1. Do you recognize this, sort of, the overall document?
2. A. Yes, ma'am.
3. Q. Is it the Senate Journal from March 18th, 2009?
4. A. Yes, ma'am.
5. Q. And do you see on the pages I've directed you to, there's a letter that was submitted by Senator West?
6. A. The letter was submitted by Senator Van de Putte. Senator West had comments further down the page.
7. Q. Gotcha.
8. A. Is that the letter you're referring to?
9. Q. Yes, the letter that -- well, I'm referring to the letter the starts out by saying, "Senator West submitted the following statement."
10. A. Oh, that's not a letter. That's his statement.
11. Q. Okay.
12. A. Uh-huh.
13. Q. And then on the next page, if you see, it was signed off by Senators West, Ellis, Gallegos, Lucio, Shapleigh, Uresti, Van de Putte, Watson, Whitmire and Zaffirini.
14. A. Yes, ma'am.
15. Q. And can you look at Paragraph Number 8, and there's a sentence in there that says, "No Senator who is an ethnic minority has voted in favor of such legislation," and it's talking about voter ID legislation. Why do you think these senators felt the need to put in the record the fact that no ethnic minority had voted in favor of voter ID legislation?
16. MR. FREDERICK: Objection, legislative privilege to the extent it calls for the thought process of these senators. If you can answer on a nonprivileged basis, you can.
17. A. I cannot.
18. Q. (By Ms. Maranzano) Did Senator Fraser place any significance on the fact that there was such unified opposition from the minority members of the Senate?
19. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
20. A. I'll assert privilege.
21. Q. (By Ms. Maranzano) Why do you think there was such strong opposition to SB 362?
22. MR. FREDERICK: Objection, legislative privilege. Objection, calls for speculation. I instruct you not to answer.
23. A. I'll assert privilege.
24. Q. (Exhibit 34 marked for identification.)
25. For the record, it's labeled Texas, Bates range Texas, underscore, 00003857 through 00003920.
26. And I'd like to direct your attention to Page 3911. It's the second page of this.
27. Q. Do you recognize -- first of all, do you recognize this document?
28. A. I don't think I've seen the whole document, but I recognize it what it is.
29. Q. Is it a transcript -- does it appear to be a copy of a transcript from the Committee of the Whole on March 10th, 2009?
30. A. Yes, ma'am.
31. Q. Is that when you considered SB -- when the Senate considered SB 362?
32. A. Yes.
33. Q. Can you look at the bottom of 3911. It's a statement from Senator Fraser. And if you see at the bottom of the page, the statement says, "And I actually came back, and sat down, and I've got probably interestingly, more research and more reading and debate on this bill maybe than one that I've ever done."
34. Q. Can you tel me what reading and research the Senator is referring to in that?
35. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
36. A. Again, I mean, the same reports and polls that I referenced earlier would be what he was referencing there.
37. Q. (By Ms. Maranzano) Nothing in addition to what you've already testified about?
38. A. No, ma'am.
39. (Exhibit 35 marked for identification.)
40. Q. (By Ms. Maranzano) Okay. We marked this as Deposition Exhibit 35. It's TX underscore 00 --
41. A. It's the same one you just gave us.
42. Q. Oh, okay. Well, we have two copies. I'm going to -- all right. Let's just use the same exhibit, then,
43. I'm going to direct your attention to Page 3940.
44. Q. (Exhibit 34 marked for identification.)
45. Q. (By Ms. Maranzano) Okay. I'm showing you what we're marking as Deposition Exhibit 34.
46. For the record, it's labeled Texas, Bates.
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1    available that the witnesses are going to lay out.
2    You're asking have I done that? The answer is no. Do
3    you see all that?
4    A. Uh-huh.
5    Q. Do you recall this testimony?
6    A. Not specifically, but...
7    Q. Did Senator Fraser ever do any research on how
8    SB 362 would impact minority voters?
9    MR. FREDERICK: Objection, legislative
10    privilege. Instruct you not to answer.
11    Q. (By Ms. Maranzano) Was there any testimony
12    presented during the debate of SB 362 by Senator Fraser
13    about any analysis related to the impact that the bill
14    would have on minority voters?
15    A. I think the only testimony that Senator Fraser
16    might have talked about, in terms of voter turnout,
17    minority or not, was the election results from Indiana
18    and Georgia.
19    Q. Did SB 362 pass the Senate?
20    A. Yes.
21    Q. Did Senator Fraser have any role with regard to
22    SB 362 once it was referred to the House?
23    A. No.
24    Q. Did you have any role?
25    A. I met with Representative Todd Smith once.

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1    Q. Anybody else?
2    A. No.
3    Q. What was your meeting with Representative Smith
4    about?
5    MR. FREDERICK: Object, legislative
6    privilege to the extent it seeks the substance of the
7    communications, but you are free to describe general
8    subject matter of the meeting, if you can.
9    A. Senate Bill 14. I mean, specifically the
10    provisions in Senate Bill 14.
11    Q. (By Ms. Maranzano) And did Representative Smith
12    carry Senate Bill — oh, wait. Did you say Senate Bill
13    14?
14    A. Oh, I'm sorry. Senate Bill 362. I'm sorry.
15    Q. Did Representative Smith carry Senate Bill 362
16    in the House?
17    A. Yes.
18    Q. And did the bill pass the House?
19    A. No.
20    Q. Why not?
21    A. It ran out of time.
22    Q. Was it essentially filibustered in the House?
23    A. I don't really remember how that worked, but I
24    think it — yes. No. That's the wrong term. The
25    calendar was filibustered.

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1    Q. Okay. All right. Thank you for the
2    distinction.
3    A. Yeah. I don't -- yeah.
4    Q. You testified earlier about Senate Bill 363.
5    Do you recall that --
6    A. Yes, ma'am.
7    Q. -- when we read the news article?
8    Can we have this marked as Exhibit 36?
9    (Exhibit 36 marked for identification.)
10    Q. (By Ms. Maranzano) Does this appear to be a
11    copy of Senate Bill 363 that you referred to earlier?
12    A. Yes, ma'am.
13    Q. What are the general requirements of this
14    legislation in regard to voter registration applicants?
15    A. Honestly, without reading it again, I can't
16    tell you.
17    Q. Would it sound correct to you if I said that
18    this requires voter registration applicants to prove
19    citizenship?
20    MR. FREDERICK: And take your time to read
21    it, if you need to.
22    A. (Viewing documents.) Yes.
23    Q. (By Ms. Maranzano) What was the purpose of
24    Senate Bill 363?
25    MR. FREDERICK: I object to legislative

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1    privilege to the extent that it seeks mental
2    impressions, thought process, or confidential
3    communications, but to the extent that the question just
4    seeks the purpose of the bill, then you may answer, if
5    you know.
6    A. I don't remember.
7    Q. (By Ms. Maranzano) Was this filed at the same
8    time as Senate Bill 362?
9    A. Yes, ma'am.
10    Q. Were they filed — would you say these bills
11    were filed in conjunction with each other?
12    A. Yes, ma'am.
13    Q. Why would it be necessary for a voter
14    registration applicant to prove their citizenship?
15    MR. FREDERICK: Objection, calls for
16    speculation.
17    A. I don't remember this bill.
18    Q. (By Ms. Maranzano) Did you work on this bill,
19    Ms. McCoy?
20    A. Not since it was filed in November of 2008.
21    Q. Do you recall that press release that we looked
22    at earlier today?
23    A. Yes, ma'am.
24    Q. And did it mention Senate Bill 363?
25    A. Yes, ma'am.
Q. And didn’t you testify that you had written that press release?
A. Yes, ma’am.
Q. Are you aware of any evidence that noncitizens register to vote?
MR. FREDERICK: I’ll object, legislative privilege, to the extent this seeks your thought process, mental impressions or those of Senator Fraser related to this pending legislation. To the extent you can answer just based on general knowledge, if you can, you’re free to do so.
A. I don’t know.
Q. (By Ms. Maranzano) You don’t know of any evidence?
A. I do not.
Q. Did you look into any such evidence when you were working on Senate Bill 363?
MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
A. I don’t recall.
Q. (By Ms. Maranzano) Are you familiar with a federal law called the Help America Vote Act?
A. Yes.
Q. Does HAVA, the Help America Vote Act, implement certain identification requirements for voter registration applicants?
A. Yes.
Q. Is there any reason to think that those forms of identification wouldn’t be sufficient?
MR. FREDERICK: Objection, calls for speculation. You can answer if you can.
A. Well, my understanding is, HAVA requires your driver’s license or your social security card number, those are the photo — those are the IDs. And if a person does not list those forms of identification on their voter registration application, are you familiar with any additional requirements?
A. When they go to vote the first time, they’re supposed to show some form of ID.
Q. And do you know what forms of ID are acceptable HAVA?
A. I do not.
Q. Do you know if it’s only photo identification?
A. I think it’s more than that, but I don’t know specifically.
Q. Did you look into the requirements of HAVA when you were working on any voter identification bills?
MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
A. I’ll assert privilege.

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1 any public commitments to introduce Senate Bill 14 after
2 Senate Bill 362 did not get enacted?
3 A. Probably, but I can't definitively say.
4 Q. Was Senate Bill 14 given a designation by
5 Governor Perry as emergency legislation?
6 A. Governor Perry designated photo ID as an
7 emergency. I don't think that order specifically said
8 that bill number.
9 Q. What does it mean to be designated emergency
10 legislation?
11 A. According to the constitution, the Legislature
12 can't do anything substantive for 60 days unless the
13 Governor says it's an emergency.
14 Q. How did photo ID come to be included in the
15 Governor's designation?
16 A. I don't know. I'll just tell you, I mean...
17 Q. Did you have any conversations with anyone in
18 the Governor's Office about the emergency designation?
19 A. No.
20 Q. Did the Senator?
21 A. I don't know.
22 Q. Why would photo ID requirements need to be
23 considered within the first 60 days of the legislative
24 session?
25 MR. FREDERICK: Objection, calls for

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speculation. You can answer if you know.
A. I don't know.
Q. (By Ms. Maranzano) Were there any elections
scheduled within the first 60 days of 2011, of the 2011
legislative session?
A. I don't think so, but I can't speak to every
election that local governments or...
Q. What other categories of -- what other topics
were given emergency designation in 2011?
A. I don't remember.
Q. Does legislation automatically get considered
within the first 60 days if it's designated as emergency
legislation?
A. No.
Q. Who makes the decision whether or not the
legislation will be heard within the first 60 days?
A. My guess is leadership, Lieutenant Governor or
the Speaker. They set the calendars.
Q. Did you have any conversations with anybody in
the Lieutenant Governor's Office about SB 14 getting
heard within the first 60 days of the 2011 legislative
session?
MR. FREDERICK: Object, legislative
privilege.
A. Yes.
**Question:** Have you ever seen a military ID card?

**Answer:** No.

**Question:** Do you know if veterans ID — a veterans identification is an acceptable form of military identification under SB 14?

**Answer:** No. And what is that based on? The Department of Veterans Affairs is not a military. It's an executive branch agency.

**Question:** Do you know if any Department of Homeland Security identifications would be considered acceptable under SB 14?

**Answer:** Again, I would say no. That they're not also not military. They're not under the Department of Defense.

**Question:** What is a citizenship certificate?

**Answer:** My understanding is when someone becomes a citizen of the United States, they are issued a certificate showing that they are now a citizen.

**Question:** Do you know how much it costs to get a citizenship certificate?

**Answer:** No.

**Question:** Did you look into the cost of obtaining these IDs when you were working on SB 14?

**Answer:** No.

**Question:** Can you look at Page 11, Section 16 of the bill? Does SB 14 increase criminal penalties for a person who impersonates a voter?

**Answer:** Yes.

**Question:** Were you involved in the drafting of SB 14?

**Answer:** Yes.

**Question:** What involvement did you have?

**Answer:** I presented options to Senator Fraser, and when he determined what he wanted included in the bill, I had it drafted by Senate Engrossing and Enrolling.

**Question:** Who is Senate Engrossing and Enrolling?

**Answer:** It's an administrative arm of the Senate that works on — it's a group of lawyers that help us with bill drafts and amendments.

**Question:** What options did you present to Senator Fraser?

**Answer:** MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.

**Question:** (By Ms. Maranzano) Does Senate Engrossing and Enrolling — did you say that was a committee?

**Answer:** Senate Engrossing and Enrolling moves a lot of documents.

JANICE MCCOY

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1. faster, so when we need quick drafts, we tend to use
2. them. Legislative Council is a little bit slower, but
3. they review all of the sections of the code to make sure
4. that we're -- if something needs to get changed for
5. compliance -- not -- compliance is not the right word,
6. but settle up reasons, they'll say, "Hey, if you're
7. amending this section of code, you need to address this
8. section, too." And so sometimes we go through Leg
9. Council, even though we know it's going slower, to make
10. sure that we've hit every part of the code or statute
11. that we need to.
12. Q. And does Leg Council also look at how
13. legislation interacts with federal law?
14. A. I don't know.
15. Q. So did you go through the Engrossing and
16. Enrolling with the initial draft of SB 14 because you
17. were on an expedited -- because you were -- it was
18. because the bill was given emergency designation?
19. A. No. We used Engrossing and Enrolling in
20. November because we wanted to get the bill filed as
21. close to the first day of filing as we could.
22. Q. And why was that?
23. A. The Senator just wanted to.
24. Q. Were there multiple drafts of SB 14 prior to it
25. being introduced?

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1. A. Yes.
2. Q. And would E & E, Engrossing and Enrolling, be
3. the -- would they be the holders of those drafts?
4. A. No.
5. Q. Who would?
6. A. Me.
7. Q. And did you keep them?
8. A. Yes.
9. Q. And did you turn them over to your counsel?
10. A. Yes.
11. Q. Did Senate Engrossing and Enrolling draft
12. SB 362 as well?
13. A. Yes.
14. Q. Did they draft HB 218 as well?
15. A. Oh, I'm sorry. No, no, no. I'm sorry. I got
16. confused. Senate Bill 362 in 2009 was drafted by
17. Legislative Council.
18. Q. And why was that one drafted by Legislative
19. Council?
20. A. Because it was -- I think what I filed as
21. Senate Bill 362 was the Senate Committee report of House
22. Bill 218. So that's all I asked them to do, was, like
23. would you just make this document ready to file, and
24. they did.
25. Q. Who from -- if I say E & E, can we agree that

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1. that's this Engrossing and Enrolling?
2. A. Yes, ma'am. That's how we call them.
3. Q. Okay. Who from E & E did you work with on
4. Senate Bill 14?
5. A. Mardi, M-a-r-i, Alexander was my contact.
6. Q. Anybody else?
7. A. She was head of E & E. I think she assigned it
8. to a lawyer, but she's who I dealt with.
9. Q. How did you communicate with Ms. Alexander?
10. A. E-mail.
11. Q. Did you save those e-mails?
12. A. If I printed out the e-mail, I saved it. If it
13. wasn't printed out, then it was not saved.
14. Q. And would those be in your files if you printed
15. out the e-mails?
16. A. Yes, ma'am.
17. Q. And that's the files that we talked about
18. earlier that you kept of SB 362 and SB 14?
19. A. Yes, ma'am.
20. Q. Do you know about how many e-mails you
21. exchanged Ms. Alexander?
22. A. Three or four.
23. Q. For the whole process of drafting SB 14?
24. A. Yes, ma'am.
25. Q. Was there anything you looked at, when you were

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1. developing SB 14, that you haven't already testified to,
2. when we were talking about other bills?
3. MR. FREDERICK: Object, legislative
4. privilege. Instruct you not to answer.
5. A. I'll assert privilege.
6. Q. (By Ms. Maranzano) Did you have any
7. communications about SB 14 with other legislators?
8. A. Yes.
9. Q. Which legislators?
10. A. Throughout the process.
11. Q. Uh-huh.
12. A. I would say probably 90 percent of the
13. senators. Representative Harless.
14. Q. Anyone else?
15. A. I'm trying to think. That's -- I mean, those
16. are the ones I can remember. House members. Other
17. House members potentially, but it was probably more of
18. size than substantive.
19. Q. Did you have communications with any
20. individuals from the Governor's Office about SB 14?
21. A. Yes.
22. Q. And who was that?
23. A. Michael Scoffield.
24. Q. When was that?
25. A. Throughout the legislative session.
<table>
<thead>
<tr>
<th>Q. Were those communications verbal or written?</th>
<th>157</th>
<th>Q. What was the nature of those conversations?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Verbal</td>
<td>2</td>
<td>MR. FREDERICK: I'll object, legislative</td>
</tr>
<tr>
<td>Q. By phone or in person?</td>
<td>3</td>
<td>privilege and instruct you not to answer.</td>
</tr>
<tr>
<td>A. Both</td>
<td>4</td>
<td>A. I'll assert.</td>
</tr>
<tr>
<td>Q. Was Senator Fraser involved in those</td>
<td>5</td>
<td>Q. (By Ms. Maranzano) Can you tell me the general nature of your conversation with Mr. Bettencourt in terms of a --</td>
</tr>
<tr>
<td>communications?</td>
<td>6</td>
<td>A. I generally am having a hard -- I think -- I know I talked to him.</td>
</tr>
<tr>
<td>A. Yes</td>
<td>7</td>
<td>Q. Uh-huh.</td>
</tr>
<tr>
<td>Q. In none of them?</td>
<td>8</td>
<td>A. And generally, I'm -- I honestly don't recall that he was helpful to me. I don't really remember. We generally talked about Senate Bill 14.</td>
</tr>
<tr>
<td>A. No</td>
<td>9</td>
<td>THE WITNESS: Right. Okay.</td>
</tr>
<tr>
<td>Q. What was the nature of those communications?</td>
<td>10</td>
<td>A. I think generally, they came in to talk about their history of monitoring elections in Harris County.</td>
</tr>
<tr>
<td>MR. FREDERICK: I'll object, legislative</td>
<td>11</td>
<td>Q. (By Ms. Maranzano) Did they bring up any in-person voter impersonation?</td>
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<td>privilege. Instruct you not to answer.</td>
<td>12</td>
<td>MR. FREDERICK: Object, legislative privilege and instruct you not to answer.</td>
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<td>A. I'll assert.</td>
<td>13</td>
<td>A. I'll assert.</td>
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<td>Q. (By Ms. Maranzano) Did you have communications about SB 14 with any interest groups or lobbyists?</td>
<td>14</td>
<td>Any particular interest group that came in,</td>
</tr>
<tr>
<td>A. Yes</td>
<td>15</td>
<td>Q. Did you have any communications with a group by the name of American Legislative Exchange Council, or ALEC, about SB 14?</td>
</tr>
<tr>
<td>Q. What groups?</td>
<td>16</td>
<td>A. I did not.</td>
</tr>
<tr>
<td>A. I talked to AARP a couple of times. I'm pretty sure the Disability Coalition, although I'm not sure that's how they're known, came in a time or two, and that group out of Houston, the Patriots or the -- I can't think of what their name is.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q. Does the King Street Patriots sound correct?</td>
<td>18</td>
<td>A. Yes, ma'am. The King Street Patriots. I think they came in once. Other than that, I can't think of any particular interest group that came in.</td>
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<td>Q. Did you have communications with an individual by the name of Catherine Engelbrecht about SB 14?</td>
<td>19</td>
<td>A. I did not, but I think she testified. Did she testify in the Senate? I can't remember. I'm sorry.</td>
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<td>Q. Did you have any communications with an individual by the name of Paul Bettencourt about SB 14?</td>
<td>20</td>
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</tr>
<tr>
<td>A. Yes</td>
<td>21</td>
<td>Q. How many?</td>
</tr>
<tr>
<td>Q. And do you remember when -- when were those communications?</td>
<td>22</td>
<td>A. Maybe two.</td>
</tr>
<tr>
<td>A. I do not recall.</td>
<td>23</td>
<td>Q. And do you remember when -- when were those communications?</td>
</tr>
<tr>
<td>Q. Were they in person or by phone?</td>
<td>24</td>
<td>A. I do not recall.</td>
</tr>
<tr>
<td>A. By phone.</td>
<td>25</td>
<td>Q. Were you and he the only parties to those conversations?</td>
</tr>
<tr>
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<td>26</td>
<td>A. As far as I know, yes.</td>
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1 Q. (By Ms. Maranzano) Did you have communications about SB 14 with any interest groups or lobbyists?
2 A. Yes.
3 Q. What groups?
4 A. I talked to AARP a couple of times. I'm pretty sure the Disability Coalition, although I'm not sure that's how they're known, came in a time or two, and that group out of Houston, the Patriots or the -- I can't think of what their name is.
5 Q. Does the King Street Patriots sound correct?
6 A. Yes, ma'am. The King Street Patriots. I think they came in once. Other than that, I can't think of any particular interest group that came in.
7 Q. Did you have any communications with a group by the name of American Legislative Exchange Council, or ALEC, about SB 14?
8 A. I did not.
9 Q. Did the Senator?
10 A. Not to my recollection.
11 Q. Did you have any communications with an individual by the name of Catherine Engelbrecht about SB 14?
12 A. I did not, but I think she testified. Did she testify in the Senate? I can't remember. I'm sorry.
13 Q. Did you have any communications with an individual by the name of Paul Bettencourt about SB 14?
14 A. Yes.
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1 Q. Did you have communications with an individual by the name of Paul Bettencourt about SB 14?
2 A. Yes.
3 Q. How many?
4 A. Maybe two.
5 Q. And do you remember when -- when were those communications?
6 A. I do not recall.
7 Q. Were they in person or by phone?
8 A. By phone.
9 Q. Were you and he the only parties to those conversations?
10 A. As far as I know, yes.
11 Q. What was the nature of those conversations?
12 MR. FREDERICK: I'll object, legislative privilege and instruct you not to answer.
13 A. I'll assert.
14 Q. (By Ms. Maranzano) Can you tell me the general nature of your conversation with Mr. Bettencourt in terms of a --
15 A. I generally am having a hard -- I think -- I know I talked to him.
16 Q. Uh-huh.
17 A. And generally, I'm -- I honestly don't recall that he was helpful to me. I don't really remember. We generally talked about Senate Bill 14.
19 A. I think generally, they came in to talk about their history of monitoring elections in Harris County.
20 Q. (By Ms. Maranzano) Did they bring up any in-person voter impersonation?
21 A. It was the Section 1 of the bill.
22 Q. And were they concerned about that?
23 MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
24 A. No.
25 Q. Did you have any communications with any local election officials about SB 14?
26 A. I don't recall.
27 Q. Did you have any communications with the Texas Republican Party about SB 14?
28 A. I don't think so. But I don't recall.
29 Q. Did Senator Fraser exchange drafts of SB 14 with anyone other than Engrossing and Enrolling or TLC?
30 MR. FREDERICK: We'll object on legislative privilege to the extent that it seeks the
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1 privilege, the work product immunity.
2 MS. MARANZANO: Okay. I mean, our
3 position is she signed a sworn declaration that this is
4 complete and accurate information.
5 MR. FREDERICK: I would disagree.
6 MS. MARANZANO: True and correct.
7 MR. FREDERICK: Yes, that I would agree
8 to.
9 MS. MARANZANO: And so our position is
10 that we should be able to question her about what she
11 did to make sure it was true and correct and what she
12 meant, you know, by listing these as the individuals who
13 are responsive to the request. It's about the three.
14 The question remains about the three
15 co-sponsors and joint -- and the -- about Representative
16 Alisoda, Representative Gonzalez, Representative Pena,
17 and why those three individuals are listed in response
18 to Interrogatory Number 1 and why the other co-sponsors
19 are not listed. So let's just, you know, be clear. Are
20 you going to instruct her not to answer that question?
21 MR. FREDERICK: No. I'll permit her to
22 respond subject to my objection.
23 Q. (By Ms. Maranzano) So the question is about why
24 Representative Pena, Gonzalez and Alisoda are listed
25 here, and the description provided for them is that they

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1 were co-sponsors and joint sponsors. But my
2 understanding is that there a number of other co-
3 sponsors and joint sponsors who are not listed here.
4 A. And those names were provided by Representative
5 Harless's Office as people that were instrumental in
6 specifically drafting, proposing, and developing Senate
7 Bill 14. My assumption, when I signed this, was that
8 the other members that supported the legislation didn't
9 draft, propose, develop, or analyze the bill. They
10 supported it, but they didn't do those four things.
11 And so that's. I think, probably how these members got
12 on the list and not every member.
13 Q. And was the person who provided these names to
14 you, Mr. Beuck?
15 A. Yes.
16 Q. And do you see that on Page 5, Mr. Beuck is,
17 is also listed?
18 A. Yes, ma'am.
19 Q. Would it surprise you to learn that
20 Representative Harless testified yesterday that
21 Mr. Beuck was not instrumental in drafting, developing,
22 and passing SB 14?
23 MR. FREDERICK: Object, mischaracterizes
24 the testimony and assumes facts not in evidence.
25 Q. (By Ms. Maranzano) Would you like to me to read

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1 you testimony from yesterday?
2 A. Sure.
3 Q. The question was: "And the State of Texas has
4 indicated that Mr. Beuck assisted with the drafting,
5 development, and passage of SB 14 in the Texas House of
6 Representatives. Are you aware of any assistance that
7 Mr. Beuck provided concerning the drafting of SB 14?"
8 Representative Harless said, "I have no
9 idea."
10 Q. "Were you aware of any assistance he
11 provided in the development of SB 14?"
12 A. Representative Harless said, "I have no
13 idea."
14 MR. FREDERICK: Can I get page and line
15 cite for that?
16 MS. MARANZANO: Yes. That's on the
17 dirty transcript, at Page 201, Line -- I think I started
18 reading -- I read Line 12 through Line 20. And that's
19 of the transcript that we were sent last night, not the
20 final.
21 MR. FREDERICK: Thank you.
22 Q. (By Ms. Maranzano) Would that surprise you
23 Ms. McCoy?
24 A. That she didn't remember?
25 Q. That she has no idea if Mr. Beuck was involved

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1 in the development, drafting, and passing of SB 14?
2 A. Yes.
3 Q. Can you look at -- below Mr. Beuck's name on
4 the interrogatories, Bryan Hebert and Julia Rathgeber?
5 A. Uh-huh.
6 Q. Can you tell me what Mr. Hebert's role was in
7 the drafting of SB 14?
8 MR. FREDERICK: Object on the grounds of
9 legislative privilege. To the extent you can answer
10 without revealing -- no, I'm going to object. I'm going
11 to object to that on legislative privilege and instruct
12 you not to answer.
13 A. I'll assert privilege.
14 Q. (By Ms. Maranzano) Can you tell me what
15 Mr. Hebert's role was in analyzing SB 14?
16 MR. FREDERICK: Object, legislative
17 privilege. Instruct you not to answer.
18 A. I'll assert privilege.
19 Q. (By Ms. Maranzano) Can you tell me what
20 Ms. Rathgeber's role was in assisting with the
21 development of SB 14?
22 MR. FREDERICK: Objection, legislative
23 privilege. Instruct you not to answer.
24 A. I'll assert privilege.
25 Q. (By Ms. Maranzano) And at the bottom of Page 5,
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1 the top of Page 6, do you see Mr. Battle is listed as
2 somebody who assisted with the analysis of legal
3 questions relating to SB 14. Can you tell me what legal
4 questions Mr. Battle analyzed?
5 MR. FREDERICK: Objection, legislative
6 privilege. Instruct you not to answer.
7 A. I'll assert privilege.

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1 Q. (By Ms. Maranzano) And is that even on what
2 issues he was looking at Mr. Frederick, what legal
3 issues he --
4 MR. FREDERICK: Yeah, that reflects the
5 thought process in mental impressions.
6 A. (By Ms. Maranzano) And below Mr. Battle.
7 Mr. Brunson is listed as involved in the development of
8 SB 14. Can you tell me what his role was in the
9 development of SB 14?
10 MR. FREDERICK: Objection, legislative
11 privilege. Instruct you not to answer.
12 A. I'll assert privilege.
13 Q. (By Ms. Maranzano) Can you turn to Page 7, and
14 there's two individuals who are listed as staff members
15 for Senator Tommy Williams, both Amanda Montague and
16 Ryan Larue. Can you tell me why these two staffers are
17 listed here, but Senator Williams is not?
18 MR. FREDERICK: Again, this whole line of
19 questioning I object to. I object to that question on
20 the grounds of work product immunity.
21 Q. (By Ms. Maranzano) Why don't we do this,
22 Ms. McCoy. Can you just look through the list and tell
23 me, as you sit here today, if this looks like a true and
24 correct list of individuals involved in the drafting,
25 development -- drafting, proposing, development or
26 analysis of SB 14?
27 MR. FREDERICK: May I also note for the
28 record that the State -- I mean, as reflected in the
29 exhibit, the State made numerous objections to the
30 request, including overbreadth, undue burden.
31 But you may answer to the extent you can.
32 A. I think that potentially you could have listed
33 every elected official and every legislator in this
34 document. But I think this list is pretty complete,
35 given that Senate Bill 14 and how it was developed.
36 Q. (By Ms. Maranzano) Every -- every legislator in
37 the Texas Senate could be listed as being involved in
38 the drafting, development --
39 A. Or analysis.
40 Q. -- or analysis?
41 A. They all had a thought. They all had talked
42 about it. And if you wanted to just...
43 Q. Did you consider listing every legislator in

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1 response to Interrogatory Number 1?
2 A. No.
3 Q. Why not?
4 MR. FREDERICK: I object. It's attorney
5 work product. I instruct you not to answer that
6 question.
7 Q. (By Ms. Maranzano) Are you following your
8 counsel's advice not to answer?
9 A. Yes.
10 Q. In drafting SB 14, did you or the Senator
11 review any studies or reports or analysis that you
12 haven't already testified about today?
13 MR. FREDERICK: You may testify to the
14 fact of yes or no whether you did.
15 A. Yes.
16 Q. (By Ms. Maranzano) What were those?
17 MR. FREDERICK: Objection, legislative
18 privilege. Instruct you not to answer.
19 Q. (By Ms. Maranzano) How many --
20 A. Well, except that in the record, we referenced
21 more recent polls, more recent public opinion polls.
22 Those types of things weren't -- and they're in the
23 record, so I'll tell you that they were there.
24 Q. Were there any polls or reports or studies or
25 analysis that you reviewed that are not in the public

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1 record?
2 A. MR. FREDERICK: Again, I'll instruct you
3 that you may answer to the question posed, which is a
4 yes-or-no question.
5 A. Yes.
6 Q. (By Ms. Maranzano) And for the record, what
7 were those?
8 MR. FREDERICK: Objection, legislative
9 privilege. Instruct you not to answer.
10 A. I'll assert privilege.
11 Q. (By Ms. Maranzano) How many were there?
12 MR. FREDERICK: You know what; I'm going
13 to object to that on legislative privilege and instruct
14 you not to answer as well. That goes to thought
15 processes and mental impressions.
16 A. I'll assert privilege.
17 Q. (By Ms. Maranzano) Who were the authors or who
18 conducted these reports or studies?
19 MR. FREDERICK: Objection, legislative
20 privilege. Instruct you not to answer except to the
21 extent that the question includes matters that are on
22 the public record.
23 A. The one in particular that's on the record is
24 the one led by Lighthouse,
25 Q. (By Ms. Maranzano) Ms. McCoy, did you consider
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**JANICE MCCOY**

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1. including any additional forms of identification in SB 14?

2. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer the question.

3. A. I'll assert privilege.

4. Q. (By Ms. Maranzano) Did you consider including identification forms that had expired?

5. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.

6. A. Except that -- the answer is yes, and there's an amendment where we -- the original bill required it to be valid and the amendment allowed expired photo IDs to be used.

7. Q. (By Ms. Maranzano) And under SB 14, are you allowed to use identification that has expired for a length of time that is greater than 60 days?

8. A. No.

9. Q. So you're referring to the amendment that allowed for identification, certain forms of identification in SB 14 to be expired for 60 days --

10. A. Yes, ma'am.

11. Q. -- prior to the presentation? Thank you.

12. What was the purpose of excluding from SB 14 the option that a voter could present two forms of nonphoto ID?

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1. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.

2. Q. (By Ms. Maranzano) What changed between 2009 and 2011 that would impact what forms of voter -- what forms of identification would verify a voter's identity?

3. MR. FREDERICK: I object on legislative privilege. To the extent there are matters in the record that you can identify, you're free to do so, but don't go beyond that.

4. A. On the record, Senator Fraser said he thought the additional two years from 2009 to 2011 provided us the opportunity to see that the states that had voter ID were not -- that it was working.

5. Q. (By Ms. Maranzano) What do you mean by that?

6. A. That people were still voting, that turnout was still fine, that there hadn't been any voter had come forward that had been unable to vote.

7. Q. And are you referring to anything other than what we already talked about with the Senator having presented the actual turnout rates for Georgia and Indiana?

8. A. No.

9. Q. And so I believe we discussed that the Senator didn't do any -- whether the Senator did any additional research other than looking at the turnout rates?

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1. A. That's correct.

2. Q. Okay. Ms. McCoy, how often does a driver's license photo need to be renewed?

3. A. I don't know.

4. Q. Do you know how often a driver's license needs to be renewed?

5. A. Six years.

6. Q. Did you think it was an important consideration to look into whether -- how recent a photo would be on one of the forms of identification that you were requiring under SB 14?

7. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.

8. A. I'll assert.

9. Q. (By Ms. Maranzano) Pursuant to SB 14, who will be verifying the voter's identity when they -- well, who looks at the --

10. A. The election worker.

11. Q. And how would they do that?

12. MR. FREDERICK: Objection to the extent it calls for speculation. If you know, you can answer.

13. A. I think the legislation is designed for the Secretary of State to write rules to implement that provision.

14. Q. (By Ms. Maranzano) Do you know if there's going to be additional training given to poll workers on that topic?

15. A. I think under Senate Bill 14, the Secretary of State is instructed to provide additional training.

16. Q. Did you discuss any of these regulations with the Secretary of State's Office?

17. MR. FREDERICK: I'll object on legislative privilege. To the extent it calls for communications between you, Senator Fraser, and the Secretary of State's Office about SB 14 or any other pending legislation.

18. A. I'll assert privilege.

19. MS. MARANZANO: And just for the record to be clear, are you asserting privilege over the fact of whether or not she had a conversation with the Secretary of State's Office?

20. MR. FREDERICK: I did not intend to, so if you want to reask the question, I'm not intending to prevent you from discovering that.

21. Q. (By Ms. Maranzano) Did you have conversations with the Secretary of State's Office about SB 14?

22. A. Yes.

23. Q. How many?

24. A. Five or six.

25. Q. And when were those?