

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

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

**JOINT MOTION FOR ENTRY OF TEMPORARY REMEDIAL ORDER**

The Texas Secretary of State's office has learned that the following school districts will conduct tax ratification elections on August 27, 2016, with early voting to begin on August 10, 2016: (1) Caldwell Independent School District in Burleson County, Texas; (2) Frisco Independent School District in Denton County, Texas; (3) Aubrey Independent School District in Denton County, Texas; (4) New Waverly Independent School District in Walker County, Texas; (5) Spurger Independent School District in Tyler County, Texas; (6) Sherman Independent School District in Grayson County, Texas; (7) Mineral Wells Independent School District in Palo Pinto County, Texas; and (8) Thrall Independent School District in Williamson County, Texas. The parties filed a Joint Submission on Agreed Terms (ECF No. 877) proposing terms that the Court incorporate in its interim remedy order for elections on November 8, 2016, but because the parties disagree about additional terms that should be included in the order, the Court has not yet entered an interim remedy order. As a result, the parties respectfully move the Court to enter a temporary

interim remedy for the tax ratification elections identified above. In support of this motion, the parties would show the following:

1. On July 20, 2016, the United States Court of Appeals for the Fifth Circuit affirmed this Court's finding that SB 14 results in a discriminatory effect under Section 2 of the Voting Rights Act. *Veasey v. Abbott*, No. 14-41127 (5th Cir. July 20, 2016) (en banc), slip op. 85. In its opinion, the Fifth Circuit explained:

On remand, the district court should refer to the policies underlying SB 14 in fashioning a remedy. We acknowledge that the record establishes that the vast majority of eligible voters possess SB 14 ID, and we do not disturb SB 14's effect on those voters—those who have SB 14 ID must show it to vote. The remedy must be tailored to rectify only the discriminatory effects on those voters who do not have SB 14 ID or are unable to reasonably obtain such identification.

*Id.* at 83. The Fifth Circuit remanded to this Court for consideration of an appropriate remedy, with instructions to “ensure that any remedy enacted ameliorates SB 14's discriminatory effect, while respecting the Legislature's stated objective to safeguard the integrity of elections by requiring more secure forms of voter identification.” *Id.*

2. On July 21, 2016, consistent with the Fifth Circuit's instructions, this Court entered an order (ECF No. 859) directing the parties to meet and confer and to submit proposed remedial plans including specific terms responsive to the Fifth Circuit's opinion. The Court's order set a hearing on August 17, 2016, to resolve any remaining differences between the parties regarding interim relief.

3. On July 22, 2016, the parties initiated the meet-and-confer process by conducting a conference call attended by counsel for the Plaintiffs, the United States, and the Defendants.

4. On July 26, 2016, the parties filed a Joint Motion to Expedite the Interim Remedy Schedule (ECF No. 868), requesting that the Court modify its previous order to require the parties to submit proposed plans for interim relief and supporting briefing by August 2, 2016, and to submit responses to proposed plans for interim relief on August 5, 2016. In its order granting the motion (ECF No. 869), the Court ordered the parties to file a joint plan including all agreed-upon terms and respective plans regarding all disputed terms, together with supporting briefs, by August 2, 2016; to file responses on August 5, 2016; and to appear for a hearing on August 10, 2016.

5. The parties have completed the meet and confer process regarding proposed interim relief. The parties filed a Joint Submission of Agreed Terms on August 3, 2016 (ECF No. 877). The Private Plaintiffs and Plaintiff-Intervenors and the Defendants filed separate briefs requesting that the Court include additional terms in the interim remedial order. *See* Submission of All Private Plaintiffs and Plaintiff-Intervenors of Additional Term (ECF No. 878); Defendants' Brief Regarding Proposed Interim Remedial Plan (ECF No. 879).

6. The Secretary of State's office has learned that the following school districts will conduct tax ratification elections on August 27, 2016, with early voting scheduled to begin on August 10, 2016: (1) Caldwell Independent School District in Burleson County, Texas; (2) Frisco Independent School District in Denton County, Texas; (3) Aubrey Independent School District in Denton County, Texas; (4) New Waverly Independent School District in Walker County, Texas; (5) Spurger Independent

School District in Tyler County, Texas; (6) Sherman Independent School District in Grayson County, Texas; (7) Mineral Wells Independent School District in Palo Pinto County, Texas; and (8) Thrall Independent School District in Williamson County, Texas.

7. The Secretary of State's office represents that it would be feasible, on court order, to implement the procedures described in paragraphs 1 through 9 of the Joint Submission of Agreed Terms (ECF No. 877) for the tax ratification elections identified above in time for the start of early voting on August 10, 2016.

8. On court order, the Secretary of State will provide the Reasonable Impediment Declaration form, attached as Exhibit A, to the school districts and/or county election officials with tax ratification elections on August 27, 2016, with early voting scheduled to begin on August 10, 2016. To the extent the Secretary of State learns that other tax ratification elections are scheduled for this timeframe, it will provide the Reasonable Impediment Declaration form to the appropriate school districts and/or county election officials.

9. In agreeing to this motion, the parties expressly reserve all of their rights to seek or oppose future orders of relief. The parties do not waive any arguments or forfeit their right to appellate review.

**PRAYER FOR RELIEF**

For the foregoing reasons, the parties respectfully move the Court to order that Defendants implement the procedures described in paragraphs 1 through 9 of the Joint Submission of Agreed Terms (ECF No. 877) and that the attached Reasonable

Impediment Declaration be made available at early voting locations and polling places to accommodate voters who cannot reasonably obtain an SB 14-compliant ID in time to vote in the Caldwell ISD, Frisco ISD, Aubrey ISD, New Waverly ISD, Spurger ISD, Sherman ISD, Mineral Wells ISD, and Thrall ISD tax ratification elections.

Date: August 9, 2016

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

JAMES E. DAVIS  
Deputy Attorney General for Litigation

/s/ Angela V. Colmenero  
ANGELA V. COLMENERO  
Chief, General Litigation Division

MATTHEW H. FREDERICK  
Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC 059)  
Austin, Texas 78711-2548  
Tel.: (512) 936-6407  
Fax: (512) 474-2697

*Counsel for Defendants*

VANITA GUPTA  
Principal Deputy Assistant Attorney General  
Civil Rights Division

/s/ Meredith Bell-Platts  
T. CHRISTIAN HERREN, JR.  
MEREDITH BELL-PLATTS  
RICHARD DELLHEIM  
BRUCE I. GEAR  
DANIEL J. FREEMAN  
AVNER SHAPIRO  
SAMUEL OLIKER-FRIEDLAND

Attorneys, Voting Section  
Civil Rights Division  
U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, N.W.  
Room 7123 NWB  
Washington, D.C. 20530  
(202) 305-4355

*Counsel for the United States*

/s/ J. Gerald Hebert  
J. GERALD HEBERT  
CAMPAIGN LEGAL CENTER  
1411 K Street NW Suite 1400  
Washington, DC 20005  
(202) 736-2200  
ghebert@campaignlegalcenter.org

CHAD W. DUNN  
K. SCOTT BRAZIL  
BRAZIL & DUNN  
4201 Cypress Creek Pkwy., Suite 530  
Houston, Texas 77068  
(281) 580-6310  
chad@brazildunn.com

ARMAND G. DERFNER  
DERFNER & ALTMAN  
575 King Street, Suite B  
Charleston, S.C. 29403  
(843) 723-9804  
aderfner@derfneraltman.com

NEIL G. BARON  
LAW OFFICE OF NEIL G. BARON  
914 FM 517 W, Suite 242  
Dickinson, Texas 77539  
(281) 534-2748  
neil@ngbaronlaw.com

DAVID RICHARDS  
RICHARDS, RODRIGUEZ & SKEITH, LLP  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701  
(512) 476-0005

*Counsel for Veasey/LULAC Plaintiffs*

LUIS ROBERTO VERA, JR.  
Law Office of Luis Roberto Vera Jr.  
111 Soledad, Ste 1325  
San Antonio, TX 78205  
210-225-2060  
lrvlaw@sbcglobal.net

*Counsel for LULAC*

/s/ Ezra D. Rosenberg\_\_\_\_\_

Jon M. Greenbaum  
Ezra D. Rosenberg  
Robert A. Kengle  
Brendan B. Downes  
LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS UNDER LAW  
1401 New York Avenue, N.W., Suite 400  
Washington, D.C. 20005

Wendy Weiser  
Myrna Perez  
Jennifer Clark  
THE BRENNAN CENTER FOR JUSTICE  
AT NYU LAW SCHOOL  
161 Avenue of the Americas, Floor 12  
New York, New York 10013-1205

Amy L. Rudd  
Lindsey B. Cohan  
DECHERT LLP  
500 W. 6th Street, Suite 2010  
Austin, Texas 78701

Jose Garza  
LAW OFFICE OF JOSE GARZA  
7414 Robin Rest Drive  
San Antonio, Texas 98209

Daniel Gavin Covich  
COVICH LAW FIRM LLC  
Frost Bank Plaza  
802 N Carancahua, Ste 2100  
Corpus Christi, TX 78401

Gary Bledsoe  
POTTER BLEDSOE, L.L.P.  
316 W. 12th Street, Suite 307  
Austin, Texas 78701

Victor Goode  
NAACP  
4805 Mt. Hope Drive  
Baltimore, Maryland 21215



Robert Notzon  
THE LAW OFFICE OF ROBERT NOTZON  
1502 West Avenue  
Austin, Texas 78701

*Counsel for Plaintiffs Texas State Conference of  
NAACP Branches and The Mexican American  
Legislative Caucus of the Texas House of  
Representatives*

/s/ Robert W. Doggett  
Robert W. Doggett  
TEXAS RIOGRANDE LEGAL AID  
4920 N. IH-35  
Austin, Texas 78751

Marinda van Dalen  
TEXAS RIOGRANDE LEGAL AID  
531 East St. Francis St.  
Brownsville, Texas 78529

Jose Garza  
TEXAS RIOGRANDE LEGAL AID  
1111 N. Main Ave.  
San Antonio, Texas 78212

*Counsel for Lenard Taylor, Eulalio Mendez Jr.,  
Lionel Estrada, Estela Garcia Espinoza,  
Margarito Martinez Lara, Maximina Martinez  
Lara, and La Union Del Pueblo Entero, Inc.*

/s/ Rolando L. Rios  
ROLANDO L. RIOS  
SBN: 16935900  
115 E. Travis, Suite 1645  
San Antonio, Texas 78205  
Ph: (210) 222-2102  
Fax: (210) 222-2898  
E-mail: rios@rolandorioslaw.com

*Attorney for Intervenor Texas Association of  
Hispanic County Judges and County  
Commissioners*

/s/ Christina A. Swarns

Christina A. Swarns  
Natasha M. Korgaonkar  
Leah C. Aden  
Deuel Ross  
NAACP LEGAL DEFENSE  
AND EDUCATION FUND, INC.  
40 Rector Street,  
5th Floor  
New York, NY 10006  
(212) 965-2200  
nkorgaonkar@naacpldf.org

Jonathan Paikin  
Kelly Dunbar  
WILMER CUTLER PICKERING HALE AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
(202) 663-6000  
kelly.dunbar@wilmerhale.com

*Counsel for the Texas League of Young Voters  
Education Fund and Imani Clark*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 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**

**A**

## REASONABLE IMPEDIMENT DECLARATION

**Instructions:** If a voter appears on the official list of registered voters, but does not possess an acceptable form of photo identification—under Section 63.0101 of the Texas Election Code (SB 14 ID) **or** SB 14 ID that has expired by no more than four years—due to a reasonable impediment, the following steps shall be taken by the election officer to allow the voter to cast a **regular ballot**:

1. Present this form to the voter, and ask the voter to provide **one** of the following forms of identification:
  - a. a valid voter registration certificate (if on Election Day, the voter registration certificate indicates that the voter is appearing at the incorrect polling place, the voter should be directed to the correct polling place);
  - b. a certified birth certificate (must be an original); **or**
  - c. a copy or original of a current utility bill, bank statement, government check, paycheck, or other government document that shows the voter's name and an address (with the exception that a government document containing a photograph must be an original).  
**NOTE:** The address on this document is not required to match the address recorded in the official list of registered voters.
2. Ask the voter to complete this form by entering their name, and then ask them to review the "Voter's Declaration of Reasonable Impediment or Difficulty," indicate their impediment or difficulty, and sign their name.
3. Ask the voter to return the completed form to you. You may not question the voter concerning the reasonableness of any claimed impediment or the truth of the declaration. The election judge should enter the date and then sign on the space provided on the declaration.
4. Either you or the election judge should indicate on the "To Be Completed By Election Official" form what type of document the voter provided by checking the appropriate box. Either you or the election judge should fill in the Date of Election and Location fields.
5. Allow the voter to cast a **regular ballot**.

**REASONABLE IMPEDIMENT DECLARATION**

**TO BE COMPLETED BY VOTER**

Name: \_\_\_\_\_

**VOTER'S DECLARATION OF REASONABLE IMPEDIMENT OR DIFFICULTY**

By signing this declaration, I swear or affirm under penalty of perjury that I am the same individual who personally appeared at the polling place, that I am casting a ballot while voting in-person, and I face a reasonable impediment or difficulty that prevents me from getting an acceptable form of photo identification.

My reasonable impediment or difficulty is due to the following reason(s):

(Check **at least one** box below)

- Lack of transportation
- Disability or illness
- Lack of birth certificate or other documents needed to obtain acceptable photo ID
- Work schedule
- Family responsibilities
- Lost or stolen photo ID
- Photo ID applied for but not received
- Other reasonable impediment or difficulty \_\_\_\_\_

**The reasonableness of your impediment or difficulty cannot be questioned.**

**X** \_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Date

Sworn to and subscribed before me this

\_\_\_\_ day of \_\_\_\_, 20\_\_

Presiding Judge \_\_\_\_\_

**TO BE COMPLETED BY ELECTION OFFICIAL**

The voter provided one of the following forms of identification or information:

Valid Voter Registration certificate; or

A copy or original of **one** of the following was provided:

\_\_\_\_\_ certified birth certificate (must be an original)

\_\_\_\_\_ current utility bill

\_\_\_\_\_ bank statement

\_\_\_\_\_ government check

\_\_\_\_\_ other government document that shows the voter's name and an address (with the exception of a government document containing a photograph which must be an original)

\_\_\_\_\_ paycheck

Location: \_\_\_\_\_

Date of Election: \_\_\_\_\_