January 21, 2010

Dear Mr. Ray:

This refers to the changes in voter registration procedures and standards enumerated in the resolution agreement in Texas Democratic Party, et al. v. Leo Vasquez, Civil Action 11-08-3332 for Harris County, Texas, which:

1. requires upon the receipt of a signed authorized release form, the release by the Voter Registrar of un-redacted individual voter registration files to the requesting party or his/her designee;

2. requires the Voter Registrar, at least once monthly, to post a list of pending voter registration applications received, since the last posting. The list is required to include the name and address of the voter, and insofar as the law allows, a reason code for rejection or notice of incomplete;

3. prevents the Voter Registrar's Office from failing to register a voter for the sole reason that the alleged residential address of an applicant may be a commercial address. However, if the Voter Registrar's Office deems the given address to be commercial, a formal challenge may be made under the provisions of the Texas Election Code. The Voter Registrar's Office is not authorized to conduct an investigation of eligibility that is based solely on residence, except as is necessary to prosecute a challenge;

4. requires that all notices to applicants whose registration is rejected as incomplete because their name cannot be located in the driver's license or social security database, include the following language: "It is possible that there was an error in the transcription of your name. Please contact the Voter Registrar's Office at the following number to resolve the discrepancy";

5. requires the updating of the employee manual of the Voter Registrar's Office's to be completed within 6 months. This manual must include all disclosures and prohibitions on employees or contractors in the tax office or who have any other employment or financial interest in any company providing voter information to candidates, political parties or other person or entity;

6. requires the Voter Registrar's Office to comply with all election deadlines pursuant to the Texas Election Code, including the processing of voter registration applications, incomplete notifications and provisional affidavits;

7. prohibits voter registration employees from beginning to process provisional ballot affidavits until they have been received from the County Clerk's Office;

EXHIBIT “B”
8. requires voter registration employees to be available in the Voter Registration Office on election day until advised by election judges that the last voter has cast a ballot;

9. requires the Voter Registrar's Office to submit to the Secretary of State any application for registration by an applicant who legibly provides on the application, or other acceptable document which includes their name, residence, date of birth, signature and US citizenship. The application must also have a Texas Driver's License number or Person Identification Number, or the last four digits of their Social Security number, or a statement that the applicant has not been issued any one of these forms of identification. The Office will not reject or send notices of incomplete for any other omission on the application;

10. requires all voter registration applications, notices of incomplete, rejection letters, or any other correspondence sent to a voter by the Voter Registrar's Office to be available in English, Spanish and Vietnamese. If any other languages are required following the results of the 2010 census, those languages will also be provided;

11. requires the Voter Registrar's Office to appoint any qualified resident as a deputy registrar. The appointment may not be conditioned upon competition or attendance of any training classes;

12. requires the Voter Registrar's Office to issue deputy voter registrar certificates to qualified persons applying to be deputy registrars within ten days of the date the person applies;

13. requires the acceptance of voter registration applications obtained by a deputy registrar at any location throughout the county where the Voter Registrar maintains an office, however, if a deputy voter registrar is submitting more than 60 applications and a receipt is requested, the applications should be submitted to either the downtown office or distribution center;

14. requires the Registrar to allow each deputy registrar to possess up to four registration books at a time. If a deputy registrar will be attending a special event or voter registration drive additional registration books may be requested;

15. requires the Voter Registrar's Office to continue its outreach with the Houston Independent School District to encourage and enable teachers to become deputy voter registrars. Any substantive changes to the deputy voter registration program will be submitted to the Department of Justice for preclearance;

16. requires the Voter Registrar's Office, within three business days of a request by a chairman of a political party to provide a report of all voter registration applications received, the number of those rejected, the number of incomplete notifications, and the number of voters actually registered. These reports will include the names and addresses of those affected. The Voter Registrar's Office may make such information available on its website to the extent allowed by law;

17. requires the Voter Registrar's Office to update its website with the list of registered voters on a daily basis;

18. prohibits the Voter Registrar's Office from providing and distributing outdated voter registration application forms;
19. requires letters seeking confirmation of a person's current address be sent to the most recent address in the possession of the voter registrar. Requires notices of incomplete or rejection be sent to the address on the application.

20. prevents the cancellation of any registration certificate pursuant to Texas Election Code § 16.031(3) more than two years after the date of final conviction, unless the Voter Registrar's Office has conducted an investigation and determined that the sentence has not been fully discharged.

21. requires the physical presence of a Voter Registrar employee while the Early Voting Ballot Board is reviewing ballots. The employee will be equipped with a computer that will allow viewing of provisional ballot affidavit scans upon request by any member of the Early Voting Ballot Board, and

22. requires formal training sessions to be held for voter department employees to review and confirm all new and continuing policies, including those set forth in this resolution, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on November 23, 2009.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

The resolution agreement includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review (e.g., the release form authorizing the Voter Registrar to release his/her voter registration files in un-redacted form; the updated notice of incomplete form; updates to the Voter Registration Application and the employee manual for the Voter Registrar's Office; additional bilingual election materials as a result of the 2010 Census; and changes to the deputy voter registration program). 28 C.F.R. 51.15.

Sincerely,

[Signature]

T. Christian Herren, Jr.
Acting Chief, Voting Section