February 3, 2014

VIA E-MAIL

Denton County Elections Administration
701 Kimberly Drive, Suite A101
Denton, TX 76208
E-mail: elections@dentoncounty.com

Re: Public Records Request re Provisional Ballots in Denton County

Dear Sir/Madam:

We write on behalf of the Texas State Conference of NAACP Branches and the Mexican American Legislative Caucus of the Texas House of Representatives — organizations that are involved in litigation against officials of the Texas Secretary of State and the Texas Department of Public Safety over Texas’s photo voter ID law — to request public records, regardless of format, medium or physical characteristics, under the Texas Public Information Act, Chapter 552, Section 21 of the Texas Government Code. Specifically, we seek any records that contain, or from which we can deduce, the following information with respect to the November 2013 general election, including the early voting period beginning on October 21, 2013:

(1) The number of provisional ballots that were cast; 77

(2) The number of provisional ballots that were accepted under Tex. Elec. Code § 65.054; 5

(3) The number of provisional ballots that were distributed to voters under Tex. Elec. Code § 63.001(g) because they did not meet the photo identification requirements; 11

(4) The number of provisional ballots identified above in (3) that were rejected; 9

(5) The names and any contact information of voters who voted provisionally because they lacked the requisite form of identification;
(6) The number of provisional ballots that were cast because the election official
determined that, although the voter presented one of the requisite forms of
identification, the name on the identification was not “substantially similar” to
the name on the voter rolls;

(7) The number of provisional ballots identified above in (6) that were rejected;

(8) The names and any contact information of voters who voted provisionally
because, although the voter presented one of the requisite forms of
identification, the name on the identification was not “substantially similar” to
the name on the voter rolls;

(9) Any instructions, guidance, and training given to poll workers regarding
implementation of the requirements of Tex. Elec. Code § 63.001(b) that
persons must provide certain specified identification in order to cast a regular
ballot in early voting or on Election Day;

(10) Any instructions, guidance, and training given to poll workers regarding
providing written notice to voters who are required to cast provisional
ballots because they did not meet the identification requirements under Tex.
Elec. Code § 63.001(g);

(11) Any instructions, guidance, and training given to poll workers regarding
implementation of the requirements of Tex. Elec. Code § 63.001(c) that the
name on the identification provided to vote must be the same or
“substantially similar” to the name on the voter rolls; and

(12) Any standard form or notice provided to voters who cast provisional ballots
because they did not meet the identification requirements under Tex. Elec.
Code § 63.001(g).

Please note that we are requesting documents pertaining to Denton County only.

In the event that some portions of the requested records are considered exempt
from disclosure, please disclose any reasonable, non-exempt portions of the requested
records. If it is your position that a document contains non-exempt segments and that
those non-exempt segments are so dispersed throughout the documents as to make separation impossible, please state what portion of the document is non-exempt and how the material is dispersed throughout the document. If a request is denied in whole, please specifically state the grounds on which the request is denied.

If the documents are available in electronic format, please provide electronic copies. If your office estimates the cost of providing any such records at more than $500, please notify us before proceeding with efforts to fulfill this request. If the public records described are not in your custody or control, please notify us in writing and state in detail the reason for the absence of the records, the location of the records, and the person who has custody or control of the records.

We would appreciate the requested materials at your earliest convenience, and we are happy to work with you to make this request as easy to fulfill as possible. We are also happy to receive records on a rolling basis, as they are located, to expedite their disclosure. We are available to discuss any other ways to facilitate and simplify the process of responding to this request in accordance with the Texas Public Information Act. Please do not hesitate to contact us if you would like any additional clarification on this request. We can be reached at (512) 394-3027 or by email at Lindsey.Stelgen@dechert.com. Thank you in advance for your time and assistance.

The responsive documents may be sent by e-mail to Lindsey.Cohan@dechert.com, by fax to (512) 394-3001, or by mail to:

Lindsey Cohan  
Dechert LLP  
300 W. 6th Street, Suite 2010  
Austin, TX 78701

Respectfully Submitted,

[Signature]
Lindsey Cohan
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional)

Case 2:13-cv-00193   Document 727-3   Filed in TXSD on 11/17/14   Page 4 of 6

TO BE COMPLETED BY VOTER. I am an eligible voter of this political subdivision and I am the person in which I am attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if I have, I have completed all of my sentences, including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a court exercising probate jurisdiction to be totally mentally incompetent or partially mentally incompetent without the right to vote. I understand that giving false information under oath is a misdemeanor, and I am a witness that I have signed the declaration and that I know that the information on the form is true. My signature is my acknowledgment that I am a witness and that I know the information on the form is true.

I am registered to vote. I am a US citizen. I am a resident of this political subdivision. I am the person in which I am attempting to vote and have not already voted in this election (either in person or by mail). I have completed all of my sentences, including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a court exercising probate jurisdiction to be totally mentally incompetent or partially mentally incompetent without the right to vote. I understand that giving false information under oath is a misdemeanor, and I am a witness that I have signed the declaration and that I know that the information on the form is true. My signature is my acknowledgment that I am a witness and that I know the information on the form is true.

I certify that the information given on this form is true to the best of my knowledge and belief. I am registered to vote. I am a US citizen. I am a resident of this political subdivision. I am the person in which I am attempting to vote and have not already voted in this election (either in person or by mail). I have completed all of my sentences, including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a court exercising probate jurisdiction to be totally mentally incompetent or partially mentally incompetent without the right to vote. I understand that giving false information under oath is a misdemeanor, and I am a witness that I have signed the declaration and that I know that the information on the form is true. My signature is my acknowledgment that I am a witness and that I know the information on the form is true.

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<th>Last Name / Apellido paterno</th>
<th>First Name / Nombre(s)</th>
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<th>City, State, Zip</th>
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<th>ID or License No.</th>
<th>Expiration Date</th>
<th>Social Security No.</th>
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<th>Signature of Voter / Firma del Votante</th>
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**Case 2:13-cv-00193 Document 727-3 Filed in TXSD on 11/17/14 Page 5 of 6**
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE)

[Redacted text]

Date of Birth: MM/ DD/ YYYY

Signature of Voter / Firma del Votante

TSC-MALC00000495