<table>
<thead>
<tr>
<th>General Election Official Ballot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madison County, Texas</td>
</tr>
<tr>
<td>Conrado De Madison, Texas</td>
</tr>
<tr>
<td>November 7, 2006 - 7 de noviembre de 2006</td>
</tr>
</tbody>
</table>

### General Election

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>Rich Perry</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Chris Bell</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>James Werner</td>
<td>LIB</td>
</tr>
<tr>
<td></td>
<td>Richard Kinney</td>
<td>IND</td>
</tr>
<tr>
<td></td>
<td>Carole Keeton</td>
<td>IND</td>
</tr>
<tr>
<td></td>
<td>Strayhorn</td>
<td>WRITE-IN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lieutenant Governor</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>David Dewhurst</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Maria Luisa Alvarado</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>Judy Bandh</td>
<td>LIB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attorney General</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Greg Abbott</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>David Van Os</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>John Roland</td>
<td>LIB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attorney General</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Susan Combs</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Fred Head</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Mike Burris</td>
<td>REP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commissioner of the Land Office</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Jerry Patterson</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Valencia Hatchco</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>Michael A. French</td>
<td>LIB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commissioner of Agriculture</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Todd Staples</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Hank Gilbert</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>Clay Woolam</td>
<td>DEM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Railroad Commissioner</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eula Harris</td>
<td>WRITE-IN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Senator, District 17</th>
<th>Name</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Van Taylor</td>
<td>REP</td>
</tr>
<tr>
<td></td>
<td>Chad Edwards</td>
<td>DEM</td>
</tr>
<tr>
<td></td>
<td>Guillermo Acosta</td>
<td>LIB</td>
</tr>
</tbody>
</table>

### Vote Both Sides

- Vote in one of the boxes on the left side of the ballot.
- To vote for one candidate, mark that candidate in this box as directed.
- To vote for two candidates, mark both boxes.

- To vote for a write-in candidate, mark the Write-in box.
- Do not write in the box provided for any of the other boxes.

- To vote for a write-in candidate, fill in the box provided by the return of the word "Write-in" and write in the name of the candidate on the line provided.
- Your vote will be counted as directed.
Via Facsimile and U.S. Mail

Randall Buck Wood
Ray Wood & Bonilla
2700 Bee Caves Rd
Austin, Texas 78746

Re: Texas Democratic Party, et al. v. Roger Williams, in his capacity as Secretary of State for the State of Texas, in the USDC, Western District of Texas, Austin Division; No. A-07-CA-115-SS

Dear Mr. Wood:

This letter is in response to your phone call today, in which you accused Ann McGeehan, Director of Elections for the Secretary of State, of telling counties that have received your discovery notices to ignore them. As I tried to tell you over the phone, neither I nor Ms. McGeehan, nor anyone else representing the Secretary of State has told a county official to ignore a federal subpoena. What Ms. McGeehan said, in response to questions that were specifically directed to her from some of the non-party-counties that you subpoenaed, is that it is the belief of the Secretary of State that the Election Code prohibits access to some of the documents you have requested until 22 months after the relevant election, except in specific instances. As you know, the Secretary of State has an obligation to advise counties of what the state election law is, but has no authority in this situation to require the counties either to provide or to withhold the documents. Ms. McGeehan’s conversations with these counties were made in furtherance of this obligation.

The facts presented by this situation are, of course, highly unusual. On the one hand, you have requested certain election-related materials from certain counties that are not parties to our lawsuit. We believe that the Election Code prohibits the disclosure (with criminal penalties) of some of these materials for 22 months following the relevant election. With respect to some of the materials you are seeking to discover, this 22 month timeframe has not expired.

On the other hand, the Secretary of State’s Office is a party to this lawsuit. And, it just so happens that the Secretary of State’s Office received a request for (but did not gratuitously offer) advice and assistance from a county with respect to the administration of the Elections Code that pertains to a matter that is related to the lawsuit to which the Secretary of State’s Office (but not the counties) is a party. As you are aware, the Secretary of State is statutorily obligated to advise and assist Texas counties in the administration of the Texas Election Code. This obligation is on-going; it does not start or stop with any particularly defined event. Accordingly, when the Secretary of State’s Office received these requests for advice and assistance, the Office was placed in somewhat of a precarious position. Given the Secretary of State’s position that some of these documents may not be released (under pain of criminal penalties) until 22 months after the relevant election, the only alternatives...
As I have said, the Secretary of State's Office would like to cooperate with you so that you might obtain what documents you are seeking, while at the same time ensuring that the Texas Election Code is properly administered insofar as these materials are concerned. For example, we would be amenable to seeking guidance from the court as to how we should respond (if at all) to these or similar requests in the future. I am not certain at this point what that order would say, given that the parties with the documents are not parties to the lawsuit, but you have agreed to let me know today what kind of motion you would like to get in front of the court. I have agreed to cooperate with you on this issue.

During our conversation you accused me and Ann McGeehan of malpractice and sanctionable behavior. Neither I nor my client has violated any standards of conduct. Explaining what the Secretary of State believes the Election Code to provide is not only allowable, it is in performance of the Secretary's duty.

We are going to try to get something to the court by 10 a.m. tomorrow. I am not certain that I can meet that deadline, but I will work with you to make the attempt.

As I told your colleagues in a different letter, I will be out of state from July 26-30 to attend a family reunion. I hope that we can get this issue resolved before then.

Sincerely,

KATHLYN C. WILSON
Assistant Attorney General
General Litigation Division
512-463-2120
512-320-0667 (Fax)

cc: Ann McGeehan
    Jay Dyer
July 24, 2007

Via Facsimile

Randall Buck Wood
Ray Wood & Bonilla
2700 Bee Caves Rd
Austin, Texas 78746

Re: Texas Democratic Party, et al. v. Roger Williams, in his capacity as Secretary of State for the State of Texas; in the USDC, Western District of Texas, Austin Division; No. A-07-CA-115-SS

Dear Mr. Wood:

I have received your voice mail in which you informed me that you have reviewed the letter that the Secretary of State is sending to the counties regarding your subpoenas. As you have requested, the two sentences toward the end concerning the fact that the Secretary is not suggesting that they ignore the subpoenas and telling them to consult their attorneys have been underlined. Also, my client tells me that very minor corrections have been made.

Thank you for your quick response to my request that you review this letter. It should go out to the counties shortly.

Sincerely,

KATHLYN C. WILSON
Assistant Attorney General
General Litigation Division
512-463-2120
512-320-0667 (Fax)

cc: Ann McGeehan
    Jay Dyer

POST OFFICE BOX 12548, AUSTIN, TEXAS 78711-2548 TEL: (512) 463-2100 WEB: WWW.OAG.STATE.TX.US
In Equal Employment Opportunity Employer - Printed on Recycled Paper
Dear [Redacted]:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some of your counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told those counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precint election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(e). The Attorney General has interpreted this statute in Open Records Decision 505 issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, nor have we ever asserted, that the twin goals of allowing them the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.

It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decisions based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

Jay Dyer  
General Counsel  
Office of the Secretary of State
July 25, 2007

The Honorable Lavonne Lusk
Cherokee County Clerk
502 N. Main Street
Rusk, TX 75785

Dear Ms. Lusk:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told those counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precinct election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(e). The Attorney General has interpreted this statute in Open Records Decision 505 issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, nor have we ever asserted, that the twin goals of allowing the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.
It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decisions based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

[Signature]

Jay Dyer
General Counsel
Office of the Secretary of State
July 25, 2007

The Honorable Dana DeBeauvoir
Travis County Clerk
5501 Airport Boulevard
Austin, TX  78751

Dear Ms. DeBeauvoir:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told those counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precinct election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(e). The Attorney General has interpreted this statute in Open Records Decision 505 issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, nor have we ever asserted, that the twin goals of allowing them the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.
It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decision based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

[Signature]

Jo Dyer
General Counsel
Office of the Secretary of State
July 25, 2007

The Honorable Diana T. Barrera
Nueces County Clerk
901 Leopard Street, Room 201
Corpus Christi, TX 78401

Dear Ms. Barrera:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told those counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precinct election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(c). The Attorney General has interpreted this statute in Open Records Decision 505 issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, nor have we ever asserted, that the twin goals of allowing them the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.
It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decisions based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

[Signature]

Jay Dyer
General Counsel
Office of the Secretary of State
July 25, 2007

Ms. Debra Gaston
Nacogdoches County Elections Administrator
203 W. Main Street
Nacogdoches, TX 75961

Dear Ms. Gaston:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told those counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precinct election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(e). The Attorney General has interpreted this statute in Open Records Decision 505 issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, not have we ever asserted, that the twin goals of allowing them the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.
It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decisions based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

[Signature]

Jay Dyer
General Counsel
Office of the Secretary of State
July 25, 2007

The Honorable Charlotte Barrett
Madison County Clerk
101 W. Main, Room 102
Madisonville, TX 77864

Dear Ms. Barrett:

Over the last few weeks representatives of the Texas Democratic Party have sent you a subpoena requiring that you provide copies of certain election-related materials. These subpoenas were issued in accordance with a lawsuit that was filed by the Texas Democratic Party against the Office of the Secretary of State in federal court. Over the last few days the Office of the Secretary of State has received inquiries from the county clerks of some counties concerning the documents requested by these subpoenas.

Given the following provisions of state law, a court order, such as a protective order, might be necessary for some of the documents requested. As we have told these counties who have contacted our office, we believe that some of the information that has been requested is expressly confidential under state law. Specifically, Section 66.058 of the Texas Election Code provides that voted ballots and other precinct election records must be preserved in a secure container for a period of 22 months after the relevant election. Tex. Elec. Code § 66.058. Obviously, this 22 month timeframe has not expired with respect to the November 2006 election. Accordingly, a person who improperly releases these documents could be charged with violating state election laws which, in this particular instance, would be a Class A misdemeanor. Id. § 66.058(e). The Attorney General has interpreted this statute in Open Records Decision SOS issued in 1988. Although this ORD analyzes the statute in the context of a public information request, the analysis is still helpful.

This is not to say, however, that the Democratic Party cannot or should not have access to these documents. In fact, we do not believe, nor have we ever asserted, that the twin goals of allowing them the opportunity to conduct a full and fair discovery in this lawsuit, while at the same time preserving the integrity of these materials in accordance with state law, are mutually exclusive. It is simply our belief that, before these materials are delivered, some degree of caution should be observed in order to avoid either the appearance of impropriety or the commission of a criminal offense.
It is has been suggested to us that in verbally advising the counties that have made inquiries, we have instructed counties not to comply with these subpoenas. Please be clear that nothing we are saying to you should be construed as suggesting in any way that you should ignore these federal subpoenas. You should explore all of your options with your own attorneys and make your decisions based on their advice.

Thank you for your consideration of this matter.

Very truly yours,

[Signature]

Jody Dyer
General Counsel
Office of the Secretary of State
Case 1:07-cv-00115-SS     Document 35-2      Filed 08/09/2007     Page 17 of 18

Donald W. Ray (1940-1992)  
Randall B. Wood  
Doug W. Ray  
Ray Bonilla  
Dylan Wood  

RAY, WOOD & BONILLA  
Attorneys at Law  
2700 Bee Caves Road  
Austin, Texas 78746  
(512) 328-8877  

Mailing Address:  
P. O. Box 165001  
Austin, Texas 78716  
Fax (512) 328-1156  

FACSIMILE TRANSACTION SHEET

<table>
<thead>
<tr>
<th>TO:</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathiyn C. Wilson, Assistant Attorney General</td>
<td>7/24/07</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Company:</th>
<th>From:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Attorney General</td>
<td>Buck Wood</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fax Number Called:</th>
<th>Total Number of Pages (Including Cover Sheet):</th>
</tr>
</thead>
<tbody>
<tr>
<td>320-0667</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RE:</th>
<th>Instructions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case No. 07-CV-00115; Texas Democratic Party et al v. Secretary of State</td>
<td>PLEASE DELIVER IMMEDIATELY TO MS. WILSON</td>
</tr>
</tbody>
</table>

If any problems of questions arise, please contact this office immediately at 512/ 328-8877.

NOTICE: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this fax message is attorney-client privileged and confidential, intended for the use of the intended recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, except to the intended recipient, is prohibited. If you have received this communication in error, please immediately notify us by return telephone call and return the original message to us at the above address at our expense.

<table>
<thead>
<tr>
<th>Person sending report:</th>
<th>Bill to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frances</td>
<td>09900</td>
</tr>
</tbody>
</table>
The Secretary of State has received inquiries from some county clerks concerning federal court subpoenas issued in the Democratic Party v. the Secretary of State case. Under state law, a court order might be necessary for some of the documents requested. As these subpoenas are issued out of a federal court, you must comply unless you file a motion in federal court seeking to invalidate those subpoenas.