It's been almost --
6  it's been almost -- this is 2012. It would have
7  been, goodness, 1985, '86.
8  Q So why then did you tell Jim Cardle from
9  Texas Insider that you didn't think non-citizen
10  voting was a big deal?
11  A Because do I think --
12  MR. MCKENZIE: Again, I would caution
13  the witness not to use subjective motivation in the
14  answer.
15  A Because I think that people that are here
16  illegally would be worried about voting. That's
17  why. Because I think that that -- most -- most of
18  the people that I know that are -- that have entered
19  this country illegally -- and understand, I've
20  represented illegal aliens and quite a bit, in fact,
21  in federal court -- are more worried about getting
22  caught, making a living, then they are about voting
23  on our elections.
24  On the other hand -- on the other hand,
25  you have places like Arizona where you have people
that are very politically active that are here
illegally and I think have the potential to game the
system.

Q (By Mr. Freeman) And I'd like to turn --
you said previously that part of the purpose of
SB 14 was to increase public confidence. I'd like
to turn to that.

Do you believe that there are some --
sorry. Strike that.

Have any people ever told you that they
are -- that they do not vote because they feel it's
useless because of fraud?

A Yes.

Q Who?

A I can't name names.

I can tell you that part of my motivation
in doing the voter fraud --

MR. MCKENZIE: I would caution you
to -- not to express subjective motivations that are
not in the public record.

THE WITNESS: I talked about that in
the public record. He's got that straight out of my
speech on the floor. I said that.

A So to the extent that one of the reasons
that I was motivated to do these prosecutions and to
request the investigations were to inspire
confidence in the Electoral system in Bee County.
And I had people telling me, "Look, what's the use
of voting if my vote is going to be canceled by a
fraudulent vote?"

MR. FREEMAN: I'm going to object to
that as nonresponsive and ask again.

Q (By Mr. Freeman) Who told you that?
A I can't name a name. I can tell you that
it was said to me more than -- they were
constituents of -- of Bee County when I was a County
Attorney.

Q So this was back in the early '90s?
A Yes.
Q And --
A And then I --
Q -- you said --
A And I can also say that I believe it was
part of committee testimony on the voter I.D. issue.
And I can say that when I campaigned as a State
representative that people said that to me, that
they didn't -- they didn't think that with an
I.D. -- without an I.D. that our system was safe.
Q Did they -- people during your 2010
campaign tell you that they don't vote because they
A   Uh-huh.
Q   -- and someone tried to do this exact thing in this coming election, SB 14 wouldn't stop it. Right?
A   Probably not. Not now. In the future I think it would.
Q   Now, you previously were discussing how corruption and fraud dated back to the Spanish regime in Texas.
   Would you agree that manipulation of mail-in voting via politiqueros is an issue that affects Spanish voters?
A   Yes.
   MR. MCKENZIE: It's the same objection.
A   Politiqueros. Obviously, it wouldn't be politiqueros. That's a Spanish word if they weren't trying to influence Spanish voters.
Q   (By Mr. Freeman) Okay. Would you say that it's an issue that affects Hispanic voters more than Anglo voters?
   MR. MCKENZIE: It's the same objection.
A   I've heard that the same kinds of things go on in the black community and the Vietnamese
community. They have the equivalent of politiqueros in those communities. And I suspect that the same thing occurs in Anglo communities in certain areas of the state. So I can only talk about my experience with -- because all I know is south Texas.

Q (By Mr. Freeman) So you have a suspicion, but you don't have a basis --
A No, I actually --
Q -- for those beliefs?
A I've actually heard of the same types of things occurring in ethnic communities in Harris County for different ethnic groups.

Political bosses are political bosses, and mail-in ballot fraud can be exploited by anyone, I think, if -- if they really want to. They could really use it to advantage to influence primarily local elections.

Q Do you recall telling Al Dia that --
MR. FREEMAN: Which is A-L space D-I-A.
THE REPORTER: Thank you.
Q (By Mr. Freeman) That voter I.D. would prevent fraud by politiqueros taking others' ballots and mailing them?
explanation.

Q (By Mr. Freeman) Okay.

A I'm not even familiar with that.

Q Now, you've spoken to this before, but I've never actually asked you.

A Uh-huh.

Q So what would you say are the full list of purposes, and not your individual beliefs, but purposes for SB 14?

MR. MCKENZIE: And I'd also caution the witness not to reveal subjective motivations communicated to you by other legislators, but we're talking collective -- the legislature as a body, its purpose.

THE WITNESS: Legislative intent --

MR. MCKENZIE: Yes.

THE WITNESS: -- is what we're talking about?

MR. MCKENZIE: Yes, as a body.

A Okay. You want them listed in -- in priority?

Q (By Mr. Freeman) That would be great.

A Okay. First and foremost, to instill confidence in the system followed by to prevent in-person voter fraud. That's basically it. To
secure -- to make it a more secure system.
Q    Was the purpose in any part to decrease
the number of Hispanic voters who could effectively
cast a ballot?
MR. MCKENZIE: Same standard
objection as to the subjective personal purposes of
anybody, but you may answer as to general purposes.
A    No.
Q    (By Mr. Freeman) Was the purpose in any
part to decrease the number of African-American
voters who could effectively cast a ballot?
MR. MCKENZIE: Same.
A    I would never have voted for it if that
was the purpose. In fact, we were given studies
that voter -- voter participation among minorities
actually increased with the passage of voter I.D.
laws.
Q    What studies were those?
A    They were studies out of Georgia and I
believe Indiana. And I thought we had -- I thought
we had testimony from the -- some individual out of
Georgia at the Committee that came and brought us
that information.
Q    What --
A    I may be wrong, but I do remember
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,
   *
   Plaintiff
   *

V.

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

ERIC KENNIE, et al., *
   Defendant-Intervenors,*

TEXAS STATE CONFERENCE OF*
NAACP BRANCHES, et al., * CASE NO. 1:12-CV-00128
   Defendant-Intervenors,*
   (RMC-DST-RLW)
   * Three-Judge Court

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

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

VICTORIA RODRIGUEZ, et *
al., *
   Defendant-Intervenors.*

REPORTER'S CERTIFICATION
DEPOSITION OF JOSE ALISEDA
JUNE 6, 2012

I, Rhonda Howard, Certified Shorthand
Reporter in and for the State of Texas, hereby
certify to the following:

That the witness, JOSE ALISEDA, was duly
sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony
given by the witness;
That signature is waived;
That pursuant to information given to the
deposition officer at the time testimony was taken,
the following includes counsel for all parties of
record:

Mr. John McKenzie, Attorney for Plaintiff
Mr. Daniel J. Freeman, Attorney for
Defendant

I further certify that I am neither
counsel for, related to, nor employed by any of the
parties or attorneys in the action in which this
proceeding was taken, and further that I am not
financially or otherwise interested in the outcome
of the action.

Further certification requirements
pursuant to Rule 203 of TRCP will be certified to
after they have occurred.
Certified to by me, this 8th of June, 2012.

RHONDA HOWARD, Texas CSR No. 4136
Expiration Date 12/31/12
ESQUIRE DEPOSITION SERVICES
100 Congress, Suite 2100
Austin, Texas 78701
(512) 328-5557

EBS NO. 341613 RH
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

**********************************************************************
ORAL DEPOSITION OF
REPRESENTATIVE RAFAEL ANCHIA
JUNE 6, 2012
**********************************************************************
ORAL DEPOSITION OF REPRESENTATIVE RAFAEL ANCHIA,
produced as a witness at the instance of the Defendant,
was duly sworn, was taken in the above-styled and
numbered cause on the JUNE 6, 2012, from 1:48 a.m. to
5:07 p.m., before Chris Carpenter, CSR, in and for the
State of Texas, reported by machine shorthand, at the
offices of The Texas Attorney's Office, 209 West 14th
Street, 1st Floor Conference Room, Austin, TX 78701,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.
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Representative Rafael Anchia, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. SWEETEN:

Q. Good afternoon.
A. Good afternoon.

Q. Would you please state your full name for the record?
A. Rafael Michael Anchia.

Q. Okay. What's your date of birth?
A. 9-26-68.

Q. Okay. And where do you live?
A. I live in Dallas, Texas.

Q. Okay. What's your residence address?

Q. Okay. And I'm going to be asking you some questions today. This is -- let me ask you, have you take a -- have you been deposed before?
A. One time --

Q. Okay.

A. -- when I was on the Dallas School Board.

Q. Okay. We can talk about that. But today, when
A. -- just to follow up on whether or not the
contents of the affidavit were reflective of our prior
conversation.

Q. Who drafted the affidavit?
A. I don't know.

Q. You didn't draft the affidavit?
A. No.

Q. Okay. The affidavit was drafted for you by
somebody at the Department of Justice?
A. Yes.

Q. Were you sent drafts of the affidavit?
A. Yes.

Q. Do you have drafts of the affidavit?
A. No.

Q. Okay. Did you make changes on the affidavit?
A. I don't recall, but I think -- I don't recall
exactly but I think there were some minor changes to the
affidavit.

Q. When you were contacted, were you -- did you
talk about the allegations made in this case by the
Department of Justice by the intervenors, by the Texas
Attorney General's Office?
A. No. It was mainly to recount my recollection
of the legislative process and the bills that had been
filed.
testify as to the need for photo identification, that
there were undocumented persons -- and either explicitly
or implicitly, that there were Hispanic voting at the
polls. When I would ask people at the committee, you
know, whether or not they knew they were -- whether they
were documented or undocumented, whether they were
illegally voting or not illegally voting, could never
come up with a -- with an example. But it was
generally, there was this sense that the Hispanics that
were voting were somehow illegal and if that is -- and
if that is the case, we need this photo identification
to stop them from doing so.

Q. There would not be a discriminatory purpose, in
your view, of trying to curb non-citizens voting?

A. No.

Q. But your interpretation of these remarks is
that they are selling this on the backs of Latinos?

That's your interpretation, right?

A. That's right.

Q. Are there any other individuals that we haven't
yet discussed? You've referenced some witnesses who
tested, and you referenced Brown, Berman,
Bettencourt, and Hammerlein. Anybody else who, in your
view, was selling the concept of photo identification on
the backs of Latinos?
Q. It's not on there. It's not sourced.
A. Okay. Okay.

Q. Would you agree that -- I have just shown you a number of national and Texas state polls. Would you agree that every single one that I showed you -- we just went through them all. Every one of them shows that photo identification is a popular issue with voters?
A. Yes, in each of the polls you showed me, it was a -- it was a popular proposition.

Q. Are you aware of any polls that show the contrary?
A. I am aware of no polls.

Q. Are those who agree with photo identification, as represented in that poll, any of those polls, are those people attempting to purposefully discriminate against blacks, Hispanics, or any other minority groups?
A. I don't know.

Q. Let's go back to the -- to your declaration. If we can turn to Paragraph 7. I'm sorry. I think we did 7. Let's do Paragraph 8.

Here you say, "Based on my experience in the legislature, I believe the proponents of Senate Bill 14 wanted to move the bill through the legislative process as quickly as possible to ensure its passage."

Did I read that correctly?
Q. Is it unusual for individuals to want to move their bills quickly through the legislative process?
A. It is not unusual for individuals to want to move their bills quickly through the legislative process.

Q. If you have a bill that you think is important to you, do you try to move those quickly through the legislative process?
A. Yes.

Q. Okay. And because, if they get hung up, they may not get enacted, right?
A. Yes.

Q. Now, here you add that, "The demographics of Texas are changing, and a photo identification requirement, like redistricting, is a way to decrease the impact of the minority vote."
A. Yes.

Q. What's the basis for that statement?
A. The basis is the 2010 census for the first part of the -- for the first part of the phrase, the demographics are changing, of Texas are changing. The second part speaks to legislative initiatives that can be used to reduce the impact of minority vote.

Q. Okay. What are you aware of, as far as any
and our current -- we've consistently ranked in the lowest quintile, in terms of voter participation in the state, and I think that, that requires reform.

Q. It's a true statement, I think you would agree, that strengthening the integrity of the election system is an important and laudable goal?

A. Yes.

Q. Do you agree that ensuring that those who show up to the polls are who they say they are is a laudable goal?

A. Yes.

Q. So it's your opinion that photo identification is a way to decrease the impact of the minority vote?

A. Yes.

Q. You've told me about the testimony from Mr. Toby Moore?

A. Yes.

Q. Is there any other data that you have reviewed that indicates that?

A. The Brennan Center on -- the Brennan Center at New York University has released studies related to the percentage of persons that are out of ID, who do not have the requisite ID to show at the polls, the requisite photo ID, I should say. And that appeared to be a very large number, and we've received testimony on
(Exhibit 7 marked for identification.)

A. Oh, yes.

Q. (By Mr. Sweeten) I have handed you what's been marked as Anchia Exhibit 7; is that right?

A. Yes.

Q. And can you tell me what Anchia Exhibit 7 is?

A. Yes. It relates to a duplicate license or certificate fee, and the laundry list of types of state IDs that SB 14 contained that did not require -- or that would be not charged for did not include a duplicate license or certificate. So there were two categories that were spelled out in the legislation, but they had forgotten this one, and this was a cleanup amendment to make sure that they picked up all three.

Q. Okay.

A. Because the author was unaware of this duplicate license.

Q. So you offered an amendment?

A. And it was accepted, yeah. I remember it now.

Q. Okay. You can put that aside.

A. And I'm surprised.

Q. There were minority members who supported this bill; is that right?

A. Yes.

Q. Okay. Can you name some of them?

Q. I think I asked you this, but you know how many amendments were offered on the bill?
A. I don't. I don't remember.
Q. And it follows that you wouldn't know how many were accepted or not?
A. That's correct.
Q. I want to ask you about Paragraph 12.
A. Okay.
Q. Actually, I'm sorry, 13. You said, "I additionally offered an amendment to provide that SB 14 would not be implemented unless the Comptroller certified that the changes made by the legislation would not reduce the revenue made available to the Texas Mobility Fund, as well as an amendment to provide that SB 14 would not be implemented unless a specific appropriation were provided in a general appropriations act of the 82nd Legislature." Did I read that correctly?
A. Yes.
Q. Was there an appropriation for this bill?
A. I don't recall.
Q. Okay. Paragraph 14 says, "Proponents of SB 14..."
A. Yes.

Q. In committee?

A. Yes.

Q. And, in fact, while we're talking about committee, you were not on the Select Committee, right?

A. Yes.

Q. Okay. But I had noted that allowed to -- that you spoke at the committee hearing?

A. I participated in the committee, yes.

Q. And whose discretion is it to allow you to question if you're not on a committee?

A. I imagine the chairman of the committee.

Q. So you weren't prohibited from -- even though not -- you weren't a committee member of the Select Committee, you weren't in any way prohibited from participating in the discussion?

A. I think that is -- that is a courtesy that is afforded to committee members on all committees.

Q. And needless to say, it was a courtesy afforded to you for the Select Committee?

A. On this committee, correct. And I believe it was -- the invitation was made that anybody who wanted to participate there could, so...

Q. And you took them on that?

A. I did.
Q. And they allowed that to go on.
A. Yes.
Q. Okay. And who was the chair?
A. Chairman Bonnen, B-o-n-n-e-n.
Q. And he is a Republican, right?
A. He is.
Q. Okay. Now, in this sentence you say, "Largely because I believe, based in part on the testimony of the record, that it will harm minority voters and limit their ability to participate in elections."
Okay. So here we're talking -- and tell me if I'm wrong. But here we're talking about a discriminatory effect of the bill; is that right?
A. Yes, I believe this speaks to my views on the discriminatory effect of the bill.
Q. Okay. We're not here talking about the discriminatory purpose that you have alleged previously. We're talking about the effect?
A. Yes.
Q. Okay. Now, I don't want to beat a dead horse. But you have told me all the bases for why you believe that there's a discriminatory effect. We've talked about that. You've provided testimony on that issue, right?
A. Yes.
Q. You're familiar with the concept that each session, the Senate sets the new Senate rules, right?
A. Yes. Yes.
Q. Those are not always the same?
A. No, that is correct.
Q. That is not even a rule. What you're saying, the two-thirds rule is not even a rule. It's a tradition, you're saying, or is it a rule?
A. I have been under the impression that it is a -- it is either a rule or tradition.
Q. But the 83rd Legislative Session, the Senate will come and adopt what rules they think that they want to operate under, right?
A. Yes, that is correct.
Q. They have absolute right to change the parliamentary rules as it relates to the two-thirds rule, correct?
A. They do.
Q. It's not illegal the two-thirds rule being changed; it's something you're just saying doesn't happen a lot?
A. That is correct.
Q. You're not saying it invalidates the legislation?
A. No, I'm saying that.
Q. It's purely up to the Senate that's sitting in any given session, correct?

A. That is correct.

MR. SWEETEN: Let's take a quick break.

(Recess from 4:25 p.m. to 4:34 p.m.)

Q. (By Mr. Sweeten) Prior to the break, we were talking about the two-thirds rule, and this is in -- let me just bring you back to the context.

In Paragraph 17, you talked about the procedures employed to enact Senate Bill 14. And then the last part of the statement says, "Was passed, at least in part, with racially-discriminatory intent."

Have you testified to all the reasons you believe the Select Committee was a procedure that was -- in part, had racially-discriminatory intent to it?

A. I believe so.

Q. Okay. Let's go back to the two-thirds rule, and I want to you ask: Do House bills -- if a Senate bill is passed and comes to over to the House and you want to amend a piece of legislation to the Senate bill -- first of all, you've done that before?

A. Yes.

Q. Okay. And when you do it, it doesn't go back to the Senate for a full vote and require a two-thirds vote, correct?
A. That is correct.

Q. Okay. So, in the instance where a House member amends a Senate bill, adding their legislation to the Senate bill, that's an instance where you don't have a two-thirds vote of the Senate as to that provision, correct?

A. I believe that is correct.

Q. Okay. And in fact what happens is, once the House bill amends the Senate bill, it goes to conference committee after that point, and you are not on a two-thirds rule in that instance, correct?

A. That is correct.

Q. And you've utilized that procedure for -- on bills that you have wanted to get passed, you have used that procedure?

A. Yes.

Q. In other words, you've gone around the two-thirds rule to get your bill, gone around the Senate two-thirds rule yourself, to get your own bill passed in that instance?

A. Through an amendment strategy?

Q. Uh-huh.

A. Yes.

Q. Is there anything discriminatory about the times you have done it?
Q. Okay. I'm going to ask you about chubbing. In 2009, were you -- well, let me find the questions. Tell the court, what is chubbing?

A. My understanding that chubbing is the equivalent of a filibuster, where members will ask questions of bill authors in order to run out the clock on a particular legislative session, or, I shouldn't say session, but run out the clock during the period which bills may be considered on the House floor.

Q. Okay. And that's just the local calendar matters, right, local matters?

A. Correct.

Q. Did you engage in chubbing during the House calendar of -- during 2009, that session?

A. I don't believe I did.

Q. Was chubbing -- did chubbing occur during that time?

A. It's difficult to tell whether chubbing occurred or not. I suspect, my gut instinct is that some members of the legislature were filibustering photo ID legislation.

Q. Okay. What is the purpose of chubbing?

A. To kill a bill.

Q. Okay. Now, in 2011, there was an amendment to
the House rule to limit the practice of chubbing; is that correct?

A. That's my understanding, yes.

Q. Okay. And you supported that rule change?

A. I don't recall.

Q. Okay.

(Exhibit 8 marked for identification.)

Q. (By Mr. Sweeten) So I want to turn your attention to page 173 of the -- by the way, can you just identify for the record what this document is, Anchia 8 is?

A. Anchia 8 appears to be the House Journal of the 82nd Legislature, Regular Session, proceedings on the 7th day Monday, January 24th, 2011.

Q. Thank you. Can you turn to Page 173 of the House journal, please. You have a shortened version of that. It's the first page after --

A. Thank you.

Q. And I'm pointing in particular to the very last paragraph. If you would just read that to yourself. You don't have to read it out loud.

A. (Reviewing document.)

Q. So that -- what I've handed to you relates to House Bill 4, correct, House Resolution 4?

A. Yes.
Q. And House Resolution 4 was to eliminate the chubbing procedure for that session, correct?

A. I believe House Bill 4 was the entirety of the House rules. And contained within the entirety of the House rules, there was -- I believe there was this provision that you're referring to at the bottom paragraph of page 173.

Q. Okay. And thank you for the clarification.

So you're saying that as part of the overall House Resolution 4, part of it was the provision on chubbing, which eliminates chubbing for that session, right?

A. And I'm not trying to split hairs, but I believe that this deals exclusively with chubbing related to the local and consent calendar, which is how the filibuster in 2009 occurred. But I believe chubbing would be available as -- even under these House rules, as you got close to the end of a -- of the last day for bills to be considered on the House floor.

Q. Okay.

A. But with respect to the local and consent calendar, that is correct.

Q. So what had happened in 2009 was, there was chubbing taking place as to the local calendar?

A. That is correct.
Q. All right. This House Resolution 4 eliminates that for the 2011 session, correct?

A. I believe that is right.

Q. And how did you vote on that? If you could turn to Page 232.

A. I believe I was "No." On Page 232, I was "Nay."

Q. Okay. The final vote of the resolution is at the bottom of 232. Do you see that, where it says, "HR 4 as amended was adopted by Record 30 -- 143 Yeas, zero Nays."

A. Yes, I do see that.

Q. Okay. And on the next page, it shows who the Yeas were.

A. I'm sorry. I see it now.

Q. Okay.

A. Yes. I was looking at the wrong page.

Q. That's okay.

A. It looks as if I voted "Yea."

Q. Okay. So you voted "Yea" for a House resolution that eliminated chubbing on the local calendar for the 2011 session?

A. That is correct.

Q. Okay. Now, I want to go back. We were talking about procedures when I moved you to chubbing, so let's
We've discussed at length your belief as
to why you believe that this had a discriminatory
effect. Is there anything else that we haven't covered
today that lends to that belief you have?

A. No. I think we've covered most of it, yeah.

Q. Now, I want to go back to discriminatory
purpose. We've gone through your affidavit. We have
gone through some testimony that you've had about
certain individuals. Is there anything else that you
believe evidences a discriminatory purpose of this bill
other than what you've testified to?

A. Not that I recall at this time.

Q. Okay. Okay. We're going to mark this as
Anchia Exhibit 9.

(Exhibit 9 marked for identification.)

Q. (By Mr. Sweeten) Okay. I'm going to ask you to
turn to page 4054, which shows the yeas as to Senate
Bill 14, and adoption of the conference committee
report.

A. 4054?

Q. Yes, sir.

A. Okay.

Q. Are you there?

A. I'm on page 4054.

Q. Take your time to orient yourself, and I'll ask
you a few questions about it.

A. Okay.

Q. Okay.

A. Now, if you can walk me through what I'm looking here. Senate Bill 14, Adoption of Conference Committee Report. Okay. I'm oriented.

Q. Okay. So here we have the adoption of the conference committee report. So on the bottom of 4054 is where it starts. And here, "Representative Harless submitted the conference committee report on Senate Bill 14. She moved to adopt the conference committee report on SB 14. The motion to adopt the conference committee report on SB 14 prevailed by 98 to 46."

First, did I read that correctly?

A. Yes, sir.

Q. So, you, on this, voted, show as a nay?

A. Yes, sir.

Q. So you voted against there. And the individuals that are yea are the individuals within the House of Representatives that voted for this bill, correct?

A. Yes.

Q. I want to ask you to circle on this which one of these legislators had a discriminatory purpose in passing Senate Bill 14.
A. I don't know.

Q. Okay. Senate Bill 14 provided for the free identification within the bill, correct?

A. Yes.

Q. It allows any citizen that wants to vote to get a free identification from the Department of Public Safety. Is that what it says?

A. Yes, provided they did certain things.

Q. Provided they did what?

A. They had to fill out an affidavit. They could state a religious objection, and I think the affidavit related to indigency. And I seem to recall there was a cure period, when you had to come back and issue the affidavit related to religious objection or indigency. So you had to actually go to the DPS -- excuse me. That was to cure a vote.

Q. Uh-huh.

A. A provisional ballot. But I'm trying to remember how that worked. So I don't recall exactly what the mechanisms were.

Q. Okay.

A. But you didn't get a -- I recall you had to do a couple of different things before you got a free ID.

Q. Okay. And I think you're talking about -- some of this has been about the religious exemption portion.
match the voter registration rolls with the ID, those who held ID. I think I carried the amendment that asked that we have the Secretary of State study this issue before we implemented the legislation. I don't know, sitting here, and I don't think the legislators knew at the time.

Q. Now, this is something that you have been -- you've been against photo identification in '07 -- in '05, actually, in '05, '07, '09, and '11, correct?

A. Yeah. I've been against those bills as filed and amended.

Q. What studies have you commissioned in order to assess that?

A. None.

Q. Do you know, as you're sitting here, the number of individuals that will be -- that can potentially be impacted by Senate Bill 14?

A. I do not. I do not know that.

Q. Is it a fair statement that if I were to ask you what those numbers were, that it would be pure supposition on your part?

A. That is correct.

Q. You agree, Representative Anchia, don't you, that representatives of the House have a duty to represent their constituents?
A. Yes.

Q. And do you try to do that?

A. Yes.

Q. Okay. There is nothing wrong with a representative voting for policies favored by his or her constituents, correct?

A. No.

Q. Is it politically rational for an elected official to vote for policies favored by his or her constituents?

A. Yes.

Q. Do you have any basis to dispute that voter identification is supported by a majority of voters in the state of Texas?

A. No.

Q. Do you have any personal knowledge of a single Texas registered voter who does not possess a form of ID that will permit him or her to vote if SB 14 is enforced?

A. If you could read that to me one more time.

Q. Do you have any personal knowledge of a single Texas registered voter who does not possess a form of ID that will permit him or her to vote if SB 14 is enforced?

A. No.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, )
Plaintiff, )
) )
VS. ) )
ERIC H. HOLDER, JR. in his )
official capacity as Attorney )
General of the United States, )
) )
Defendant, ) )
) )
ERIC KENNIE, et al, ) )
Defendant-Intervenors, ) )
) )
TEXAS STATE CONFERENCE OF ) CASE NO. 1:12-CV-00128
NAACP BRANCHES, ) (RMC-DST-RLW)
Defendant-Intervenors, ) Three-Judge Court
) )
TEXAS LEAGUE OF YOUNG VOTERS ) )
EDUCATION FUND, et al, ) )
Defendant-Intervenors, ) )
) )
TEXAS LEGISLATIVE BLACK ) )
CAUCUS, et al, ) )
Defendant-Intervenors, ) )
) )
VICTORIA RODRIGUEZ, et al., ) )
Defendant-Intervenors. )
) )
REPORTER'S CERTIFICATION )
DEPOSITION OF REPRESENTATIVE RAFAEL ANCHIA )
JUNE 6, 2012 )
I, Chris Carpenter, Certified Shorthand Reporter in )
and for the State of Texas, hereby certify to the )
following:
That the witness, REPRESENTATIVE RAFAEL ANCHIA, was
duly sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony given
by the witness;

That the deposition transcript was submitted on the
_____ day of ______, 2012, to the witness or to the
attorney for the witness for examination, signature and
return to_________________________, by
__________________, 2012; and if returned, the original
transcript will forwarded to Patrick Sweeten, the
custodial attorney;

That the amount of time used by each party at the
deposition is as follows:
Mr. Sweeten: 2 hours, 55 minutes
Ms. Maranzano: 1 minute

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified by me this 7th day of June, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
Austin, TX 78701
(512) 328-5557
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

********************************************************************
ORAL DEPOSITION OF
YANNIS BANKS
MAY 25, 2012
********************************************************************
ORAL DEPOSITION OF YANNIS BANKS, produced as a

witness at the instance of the Defendant, was duly
sworn, was taken in the above-styled and numbered cause
on the MAY 25, 2012, from 9:10 a.m. to 3:52 p.m., before
Chris Carpenter, CSR, in and for the State of Texas,
reported by machine shorthand, at the Offices of the
Attorney General of Texas, first floor conference room,
209 West 14th Street, Austin, Texas 78701, pursuant to
the Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:

Matthew Frederick
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, TX 78711-2548

209 West 14th Street
8th Floor
Austin, TX 78701
(512) 475-4330
matthew.frederick@texasattorneygeneral.gov

FOR THE DEFENDANT-INTERVENOR TEXAS STATE CONFERENCE OF
NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE
CAUCUS:

Amy L. Rudd
DECHERT, LLP
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Suite 2010
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(512) 394-3000
amy.rudd@dechert.com

Gary L. Bledsoe
LAW OFFICE OF GARY L. BLEDSOE AND ASSOCIATES
316 W. 12th Street, Suite 307
Austin, TX 78701
(512) 322-9992
garybledsoe@sbcglobal.net

Ian Vandewalker (by telephone)
Myrna Perez (by telephone)
Q. Okay. And you don't know if it took into account military ID holders?
   A. Yeah, I -- I can't say. I'm not sure on -- on that.
   Q. Do you know how many members of the Texas NAACP do not have one of the forms of ID required by SB 14?
   A. I'm not aware. I couldn't say a number.
   Q. Can you identify any member of the Texas NAACP who does not have one of the types of photo ID required by SB 14?
   A. At this moment, I couldn't say right now.
   Q. Can you identify any constituent of the Texas NAACP who does not have one of the IDs required by SB 14?
   A. I can't say at this moment right now. I couldn't be able to answer that, that I'm aware of.
   Q. Can you identify any Texas registered voter who doesn't have one of the photo IDs required by SB 14?
   A. I couldn't identify anybody at this moment that I'm aware of.
   Q. Do you know how many Texas NAACP members don't have the documents that would be required to get a form of ID required by SB 14?
   A. I couldn't tell you right now at this moment.
   Q. Can you identify any member of the Texas NAACP
who doesn't have documents necessary to get a state-
issued photo ID for SB 14?

A. I couldn't say at this moment.

Q. Can you identifies constituent of the Texas
NAACP who doesn't have the documents necessary to get an
ID required by SB 14?

A. I couldn't say at this moment that I'm aware
of.

Q. Can you identify any Texas registered voter who
does not have documents that would be necessary to get a
photo ID required by SB 14?

A. At this moment right now, I could not say I
recall.

Q. When you say you can't recall, do you think
that you could identify a registered voter who doesn't
have the documents at some point and just can't
remember?

A. Ask the question again. I'm sorry.

Q. Well, let me just ask the original one again.

A. Okay.

Q. I think I'm getting a little off track.

Can you identify any Texas registered
voter who does not have the documents that would be
necessary to get a photo ID required by SB 14?

A. I would say not that I'm aware of, to my
knowledge.

Q. Do you know how many Texas registered voters lack the documents necessary to get a state-issued photo ID -- or I'm sorry. Let me scratch that.

Do you know how many Texas registered voters lack documents necessary to get a form of ID required by SB 14?

A. Ask the question again.

Q. Sure. Do you know how many Texas registered voters lack the documents that would be necessary to get an ID required by SB 14?

A. Not -- I haven't seen anything that said -- has said so, so I'm not aware.

Q. Okay. Do you know how many Texas NAACP members lack a Texas driver's license?

A. No, I'm not aware.

Q. Do you know how many Texas NAACP members lack -- how many Texas NAACP members lack either a driver's license or a state-issued personal ID card?

A. No, I am not aware.

Q. Do you know how many Texas NAACP members have a concealed handgun license?

A. No, I'm not aware of that also.

Q. Do you know how many Texas NAACP members have a passport?
A. I am not aware of the number, no.

Q. Do you know how many Texas NAACP members have a military identification card with a photograph?

A. I am not aware, no.

Q. Do you know how many of the Texas NAACP's members have a citizenship certificate with a photograph?

A. I am not aware, no.

Q. Are you familiar at all with levels of photo ID possession by voters in Georgia?

A. Ask the question again.

Q. Sure. Are you familiar with the levels of photo ID possession by voters in Georgia?

MR. VANDEWALKER: Objection, relevance.

A. Somewhat. I'm not an expert on it, but I think so.

Q. (BY MR. FREDERICK) Okay. Can you tell me -- can you tell me what -- what do you know about the levels of photo ID possession by voters in Georgia?

MR. VANDEWALKER: Objection, relevance.

A. If it's my understanding, and I think I understand it, but I'm not 100 percent, but I believe that voters in Georgia had to have a -- had a -- were issued IDs already before the bill went into effect.

Q. (BY MR. FREDERICK) When you say "the bill," you
as how that may go, so I couldn't say. I wouldn't feel
comfortable saying.

Q. (BY MR. FREDERICK) Okay. Are you familiar with
levels of photo ID possession by voters in Indiana?
A. No.

MR. VANDEWALKER: Objection, relevance.

Q. (BY MR. FREDERICK) Are you familiar with levels
of photo ID possession by voters in Texas?
A. Would you ask the question again?

Q. Sure. Are you familiar with the levels of
photo ID possession by voters in Texas?
A. And when you say "levels," I guess explain what
you mean by levels, levels in Texas.

Q. Sure. Are you familiar with the percentage of
various racial or ethnic groups of voters in Texas who
possess a photo ID that would qualify under SB 14?
A. Somewhat. I think I've -- I feel like I've
seen information or read about -- read about it, yeah.

Q. Okay. Can you tell me what that information
was?
A. Well, from our report, I think the letters we
submitted show that when it comes to having the
necessary ID, that minorities rank lower than Anglos
when it comes to having photo ID.

Q. Do you know what percentage of African American
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

REPORTER'S CERTIFICATION
DEPOSITION OF YANNIS BANKS
MAY 25, 2012

I, Chris Carpenter, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, YANNIS BANKS, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on the
_____day of ________, 2012, to the witness or to the
attorney for the witness for examination, signature and
return to__________________________, by
__________________, 2012; and if returned, the original
transcript will forwarded to Matthew Frederick, the
custodial attorney;

That the amount of time used by each party at the
deposition is as follows:
Mr. Frederick: 4 hours, 49 minutes
Mr. Vandewalker: 10 minutes

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified by me this 28th day of May, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
Austin, TX 78701
(512) 328-5557

Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

ERIC H. HOLDER, JR., IN
HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE
UNITED STATES,

Defendant,

ERIC KENNIE, ET AL.,

Defendant-Intervenors,

THE TEXAS STATE CONFERENCE
OF NAACP BRANCHES, ET
AL.,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG
VOTERS EDUCATION FUND, ET
AL.,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, ET AL.,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, ET
AL.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court
ORAL DEPOSITION OF
GLENN BAYRON
JUNE 12, 2012

ORAL DEPOSITION OF GLENN BAYRON, produced as a witness at the instance of the Defendants Eric H. Holder, et al., and duly sworn, was taken in the above-styled and numbered cause on Wednesday, June 12, 2012, from 12:28 p.m. to 2:23 p.m., before Tamara K. Chapman, CSR in and for the State of Texas, reported by machine shorthand, at the Omni, 9821 Colonnade Boulevard, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF STATE OF TEXAS:
Mr. Adam Aston
ATTORNEY GENERAL OF TEXAS
Civil Medicaid Fraud Division
209 W. 15th Street
Austin, Texas 78701
adam.aston@oag.state.tx.us

FOR THE DEFENDANTS ERIC H. HOLDER, ET AL.:
Ms. Michelle McLeod
U.S. DEPARTMENT OF JUSTICE
1800 G Street, 7254
NWB - Room 7202
Washington, DC 20006
michelle.mcLeod@usdoj.gov

RODRIGUEZ DEFENDANT-INTERVENORS:
Ms. Nina Perales
110 Broadway, Suite 300
San Antonio, Texas 78205
nperales@maldef.org

ALSO PRESENT:
MR. Luis Figueroa - Legislative Staff Attorney
MALDEF
110 Broadway, Suite 300
San Antonio, Texas 78205
lfigueroa@maldef.org
citizenship certificate and a U.S. passport. You agree
that those forms of identification are acceptable forms
under Senate Bill 14, correct?

A. I have never seen in my personal experience a
U.S. military identification card. The only type of
citizenship certificate that I'm familiar with are those
that are provided in the context of naturalization
ceremonies, and I'm a holder of a U.S. passport. Without
actually having seen the first two, going on the
assumption that they are legitimate documents, my answer
would be yes.

Q. You mentioned earlier that Mi Familia does not
have members but has employees and staff. Are you aware
of any of the employees or staff at your organization that
lack a photo ID required by Senate Bill 14 to vote?

A. Mi Familia Vota employees are not only U.S.
citizens but legal residents of the United States.

Q. In those 16?

A. Correct.

Q. Okay. Of those who are citizens and registered
to vote, are you aware of any of the staff or employees
that are registered but who do not have one of the photo
ID documents on that list?

MS. PERALES: You can answer if you know.

A. I do not know of any that do not, but -- that, to
me, is, you know, I -- I don't -- I haven't seen all of
their IDs.

Q. (BY MR. ASTON) Fair enough.

Does Mi Familia represent anyone else besides
the organization in this litigation?

A. Can you repeat -- can you expand on that? I'm
not exactly sure what I you mean by "represent."

Q. Mi Familia, as an organization, has entered this
lawsuit and -- on behalf of itself.

A. Uh-huh.

Q. Does it purport to be entering this lawsuit on
behalf of anyone else?

A. To my knowledge, no.

Q. Let's talk about Senate Bill 14. And if the
Court preclears that law, how does Mi Familia believe the
implementation of Senate Bill 14 will harm Mi Familia?

A. First and foremost, we are of the position that
our constituents, as eligible voters within the Latino
community, would be harmed; that the process and ability
for them to exercise their legal right to vote would be
hindered and obstructed and, therefore, by definition, our
work, which is designed to facilitate and help enable them
to exercise their voting rights more easily, would be
burdened and obstructed.

Q. Anything else?
A. I don't recall.

Q. Can Mi Familia identify any Texas registered voter who does not currently have one of the types of photo ID required by Senate Bill 14?

A. No.

Q. Does Mi Familia know how many Texas registered voters lack the documents that would be necessary to obtain a state-issued photo ID?

A. Can you repeat that, please.

MR. ASTON: Would you read it back, please.

(The requested material was read.)

A. I don't have a specific number in my head, no.

Q. (BY MR. ASTON) Can Mi Familia identify any Texas registered voter who does not have the documents necessary to get a state-issued photo ID?

A. No.

Q. Has Mi Familia done any studies of photo ID possession by Texas registered voters?

A. No.

Q. Has Mi Familia conducted any surveys of photo ID possession by Texas registered voters?

A. No.

Q. You mentioned at the beginning that Mi Familia Texas is affiliated -- or not affiliated, perhaps, but there are other states in which Mi Familia overall --
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

ERIC H. HOLDER, JR., IN
HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE
UNITED STATES,

Defendant,

ERIC KENNIE, ET AL.,

Defendant-Intervenors,

THE TEXAS STATE CONFERENCE
OF NAACP BRANCHES, ET
AL.,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG
VOTERS EDUCATION FUND, ET
AL.,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, ET AL.,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, ET
AL.,

Defendant-Intervenors.
REPORTER'S CERTIFICATION
DEPOSITION OF GLENN BAYRON
JUNE 12, 2012

I, Tamara K. Chapman, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, GLENN BAYRON, was duly sworn by the
officer and that the transcript of the oral deposition is
a true record of the testimony given by the witness;

That the deposition transcript was submitted on
______________ to the witness or to the attorney for
the witness for examination, signature and return to me by
______________;

That the amount of time used by each party at the
deposition is as follows:
MR. ASTON - 1:40
MS. McLEOD - 0:00
MS. PERALES - 00:00

That pursuant to information given to the deposition
officer at the time said testimony was taken, the
following includes counsel for all parties of record:
Mr. Adam Aston - FOR THE PLAINTIFF STATE OF TEXAS
Ms. Michelle McLeod - FOR THE DEFENDANTS ERIC H.
HOLDER, ET AL.
Ms. Nina Perales - RODRIGUEZ DEFENDANT-INTERVENORS
That $________ is the deposition officer's charges
to the Plaintiff for preparing the original deposition
transcript and any copies of exhibits;

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or otherwise
interested in the outcome of the action.

Certified to by me this 14th day of June, 2012.

Tamara K. Chapman, Texas CSR 724
Expiration Date: 12/31/12
Esquire Deposition Solutions
Firm Registration No. 283
100 Congress Avenue, Suite 2020
Austin, Texas 78701
T: 512.634.1980
F: 512.328.8139
www.esquiresolutions.com
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS }
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VS. } NO. 12-CV-128
) (DST, RMC, RLW)
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ERIC H. HOLDER, JR.,
In his official
Capacity as Attorney
General of the United
States

************************************************************************************
ORAL DEPOSITION OF BLAINE BRUNSON
************************************************************************************

ANSWERS AND DEPOSITION OF BLAINE BRUNSON, a witness called by the United States taken before Janalyn Reeves, Certified Shorthand Reporter for the State of Texas, on the 30th day of May, 2012, between the hours of 1:00 p.m. and 6:00 p.m., in the offices Dechert, LLP, 300 West 6th Street, Suite 2101, Austin, Texas, pursuant to the agreement of counsel for the respective parties as hereinafter set forth.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
OFFICE OF THE ATTORNEY GENERAL:
   By: MR. MATTHEW FREDERICK
   - and -
   MS. STACEY NAPIER
   209 West 14th Street
   Austin, Texas  78701
   PH: (512) 936-6432

FOR THE DEFENDANT:
DEPARTMENT OF JUSTICE
   By: MS. JENNIFER MARANZANO
   - and -
   MS. RISA BERKOWER
   - and -
   MS. MARIA H. RIOS
   950 Pennsylvania Avenue, NW
   Room 7161 NWB
   Washington, DC 20530
   PH: (202) 305-0185

FOR THE INTERVENORS:
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON, LLP
   By: MR. ADAM M. HARRIS
   One New York Plaza
   New York, NY  10004-1980
   Ph: (212) 859-8952

FOR THE INTERVENORS:
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
   By: NANCY G. ABUDU
   230 Peachtree Street
   Atlanta, GA  30303-1227
   Ph: (404) 523-2721
Q. Did he ask for your advice on that vote?
A. I don't recall.
Q. In any given legislative session, about how many
times does the Senate go into the
Committee-of-the-Whole?
A. Generically speaking, I would say maybe once a
session. It depends on the issues that are being looked
at.
Q. What sorts of issues would prompt it going to the
Committee-of-the-Whole?
A. The bill we're talking -- the Senate bill 14 did.
And I -- I believe in the past the school finance bills.
Any -- any legislation that there was a majority of the
members that wanted to have the testimony in front of
everyone so everyone could hear the same thing at the
same time.
Q. And is it the Lieutenant Governor's decision to
resolve to the Committee-of-the-Whole?
A. I believe so.
Q. Well, let's -- let's look at rule 7.06. Do you
see that?
A. Yeah.
Q. And Section A says, "The president shall refer
each bill to the proper committee or standing
sub-committee and shall cause such referral to be
just voted by a majority of the members; is that right?
   A. Yes.
   Q. And as a usual matter, is that different than the
way the Senate considers legislation?
   A. It is a special order that is different than the
normal order of business that's used on other
legislation.
   Q. And other legislation is usually voted by
two-thirds majority; is that correct?
   A. If there's a blocker bill in place.
   Q. Have you ever seen another time when a category
of legislation is carved out at the two-thirds rule as a
voter identification requirements in subsection D?
   A. Yes. The entire special session was done without
a blocker bill.
   Q. And what special session are you referring to?
   A. June of 2011, right after the last legislative
session.
   Q. So in other words, no legislation during the
special session was passed with a two-thirds majority?
   A. Something might have passed with more than
two-thirds of the vote. But there was not a blocker
bill in place for the whole special session.
   Q. Okay. So let me rephrase. Nothing was required
to be passed with a two-thirds majority during the
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

ERIC H. HOLDER, JR.,
In his official
Capacity as Attorney
General of the United
States

NO. 12-CV-128
(DST, RMC, RLW)

CERTIFICATE FROM THE
ORAL DEPOSITION OF
BLAINE BRUNSON
MAY 30, 2012

I, Janalyn Reeves, a Certified Shorthand Reporter
in and for the State of Texas, do hereby certify that
the foregoing deposition is a full, true and correct
transcript;
That the foregoing deposition of BLAINE BRUNSON, the
Witness, hereinbefore named was at the time named, taken
by me in stenograph on May 30, 2012, the said Witness
having been by me first duly cautioned and sworn to tell
the truth, the whole truth, and nothing but the truth,
and the same were thereafter reduced to typewriting by
me or under my direction. The charge for the completed
deposition is $________ due from Defendant.
() That pursuant to the Federal Rules of Civil
Procedure, the Witness shall have 30 days after being
Blaine Brunson

May 30, 2012

1 notified by certified mail, return receipt requested, by
2 the deposition officer that the original deposition
3 transcript is available in her office for review and
4 signature by the Witness and if any corrections made are
5 attached hereto;
6
7 () That by agreement of counsel, a reading condensed
8 copy of the deposition transcript along with the
9 full-size original changes and Signature Sheet has been
10 sent to__________ on___________ for review and
11 signature within 30 days and if any corrections returned
12 are attached hereto;
13
14 () That by agreement of counsel, the deposition
15 officer is instructed to release the original deposition
16 transcript to_______ on________, for review and
17 signature, and the deposition officer is thereafter
18 released of any further responsibility with regard to
19 the original.
20
21 () That the Witness shall have thirty (30) days for
22 review and signature of the original transcript and if
23 any corrections returned are attached hereto.
24
25 () That the signed transcript () was () was not
26 received from the Witness within 30 days.
27
28 () That the examination and signature of the Witness
29 is waived by the Witness and the parties;
30
31 That the amount of time used by each party at the
deposition is as follows:

Ms. Maranzano - 3 hours 16 minutes
Mr. Harris - 41 minutes
Mr. Frederick - no time
Ms. Abudu - no time

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

WITNESS MY HAND, this the __________, A.D., 2012.

JANALYN REEVES
Cert. No. 3631
Expires Dec. 12
100 Congress
Suite 220
Austin, Texas 78701
(512) 634-1980
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS
Plaintiff

VS.

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

Case No. 1:12-cv-00128
RMC-DST-RLW

*********************************************

ORAL DEPOSITION OF

ANNA BURNS

JUNE 7, 2012

*********************************************

ORAL DEPOSITION of ANNA BURNS, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and -numbered cause on the 7th of June, 2012, from 1:44 p.m. to 3:16 p.m., before Melisa Duncan, CSR in and for the State of Texas, reported by machine shorthand, at the offices of TECH Fort Worth Building, 1120 South Freeway, Fort Worth, Texas, in accordance with the Federal Rules of Civil Procedure and agreement hereinafter set forth.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
Mr. Adam W. Aston
Mr. Matthew H. Frederick
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, Texas 78711-2548
209 West 14th Street, 8th Floor
Austin, Texas 78701
512.475.4330
512.370.9077 (fax)
adam.aston@oag.state.tex.us
matthew.frederick@texasattorneygeneral.gov

FOR THE DEPENDANT, HOLDER, ET AL.:
Ms. Maria Hortensia Rios
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
PHB 4014
Washington, DC 20003
202.616.9750
202.514.1005 (fax)
maria.rios@usdoj.gov

FOR THE KENNIE INTERVENORS:
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TA_001065
PROCEEDINGS

ANNA BURNS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. ASTON:

Q. Good afternoon.
A. Hi.

Q. My name is Adam Aston. I represent the State of Texas, the plaintiff in this lawsuit. Would you please, before we get started, state your full -- your current full legal name?

A. Anna Maria Bargas Burns.

Q. And would you spell that, please.

Q. And are you represented by counsel?
A. Yes.

Q. Who is your counsel?
A. Mr. Dunn.

Q. Is that Chad Dunn?
A. Yes.

(Exhibit 1 was marked.)

Q. (BY MR. ASTON) What you see as marked Exhibit 1 is the notice of deposition. Have you seen this before?
A. Yes.
A. Right. Correct.
Q. What was your previous legal name?
A. Anna Maria Bargas.
Q. What is your current residence address?
A. 3224 Lipscomb, L-I-P-S-C-O-M-B, Fort Worth 76110.
Q. And that's the address where you receive your mail?
A. Yes.
Q. How long have you lived there?
A. Nineteen and a half years, this year will be 20.
Q. Is that the address at which you are registered to vote?
A. Yes.
Q. When and where were you born?
A. I was born in Fort Worth, September 12, 1960.
Q. Do you have your birth certificate?
A. Not with me.
Q. But at home?
A. Yes.
Q. Who's your current employer?
A. Engineering Analysts Incorporated.
Q. What is that address?
A. 814 West Terrell Avenue, Fort Worth 76104.
Q. How far of a commute is that for you from your house?
MR. DUNN: Just so you know, though, but
with regard to the copies of her ID in this deposition,
they'll be subject to the protective order if I give you
copies of them. Do we agree?

MR. ASTON: I'm not sure that we actually
need it really.

MR. DUNN: Okay. I mean, you just
understand for privacy reasons.

MR. ASTON: Of course. And I'd just as soon
not make extra copies if we don't need to.

MR. DUNN: Okay. Fair enough.

MR. ASTON: But thank you.

Q. (BY MR. ASTON) What is the name on your driver's
license?

A. Anna Maria Bargas Burns.

Q. And do you know about how long that has been the
name that's been on your driver's license?

A. Approximately 19 years.

Q. So about the same time that you changed your name
and got married?

A. Yes.

Q. That's been on your driver's license for about
that long?

A. Yes.

Q. The driver's license number that is on the
requirements of Senate Bill 14?
   A. As far as I know. Well, I'll say it's the only
government-issued photo ID that I have.
   Q. You're currently registered to vote, correct?
   A. Yes.
   Q. Under what name are you registered to vote?
   A. Amanda Maria Burns or Anna M. Burns. Yeah, Anna
   Maria Burns. Would you like to see this?
   MR. DUNN: The witness has produced a voter
registration card.
   Q. (BY MR. ASTON) Do you know about how long you've
been registered to vote?
   A. Well, I first registered to vote when I was 18 as
soon as I could, so I don't know. I'm 51 now.
   Q. But always in Texas?
   A. Yes.
   Q. And in consistent with your name change and your
driver's license change, Amanda Maria Burns, is that the
name that you've been registered to vote under for about
the same 19 years or is that a recent change?
   A. For 19 years, yes. No, that's not recent.
   Q. So about the same 19 years?
   A. Yes.
   Q. And since you lived at that address, your current
address for about the same time, that's always been your
Is that your understanding of Senate Bill 14?

A. Yes.

Q. And so you agree with the statement filed here on your behalf?

A. Yes.

Q. But you don't recall whether or not you reviewed this before.

If you'd turn to page 5. About five lines down -- or four lines down, Proposed Defendant Intervenors Kennie and Burns, those citizens and lawful registered voters in the past will be denied the right to vote because they are unable to obtain approved photo identification.

Is that an accurate statement?

A. Yes.

Q. Why are you unable to obtain documentation that matches your driver's license and your voter registration?

A. Well, first of all, I don't know how to approach the voter rolls to have them -- since I applied and I use my full legal name and they contracted it and took out Bargas, I don't know how to get them to correct that. And as far as getting a new driver's license, this is my legal name, so I wouldn't be able to change that --

Q. No, my question is --
A. -- to match the voter roll.

Q. -- do you -- do you understand that you are unable to have the Secretary of State and that office change your voter registration name? Your position here is that's not possible and that's why there's the disconnect?

A. Well, my position is I don't know how to go about changing it or if they would change it. I don't know if they would or not.

Q. Have you inquired?

A. No, I have not.

Q. So you've never asked, for instance, the people from the Democratic Party who requested your participation in this lawsuit, you've never asked a party official or a party supporter what you could do to change your voter registration card?

A. No, because it hasn't been an issue until now. In fact, I hardly ever use my voter registration card because I usually misplace it at some point before it expires. So I always just present my driver's license when I vote. And every time I vote, I have to explain to the person looking me up that it's under Anna Maria Burns and we have to get -- I go through that every time. But it's -- I've never been denied the ability to vote because of that.
Q. So your testimony is that most frequently you have currently voted with your driver's license, not your voter registration card, that's how you have in the past voted?
A. Yes.
Q. And that is a driver's license, the name that does not quite match the voter registration database. And yet every single time so far you've been allowed to vote, even though there's a minor discrepancy between the names?
A. I have.
Q. Senate Bill 14 in the fall, you said that was -- you believe the first time you heard about this legislation?
A. I don't know if that's the first time I heard about the legislation. I may have heard about it in the news before that, but I don't . . .
Q. You're aware that in the fall it was already passed and signed by the governor, correct?
A. Yes.
Q. So you don't recall hearing about it or talking about it or discussing the bill during the legislative session in which it was considered passed and signed. Your first recollection of hearing about Senate Bill 14 came after it was already Texas law?
A. No, that's not accurate. I -- I do remember --
Q. So you're not aware of any person but yourself who this provision might apply to, the need to weigh the discrepancies?

A. Right, no, I'm not.

Q. And this discrepancy, as you testified before, has never kept you from voting -- from being allowed to vote in the past?

A. No, but this law hadn't been passed yet so I don't know how that would affect it.

Q. Are you familiar with what types of ID in addition to driver's licenses are going to be accepted under -- under the new law, Senate Bill 14, to vote?

A. I assume it's a passport maybe and -- I don't know what else.

Q. Do you know which voters are exempt from showing the IDs required by the new law?

A. No, I do not.

Q. Do you know whether a free ID will be made available to those who do not currently possess a driver's license?

A. No, I don't.

Q. Since you were not previously made aware of Section 9C but now we've read it and discussed it briefly, does that allay any of your fears that this bill might prevent you from voting?
A. No, because -- it sounds silly but you never know who is going to be working at the local election -- at the polling place. If it's somebody that doesn't like me or we've had a disagreement about something in the neighborhood or -- they could easily tell me that I'm not allowed to vote or that I have to vote make a provisional vote and I don't want to -- I would never want to do that because I would just feel that my vote didn't count if it were a provisional vote.

Q. Even if you went back and verified that you are who you say you were and that they counted it?

A. I -- I really wouldn't be familiar with that process.

Q. Do you agree that if Section 9C operates -- does, in fact, operate going forward the way your polling place has operated in the past by allowing you to continue to vote using that driver's license with a different name than you have registered to vote, that this law could not have any -- and won't have any affect on your ability to vote?

MR. DUNN: Objection, asked and answered.

You can answer if you know.

A. I don't feel comfortable that that would be the case, no.

Q. (BY MR. ASTON) You said you don't feel
myself because of my name discrepancy, but as I thought
about it more and about who else it could affect.

Q. Do you believe that the names Anna Maria Bargas
Burns and Anna Maria Bargas are substantially similar?

A. Yes.

Q. Would it be reasonable to conclude otherwise?

A. For me to conclude that or for other people to
conclude that? I don't know. I mean, I don't think it
would be reasonable but I can't guess what other people
might consider to be reasonable, no.

(Exhibit 4 was marked.)

Q. (BY MR. ASTON) This is being marked Exhibit 4,
Texas Transportation Code, Section 521.054. Are you
familiar at all with this section of the Transportation
Code?

A. No.

Q. Please take a minute to review it and then we'll
discuss it for just a couple of minutes.

A. Okay.

Q. Now that you've looked at it, does it look like
anything you've ever read before?

A. No.

Q. Section 521.054, notice of change of address or
name, and I'm going to read some portions of it.

A. All right.
"These answers were prepared and served on May 2nd, a little over a month ago?

A. Yes.

Q. Was that an accurate reflection of your knowledge at that time?

A. Yes.

Q. Does it remain an accurate reflection of your knowledge at this time?

A. Yes.

Q. So it's your knowledge there is no evidence that there's a discriminatory intent behind Senate Bill 14?

A. That's correct.

Q. Do you know if you've ever seen that document before?

A. Yes, I have.

Q. Before today?

A. I was given a list of the interrogatories. I mean, I don't know that it was necessarily in this format. I was given the questions and asked to answer them.

Q. So you were provided a copy of the questions asked by the State of Texas?

A. Yes.

Q. Asked to answer them and you provided the answers?

A. Yes, myself.
or data?
   A. No.
   Q. What about opinion polls that describe the
   support or lack thereof that voter ID has among the
   public?
   A. I'm not familiar with any polls.
   Q. So you're not familiar one way or the other
   whether voter ID polls hold popularly or not?
   A. No, I haven't. I think it would depend on where
   you were doing the polling.
   Q. I think we're almost finished.
   Would you agree that if you could get a
voter registration card that has your current full legal
name like your driver's license, that there would be no
concern that Senate Bill 14 would prevent you from voting?
   A. If my two pieces of documentation matched
   exactly, I would feel that I would not have any problems
   voting.
   Q. So to be clear, your only concern for you
   individually and your ability to vote relates to the
   current discrepancy between your registration name and
   your driver's license name?
   A. As it relates to Senate Bill 14 or SB 14?
   Q. Yes.
   A. Yes.
IN THE UNITED STATES DISTRICT COURT 
FOR THE DISTRICT OF COLUMBIA 

STATE OF TEXAS

Plaintiff

VS.

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

Defendant. 

Case No. 1:12-cv-00128 

REPORTER’S CERTIFICATION OF THE ORAL DEPOSITION OF ANNA BURNS 
JUNE 7, 2012 

I, Melisa Duncan, a Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ANNA BURNS, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the original deposition was delivered to Mr. Aston.

That a copy of this certificate was served on all parties and/or the witness shown herein on ______________.

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:

______ was requested by the deponent or a party before the completion of the deposition and that the signature is
to be before any notary public and returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefore:

____ was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me on this, the ______ day of __________, 2012.

MELISA DUNCAN, CSR 6135
Expiration: 12/31/13
Esquire Deposition Solutions
Firm Registration No.: 286
1700 Pacific Avenue, Suite 1000
Dallas, Texas 75201
214.257.1436
STATE OF TEXAS,

Plaintiff,

VS.

ERIC H. HOLDER, JR., IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE UNITED STATES,

Defendant,

ERIC KENNE, ET AL.,

Defendant-Intervenors,

THE TEXAS STATE CONFERENCE OF NAACP BRANCHES, ET AL.,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS EDUCATION FUND, ET AL.,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS, ET AL.,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, ET AL.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128 (RMC-DST-RLW) Three-Judge Court
ORAL DEPOSITION OF
LYDIA CAMARILLO
JUNE 12, 2012

ORAL DEPOSITION OF LYDIA CAMARILLO, produced as a witness at the instance of the Defendants Eric H. Holder, et al., and duly sworn, was taken in the above-styled and numbered cause on Wednesday, June 12, 2012, from 9:00 a.m. to 10:41 a.m., before Tamara K. Chapman, CSR in and for the State of Texas, reported by machine shorthand, at the Omni, 9821 Colonnade Boulevard, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF STATE OF TEXAS:
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FOR THE DEFENDANTS ERIC H. HOLDER, ET AL.:
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ALSO PRESENT:
MR. Luis Figueroa - Legislative Staff Attorney
MALDEF
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lfigueroa@maldef.org

Mr. Glenn Bayron - Mi Familia Vota
LYDIA CAMARILLO,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. ASTON:

Q. Good morning.
A. Good morning.
Q. My name is Adam Aston. I represent the State of Texas. Could you please state and then spell your full name for the record?
Q. Have you ever been deposed before?
A. Yes, I have.
Q. How many times?
A. I believe once.
Q. Can you explain the case or was it for litigation?
A. It was the -- it was the redistricting case.
Q. And when was that deposition taken?
A. I do not remember. I believe it was January, but I'm not absolutely sure.
Q. So four or five months ago?
A. Yes.
Q. Okay. We're going to go over a few things to hopefully make this run smoothly, and then we'll get started. Okay?
would be publically available, correct?
   A. That is correct.
   Q. And as far as you know, you have -- or you believe you've testified not only in 2011 but in 2009 and perhaps in '7 and '05 as well?
   A. I'm absolutely sure that I have.
   Q. Let's talk a little bit about the background of Southwest Voter. When was the organization founded?
   Q. And do you know the corporate structure of the organization as a partnership or a 501(c)(3)?
   A. It's a 501(c)(3).
   Q. Do you know how many employees Southwest Voter has?
   A. It has ten.
   Q. And what is your role?
   A. I'm the vice president.
   Q. And what do you do as vice president?
   A. Everything, including faxing.
   Q. What else do you do in addition to the faxing?
   A. One of my major roles is figuring out the ground operation, fundraising, media and being the spokesperson on these issues.
   Q. Does your organization rely on volunteers?
   A. Absolutely.
A. I heard you say 14.

Q. Section 14.

A. Yes.

(Witness reviews document.)

Q. (BY MR. ASTON) Driver's license, personal identification card. I think those are probably self-explanatory.

Do you know what an election identification certificate is?

A. I sure do.

Q. Military identification card?

MS. PERALES: I'm sorry. What's the question?

MR. ASTON: If she's familiar that these are the documents that -- or the photo IDs that would be accepted.

A. Yes, I'm also familiar with the documents not accepted.

Q. (BY MR. ASTON) United States citizenship certificate that contains the person's photograph, passport and a license to carry a concealed handgun?

A. You know, most citizenship certificates do not have photos. They have your little feet.

Q. Do you know if any of the Southwest Voter's employees lack a photo ID that would be required by Senate
Bill 14?

A. I don't know that.

Q. Is Southwest Voter aware of any people who do not have the photo IDs required by Senate Bill 14?

A. I am aware.

Q. All right. Can you identify them by name and address, please?

A. Name and address?

Q. Sure.

A. I cannot identify them by name and address. I can identify two individuals that are part of this lawsuit with us, the young ladies, the Rodriguez, but I cannot tell you their first names and I cannot tell you their address.

Q. I am familiar with those two.

A. But they exist.

Q. We're going to talk with them this afternoon. I know that.

Are you aware of any other citizens of Texas who have not?

A. I believe those two women reflect many young people like them, and I also believe there's also elderly Latinos that will be going through the same thing that these young women are.

Q. But again, Southwest doesn't know of any
which was the -- in testimony.

Q. Request for production No. 7: All documents in your possession, custody or control, including e-mails and other communications that support your contention that Texas Senate Bill 14 was enacted with an impermissible purpose.

Answer: Defendant-intervenor has no documents responsive to this request for production.

And that was the answer you gave?

A. That's correct.

Q. And it remains true that you have no documents --

A. That is correct.

Q. -- with regard to --

A. That is correct.

Q. Let's talk for a few minutes about what you believe the effect of Senate Bill 14 will be. Does Southwest Voter contend that Senate Bill 14 will have the effect of denying or abridging Hispanics' and Latinos' right to vote on account of race, color or membership in a language minority group?

A. Southwest Voter believes wholeheartedly that SB 14 will have a negative impact on Latino voter turnout. We believe it's a bill that ultimately was signed by the governor with the intent to discriminate and dilute the right of Latino voters. We believe that it is a result of
which says what? What is the Brennan report?

A. The Brennan report says that individuals will not be able to provide the documents, as many as two million, in Texas.

Q. Do you have any other evidence that you believe supports your contention?

A. My 38 years of experience with the organization and speaking to voters.

Q. And what is that evidence?

A. Individuals telling us that they won't be able to produce the documentation.

Q. Who are these individuals?

A. Voters.

Q. Can you name any of them?

A. I cannot name any of them right now.

Q. Is that the entire universe of your organization's evidence that Senate Bill 14 will have the effect of denying or abridging Hispanics' or Latinos' right to vote?

A. That and the history of Texas having a history of discriminating against voters and having an intent against Latino voters and other voters of color.

Q. But that's all?

A. That's enough, don't you think?

Q. Does Southwest Voter contend that Senate Bill 14
young voters are less likely than other voters?

A. That's correct.

Q. Finally, do you believe that voters without a high school diploma are less likely than voters with a high school diploma to be able to obtain a form of ID?

A. I'm not sure, but yes.

Q. Let's talk about possession -- current possession of photo IDs. Do you know how many Texas registered voters lack one of the forms of photo ID that would be required under SB 14?

A. I believe the Secretary of State, by her own accounts, provided data that showed that there were about 660,000 Latino voters that would not have the proper ID in order to vote. And I believe that there is others who believe that it is much higher. So at this point I have to rely on both, our perception, our understanding, our history, and what the Secretary of State and others have said.

Q. The Secretary of State's figures, did those include all of the IDs listed under SB 14 or were those just people who do not currently have a driver's license or a personal ID provided by the State of Texas or do you recall?

A. I don't remember.

Q. Can Southwest Voter identify any Texas registered
voter who does not have one of the types of photo ID required by SB 14? Earlier you mentioned your two co-defendants.

A. Our two co-defendants.

Q. Are you aware of any other voters that you can name?

A. Not that the point.

Q. Your answer was, not at this point?

A. No.

Thank you for clarifying.

Q. Do you know how many Texas registered voters lack the documents necessary to get a state-issued photo ID?

A. I think I answered this already.

Q. This is a different question.

MS. PERALES: You may answer.

A. Ask me again. Maybe I didn't understand.

Q. (BY MR. ASTON) A moment ago we talked about who doesn't currently have the photo ID. What I'm asking now is do you know how many Texas registered voters lack the underlying documents that would be necessary to get a state-issued photo ID?

A. I'm not sure.

Q. Can Southwest Voter identify any Texas -- any Texas registered voter who does not have those documents necessary to get a state issued photo ID?
your contention with regard to rural voters?

A. That's what I have.

Q. Do you contend that the Texas legislature intended to harm urban voters by passing Senate Bill 14?

A. Yes.

Q. And please explain the evidence and the basis for that contention?

A. Urban voters are more likely to be Latino and African-American, and this bill was intended to stop Latino and African-American voters from casting their vote, and that vote being counted.

Q. Please name for me all the members of the Texas legislature that Southwest Voter contends acted with a discriminatory purpose in supporting and voting for Senate Bill 14.

A. You would ask me this and I'm going to become a citizen. I'm sorry. That was disrespectful. I apologize.

I cannot remember the names of the members right now, but we can start with the authors of the bills. And I don't know the names so they're -- they're on record.

Q. So Southwest Voter --

A. At this point I do not remember the name of the members.

Q. -- contends that some or all of the authors of
the bill intended to discriminate?
   A. Yes. I also contend that those that voted in
   favor intended to discriminate.
   Q. How many of them?
   A. All of them that voted in favor of this bill, as
   well as the governor, who signed it.
   Q. So Southwest Voter believes that every member of
   the Texas legislature who voted for this bill did so for
   the purpose of discrimination?
   A. Yes.
   Q. Do you have any evidence for that contention in
   addition to all of the things that we've been discussing
   before?
   A. I do not have anything other than what I've said,
   and accumulatively that I believe was purposely intent to
   stop voters from voting that are Latino or otherwise.

   MR. ASTON: Go off the record for two
   minutes.

   (Break.)

   Q. (BY MR. ASTON) Do you support the idea that only
   registered voters should be allowed to vote?
   A. That's the law. Yes.
   Q. Does Southwest Voter support the idea that one
   should have to register prior to voting?
   A. Yes.
REPORTER'S CERTIFICATION

DEPOSITION OF LYDIA CAMARILLO

JUNE 12, 2012

I, Tamara K. Chapman, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, LYDIA CAMARILLO, was duly sworn by
the officer and that the transcript of the oral deposition
is a true record of the testimony given by the witness;

That the deposition transcript was submitted on
__________________ to the witness or to the attorney for
the witness for examination, signature and return to me by
__________________;

That the amount of time used by each party at the
deposition is as follows:

MR. ASTON - 1:22
MS. McLEOD - 0:00
MS. PERALES - 00:00

That pursuant to information given to the deposition
officer at the time said testimony was taken, the
following includes counsel for all parties of record:

Mr. Adam Aston - FOR THE PLAINTIFF STATE OF TEXAS
Ms. Michelle McLeod - FOR THE DEFENDANTS ERIC H.
HOLDER, ET AL.
Ms. Nina Perales - RODRIGUEZ DEFENDANT-INTERVENORS
That $______ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 14th day of June, 2012.

Tamara K. Chapman, Texas CSR 72724
Expiration Date: 12/31/12
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

*********************
ORAL DEPOSITION OF
REBECCA DAVIO
JUNE 15, 2012
*********************
ORAL DEPOSITION OF REBECCA DAVIO, produced as a
witness at the instance of the Defendant, was duly
sworn, was taken in the above-styled and numbered cause
on the JUNE 15, 2012, from 11:14 a.m. to 6:33 p.m.,
before Chris Carpenter, CSR, in and for the State of
Texas, reported by machine shorthand, at the offices of
DECHERT, LLP, 300 West 6th, Suite 2010, Austin, TX
78701, pursuant to the Federal Rules of Civil Procedure
and the provisions stated on the record or attached
hereeto.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS AND THE DEponent:

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FOR THE DEFENDANT, HOLDER, ET AL:

Jennifer Maranzano
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FOR THE TEXAS LEGISLATIVE BLACK CAUCUS, THE LEAGUE OF
WOMEN VOTERS OF TEXAS, THE JUSTICE SEEKERS, REVEREND
PETER JOHNSON, REVEREND RONALD WRIGHT AND DONALD WRIGHT:

Nancy Abudu (appearing by telephone)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION, INC.
230 Peachtree Street, NW
Suite 1440
Atlanta, GA 30303 -1227
(404) 523-2721
nabudu@aclu.org
A. Yes.

Q. And you would expect an EIC to be issued in the same amount of time?

A. Yes, ma'am.

Q. Is there any concern that implementing the EIC program will actually slow everything down?

A. No.

Q. Why is that?

A. We -- we deal with increases. We have dealt with increases in population. You know, it's -- it's part of the process.

Q. So it would be similar -- it would be similar to other population increases that you faced?

A. Population increases, different changes.

Q. Can you turn back to Deposition Exhibit 834, and I'm looking again at the page that has the pictures, Page 2. And we talked a little bit about the security features that are on the EIC. What security features are on the temporary EIC?

A. The picture.

Q. Anything else?

A. The picture is the predominant one.

Q. And the temporary certificate can be used for voting; is that correct?

A. Yes, ma'am.
Q. Was there any discussion, either within DPS or
with the Secretary of State, about whether or not it
will be confusing to poll workers to have two different
varieties of an EIC?

A. I don't recall any discussion like that.

Q. Are you aware that during the legislative
debates, legislators actually said on the public record
that they didn't want to accept additional forms of ID
because it might confuse poll workers in terms of having
too many forms of ID to recognize?

MR. McKENZIE: Objection, beyond the
scope, but you may answer.

A. I don't specifically recall that.

Q. (By Ms. Maranzano) And we talked a little bit
previously about training that you plan to implement for
staff at driver's license offices. How -- how long do
you expect the training to be for staff that's going to
talk about the EIC program?

A. I think it's an hour or two.

Q. I'm sorry. An hour or two hours?

A. Yeah. I can't recall exactly.

Q. And is there any quality control plan for
ensuring that driver's license employees actually
implement this program correctly?

A. Well, we are providing the training to all
open and their hours of operation.

A. I'm afraid I couldn't glance through and -- and
do that.

Q. Okay.

A. So, no.

Q. Okay. Let me ask you this: How many
operational drivers' licenses -- drivers' license
offices currently exist in Texas?

A. There are 223 as of today.

Q. And does that number change frequently?

A. Yes, it does change. There will be 227,
probably, in September. 228 predicted to be open in
January of 2013. So yes, it does change.

Q. Okay. How many counties don't have a driver's
license office?

A. You know, I really don't look at -- I really
don't know that off the top of my head.

Q. Do you think it's more than 50?

MR. MCKENZIE: Objection, speculation, but
you may answer.

A. I have seen numbers that show that, but I have
not personally gone through and verified, and I haven't
looked recently with the changes in the offices.

Q. (By Ms. Maranzano) So as the assistant director
of, you know, the Driver's License Division, is there --
A. Yes.
Q. -- going to be opened?
A. Yes.
Q. And they're all scheduled for those hours?
A. Yes, ma'am.
Q. And this e-mail suggests that there will be two offices in Houston and one in San Antonio; is that correct?
A. Yes. Yes.
Q. And where are the other three going to be?
A. There's one in the Austin metropolitan statistical area. The name of the town is Pflugerville.
Q. Okay.
A. And there is one located in Garland and one in Fort Worth.

MS. MARANZANO: Okay. Why don't we take a break.
(Recess from 5:30 to 5:47 p.m.)
Q. (By Ms. Maranzano) Before the break we were looking at the document Exhibit 849, and we started to talk a little bit about the Mega Centers. The document says that $63 million was appropriated by the Texas Legislature; is that correct?
A. Yes, ma'am.
Q. And did the legislature -- and we talked about
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

REPORTER’S CERTIFICATION
DEPOSITION OF REBECCA DAVIO
JUNE 15, 2012

I, Chris Carpenter, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:
That the witness, REBECCA DAVIO, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on the
_____ day of ________, 2012, to the witness or to the
attorney for the witness for examination, signature and
return to______________________________, by
________________________, 2012; and if returned, the original
transcript will forwarded to Jennifer Maranzano, the
custodial attorney;

That the amount of time used by each party at the
deposition is as follows:

Ms. Maranzano: 5 hours, 48 minutes
Mr. McKenzie: 2 minutes

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified by me this 16th day of June, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
Austin, TX 78701
(512) 328-5557
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS
Plaintiff,

VS.

ERIC H. HOLDER, JR., IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF THE UNITED STATES,
Defendant,

ERIC KENNIE, ET AL.,
Defendant-Intervenors,

THE TEXAS STATE CONFERENCE OF NAACP BRANCHES, et al.,
Defendant-Intervenors,

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

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

VICTORIA RODRIGUEZ, ET AL.,
Defendant-Intervenors.

CASE NO. 1:12-CV-00128 (RMC-DST-RLW)
Three-Judge Court

******************************************************************************
ORAL DEPOSITION OF
KARINA CASARI DAVIS
JUNE 15, 2012
******************************************************************************
ORAL DEPOSITION OF KARINA CASARI DAVIS,
produced as a witness at the instance of the
Defendant-Intervenors Texas League of Young Voters
Education Fund, and duly sworn, was taken in the
above-styled and numbered cause on the 15th day of June,
2012, from 8:47 a.m. to 6:24 p.m., before Caroline
Chapman, CSR in and for the State of Texas, reported by
Computerized Stenotype Machine, Computer-Assisted
Transcription, at the Law Offices of Dechert, LLP, 300
West Sixth Street, Suite 2010, Austin, Texas pursuant to
APPEARANCES

FOR THE STATE OF TEXAS:
OFFICE OF THE TEXAS ATTORNEY GENERAL
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FOR THE DEFENDANT ERIC H. HOLDER, JR., IN HIS OFFICIAL
CAPACITY AS THE ATTORNEY GENERAL OF THE
UNITED STATES:
U.S. DEPARTMENT OF JUSTICE
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FOR THE DEFENDANT-INTERVENORS TEXAS LEAGUE OF YOUNG
VOTERS EDUCATION FUND:
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Also Present: Mr. Ezra Rosenberg, Esq.

Reported by: Caroline Chapman, CSR No. 467
Q. Oh.
A. So I do have some recollection for voter ID for -- just because it was last session and it is more fresh in my memory, I don't really remember other instances.
Q. Do you remember -- so you're saying you do --
A. I do remember for 2011, I do.
Q. How much notice was given?
A. For the public hearing portion of it which would have occurred on a Tuesday, so the notice for public hearing, and we refer to public hearings -- it is a little bit of a term of art. But if we call something a public hearing, it is the hearing at which testimony will be taken from the public. Because I think we did have -- I think the Committee of the Whole did meet that Monday, also. But I think both hearings were noticed on Friday morning previous to the Monday and Tuesday.
Q. In your view, is that -- was that an unusual amount of notice?
A. I think -- I think that's a typical amount of notice for a bill to be considered by committee on a Tuesday. I think it's very, very typical. When I was Committee Director and we had Tuesday hearings, we almost always posted on Friday afternoon. And I think a lot of our -- a lot -- not all, I mean, there are
particularly smaller committees, you know, will probably have a better idea of their agenda. But a lot of our committees that have hearings on Tuesday, Tuesdays post on Fridays.

Q. Would you view it as typical even for a larger committee like the Committee of the Whole?
A. I think so, yes. I think that's typical.

Q. Do you remember if any senators complained about the amount of notice given for the Committee of the Whole hearing in 2011?
A. Yes, I do.

Q. Who complained?
A. I particularly remember Senator Van de Putte issuing a letter. It may have been addressed to Senator Duncan or the Lieutenant Governor, I don't remember, but I remember her writing a letter complaining of the notice. Or I shouldn't say "complaining," but concerned about the notice.

Q. Actually have the letter if it would help you remember.
A. Well, I -- that's what I remember.

Q. Okay. Well, let me introduce it as an exhibit and then you can take a look at it.
A. Okay.

Q. I think this was previously Exhibit 80 in
another deposition.

(Exhibit No. 80 previously marked.)

Q. Did you have a chance to review it?
A. Yes, I did.
Q. Did this refresh your memory as to Ms. -- Senator Van de Putte's notice given about that hearing?
A. Yes.
Q. Who makes the decision about when to give notice for meetings of the Committee of the Whole?
A. I think giving notice for a hearing for the Committee of the Whole is a little bit difficult because, unlike a regular committee, the chairman of the committee can't just decide that the committee is going to meet at certain time. The Committee of the Whole process requires that the Senate itself resolve in the Committee of the Whole, it is the only way to actually be convened. So it would be by a vote of the Senate. So to the extent that notice is provided in the public of a hearing, it takes someone and likely, in this case, the Lieutenant Governor had made the decision that Senator Duncan would be appointed the Chair of the committee. So I think Senator Duncan, in consultation with the Lieutenant Governor, had anticipated and decided that the committee would meet on Monday and Tuesday. And pursuant to that plan, which is still
There is -- committee reports are prepared.

Q. Are they prepared pursuant to any rules in the Senate, any of the Senate's rules?

A. For a committee report to be in order on a Senate Floor, it would have to comply with certain rules.

Q. What are those rules?

MR. FREDERICK: Object to the form.

You may answer.

A. Generally, if I may refer to the rules.

Q. (By Ms. Berkower) Yes.

A. Generally, it is Rule 712. And the Senate Rule 712 has a requirement on what printing a committee report should include and there is a number of things that may be required of bills depending on whether those items exist. And that's -- if there is other rules, there may be some indirect advice, I can't recall anything right now. But the most specific rule on committee reports is 712.

Q. Are committees required to prepare committee reports in advance of the committee meeting under the rules?

A. The way you characterize the question is a little misleading. I think there are components to a committee report that exist at various times and
different parts of the committee report are being worked on at different times. And it isn't an indication of whether the committee has actually taken action. Some things have to be prepared ahead of the committee's consideration. So there is not necessarily a sequential requirement.

Q. So you're saying that just as a logical matter, to be prepared for the meeting, the member might need to prepare part of the report ahead of time.

MR. FREDERICK: Object to the extent mischaracterizes the testimony.

A. Well, I think, for example, a committee cannot vote on a bill until it is in possession of the fiscal note. The LBB produces the fiscal note, has to have certain amount of time to produce that fiscal note and to analyze a bill. And it is very customary practice for the LBB to receive the request from the committee to work on a committee -- on the fiscal note before the bill sometimes is even set for hearing, maybe it has already been set, or they may ask at the time that they are setting. So parts of the committee report are produced, potentially, even before a Bill is set for hearing.

Q. Is an entire committee report prepared in its entirety ever before the committee meets?
If it were the case that, for a
controversial piece of legislation, senators came to an
agreement that no amendments from the minority -- from
opponents to the bill would be permitted in advance of
consideration of those amendments, do you think that
would impact the preclearance process?

MR. FREDERICK: Objection. Calls for
speculation. Objection, calls for a legal conclusion.
Assumes facts not in evidence, relevance, argumentative.

MS. BERKOWER: You may answer.

A. I don't think senators can agree that
amendments are not permitted, so I would object to the
characterization of the question.

Q. (By Ms. Berkower) Representative Peña, are you
familiar with who he is?

A. More or less, he is a member of the House of
Representatives.

Q. During his deposition in this case, he
described SB 14 as, "a done deal."

Would you agree with that statement?

MR. FREDERICK: Objection, assumes facts
not in evidence, relevance.

A. No.

Q. (By Ms. Berkower) Why would you not agree with
that statement?
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS
    Plaintiff,

VS.

ERIC H. HOLDER, JR., IN HIS OFFICIAL CAPACITY AS THE ATTORNEY GENERAL OF THE UNITED STATES,
    Defendant,

ERIC KENNIE, ET AL.,
    Defendant-Intervenors,

THE TEXAS STATE CONFERENCE OF NAACP BRANCHES, et al.,
    Defendant-Intervenors,

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

TENNSSE LEGISLATIVE BLACK CAUCUS, et al.,
    Defendant-Intervenors,

VICTORIA RODRIGUEZ, ET AL.,
    Defendant-Intervenors.

******************************************************************************

REPORTER'S CERTIFICATION
DEPOSITION OF KARINA CASARI DAVIS
JUNE 15, 2012

******************************************************************************

I, CAROLINE CHAPMAN, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, KARINA CASARI DAVIS was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given
by the witness;

That the deposition transcript was submitted on June ___, 2012, to the witness or to the attorney for the witness for examination, signature, and return to me within 30 days of receipt thereon;

That the amount of time used by each party at the deposition is as follows:

Hon. Adam Harris - Four hours and fifty minutes.
Hon. Risa Berkower - Two hours and fifty-eight minutes.
Hon. Matthew H. Frederick - Forty minutes.

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes all parties of record:

Hon. Matthew, Attorney for the Plaintiff;
Hon. Adam Harris, Attorney for Defendant
Texas League of Young Voters Education Fund;
Hon. Risa Berkower, Attorney for Defendant
Eric H. Holder, Jr., In His Official Capacity As the Attorney General of the United States.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this
proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me on June 17, 2012.

Caroline Chapman

CAROLINE CHAPMAN, Texas CSR No. 467
Expiration Date: 12/31/2012
Firm Registration No. 286
Esquire Deposition Solutions
9901 IH-10 West, Suite 800
San Antonio, Texas 78230
(210) 331-2280
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

ERIC H. HOLDER, JR.,
ET AL

**********************************************
ORAL DEPOSITION OF SENATOR WENDY DAVIS
**********************************************

ANSWERS AND DEPOSITION OF SENATOR WENDY DAVIS, a
witness called by the United States taken before Janalyn
Reeves, Certified Shorthand Reporter for the State of
Texas, on the 6th day of June, 2012, between the hours
of 1:30 p.m. and 3:48 p.m., at 48 East Avenue, Austin,
Texas, pursuant to the agreement of counsel for the
respective parties as hereinafter set forth.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
OFFICE OF THE ATTORNEY GENERAL
By: MR. MATTHEW FREDERICK
209 West 14th Street
Austin, Texas 78701
PH: (512) 936-2779

FOR THE DEFENDANT:
DEPARTMENT OF JUSTICE
By: MR. VICTOR WILLIAMSON
950 Pennsylvania Avenue, NW
Washington, DC 20530
PH: (800) 253-3931

FOR THE INTERVENORS:
BRAZIL AND DUNN
By: MR. CHAD DUNN
4201 Cypress Creek Parkway
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Houston, Texas 77068
Ph: (281) 580-6310

Senator Wendy Davis
June 6, 2012
Whole, does the chair have any discretion as to whether a member of the Senate may question a witness?

A. The chair in that situation is the Lieutenant Governor. I suppose he has that discretion. I don't recall any limitation of questions being a part of our debate on SB 14. Although there may have been time constraints in terms of how long witnesses could testify. In fact, I'm fairly sure that there were.

Q. Is it accurate to say that in the Committee of the Whole any Senator has the right to introduce evidence into the record?

A. Yes.

Q. Is it accurate to say that in the Committee of the Whole any Senator has the right to question a witness?

A. Yes.

Q. And I think you just said that in this -- in a Committee of the Whole, the chair would be the Lieutenant Governor?

A. Correct.

Q. Do you believe that SB 14 will have the effect of denying or abridging African-American Texans right to vote?

A. Yes, I do.

Q. What's the basis for that belief?
A. I believe that the bill will particularly have an impact on abridging the right to vote of persons who are of low income status, indigent status primarily. There was information, as I said earlier, that was introduced into the record that that particular class of people in the State of Texas disproportionately is made up of persons who are African-American and Latino. And that therefore, if one could conclude that persons who are of indigent status will no longer be able to meet the requirements to vote in the State of Texas or to occur, one could also conclude that that would have a disproportionate impact on the African-American and Latino community.

Q. Is there any other reason that you believe SB 14 will have a negative impact on the African-American community in Texas?

A. I believe that that concern that I expressed captures.

Q. Do you believe that SB 14 will have the effect of denying or abridging the right to vote of African-American Texans who are not indigent?

A. I believe it will disproportionately impact those who don't ordinarily seek out a driver's license in the State of Texas. That person may not fall in an indigent category, but my concern is that, particularly where no
African-American.

Q. In talking about the rural minority communities that have problems with access to public transportation and vehicles, is it your understanding that an Anglo voter living in that kind of community, say a rural community in the Valley, would be affected less than a Latino member of that community by SB 14?

A. My distinction is not whether someone is Anglo or Latino or African-American. The distinction is income level, poverty, and the ability to access transportation. I believe it's the case that disproportionately, that impacts persons in the minority community. It certainly, I am sure, impacts persons who are Anglo as well who fit within that category of being low-income and having no access to transportation.

Q. Is it your understanding that younger voters are less likely to have a form of ID required by SB 14?

A. I don't know.

Q. Do you know how many Texas registered voters lack the form of ID required by SB 14?

A. I don't know. I will certainly asked that question.

Q. Do you know how many of your constituents don't have one of the forms of ID required by SB 14?

A. No. And again, I sought that information and was
Senator Wendy Davis       June 6, 2012

1 not given it.
2 
3 Q. I know you mentioned that the information was
4 sought statewide. How did you seek that information
5 about your constituents?
6 A. I recall asking that as part of either the Senate
7 hearing or perhaps outside the Senate hearing.
8 Q. Did you ever attempt to survey your constituents
9 to see who lacked a photo ID required by SB 14?
10 A. No, I don't.
11 Q. Can you identify any one of your constituents who
12 lacks one of the IDs required by SB 14?
13 A. No, I cannot.
14 Q. Are you aware or can you identify any specific
15 Texas registered voter who lacks one of the forms of ID
16 required by SB 14?
17 A. No, I cannot.
18 Q. Do you know how many of your constituents do not
19 have the underlying documents necessary to get a photo
20 ID?
21 A. No, I don't.
22 Q. Can you identify any specific constituents who
23 lacks the documents necessary to get a photo ID?
24 A. No, I cannot.
25 Q. Can you identify any particular Texas registered
26 voter who lacks the documents necessary to get a photo
ID?

A. No.

Q. Are you familiar with the levels of photo ID possession by different racial and ethnic groups in Texas? And by levels, I mean the proportion of ID possession?

A. No, I don't have particular information about that.

Q. So you don't know what percentage of registered African-American voters have a photo ID?

A. No, I do not.

Q. And would the same go for Anglo, Asian, Hispanic voters?

A. Correct. What I would say is we certainly should have known that before we passed the law that would affect so many people.

Q. Do you know how that would be determined, how one would go about determining the level of ID possession by various ethnic groups in Texas?

A. Well, I know the Department of Justice is certainly trying to get at the heart of that right now by asking the discrepancy of persons who have a driver's license in the State of Texas versus those who have voter identification cards in the State of Texas.

Q. Are you aware of any efforts by or on behalf of
would be a disproportionate impact on poor people. And that those populations were disproportionately minority.

Q. Do you believe the legislature intended to harm elderly people by passing SB 14?
   A. No, I don't. Not as a group, no.

Q. Do you believe that any legislator intended to harm elderly people by passing SB 14?
   A. No, I don't. Not specifically.

Q. Well, is it your testimony that you believe SB 14 will disproportionately impact elderly people?
   A. I didn't say that.

Q. Okay. I should have phrased my question differently. I meant to just ask if that was your contention?
   A. I don't have any understanding that that's the case.

Q. Understood. Other than your understanding of the effect of SB 14 and awareness of that effect on the part of proponents of the bill, is there any other basis for your contention that this bill was passed with a discriminatory purpose?
   A. No.

Q. Would you agree that members of the Texas Legislature have a duty the represent their constituents?
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

NO. 12-CV-128

ERIC H. HOLDER, JR., ET AL

CERTIFICATE FROM THE
ORAL DEPOSITION OF
SENATOR WENDY DAVIS

I, Janalyn Reeves, a Certified Shorthand Reporter
in and for the State of Texas, do hereby certify that
the foregoing deposition is a full, true and correct
transcript;

That the foregoing deposition of SENATOR WENDY DAVIS,
the Witness, hereinbefore named was at the time named,
taken by me in stenograph on June 6, 2012, the said
Witness having been by me first duly cautioned and sworn
to tell the truth, the whole truth, and nothing but the
truth, and the same were thereafter reduced to
typewriting by me or under my direction. The charge for
the completed deposition is $________ due from
Plaintiff

() That pursuant to the Federal Rules of Civil
Procedure, the Witness shall have 30 days after being
notified by certified mail, return receipt requested, by
the deposition officer that the original deposition
transcript is available in her office for review and
signature by the Witness and if any corrections made are
attached hereto;

() That by agreement of counsel, a reading condensed
copy of the deposition transcript along with the
full-size original changes and Signature Sheet has been
sent to________ on_________ for review and
signature within 30 days and if any corrections returned
are attached hereto;

() That by agreement of counsel, the deposition
officer is instructed to release the original deposition
transcript to_______ on________, for review and
signature, and the deposition officer is thereafter
released of any further responsibility with regard to
the original.

() That the Witness shall have thirty (30) days for
review and signature of the original transcript and if
any corrections returned are attached hereto.

() That the signed transcript () was () was not
received from the Witness within 30 days.

() That the examination and signature of the Witness
is waived by the Witness and the parties;

That the amount of time used by each party at the
deposition is as follows:

Mr. Matthew Frederick - 2 hours 9 min
Mr. Chad Dunn - no time
I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

WITNESS MY HAND, this the_____ day of_______, A.D., 2012.

JANALYN REEVES
Cert. No. 3631
Expires Dec. 12
100 Congress
Suite 220
Austin, Texas 78701
(512)634-1980
Firm Registration No. 283
Robert Duncan

June 7, 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

NO. 12-CV-128

(EST, RMC, RLW)

ERIC H. HOLDER, JR.,
In his official
Capacity as Attorney
General of the United
States, ET AL

ORAL DEPOSITION OF ROBERT DUNCAN

ANSWERS AND DEPOSITION OF ROBERT DUNCAN, a witness
called by the United States taken before Janalyn Reeves,
Certified Shorthand Reporter for the State of Texas, on
the 7th day of June, 2012, between the hours of 9:30 a.m
and 4:25 p.m., in the offices the US Attorney, 816
Congress Avenue, Suite 1000, Austin, Texas, pursuant to
the agreement of counsel for the respective parties as
hereinafter set forth.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
OFFICE OF THE ATTORNEY GENERAL:
By: MR. PATRICK SWEETEN
   - and -
MR. JAY DYER
209 West 14th Street
Austin, Texas 78701
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FOR THE DEFENDANT:
DEPARTMENT OF JUSTICE
By: MS. JENNIFER MARANZANO
   - and -
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Houston, Texas 77068
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June 7, 2012
forms of identification as listed in Senate Bill 14?

A. The Section 65.0541, Subdivision 1, provides that the photo ID would be required or the affidavits required as discussed earlier.

Q. The affidavits for -- that we just discussed with an individual?

A. Correct.

Q. Okay. Does the voter have to show their identification to a voter registrar, voter who cast a provisional ballot has to show one of the forms of required identification to a voter registrar, correct?

A. I believe there's the provision in the statute.

Q. Is this a voter registrar office in every county?

A. I believe there is.

Q. Are they usually in the county seat? Are they usually located --

A. That would be normally where they would be.

Q. What's the purpose of Senate Bill 14?

MR. SWEETEN: You can give the general purpose.

A. The general purpose is to in sure ballot integrity.

Q. (By Ms. Maranzano) Based on the public record, can you tell me the basis of that statement? Your saying that's the purpose.
MR. SWEETEN: That calls for matters of legislative privilege. He can testify to purpose, which he did. You're asking him now to go to the public record and do an analysis and give you the reasons that are in the public record in support of what he has stated as general purpose. And to do so would discover his mental impressions and be subject to the mental impressions. I instruct you not to answer.

BY MS. MARANZANO:

Q. Any other purposes of Senate Bill 14?
A. That's the general purpose.

Q. Can you tell me each and every purpose of Senate Bill 14?

MR. SWEETEN: Asked and answered.

A. I've told you the general purpose which is my response to your question.

Q. (By Ms. Maranzano) So are there any other purposes?

A. There are -- there is a general purpose to the statute, as I stated. And it's broad enough to include the general purpose, as I stated.

Q. I would like to know each and every purpose of Senate Bill 14?

MR. SWEETEN: He's answered the question.

Asked and answered.
MS. MARANZANO: He hasn't answered that question.

MR. SWEETEN: He's given you the purpose of the bill. Objection; asked and answered.

A. The purpose of the bill is generally to prevent and preserve -- prevent fraud and observe -- preserve the integrity of the ballot.

Q. (By Ms. Maranzano) And the reason why I was following up is because you say "generally." So I'm just trying to make sure I have every purpose of Senate Bill 14?

A. Well, when I say "generally," means the general purpose of the bill.

Q. But are there any other specific purposes of the bill?

A. My testimony involves the general purpose of the bill. And I stated the general purpose of the bill.

Q. But I am allowed to ask you about the legislative purpose so I think that would include any legislative purpose of Senate Bill 14?

A. Well, just general purpose and legislative purpose are synonymous in this view and that's to prevent voter fraud and protect the integrity of the ballot.

Q. Okay. That's good. Can you tell me, based on
Q. All right. We'll come back to that. Did you ever have any discussions -- strike that. To the best of your knowledge, based on public record, did the legislature take steps to determine whether SB 14 might disproportionately impact minority voters?

MR. SWEETEN: Don't reveal matters of legislative privilege. If you can answer the question without doing so, you can. If you cannot, then instruct you not to answer.

A. I can't accurately respond to the question based on independent recollection. I would refer you to the record.

Q. (By Ms. Maranzano) Okay. Was any part of the purpose of Senate Bill 14 to decrease the number of Hispanic voters?

A. No.

Q. Was any part of the purpose of Senate Bill 14 to decrease the number of any other group of minority voters?

A. No. The purpose is as I've stated.

Q. Was any part of the purpose of Senate Bill 14 partisan?

A. No. The purpose is as I stated.

Q. Did the purpose of photo ID in Texas evolve overtime?
Robert Duncan

June 7, 2012

A. I'm not sure I understand that. What do you mean?

Q. Did the purpose of the photo ID bills that we talked about in different legislative sessions change?

A. Not that I'm aware of.

MR. SWEETEN: Hold on a second. I think that you're asking to compare and contrast different bills from different sessions. I think that the question is vague. I think it's compound. I also think that it calls upon him to give you an analysis of how one bill compares with another which would require him to write his mental impressions and would be subject to the legislative privilege. He will testify -- I think you've asked him all day about the different bills and what he thought the general purpose was. He has testified to all of that.

BY MS. MARANZANO:

Q. Are you aware of any legislators making any statements about illegal aliens voting?

A. No.

Q. Have you ever heard a Texas State legislator who voted in favor of Senate Bill 14 say it would prevent racial or ethnic minorities from voting in Texas?

A. No.

MR. SWEETEN: Don't reveal any
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

NO. 12-CV-128
(DST, RMC, RLW)

ERIC H. HOLDER, JR.,
In his official
Capacity as Attorney
General of the United
States, ET AL

CERTIFICATE FROM THE
ORAL DEPOSITION OF
ROBERT DUNCAN
JUNE 7, 2012

I, Janalyn Reeves, a Certified Shorthand Reporter
in and for the State of Texas, do hereby certify that
the foregoing deposition is a full, true and correct
transcript;

That the foregoing deposition of ROBERT DUNCAN, the
Witness, hereinbefore named was at the time named, taken
by me in stenograph on June 7, 2012, the said Witness
having been by me first duly cautioned and sworn to tell
the truth, the whole truth, and nothing but the truth,
and the same were thereafter reduced to typewriting by
me or under my direction. The charge for the completed
deposition is $_______ due from Defendant.

() That pursuant to the Federal Rules of Civil
Procedure, the Witness shall have 30 days after being
notified by certified mail, return receipt requested, by
the deposition officer that the original deposition
transcript is available in her office for review and
signature by the Witness and if any corrections made are
attached hereto;

() That by agreement of counsel, a reading condensed
copy of the deposition transcript along with the
full-size original changes and Signature Sheet has been
sent to__________ on___________ for review and
signature within 30 days and if any corrections returned
are attached hereto;

() That by agreement of counsel, the deposition
officer is instructed to release the original deposition
transcript to__________ on___________, for review and
signature, and the deposition officer is thereafter
released of any further responsibility with regard to
the original.

() That the Witness shall have thirty (30) days for
review and signature of the original transcript and if
any corrections returned are attached hereto.

() That the signed transcript () was () was not
received from the Witness within 30 days.

() That the examination and signature of the Witness
is waived by the Witness and the parties;

That the amount of time used by each party at the
deposition is as follows:

Ms. Maranzano - 5 hours 34 minutes
Mr. Brazil - 16 minutes
Mr. Sweeten - no time

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

WITNESS MY HAND, this the_____ day of_______, A.D., 2012.

JANALYN REEVES
Cert. No. 3631
Expires Dec. 12
100 Congress
Suite 220
Austin, Texas 78701
(512) 634-1980
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

*************************************************

ORAL DEPOSITION OF
SOUTHWEST WORKERS UNION
TANYA AGUILAR GARDUNO
JUNE 13, 2012

*************************************************
ORAL DEPOSITION OF TANYA AGUILAR GARDUNO, produced as a witness at the instance of the Defendant, was duly sworn, was taken in the above-styled and numbered cause on the JUNE 13, 2012, from 9:30 a.m. to 1:08 p.m., before Chris Carpenter, CSR, in and for the State of Texas, reported by machine shorthand, at the offices of Esquire Deposition Solutions, 9901 IH 10 West, Suite 800, San Antonio, TX 78230, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
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Austin, TX 78711-2548

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reynolds.brissenden@texasattorneygeneral.gov

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NWB - Room 7202
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FOR THE DEFENDANT-INTERVENOR TEXAS STATE CONFERENCE OF NAACP:

Donita Judge
ADVANCEMENT PROJECT
1220 I. Street, N.W.
Suite 850
Washington, DC 20005
(202) 728-9557
djudge@advancementproject.org
you know what -- in your opinion, what is the purpose of
SB 14?

MS. JUDGE: Objection, vague.

A. I don't understand your question.

Q. (By Mr. Brissenden) What is your understanding
as to what the purpose of SB 14 is?

A. My understanding of it?

Q. Yes.

A. To prevent voter fraud.

Q. Do you know --

(Witness and Ms. Judge conferring.)

MR. BRISSENDEN: Let the record reflect
that counsel is speaking with the witness during the
questioning, and I'd request that the sidebars stop.

Q. (By Mr. Brissenden) Do you know how many Texas
registered voters lack one of the forms of ID that are
required under SB 14?

A. I do not.

Q. Can you identify any Texas registered voter who
does not have one of the types of photo IDs that are
required?

MS. JUDGE: Objection, asked and answered.

MR. BRISSENDEN: I don't believe I've
asked this question.

Q. (By Mr. Brissenden) Do you understand my
REPORTER'S CERTIFICATION

DEPOSITION OF TANYA AGUILAR GARDUNO

JUNE 13, 2012

I, Chris Carpenter, Certified Shorthand Reporter in

and for the State of Texas, hereby certify to the

following:

That the witness, TANYA AGUILAR GARDUNO, was duly

sworn by the officer and that the transcript of the oral

deposition is a true record of the testimony given by

the witness;

That the deposition transcript was submitted on the

_____ day of ________, 2012, to the witness or to the
return to______________________________, by
______________________, 2012; and if returned, the original
transcript will forwarded to Reynolds Brissenden, the
custodial attorney;

That the amount of time used by each party at the
deposition is as follows:

Mr. Brissenden: 3 hours, 16 minutes

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified by me this 14th day of June, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
Austin, TX 78701
(512)328-5557

Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

*******************************
ORAL DEPOSITION OF
REPRESENTATIVE MAY HELEN GIDDINGS
JUNE 6, 20112
*******************************

TA_001143
ORAL DEPOSITION OF REPRESENTATIVE MAY HELEN GIDDINGS, produced as a witness at the instance of the Defendant, was duly sworn, was taken in the above-styled and numbered cause on the JUNE 6, 2012, from 9:43 a.m. to 12:59 p.m., before Chris Carpenter, CSR, in and for the State of Texas, reported by machine shorthand, at the offices of Attorney General for the State of Texas, 209 West 14th Street, 1st Floor Conference Room, Austin, TX 78701 Austin, Texas 78701, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:

Matthew Frederick  
Stacey Napier  
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FOR THE DEFENDANT, HOLDER, ET AL:

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FOR THE DEFENDANT-INTERVENOR TEXAS STATE CONFERENCE OF  
NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE  
CAUCUS:

John K. Tanner  
(for Ezra D. Rosenberg)  
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Princeton, NJ 08540-6531  
(609) 955-3200  
john.k.tanner@gmail.com  
ezra.rosenberg@dechert.com
REPRESENTATIVE MAY HELEN GIDDINGS,

having been first duly sworn to testify the truth, the
whole truth, and nothing but the truth, testified as
follows:

EXAMINATION

BY MR. FREDERICK.

Q. Good morning, Representative Giddings.
A. Good morning.

Q. Please state your full name for the record.
A. May Helen Giddings.

Q. Thank you. My name is Matt Frederick. I
represent the State of Texas in the lawsuit styled Texas
versus Holder. Have you ever been deposed before?
A. I can't remember. I think I was many years
ago.

Q. Okay. Well, I'll go over some ground rules in
a minute just to reacquaint you.
A. Okay.

Q. Are you suffering from any illness today that
will affect your ability to answer my questions
accurately?
A. No.

Q. Are you taking any medication that might affect
your ability to provide accurate answers to my
questions?
Caucus's counsel?

A. John Tanner.

Q. And you understand that you have been designated to provide testimony on behalf of the Texas Legislative Black Caucus today?

A. Yes.

Q. So I will try and be clear if I'm referring to you personally or to the Caucus, but my -- unless I otherwise indicate, my questions will be directed toward the Caucus as a whole.

A. Yes.

Q. Thanks. What did you do to get ready for your deposition today?

A. I reviewed the Senate Bill 14. I did a little search, a little research surrounding the bill as it was on the Floor, and I had a brief conversation with the -- with the Black Caucus's general counsel.

Q. Who is the Legislative Black Caucus's general counsel?

A. Or -- the Caucus is represented by John Tanner, so general counsel is probably the wrong word, just counsel, I suppose.

Q. How long did that meeting with Mr. Tanner last about?

A. Well, we had dinner, and we talked about this
today, as far as I know, there is no one who takes part in our meetings and so forth, except those members who are currently serving.

Q. And you that believe if there is a provision for former members to -- former members of the House or Senate to be members of the Legislative Black Caucus, that would probably in the bylaws of the organization?

A. I think it would probably be. Yes. Uh-huh.

Q. And Exhibit Number 2, which we've discussed is the current members of the House, there are no former members of the House on that --

A. No.

Q. -- currently? Thank you.

Do any of the members of the Texas Legislative Black Caucus lack the photo ID required by Senate Bill 14?

A. I would, of course, not have surveyed these members, but my guess would be that they all have the proper identification. That would be -- that would be my best guess.

Q. So as you sit here today, can you identify any -- any specific member of the Legislative Black Caucus who does not have one of the types of ID required by SB 14?

A. No. I could not identify anybody who does not
Q. Does the Texas Legislative Black Caucus, to your knowledge, represent anyone else in this litigation besides its members?
A. Its members and our constituents, I think, we represent our constituents in this -- in this matter and African Americans throughout the state in a broad sense.
Q. And to be clear, constituents, although they're obviously represented by members in their capacity as legislators, they are not -- constituents are not actually members of the Texas Legislative Black Caucus?
A. No. They are not.
Q. Okay. Can you tell me how preclearance -- well, let me first ask you, are you familiar with Section 5 of Voting Rights Act?
A. I am probably not as familiar as you attorneys, but --
Q. Do you understand what I mean when I say "preclearance"?
A. Yes.
Q. Okay. How would preclearance of Senate Bill 14 harm the Texas Legislative Black Caucus?
A. I think, basically, we are -- we want to make sure that there is not an opportunity for retrogression, for the suppressing of the vote. And again, and I think
May Helen Giddings

at least in -- that the State, that the State has the burden of making sure that it is not discriminatory.

Q. Just so I understand your testimony, so your testimony is that the Texas Legislative Black Caucus wants to ensure that there's not suppression or voters or a retrogressive effect that might happen if the Senate Bill went into effect; is that right?

A. Yes.

Q. But as I understand your testimony, you do not or the Caucus does not contend that its own members would be prevented from voting by SB 14; is that correct?

MR. TANNER: I object. I think that misstates the witness's testimony.

Q. (By Mr. Frederick) Do you -- does the Caucus contend that its members, as listed in Exhibit 2, would be prevented from voting by SB 14 if it went into effect?

A. If I understand your question, if it is, would these 17 people not be able to vote as a result of the enactment of Senate Bill 14, to my knowledge, they would not be.

Q. Does the Legislative Black Caucus, does it register voters?

A. Well, the Legislative Black Caucus, as a body,
there," would that include mail-in ballot fraud?
A. I think that there have been allegations over
the years that there have been some mail-in ballots
where there was fraud, where there was suspected fraud.
Q. But it's not the Caucus's contention that there
is no such thing as in-person voter fraud or voter
impersonation; is that right?
A. No, not -- it's not a zero game.
Q. Does the Caucus contend that Senate Bill 14
will prevent Latino Texans from voting or lower Latino
turnout?
A. I think the Caucus is concerned that this bill
would prevent a lot of people from voting, including --
the people that I'm talking about at the town hall
meeting that I went to in Cedar Springs with a couple of
other state reps happen to be primarily Anglo, and it
was the Anglo women who stood up and said that they
weren't going to be able to vote either. You know,
because their drivers license said this and their voter
ID said that. And so they had a question.

So anytime anybody is going be denied the
right to vote, we're concerned about that. But the
primary concern of the -- I think of the Texas
Legislative Black Caucus in taking whatever action it
took, was to two speak to -- speak for those people that
other of the documents listed in SB 14?

A. I -- I don't believe so.

MR. TANNER: Just -- never mind.

A. I don't believe so.

Q. (By Mr. Frederick) All right.

A. I -- you know, I don't -- you know, the driver's license or the passport, again, you would have to deal with anecdotal. We don't have any statistics. I mean, I would suspect that the passport would be one. I mean, if you're not traveling internationally, I don't quite know what else you do with passports. So "I don't know" I guess is the real answer.

Q. We've been talking about it, so I'll just ask you: Do you have -- do you have a driver's license, a current Texas driver's license?

A. I do.

Q. Are there -- are there other members of your household who are voting age?

A. Yes. And Mr. Frederick, so we don't have to go down that line, again, everybody in my family has whatever kind of ID is his. But I think I just said, and I'm going to say that again, that we should not be the model for this. I mean, we've got to think about people who are in other circumstances. So I wasn't supposed to be speaking personally, but I was supposed
May Helen Giddings
June 6, 2012

1 to be speaking for the Caucus, but yeah, I mean -- I
2 mean, yes, we all have birth certificates, almost all of
3 us have passports, but then we're talking about people
4 in different circumstances. I just said that you and I,
5 other than age, we're probably very similarly situated.
6 That is not the case overall.

Q. And while we're on the subject, and I'll move
8 on in just a moment, but what are -- if you just remind
9 me what the specifics circumstances are that would put
10 someone in a different situation than maybe you or I are
11 in?

A. I think, you know, beyond the control of
13 people, if they're elderly, born in a rural area where
14 there might not be doctors and what have you, and where
15 there might not be easy access in terms of where they're
16 -- where their birth need to be registered, you and I
17 probably travel internationally a great deal, and so,
18 yeah, I would have a passport because I travel a lot.
19 So that would -- that would differentiate us.

We are -- or in my case, I'm a driver, so,
21 you know, I have a DPS -- I have a driver's
22 license. But we're talking about -- I talked a lot
23 about the elderly and the very young, African American
24 elderly and very young, which is an area that I know an
25 awful lot about.
legislators in terms of what actually is going on. I think the Court would be able to take judicial notice of that. And so we can go among the -- well, I don't want to phrase your questions for you.

MR. FREDERICK: Let me rephrase. I think I can avoid the legal confusion.

Q. (By Mr. Frederick) Does the Caucus contend that the Texas legislature did not actually pass SB 14 in order to prevent in-person voter fraud?

MR. TANNER: I think you've just rephrased, but it has the same problem as to the form. And the possibility, again, of multiple forms of, you know, that -- the witness would be in a position to answer whether that was a stated purpose of it or whether she heard on the Floor or elsewhere statements of legislators to that effect.

Q. If I were to ask you what the purpose of a bill, a piece of legislation was, what would you -- what is your understanding of purpose, i.e., legislative purpose, if you have one?

A. Well, the purpose usually comes from the person who is bringing the bill and saying "We're doing this because of that, and this is what we're trying to accomplish."

Q. Was there -- are you aware or is the Caucus
aware of a stated purpose for Senate Bill 14?

A. Yes. I would have to -- to look at the House research. But obviously, the stated purpose was not -- it was to -- the stated purpose was to prevent voter fraud, voter impersonation, loosely, generally, I'll say was the stated purpose.

Q. Does the Caucus contend that there was any other purpose behind SB 14, stated or unstated?

A. I would have to say that the Caucus does not believe that this bill does anything to prevent voter impersonation, nothing.

Q. I understand that and I appreciate that. I guess I'm asking a slightly different question. Whether or not -- well, understanding that the Caucus may believe that it may not accomplish the stated purpose --

A. Uh-huh.

Q. -- does the Caucus contend that there was any other purpose behind SB 14, whether it was stated or unstated?

A. I think the Caucus's position would be that they have questions about what the purpose was.

Q. Does the Caucus contend that there was any other specific purpose behind SB 14?

MR. TANNER: I -- again, I'm going to object to the form. I've been trying to give
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

REPORTER'S CERTIFICATION
DEPOSITION OF REPRESENTATIVE MAY HELEN GIDDINGS
JUNE 6, 2012

I, Chris Carpenter, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, REPRESENTATIVE MAY HELEN GIDDINGS,
was duly sworn by the officer and that the transcript of
the oral deposition is a true record of the testimony
given by the witness;
That the deposition transcript was submitted on the
____ day of _______, 2012, to the witness or to the
attorney for the witness for examination, signature and
return to______________________________, by
______________________________, 2012; and if returned, the original
transcript will forwarded to Matthew Frederick, the
custodial attorney;
That the amount of time used by each party at the
deposition is as follows:
Mr. Frederick: 2 hours, 36 minutes
Mr. Tanner: 17 minutes
Ms. Miller: 7 minutes
I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.
Certified by me this 7th day of June, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
Austin, TX 78701
(512) 328-5557
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,
Plaintiff,

V.

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

ERIC KENNIE, et al.,
Defendant-Intervenors,

TEXAS STATE CONFERENCE
OF NAACP BRANCHES, et al.,
Defendant-intervenors,

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

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

VICTORIA RODRIGUEZ, et al.,
Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

ORAL DEPOSITION OF
REPRESENTATIVE PATRICIA HARLESS
May 15, 2012

ORAL DEPOSITION OF REPRESENTATIVE PATRICIA HARLESS,
produced as a witness at the instance of the Defendant, and duly
sworn, was taken in the above-styled and numbered cause on the
15th day May, 2012, from 9:42 a.m. to 7:11 p.m., before Amy C.
Kofron, CSR in and for the State of Texas, reported by machine
shorthand, at the offices of the United States Attorney, 816
Congress Avenue, Austin, Texas, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record or
attached hereto.
APPEARANCES

FOR THE PLAINTIFF:
Mr. Patrick Sweeten
Mr. Matthew H. Frederick
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, Texas 78711-2548

FOR THE DEFENDANT:
Mr. Daniel J. Freeman
Ms. Elizabeth S. Westfall
Ms. Risa Berkower
Ms. Jennifer Maranzano
Mr. Bruce Gear
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue NW
NWB Room 7203
Washington, DC 20530

FOR THE DEFENDANT-INTERVENORS, TEXAS STATE CONFERENCE OF NAACP BRANCHES AND MEXICAN AMERICAN LEGAL CAUCUS:
Mr. Ezra Rosenberg
DECHERT, L.L.P.
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FOR THE DEFENDANT-INTERVENOR, KENNIE:
Mr. Chad Dunn
BRAZIL & DUNN, L.L.P.
4201 Cypress Creek Parkway
Suite 530
Houston, Texas 77068
MR. FREEMAN: And, Mr. Sweeten, are you considering the American Legislative Exchange Council to be a constituent?

MR. SWEETEN: To be honest with you, Mr. Freeman, I am not familiar with the American Legislative Exchange, but as you know, we -- we've defined constituents as those who live in the State of Texas, so --

MR. FREEMAN: It's an organization also known as ALEC that is based outside of the State of Texas.

MR. SWEETEN: I don't -- I think under our interpretation of what a constituent is, if you're asking if it originated -- information originated outside of the State of Texas, not from a Texas citizen, then -- then that's -- I don't think that that's covered under where we're asserting our privilege.

MR. FREEMAN: Okay. But I'm asking about -- the representative's already answered no, so this is --

MR. SWEETEN: Okay. All right.

MR. FREEMAN: -- largely a moot point.

MR. SWEETEN: Well, I'm glad we had that debate.

MR. FREEMAN: Yes. Good. But we're setting ground rules for things in the future. That's important.

Q. Okay. If we can move on -- we're going to move on to S.B. 14 itself. What were the purposes of S.B. 14?

MR. SWEETEN: Okay. I'm going to -- I'm going to
instruct you at this time not to answer based upon the fact that
that would invade legislative privilege, including
communications with legislators, legislative staff, state
agencies, Texas Legislative Council, constituents, as well as it
would reveal your mental impressions regarding Senate Bill 14.
That's my instruction. You can answer based upon the public
record.

A. If I recall in testimony on the floor, I stated the
purpose was to protect the integrity of the election process and
to deter and detect fraud.

Q. Were there any other purposes?

MR. SWEETEN: Same instruction. Same objection.

A. Those are the ones that I recall that I mentioned on
the floor.

Q. And so any other purposes -- am I correct that you
would not be stating any other purposes based on the instruction
received from counsel?

A. I can't recall anything else. I can't remember what
all I discussed on the House floor.

Q. Okay. Was the purpose of S.B. 14, in part, to
decrease the number of Hispanic voters?

MR. SWEETEN: I'm going to object to the
question. The matter invades the legislative privilege, and --
and I'm going to instruct Representative Harless not to answer
that question because it reveals thoughts, mental impressions
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

V.

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

Defendant.

ERIC KENNIE, et al.,
Defendant-Intervenors,

TEXAS STATE CONFERENCE
OF NAACP BRANCHES, et al.,
Defendant-intervenors,

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

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

VICTORIA RODRIGUEZ, et al.,
Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

REPORTER'S CERTIFICATION
DEPOSITION OF REPRESENTATIVE PATRICIA HARNESS
MAY 15, 2012

I, Amy C. Kofron, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the following:
That the witness, REPRESENTATIVE PATRICIA
HARNESS, was duly sworn by the officer and that the transcript
of the oral deposition is a true record of the testimony given
by the witness;
That the deposition transcript was submitted
on_________________ to the witness or to the attorney for the
witness for examination, signature and return to me
by_________________;

That the amount of time used by each party at the
deposition is as follows:

Mr. Freeman 06:33
Mr. Rosenberg 00:24

That pursuant to information given to the
deposition officer at the time said testimony was taken the
following includes counsel for all parties of record:

Mr. Sweeten, Attorney for Plaintiff
Mr. Freeman, Attorney for Defendant
Mr. Rosenberg, Attorney for Defendant-Intervenor
Mr. Dunn, Attorney for Defendant-Intervenor

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or attorneys in
the action in which this proceeding was taken, and further that
I am not financially or otherwise interested in the outcome of
the action.

Certified to by me this_____ day of______, 2012.

Amy K. Krim
Amy C. Krim, Texas CSR #6352
Expiration Date: 12/31/2013
Esquire Deposition Solutions
100 Congress Avenue, Suite 2020
Austin, Texas 78701
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS

VS.

NO. 12-CV-128

(DST, RMC, RLW)

ERIC H. HOLDER, JR.,

In his official
Capacity as Attorney
General of the United
States, ET AL

ORAL DEPOSITION OF MAJOR FORREST MITCHELL

ANSWERS AND DEPOSITION OF MAJOR FORREST MITCHELL, a witness called by the United States taken before Janalyn Reeves, Certified Shorthand Reporter for the State of Texas, on the 15th day of June, 2012, between the hours of 9:30 a.m. and 5:46 p.m., in the offices the United States Department of Justice, 816 Congress Street, Suite 1000, Austin, Texas, pursuant to the agreement of counsel for the respective parties as hereinafter set forth.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:
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   - and -
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   - and -
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Ph: (609)) 955-3259
January of 2010 to the present?
   A. No, sir, I do not.
   Q. So what is the purpose of the, I believe you said, "election team," what is the purpose of the election team?
   A. The elections team responsibility would be to conduct criminal allegations of election code offenses. These are typically referred by the Secretary of State, local, district county attorneys, local elections administrators or local law enforcement.
   Q. Okay. And I believe I asked you this before, but let me make it more specific to the elections team. Was the elections team formed in response to any concerns that you're aware of?
   A. It's my understanding that since 1985 the office of the Attorney General has had jurisdiction in election code offenses or concurrent jurisdiction. So the office of the Attorney General conducts those kinds of investigations.
   Q. And do you have knowledge of election code prosecutions, investigations going back to 1985?
   A. No, sir, I do not.
   Q. Would those records be maintained somewhere?
   A. I don't know what the records retention is for those.
Q. How far back does your knowledge extend?
A. I would say it goes back to, I think, 2002.
Q. Are you aware of any voter impersonation investigations, prosecutions, that occurred prior to 2002?
A. No, sir.
Q. You talked a little bit about the jurisdiction of the SIU. What jurisdiction does the special investigations unit have in the State of Texas?
A. Do you mean specifically towards elections or in the broader sense?
Q. Elections.
A. Chapter 273 of the Texas Elections Code discusses the investigations of election code violations. If you have a single jurisdictional election, the jurisdiction may rest with the local district or county attorney. If you have multi-jurisdictional elections, then the jurisdiction may rest with the Texas Attorney General's office. Chapter 273 authorizes the Texas Attorney General's office to conduct investigations and prosecutions of either type, working in conjunction with local DAs or law enforcement.
Q. So when you say, "it authorizes them," does that mean they have direct jurisdiction?
A. Yes, I believe the statutory language says they
have concurrent jurisdiction.

Q. Are they authorized to take the lead on any of these particular investigations, prosecutions?

A. I believe that in the case of multi-jurisdictional elections, the answer would be yes.

Q. All right. And I believe you've answered this in a general way. Does the SIU prosecute the cases that it investigates?

A. Oh, no, sir.

Q. So let's talk about that structure a little bit. Your unit, the SIU, conducts the investigations. How does it then, shift to the prosecution stage?

A. At the completion of our investigation, we would prepare an investigative packet with statements, reports, supporting documentation, it could be recorded interviews, those kinds of things. And that would be presented to the local district attorney, county attorney or to the criminal prosecutions division.

Q. And did you produce these election investigation packets to your attorney, to your attorney in this case?

A. In the scope of this?

Q. Yes.

A. No.

Q. All right. And you said something in your answer, and I want to kind of flesh that out a little
referrals could be received by the OAG's office?

A. No, sir.

Q. And who in the OAG's office is in charge of receiving and maintaining election code violation referrals?

A. It depends on the source of the referral.

Q. So there are various sources that you've testified to?

A. Correct.

Q. So is there a different person responsible for each source of referral?

A. Yes, sir. If it comes from the Secretary of State's office, it currently goes to the director of law enforcement. If it comes from a local DA or prosecutor, it would generally go to the criminal prosecutions division. If it comes from a direct referral from law enforcement agency, it could come to the director of law enforcement or it could come in to our peace officer liaison.

Q. Do you supervise all of these various entities?

A. No.

Q. Would you know when a referral has come into the OAG's office? Is there a way for you to keep track of the various forms of referrals?

A. Yes, sir.
Q. And how do you do that?

A. Through the spreadsheet.

Q. Okay. And so who actually maintains that spreadsheet?

A. I do.

Q. So in order to maintain that spreadsheet, if it comes in, for instance through the director of law enforcement, how would you actually know it came into the office?

A. He provides it to me.

Q. Okay. And so that's what I was trying to get at. So there are various entities or sources that it would come to. They provide you with an electronic version of the referral or do they provide you with paper copy or both?

A. I would say sometimes both. They definitely provide me with a written copy.

Q. And is there a specific process in your office for making sure you're provided with copies of the referrals that come in?

A. Yes, sir.

Q. And what is that process?

A. We have an internal computer system which is called Webpass, which tracts referrals.

Q. Webpass?
investigate a class C misdemeanor, yes.

Q. Okay. Once it's referred back, is there any additional tracking down by your office?

A. No, sir.

Q. Does the Texas OAG's office ever initiate its own investigations of alleged election code violations?

A. No, sir.

Q. It's 100 percent referral based?

A. It is referral driven.

Q. Are the referrals in the Texas OAG's office or the SIU maintained by subject matter or category?

A. No, sir.

Q. Are they maintained by county or by agency referring agency?

A. We generally maintain them by county and whether or not there's SOS referrals or whether or not they're other referrals.

Q. Is it possible to search within your mainframe database to determine the exact number of referrals from the SOS, for instance?

A. Yes, sir.

Q. And then it -- if I understood you correctly, the other search would be for others. And is it possible to determine the other source for referrals?

A. Yes, sir.
ineligible voter. In other cases, especially those that
are referred to the DA or other persons, they don't
break that down in the referral document. So this is
created off that referral document.

Q. Okay. So trying to move forward from the
referral, because we're talking about 2004 to the
present, correct?

A. Yes, sir.

Q. At some point is there a charging decision from
the OAG's office?

A. Yes, sir.

Q. How many of the -- this might be one step before
that. But how many of the 186 referrals were
investigated as voter impersonation? And let me narrow
that down even farther. Were investigated as voter
impersonation at the polling place. Can you identify
that?

A. I can identify that the defendants who have been
charged for that are Jack Carol Crowder out of Harris
County. Reyna Almanza out of Hidalgo County. Lorenzo
Antonio Almanza out of Hidalgo County. And I believe
Mary Companin out of Bexar County.

Q. So as I understand your testimony, there are four
individuals that have been charged with voter
impersonation between -- are you limiting this testimony
to 2004 to the present or are you going from 2002 to the present?

A. I'm going to from 2004 to the present.

Q. Okay. And so since we're going down this road, were there any charged with voter impersonation at the polling place between 2002 to the present? And I understand there are four that you already identified. So I'm trying to get the total number of individuals that were charged with voter impersonation at the polling place between 2002 to the present.

A. Of the cases that were referred to our office and the Attorney General's office, yes. I believe there are four.

Q. Okay.

A. Total.

Q. And those are the four you just identified?

A. Yes, sir.

Q. Would you say that the majority of the referrals that come to your office are based on the by mail ballot system?

A. I wouldn't say majority, no.

Q. What percentage would you say?

A. I know that illegal voting represents -- I'm sorry. I did the numbers. I remember that 133 of the Secretary of State's referrals, approximately 60 dealt
A. I believe 186.
Q. Okay. Of those 186 referrals that were investigated from 2002 to the present, how many of those dealt with voter impersonation at the polling place?
A. I can clearly identify four.
Q. And you've done that already on the record?
A. Yes, sir.
Q. Other than those four, are you aware of any others?
MR. SWEETEN: And you're asking allegations, just so I'm clear.
MR. GEAR: No. I'm asking about investigations.
A. There are more. But those four are the ones that were charged. I do not know the number off the top of my head for the other ones that weren't charged.
Q. (By Mr. Gear) And as we've -- as you've testified before, that a referral can come into your office and not result in a charge, correct?
A. That's correct.
Q. And that they can come in your office and not be supported by, either the facts of the law, would that be accurate?
A. That's correct.
Q. Were you involved in any communications regarding the controversy as to whether or not illegal aliens or legal non-citizens were voting?

MR. SWEETEN: Objection; foundation.

Objection; scope. Go ahead. You can answer.

A. I guess you would have to ask me communications with who.

Q. (By Mr. Gear) Well, and that's why I intentionally stated it broadly. To find out if you were first involved in any communications regarding this topic. And then if it will help, I will narrow that down.

A. Our investigations have revealed non-citizens and illegal aliens casting ballots in elections.

Q. Okay. And so based on your referrals, can you tell me, out of the 320, how many dealt with non-citizens voting or illegal non-citizens voting?

A. I do know that -- I do know that in the Dallas 2010 election that was referred to our office from the Secretary of State, there was a non-citizen who voted in that election. I do know that in the Debra Briseno case, which is a prosecution, that there were non-citizens who voted in that election. I am also aware that in the Hidalgo County elections that there were non-citizens who voted in those elections as well.
Q. And Hidalgo County, what time period are we talking about?
A. I want to say that was the 2008 time frame.
Q. Let's start with Hidalgo County 2008. Is that reflected in your spread sheet?
A. I believe that would be on Page 3 of the election code referrals office of Attorney General 2002 to present. And I believe it would be Hidalgo County 2008 municipal election, unlawfully rejecting voters, illegal voting and unlawfully accepting voters.
Q. What are the facts of that case?
A. That was the City of Progresso municipal election. And our office assisted a portion of the investigation that was conducted by the local district attorney's office.
Q. What did the facts show?
A. I believe there was a Mexican national who voted in that election.
Q. And who was that, based on your spread sheet?
A. It's not one of our prosecutions. We just assisted in the investigation. It's not reflected in our spread sheet.
Q. And what was the end result of -- first of all, was that referred to your office?
A. It was referred to our office. However, the
citizens in the county. She additionally registered
non-citizens to vote during that election and informed
them that they could indeed vote in that election
despite the fact that they were not citizens in the US.

Q. And Ms. Briseno was the only one charged in that
case?

A. That's correct.

Q. And was there a determination as to why not to
charge the non-citizens who had registered?

A. Again, you have a person who is sworn as a deputy
voter registrar by the elections department who the
voters -- the non-citizens perceived to be as a
representative of the government. At the time, she was
actually a city council person for the City of Port
Lavaca. So these voters believed that what they were
telling -- what she was telling them, that they could
vote in the election, they took at face value.

Q. And again, in this case there would have been no
mens rea?

A. I believe that is why they were not charged in
this case.

Q. Okay and so I believe we've gone through the
cases where non-citizens were alleged to have voted,
Dallas 2010, Ms. Briseno and Hidalgo County. Were there
any others that you're aware of on these spread sheets?
A. I remember a case in Culberson County where allegations were made, but they were unsubstantiated.
Q. Did that result in an investigation?
A. Yes it did.
Q. Did it result in any charges?
A. No, sir, it did not.
Q. So other than the -- the three distinct cases, Dallas County, Ms. Briseno and Hidalgo, are you aware of any others?
A. No, sir. Not that resulted in criminal charges.
Q. So out of the 320 referrals that came into your office, are you aware of any others that alleged non-citizens voting?
A. Not of the cases that were referred to our office.
Q. Referring back to the 2008 report, page -- Page 37, paragraph 3, after prosecution rates and fraud in Texas, it says, "through talking with our county election officials and other experts the committee found the chance of a legal alien -- of an illegal alien actually voting are very slim." Based on your experience as an investigator who's been in the OAG's office for -- since prior to 2005 and been with the SIU the entire time of its creation, would you agree with this statement?
bit differently then. Is it accurate to say that
Attorney Abbott dispatched investigators throughout the
state to root out and prosecute voter fraud cases?

A. No, I wouldn't say that's an accurate statement.

Q. What would you say is an accurate statement?

A. I would say that our office receives referrals
from third parties, such as the Secretary of State or
the DA's offices or local law enforcement, asking us to
help them in the investigation of election code
violations. And that we have a group of investigators
who perform their duty in that regard.

Q. Does he have an authority to assign teams of
State lawyers?

MR. SWEETEN: Objection; calls for
speculation. You can answer.

A. I don't think the Attorney General would direct
the assignment of prosecutor's to cases. I think that
we have a number of prosecutor's within our office who
handle a wide variety of cases, some which include
election cases.

Q. (By Mr. Gear) Is it accurate in this article
that there was a $1.4 million federal crime fighting
grant?

A. As I think I previously discussed in my
testimony, I think the criminal investigations division,
A. No. I'm only aware of the ones that were referred to our office.

Q. Other than what you testified to here today, are you aware of any other cases where the allegation was illegal aliens or illegal non-citizens voting?

A. No, sir.

Q. Other than what you testified to here today, are you aware of any other investigations regarding voter impersonation?

A. Could you repeat that one more time?

Q. Other than what you testified to here today, are you aware of any other investigations involving voter impersonation in the State of Texas?

A. I am aware of one.

Q. And what would that be?

A. I read an article about a case that's ongoing now in Tarrant County where the -- a son used his father's voter registration card to cast a ballot in an election. But I just read that in the open source newspaper.

Q. So you gained that knowledge from the newspaper?

A. Uh-huh.

Q. Has any allegation been referred to the OAG's office?

A. No, sir. That's being conducted by the Tarrant County district attorney's office.
Q. Has there been any communication with the Tarrant County district attorney's office regarding that allegation?
A. No, I haven't talked to them at all.
Q. Do you know the name of the alleged?
A. No, sir, I'm sorry.
Q. Perpetrator, for lack of a better word?
A. No, sir, I'm sorry.
Q. Do you know the election that it allegedly occurred?
A. I want to say it was this primary election.
Q. 2012?
A. Uh-huh.
Q. And that occurred on?
A. I think it would be May 29th.
Q. May 29 primary election. And other than what you read from the newspaper, are you aware of any other facts pertaining to that?
A. No, sir.
Q. Can you investigate alleged voter fraud without a referral?
A. The Texas election code does say that if we had reason to believe that a violation occurred, that the attorney general's office could investigate.
Q. Have you ever investigated a voter fraud case
questions today about voter fraud. And I want to ask
you a few questions based upon your experience as an
investigator. What types of cases do you work on in
addition to voter fraud?

MR. GEAR: I just object; asked and
answered. But go ahead.

A. Currently, I don't do any investigations myself.
I'm just a supervisor investigator at this point in
time. But historically, I have worked capital murder
investigations, public integrity investigations, money
laundering investigations, fraud investigations.
Citizen investigation, administrative investigations.
And a wide variety of criminal offense.

Q. (By Mr. Sweeten) How long have you worked
specifically on the issue of investigating voter fraud
as part of the many things you do?

A. I would say since 2005.

Q. Now, with respect to the issue of in person voter
fraud, can you tell us how difficult is in person voter
fraud to defect as a general matter?

A. It is incredibly difficult to detect.

Q. Why is that?

A. Because the only way that -- it's my experience
that the only way that you would detect in person voter
fraud is if someone inside the polling place personally
knows the person who's presenting the fraudulent voter
registration certificate. And additionally, there is an
absence of a positive identification in that regard, in
that it's difficult, many times when we get these cases
referred to us, that they are coming months after the
fact. And many cases, it could be there's already
another election that has taken place.

And when I interview witnesses or any one of my
investigators interview witnesses it's very difficult
for voters to identify a potential suspect, if there was
one, through conventional photo line-ups or that regard.
So it is very hard to detect unless someone in the
actual polling place knows that person personally.

Q. Okay. How difficult is in person voting fraud to
detect as compared to other types of crimes, such as
white-color crime that you investigate?

MR. ROSENBERG: I'm going to object to form.

MR. GEAR: I would object; calls for

speculation.

BY MR. SWEETEN:

Q. Just based upon your experience as an officer,
can you compare as far as detecting in person voter
fraud, how it compares to other types of crimes that you
investigate?

MR. SWEETEN: I will also object to
relevance.

MR. ROSENBERG: And compound. Go ahead.

A. I believe that in person voter fraud is very
difficult to detect in comparison to other cases because
in other cases I have, in many cases, forensic evidence
that I can rely upon to detect a potential suspect that
do not exist in in person voter fraud.

Q. (By Mr. Sweeten) Okay. Now, when we talked --
we talked about, I think to a large degree, about the
sources of referrals that the office of attorney general
received. You talked about referrals from the Secretary
of State from local election officials and from local
law enforcements. Let me ask you, when the district
attorney's office is prosecuting an election fraud case,
do you -- are you aware of that? Are you made aware of
that?

A. Not necessarily.

Q. Okay. And in the three most popular counties in
the State of Texas would Harris County. When the Harris
County DA prosecutes a voter fraud case, is that
something you're made aware of?

A. No, sir.

Q. Do you have any access to statistics about how
often voter fraud is prosecuted by that agency?

A. No, sir.
Q. What about the Harris County attorney, same set of questions. Are you given the -- do you have access to data regarding how much in person voter fraud they prosecute in a given year?
   A. No, sir.

Q. Are you necessarily made aware of any in person voter fraud case that's occurring by the Harris County attorney?
   A. No, sir.

Q. What about Bexar County? What about the Bexar County district attorney. Are you made aware specifically of instances of in person voter fraud or prosecutions?
   MR. GEAR: Are you saying bare or bared.
   A. No, sir.

Q. (By Mr. Sweeten) Okay. With -- if the -- if a county attorney prosecutes a case of voter fraud, are you made aware of that?
   A. No, sir.

Q. How about Dallas County, same question, are you made aware when the Dallas County district attorney is prosecuting a case of in person voter fraud?
   A. No, sir.
Q. Do you have access to statistics related to that?
A. No, sir.
Q. What about if a county attorney is prosecuting a case, do you have access to that information?
A. No, sir.
Q. Data regarding that?
A. No, sir.
Q. What about as to any other county in the State of Texas, do you get automatically -- are you given data regarding those prosecutions?
A. No, sir.
Q. Now, we've talked about other prosecutorial entities within the State of Texas that prosecute. Are there other law enforcement agencies that prosecute in person voter fraud?
A. I believe there could be more.
Q. Okay. Does the federal -- does federal law enforcement refer or do they investigate allegations of voter fraud?
A. I believe the FBI and the Department of Justice could investigate allegations of in person voter fraud if it was a national election.
Q. From 2002 through 2011, did any federal law enforcement agency refer any cases to your office?
A. Would you repeat that one more time?
Procedure, the Witness shall have 30 days after being notified by certified mail, return receipt requested, by the deposition officer that the original deposition transcript is available in her office for review and signature by the Witness and if any corrections made are attached hereto;

() That by agreement of counsel, a reading condensed copy of the deposition transcript along with the full-size original changes and Signature Sheet has been sent to _________ on __________ for review and signature within 30 days and if any corrections returned are attached hereto;

() That by agreement of counsel, the deposition officer is instructed to release the original deposition transcript to _________ on __________, for review and signature, and the deposition officer is thereafter released of any further responsibility with regard to the original.

() That the Witness shall have thirty (30) days for review and signature of the original transcript and if any corrections returned are attached hereto.

() That the signed transcript () was () was not received from the Witness within 30 days.

() That the examination and signature of the Witness is waived by the Witness and the parties;
That the amount of time used by each party at the
deposition is as follows:

Mr. Bruce Gear - 5 hours 46 minutes
Mr. Ezra Rosenberg - 16 minutes
Mr. Patrick Sweeten - 14 minutes

I further certify that I am neither counsel for,
related to, nor employed by any of the parties in the
action in which this proceeding was taken, and further
that I am not financially or otherwise interested in the
outcome of the action.

WITNESS MY HAND, this the_

JANALYN REEVES
Cert. No. 3631
Expires Dec. 12
100 Congress Avenue
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Austin, Texas 78701
(512)634-1980
Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,
Plaintiff,

VS.

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

ERIC KENNIE, et al,
Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,
Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
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Defendant-Intervenors,

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

VICTORIA RODRIGUEZ, et al.,
Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

ORAL DEPOSITION OF
SENATOR DAN PATRICK
MAY 30, 2012

TA_001189
May 30, 2012

ORAL DEPOSITION OF SENATOR DAN PATRICK, produced as
a witness at the instance of the Defendant, was duly
sworn, was taken in the above-styled and numbered cause
on the MAY 30, 2012, from 11:39 a.m. to 7:23 p.m.,
before Chris Carpenter, CSR, in and for the State of
Texas, reported by machine shorthand, at the offices of
DECHERT, LLP, 300 W. 6th Street, Suite 2010, Austin,
Texas 78701, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or
attached hereto.
APPEARANCES

FOR THE PLAINTIFF, STATE OF TEXAS:

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because of redistricting, those voter registration cards were not sent out until that issue was resolved.

Q. Senator, do all the members of your district have access to the Internet?

A. I -- I don't know.

Q. Was the passage of SB 14 a priority for you, Senator?

A. It was a priority for me as stated in the public record, yeah.

Q. And what was the purpose of SB 14?

MR. SWEETEN: You can testify as to the understanding of the purpose of SB.

A. To ensure the integrity of the ballot box.

Q. (By Mr. Fisher) And in your opinion, would the integrity of the ballot box be ensured by presenting a photo ID before receiving a ballot?

MR. SWEETEN: He's testified to the purpose, and now I think you're asking specifics about the bill and him to reveal his thoughts, mental impressions or opinions. I've let him answer as to the purpose of the bill. I think to the extent that you're going to ask specific his mental impressions about the bill, that I think that that would be a subject of legislative privilege. But to the extent you can answer without evading privilege, you can do so.
MR. SWEETEN: You can answer about any conversations. Don't reveal the substance.

A. Okay. I'm sure there were discussions. I referred to one earlier today, specifically with Senator Hinojosa, that I believe I had. But I don't -- beyond that, outside of generic conversations with other senators who were opposed to the bill, I don't have any.

Q. (By Mr. Fisher) And who were the main opponents to SB 14?

A. There weren't any main opponents. They were just all the Democrats in the Senate who were opposed, not one more than the other.

Q. And what's your understanding of why they were opposed to SB 14?

MR. SWEETEN: In answering this question, don't reveal specific communications with legislators or legislative staff.

A. Yeah, I can't speculate on that one.

Q. (By Mr. Fisher) Any knowledge of public statements by what you termed as all the Democrats --

A. Right.

Q. -- with regard to why they opposed to SB 14?

MR. SWEETEN: You can answer as phrased.

A. Yeah, I don't -- I don't recall. I mean, maybe I read something, but I don't recall anything.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

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

Defendant,

ERIC KENNIE, et al,

Defendant-Intervenors,

TEXAS STATE CONFERENCE OF
NAACP BRANCHES,

Defendant-Intervenors,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, et al,

Defendant-Intervenors,

TEXAS LEGISLATIVE BLACK
CAUCUS, et al,

Defendant-Intervenors,

VICTORIA RODRIGUEZ, et al.,

Defendant-Intervenors.

CASE NO. 1:12-CV-00128
(RMC-DST-RLW)
Three-Judge Court

REPORTER'S CERTIFICATION
DEPOSITION OF SENATOR DAN PATRICK
MAY 30, 2012

I, Chris Carpenter, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, SENATOR DAN PATRICK, was duly

sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on the
____ day of ________, 2012, to the witness or to the
attorney for the witness for examination, signature and
return to ________________________________, by
______________, 2012; and if returned, the original
transcript will forwarded to Spencer Fisher, the
custodial attorney;

That the amount of time used by each party at the
deposition is as follows:

Mr. Spencer: 6 hours, 8 minutes
Mr. Dunn: 20 minutes

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Certified to by me this 1st day of June, 2012.

Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
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Firm Registration No. 283
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,

Plaintiff,

VS.

ERIC H. HOLDER, JR. in his
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TEXAS STATE CONFERENCE OF
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CASE NO. 1:12-CV-00128
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Three-Judge Court

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ORAL DEPOSITION OF
REPRESENTATIVE AARON PENA
JUNE 1, 2012
**************************
ORAL DEPOSITION OF REPRESENTATIVE AARON PENA,
produced as a witness at the instance of the Defendant,
was duly sworn, was taken in the above-styled and
numbered cause on the JUNE 1, 2012, from 9:45 a.m. to
4:06 p.m., before Chris Carpenter, CSR, in and for the
State of Texas, reported by machine shorthand, at the
offices of DECHERT, LLP, 300 W. 6th Street, Suite 2010,
Austin, Texas 78701, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.
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