Q. What newspaper was that in?
A. I do not recall.
Q. What was the general subject of the statement?
A. I don't recall. Generally, I remember hearing that somebody said something in a committee hearing on public record, but that's the extent of what I know.
Q. Somebody said something in a committee meeting that somebody being one of the legislators?
A. Yes, I'm sorry.
Q. Okay. Thank you. Have you ever heard any Texas state legislator who voted in favor of SB 14 say that it would prevent a legitimately registered voter from voting in Texas?
MR. FREDERICK: I object on privilege to the extent it calls for confidential privileged communications, but other than that, you may answer.
A. That specific statement. No. That general idea, yes.
Q. (By Ms. Maranzano) Who said that?
A. The general thought that a legitimate voter might not be able to vote was generally said by the Democrat senators who testified against the bill.
Q. Okay. I'm sorry. My question was any legislator who voted in favor of SB 14 saying that?
A. Then the answer is no. I'm sorry.

Q. Have you ever heard any Texas state legislator who voted in favor of SB 14 say that it would prevent racial or ethnic minorities from voting in Texas?
A. No.
Q. Are you familiar with a public letter from the Lieutenant Governor in 2007 about photo ID requirements?
A. No.
Q. This has been previously marked as -- as Exhibit 3. This has been previously marked as Deposition Exhibit 3. Have you seen this before, Ms. McCoy? I'm sorry. I'm showing you what has been marked as Deposition Exhibit 3, previously marked. And if you can tell me if you've seen it before.
A. I don't specifically remember reading this, but I'm sure I did.
Q. Do you see that there's a sentence that 8 to 12 million illegal aliens currently living in the U.S. -- wait, I'm sorry. Let me find the exact sentence.
Q. Can you look at the second paragraph? Do you see that -- do you see that that sentence says that "Yesterday, Senator Troy Fraser brought up in the Senate consideration of House Bill 218 by Representative Betty Brown, which simply requires voters to present a driver's license or some other common form of identification at the election polls to prove they are who they say they are, U.S. citizens"?
A. Yes.
Q. Was that part of the purpose of House Bill 218?
A. No.
Q. Any reason that the Lieutenant Governor would assert that is the purpose of House Bill 218?
MR. FREDERICK: Objection, calls for speculation. You can answer.
A. I can't speak to what Lieutenant Governor wrote in 2007.
Q. (By Ms. Maranzano) Ms. McCoy, at any time since the passage of Senate Bill '14, have you come to believe that it was passed with any discriminatory purpose?
MR. FREDERICK: I'll object on the basis of legislative privilege. I mean, to the extent -- and I'll object to the extent that the question seeks your thought processes, based on information gathered during consideration of SB 14. And otherwise, you can answer if you won't reveal that.
MS. MARANZANO: My question is, post enactment, did she come to believe it was passed with discriminatory purpose?
A. No.
Q. (By Ms. Maranzano) At any time since the passage of SB 14, have you come to believe that SB 14 will have a discriminatory effect on minority voters?
MR. FREDERICK: Same objection, but you can answer.
A. No.
Q. (By Ms. Maranzano) Ms. McCoy, can you give me about two minutes? I'm just about done.
A. Sure.
Q. We'll go off the record for about two minutes.
A. Yeah. Uh-huh.
(RECESS FROM 5:03 TO 5:11 P.M.)
Q. (By Ms. Maranzano) Ms. McCoy, do you know what percentage of Senator Fraser's district was made up of Latinos?
A. No.
Q. You testified earlier that minority legislators made statement on the Floor to -- statements on the Floor for the benefit of I believe you said, "of you."
Did you mean the Department of Justice?
A. I meant -- yes, yes.
Q. What's the basis of that statement?
A. Personal opinion.
Q. What's your personal opinion based on?
A. Their opposition to the bill and the fact that they thought maybe y'all could help kill it.
Q. Did any of them say anything like that to you?
MR. FREDERICK: Object, based on legislative privilege, to the extent there was any confidential communication between a specific legislator and you or Senator Fraser, I'll instruct you not to answer. Otherwise, to the extent you can answer, you may.
Q. (By Ms. Maranzano) Can you answer this question?
A. I cannot.
Q. Ms. McCoy, if you're called to testify at trial, will you testify that SB 14 has no discriminatory purpose?
A. Yes.
Q. If you're called to testify at trial, will you testify that SB 14 has no discriminatory effect?
A. Yes.
MS. MARANZANO: Well, to be clear for Mr. Frederick, it's our position that she's taking that position, we have a right to explore the basis of that under our motion to compel.
MR. FREDERICK: I'm sorry. Just so I'm clear, to explore what?
MS. MARANZANO: To explore the – I mean, there's a number of questions that are related to that.

Q. Did anyone say anything about what you did that you would reserve our right – we're going to leave this deposition open. I'd like to say that for the record. And you know, we believe that we have a right to ask her and get answers on a number of questions that you've instructed her not to answer, if she's taking the position that she will offer these opinions if she's called to testify at trial.

MR. DUNN: Intervenors join.
MR. FREDERICK: Okay. I understand.
Q. (By Ms. Maranzano) Ms. McCoy, are there any answers that you've provided today that you now wish to change?
A. Yes.
Q. What's that?
A. When we took our break.
Q. Uh-huh.
A. I went back and tried to look at the record of when things passed or didn't pass.
Q. Uh-huh.
A. And I didn't have a lot of time, because there was someone in my office on an unrelated issue for most of the hour. But you – the Senate did remove the provision on student ID's, not the House. I think I had testified that the House removed it, but we ended up...

Taking it out at some point. I don't recall really when that came out just because I was kind of hurriedly looking through the versions. And I think the House did send it to us with it in and we had taken it out.
Q. Thank you for that clarification.
A. You're welcome.
Q. Anything else?
A. That's -- that's it.
Q. Any -- I'm sorry.
A. So that was the only thing that I wasn't sure about when I answered earlier.
Q. Is there any information that you didn't recall earlier that you now recall?
A. No.
MS. MARANZANO: Well, as I said, we're leaving this deposition open, and I will now hand it over to Chad.

EXAMINATION
BY MR. DUNN:
Q. Good afternoon.
A. Hi.
Q. Hi. My name is Chad Dunn. I don't think we've ever met before, have we?
A. I don't think so.
Q. All right. Well, I know you've been here for quite a while today, so I'm not going to, you know, try to waste your time. I've got a few issues that I want to ask you about. And I'm going to jump around a little bit, all right? I'm going to do my best to not ask you anything that's already been asked.
A. Okay.
Q. But in order to get done with you as soon as I can, I may end up having to overlap just a little bit, and for that I apologize. All right.
I'm going to start a little bit with some of your earlier testimony. As I understand it, you used to be an election judge; is that true?
A. One election I served as election judge.
Q. Which election was that?
A. Maybe 2000. I don't really recall. It's been a while.
Q. Was that in Travis County?
A. Yes, sir.
Q. And were you appointed as the actual election judge, or you served as a volunteer?
A. I was not precinct chair.
Q. Okay.
A. I -- they called, and I think I was a November election, the local party called and said we need a Republican, because they had -- they wanted a
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1. Democrat and a Republican. And I lived in the precinct, and they asked me to do it, and I said yes. I don’t know if they had to actually turn my name in or not.
2. Q. Okay. And I’m not trying to quarrel with you, but it sounds more like you were an election observer or a poll watcher than an election judge.
3. A. No, sir. I was an election — or the assistant election — I don’t think I was the election judge. I was the assistant election judge. I mean, I actually had the title.
4. Q. Okay. And what were you responsibilities there at the polling location?
5. A. I was — what was it? I was — I — served as the election judge, assistant election judge. So I monitored the election. If there were any issues that came up, I was there to resolve them. There were not.
6. And then at the end of the night, I do remember taking the box. They used — they used to take the boxes to —
7. Q. Central tabulation?
8. A. Yeah. Well, you know where Palmer Event Center — there used to be a building next to Palmer Event Center, but they tore it down. Whatever that building was, I took the box there and had to turn it in official. And then by election code, you have to keep the documents for two years. And so I was the custodian of the documents for that precinct for two years.

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1. Q. All right. Were you actually assigned the responsibility of enrolling voters as they came in?
2. A. I did not sit there and check the voters.
3. That, the election workers did that.
4. Q. And did you do that during early vote or election day or both?
5. A. It was only on election day.
6. Q. Do you remember the precinct?
7. A. No. The precinct number, no, sir.
8. Q. Do you remember the actual location?
9. A. There was a church just at 45th and Medical Parkway.
10. Q. While there, did you observe any activity that you were concerned might be election fraud?
11. A. No.
12. Q. Have you served in an election judge or election official capacity any other time than we just spoke about?
13. A. No.
14. Q. Now, you said somebody called you and asked you to do this. Do you remember who that was?
15. A. No, sir.
16. Q. Was it a party official or a county official?
17. A. I think it was a party official. Travis County

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1. Republican party official.
2. Q. Was it the chairman?
3. A. I don’t recall.
4. Q. I assume that you vote in most elections?
5. A. Yes, sir.
6. Q. Do you vote in both nonpartisan and partisan elections?
7. A. Yes, sir.
8. Q. And you’re going to hate me for asking this, but it’s important for several questions, what year were you born?
10. Q. All right. I tried to do it as gingerly as I could.
11. A. I’m not embarrassed.
12. Q. So I assume since you turned 18 and since then, you have more or less consistently voted?
13. A. Yes, sir.
14. Q. Whenever you have voted in Texas, have you ever observed activity that made you concerned it would be voter fraud?
15. A. No, sir.
16. Q. Have you ever voted in an election and observed discriminatory behavior by an election clerk?
17. A. No, sir.

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1. Q. I think you also testified that you’ve lived in Texas your whole life; is that true?
2. A. Yes, sir.
3. Q. Have you, during that time, ever witnessed an act of discrimination against a minority citizen in Texas?
4. MR. FREDERICK: Object as vague. Object to relevance. But you can answer.
5. A. Yeah. I don’t — I don’t know that I can answer that question because it’s vague. I mean —
6. Q. (By Mr. Dunn) Well, I’ll do — I’ll see if I can do better. All right?
7. A. Okay.
8. Q. Have you ever seen a government official deny a benefit or service to a minority citizen?
9. A. No, sir.
10. Q. Have you ever seen another citizen in Texas treat a minority citizen with some degree of disrespect?
11. A. Another citizen?
12. Q. Yes, ma’am.
13. A. So one citizen treating somebody else with disrespect? Yes, sir.
14. Q. And was that an Anglo to an African-American or an Anglo to a Latino or something different?
15. A. I think in all instances I have seen people...
<table>
<thead>
<tr>
<th>Q.</th>
<th>A.</th>
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<tr>
<td>Q. Was it completely created by and put out by Senate Research, or did it include language provided by you or somebody in your office?</td>
<td>A. Senator Fraser, through me, provides language to the committee chair and their staff, and in this case, Senator Duncan chaired Senate State Affairs. They then take that information and submit it to Senate Research Center. I don’t know for sure if they used my language verbatim. Sometimes they do. Sometimes they don’t. And on this instance, I do not recall if they used any of my language verbatim.</td>
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<td>Q. And so just to be clear in our record, do you recall whether or not the language your office submitted to Senator Duncan’s staff was changed at all when it was submitted by Senator Duncan’s staff to Senate research?</td>
<td>A. I do not recall.</td>
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<td>Q. Who was it with Senator Duncan’s staff you would have coordinated on the research analysis?</td>
<td>A. Jennifer Fagan.</td>
</tr>
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<td>Q. Was any convincing or cajoling necessary to convince Senator Duncan’s staff to support this bill?</td>
<td>MR. FREDERICK: Object, legislative privilege. I instruct you not to answer.</td>
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<td>Q. (By Mr. Dunn) With respect to the -- in addition to the bill analysis, a fiscal note was also prepared: is that true?</td>
<td>A. Yes, sir.</td>
</tr>
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<td>Q. And was that prepared by the Legislative Budget Board?</td>
<td>A. Yes, sir.</td>
</tr>
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<td>Q. Can you recall if, and I’m not asking for the numbers, but from the various sessions you’ve been asked about photo ID bills today, can you recall if there were any changes to the fiscal note of the bill in its various iterations?</td>
<td>A. I don’t recall what the fiscal note was in 2007. I think in 2009 the number stayed somewhere in the 2 to 4 million dollar range.</td>
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<td>Q. Do you remember who the analyst at LBB was on these bills?</td>
<td>A. I did not know the analyst at LBB.</td>
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<td>Q. Did you ever communicate with the analyst at LBB?</td>
<td>A. No, sir.</td>
</tr>
<tr>
<td>Q. Did you ever provide LBB any estimates as to your belief as to the fiscal impact of the bill?</td>
<td>A. No, sir.</td>
</tr>
<tr>
<td>Q. Did you ever do or conduct any research as to what the fiscal impact of the bill would be?</td>
<td>A. Right.</td>
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MR. FREDERICK: Object, based on legislative privilege. Instruct you not to answer to the extent it reveals the substance of any research. I instruct you not to answer.

A. I'll assert privilege.

Q. (By Mr. Dunn) Stepping way from this bill for a minute, is it generally important that a bill in the legislature not have a fiscal impact or have a minimal fiscal impact in order to pass?

MR. FREDERICK: Object, vagueness, but you can answer.

MR. DUNN: I'll strike the question and rephrase. How about that?

Q. (By Mr. Dunn) Is it -- bills with a large fiscal impact, do they typically get defeated or fail?

A. They take longer to pass.

Q. And they -- and because the bill involves a larger fiscal impact, that means the state has to divert financial resources to the bill's tenants; is that true, if it were to pass?

A. No.

Q. Well, I assume that in all these years that you've worked for Senator Fraser and perhaps others, you have prepared a lot of bills and received a lot of fiscal impacts on bills; is that true?

A. Yes, sir.

Q. Is it not typically bad news when you received a fiscal impact statement from LBB that puts money on the cost of a bill?

MR. FREDERICK: Object to vagueness. You can answer.

A. Well, I think you need you to ask the question better. I don't -- can you ask the question again?

Q. (By Mr. Dunn) Uh-huh. Is it more difficult to pass a piece of legislation when it has a fiscal impact statement from LBB that it costs a considerable amount of money?

A. Not always, but the majority of the time, yes, you'd rather have a zero fiscal note than not. Or have a low fiscal note than not.

Q. And just so our court, which may not understand the process here in Texas, our budget here in the state is prepared either by the House Appropriations Committee or the Senate Finance Committee in alternating sessions; is that true?

A. That's true.

Q. And so if a member wants to pass a bill that has a fiscal impact, they typically have to go to either the Appropriations or Finance Committee and work out an arrangement to pay for the bill; is that also true?

A. Yes.

Q. All right. What efforts were made -- is it true then that Senate Bill 14 had a fiscal impact according to the LBB?

A. Yes.

Q. What steps were taken to make sure the funding would be available for the bill?

A. In 2007, no. In 2009, if I remember, I'm sorry. I got my years -- in 2009-- well, let's back up.

So when a bill has a fiscal impact, you need a Finance Committee member to propose an amendment to the budget or a rider or some sort of mechanism to get that included, a contingency rider, sometimes. In 2007, I want to say that -- I can't remember if I did one of those or not. In 2009, I'm sorry. Sorry.

In 2009, I think we prepared a contingency rider, and I think we asked another senator who was on the committee to move that forward, who was a supporter of the bill.

In 2011, I don't recall that I did any work on trying to -- on behalf of Senator Fraser in trying to get money in the budget.

Q. Is the short answer with respect to Senate Bill 14, in 2011, you can't recall what, if anything, you did to get the bill funded?

A. I don't recall that I did anything to get the bill funded --

Q. All right.

A. -- on behalf of Senator Fraser.

Q. Senator Fraser has served on the Finance Committee, has he not?

A. Yes, he has.

Q. When did that service stop?


Q. Do you recall the senator you approached in 2009 to hold the contingency rider on the committee?

A. I do not.

Q. Do you know who carried it in 2011?

A. I do not.

Q. Just for our record, which -- was the appropriation bill in '11 out of the house or out of the Senate? Or do you remember?

A. I don't remember.

Q. I don't either so I was hoping you did.

A. I try to forget.

Q. All right. As part of the fiscal analysis for the bill, did you participate in trying to determine what it would cost to fully fund antifraud technologies.
in voting locations?

MR. FREDERICK: I'm going to object on the basis of privilege, to the extent it calls for the substance of any communications or your thought process, mental impressions, but the question as phrased, you may answer it as long as you don't reveal those matters.

A. Senator Fraser and I didn't do any work on developing what the fiscal note looked like or what the agency said it would cost them or not cost them. So we did nothing on the fiscal impact.

Q. (By Mr. Dunn) All right. Fair enough. So I'll ask this question: Did you, though, in working on the bill, in any session, come to learn of various technologies that have been developed or being developed that can be used in polling locations to stop voter fraud?

MR. FREDERICK: Object to legislative privilege. Instruct you not to answer.

A. I'll assert privilege.

Q. (By Mr. Dunn) With respect to Senate Bill 14, do you know which legislator or which legislator's staff was the point person for the fiscal impact of the bill, if it wasn't you?

A. I mean --

MR. FREDERICK: If you know.

A. When a bill moves to the legislative process, the committee staff in the committee is responsible for asking LBB for a fiscal note. LBB then asks the different agencies that are impacted how much it will cost. That comes back, gets attached to the bill, and we move forward.

I mean, I don't -- I mean, I think -- I mean, I don't know that I can be responsive to your question, because I don't know that any legislative staff directed anybody to provide that type -- those numbers. It's just that's what happened. That's what we got back from legislative budget board.

Q. (By Mr. Dunn) Let me try a different way of phrasing the question. Do you know and can you name for us any staffer that was involved in formulating the fiscal impact of this bill or coordinating with LBB?

A. No.

Q. Okay. As I understand your description earlier of your job responsibilities, you principally handle the Capitol office for Senator Fraser and his legislative priorities; is that true?

A. Yes.

Q. Do you have any district office responsibilities?

A. Only insomuch as I oversee the same

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245 pending legislation. To the extent you can answer
without revealing that, you may answer.
A. Senator Fraser votes and promotes and works
with every constituent equally.
Q. (By Mr. Dunn) And I appreciate that. I'm just
trying to find out, can you name for us some bills or
meetings or sort of administrative lobbying he's done on
behalf of the minority constituents in his district?
A. No.
Q. Now, with regard to your district
responsibilities, do you ever go out and take the place
of the Senator at an event or speak to group because
he's unavailable?
A. I have in the past. I have not done it in
about three years.
Q. What sort of events would you go speak to?
A. They weren't necessarily speaking events where
it was a public forum. They typically would just be
meetings with various constituency groups that wanted
to express concerns or opinions to our office.
Q. Are there -- if I understand the testimony
earlier, there's sort of a schedule kept by your office
of where the Senator goes and does. It doesn't have
everything, but it has some things; is that right?
A. Yes, sir.

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Q. Would it also include the events that you
attended or another staff attended on his behalf?
A. No, sir.
Q. Those would be kept on the staffer's private
calendar?
A. That's correct.
Q. Can you recall ever have gone to an event in
place of Senator Fraser and speaking with a group of
African-Americans or Latinos?
A. I've gone to events where African-Americans and
Latinos were present but nothing specific to those
groups.
Q. Not a group or event where they made up the
predominant population in the attendees?
A. That's correct. I have not.
Q. Have you attended any public meetings in
Senator Fraser's district as it relates to photo ID?
A. I've attended meetings with the Senator where
he has -- speaking to a group where he brings up the
topic of photo ID in terms of the legislation that he
passed or didn't pass, given whatever year it was, but
nothing specific for the meeting specifically about
voter ID.
Q. In other words, you didn't go to any rallies or
events put together by certain political groups who were

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pushing photo ID?
A. No, sir.
Q. It would just come up as a part of more general
political discussion?
A. Yes, sir.
Q. My question earlier was limited to events in
the district. Now I'm going to ask you about anywhere.
Have you been to such events?
A. No, sir.
Q. When is it that photo ID became something you
started working on in your office?
A. The spring of 2007.
Q. What caused that project to develop?
MR. FREDERICK: Object, based on
legislative privilege. To the extent you can answer
without revealing communications with the Senator,
legislators, consultants, or thoughts or mental
impression, you can answer.
A. When the Senator agreed to be the House sponsor
to House Bill 218.
Q. (By Mr. Dunn) Prior to agreeing to be the
sponsor of House Bill 218, you hadn't researched,
drafted bill language or otherwise worked on the photo
ID issue?

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MR. FREDERICK: Objection, legislative

privilege. Instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) The impetus to your office
beginning to deal with photo ID, did it have anything to
do with a specific event or events actually involving
voter impersonation?
MR. FREDERICK: Object on the basis of
legislative privilege. Instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) Why is it that Senator Fraser,
after having been asked in 2007 to carry House Bill 218,
why is it that he continued to hold the issue and push
it in future sessions?
MR. FREDERICK: Object on the basis of
legislative privilege. To the extent that it -- that
the question calls for subjective mental impressions,
thought process or confidential communications, I
instruct you not to answer. If you can answer based on
nonprivileged matters including public statements or
core testimony, you can do so.
A. I think I can say that Senator Fraser has said
consistently, public record or public meetings, that he
believes that the issue of in-person voter fraud and
protecting the integrity of our elections was important,
and he wanted to continue to fight.
Q. (By Mr. Dunn) And he came to that conclusion sometime in or around the spring of 2007 when he was asked to support House Bill 218?
MR. FREDERICK: Objection to the extent it mischaracterizes the prior testimony. Also object on legislative privilege. I instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) Is it true that Senator Fraser's issue in the photo ID matter -- strike that. Senator Fraser's interest in the photo ID matter did not develop until he was approached by a member of the House?
MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) You were asked some testimony about Section 5 of the Voting Rights Act. I'm just telling you that to sort of get you to where I'm going now.
A. Yes, sir.
Q. All right. And you mentioned something that nine states and some territories are subject to Section 5. Did I hear you correctly?
A. That was my comment. Yes, sir.
Q. Do you know how it is that those nine states and territories were made subject to Section 5?
A. My understanding is that it was part of -- back when LBJ was president, but that's as much I could speak to.
Q. In other words, you don't know if there was a formula or some kind of basis used to select the areas subject to Section 5. You're not familiar with it?
A. That's correct.
Q. Are you aware that Section 5 was applied to certain areas because of the history of discrimination?
A. It's my understanding that that was the intent. Yes, sir.
Q. And do you deny that there's a history of discrimination in Texas?
A. No, sir.
Q. When is it that you think, if you do, that the discrimination in Texas stopped?
A. I don't recall that there being discrimination in my life -- well, in my adult lifetime.
Q. So sometime in your adolescence is when that problem was solved in your view?
MR. FREDERICK: Objection, to the extent it misstates the testimony. You can answer.
MR. DUNN: I'll rephrase.
Q. (By Mr. Dunn) When in your view was racial discrimination in Texas resolved?
A. I don't know.
Q. Okay. But in any event, in your opinion, we're at the point now where federal laws are not required to protect minority citizens in Texas?
MR. FREDERICK: You may answer to the extent that --
A. My personal opinion is federal law is not necessary to protect minority voters in Texas.
Q. (By Mr. Dunn) But you believe that minority citizens have an equal opportunity to vote as Anglos or anyone else?
A. That they do.
Q. Yes, ma'am.
A. Yes, sir.
Q. Okay. That is -- that sort of belief, the belief that everybody that's an American citizen has an equal vote is also part of the law in the constitution, the federal constitution; is that true?
A. Yes, sir.
Q. All right. So when you draft legislation, whether it's on elections or anything else for the Senator, do you keep that concern in mind to make sure you're complying with that provision of the constitution?
A. --
MR. FREDERICK: Object on the basis of legislative privilege, and instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) Do you believe that -- this is -- I'm going to make sure I'm clear about this. If you're confused, ask me. But do you believe that government, whether it's state or federal, is capable of disenfranchising a citizen? I beg your pardon?
A. I'm sorry. I'm just thinking in my head.
Q. Oh.
A. What do you mean by “disenfranchising”?
Q. Well, let's say the federal government passed a law that said that people with blue eyes can't vote any longer.
A. So we're specifically talking about elections?
Q. Yes. Uh-huh. Such a law would disenfranchise voters. Would you agree?
A. If you had blue eyes, yes, sir.
Q. All right. You and I share that trait. That's why I picked that one.
A. Maybe we shouldn't be voting.
Q. Well, we probably -- well, I won't even say. All right. With respect to -- there have been laws over the years that have caused voters to be
| Q. disenfranchised; would you agree?  
| A. Previous, yes.  
| Q. Laws that require voters to take a literacy test. Would you agree that was disenfranchising?  
| A. Yes.  
| Q. Do you believe that government can make voting so onerous that it becomes a disenfranchisement?  
| A. MR. FREDERICK: Object as vague, but if you have an opinion, you can answer it.  
| A. I don't believe the government would do that.  
| Q. Fine. But if it did, it could become disenfranchising?  
| A. I think the government could do a lot of things that are bad and does.  
| Q. So is it your opinion that Senate Bill 14 as passed has no effect on the difficulty in voting in Texas?  
| A. MR. FREDERICK: I'll object only to the extent that the question seeks your mental impressions, thought processes related to the development of SB 14 and any confidential communications. As you sit here today, you may answer based on personal knowledge or opinion.  
| A. I do not believe Senate Bill 14 disenfranchises voters.  
| Q. (By Mr. Dunn) All right. And that's fair enough, but that's a slightly different answer to a different question.  
| I'm asking: Do you believe that Senate Bill 14 puts some burden on voting that wasn't there before?  
| A. MR. FREDERICK: Same objection and instruction.  
| A. I'll assert privilege.  
| THE WITNESS: Can I? Is that what --  
| A. MR. FREDERICK: No. Let me repeat it just so I'm clear to you.  
| THE WITNESS: Okay.  
| A. MR. FREDERICK: -- related to it. To the extent that you have a personal opinion or personal knowledge, as you sit here today, not based on that, you may answer.  
| A. So the question is?  
| Q. (By Mr. Dunn) The question is, what is your opinion as to whether or not Senate Bill 14 places some burden on voting?  
| A. I don't believe it imposes an additional burden on voting that makes it hard for anybody to vote.  
| Q. And so I just want to make sure I understand. You don't think that there's any burden, or you think that the burden is insignificant?  
| A. I think the burden is insignificant.  
| Q. All right. And so whereas a burden that would come from a poll tax or a literacy test is some degree higher -- well, let me just strike that. Where do you draw the line between the burden of a poll tax, for example, and the burden created by the photo ID requirement?  
| A. I don't know that I personally believe that the burden of having a photo ID is a burden or having a photo ID is a burden.  
| Q. (By Mr. Dunn) I see. All right. Well, have you worked on -- you staffers State Affairs for some period of time I think you said, right?  
| A. Yes, sir.  
| Q. And State Affairs in the Senate is where most election bills go through unless --  
| A. Yes.  
| Q. -- there's a special rule set up?  
| A. Yes, sir.  
| Q. All right. In this case, Senate Bill 14 didn't go through State Affairs because the Committee of the Whole was created; is that true?  
| A. That's true.  
| Q. But typically, the committee with senators who have the background and knowledge about election matters are in State Affairs?  
| A. Yes, sir.  
| Q. There have been a number of bills that have been passed by the state legislature in the last several sessions that relate to election laws, is that true?  
| A. Yes, sir.  
| Q. There have also been a number that relate to voter registration; is that true?  
| A. Yes, sir.  
| Q. Are you familiar with bills that have created new requirements for deputy voter registrars in Texas?  
| A. Not specifically, no.  
| Q. All right. Are you familiar with any bills
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<tr>
<td>1. that create additional burdens in order to become registered to vote in Texas?</td>
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<td>2. A. I don't recall that we passed anything about registering to vote since HAVA or that doesn't comply with HAVA.</td>
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<td>3. Q. So if things have been passed since then, you just don't recall it?</td>
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<td>4. A. That's correct.</td>
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<td>5. Q. Now, could you see a scenario where the -- and I'm using your language, the insignificant burden of SB 14 added on to a burden of voter registration, added on to a burden of deputy registrars, could add up to disenfranchisement in time?</td>
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<td>6. MR. FREDERICK: Objection. calls for speculation. You can answer if you can.</td>
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<td>7. A. I don't know what the changes were to voter registration and deputies, so I cannot answer the question.</td>
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<td>8. Q. (By Mr. Dunn) But you would agree that if we take stacks of hairs and we continue to stack the hairs, sooner or later we'll get to the thickness of a quarter?</td>
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<td>9. MR. FREDERICK: Objection. vague. You can answer if you can.</td>
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<td>10. A. I don't believe that Senate Bill 14 was passed in a vacuum, and I think we recognized what the rest of the election code did when we passed it.</td>
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<tr>
<td>1. in advance of the last legislative session, did they not, with respect to information that had to be provided to get a driver's license or ID?</td>
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<td>2. A. I think that's correct. Yes.</td>
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<td>3. Q. So is it your opinion that as DPS continues to add requirements to getting a driver's license or an ID, that doesn't create a burden, even ever so slight, to voting?</td>
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<td>4. A. Well, Senate Bill 14 provides with other forms of ID, so you could use one of those forms, those five other forms, four other forms, to vote if you didn't want to get a driver's license.</td>
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<td>5. Q. So if the state, whether it be through the legislature, the agency makes it extremely difficult to get a driver's license, that's not a burden, in your view, because there are other IDs that can be obtained. Do I have that right?</td>
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<td>6. MR. FREDERICK: Object to the extent it misstates prior testimony. You can answer.</td>
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<td>7. A. I don't -- can you say that, can you repeat your question?</td>
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<td>8. MR. DUNN: Sure. Would you mind reading that one? (Requested portion read back by the court reporter.)</td>
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<td>1. the election code did when we passed it.</td>
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<td>2. Q. (By Mr. Dunn) So it's your testimony then that whatever burden, if there is one on Senate Bill 14, does not add into other burdens if there are in state law to the right to vote?</td>
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<td>3. MR. FREDERICK: Object to the extent it mischaracterizes prior testimony, but you can answer.</td>
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<td>4. A. I don't know that I said there were other burdens. So, I mean.</td>
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<tr>
<td>5. Q. All right. What burdens are there, if any, to the voting in Texas?</td>
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<td>6. A. I don't believe there are any burdens currently to voting in Texas.</td>
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<td>7. Q. Are you familiar with new regulations adopted by the Department of Public Safety relating to documents required to be presented in order to get an ID or a driver's license?</td>
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<td>8. A. I have recently read news clips saying they did that. Yes, sir.</td>
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<td>9. Q. These are new regulations that came out May the 1st. Is that true?</td>
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<td>10. A. I don't know the date, but recent, yes, sir.</td>
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<td>11. Q. Very recently?</td>
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<td>12. A. Yes, sir.</td>
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<td>13. Q. DPS also adopted some new regulations shortly</td>
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<tr>
<td>1. MR. FREDERICK: Object, again, as vague. Object to the extent it mischaracterizes the prior testimony. And object, it calls for speculation. But you can answer.</td>
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<td>2. (Cell phone buzzes.)</td>
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<td>3. Q. (By Mr. Dunn) Do you need to deal with that?</td>
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<td>4. A. I need to just turn it off.</td>
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<td>5. Q. I know you have twins. If you need to get it.</td>
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<tr>
<td>6. A. No. My husband has them. I don't know that what we -- what DPS has done is created a burden in terms of getting a driver's license. And I believe that Senate Bill 14 provided with other mechanisms if you didn't want to use a driver's license as a photo ID to vote.</td>
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<tr>
<td>7. Q. All right. Well, did you or anybody in your office have any coordination with DPS and its adoption of regulations relating to obtaining a driver's license or ID?</td>
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<td>8. A. No.</td>
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<tr>
<td>9. Q. Are you aware of any impediments to DPS through its rule-making authority to create other requirements for folks to bring in order to obtain one of these state IDs?</td>
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<td>10. A. No.</td>
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| 11. Q. So then it would be true that even under the
current sort of situation and regulation in which we're
judging Senate Bill 14, that could easily change should
d DPS decide to alter its regulations?

MR. FREDERICK: Objection, calls for
speculation, but you can answer.

Q. I don't think I can answer the question. I
can't speculate what DPS will or won't do.

Q. (By Mr. Dunn) I don't think I was asking you
to speculate.

A. Okay.

Q. I guess all I was asking is since DPS
regulations are as fluid as DPS wants to create rules,
you would agree with me the effect of Senate Bill 14
will change as those requirements change?

A. I disagree because DPS has to operate within
statute, and if statute is clear, then DPS rules can't
go beyond that.

Q. Was there anything in Senate Bill 14 that
authorized DPS to require documentation of 30-day
residency in order to get a voter ID or a driver's
license?

A. No, sir.

Q. So do you know what their statutory authority
was for doing that?

A. No, sir.

Q. If there was statutory authority, it would have
had to come from someplace other than Senate Bill 14?

A. That's correct.

Q. All right. Now, I'd like to ask you a little
bit about the 21-vote rule. And I understand that you
say it's not a rule, so I'm not trying to put the word
"rule." How do you want to refer to it, the 21-vote
tradition?

A. We can call it a rule if you'd prefer, if that
makes it easier for you.

Q. All right. A bill or measure in the Senate in
order to pass out of the body under typical rules and
traditions requires 21 votes, if all 31 senators are
present?

A. It requires -- yes, sir, if all 31 senators are
present. Yes, sir.

Q. All right. And if there's some number below 31
senators, then two-thirds of the number who are present
is required, so long as there's a quorum; is that true?

A. Yes, sir.

Q. What measures can you recall in your 14 or so
years of experience have been passed out of the Senate
without complying with the two-thirds tradition?

A. Besides photo ID, I don't know of any.

Q. Now, you gave some testimony earlier -- well,