

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARC VEASEY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
v.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**DEFENDANTS' SUBMISSION REGARDING  
VOTER EDUCATION PLAN AND ELECTION OFFICIAL TRAINING PROGRAM**

The Court's interim remedy order (ECF No. 895) required Defendants to file a detailed voter education plan and an election official training program with timetables for the 2016 November general election. Defendants submit the following information in response to the Court's order.

**VOTER EDUCATION CAMPAIGN**

Defendants understand that they must educate voters regarding the new voting procedures set forth in the Court's interim remedy order. This is why Defendants have been developing a voter education campaign for the 2016 November general election that is more expansive than past campaigns. Defendants will spend slightly more than \$2.5 million for voter education efforts for the 2016 November general election. Burson-Marsteller, a leading global public relations and communications firm founded in 1953, and TKO Advertising, Inc., a leading Texas advertising firm founded in 1998, have been retained by the Secretary of State to execute a voter education program capable of reaching Texas voters through multiple

mediums. Both companies working with the Secretary of State have extensive experience in, and seasoned practitioners devoted to, executing effective public education campaigns involving public affairs, digital media, and advertising. The Secretary of State's relationship with Burson-Marsteller and TKO Advertising, Inc. for the current campaign has been in place since January 2016, as it also encompassed voter education efforts in connection with the March 2016 primary elections and subsequent runoff elections. Now that the Court has entered its interim remedy order, the State is moving forward with a multi-faceted strategy designed to reach and educate voters regarding the change in the State's voter identification requirements. The campaign will utilize the media channels described below.<sup>1</sup>

Paid Media (~\$1,300,000.00). This category includes the purchase of television, print, radio, and digital advertising time and space. Digital and social media advertising will begin the first week of September. Print advertising should appear the first week of September in publications targeting minority groups and rural communities, but could be slightly delayed by publication lead times. The production of radio and television advertisements will begin at the end of August. These advertisements will be broadcast beginning in early October, just as the public's attention focuses on the upcoming election. The Secretary of State, in consultation with its advertising firm, has identified a list of local markets where it will broadcast radio advertisements, television commercials, transit advertising, and digital out-of-

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<sup>1</sup> The amounts associated with each media strategy below are estimates and may change under the agreed procedures between the Secretary of State and its vendors or may need to be adjusted due to invoices not yet received for work already performed.

home advertisements. With this submission, Defendants have filed under seal a chart identifying the locales where the Secretary of State's office intends to purchase media spots. *See Exhibit 1.*<sup>2</sup> The Secretary of State's office is currently in the process of purchasing the media spots identified in Exhibit 1. The paid media plan will provide statewide coverage beginning in early October until November 7 to ensure the advertisements are seen by as many Texans as possible.

In addition to the approximately \$1,300,000 allocated for Paid Media, the Secretary of State has allocated an additional \$256,138.50 for Advertising Planning and Strategy. This category includes developing strategy for the campaign, creating campaign messages, and producing materials such as print, radio, television, and digital ads. The State will begin filming television and radio concepts created by its vendors by the end of August. Likewise, the print materials will be finalized by the end of August, although adjustments to the print materials may be made throughout the campaign to accommodate variations in publication sizes and audiences.

Media Relations (\$232,000.00). This category includes activities such as: distribution of press releases and media advisories, press events and roundtable discussions; promotion of the Secretary's community visits to local media; and the creation of resources for reporting stories about voter identification requirements, as well as infographics and logos which can be used in news stories. The public relations

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<sup>2</sup> The list of media spots identified in Exhibit 1 assumes that such spots are still available for purchase. The State is working to finalize its media spots. The purchasing of media spots is a fluid process, and for this reason, the State must retain the flexibility to shift from one market to another if its advertising firm determines that the message broadcast in one area could be more effective elsewhere in the State.

and advertising firms serve as a true public relations resource for the Secretary and they will provide services such as the review and distribution of certain press releases and media advisories and preparing the Secretary for press events and roundtable discussions. The initiatives identified for this strategy are underway now that the Court has issued the interim remedy order. The Secretary plans to be on a statewide tour beginning August 31 and ending October 31 to educate voters about photo identification requirements, with possible areas to include: the University of Texas at Austin, San Marcos, El Paso, San Antonio, La Vernia, Karnes, Houston, San Angelo, the University of Texas at Permian Basin, Abilene, Dallas, Corpus Christi, Dallas, Wichita Falls, Amarillo, Lubbock, Fort Worth, Tyler, Nacogdoches, Lufkin, Houston, Victoria, San Antonio, and the Rio Grande Valley.<sup>3</sup> The Secretary's visits will be intended to reach voters directly and will serve as media relations events.

Community Engagement (\$178,751.82). Community engagement capitalizes on the connections community groups and organizations have to share information with members and address specific concerns. This outreach includes distribution of toolkits to at least 1,800 community groups and organizations with clear, reliable information and templates for group leaders to share with their constituents and members. Simultaneous with this submission, Defendants are filing under seal a list of community groups and organizations compiled by their vendors over the last few months. See Exhibit 2. The number of community organizations on this list may continue to increase in the next few weeks as additional groups are identified. The

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<sup>3</sup> These areas are in the process of being confirmed and the locations are at the sole discretion of the Secretary's availability and schedule.

digital toolkit will be updated by August 29, 2016 to reflect the change in procedures set forth in the Court's interim remedy order and will be produced in English and Spanish. The toolkits include the following information: (1) greeting letter from the Secretary of State; (2) Vote Texas facts; (3) sample press release; (4) suggested social media content; (5) Vote Texas Logos for use on websites; and (6) biography of the Secretary of State. Defendants have agreed to allow Plaintiffs 24 hours to review a draft of the toolkit in English and Spanish before it is finalized. The toolkits will be digitally distributed to the initial list of community organizations beginning on September 2, 2016, and may be provided to other groups on a continuing basis until the November election.<sup>4</sup> The Secretary also plans to post the digital toolkit on its VoteTexas.gov website on or about September 2, 2016, to allow other interested community groups and organizations not listed on Exhibit 2 to easily access and download the digital toolkit for their use.

Elected Official Outreach (\$65,000.00). The Secretary of State will provide elected officials with toolkits featuring sample press releases, suggested social media posts, and other resources, in order to mobilize officials to help educate voters. The toolkit will have contents similar to those described above for the community engagement strategy. The toolkit will go to every member of the Texas House of

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<sup>4</sup> The Court issued a minute entry on August 12, 2016 setting forth agreements reached between the parties regarding the voter education plan and election official training program. With respect to the community engagement initiative and the distribution of toolkits to community organizations, the minute entry outlined certain agreements between the parties and stated that "the State will accept from Plaintiffs recommendations regarding appropriate recipients for the education and training materials." Defendants understood the parties' agreement also provided that the State would advise Plaintiffs whether any such recommended entities are already on the list, whether they will be added, or whether they will not be added.

Representatives, every member of the Texas Senate, every member of the Texas Congressional delegation, and all statewide officeholders. It will also go to local government leaders, such as mayors and county judges. The number of elected officials on the recipient list may continue to increase in the next few weeks as additional individuals are identified. The digital toolkits will be updated by August 29, 2016 to reflect the change in procedures set forth in the Court's interim remedy order and will be produced in English and Spanish. Defendants have agreed to allow Plaintiffs 24 hours to review a draft of the toolkit in English and Spanish before it is finalized. The toolkits will be digitally distributed to the initial group of elected officials identified above beginning on September 2, 2016, and may be provided to other officials on a continuing basis until the November election.

Digital and Social Media (\$167,724.95). The Secretary of State maintains social media accounts on Facebook, Twitter, and Instagram related to voting and its Vote Texas campaign. These channels allow the Secretary of State to connect directly with Texas voters, especially in the 18-25 age group range. The Secretary of State will use these channels to remind voters about important dates and other key voting facts, publicize news related to voter education, and directly answer questions. The funds allocated for this media strategy are targeted toward helping SOS amplify its message across social media networks.

The State has also set aside \$243,867.65 as contingency funds. This money may be used to purchase additional media time to broadcast additional television, radio, or public transit advertisements. There are also other amounts budgeted under

the contract, for example, Contract Administration (\$100,192.23), which funds the management, compliance, and reporting required for the execution of the voter education campaign with the Secretary of State's vendors. These Contract Administration funds are used to fulfill state contracting requirements.

#### **EDUCATION RELATED TO ELECTION IDENTIFICATION CERTIFICATES**

The Texas Department of Public Safety (DPS) will also continue to issue Election Identification Certificates (EICs) at any of the more than 220 Texas driver license offices during regular business hours throughout the year. Certain driver license offices will be open on Saturday, October 22 and Saturday, October 29, 2016 to issue EICs. DPS is in the process of confirming the locations and schedules for the EIC mobile units and will have a finalized schedule by September 9, 2016.

The Secretary of State will continue to make EIC mobile units available on request before the 2016 November general election, in conjunction with DPS. The Secretary of State's staff is trained and ready to continue assisting in DPS' issuance of EICs by providing staffing for EIC mobile units, as staff members have done in the past.

#### **ELECTION OFFICIAL TRAINING**

Because the Court's interim remedy order changes the voting procedures for the 2016 November general election, the State recognizes that it needs to immediately educate election officials regarding the new procedures. The Secretary of State, as the State's chief election officer, is committed to providing effective education to election officials on how to implement the interim remedy order. Indeed,

the Secretary of State is required by statute to adopt standards of training in election law and procedure for election judges, to develop materials for a standardized curriculum for training election judges, and to distribute those materials as necessary. *See* TEX. ELEC. CODE § 32.111(a)-(c). With only three months left before the general election, the Secretary of State is prepared to implement the following initiatives and adhere to the deadlines described below in order to provide education to election officials in Texas in the most effective and efficient manner.

Updates to the Secretary of State's Website and VoteTexas.gov. The Secretary of State manages the VoteTexas.gov website, which provides the public and election officials information relating to election procedures. The following updates either have been or will be made to the Secretary of State's website and VoteTexas.gov to alert visitors to the website of the change in election procedures:

- On August 10, 2016, the following language was added to the front pages of VoteTexas.gov and <http://www.sos.state.tx.us> (the "SOS Homepage"): "Notice: The Office of the Secretary of State is in the process of updating its websites to reflect a court order issued on August 10, 2016, relating to identification requirements for voting." A Spanish version of this statement has been added at [http://www.sos.texas.gov/sos\\_espanol.shtml](http://www.sos.texas.gov/sos_espanol.shtml) (below "Información para Votantes") and at <http://www.votetexas.gov/es/> (at the bottom of the page). Defendants note that the banner in yellow on the Secretary of State's homepage, and the scrolling banner on VoteTexas.gov, which have this language in English, carry to each page on the website, including those in Spanish, but there is a Spanish-language version of this statement at the links above.
- Removed the following item from the Secretary of State's Homepage and VoteTexas.gov: "Don't have a photo ID for voting? Election Identification Certificates are available from DPS offices."
- Removed the following links from Points of Interest on the Secretary of State's Homepage: "Press Release: Texans in disaster areas may qualify for photo ID exemption" (<http://sos.state.tx.us/about/newsreleases/2016/050516.shtml>); "Press Release: Voters without photo ID may qualify for an exemption or free ID" (<http://sos.state.tx.us/about/newsreleases/2015/102315.shtml>).

- Updated the (now called) “Voter ID Education Resources” section of VoteTexas.gov in English and Spanish (<http://www.votetexas.gov/resources/voter-id-education-materials>); <http://www.votetexas.gov/es/recursos/folletos-educativos-sobre-identificacion-para-votar>) by:
  - Removing references to “Photo ID” in the name of the page, headings, button, and link for people to use on their own websites, and replacing them with “Voter ID”;
  - Adding and updating links to the revised posters (now referred to as Voter ID, not Photo ID, Information Flyers) for posting in the polling place in English and Spanish (the same versions that have been available for the August 27, 2016 tax ratification elections); and
  - Removed a link to a now outdated template press release. An updated link to an updated template press release will be posted no later than August 19, 2016. The updated template press releases will also replace the links at <http://www.sos.state.tx.us/elections/conducting/index.shtml>, though the Spanish version may not be posted until August 24, 2016.
- On August 12, 2016, the page entitled “Register to Vote: Need ID? Procedures for Voting Revisions” (<http://www.votetexas.gov/register-to-vote/need-id>) was updated to reflect the new voting procedures described in the Court’s interim remedy order. Defendants provided the Plaintiffs with a draft of this document 24 hours in advance of it being uploaded to the website and agreed to provide them the same review period for the Spanish translation of this document. The Spanish language translation of this document is expected to be uploaded on the website no later than August 18, 2016. Pursuant to the Court’s order, if Defendants make any substantive changes to the language of this page, they will notify the Court and the Plaintiffs.
- The “button” on the above-referenced page, and those below it, was changed to say “Voter ID FAQs” (not “Photo ID FAQs”), the smaller font text was taken out, and the link “More about Photo ID” was changed to “More about Voter ID.” This appears on the bottom of each page on VoteTexas.gov.
- The Your Voter Registration Card (<http://www.votetexas.gov/register-to-vote/550-2>) webpage will be updated no later than August 17, 2016 in English. The Spanish version will be updated no later than August 23, 2016.
- The Election Identification Certificate Mobile Stations webpage (<http://www.votetexas.gov/election-identification-certificate-mobile-stations/> and possibly iterations of this website) will be updated periodically as mobile EIC unit locations are confirmed, in both English and Spanish.
- The FAQs Page (<http://www.votetexas.gov/faq/>) will be updated no later than August 17, 2016 in English, and the Spanish version will be updated no later

than August 23, 2016. Specifically, edits will occur to the answers to the following questions and/or, where relevant, the questions themselves.<sup>5</sup>

- “What will I need in order to vote in person on election day or during early voting?”
  - This question/answer also appears on the Early Voting tab of the FAQs page (<http://www.votetexas.gov/faq/early-voting>).
- “What if a voter does not have any of the acceptable forms of photo ID? Are there any exceptions?”
- “What does ‘substantially similar’ mean?”
- “It’s election day, November 8, 2016, and I’m registered and ready to vote and have my identification. Where do I go? What are the hours for voting on election day?”
  - This question/answer also appears on the Where to Vote tab of the FAQs page (<http://www.votetexas.gov/faq/where-to-vote>)
- “When does the new photo identification law go into effect?”
- “Do I still need to bring my voter certificate/card? Will I be able to vote without it?”
- “What kind of identification will be required to qualify to vote in person under the new program?”
- “My ID is expired. Will it still work?”
- “What if I forget to bring my photo identification with me when I vote in person? Will I be turned away?”
- “If I have a government-issued ID that contains my photo and is not on the list above, may I still use it?” (This question and answer will be deleted, as it was from the <http://www.votetexas.gov/register-to-vote/need-id> page)
- “My name on my approved photo ID does not exactly match my name on my voter registration card. Can I still vote?”
- “Does the new photo ID requirement apply to voting by mail?”
- “Does the address on my photo identification have to match my address on the official list of registered voters at the time of voting?”
- “When is the DPS Election Identification Certificate going to be available?”
- “What happens if I refuse to show proof of identity?”
- The “Provisional Voting” section on the FAQs page will be updated no later than August 17, 2016 in English, and no later than August 23, 2016 in Spanish.

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<sup>5</sup> The Secretary of State also needs to update at least one reference to the color of the current voter registration certificates (unrelated to identification requirements). Likewise, the Office may need to update other portions of its websites and training materials in the future in response to other circumstances, which do not relate to voter identification, such as orders issued in pending litigation. The Secretary of State’s office will comply with the Court’s order and will immediately advise the Court and the Plaintiffs if substantive changes are made to the “Register to Vote: Need ID? Procedures for Voting Revisions” page.

- The Your Rights Page (<http://www.votetexas.gov/your-rights/>) will be updated no later than August 17, 2016 in English, and no later than August 23, 2016 in Spanish.
- The “Who, What, When, Where, How” Tab for ID voters (<http://www.votetexas.gov/voting/#id-voter>) on the website will be updated no later than August 17, 2016 in English, and no later than August 23, 2016 in Spanish.
- The How to Vote Page under the “Who, What, When, Where, How” Tab (<http://www.votetexas.gov/voting/how>) will be updated no later than August 17, 2016 in English, and no later than August 23, 2016 in Spanish.
- Paper Ballot Page (<http://www.votetexas.gov/voting-systems/paper-ballot/>) will be updated no later than August 17, 2016, and no later than August 23, 2016 in Spanish.
- SOS also plans to update the following links on its main website no later than August 17, 2016 (to the extent those links do not refer to content which is otherwise addressed in this submission). It may remove archived content on these and other sections of its main page at its discretion:
  - <http://www.sos.state.tx.us/index.html>
  - <http://www.sos.state.tx.us/elections/index.shtml>
  - <http://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml#photo-id>
  - <http://www.sos.state.tx.us/elections/laws/cchairlaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/cclerklaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/tavrlaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/ealaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/citylaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/schoollaws.shtml>
  - <http://www.sos.state.tx.us/elections/laws/other.shtml>
  - <http://www.sos.state.tx.us/elections/laws/november-8-election-calendar-2016.shtml>
- SOS will update the links at [http://www.sos.state.tx.us/sos\\_espanol.shtml](http://www.sos.state.tx.us/sos_espanol.shtml) no later than Tuesday, August 23 (to the extent those links do not refer to content which is otherwise addressed in this submission).

The Texas Department of Public Safety has updated its website page regarding EICs to include a link to the newly revised “Register to Vote: Need ID?” page at <http://www.votetexas.gov/register-to-vote/need-id>.

Update Forms on Website. As noted above, the Secretary of State has already updated the Notice of Acceptable Identification Poster (Form 13-1f), which is

currently linked at <http://www.votetexas.gov/resources/voter-id-education-materials> and in Spanish at <http://www.votetexas.gov/es/recursos/folletos-educativos-sobre-identificacion-para-votar>. The Secretary of State will also post this Poster to <http://www.sos.state.tx.us/elections/conducting/index.shtml>, and replace the current English and Spanish language Posters that are there, no later than August 17, 2016. The links and the radio button on that link will be updated no later than August 19, 2016. In addition, the Secretary of State will post the Reasonable Impediment Declaration form (in English and in Spanish) to <http://www.sos.state.tx.us/Elections/forms/pol-sub/index.shtml> (directly or through another link), no later than August 16, 2016. The Secretary of State's office will further update the following forms on its website in English and, where a Spanish version has historically existed, in Spanish, to reflect the procedures set forth in the interim remedy order: (1) Voter Information Poster (Form 7-7) no later than August 16, 2016; (2) Notice to Provisional Voter (ID Voters) (Form 7-15c) no later than August 19, 2016; (3) Request for Temporary Exemption to Photo Identification Requirement (Form 13-7) no later than August 19, 2016; (4) Notice of Required Identification (Form 13-1) no later than August 19, 2016; (5) Notice to Voter Who Must Provide Identification (For Voter Voting by Mail) (Form 5-22a) no later than August 19, 2016; (6) Provisional Voters Appearing to Voter Registrar During Cure Period and Instructions (Form 9-7) no later than August 19, 2016; (7) Request for Disability Exemption (Form 13-6) no later than August 19, 2016; (8) Hand Delivery Roster (Form 5-11a) no later than August 19, 2016; (9) List of Voters Indicated as ID Voters

(Form 5-8) no later than August 19, 2016; and (10) Application for Presidential Ballot (Form 5-31) no later than August 19, 2016. The additional time is needed because the English-language versions should be, where relevant, posted simultaneously with the Spanish-language versions.

In addition, the Secretary of State has determined that it is unable to make updates to the following forms, as they have already been printed, but it will educate election officials as to the use of these forms under the procedure for the 2016 November general election in its training materials: (1) Instructions for Combination Form (Form 7-21) and Combination Forms for both Early Voting and Election Day (Forms 5-20 and 7-20) and (2) Registration Omissions List (Form 7-27). The Secretary of State will also not make changes to the Affidavit of Provisional Voter form (Form 7-15), as there is an “other” box for “other reasons” to address any new provisional ballot situations resulting from implementation of the procedure for the 2016 November general election.

In the event the Secretary of State discovers other forms or links or portions of its websites in circulation which may need to, and can be, adjusted to reflect the procedure for the 2016 November general election, it will aim to have such forms edited within five business days of discovery.

Direct Communications to Election Officials. On August 10, 2016, the Election Divisions sent an email to over 4,000 election authority contacts to advise them that the Court issued an interim remedy order establishing new election procedures for the 2016 November general election. The e-mail attached the reasonable impediment

declaration (in English and Spanish) and the Court's August 10, 2016 Order. Similar communications will be utilized to convey the updates to handbooks, training manuals, and forms.

For example, the Elections Division of the Secretary of State's Office will distribute via email to election officials (*i.e.*, anyone who could be having an election for whom the Secretary of State has an e-mail address):

- An updated PowerPoint presentation on voter identification requirements (either by link or attachment) will be sent no later than August 18, 2016, and the updated PowerPoint will replace the document at <http://www.sos.state.tx.us/elections/forms/id/acceptable-forms-of-ID.pdf> and <http://www.sos.state.tx.us/elections/conducting/index.shtml> no later than August 18, 2016.
- A template press release, and a mention that the election officials can contact the Secretary of State to get an icon to link from their website to the updated VoteTexas.gov website, and link(s) to or actual updated forms will be sent no later than August 19, 2016.
- An Election Advisory reflecting FAQs relating to the Court's interim remedy order will be sent no later than August 26, 2016.

Written Training Materials. The Secretary of State's office will update the Qualifying Voters on Election Day, Handbook for Election Judges and Clerks 2016 Election Judges ("Qualifying Voters Handbook") no later than August 26, 2016. It will update the (1) Inspector Handbook; (2) Poll Watcher's Guide; and (3) Early Voting Ballot Board Handbook no later than August 19, 2016.<sup>6</sup> The updated versions of these training materials will be distributed via email by the Elections Division to its election official lists. Defendants have agreed to provide Plaintiffs with 24 hours to review the finalized excerpts of the handbooks and guides identified above that will

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<sup>6</sup> As noted above in n.5, there may be additional updates to the handbooks and training materials outside of the voter identification requirements.

be updated to reflect the terms of the Court's interim remedy order before they are sent to election officials or uploaded to the website.

Online Poll Worker Training. The Secretary of State's office will create an online poll worker training module that has an anticipated launch date under the Secretary of State's statement of work with the vendor, of September 19, 2016. This training will include training and educating poll workers regarding the change in election procedures as set forth in the Court's interim order. The training module will track the individuals who log-in to complete the training. The Secretary of State has recently retained a vendor to provide the platform for the training and is preparing the content for the training. Defendants have agreed to provide Plaintiffs with 24 hours to review the finalized content of the poll worker training module that relates to the changes in voter identification procedures before it goes live on September 19.

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The Court instructed the parties to meet and confer regarding the submission of the State's education and training plan. Defendants did indeed confer with Plaintiffs over multiple aspects of the State plan and agreed to provide them with advance notice of the training materials that will need to be updated or created to address the changes in voting procedures. Defendants are committed to delivering effective voter education and election official training. They intend to utilize the resources available and the limited time before the 2016 November general election to work efficiently. Defendants firmly believe that the execution of the education and training plan should be left to them. An active role by the Plaintiffs in the execution

of any such plan would result in the inefficient delivery of information, and therefore, would result in less education to Texas voters. Defendants believe that the plan proposed herein addresses the Court's requirements for educating the public in a meaningful way about the Court's interim remedy.

Date: August 15, 2016

Respectfully submitted.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2016, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Angela V. Colmenero  
ANGELA V. COLMENERO

# Exhibit 1

**DOCUMENT TO BE FILED  
UNDER SEAL**

## Exhibit 2

**DOCUMENT TO BE FILED  
UNDER SEAL**