| Q. And did you have a role in that? 1  | Q. Did you have any conversations with constituents about HB 218? 47 |
| A. I did. 2 | A. Yes. 5 |
| Q. Do you know what the purpose of including two forms of nonphoto ID in HB 218 was? 3 | Q. Did you have any conversations with constituents about HB 218? 47 |
| MR. FREDERICK: I'll make the same objection. 5 | A. Yes. 5 |
| But I think she's just asking just a yes-or-no question, so you may answer whether or not you know. 6 | Q. How many? 6 |
| A. I was not part of how House Bill developed in the House. My personal belief is that they included two forms of voter ID in order to get the necessary votes to move it out of the House. 7 | A. How many conversations or how many constituents? Sorry. 7 |
| Q. Okay. 8 | Q. That's an important distinction. Let's start with how many constituents. 9 |
| MS. MARANZANO: And just to clarify the record, it's my understanding that Mr. Sweaen has actually alerted the court that you all are going to allow witnesses to answer questions about legislative purpose. I missed the e-mail, but that's my understanding of what has happened, so... 10 | A. Verbally, I probably spoke to five to ten constituents. 11 |
| MR. FREDERICK: No. Consistent, I think, with what we have tried to convey yesterday and today, we will permit testimony about legislative purpose to extent that is available from nonprivileged sources. 12 | Q. Did you speak to any of these constituents on multiple occasions? 13 |
| MS. MARANZANO: Okay. This might be something that we discuss with the court later. 14 | A. Yes. 15 |
| Q. (By Ms. Maranzano) Did Senator Fraser have any role in the development of HB 218? 16 | Q. About how many did you speak to on multiple occasions? 16 |
| A. No. 17 | A. How many constituents? 18 |
| Q. Did the Senator take a public position on HB 218? 18 | Q. Uh-huh. 19 |
| A. Yes. 19 | A. One. 20 |
| Q. What position was that? 20 | Q. And was this a conversation on the phone? In person? In another means? 21 |
| A. In favor. 21 | A. Most of the time, the conversations with this one constituent were in person. 22 |
| Q. Did you play any role with regard to advising the Senator on that position? 22 | Q. Have -- I'm sorry. 23 |
| A. Yes. 23 | A. Otherwise, I might have spoken to him once or twice on the phone. 48 |
| Q. Did you recommend that he support the bill? 24 | Q. Was anybody else party to the conversations that occurred in person? 48 |
| A. Yes. 25 | A. The Senator may or may not have been part of the conversations. I don't remember 2007 very well. 48 |
| Q. And what was that recommendation based upon? 26 | Q. Does the Senator meet with any constituent who comes to his office if he's in the office? 48 |
| MR. FREDERICK: Object to the extent the question calls for thoughts and mental impressions about pending legislation or asks for the substance of communications of legislators' staff, state agencies, TLC and constituents. I will instruct you not to answer. If you can answer without relying on that material, you may do so. 27 | A. If the Senator is in the office, in a meeting or on the phone, he will visit with constituents. 48 |
| Q. (By Ms. Maranzano) Okay. And just so we have a clear record, you cannot answer because of the privilege 28 | Q. Do you recall if he met with anybody, any constituent about HB 218? 48 |
| A. I cannot answer. 29 | A. The same constituents that I met with on several occasions, I think the Senator met with. 48 |
| Q. (By Ms. Maranzano) Okay. And just so we have a clear record, you cannot answer because of the privilege 30 | Q. Who was this constituent? 48 |
| 31 | A. Skipper Wallace. 48 |
| 32 | Q. Why was he particularly interested in HB 218? 48 |
| 33 | MR. FREDERICK: Object to the extent that calls for the substance of communications with a constituent or a legislator or staff for the thoughts and mental impressions about pending legislation; I instruct you not to answer. 48 |
| 34 | A. I can't answer because of privilege. 48 |
| 35 | Q. (By Ms. Maranzano) Did these conversations all take place in the Senator's office? 48 |

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1. A. I don’t remember, but probably, yes. By
2. “office,” you mean our general office because I have a
3. -- so there’s three rooms, so in that space?
4. Q. I think it’s Senator Fraser’s office complex --
5. A. Yes, okay. Right.
6. Q. It’s Senator Fraser’s office complex --
7. A. Okay.
8. Q. Okay. Thank you for clarifying that.
9. Did either you or the Senator ask
10. Mr. Wallace to comment, to speak about HB 218?
11. A. No. Are we still talking about 2007?
12. Q. We’ll start talking about 2007 right now.
13. A. Thank you. No.
14. Q. We’ll get to the other bills at some point.
15. What was the nature of your conversation
16. with Mr. Wallace?
17. MR. FREDERICK: I’ll object and instruct
18. you not to answer the extent that you would reveal
19. the substance of the conversation. You may testify as
20. to the general subject matter only, and to the extent
21. you can do that, you may answer. Otherwise, I instruct
22. you not to answer the question.
23. Q. (By Ms. Maranzano) And you going to --
24. A. I’m going to assert privilege.
25. Q. All right.

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1. conversations or e-mails or other written
2. communications?
3. A. I would assume in 2007, most of our
4. conversations were verbal, either on the phone or in
5. person.
6. Q. Did Senator Fraser have any communications with
7. the Executive Branch about HB 218?
8. A. I don’t know.
9. Q. Did you communicate with any interest groups or
10. lobbyists about HB 218?
11. A. I don’t remember.
12. Q. Did you communicate with any election officials
13. about HB 218?
14. A. Election officials outside of the Secretary of
15. State’s Office?
16. Q. Yes, that’s right. Non-Executive Branch
17. election officials.
18. A. Yes.
19. Q. Who did you communicate with?
20. A. Well, Skipper as County Chair. I think that I
21. also spoke with the Republican Party of Texas.
22. Q. How many times did you speak with the
23. Republican Party of Texas?
24. A. Probably once.
25. Q. Who from the Republican Party of Texas did you

MS. MARANZANO: So that I’m clear,

2. Mr. Frederick, is your position that unsolicited
3. conversations with constituents are also covered by
4. privilege?
5. MR. FREDERICK: Yes.
6. Q. (By Ms. Maranzano) Did you or Senator Fraser
7. communicate with any members of the Executive Branch
8. about HB 218?
9. A. I don’t remember. I’m sorry. I’m probably
10. sure that I talked to Ann McGeehan in the Secretary of
11. State’s Office. Other than that, I don’t remember.
12. Q. What did you talk to Ann McGeehan about?
13. MR. FREDERICK: I’ll object again, and
14. instruct you not to answer the extent it requires you
15. to disclose the substance of your conversation with
16. Ms. McGeehan about pending or proposed legislation. To
17. the extent you can answer by giving the general subject
18. matter, you may do so.
19. A. Generally, I’m sure you’ve heard Ann. Ann was
20. responsible for the Elections Division. Generally, we
21. spoke of how they would implement the bill.
22. Q. (By Ms. Maranzano) About how many times did you
23. speak with Ms. McGeehan?
24. A. I don’t remember.
25. Q. Do you remember whether those were

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1. speak with?
2. A. I don’t know.
3. Q. Was that an in-person conversation or a
4. conversation by phone, e-mail?
5. A. Most likely, it was by phone.
6. Q. And when was that?
7. A. It was sometime in May, April May of 2009.
8. 2007. I’m sorry.
9. Q. Anyone else a party to that conversation?
10. A. No.
11. Q. Did the Republican Party of Texas also speak to
12. Senator Fraser about HB 218?
13. A. No.
14. Q. And how do you know that?
15. A. Because the Senator doesn’t speak to the
17. Q. What was the nature of your conversation with
18. the Republican Party of Texas?
19. A. I might have been asking about witnesses and
20. testifying and just generally about the bill.
21. Q. When you say witnesses and testifying, are you
22. talking about for --
23. A. For the State Affairs Committee.
24. Q. Did you talk to the Republican Party of Texas
25. about the substance of HB 218?
Q. Did you have any communications or -- well, let me: Are there any other election officials that you spoke with about HB 218?
A. Not that I know of.
Q. Did you have any conversations with any groups representing minority voters about HB 218?
A. I don't remember.
Q. Did you have any conversations with the Lieutenant Governor's Office about HB 218?
A. Yes.
Q. How many?
A. I don't remember. A dozen, two dozen.
Q. Who did you have those conversations with?
A. His executive staff, Julia Rathgeber. I'm trying to remember if Blaine Brunson was chief of staff then or not. I can't remember if Blaine was or not. And then whoever staffed State Affairs for Lieutenant Governor, and I don't know who was at the time, either.
Q. Did you say his executive staff? Is that what you said initially?
A. Yeah.
Q. Does he have --
A. Well -- go ahead.
Q. I was going to ask: Does he have an executive staff that's distinguishable from legislative staff?
A. No. I said executive staff because there's like three or four people that sit upstairs with him. I just classified them that way.
Q. Okay. So you believe that you spoke with Julia Rathgeber potentially?
A. It's Rathgeber.
Q. And you said Blain Brunson possibly?
A. If he was chief of staff in 2007, then, yes.
Q. And potentially whoever was staffing his State Affairs issues?
A. Uh-huh.
Q. And when were these conversations?
A. I would have to look at the record of when the bill made it to the Senate. April, May, time frame of 2007.
Q. Were these conversations in person, over the phone, e-mail? How did you communicate with the Lieutenant Governor's Office?
A. Primarily in person.
Q. Were they in the Capitol offices?
A. Yes.
Q. What was the nature of your conversations with Lieutenant Governor's staff?

MR. FREDERICK: I'll give you the same instruction. I instruct you not to answer to the extent that it would reveal thoughts and mental impressions about pending legislation or the substance of conversations between you and Senator Fraser or members of the Lieutenant Governor's staff or the Lieutenant Governor. But to the extent you can identify the subject matter without revealing the substance of the conversations, you may answer the question.
Q. (By Ms. Maranzano) Can you answer?
A. I'm trying to decide if I can.
Q. Okay.
A. We generally spoke about the process of moving the bill in the Senate.
Q. Did you have any discussions with anyone in the Lieutenant Governor's Office about the impact of HB 218 on minority voters?
A. No.
Q. Did you have conversations with anybody about the impact of HB 218 on minority voters?
A. I don't remember.
Q. Do you keep any record of meetings that you have?
A. No.
Q. None?

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1. Q. Am I understanding that you didn't turn — you didn't search it because it was —
2. A. I forgot to search it. And so now that you've brought it up, it's not responsive, and I can search for it.
3. Q. Okay. Yeah. I think we're going to ask you to make that search and turn it over to counsel.
4. MR. FREDERICK: And just for the record,
5. I'll object to the request.
6. MS. MARANZANO: On what grounds?
7. MR. FREDERICK: On the grounds that it's privileged and not relevant and not reasonably calculated to lead to discovery of relevant evidence.
8. MS. MARANZANO: Okay. But I'm asking her to turn it over to you. I mean, you can still do a privilege review.
10. That's fine. I understand.
11. MS. MARANZANO: Okay. For the record, our position is who the Senator met with on the dates is not actually privileged. The substance, we understand you're asserting privilege over. But we would ask that, at the very least, she'd turn that information over to you.
12. MR. FREDERICK: And we understand.

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1. MS. MARANZANO: Yeah.
2. Q. (By Ms. Maranzano) Did Senator -- yes.
3. A. Just so we can be clear, the Senator meets with people unexpectedly, and it doesn't make it to his calendar.
4. Q. Okay.
5. A. So there may have been meetings that have took place that will not reflected on his calendar.
6. Q. Okay. And are there any documents that reflect those meetings?
7. A. Again, the meetings that just took place unexpectedly, no, ma'am.
8. Q. Okay. Did you review any studies that would be related to HB 218?
9. A. No.
10. Q. Did anyone in your office?
11. A. No.
12. Q. Did the Senator -- did you or the Senator make any attempt to determine who among registered voters did not possess one of the forms of identification listed in HB 218?
13. A. No.
14. Q. Why not?
15. MR. FREDERICK: Object to the extent it calls for thoughts, mental impressions, or communications between you and the Senator or you and the Senator and the legislative staff, state agencies, TLC, and constituents. If you can answer without revealing privileged matters. You may do so.
16. A. Generally, when you pick up a bill from the other chamber, you assume most of the work was done in the other chamber.
17. Q. (By Ms. Maranzano) Did you feel you had any obligation to analyze the bill prior to recommending to your boss that he take a position on it?
18. MR. FREDERICK: I think I'll make the same instruction. Don't reveal thoughts, mental impressions, or communications that are privileged. But if you can answer without doing, so you may answer the question.
19. A. I did review the bill prior to making a recommendation.
20. Q. (By Ms. Maranzano) And did you feel that you needed to do anything in addition to reviewing the bill prior to making a recommendation to the Senator?
21. A. No.
22. Q. Were you aware that if this bill had been passed, it would have been subject to Section 5 of the Voting Rights Act?
23. A. Yes.
24. Q. And did you believe that includes any

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1. obligation to take any additional steps before recommending a position to Senator Fraser?
2. A. No.
3. Q. Are you aware of whether the House analyzed the impact of HB 218?
4. A. I'm not aware.
5. Q. Do you know whether there was any attempt in the House to analyze whether HB 218 would have a disproportionate impact on minority voters?
6. A. I'm not aware.
7. Q. Who would know that information?
8. A. The House author.
9. Q. And that was?
11. Q. What was the purpose of HB 218?
12. MR. FREDERICK: Object on grounds of privilege. To the extent the question calls for thoughts or mental impressions of you, Senator Fraser, or communications that you or the Senator have had with other legislators, staff agencies, TLC, or constituents, I instruct you not to answer. But to the extent that you are able to identify the purpose of the bill without relying on privileged matters, you are free to answer the question.
13. A. I think the record from the State Affairs

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1. Committee hearing on House Bill 218 will show that the
2. Senator said the intent was to stop in-person voter
3. fraud.
4. Q. (By Ms. Maranzano) And how does this bill stop
5. in-person voter fraud?
6. MR. FREDERICK: Object to the extent it
calls for speculation and object to the extent it calls
for thoughts, mental impressions, or privileged
communications. But to the extent you can answer
without relying on privileged matters, you may do so.
A. What was the question?
Q. (By Ms. Maranzano) How does HB 218 solve
in-person — or help with in-person voter fraud? Is
that what — what did you say the purpose of the bill
is? Why don’t you repeat that?
A. If you look at the record from the State
Affairs Committee hearing, the Senator said that the
intent of a voter ID bill was to stop in-person voter
fraud.
Q. And so my question is: How does this bill do
that?
MR. FREDERICK: Same instruction.
A. I’ll assert privilege.
Q. (By Ms. Maranzano) Is that the only purpose of
HB 218?

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1. MR. FREDERICK: Same objection and
2. instruction. Don’t reveal thoughts, mental impressions
3. or communications with legislative staff, agencies, TLC
4. or constituents. If you are able to answer without
5. doing so, you may.
A. Again, according to the record, if you look at
what Senator Fraser said in the State Affairs Committee
hearing, his only intent is to stop in-person voter
fraud.
Q. (By Ms. Maranzano) Can you describe to me the
procedural history of after HB 218 was introduced, what
happened?
MR. FREDERICK: I’ll object on grounds of
vagueness, but you can answer if you can.
A. I cannot —
Q. (By Ms. Maranzano) I’m looking for a general
summary of what happened with the bill.
A. I mean, the House process is the House
process. The bill gets filed, gets sent to committee,
gets voted out of committee, it goes to calendars, goes
to the Floor, gets passed. In the Senate, it gets — comes
to over to the Senate, then just like every bill,
Lieutenant Governor reviews it, refers it to a
committee, committee chairman decides to give it a
hearing or not, and the bill has a hearing in committee.

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1. and the bill gets voted out of committee, and Senator
places the bill on the intent calendar.
2. Q. Can I stop for a second.
A. Uh-huh.
Q. I’m asking you particularly about HB 218, not
about a general description.
A. House Bill 218 was voted out of the House, and
I can’t speak to how it got out of the House. You need
to go back and talk to Betty Brown about that. House
Bill 218 showed up in the Senate, was read, Lieutenant
Governor referred it to the Senate State Affairs
Committee. The Senate State Affairs Committee had the
bill. Senator Fraser notified the Senate State Affairs
Committee that he wanted to sponsor HB 218 and requested
a hearing. The bill was set for a hearing by the
Chairman of Senate State Affairs. The bill had a
hearing. I don’t remember if this bill sat in State
Affairs or if it was voted out the same day it was
heard. You’d have to look at the record. But the bill
was voted out of committee.
A. And Senator Fraser decided to move forward
with the bill, and so he notified, via the intent
calendar notification process, the other senators that
he wanted to hear the bill, and we had the bill in

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1. This particular bill, we tried to move one
day, when we thought we had the necessary votes, and we
were not successful, and the bill died.
2. Q. Okay. So I’m going to ask you a couple of
questions about that process as you’ve described it.
I believe that you testified that the
Lieutenant Governor reviews a bill, after it gets voted
out of the House, and then refers it to committee?
A. Yes, ma’am.
Q. Does every bill that gets voted out of the
House get referred to some Senate committee?
A. Yes, ma’am.
Q. And does the Lieutenant Governor solely — is
that decision of which committee to refer it to solely
that of the Lieutenant Governor’s?
A. Based on the current Senate rules, yes.
Q. And you mean the 2011 rules?
A. 2007, but even now in 2011, yes, ma’am.
Q. Okay. And you said that the Senator, Senator
Fraser notified the committee on State Affairs that he
wanted to sponsor this bill?
A. Yes, ma’am.
Q. Why did he do that?
MR. FREDERICK: Well, object to the extent
it calls for the Senator’s thoughts, mental impressions,
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<td>1. or any communications that you had with him, and I will instruct you not to answer.</td>
<td>1. Q. What were those concerns?</td>
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<td>2. A. I'll assert privilege.</td>
<td>2. A. I cannot -- I cannot speak to what they actually said.</td>
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<td>3. MR. FREDERICK: Okay.</td>
<td>4. Q. Did anybody raise any concerns about the impact HB 218 might have on minority voters?</td>
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<td>4. Jennifer, sometime soon, if we could take a quick break.</td>
<td>5. MR. FREDERICK: Well, object and instruct you not to answer to the extent that the question calls for communications that you had or Senator Fraser had with legislators or legislative staff, agencies, TLC, or constituents. But to the extent you can answer without revealing.</td>
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<td>5. MS. MARANZANO: Yeah, just give me a couple of minutes.</td>
<td>6. A. I mean, the record is there. The hearing was videotaped. I think that you could watch it. I don't remember specifically.</td>
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<td>7. MR. FREDERICK: Sure. Sure.</td>
<td>8. Q. (By Ms. Maranzano) Okay. Did the bill change at all in committee?</td>
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<td>8. Q. (By Ms. Maranzano) And you said the committee held hearings on HB 218? The Committee on State Affairs held hearings on HB 218?</td>
<td>9. A. I don't think so. but -- yeah, I don't think so. I don't remember. I mean, we might have made minor tweaks, but I don't think so.</td>
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<td>9. A. Held a hearing. I don't think they had multiple. I think they had one.</td>
<td>10. Q. Okay.</td>
</tr>
<tr>
<td>10. Q. Who invited the witnesses to testify at that committee hearing?</td>
<td>11. MS. MARANZANO: Let's take a five-minute break. (Recess from 11:11 a.m. to 11:32 a.m.)</td>
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<td>11. MR. FREDERICK: I'm going to object to that, and to the extent it calls for communications that any legislator had or that you or Senator Fraser had with legislators, staff, agencies, TLC, constituents, or potential witnesses, I'll instruct you not to answer.</td>
<td>12. Q. (By Ms. Maranzano) Ms. McCoy, before the break, we were talking about HB 218. Who brought HB 218 to the</td>
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<td>12. To the extent you can answer without revealing the substance of conversations, you can do so.</td>
<td>13.</td>
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<td>13. A. I don't remember that there was an invited panel. It was just the process of laying out a bill by the Senator and then the public testifying, I earlier said that I think I talked to the Republican Party of Texas about coming and testifying, so I may have called a few people that I thought would be helpful to the passage of the bill besides the Republican Party of Texas. I'm not sure. And then the one constituent that we talked to quite a bit about this bill. Other than that, I don't think there was invited to testimony.</td>
<td>14.</td>
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<td>14. Q. (By Ms. Maranzano) So the one constituent was Skipper Wallace?</td>
<td>15.</td>
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<td>15. A. Yes.</td>
<td>16.</td>
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<td>16. Q. And are you saying that you may have invited him to testify as well?</td>
<td>17.</td>
</tr>
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<td>17. A. I think I didn't invite him to testify. I think I was more making sure he knew that the bill had been scheduled for hearing.</td>
<td>18.</td>
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<td>18. Q. Do you remember about how many members of the public testified at that hearing?</td>
<td>19.</td>
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<td>21. A. I cannot. It's in the record, however.</td>
<td>22.</td>
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<td>22. Q. Okay. Did anybody raise any concerns about HB 218 during this committee hearing?</td>
<td>23.</td>
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<td>23. A. My recollection is yes.</td>
<td>24.</td>
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Q. Did you draft his talking points?
A. Yes.
Q. Did you save those talking points?
A. Yes.
Q. Do you still have them?
A. Yes.
Q. Were those turned over to your counsel?
A. Yes.
Q. Did you do any research prior to drafting those talking points?
A. I read the bill book that Representative Brown provided to us.
Q. And what does the bill book include?
A. I don't remember what the bill book included specifically. Typically, a bill book has copies of the legislation, copies of the bill analysis, copies of the fiscal note, and occasionally, supporting documents.
Q. This bill book had all of those things. I do not remember what those supporting documents were.
Q. Did you do any additional research other than read the bill book?
A. No.
Q. Why not?
MR. FREDERICK: I'll object. I believe
that question calls for your mental impressions about pending legislation. I'll instruct not to answer.
Q. (By Ms. Maranzano) Are you going to follow your counsel's instruction not to answer the question?
A. Yes, ma'am.
Q. Okay. When HB 218 was brought to the Floor of the Senate, did -- or did HB 218 require the support of two-thirds of the senators to bring bill to the Floor for a vote?
A. Yes.
Q. When Senator Fraser brought HB 218 to the Floor, how many senators were present at that time?
A. I don't recall exactly. Either 29 or 30.
Q. I believe you testified earlier that the Senator brought the bill to the Floor when he -- he tried to move this bill on a day when you thought it would pass?
A. Yes, ma'am.
Q. What did you mean by that?
A. We knew that a particular Senator was absent.
Q. Which Senator was absent?
A. Senator Uresti.
Q. Why was Senator Uresti absent?
A. If you look at the record from that day, I think he was excused because he was sick.
Q. Did you know Senator Uresti's position on HB 218?
MR. FREDERICK: I'll object as argumentative, but you may answer if you can.
Q. (By Ms. Maranzano) Are you able to answer that, Ms. McCoy?
A. No.
Q. No, you're not able to answer or --
A. I'm sorry.
Q. -- no, you don't think it's important to --
A. No, I don't think it's important that every Senator vote on every specific piece of legislation, including House Bill 218.
Q. Do you know Senator's Uresti's ethnicity?
A. Yes.
Q. What ethnicity is he?
A. He's Hispanic.
Q. Do you know anything about the district that he represents?
A. Not specifically.
Q. Do you know if he made any comments about HB 218 and the impact it would have on his constituents?
A. I do not know.
Q. Would that impact your thoughts on whether it was important to give him an opportunity to vote on HB 218?
MR. FREDERICK: Objection, calls for speculation.
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<th>Q. (By Ms. Maranzano) You can ahead and answer again. I don’t know what you’re asking me.</th>
<th>1. Q. (By Ms. Maranzano) You can ahead and answer again. I don’t know what you’re asking me.</th>
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<tr>
<td>A. I’m sorry. You need to ask the question again.</td>
<td>2. A. I’m sorry. You need to ask the question again.</td>
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<td>Q. I’m asking if you thought that Senator Uresti believed that HB 218 would impact his constituents, would you think it was important that he be given an opportunity to take a vote on that bill?</td>
<td>3. Q. I’m asking if you thought that Senator Uresti believed that HB 218 would impact his constituents, would you think it was important that he be given an opportunity to take a vote on that bill?</td>
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<td>MR. FREDERICK: Same objection. You can answer.</td>
<td>4. MR. FREDERICK: Same objection. You can answer.</td>
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<td>A. I think, again, generally, every bill impacts every Senators’ constituents. And generally, Senators should on the Floor to vote, but not – we don’t have a 31 – we don’t always 31 Senators on the Floor to vote. And so with Senator Uresti, I can’t speak to Senator Uresti’s constituents what they think is important or not important for him to vote on.</td>
<td>5. A. I think, again, generally, every bill impacts every Senators’ constituents. And generally, Senators should on the Floor to vote, but not – we don’t have a 31 – we don’t always 31 Senators on the Floor to vote. And so with Senator Uresti, I can’t speak to Senator Uresti’s constituents what they think is important or not important for him to vote on.</td>
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<td>Q. (By Ms. Maranzano) But am I understanding you correctly that your position is, you don’t think every Senator needs to vote on every bill, including HB 218?</td>
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<td>A. That’s correct.</td>
<td>7. A. That’s correct.</td>
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<td>Q. And did you say that the bill — well, after the first vote was taken on HB 218, was there verification of the vote that was taken?</td>
<td>8. Q. And did you say that the bill — well, after the first vote was taken on HB 218, was there verification of the vote that was taken?</td>
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<td>A. I think that’s what it’s called, yes. I think of we — they voted again. I don’t know if it was a verification or if they just chose to vote again. I’m not really sure how that worked. But there was a second vote.</td>
<td>9. A. I think that’s what it’s called, yes. I think of we — they voted again. I don’t know if it was a verification or if they just chose to vote again. I’m not really sure how that worked. But there was a second vote.</td>
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<td>Q. And did you say Senator Uresti arrived for that vote?</td>
<td>10. Q. And did you say Senator Uresti arrived for that vote?</td>
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<td>A. He did.</td>
<td>11. A. He did.</td>
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<td>Q. And what happened to HB 218?</td>
<td>12. Q. And what happened to HB 218?</td>
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<td>A. It failed to suspend the regular order of business rule.</td>
<td>13. A. It failed to suspend the regular order of business rule.</td>
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<td>Q. Was that because it did not have a two-thirds majority —</td>
<td>14. Q. Was that because it did not have a two-thirds majority —</td>
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<td>A. That’s correct.</td>
<td>15. A. That’s correct.</td>
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<td>Q. Two-thirds majority support?</td>
<td>16. Q. Two-thirds majority support?</td>
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<td>A. That’s correct.</td>
<td>17. A. That’s correct.</td>
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<td>Q. What is the purpose of the two-thirds rule?</td>
<td>18. Q. What is the purpose of the two-thirds rule?</td>
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<td>A. There is not a rule that’s the two-thirds rule. The rule is the regular order of business rule, and that rule says that as a bill comes out of the calendar, it’s placed on the regular order of business, and you’re supposed to vote in that order. So there is no two-thirds rule.</td>
<td>19. A. There is not a rule that’s the two-thirds rule. The rule is the regular order of business rule, and that rule says that as a bill comes out of the calendar, it’s placed on the regular order of business, and you’re supposed to vote in that order. So there is no two-thirds rule.</td>
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<td>Q. So to vote on a bill out of order, does that require two-thirds majority support?</td>
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<td>A. You have to suspend the regular order of business rule, and that requires a two-thirds vote of</td>
<td>21. A. You have to suspend the regular order of business rule, and that requires a two-thirds vote of</td>
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<th>1. the members present.</th>
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<td>2. Q. What do you think the purpose of that requirement is?</td>
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<td>A. I can’t speak to the purpose. It’s just the way the Senate has done business.</td>
<td>3. A. I can’t speak to the purpose. It’s just the way the Senate has done business.</td>
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<td>Q. But as somebody who has worked there since 1992, do you have any thoughts on what you think the purpose of that is?</td>
<td>4. Q. But as somebody who has worked there since 1992, do you have any thoughts on what you think the purpose of that is?</td>
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<td>A. General consensus on bills.</td>
<td>5. A. General consensus on bills.</td>
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<td>Q. Are most bills brought to the Floor by getting two-thirds majority support?</td>
<td>6. Q. Are most bills brought to the Floor by getting two-thirds majority support?</td>
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<td>A. Yes.</td>
<td>7. A. Yes.</td>
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<td>Q. After HB 218 failed to get two-thirds majority support, did anything further happen to that bill?</td>
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<td>A. No.</td>
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<td>Q. Who were the main supporters of HB 218?</td>
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<td>MR. FREDERICK: I’ll object to the extent that it calls for communications that you or Senator Fraser might have had with legislators, staff, agencies, or constituents or thoughts and mental impressions. But if you can answer without that, I think you’re free to answer.</td>
<td>11. MR. FREDERICK: I’ll object to the extent that it calls for communications that you or Senator Fraser might have had with legislators, staff, agencies, or constituents or thoughts and mental impressions. But if you can answer without that, I think you’re free to answer.</td>
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<td>A. Well, I think the record will show, if you look at the vote in the Senate, you’re talking about who the supporters were in the Senate; Republican Senators supported it, Democrat Senators did not.</td>
<td>12. A. Well, I think the record will show, if you look at the vote in the Senate, you’re talking about who the supporters were in the Senate; Republican Senators supported it, Democrat Senators did not.</td>
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<td>Q. (By Ms. Maranzano) How about, were there any — would you consider anybody from the Executive Branch to be a main supporter of HB 218?</td>
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<td>MR. FREDERICK: Same objection. To the extent it calls for communications between you or Senator Fraser and a member the Executive Branch or their thoughts or mental impressions, I instruct you not to answer. If you can answer without revealing that, you can answer.</td>
<td>14. MR. FREDERICK: Same objection. To the extent it calls for communications between you or Senator Fraser and a member the Executive Branch or their thoughts or mental impressions, I instruct you not to answer. If you can answer without revealing that, you can answer.</td>
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<td>A. I’ll assert purchase.</td>
<td>15. A. I’ll assert purchase.</td>
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<td>Q. (By Ms. Maranzano) Was there any outside group or advocacy groups that you would consider to be in the group of the main supporters of HB 218?</td>
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<td>MR. FREDERICK: Again, I’ll instruct you not to answer and object on privilege, to the extent that it would require you to reveal the substance of any conversation. But to the extent it’s just seeking identity, then you may identify.</td>
<td>17. MR. FREDERICK: Again, I’ll instruct you not to answer and object on privilege, to the extent that it would require you to reveal the substance of any conversation. But to the extent it’s just seeking identity, then you may identify.</td>
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<td>A. I honestly don’t remember who testified for and against the bill. Republican Party, I think, was for it.</td>
<td>18. A. I honestly don’t remember who testified for and against the bill. Republican Party, I think, was for it.</td>
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<td>Q. (By Ms. Maranzano) And did you say — you said most of the legislators who supported the bill were in the Republican Party?</td>
<td>19. Q. (By Ms. Maranzano) And did you say — you said most of the legislators who supported the bill were in the Republican Party?</td>
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1 A. Yes, ma’am.
2 Q. Do you believe any part of the purpose of
3 HB 218 was partisan?
4 MR. FREDERICK: I’ll object and assert
5 privilege to the extent that the question seeks thoughts
6 or mental impressions about pending legislation or the
7 substance of communications with legislators, staff,
8 agencies, TLC, or constituents. But, I mean, to the
9 extent that you can identify -- to the extent you’re
10 able to identify a purpose without relying on those
11 matters, you’re free to answer the question.
12 A. I think the purpose of the bill, from Senator
13 Fraser and our office’s perspective, was to stop
14 in-person voter fraud. It wasn’t partisan.
15 Q. (By Ms. Maranzano) Who were the main opponents
16 to HB 218?
17 A. I don’t remember.
18 Q. You don’t remember any of them?
19 A. I don’t.
20 Q. Do you believe that HB 218 would have had a
discriminatory impact on minority voters?
21 MR. FREDERICK: I’ll object to the extent
22 it calls for your thoughts and mental impressions about
23 pending legislation and communications, and based on
24 that, I will instruct you not to answer the question.

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1 A. I’ll assert privilege.
2 Q. (By Ms. Maranzano) Are you familiar with
3 Section 2 of the Voting Rights Act?
4 A. No.
5 Q. Not at all?
6 A. Not at all.
7 Q. Would it surprise you if I told you that
8 Section 2 includes an antidiscrimination provision that
9 applies to all 50 states?
10 A. I don’t know anything about Section 2, so...
11 Q. So you’ve never made any effort to ensure that
12 legislation you worked on complied with Section 2 of the
13 Voting Rights Act?
14 MR. FREDERICK: Objection, argumentative.
15 Objection, assumes facts not in evidence.
16 A. I don’t know anything about Section 2.
17 Q. (By Ms. Maranzano) Do you think a federal law
18 is required to make sure a piece of legislation doesn’t
19 discriminate against minorities?
20 A. No.
21 Q. Do you make any attempts to make sure that
22 legislation you work on doesn’t discriminate against
23 minorities?
24 MR. FREDERICK: I object, to the extent it
25 calls for you to reveal thoughts, mental impressions, or

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1 communications relating to specific legislation. To the
2 extent you can answer without relying on privileged
3 matters, you may do so.
4 A. I assert privilege.
5 Q. (By Ms. Maranzano) Was Senator Fraser involved
6 in a photo identification bill in 2009?
7 A. Yes, ma’am.
8 (Exhibit 29 marked for identification.)
9 Q. (By Ms. Maranzano) Ms. McCoy, I’m showing you
10 what has been marked as Deposition Exhibit 29. Do you
11 recognize this?
12 A. Yes, ma’am.
13 Q. And what is this?
14 A. I think it’s the filed version of Senate Bill
15 362.
16 Q. Can you take a look at it and tell me what
17 forms of identification would be allowed in this bill?
18 A. Section 10 of the bill shows six different
19 forms of photo ID that would be acceptable, including a
20 driver’s license or ID card, a military card, a citizen
21 certificate that has a photograph, a passport, a
22 concealed handgun license, and a valid ID card from a
23 federal or local government, or two forms of nonphoto
24 ID, including registration cards, utility bills, official mail, birth certificates, marriage license or

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1 divorce decrees, court records.
2 Q. Is -- I think I didn’t ask you this question.
3 Is this the bill that Senator Fraser introduced in 2009?
4 A. I think I said it was the filed version, yes,
5 ma’am.
6 Q. Okay.
7 A. I don’t know that to be exact, but based on the
8 title of the bill, it looks like it’s the filed version.
9 Q. Okay. And this bill would allow for a voter to
10 show one form of photo identification or two forms of
11 nonphoto identification?
12 A. That’s correct.
13 Q. I believe you testified earlier that two forms
14 of nonphoto identification would verify a voter’s
15 identity in both instances?
16 A. Uh-huh.
17 Q. What are the instances --
18 MR. DUNN: Was that a yes?
19 THE WITNESS: Yes.
20 Q. (By Ms. Maranzano) What are the instances that
21 a nonphoto ID would not verify a voter’s identity?
22 MR. FREDERICK: Objection to the extent it
23 calls for speculation, but you can answer.
24 A. Again, if someone is trying to cheat the
25 system, they can -- nonphoto IDs can be reproduced and
Q. (By Ms. Maranzano) Can photo IDs be reproduced and manipulated?

MR. FREDERICK: Objection to the extent it calls for speculation, but you can answer if you know
A. Some can.

Q. (By Ms. Maranzano) Can you tell me what your involvement was in the development of SB 362?
A. Senate Bill 362 as filed was the legislation that the House sent to us from House Bill 218. So Exhibit 28 is not the bill the Senate was debating, because this is the filed version. So after the House manipulated it a while, this is the language they sent us. So we refiled the bill that had passed the House from 2007. We refiled it in 2008.

Q. Why did Senator Fraser decide to file the bill in the Senate in 2009?
MR. FREDERICK: Objection. That question seeks thoughts or mental impressions of Senator Fraser, I'll instruct you not to answer on the basis of privilege.
A. I'll assert privilege.
Q. (By Ms. Maranzano) So you filed -- I'm sorry. Senator Fraser filed a bill that was -- that had been previously filed in the House; is that correct? And SB

362 was a version of a previously-filed bill in the House?
A. Senate Bill 362 was the version of House Bill 218 that the House sent us, the engrossed version of House Bill 218 from 2007.
Q. Okay. And you did not make any changes to the bill prior to filing SB 362?
A. I think Senate Bill 362, as filed, was exactly the language that was House Bill 218 as it came out of the Senate committee on State Affairs.
Q. Did you do any -- we've talked a little bit about what you did in relation to House Bill 218. Did you take any additional steps, in terms of developing or working on SB 362, with regards to any research you did any studies you looked at?
A. Yes, ma'am.
Q. And what did you do?
MR. FREDERICK: I'll object to the extent this calls for you to reveal thoughts or mental impressions, any communications with legislators, staff, agencies, TLC, or constituents. I instruct you not to reveal the substance of those communications or your thoughts or mental impressions. If you can answer without revealing those matters, you may do so.
A. I gathered more poll data. I gathered more research reports, and compiled that information for the Senator.
Q. (By Ms. Maranzano) What poll data did you gather?
MR. FREDERICK: Objection. That calls for you to reveal your thoughts or mental impressions. I will instruct you not to answer on the basis of privilege.
Q. (By Ms. Maranzano) Are you following your counsel's instruction not to answer that question?
A. Yes, ma'am.
Q. What research reports did you gather?
MR. FREDERICK: Objection on the basis that calls for thoughts or mental impressions. I'm going to instruct you not to answer on the basis of privilege.
A. I'll assert privilege, yes, ma'am.
Q. (By Ms. Maranzano) All right. Why did you decide to look at poll data when you were doing research on this question?
MR. FREDERICK: I object. That answer calls for your thoughts or mental impression on pending legislation. I instruct you not to answer on the basis of privilege.
A. I'll assert privilege.
Q. (By Ms. Maranzano) Did the Senator cite any of the poll data or reports that you had gathered on the public record?
A. Yes.
Q. Which polls or reports did he cite?
A. In 2009, he cited Rasmussen Poll on the record. He cited the Carter-Baker Commission report on the record. And I don't know that I can recall more than those two on the record.
Q. Were there any polls that you had found in doing your research that the Senator did not cite on the public record?
MR. FREDERICK: I object on the basis that calls for your thoughts or mental impression, communications. I instruct you not to answer on the basis of privilege, except to the extent that you can answer yes or no if there are such reports.
A. No.
Q. (By Ms. Maranzano) Were there any studies that you had found or other research you had found that the Senator did not cite on the public record?
MR. FREDERICK: Same objection, same instruction. You may answer yes or no.
A. Yes.
Q. (By Ms. Maranzano) And what were those?
MR. FREDERICK: I object on the basis that
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| sees thoughts or mental impressions and communications that are privileged. I instruct you not to answer on the basis of privilege. A. But I can answer because I don't remember the names of those reports. Q. (By Ms. Maranzano) Do you remember how many there were? A. Four or five. Three, four, five, something like that. Q. Do you remember what they were about? A. Voter identification. Q. Anything more specific than voter identification? MR. FREDERICK: I'll object. That seeks thoughts and mental impressions, communications. I object and instruct you not to answer on the basis of privilege. A. I'll assert privilege. Q. (By Ms. Maranzano) When you were working on SB 362, did you study any other state's identification requirements? MR. FREDERICK: I'll object to the extent that calls for your thoughts or mental impressions or communications with legislators, staff, agencies, TLC, or constituents, instruct you not to answer on the basis of privilege. However, if you can answer without revealing privileged matters, you may do so. A. On the record, Senator Fraser said that he had looked at how Indiana was working. Q. (By Ms. Maranzano) Did you look at any information or study information from any interest groups in relation to SB 362? MR. FREDERICK: I'll make the same objection that this question calls for thoughts or mental impressions about pending legislation and your investigative process. I instruct you not to answer on the basis of privilege, except to the extent you can answer without revealing privileged matters, you may do so. A. I don't remember. Q. (By Ms. Maranzano) Did you have any communications about SB 362 with other legislators? A. Yes. Q. Which ones? MR. FREDERICK: I'll just issue a cautionary instruction. I don't think that this question is seeking the content of those communications, so I would instruct you not to reveal the content, but you may identify people with whom you spoke. A. Can we just on the record say that I was four months pregnant with twins when we were debating Senate Bill 362, so I don't remember a lot. I probably spoke to a dozen Senators about Senate Bill 362. And as the bill moved through the Senate, Senator Williams, Senator Ellis, Senator West, Senator Duncan, Senator Van de Putte, Senator Whitmire. 2009, Senator Huffman, was she in the Senate? Senator Harris. Generally, I mean, a lot of senators I -- Q. (By Ms. Maranzano) Uh-huh. So is it fair to say that you spoke to senators who -- those senators who voted for and against SB 362? A. Yes, ma'am. Q. Did you speak to the Lieutenant Governor's Office about SB 362? A. Yes, ma'am. Q. How many times? A. I mean, I probably spoke to them every day as the bill was being scheduled for hearing and being heard, and then probably not at all until the House was done with it, and it was moving back over, and then again every day until we voted on it again. Q. Can you tell me, generally, what those conversations, the nature of those conversations? MR. FREDERICK: I'll object to the extent it asks you to reveal the substance or content of those conversations, which are subject to privilege. However, to the extent you're able to identify a general subject matter, you may answer. A. We generally spoke about the legislative process and we generally spoke about the bill itself. Q. (By Ms. Maranzano) The legislative process, do you mean how the bill would get passed? MR. FREDERICK: I'll object to the extent that seeks the content of privileged communications and instruct you not to answer. A. I'll assert privilege. Q. (By Ms. Maranzano) Were those conversations by phone or in person? A. I spoke to Lieutenant Governor's Office. I generally spoke to them in person. Q. Is there anybody from the Lieutenant Governor's Office who you spoke to who you haven't already testified about? A. In 2009? Q. Uh-huh. A. I would add Bryan Hebert to the list. Q. And who is Bryan Hebert? A. He was Lieutenant Governor's primary staff person for State Affairs in 2009. Q. Do you know when Bryan Hebert started working