Q. Was there any discussion expressing concern that this form of ID might disproportionately favor white voters?

MR. FREDERICK: Same objection, legislative privilege, only to the extent it seeks confidential communications, but to the extent that there were.

A. Not that I know of.

Q. (By Ms. Maranzano) How did the exception for individuals with disabilities come to be included in SB 14?

MR. FREDERICK: Object on legislative privilege, only to the extent it seeks confidential communications and thought processing and mental impressions. To the extent it seeks information about the legislative process or testimony, you may answer.

A. Senator Patrick offered an amendment, and Senator Fraser accepted it.

Q. (By Ms. Maranzano) What was the purpose of this provision?

MR. FREDERICK: Object to the legislative privilege. I instruct you not to answer.

A. I think that the record -- Senator Patrick probably on the record said why he wanted to include it. I don't recall what he said.

Q. (By Ms. Maranzano) Was this amendment in response to concerns by any particular groups or constituencies?

MR. FREDERICK: Object on the basis of legislative privilege. To the extent there's -- you have any nonprivileged basis to answer, you may.

A. I think that -- well, again, I don't want to speak for Senator Patrick because I -- I don't want to speak for Senator Patrick. But there was an individual that testified on the Floor during the Senate committee debate that was fairly moving, and I think Senator Patrick wanted to do something to help him.

Q. (By Ms. Maranzano) What was the general nature of that testimony?

A. I don't know. I didn't listen to it.

Q. Was there any testimony on the Floor related to difficulties other individuals might have obtaining identification?

A. I don't know. I didn't listen to the testimony.

Q. -- what was your role during the Floor consideration of SB 14?

MR. FREDERICK: I would just caution you not to reveal any confidential communications or mental impressions or thought process, but as to your -- the
process, you may answer.
2 A. It was the same as what we had testified
3 earlier, I think, on the Senate bill 362, and I sat next
4 to the Senator and helped him with his debate and
5 providing him information that he asked me to provide
6 him during the debate.
7 Q. (By Ms. Maranzano) So you were on the Floor
8 with him during the debate?
9 A. During the Committee of the Whole, yes, ma'am.
10 Q. And when you say this individual testified with
11 moving testimony that potentially led Senator Patrick to
12 include this exemption, was that during the Committee of
13 the Whole?
14 A. Yes, ma'am.
15 Q. How did the exception for individuals with
16 religious objections to being photographed come to be
17 included in SB 14?
18 MR. FREDERICK: I'll object only to the
19 extent that it seeks confidential communications,
20 thought processes or mental impressions. But to the
21 extent it seeks the process or public discussion, you
22 may answer.
23 A. I'll assert privilege. I don't -- yeah.
24 MR. FREDERICK: I mean, just -- I want to
25 be clear with you. I'm not instructing her not to

answer about when it was introduced or how it became
part of the bill. And so I think if you want to probe
that further, I'm not objecting to that part.
MS. MARANZANO: Okay.
Q. (By Ms. Maranzano) Was that provision added in
response to any particular concern, Ms. McCoy?
MR. FREDERICK: I'll just -- only to the
extent it seeks mental impressions, communications, but
if there's testimony, Floor testimony, and if you know,
you may answer.
A. There was no Floor testimony on that issue.
Q. (By Ms. Maranzano) During the drafting of the
legislator's consideration of SB 14, was there analysis
of the cost that a voter would need to take -- the cost
or the steps the voter would need to take to obtain an
election identification certificate?
MR. FREDERICK: Objection, legislative
privilege. Instruct you not to answer.
A. I'll assert privilege.
Q. (By Ms. Maranzano) What documents are needed
to obtain an election identification certificate?
A. I don't know.
Q. Was that something that you -- I'm sorry. You
can finish your answer.
A. I used to know, but I don't know now.

Q. Was that something that you looked into while
developing SB 14?
A. Yes, ma'am.
Q. And were the costs, in particular, something
that you looked into while developing SB 14?
MR. FREDERICK: Object on the grounds of
legislative privilege. Instruct you not to answer.
A. I'll assert privilege.
Q. (By Ms. Maranzano) If there are costs to
obtaining underlying documentation for the election
identification certificate, is it fair to say the
election identification certificate is not actually
free?
MR. FREDERICK: Object to the form of the
question. Object, it calls for speculation. And object
to relevance. If you -- if you have an opinion, you may
answer.
Q. (By Ms. Maranzano) Do you have an opinion?
A. I do not.
Q. You have no opinion on that?
A. I don't know which documents are required to
get an ID at this point. I don't remember. And so I
don't recall why people wouldn't or would not have
them. So my opinion, I mean, I'd have to go back and
kind of look.

Q. If -- if you were to determine that there were
costs to obtaining those underlying documentations for
an individual who did not have them --
A. Right.
Q. -- would you say it would be fair to
characterize the election identification certificate as
free?
MR. FREDERICK: Objection to the form of
the question. You can answer if you can.
A. I suppose not.
Q. (By Ms. Maranzano) Do you know when driver's
license offices are open in Texas?
A. I do not.
Q. Does SB 14 require employers to provide paid
leave to obtain an ID?
A. No.
Q. Do some individuals in Texas live at least 50
miles from a driver's license office?
A. I think there was testimony to that effect,
yes.
Q. How much does gas cost in Texas?
A. Texas is a big state. It varies. I think in
Austin right now it's 3.55 a gallon.
Q. So how much would it cost for somebody to drive
a hundred miles round trip?
MR. FREDERICK: Objection, calls for speculation.
A. Depends on their car, how they drive.
Q. (By Ms. Maranzano) Do you know whether any racial or ethnic group is more likely than not have the necessary ID to obtain the election identification certificate?
MR. FREDERICK: I'll object only to the time extent that this can be construed to seek information related to the development of SB 14.
Q. (By Ms. Maranzano) Is there any racial or ethnic group that is more likely to not possess the underlying documentation needed to obtain election identification certificate?
A. I do not know.
Q. Is that something that you ever looked into during the development of SB 14?
MR. FREDERICK: Objection, legislative privilege. I instruct you not to answer.
A. I'll assert privilege.
Q. (By Ms. Maranzano) Did you ever look into or analyze who among registered voters would be -- might not have the forms of identification included in SB 14?
MR. FREDERICK: Objection, legislative privilege. I instruct you not to answer, except to the extent you can do so based on nonconfidential matters or nonprivileged matters.
A. The specific question again was?
Q. (By Ms. Maranzano) Did you ever research or analyze who among registered voters in Texas would be more likely or less likely to have the required forms of identification under SB 14?
A. No.
Q. No, you never looked into that?
A. That is correct.
Q. Why not?
MR. FREDERICK: Objection, legislative privilege. I instruct you not to answer.
A. I'll assert privilege.
Q. (By Ms. Maranzano) Would you agree that that might be a relevant inquiry pursuant to Section 5?
MR. FREDERICK: Objection, calls for speculation. Objection, calls for a legal opinion. You can answer if you can.
A. As I testified earlier, I didn't really consider Section 5 when I was helping the Senator develop this bill.
Q. (By Ms. Maranzano) Did the Senator seek legal advice from anybody about to ensure that Senate Bill 14 would comply with Section 5?
MR. FREDERICK: I'm going to object on the grounds that it seeks information within the attorney-client privilege. I think the fact that he might have sought some legal would not itself be privileged, but the question -- the question entails the substance of the advice that he may or may not have sought, so I object on that ground.
MS. MARANZANO: And you're instructing Ms. McCoy not to answer?
MR. FREDERICK: Yes. Yes.
Q. (By Ms. Maranzano) Are you going to follow your counsel's advice?
A. Yes, ma'am.
Q. Was the passage of SB 14 a priority for Senator Fraser?
MR. FREDERICK: I'll object on legislative privilege and instruct you not to answer as to the extent it calls for confidential communications, but to the extent it's in a public statement or testimony, you can answer.
A. I think the answer is he consistently told his constituents that he thought voter ID needed to be passed.
Q. (By Ms. Maranzano) Did his constituents ask for him to pass some sort of voter ID law?
MR. FREDERICK: We'll object to the extent that seeks -- to the extent it seeks the substance of any particular constituent communication. If you can answer based on nonconfidential communications from constituents, you may answer.
A. I assert the privilege.
Q. (By Ms. Maranzano) Was passage of SB 14 a priority for Governor Perry?
A. He declared it an emergency. I can't speak further than that.
Q. Was passage of the SB 14 a priority for any interest groups that you're aware of?
A. Not that I'm aware of, no.
Q. What was the purpose of SB 14?
MR. FREDERICK: I'm just going to give a cautionary instruction. You may testify about the purpose of SB 14 to the extent you know. I would only caution you not to reveal the substance of the confidential communications between yourself and the legislature or any legislative thought process or mental impressions. But as to the purpose of the bill, you may testify.
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1 A. Senator Fraser consistently said on the record
2 that his purpose was to stop in-person voter fraud.
3 Q. (By Ms. Maranzano) Were there any additional
4 purposes to SB 14?
5 A. Election integrity.
6 Q. What does that mean?
7 A. It means -- it means that elections are valid
8 and true and there isn't fraud.
9 Q. Any other purposes?
10 A. (Witness shakes head no.) No. I'm sorry.
11 Q. Thank you. Were there any purposes of SB 14
12 that were not stated on the public record?
13 MR. FREDERICK: Object, legislative
14 privilege. Instruct you not to answer.
15 Q. (By Ms. Maranzano) Are you following your
16 counsel's advice?
17 A. I am.
18 Q. Was any part of the purpose of SB 14 to
decrease the number of Hispanic voters?
19 MR. FREDERICK: Object, legislative
20 privilege. Instruct you not to answer.
21 A. I'll assert privilege.
22 Q. (By Ms. Maranzano) Was any part of the purpose
23 of SB 14 to decrease the number of any group of minority
24 voters?

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1 MR. FREDERICK: Objection, legislative
2 privilege. I'll instruct you not to answer.
3 A. I'll assert.
4 Q. (By Ms. Maranzano) Was any part of the purpose
5 of SB 14 to discriminate in any way against any group of
6 minority voters?
7 MR. FREDERICK: Objection, legislative
8 privilege. Instruct you not to answer.
9 A. Assert the privilege.
10 Q. (By Ms. Maranzano) Was any part of the purpose
11 of SB 14 for partisan purposes?
12 MR. FREDERICK: Objection, legislative
13 privilege. I'll instruct you not to answer.
14 A. Assert the privilege.
15 Q. (By Ms. Maranzano) Did the purpose of photo ID
16 in Texas evolve over time in legislative sessions?
17 MR. FREDERICK: Object on the basis of
18 legislative privilege. Instruct you not to answer
19 unless you can do so based on public statements or
20 testimony.
21 A. Senator Fraser's stated purpose has always been
22 to prevent in-person voter fraud across the sessions.
23 Q. (By Ms. Maranzano) Have you ever heard of a
24 voter who decides not to vote on election day because
25 they're worried their vote will be diluted by a

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1 nonlegitimate voter?
2 A. No.
3 Q. Who are the main opponents of SB 14?
4 A. I think the Senate Democrats, Democrat
5 members. I think the Texas Democratic party.
6 Q. Did any minority members of the Senate support
7 SB 14?
8 MR. FREDERICK: Object on legislative
9 privilege, only to the extent that support or opposition
10 was expressed confidentially by a legislator or staff
11 member to you.
12 A. No minority senator voted for the bill.
13 Q. (By Ms. Maranzano) Did any groups representing
14 minority voters support SB 14?
15 MR. FREDERICK: Same cautionary
16 instruction. You may answer to the extent that you know
17 from public statements or the legislative record, but
18 caution you not to reveal any privileged matter
19 communicated to you by a constituent.
20 A. I don't know.
21 Q. (By Ms. Maranzano) Did the Senator consider
22 any alternative legislative measures that would have
23 deterred voter fraud?
24 MR. FREDERICK: Objection, legislative
25 privilege, and instruct you not to answer.
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1 A. It is highlighted. Is that the one you want?
2 MS. MARANZANO: Why don't we mark a clean
3 one for the record.
4 MR. FREDERICK: Here, that one's got a
5 mark on it. I've got a clean one right here.
6 MS. MARANZANO: Thank you.
7 MR. FREDERICK: Here's your highlighted
8 one.
9 (Clean copy Exhibit 38 exchanged for
10 highlighted copy originally marked.)
11 A. I don't --
12 Q. (By Ms. Maranzano) If you look -- let's look
13 at Rule 5.11.
14 A. Yes, ma'am.
15 Q. Subsection D of 5.11. Is that the same
16 provision that we talked about earlier that was included
17 in the 2008 rules that carves out voter identification
18 requirements from the two-thirds rule?
19 A. Yes, ma'am.
20 Q. And can you look at Rule 16 for me?
21 You can scratch looking at Rule 16.
22 THE REPORTER: I'm sorry. I didn't get
23 that.
24 MS. MARANZANO: I said she could scratch
25 reviewing Rule 16.

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Q. (By Ms. Maranzano) Can you look at Rule 12.03
about conference committees?
A. Yes, ma'am.
Q. And do you see that Section 4 states -- well,
can you read Section 4 for me and tell me what your
understanding of that subsection of the rule is?
A. "Add text on any matter which is not included
in either the House or Senate version of the bill or
resolution."
Q. What's your understanding of what this rule
does?
A. That rule says that when a bill is in
conference committee, they -- the conference committee
should not consider including provisions that weren't in
either of the House or Senate passed versions.
Q. How many times have you seen that section of
the rule disregarded while you've worked for Senator
Fraser?
A. Probably happens 20 to 30 times a session.
Q. What type of bills does that happen on?
A. All types.
Q. Was SB 14 considered by any -- you know what,
scratch that. I think we've talked about that already.
Q. What did you do to ensure that Senator
Fraser was prepared for Floor consideration of SB 14?

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MR. FREDERICK: Object based on
legislative privilege, to the extent it calls for
substance of any communication or your thought process
or Senator Fraser's thought process. However, to the
extent you can answer without revealing that, you may
describe your preparation.
A. Typically, when we do floor prep for Senate
Bill 14 or any bill, we put together a bill book, which
includes the bill, the bill analysis, the fiscal notes,
any supporting documentation and talking points. And
that's what I did for Senate Bill 14.
Q. (By Ms. Maranzano) And do you write the
talking points?
A. Yes. Or -- not for every bill. I did for
Senate Bill 14.
Q. And is the bill analysis what we've previously
discussed, a section-by-section analysis of the bill?
A. Yes, ma'am.
Q. And do you write that?
A. No, ma'am.
Q. Who does?
A. Those are prepared through the committee
process, and I think the Senate Research Center prepares
those.
Q. Are you familiar with this Floor testimony on

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SB 14?
A. Generally.
Q. And I believe you testified earlier you were
with the Senator, correct?
A. For some of it. I don't -- I think I got up
and left for part of it. Actually, I know I got up and
left for part of it.
Q. During the Floor consideration of SB 14, did
Senator Fraser answer any questions about SB 14 by
saying he was not advised?
A. Can we be clear when we're talking about Floor
consideration, Committee of the Whole consideration
or Floor? Specifically when we talk about the Floor,
it's when they're actually in session on the Floor. The
Committee of the Whole meets on the senate Floor, just
because there's no other place for them to meet.
So during the Committee of the Whole
debate, there were times that Senator Fraser said "I'm
not advised."
Q. What does that mean, "I'm not advised"?
MR. FREDERICK: Object, based on
legislative privilege, only to the extent it asks for
Senator Fraser's thought process or mental impressions.
To the extent you can answer from your own personal
knowledge of what "I'm not advised" means, you may.
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1. A. Typically, when a senator says that, it means they don't know.
2. Q. (By Ms. Maranzano) About how many questions did he answer by saying "I'm not advised"?
3. A. I don't know.
4. Q. Can you approximate?
5. A. No.
6. Q. Would you say it was hundreds?
7. A. I don't remember.
8. Q. Isn't it part of the Senator's role as author of the bill to answer questions about the bill?
9. MR. FREDERICK: Objection, argumentative.
10. You may answer.
11. A. The Senator offered his colleagues that he didn't know the answer to some questions and that resource and expert witnesses were going to testify later during the committee, and those questions would be better addressed to those resource expert witnesses.
12. Q. (By Ms. Maranzano) Did anyone instruct Senator Fraser not to answer substantive questions about SB 14 during the Committee of the Whole?
13. MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer.
14. A. I'll assert privilege.
15. Q. (By Ms. Maranzano) During -- during the

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Committee of the Whole's consideration of SB 14, did anyone raise concerns about the impact of SB 14 on minority voters?

1. A. Yes.
2. Q. What was the Senator's response?
3. A. I don't remember.
4. Q. You don't recall how he responded?
5. A. (Witness shakes head no.)
6. Q. Did numerous senators raise concerns about the impact of SB 14 on minority voters?
7. MR. FREDERICK: Objection, legislative privilege, only to the extent it calls for confidential communications. Anything on the committee or on the Floor, you may testify about.
8. A. I think that 10 of the 12 Democrat senators testified against the bill during the Committee of the Whole. May have been 9. May have been 11. It wasn't all 12.
9. Q. (By Ms. Maranzano) But my question was about testimony related to concerns about the impact of SB 14 on minority voters. It not about --
10. A. I don't recall what they said. I know that many senators testified against the bill, but I can't recall what each of them said. So I cannot answer that question.
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1. listed in the bill are the least restrictive options in  
2. order to achieve the goal of avoiding what you have said  
3. is voter identification fraud?  
4. A. Uh-huh. Yes.  
5. Q. And can you look at Senator Fraser's answer to  
6. that?  
7. A. (Witness complies.)  
8. Q. Is that a topic that you looked into prior to  
9. introducing Senate Bill 14 of whether this was the least  
10. restrictive way to achieve the Senator's goal?  
11. MR. FREDERICK: Objection, legislative  
12. privilege. Instruct you not to answer.  
13. A. I'll assert privilege.  
14. Q. (By Ms. Maranzano) Can you tell me anything  
15. about that topic based on the comments that were made in  
16. public during the Committee of the Whole, Ms. McCoy?  
17. MR. FREDERICK: Object to the form, but  
18. you may answer.  
19. A. Well, I can speak to what Senator Fraser said.  
20. The Secretary of State had provided us information,  
21. which he referenced here, showing that people -- 91  
22. percent of voters registered with their driver's license  
23. under HAVA.  
24. Q. (By Ms. Maranzano) 90 percent of the -- of  
25. voter registration applicants registered with their  

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1. driver's license number?  
2. A. Under the HAVA requirement.  
3. Q. And do you know when HAVA started requiring  
4. people to write down their driver's license number?  
5. A. Texas passed its version of HAVA in 2005, so I  
6. assume it took a while to make sure -- it started  
7. probably that fall of 2005 or 2006. Sometimes we start  
8. things in January of the next year.  
9. Q. And did anybody ever -- or did you or the  
10. Senator ever conduct any analysis of who those 10  
11. percent, approximately 10 percent of registered voters  
12. without driver's license numbers might be and whether or  
13. not they might have any other forms of identification?  
14. MR. FREDERICK: Objection, legislative  
15. privilege, and instruct you not to answer.  
16. A. I'll assert privilege.  
17. Q. (By Ms. Maranzano) Okay. I'm going to have  
18. this marked.  
19. (Exhibit 40 marked for identification.)  
20. Q. (By Ms. Maranzano) I'm showing you what we are  
21. marking as Deposition Exhibit 40, which is a transcript  
22. of another transcript of the Committee of the Whole from  
23. Tuesday, January 26, 2011.  
24. Can you look at the second page of this  
25. document that's labeled on the transcript as Page 189 at  

207  
1. the top? Actually, the quote starts -- I'm sorry. The  
2. quote starts on Page 188 from Senator Fraser. If you  
3. can just take a look at that.  
4. Does that appear to be saying that there  
5. are very small differences between Texas's bill and  
6. Indiana and Georgia's bill?  
7. A. That does what it seems to be saying.  
8. Q. Are you familiar with the Indiana and Georgia  
9. photo identification requirement?  
10. A. No.  
11. Q. Didn't you testify earlier that you had looked  
12. at those two states when you were developing SB 14 362?  
13. A. We looked at voter turnout from those two  
15. Q. So, Ms. McCoy, you've never looked at either  
16. Indiana or Georgia's photo identification requirements?  
17. A. I might have printed out a copy of Indiana's,  
18. and I might have seen a table that included the  
19. different IDs that allowed under every state's photo ID  
20. law, but I've never looked at Indiana or Georgia's  
21. legislation in depth, no.  
22. Q. So do you have any position on whether the  
23. Indiana and Georgia identification requirements are  
24. similar to SB 14?  
25. A. I do not have a position, no.  

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1. (Exhibit 41 marked for identification.)  
2. Q. (By Ms. Maranzano) Okay. I'm showing you what  
3. we've marked as Deposition Exhibit --  
4. MR. FREDERICK: Do you have one for me?  
5. MS. MARANZANO: Sorry. I only have one  
6. copy.  
7. MS. WESTFALL: Can you look on with the  
8. witness?  
9. MR. FREDERICK: Oh, yeah, yeah, I'll look  
10. at this one.  
11. Q. (By Ms. Maranzano) Ms. McCoy, this is a  
12. transcript from July 26, 2011. The Committee of the  
13. Whole's consideration of SB 14. I'm going to direct you  
14. to certain pages, but I want to say at the beginning,  
15. this transcript has two sets of pagination. On the  
16. left-hand side, it says "CD Number" and "Section  
17. Number," and then it also has a page. So I will give  
18. you both of those, because it has -- the pagination  
19. restarts with every CD and section number.  
20. A. Okay. But I want to clarify this isn't from  
21. the Committee of the Whole. This is from when the  
22. Senate was actually in session as the Senate.  
23. Q. Okay. Thank you for that clarification.  
24. A. You're welcome.  
25. Q. Can you turn to Page 34 on CD 1, Section 1?
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#### Q. Were you on the Floor with the Senator during -- during the Floor consideration on January 26th of SB 14?

- A. Yes, but --
- Q. Yes, but?
- A. Can I just clarify?
- Q. Yes, please.
- A. During the Committee of the Whole, I could actually be inside the rail right next to the Senator.
- Q. Okay. Did you communicate with the Senator during that time?
- A. As much as you can if they turn around and look at you.
- Q. You didn’t — you didn’t communicate by a Blackberry or cell phone?
- A. No, ma’am.
- Q. Okay. Can you take a look at Page 34, where it starts with the testimonies by Davis? Can you just take a look at that?
- A. I think I’m on the wrong page.
- MR. FREDERICK: I think you’re on Section 1.

#### Q. Okay.

- MR. FREDERICK: Yeah.
- A. Okay.
- Q. (By Ms. Maranzano) Can you just take look at that amendment which starts with Davis? And then the action that’s taken on that amendment is lower on the page. Do you recall this amendment being offered?
- MR. FREDERICK: Just to clarify, is this — is it Floor Amendment 12 we’re talking about?
- MS. MARANZANO: Yes. I think that’s right.
- Q. I don’t recall, because I’m not seeing the text of the amendment.
- A. So I don’t — I don’t recall.
- Q. Do you recall that Senator Davis introduced an amendment to prohibit state agencies from charging fees for the issuance of any acceptable ID under SB 14?
- A. Not really, no.
- Q. Do you recall that Senator Fraser moved to table that amendment?
- A. I mean, I can see that he did. I don’t recall this particular part of the debate.
- Q. Did you have any role in recommending to him how to handle amendments to SB 14?

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#### MR. FREDERICK: Well, you may answer the question whether or not you had a role.

- A. Yes.
- Q. (By Ms. Maranzano) What was your role?
- MR. FREDERICK: I’ll object to legislative privilege, to the extent it seeks confidential communications, thought processes or mental impressions. But to the extent you can describe your role without going into that, then you may answer the question.
- A. I provided the Senator with some thoughts on what he could say if certain amendments that we thought were going to be introduced were introduced.
- Q. (By Ms. Maranzano) And did you provide him with a recommendation on how to vote on certain amendments?
- MR. FREDERICK: Just caution you, I mean, you can answer the question as phrased, whether or not you offered a recommendation.
- A. I did not.
- Q. (By Ms. Maranzano) Why — well, how would this amendment introduced by Senator Davis have interfered with the Senator’s goals of deterring voter fraud?
- MR. FREDERICK: Object on legislative privilege.

#### Q. (By Ms. Maranzano) Ms. McCoy, as you’re sitting here today, are you aware of any ways in which not charging for the acceptable forms of identification under SB 14 would interfere with the goal of deterring in-person voter impersonation?

- A. No.
- Q. Can you turn to what’s labeled as CD-1, Section 2, Page 28 through 30?
- A. (Witness complies.)
- Q. You see that this testimony is related to an amendment proposed by Senator Ellis that would have required the Secretary of State to conduct a study including information about the number of eligible voters who are prevented from voting or have to vote provisionally because they lacked an ID?
- A. Yes.
- Q. And do you recall that amendment being offered?
- A. Yes, ma’am.
- Q. Did you provide a recommendation to Senator Fraser as to how to handle that amendment?
- MR. FREDERICK: I’ll caution. You can answer the question as phrased, as long as you don’t reveal the substance of any confidential communication.
- A. No.
- Q. (By Ms. Maranzano) Did Senator Fraser move to
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<td>1</td>
<td>1</td>
</tr>
<tr>
<td>table that amendment?</td>
<td>privilege. I'll instruct you not to answer.</td>
</tr>
<tr>
<td>A. Yes.</td>
<td>A. I'll assert privilege.</td>
</tr>
<tr>
<td>Q. And how would conducting a study about who was</td>
<td>Q. (By Ms. Maranzano) Did Senator Fraser</td>
</tr>
<tr>
<td>impacted by SB 14 have interfered with the Senator's</td>
<td>acknowledge on the Floor that a person needed to work to</td>
</tr>
<tr>
<td>goals of deterring in-person voter impersonation?</td>
<td>make sure that a driver's license office was open?</td>
</tr>
<tr>
<td>MR. FREDERICK: Objection, legislative</td>
<td>A. Can you repeat that question?</td>
</tr>
<tr>
<td>privilege. Instruct you not to answer.</td>
<td>Q. Do you recall the Senator acknowledging on</td>
</tr>
<tr>
<td>A. I'll assert privilege.</td>
<td>the -- during the consideration of SB 14, that people</td>
</tr>
<tr>
<td>Q. (By Ms. Maranzano) Was Senator Fraser</td>
<td>needed to work to make sure that a driver's license</td>
</tr>
<tr>
<td>concerned that such a study would show that minorities</td>
<td>office was open?</td>
</tr>
<tr>
<td>are disproportionately impacted by Senate Bill 14?</td>
<td>A. I do not recall.</td>
</tr>
<tr>
<td>MR. FREDERICK: Objection, legislative</td>
<td>Q. Were there any other amendments that you</td>
</tr>
<tr>
<td>privilege. Instruct you not to answer.</td>
<td>haven't testified about that were offered that would</td>
</tr>
<tr>
<td>A. I'll assert privilege.</td>
<td>have mitigated the impact of SB 14 on minority voters?</td>
</tr>
<tr>
<td>Q. (By Ms. Maranzano) Can I have you turn to --</td>
<td>MR. FREDERICK: Objection, assumes facts</td>
</tr>
<tr>
<td>I'm going to actually get out another exhibit.</td>
<td>not in evidence. Also object on legislative</td>
</tr>
<tr>
<td>(Exhibit 42 marked for identification.)</td>
<td>privilege. Instruct you not to answer.</td>
</tr>
<tr>
<td>Q. (By Ms. Maranzano) I'm showing you what we're</td>
<td>A. I'll assert privilege.</td>
</tr>
<tr>
<td>marking as Deposition Exhibit 42. If you could look at</td>
<td>Q. (By Ms. Maranzano) Based on the public record,</td>
</tr>
<tr>
<td>the side of the page that has 28 at the top. Actually,</td>
<td>are there any amendments that we haven't discussed that</td>
</tr>
<tr>
<td>I'm sorry. It starts on the bottom of 27. There's an</td>
<td>you believe would have mitigated the impact of SB 14 on</td>
</tr>
<tr>
<td>amendment presented by Senator Gallegos that goes to the</td>
<td>minority voters?</td>
</tr>
<tr>
<td>top.</td>
<td>MR. FREDERICK: Objection, assumes facts</td>
</tr>
<tr>
<td>Do you see that Senator Gallegos offered</td>
<td>not in evidence. You -- otherwise, you may answer if</td>
</tr>
<tr>
<td>an amendment that would have required driver's license</td>
<td>you can.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>214</th>
<th>216</th>
</tr>
</thead>
<tbody>
<tr>
<td>offices to be open until 7 p.m. on one weekend and</td>
<td>A. I don't recall every amendment offered.</td>
</tr>
<tr>
<td>during four or more hours on at least two Saturdays per</td>
<td>Q. (By Ms. Maranzano) Do you recall any amendment</td>
</tr>
<tr>
<td>month?</td>
<td>that you believe would have mitigated the impact of SB</td>
</tr>
<tr>
<td>A. Yes.</td>
<td>14 on minority voters?</td>
</tr>
<tr>
<td>Q. Did you provide a recommendation to Senator</td>
<td>MR. FREDERICK: Again, object, assumes</td>
</tr>
<tr>
<td>Fraser as to how to vote on this bill -- on this</td>
<td>facts not in evidence. You may answer.</td>
</tr>
<tr>
<td>amendment?</td>
<td>A. I don't know how to answer, because I don't</td>
</tr>
<tr>
<td>MR. FREDERICK: I just caution. You may</td>
<td>know that Senator Fraser or I think the bill impacted</td>
</tr>
<tr>
<td>answer the question as phrased. I advise you not to</td>
<td>minority voters negatively. So the amendment -- I don't</td>
</tr>
<tr>
<td>reveal the substance of any communication.</td>
<td>know that the -- the answer then is no, because I don't</td>
</tr>
<tr>
<td>A. No.</td>
<td>know that they would have added to what we already</td>
</tr>
<tr>
<td>Q. (By Ms. Maranzano) Did Senator Fraser move to</td>
<td>believe the bill did.</td>
</tr>
<tr>
<td>table this amendment?</td>
<td>Q. (By Ms. Maranzano) When did the Senate pass SB</td>
</tr>
<tr>
<td>A. Yes.</td>
<td>14 and refer it to the House?</td>
</tr>
<tr>
<td>Q. How would keeping driver's license offices open</td>
<td>A. It was either January 26th or 27th when we</td>
</tr>
<tr>
<td>longer interfere with deterring in-person voter</td>
<td>passed it to engrossment. I don't recall exactly which</td>
</tr>
<tr>
<td>impersonation?</td>
<td>day that occurred.</td>
</tr>
<tr>
<td>MR. FREDERICK: Objection, legislative</td>
<td>Q. Is it unusual for the Senate to pass</td>
</tr>
<tr>
<td>privilege. I instruct you not to answer.</td>
<td>legislation within the first two weeks of a session?</td>
</tr>
<tr>
<td>A. I'll assert privilege.</td>
<td>A. Yes.</td>
</tr>
<tr>
<td>Q. (By Ms. Maranzano) Did Senator Fraser have any</td>
<td>Q. Has that ever happened before during the time</td>
</tr>
<tr>
<td>concern that any individuals who work at hourly wage may</td>
<td>that you've worked for Senator Fraser?</td>
</tr>
<tr>
<td>have a difficult time making it to a driver's license</td>
<td>A. I don't recall.</td>
</tr>
<tr>
<td>office while it's open?</td>
<td>Q. Did the Senator have any role with regard to SB</td>
</tr>
<tr>
<td>MR. FREDERICK: Objection, legislative</td>
<td>14 once it was referred to the House?</td>
</tr>
</tbody>
</table>
MR. FREDERICK: Object only to the extent it seeks privileged matters as to the fact, whether or not he had a role. You may answer.

A. Yes.

Q. (By Ms. Maranzano) What role was that?

MR. FREDERICK: And I'll object on the basis of legislative privilege and instruct you not to answer to the extent that your answer would reveal his – the Senator's or your thought process, mental impressions or disclose the substance of any privileged conversation. But to the extent you can describe his role without divulging that, you may answer.

A. It was limited in that once Representative Harless was determined to be the House sponsor, we provided her the information that we had that she could move forward.

Q. (By Ms. Maranzano) Was the Senator concerned about any of the changes to SB 14 that occurred in the House?

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

A. I'll assert privilege.

Q. (By Ms. Maranzano) Was the Senator on the conference committee?

A. Yes.

Q. Did the conference committee change the structure of the identification card that was required to be issued free of charge?

A. Yes.

Q. Did they insert a new provision into the bill on that topic?

A. Yes.

Q. Is that unusual?

MR. FREDERICK: Objection, vague. You may answer.

A. As I testified earlier, the conference committees, 20, 30 times during a session, we'd go outside the bounds.

Q. (By Ms. Maranzano) What was the purpose of the conference committee removing the provision of SB 14 that would have allowed a tribal identification to be used by a voter?

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

A. I'll assert privilege.

Q. (By Ms. Maranzano) What was the purpose of the conference committee removing a provision that would require the voter education that was required in SB 14 be targeted at low income and minority voters?

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

A. I'll assert privilege.

Q. (By Ms. Maranzano) What was the purpose of the conference committee removing the provision of SB 14 that would have exempted from the photo ID requirement individuals whose ID had been stolen and who certified that in an affidavit?

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

A. I'll assert privilege.

Q. (By Ms. Maranzano) Did the Senator ever discuss whether SB 14 might disproportionately impact minority voters?

MR. FREDERICK: I'm sorry, Jennifer. You said did the Senate ever discuss --

MS. MARANZANO: Senator, I'm sorry.

Q. (By Ms. Maranzano) Did Senator Fraser ever discuss whether SB 14 might disproportionately impact minorities voters?

MR. FREDERICK: Objection, legislative privilege, and instruct you not to answer, except to the extent that you recall public statements or statements on the Floor in the committee.

A. He had discussions in the Committee of the Whole and on the Floor with other members about their impressions of the bill that it would impact minority voters.

Q. Did he have discussions about this topic that are not included in the public record?

MR. FREDERICK: I'll object, vague, object to form, and object on the legislative privilege, to the extent that it seeks the substance of any nonpublic conversation. To the extent you were aware of it, the fact of the conversation, you may testify to.

A. I can't speak to the Senator's private conversations. I wasn't privy to them.

Q. (By Ms. Maranzano) Are you aware of any legislators making any statements about illegal alien voting?

A. Yes.

Q. Who was that?

A. I just know it happened. I don't remember who said it.

Q. What was the statement?

A. I don't know the specifics of it. I remember reading about it in the newspaper, but I don't remember who said it.

Q. When -- when did you read about the statement?

A. I want to say there was something in 2009, but I'm not -- I don't recall.
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**JANICE MCCOY**

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<table>
<thead>
<tr>
<th>Q.</th>
<th>What newspaper was that in?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>I do not recall.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>What was the general subject of the statement?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>I don't recall. Generally, I remember hearing that someone said something in a committee hearing on public record, but that's the extent of what I know.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>Somebody said something in a committee meeting that somebody being one of the legislators?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Yes, I'm sorry. Have you ever heard any Texas state legislator who voted in favor of SB 14 say that it would prevent a legitimately registered voter from voting in Texas?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MR. FREDERICK: I object on privilege, to the extent it calls for confidential privileged communications, but other than that, you may answer.</th>
</tr>
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<tbody>
<tr>
<td>A. That specific statement, no. That general idea, yes.</td>
</tr>
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<table>
<thead>
<tr>
<th>Q.</th>
<th>(By Ms. Maranzano) Who said that?</th>
</tr>
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<tbody>
<tr>
<td>A.</td>
<td>The general thought that a legitimate voter might not be able to vote was generally said by the Democrat senators who testified against the bill.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>Okay. I'm sorry. My question was any legislator who voted in favor of SB 14 saying that?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Then the answer is no. I'm sorry.</td>
</tr>
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</table>

**223**

<table>
<thead>
<tr>
<th>Q.</th>
<th>who they say they are, U.S. citizens?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Yes.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Q.</th>
<th>Was that part of the purpose of House Bill 218?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>No.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>Any reason that the Lieutenant Governor would assert that that is the purpose of House Bill 218?</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR. FREDERICK: Objection, calls for speculation. You can answer.</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>I can't speak to what Lieutenant Governor wrote in 2007.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>(By Ms. Maranzano) Ms. McCoy, at any time since the passage of Senate Bill '14, have you come to believe that it was passed with any discriminatory purpose?</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR. FREDERICK: I'll object on the basis of legislative privilege. I mean, to the extent -- and I'll object to the extent that the question seeks your thought processes, based on information gathered during consideration of SB 14. And otherwise, you can answer if you won't reveal that.</td>
<td></td>
</tr>
<tr>
<td>MS. MARANZANO: My question is, post enactment, did she come to believe it was passed with discriminatory purpose?</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>No.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Q.</th>
<th>(By Ms. Maranzano) At any time since the passage of SB 14, have you come to believe that SB 14 will have a discriminatory effect on minority voters?</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR. FREDERICK: Same objection, but you can answer.</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>No.</td>
</tr>
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<thead>
<tr>
<th>Q.</th>
<th>(By Ms. Maranzano) Ms. McCoy, can you give me about two minutes? I'm just about done.</th>
</tr>
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<tbody>
<tr>
<td>A.</td>
<td>Sure.</td>
</tr>
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<tr>
<th>Q.</th>
<th>We'll go off the record for about two minutes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Yeah. Uh-huh.</td>
</tr>
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| (Recess from 5:03 to 5:11 p.m.) |

<table>
<thead>
<tr>
<th>Q.</th>
<th>(By Ms. Maranzano) Ms. McCoy, do you know what percentage of Senator Fraser's district was made up of Latinos?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>No.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q.</th>
<th>You testified earlier that minority legislators made statement on the Floor to -- statements on the Floor for the benefit of I believe you said, &quot;of you.&quot; Did you mean the Department of Justice?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>I meant -- yes, yes.</td>
</tr>
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<thead>
<tr>
<th>Q.</th>
<th>What's the basis of that statement?</th>
</tr>
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<tbody>
<tr>
<td>A.</td>
<td>Personal opinion.</td>
</tr>
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<table>
<thead>
<tr>
<th>Q.</th>
<th>What's your personal opinion based on?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Their opposition to the bill and the fact that they thought maybe y'all could help kill it.</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
</tr>
<tr>
<td>----------</td>
<td>--------</td>
</tr>
<tr>
<td>Did any of them say anything like that to you?</td>
<td>MR. FREDERICK: Object, based on legislative privilege, to the extent there was any confidential communication between a specific legislator and you or Senator Fraser, I'll instruct you not to answer. Otherwise, to the extent you can answer, you may.</td>
</tr>
<tr>
<td>(By Ms. Maranzano) Can you answer this question?</td>
<td>A. I cannot.</td>
</tr>
<tr>
<td>Ms. McCoy, if you're called to testify at trial, will you testify that SB 14 has no discriminatory purpose?</td>
<td>Yes.</td>
</tr>
<tr>
<td>If you're called to testify at trial, will you testify that SB 14 has no discriminatory effect?</td>
<td>Yes.</td>
</tr>
<tr>
<td>MS. MARANZANO: Well, to be clear for Mr. Frederick, it's our position that if she's taking that position, we have a right to explore the basis of that under our motion to compel.</td>
<td>MR. FREDERICK: I'm sorry. Just so I'm clear, to explore what?</td>
</tr>
<tr>
<td>MS. MARANZANO: To explore the -- I mean, there's a number of questions that are related to that.</td>
<td></td>
</tr>
<tr>
<td>taking it out at some point. I don't recall really when that came out just because I was kind of hurriedly looking through the versions. And I think the House did send it to us with it in and we had taken out.</td>
<td>Q. Thank you for that clarification.</td>
</tr>
<tr>
<td>You're welcome.</td>
<td>A. You're welcome.</td>
</tr>
<tr>
<td>Anything else?</td>
<td>Q. Anything else?</td>
</tr>
<tr>
<td>That's -- that's it.</td>
<td>A. That's -- that's it.</td>
</tr>
<tr>
<td>Any -- I'm sorry.</td>
<td>Q. Any -- I'm sorry.</td>
</tr>
<tr>
<td>So that was the only thing that I wasn't sure about when I answered earlier.</td>
<td>A. No.</td>
</tr>
<tr>
<td>Is there any information that you didn't recall earlier that you now recall?</td>
<td>MS. MARANZANO: Well, as I said, we're leaving this deposition open, and I will now hand it over to Chad.</td>
</tr>
<tr>
<td>EXAMINATION</td>
<td></td>
</tr>
<tr>
<td>Q. Good afternoon.</td>
<td>A. Hi.</td>
</tr>
<tr>
<td>My name is Chad Dunn. I don't think we've ever met before, have we?</td>
<td>Q. Hi. My name is Chad Dunn. I don't think we've ever met before, have we?</td>
</tr>
<tr>
<td>I don't think so.</td>
<td>A. I don't think so.</td>
</tr>
<tr>
<td>All right. Well, I know you've been here for</td>
<td>Q. All right. Well, I know you've been here for</td>
</tr>
<tr>
<td>quite a while today, so I'm not going to, you know, try to waste your time. I've got a few issues that I want to ask you about. And I'm going to jump around a little bit, all right? I'm going to do my best to not ask you anything that's already been asked.</td>
<td>A. Okay.</td>
</tr>
<tr>
<td>But in order to get done with you as soon as I can, I may end up having to overlap just a little bit, and for that I apologize. All right.</td>
<td>Q. But in order to get done with you as soon as I can, I may end up having to overlap just a little bit, and for that I apologize. All right.</td>
</tr>
<tr>
<td>I'm going to start a little bit with some of your earlier testimony. As I understand it, you used to be an election judge; is that true?</td>
<td>A. One election I served as election judge.</td>
</tr>
<tr>
<td>Which election was that?</td>
<td>Q. Which election was that?</td>
</tr>
<tr>
<td>Maybe 2000. I don't really recall. It's been a while.</td>
<td>A. Maybe 2000. I don't really recall. It's been a while.</td>
</tr>
<tr>
<td>Was that in Travis County?</td>
<td>Q. Was that in Travis County?</td>
</tr>
<tr>
<td>Yes, sir.</td>
<td>A. Yes, sir.</td>
</tr>
<tr>
<td>And were you appointed as the actual election judge, or you served as a volunteer?</td>
<td>Q. And were you appointed as the actual election judge, or you served as a volunteer?</td>
</tr>
<tr>
<td>I was not precinct chair.</td>
<td>A. I was not precinct chair.</td>
</tr>
<tr>
<td>Okay.</td>
<td>Q. Okay.</td>
</tr>
<tr>
<td>They called and asked me, it was a November election, the local party called and said we need a Republican, because they had -- they wanted a</td>
<td>A. They called and asked me, it was a November election, the local party called and said we need a Republican, because they had -- they wanted a</td>
</tr>
</tbody>
</table>

JANICE MCCOY

MAY 16, 2012

229
1 Democrat and a Republican. And I lived in the precinct,
2 and they asked me to do it, and I said yes. I don't
3 know if they had to actually turn my name in or not.
4 Q. Okay. And I'm not trying to quarrel with you,
5 but it sounds more like you were an election observer
6 or a poll watcher than an election judge.
7 A. No, sir. I was an election -- or the assistant
8 election -- I don't think I was the election judge. I
9 was the assistant election judge. I mean, I actually
10 had the title.
11 Q. Okay. And what were you responsibilities there
12 at the polling location?
13 A. I was -- what was it? I was -- I -- served as
14 the election judge, assistant election judge. So I
15 monitored the election. If there were any issues that
16 came up, I was there to resolve them. There were not.
17 And then at the end of the night, I do remember taking
18 the box. They used -- they used to take the boxes to --
19 Q. Central tabulation?
20 A. Yeah. Well, you know where Palmer Event
21 Center -- there used to be a building next to Palmer
22 Event Center, but they tore it down. Whatever that
23 building was, I took the box there and had to turn it in
24 official. And then by election code, you have to keep
25 the documents for two years. And so I was the custodian

230
1 of the documents for that precinct for two years.
2 Q. All right. Were you actually assigned the
3 responsibility of enrolling voters as they came in?
4 A. I did not sit there and check the voters.
5 That, the election workers did that.
6 Q. And did you do that during early vote or
7 election day or both?
8 A. It was only on election day.
9 Q. Do you remember the precinct?
10 A. No. The precinct number, no, sir.
11 Q. Do you remember the actual location?
12 A. There was a church just at 45th and Medical
13 Parkway.
14 Q. While there, did you observe any activity that
15 you were concerned might be election fraud?
16 A. No.
17 Q. Have you served in an election judge or
18 election official capacity any other time than we just
19 spoke about?
20 A. No.
21 Q. Now, you said somebody called you and asked you
22 to do this. Do you remember who that was?
23 A. No, sir.
24 Q. Was it a party official or a county official?
25 A. I think it was a party official. Travis County

231
1 Republican party official.
2 Q. Was it the chairman?
3 A. I don't recall.
4 Q. I assume that you vote in most elections?
5 A. Yes, sir.
6 Q. Do you vote in both nonpartisan and partisan
7 elections?
8 A. Yes, sir.
9 Q. And you're going to hate me for asking this,
10 but it's important for several questions, what year were
11 you born?
12 A. 1969.
13 Q. All right. I tried to do it as gingerly as I
14 could.
15 A. I'm not embarrassed.
16 Q. So I assume since you turned 18 and since then,
17 you have more or less consistently voted?
18 A. Yes, sir.
19 Q. Whenever you have voted in Texas, have you ever
20 observed activity that made you concerned it would be
21 voter fraud?
22 A. No, sir.
23 Q. Have you ever voted in an election and observed
24 discriminatory behavior by an election clerk?
25 A. No, sir.

232
1 Q. I think you also testified that you've lived in
2 Texas your whole life; is that true?
3 A. Yes, sir.
4 Q. Have you, during that time, ever witnessed an
5 act of discrimination against a minority citizen in
6 Texas?
7 MR. FREDERICK: Object as vague. Object
to relevance. But you can answer.
8 A. Yeah. I don't -- I don't know that I can
9 answer that question because it's vague. I mean --
10 Q. (By Mr. Dunn) Well, I'll do -- I'll see if I
11 can do better. All right?
12 A. Okay.
13 Q. Have you ever seen a government official deny a
14 benefit or service to a minority citizen?
15 A. No, sir.
16 Q. Have you ever seen another citizen in Texas
17 treat a minority citizen with some degree of disrespect?
18 A. Another citizen?
19 Q. Yes, ma'am.
20 A. So one citizen treating somebody else with
21 disrespect? Yes, sir.
22 Q. And was that an Anglo to an African-American or
23 an Anglo to a Latino or something different?
24 A. I think in all instances I have seen people
JANICE MCCOY

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1. treat people poorly, whether it's minority on minority
2. or Anglo on minority or minority on Anglo, I've seen it
3. all. And I've lived 43 years, you see a lot of
4. disrespect.
5. Q. So, in your opinion, there's not a higher
6. degree of discrimination amongst the citizenry between
7. Anglos and minority population in Texas anyway?
8. A. In my opinion, that's correct.
9. Q. Have you always lived in Austin?
10. A. No, sir.
11. Q. Where else have you lived in the state?
12. A. Houston, in College Station, Bryan/College
13. Station when I was at A&M.
14. Q. You want to school at A&M?
15. A. Yes, sir.
16. Q. Where did you grow up?
17. A. Houston.
18. Q. So is it fair to say that you've more or less
19. split your life in between Houston and Travis County?
20. A. Yes, sir.
21. Q. Now, I'm going to move to a different topic, so
22. I'm trying not to lose you here. But you were asked a
23. number of questions about the various photo voter ID
24. bills over the last several sessions about documents
25. prepared as part of the legislative process. Okay.

234
1. That's where I'm going now.
2. A. Yes, sir.
3. Q. And you were asked some questions about bill
4. analysis that were prepared. And I want to focus on SB
5. 14 for a minute. The bill analysis prepared for SB 14
6. was created by whom?
7. A. The bill analysis that was created by Senate
8. Bill 14 as it came out of Senate, as it was filed, as it
9. came out of Senate committee as it was grossed,
10. engrossed, was prepared by Senate Research Center,
11. essentially, via the Senate administrative process.
12. The House, when it made it over there,
13. their processes developed their own bill analysis for
14. use. I don't really recall -- I don't know who does
15. theirs.
16. Q. All right.
17. A. They probably base it on ours, but they do
18. their own.
19. Q. And I want to focus on the Senate report
20. first. The Senate report was prepared by Senate
21. Research, if I understood your answer right.
22. A. That's -- yes.
23. Q. Okay. And I want to make sure we're being very
24. specific about that.
25. A. Right.

235
1. Q. Was it completely created by and put out by
2. Senate Research, or did it include language provided by
3. you or somebody in your office?
4. A. Senator Fraser, through me, provides language
5. to the committee chair and their staff, and in this
6. case, Senator Duncan chaired Senate State Affairs. They
7. then take that information and submit it to Senate
8. Research Center. I don't know for sure if they used my
9. language verbatim. Sometimes they do. Sometimes they
10. don't. And on this instance, I do not recall if they
11. used any of my language verbatim.
12. Q. And so just to be clear in our record, do you
13. recall whether or not the language your office submitted
14. to Senator Duncan's staff was changed at all when it was
15. submitted by Senator Duncan's staff to Senate research?
16. A. I do not recall.
17. Q. Who was it with Senator Duncan's staff you
18. would have coordinated on the research analysis?
20. Q. Was any convincing or cajoling necessary to
21. convince Senator Duncan's staff to support this bill?
22. MR. FREDERICK: Object, legislative
23. privilege. Instruct you not to answer.
24. A. I'll assert privilege.
25. Q. (By Mr. Dunn) With respect to the -- in

236
1. addition to the bill analysis, a fiscal note was also
2. prepared: is that true?
3. A. Yes, sir.
4. Q. And was that prepared by the Legislative Budget
5. Board?
6. A. Yes, sir.
7. Q. Can you recall if, and I'm not asking for the
8. numbers, but from the various sessions you've been asked
9. about photo ID bills today, can you recall if there were
10. any changes to the fiscal note of the bill in its
11. various iterations?
12. A. I don't recall what the fiscal note was in
13. 2007. I think in 2009 the number stayed somewhere in
14. the 2 to 4 million dollar range.
15. Q. Do you remember who the analyst at LBB was on
16. these bills?
17. A. I did not know the analyst at LBB.
18. Q. Did you ever communicate with the analyst at
19. LBB?
20. A. No, sir.
21. Q. Did you ever provide LBB any estimates as to
22. your belief as to the fiscal impact of the bill?
23. A. No, sir.
24. Q. Did you ever do or conduct any research as to
25. what the fiscal impact of the bill would be?
MR. FREDERICK: Object, based on legislative privilege. Instruct you not to answer to the extent it reveals the substance of any research. I instruct you not to answer.
A. I'll assert privilege.
Q. (By Mr. Dunn) Stepping way from this bill for a minute, is it generally important that a bill in the legislature have a fiscal impact or have a minimal fiscal impact in order to pass?
MR. FREDERICK: Object, vagueness, but you can answer.
MR. DUNN: I'll strike the question and rephrase. How about that?
Q. (By Mr. Dunn) Is it -- bills with a large fiscal impact, do they typically get defeated or fail?
A. They take longer to pass.
Q. And they -- and because the bill involves a larger fiscal impact, that means the state has to divert financial resources to the bill's tenants; is that true, if it were to pass?
A. No.
Q. Well, I assume that in all these years that you've worked for Senator Fraser and perhaps others, you've prepared a lot of bills and received a lot of fiscal impacts on bills; is that true?

A. Yes, sir.
Q. Is it not typically bad news when you received a fiscal impact statement from LBB that puts money on the cost of a bill?
MR. FREDERICK: Object to vagueness. You can answer.
A. Well, I think I need you to ask the question better. I don't -- can you ask the question again?
Q. (By Mr. Dunn) Uh-huh. Is it more difficult to pass a piece of legislation when it has a fiscal impact statement from LBB that costs a considerable amount of money?
A. Not always, but the majority of the time, yes, you'd rather have a zero fiscal note than not. Or have a low fiscal note than not.
Q. And just so our court, which may not understand the process here in Texas, our budget here in the state is prepared either by the House Appropriations Committee or the Senate Finance Committee in alternating sessions; is that true?
A. That's true.
Q. And so if a member wants to pass a bill that has a fiscal impact, they typically have to go to either the Appropriations or Finance Committee and work out an arrangement to pay for the bill; is that also true?

A. Yes.
Q. All right. What efforts were made -- is it true then that Senate Bill 14 had a fiscal impact according to the LBB?
A. Yes.
Q. What steps were taken to make sure the funding would be available for the bill?
A. In 2007, no, I'm sorry. I get my years -- in 2009 -- well, let's back up.
So when a bill has a fiscal impact, you need a Finance Committee member to propose an amendment to the budget or a rider or some sort of mechanism to get that included, a contingency rider, sometimes. In 2007, I want to say that -- I can't remember if I did one of those or not. In 2009, I'm sorry. Sorry.
In 2009, I think we prepared a contingency rider, and I think we asked another senator who was on the committee to move that forward, who was a supporter of the bill.
In 2011, I don't recall that I did any work on trying to -- on behalf of Senator Fraser in trying to get money in the budget.
Q. Is the short answer with respect to Senate Bill 23?
in voting locations?

MR. FREDERICK: I'm going to object on the basis of privilege, to the extent it calls for the substance of any communications or your thought process, mental impressions, but the question as phrased, you may answer it as long as you don't reveal those matters. A. Senator Fraser and I didn't do any work on developing what the fiscal note looked like or what the agency said it would cost them or not cost them. So we did nothing on the fiscal impact.

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

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

A. I'll assert privilege.

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

A. I mean --

MR. FREDERICK: If you know.

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

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

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

A. No.

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

A. Yes.

Q. Do you have any district office responsibilities?

A. Only insomuch as I oversee the same

administrative functions for those three employees, and they call me and bounce things off me about meetings or issues or case work that they're working on.

Q. Do you go out into the district?

A. I have. I haven't done it in the last couple of years.

Q. Senator Fraser's district is, gross generalization, but more or less northwest of the Austin area; is that true?

A. He would categorize it as the Hill Country from Kerr County to Abilene, from Belton to Menard.

Q. All right.

A. Junction.

Q. Where is his district offices?

A. Abilene, Belton and Marble Falls.

Q. Is there a district that has a high degree of African-American, Latino or Asian population?

A. I would assume Bell County probably has our largest minority population because it's our largest county.

Q. How would you describe that minority? I mean, is it Latino, African-American mixed?

A. African-American.

Q. I think you were asked earlier if you knew the percentage of Latinos you have in your district. I think you said you didn't know; is that true?

A. That's true.

Q. Do you have an estimate?

A. No, sir.

Q. Do you have an estimate for the number of African-Americans in your district?

A. No, sir.

Q. Do you have an estimate for the number of Asians in your district?

A. No, sir.

Q. You've been with Senator Fraser for 10 years. Did I hear that right?

A. Since 1998.

Q. '98. All right. So about 14 years?

A. Yes, sir.

Q. In the 14 years, what activities have you taken or Senator Fraser taken to support the minority community in his district? Any bills, business, meetings, or legislative business undertaken for those groups?

MR. FREDERICK: I'll object on legislative privilege, only to the extent that your answer would require you to reveal thought process, mental impressions or confidential communications related to
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<tr>
<th>Q.</th>
<th>A.</th>
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<td>Q. Would it also include the events that you attended or another staff attended on his behalf?</td>
<td>No, sir.</td>
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<td>Q. Those would be kept on the staffer’s private calendar?</td>
<td>That’s correct.</td>
</tr>
<tr>
<td>Q. Can you recall ever have gone to an event in place of Senator Fraser and speaking with a group of African-Americans or Latinos?</td>
<td>I’ve gone to events where African-Americans and Latinos were present but nothing specific to those groups.</td>
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<td>Q. Not a group or event where they made up the predominant population in the attendees?</td>
<td>That’s correct. I have not.</td>
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<td>Q. Have you attended any public meetings in Senator Fraser’s district as it relates to photo ID?</td>
<td>I’ve attended meetings with the Senator where he has — speaking to a group where he brings up the topic of photo ID in terms of the legislation that he passed or didn’t pass, given whatever year it was, but nothing specific for the meeting specifically about voter ID.</td>
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<td>Q. In other words, you didn’t go to any rallies or events put together by certain political groups who were, pending legislation. To the extent you can answer without revealing that, you may answer. A. Senator Fraser votes and promotes and works with every constituent equally. Q. (By Mr. Dunn) And I appreciate that. I’m just trying to find out, can you name for us some bills or meetings or sort of administrative lobbying he’s done on behalf of the minority constituents in his district? A. No. Q. Now, with regard to your district responsibilities, do you ever go out and take the place of the Senator at an event or speak to group because he’s unavailable? A. I have in the past. I have not done it in about three years. Q. What sort of events would you go speak to? A. They weren’t necessarily speaking events where it was a public forum. They typically would just be meetings with various constituency groups that wanted to express concerns or opinions to our office. Q. Are there — if I understand the testimony earlier, there’s sort of a schedule kept by your office of where the Senator goes and does. It doesn’t have everything, but it has some things; is that right? A. Yes, sir.</td>
<td></td>
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<td>A.</td>
<td>B.</td>
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<td>A.</td>
<td>No, sir.</td>
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<td>Q.</td>
<td>A.</td>
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<td>Q. It would just come up as a part of more general political discussion?</td>
<td>Yes, sir. Q. My question earlier was limited to events in the district. Now I’m going to ask you about anywhere. Have you been to such events? A. No, sir. Q. When is it that photo ID became something you started working on in your office? A. The spring of 2007. Q. What caused that project to develop? MR. FREDERICK: Object, based on legislative privilege. To the extent you can answer without revealing communications with the Senator, legislators, consultants, or thoughts or mental impression, you can answer. A. When the Senator agreed to be the House sponsor to House Bill 218. Q. (By Mr. Dunn) Prior to agreeing to be the sponsor of House Bill 218, you hadn’t researched, drafted bill language or otherwise worked on the photo ID issue? MR. FREDERICK: Objection, legislative privilege. Instruct you not to answer. A. I’ll assert privilege. Q. (By Mr. Dunn) The impetus to your office beginning to deal with photo ID, did it have anything to do with a specific event or events actually involving voter impersonation? MR. FREDERICK: Object on the basis of legislative privilege. Instruct you not to answer. A. I’ll assert privilege. Q. (By Mr. Dunn) Why is it that Senator Fraser, after having been asked in 2007 to carry House Bill 218, why is it that he continued to hold the issue and push it in future sessions? MR. FREDERICK: Object on the basis of legislative privilege. To the extent that it — that the question calls for subjective mental impressions, thought process or confidential communications, I instruct you not to answer. If you can answer based on nonprivileged matters including public statements or core testimony, you can do so. A. I think I can say that Senator Fraser has said consistently, public record or public meetings, that he believes that the issue of in-person voter fraud and protecting the integrity of our elections was important, and he wanted to continue to fight.</td>
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Q. (By Mr. Dunn) And he came to that conclusion sometime in or around the spring of 2007 when he was asked to support House Bill 218?

MR. FREDERICK: Objection to the extent it mischaracterizes the prior testimony. Also object on legislative privilege. I instruct you not to answer.

A. I'll assert privilege.

Q. (By Mr. Dunn) Is it true that Senator Fraser's issue in the photo ID matter -- strike that. Senator Fraser's interest in the photo ID matter did not develop until he was approached by a member of the House?

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

A. I'll assert privilege.

Q. (By Mr. Dunn) You were asked some testimony about Section 5 of the Voting Rights Act. I'm just telling you that to sort of get you to where I'm going now.

A. Yes, sir.

Q. All right. And you mentioned something that nine states and some territories are subject to Section 5. Did I hear you correctly?

A. That was my comment. Yes, sir.

Q. Do you know how it is that those nine states and territories were made subject to Section 5?

A. My understanding is that it was part of -- back when LBJ was president, but that's as much I could speak to.

Q. In other words, you don't know if there was a formula or some kind of basis used to select the areas subject to Section 5. You're not familiar with it?

A. That's correct.

Q. Are you aware that Section 5 was applied to certain areas because of the history of discrimination?

A. It's my understanding that that was the intent. Yes, sir.

Q. And do you deny that there's a history of discrimination in Texas?

A. No, sir.

Q. When is it that you think, if you do, that the discrimination in Texas stopped?

A. I don't recall that there being discrimination in my life -- well, in my adult lifetime.

Q. So sometime in your adolescence is when that problem was solved in your view?

MR. FREDERICK: Objection, to the extent it misstates the testimony. You can answer.

MR. DUNN: I'll rephrase.

Q. (By Mr. Dunn) When in your view was racial discrimination in Texas resolved?

A. I don't know.

Q. Okay. But in any event, in your opinion, we're at the point now where federal laws are not required to protect minority citizens in Texas?

MR. FREDERICK: You may answer to the extent that --

A. My personal opinion is federal law is not necessary to protect minority voters in Texas.

Q. (By Mr. Dunn) But you believe that minority citizens have an equal opportunity to vote as Anglos or anyone else?

A. That they do?

Q. Yes, ma'am.

A. Yes, sir.

Q. Okay. That is -- that sort of belief, the belief that everybody that's an American citizen has an equal vote is also part of the law in the constitution, the federal constitution; is that true?

A. Yes, sir.

Q. All right. So when you draft legislation, whether it's on elections or anything else for the -- Senator, do you keep that concern in mind to make sure you're complying with that provision of the constitution?

A. I --

MR. FREDERICK: Object on the basis of legislative privilege, and instruct you not to answer.

A. I'll assert privilege.

Q. (By Mr. Dunn) Do you believe that -- this is -- I'm going to make sure I'm clear about this. If you're confused, ask me. But do you believe that government, whether it's state or federal, is capable of disenfranchising a citizen? I beg your pardon?

A. I'm sorry. I'm just thinking in my head.

Q. Oh.

A. What do you mean by "disenfranchising"?

Q. Well, let's say the federal government passed a law that said that people with blue eyes can't vote any longer.

A. So we're specifically talking about elections?

Q. Yes. Uh-huh. Such a law would disenfranchise voters. Would you agree?

A. If you had blue eyes, yes, sir.

Q. All right. You and I share that trait. That's why I picked that one.

A. Maybe we shouldn't be voting.

Q. Well. We probably -- well, I won't even say.

A. All right. With respect to -- there have been laws over the years that have caused voters to be
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<td>1. disenfranchised; would you agree?</td>
<td>1. knowledge, as you sit here today, not based on that, you may answer.</td>
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<td>2. A. Previous, yes.</td>
<td>3. A. So the question is?</td>
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<td>3. Q. For example, requiring a voter to pay a poll tax. Would you agree that resulted in disenfranchise?</td>
<td>4. Q. (By Mr. Dunn) The question is, what is your opinion as to whether or not Senate Bill 14 places some burden on voting?</td>
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<td>4. A. Yes.</td>
<td>5. A. I don't believe it imposes an additional burden on voting that makes it hard for anybody to vote.</td>
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<td>6. Q. Laws that require voters to take a literacy test. Would you agree that was disenfranchising?</td>
<td>7. A. Q. And so I just want to make sure I understand.</td>
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<td>8. A. Yes.</td>
<td>9. You don't think that there's any burden, or you think that the burden is insignificant?</td>
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<td>9. Q. Do you believe that government can make voting so onerous that it becomes a disenfranchisement?</td>
<td>10. A. I think the burden is insignificant.</td>
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<td>11. MR. FREDERICK: Object as vague, but if you have an opinion, you can answer it.</td>
<td>12. Q. All right. And so whereas a burden that would come from a poll tax or a literacy test is some degree higher -- well, let me just strike that.</td>
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<td>13. A. I don't believe the government would do that.</td>
<td>14. Where do you draw the line between the burden of a poll tax, for example, and the burden created by the photo ID requirement?</td>
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<td>14. Q. Fine. But if it did, it could become disenfranchising?</td>
<td>15. MR. FREDERICK: Object as vague.</td>
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<td>15. A. I think the government could do a lot of things that are bad and does.</td>
<td>16. A. I don't know that I personally believe that the burden of having a photo ID is a burden or having a photo ID is a burden.</td>
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<td>16. Q. So is it your opinion that Senate Bill 14 as passed has no effect on the difficulty in voting in Texas?</td>
<td>17. Q. (By Mr. Dunn) I see. All right. Well, have you worked on -- you staffed State Affairs for some period of time I think you said, right?</td>
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<td>18. MR. FREDERICK: I'll object only to the extent that the question seeks your mental impressions, thoughts processes related to the development of SB 14 and any confidential communications. As you sit here today, you may answer based on personal knowledge or opinion.</td>
<td>19. A. Yes, sir.</td>
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<td>20. Q. (By Mr. Dunn) All right. And that's fair enough, but that's a slightly different answer to a different question.</td>
<td>21. Q. And State Affairs in the Senate is where most election bills go through unless --</td>
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<td>21. I'm asking: Do you believe that Senate Bill 14 puts some burden on voting that wasn't there before?</td>
<td>22. A. Yes.</td>
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<td>22. MR. FREDERICK: Same objection and instruction.</td>
<td>23. Q. -- there's a special rule set up?</td>
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<td>25. THE WITNESS: Can I? Is that what --</td>
<td>25. Q. All right. In this case, Senate Bill 14 didn't go through State Affairs because the Committee of the Whole was created; is that true?</td>
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<td>26. MR. FREDERICK: No. Let me repeat it just so I'm clear to you.</td>
<td>27. A. That's true.</td>
</tr>
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<td>27. THE WITNESS: Okay.</td>
<td>28. Q. But typically, the committee with senators who have the background and knowledge about election matters are in State Affairs?</td>
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<td>28. MR. FREDERICK: I object based on legislative privilege, only to the extent the question seeks your thoughts or Senator Fraser's thoughts or mental impressions about SB 14 during the process of development and passage or any confidential communications --</td>
<td>29. A. Yes, sir.</td>
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<td>29. A. Okay.</td>
<td>30. Q. There have been a number of bills that have been passed by the state legislature in the last several sessions that relate to election laws. Is that true?</td>
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<td>30. MR. FREDERICK: -- related to it. To the extent that you have a personal opinion or personal</td>
<td>31. A. Yes, sir.</td>
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<td>31. Q. Are you familiar with bills that have created new requirements for deputy voter registrars in Texas?</td>
<td>32. Q. There have also been a number that relate to voter registration; is that true?</td>
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<td>32. A. Not specifically, no.</td>
<td>33. A. Yes, sir.</td>
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<tr>
<td>33. Q. All right. Are you familiar with any bills</td>
<td>34. Q. Are you familiar with bills that have created new requirements for deputy voter registrars in Texas?</td>
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<td>1. that create additional burdens in order to become registered to vote in Texas?</td>
<td>1. in advance of the last legislative session, did they not, with respect to information that had to be provided to get a driver's license or ID?</td>
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<td>2. A. I don't recall that we passed anything about registering to vote since HAVA or that doesn't comply with HAVA.</td>
<td>2. A. I think that's correct. Yes.</td>
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<td>3. Q. So if things have been passed since then, you just don't recall it?</td>
<td>3. Q. So is it your opinion that as DPS continues to add requirements to getting a driver's license or an ID, that doesn't create a burden, even ever so slight, to voting?</td>
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<td>4. A. That's correct.</td>
<td>4. A. Well, Senate Bill 14 provides with other forms of ID, so you could use one of those forms, those five other forms, four other forms, to vote if you didn't want to get a driver's license.</td>
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<tr>
<td>5. Q. Now, could you see a scenario where the -- and I'm using your language, the insignificant burden of SB 14 added on to a burden of voter registration, added on to a burden of deputy registrars, could add up to disenfranchisement in time?</td>
<td>5. Q. So if the state, whether it be through the legislature, the agency makes it extremely difficult to get a driver's license, that's not a burden, in your view, because there are other IDs that can be obtained.</td>
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<td>6. MR. FREDERICK: Objection. calls for speculation. You can answer if you can.</td>
<td>6. Do I have that right?</td>
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<td>7. A. I don't know what the changes were to voter registration and deputies, so I cannot answer the question.</td>
<td>7. MR. FREDERICK: Object to the extent it mistakes prior testimony. You can answer.</td>
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<tr>
<td>8. Q. (By Mr. Dunn) But you would agree that if we take stacks of hairs and we continue to stack the hairs, sooner or later we'll get to the thickness of a quarter?</td>
<td>8. A. I don't -- can you say that, can you repeat your question?</td>
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<td>10. A. I don't believe that Senate Bill 14 was passed in a vacuum, and I think we recognized what the rest of</td>
<td>10. (Requested portion read back by the court reporter.)</td>
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<td>1. the election code did when we passed it.</td>
<td>1. MR. FREDERICK: Object, again, as vague. Object to the extent it mischaracterizes the prior testimony. And object, it calls for speculation.</td>
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<td>2. Q. (By Mr. Dunn) So it's your testimony then that whatever burden, if there is one on Senate Bill 14, does not add into other burdens if there are in state law to the right to vote?</td>
<td>2. But you can answer.</td>
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<td>3. MR. FREDERICK: Object to the extent it mischaracterizes prior testimony, but you can answer.</td>
<td>3. (Cell phone buzzes.)</td>
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<td>4. A. I don't know that I said there were other burdens. So, I mean.</td>
<td>4. Q. (By Mr. Dunn) Do you need to deal with that?</td>
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<td>5. Q. All right. What burdens are there, if any, to the voting in Texas?</td>
<td>5. A. I need to just turn it off.</td>
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<td>6. A. I don't believe there are any burdens currently to voting in Texas.</td>
<td>6. Q. I know you have twins. If you need to get it.</td>
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<td>7. Q. Are you familiar with new regulations adopted by the Department of Public Safety relating to documents required to be presented in order to get an ID or driver's license?</td>
<td>7. A. No. My husband has them.</td>
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<td>8. A. I have recently read news clips saying they did that. Yes, sir.</td>
<td>8. I don't know that what we -- what DPS has done is a burden in terms of getting a driver's license. And I believe that Senate Bill 14 provided with other mechanisms if you didn't want to use a driver's license as a photo ID to vote.</td>
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<td>9. Q. These are new regulations that came out May the 1st. Is that true?</td>
<td>9. Q. All right. Well, did you or anybody in your office have any coordination with DPS and its adoption of regulations relating to obtaining a driver's license or ID?</td>
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<td>10. A. I don't know the date, but recent. Yes, sir.</td>
<td>10. A. No.</td>
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<td>11. Q. Very recently?</td>
<td>11. Q. Are you aware of any impediments to DPS through its rule-making authority to create other requirements for folks to bring in order to obtain one of these state IDs?</td>
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<td>13. Q. DPS also adopted some new regulations shortly</td>
<td>13. Q. So then it would be true that even under the</td>
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1 current sort of situation and regulation in which we're 2 judging Senate Bill 14, that could easily change should 3 DPS decide to alter its regulations?
4 MR. FREDDERICK. Objection, calls for 5 speculation, but you can answer.
6 Q. I don't think I can answer the question. I 7 can't speculate what DPS will or won't do.
8 A. (By Mr. Dunn) I don't think I was asking you 9 to speculate.
10 A. Okay.
11 Q. I guess all I was asking is since DPS 12 regulations are as fluid as DPS wants to create rules, 13 you would agree with me the effect of Senate Bill 14 14 will change as those requirements change?
15 A. I disagree because DPS has to operate within 16 statute, and if statute is clear, then DPS rules can't 17 go beyond that.
18 Q. Was there anything in Senate Bill 14 that 19 authorized DPS to require documentation of 30-day 20 residency in order to get a voter ID or a driver's 21 license?
22 A. No, sir.
23 Q. So do you know what their statutory authority 24 was for doing that?
25 A. No, sir.

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1 Q. If there was statutory authority, it would have 2 had to come from somewhere other than Senate Bill 14? 3 A. That's correct.
4 Q. All right. Now, I'd like to ask you a little 5 bit about the 21-vote rule. And I understand that you 6 say it's not a rule, so I'm not trying to put the word 7 "rule." How do you want to refer to it, the 21-vote 8 tradition?
9 A. We can call it a rule if you'd prefer, if that 10 makes it easier for you.
11 Q. All right. A bill or measure in the Senate in 12 order to pass out of the body under typical rules and 13 traditions requires 21 votes, if all 31 senators are 14 present?
15 A. It requires -- yes, sir, if all 31 senators are 16 present. Yes, sir.
17 Q. All right. And if there's some number below 31 18 senators, then two-thirds of the number who are present 19 is required, so long as there's a quorum; is that true?
20 A. Yes, sir.
21 Q. What measures can you recall in your 14 or so 22 years of experience have been passed out of the Senate 23 without complying with the two-thirds tradition?
24 A. Besides photo ID, I don't know of any.
25 Q. Now, you gave some testimony earlier -- well.

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1 strike that.
2 The 31 senators who are in the Senate are 3 the only people eligible to vote in the Senate. Seems 4 like a silly question, but that's true, is that right?
5 A. That's true.
6 Q. All right. So you either have to convince the 7 requisite number of those senators to support your 8 measure or you have to somehow change the electorate; is 9 that true?
10 A. Change the electorate. I don't understand.
11 Q. These 31 senators. You either got to convince 12 --
13 A. Right.
14 Q. -- two-thirds or a majority, whatever you 15 need --
16 A. Right.
17 Q. -- or you got to beat a senator or two in an 18 election?
19 A. That's correct.
20 Q. As I understand earlier forms of photo ID, 21 because there wasn't the two-thirds vote in the Senate, 22 the maneuver then was to have the vote when one senator 23 who opposed the bill was missing; is that true?
24 A. Yes.
25 Q. And that happened on at least one occasion when

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1 Senator Uresti was not around?
2 A. In terms of voter ID, yes.
3 Q. And it was senators, I'm not asking you to 4 identify whom, but it was senators who came up with this 5 maneuver of trying to get a bill through when there 6 wasn't two-thirds of them -- when you didn't have a 7 senator present.
8 MR. FREDDERICK. I'll object on legislative 9 privilege. Instruct you not to answer it.
10 MR. DUNN. Okay. And I'm not talking 11 about Senate Bill 14. I'm talking about process in 12 general in the Senate. So is it your -- is it your 13 instruction to her, she can't talk about the two-thirds 14 rule in general?
15 MR. FREDDERICK. No. That's not my 16 instruction to her.
17 MR. DUNN. Oh, okay. All right. I just 18 didn't want to keep asking the same question.
19 MR. FREDDERICK. No, no, I hear you.
20 Q. (By Mr. Dunn) All right. So -- let me just 21 start over.
22 Your experience there in the Senate is 23 that senators occasionally will wait for an opponent 24 senator to not be in the chamber in order to pass a 25 bill?
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A. Yes, sir.
Q. All right. And the hope then is to get the bill passed and get two-thirds while this other senator is out of the room?
A. Yes, sir.
Q. And sometimes it might take a couple of senators out of the room; is that true?
A. Yes.
Q. There's a tradition in the Senate, though, on big and large and hot button measures that senators ask the chair that a bill not come up when they have to be away from the Senate; is that true?
A. It has been done, to my knowledge, yes.
Q. (By Mr. Dunn) And now where's where I'll get his objection. All right.
Do you know if Senator Uresti asked whoever was in the Lieutenant Governor's chair, don't bring up this bill while I'm out of the chamber?
MR. FREDERICK: I'll object on legislative privilege, to the extent it calls for confidential communication from a legislator or staff, or -- yeah, but to the extent it's in the public record or the Senate, you may answer.

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A. I don't know Senator Uresti's discussions with Governor Dewhurst's office.
Q. (By Mr. Dunn) Now, senators who have it in their intent when they pass a bill, to try to get the bill passed without another member present, that senator could also have the intent to conduct elections in Texas where certain members can't participate?
MR. FREDERICK: Objection, calls for speculation.
A. I disagree.
Q. (By Mr. Dunn) Have you ever done any research or been presented any data as to whether or not there's racially polarized voting in Texas?
MR. FREDERICK: I'll object, legislative privilege, to the extent that you have performed any such research in connection with pending legislation. I'm instructing you not to answer on the basis of legislative privilege.
A. I'll assert privilege.
MR. DUNN: So even sitting -- not talking about Senate Bill 14, just in general, are you familiar with whether or not there's racially polarized voting in Texas, you're instructing her not to answer on that?
MR. FREDERICK: No.
MR. DUNN: Okay.