IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

In re: State of Texas, Rick Perry in his Official Capacity as Governor of Texas, John Steen in his Official Capacity as Texas Secretary of State, Steve McGraw,

Petitioners

Petition for a Writ of Mandamus to the
Southern District of Texas, Corpus Christi

Veasey-LULAC Plaintiffs-Respondents' Brief in Opposition to the Emergency Motion to Stay Final Judgment Pending Appeal

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CERTIFICATE OF INTERESTED PERSONS

Counsel of record certifies, pursuant to the fourth sentence of Fifth Circuit Rule 28.2.1, that the persons and entities as described in the Petition For Writ of Mandamus, Or In The Alternative, Emergency Motion To Stay Final Judgment Pending Appeal And Motion For Expedited Consideration, are an accurate reflection of the persons and entities that have an interest in the outcome of this case who were parties and/or counsel below. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

/s/ Chad W. Dunn
Chad W. Dunn

ARGUMENT

This memorandum focuses on two topics relevant to the stay application: (1) irreparable injury, including the question whether there will be more confusion by enforcing or enjoining SB 14, and also including the grievous injury to the public interest that would result from enforcing a law found to be racially discriminatory; (2) likelihood of success on the merits, including recognition that SB 14 is not a "neutral" law but results from decisions by Texas to divide voters into two classes, and how this division affects the four claims on which the district court ruled.[1]

I. IRREPARABLE INJURY AND CONFUSION

The Supreme Court has held that the confusion of voters and election officials is an important injury to be considered in deciding whether to allow enforcement of a statute. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006).[2]

Appellate courts have uniformly refused to find that enjoining or enforcing a law depends on whether the law was struck down, instead examining the district court's factual findings to determine whether enjoining or enforcing the law would minimize confusion. Thus, the "avoiding confusion" rule led the Supreme Court in *Purcell* to allow enforcement, *Purcell*, 549 U.S. at 8, but in *Frank v. Walker*, 574 U. S. ____ (2014), the Court recently refused to stay the

[1] This memorandum is likely the only one that will discuss the poll tax claim.

[2] Although the Court did not explain its reasoning, recent Supreme Court orders likely reflect a similar concern. *See Frank v. Walker*, 574 U. S. ____ (2014) (denying stay pending appeal); *North Carolina v. League of United Latin American Citizens*, 574 U. S. ____ (2014) (granting stay pending appeal); *Husted v. NAACP*, No. 14A336, Order Granting Stay Pending Appeal (Sep. 14, 2014) (same).

district court's injunction (entered after a full trial), and even took the unusual step of setting aside a court of appeals stay of the injunction. *See Frank*, 574 U. S. at ____.[3]

Here, the State has made no real attempt to compare confusion under the injunction with confusion under SB 14. Instead, the State merely recites the word "confusion" as a talisman and misrepresents the facts presented to the district court.[4] The evidence presented at trial and other facts available now show that more confusion would result from enforcement of SB 14 than will result from the district court's injunction.[5]

Before enactment of SB 14, Texas required voters to identify themselves at the polls using their registration cards or a wide variety of other documents. SB 14 narrowed the documents that would suffice to identify a voter, but all SB 14 photo IDs, including the EIC,

[3] Insofar as the state argues that this Court is bound to follow *Purcell*, a voter ID case, it is worth pointing out several things. First, *Purcell* expressed concern about conflicting court orders, *Purcell*, 549 U.S. at 4-5, but here there will be conflicting court orders only if this Court grants a stay. Second, the district court opinion, over 140 pages long, clearly and convincingly demonstrates the problems with allowing the state to enforce SB 14, whereas in *Purcell* the Ninth Circuit opinion contained no "fact findings or indeed any reasoning of its own" even though it reversed the district court. *See id*. at 7-8. Third, in *Purcell* the Court explained that the Ninth Circuit had failed properly to defer to the district court's findings, whereas here the district court's findings favor denying a stay. *Id.* at 7. Finally, and most importantly, no court in *Purcell* had ever found that the law was intentionally discriminatory or constituted an unconstitutional poll tax.

[4] It would take pages and pages to highlight all the inaccuracies of the State's Petition and this Court would be well served to stick with the thoroughly documented trial court opinion for details on the true facts. However, to take one example, the state claims that "There were no reports of disenfranchisement." Pet. at 2. This statement is a flagrant falsehood. The state simply ignores that several Plaintiffs have *already* been rejected from voting despite efforts to obtain an EIC. Dist. Ct. Op. at 68 (e.g., Bates, Bingham & Carrier). If the state has not seen "reports" of disenfranchisement, it is because it is not looking; the state's own Director of Elections testified that he had no need for information concerning the number of ID related provisional ballots cast to date. Trial Tr. 391:19-21 (Sept. 10, 2014) (Ingram). The State ignores the hundreds of ID related provisional ballots cast (and not tabulated) by voters who lack SB 14 ID. What is worse is the State again chooses to ignore the testimony of the Director of Election for the SOS who said the implementation of SB 14 was like "building the airplane while we were flying it." Tr. 362:23-24 (Sept. 10, 2014) (Ingram). The confusion-creating disaster which has been the SB 14 implementation was confirmed by the trial court (Dist. Ct. Op. at 68) and is confirmed by the election administrators of Bexar, Dallas, El Paso, Presidio and Travis Counties in their declarations attached as App'x. A, B, C, D & E each of whom opine that implementation of SB 14 this election would cause more confusion than returning to the prior law.

[5] It should be noted that the State is rushing to enforce SB 14 even though the large majority of current photo ID holders do not meet the standards of SB 14. Specifically, while a recent law requires driver's license holders to present documentary proof of U. S. citizenship, that law is being phased in over a six-year period, with the result that three-quarters of all current Texas driver license holders who are listed as U. S. citizens (14+ million out of 18+ million) have not presented such documentary proof, yet their photo IDs are valid now. *See* Defs.' Responses to Pls. 2d Interrogs. (Response 2). By contrast SB 14 and its regulations have required all EIC applicants to meet this requirement without delay. Dist. Ct. Op. at 69–70.

would qualify under the old law. *See Veasey v. Perry*, slip. op. at 13-14 (S.D. Tex. Oct. 9, 2014) [hereinafter "Dist. Ct. Op."]; TEX. ELEC. CODE § 63.001(b) (allowing use of any "form of identification containing the person's photograph that establishes the person's identity").

Thus, denying the stay would allow both people presenting SB 14-compliant IDs and people presenting IDs authorized under the old law to vote. By contrast, staying the court's injunction would disenfranchise the approximately 600,000 voters who do not have an SB 14 ID (minus some tiny number who may have obtained one since the trial record was compiled).

Moreover, a poll official trying to enforce SB 14 could not rely on logic and good sense to determine what is a valid ID. The district court found that the legislature picked and chose which IDs will be accepted and which will not, without regard to whether the ID is a reliable indicator of the voter's identity. *See generally* Dist. Ct. Op. at 18–23. For instance, employees of private contractors of the U. S. Defense Department may use their photo IDs to vote, but Defense Department civilian employees may not. Appellee Mark Veasey can use his congressional photo ID to access highly secure government installations but cannot use that same ID to vote in Texas. SB 14 also contains a "substantially similar name" requirement. Under the statute and regulations, if a voter's name on the registration rolls is not sufficiently similar to the name on the SB 14 photo ID card presented, that voter cannot vote no matter how many reams of records are presented. *See* Dist. Ct. Op. at 18–19. By contrast, the old law was intuitive in the sense that it allowed virtually any document that reasonably confirmed a voter's identity to be used. Under the district court's injunction, perhaps some poll officials in some isolated precincts might mistakenly turn a registered voter away because the voter fails to comply with SB 14, but this voter would also be disenfranchised were this Court to issue a stay.

Other Appellees convincingly describe the confusing implementation that has in fact occurred as a result of SB 14 and why the district court's injunction actually decreases confusion. The Veasey/LULAC Appellees incorporate those discussions by reference and emphasize that the district court's factual findings about confusion are entitled to deference. *See supra* at 2 n.3 & 4.

Even if this Court determines that the injunction creates confusion, there is another crucially important interest mandating that it remain in effect: the public interest in avoiding the purposeful racial discrimination that the district court has found to infect SB 14.

As reflected in our Constitution, our nation professes to believe that nothing is more odious than official racial discrimination. Governmental acts motivated even in part by a racially discriminatory purpose "have no credentials whatsoever." *City of Richmond v. United States*, 422 U.S. 358, 378 (1975). Enforcing an odious act of racial discrimination injures not only the Appellees and the entire public, but also the State of Texas itself.

A court should hesitate to sanction enforcement of a law found to be racially discriminatory without the clearest showing that the finding would be overturned on appeal—otherwise, the discriminatory act carries the imprimatur of not only the legislature and governor but of the federal judiciary as well. For this reason, a stay pending appeal in a case where racial discrimination has been found in a final judgment after a full trial is virtually unheard-of.[6] None

[6] Counsel for Veasey/LULAC Appellees are aware of only one case in which such a stay was entered after a finding of intentional discrimination, and that case demonstrates the uniqueness of such a stay. In *Rogers v. Lodge*, 458 U.S. 613 (1982), the Supreme Court granted a stay pending appeal after the district court had held that Burke County, Georgia's at-large election system "had been maintained for the purpose of limiting Black participation in the electoral process." *Lodge v. Buxton*, 639 F.2d 1358, 1361–62 (5th Cir. Unit B 1981). But that was one of the earliest cases during the period when the Supreme Court was fashioning the rules for determining racially discriminatory purpose, see *City of Mobile v. Bolden*, 446 U.S. 55, 62 (1980); *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp*., 429 U.S. 252, 264–68 (1977). As such the very uncertainty of the evidentiary rules led to a stay that would not have been granted at another period. Moreover, the at-large

of the voter ID cases cited by Appellants and none of the decisions recently stayed by the Supreme Court involved findings of racially discriminatory purpose.

II. LIKELIHOOD OF SUCCESS ON THE MERITS

Texas starts with an assumption that because most people have driver's licenses, a voter ID law focusing on driver's licenses is somehow neutral. Such a law may or may not be valid, but it is not neutral. By picking and choosing between types of photo ID, Texas divided registered voters into two classes: one class already in compliance with SB 14 without having to take any further action, and the other class disfranchised unless they took specific actions. This was a division into a favored class and a disfavored class.

Using driver's licenses as the base predictably loaded the disfavored class with those who lack licenses: the poor, elderly, and, most significant, racial minorities. The State exacerbated this problem by narrowing the categories of acceptable photo IDs in ways that favored white voters and disfavored racial minorities. *See* Dist. Ct. Op. at 131. Expert testimony has shown that several hundred thousand more minority voters are in the disfavored class than random selection would produce. *See* Dist. Ct. Op. at 50–59.

Dividing the public into favored and disfavored classes is justified only to the extent either that the favored class mirrors the relevant pool (say, registered voters), which is obviously not done here, or that the process of moving into the favored class—*i.e.*, the process of acquiring

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election system at issue in that case had been in effect since 1911, decreasing the urgency of demanding change prior to appellate review. *See Rogers*, 458 U.S. at 615. And the district court had ordered the county to conduct a special election in 1978 under a new court-drawn district map rather than first providing the county an opportunity to draw its own map. *See Lodge*, 639 F.2d at 1361 –62 & n.4; *see also, e.g.*, *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978) (holding that courts should "make every effort" to allow legislatures to draw maps in the first instance). In any event, the Supreme Court ultimately agreed with the district court that the at large election system had been maintained with a discriminatory purpose. *See Rogers*, 458 U.S. at 622–23.

an acceptable photo ID—is made truly convenient. But the State enacted barriers to acquiring a valid photo ID. The State offers EICs only at very few locations (and not, for example, at the three-hundred county registration offices) and gives DPS a free hand to adopt inappropriate requirements for obtaining an EIC. *See* Dist. Ct. Op. at 67–78.

These choices and the resulting non-neutrality of SB 14 have had consequences affecting each of the claims decided by the district court. Other Appellees deal extensively with claims other than the poll tax claims, which is dealt with in detail below. A brief reference to how SB 14's picking and choosing affects each of the claims is as follows:

1. Discriminatory purpose. The district court heard massive evidence on each of the *Arlington Heights* factors, *see Village of Arlington Heights*, 429 U.S. at 265-68, but most noteworthy were the repeated choices the legislature made to benefit Anglo voters and/or disadvantage minority voters. Dist Ct. Op. at 126-34. The district court was amply justified in finding all the evidence portrayed a classic case of purposeful discrimination on account of race. *See Miller v. Fenton*, 474 U.S. 104, 113 (1985) (finding that an "inquiry into state of mind" constitutes "a question of fact" even if "its resolution is dispositive of the ultimate constitutional question"); *Dayton Board of Education v. Brinkman*, 443 U.S. 526, 534 (1979) (applying clear error standard to district court finding of intentional discrimination).

2. Section two VRA results test. As recognized by Rep. Todd Smith, chair of the House Committee, and as the district court found, Texas knowingly and deliberately passed a law that disfavored racial minorities. *See* Dist. Ct. Op. at 24–38; Trial Tr. 345:22-346:6 (Smith) (Day 5) (calling it a "matter of common sense" that minorities would disproportionately lack SB 14-compliant IDs). Even putting aside the district court's finding of intentional discrimination, the

fact that the state knowingly distinguished between Anglo and minority voters is enough to satisfy the section two results test. As the district court found, the intersection of the law and historical patterns of discrimination is plainly not happenstance but was the result of deliberate choices made by the legislature.

3. Constitutional right to vote claim. This as applied claim does not challenge the entirety of SB 14 but argues that the law—while perhaps valid for those voters who have a designated photo ID—is invalid as applied to those voters whom the legislature de-selected. Thus, the proof of the narrowness of the permissible categories of IDs (contradicting the bill's supporters' specious claim that this law was just like Indiana and Georgia) and the substantial burdens that the State has imposed on the deselected class of voters adds up to a violation under the balancing test of *Anderson-Burdick*. *See Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 800–01 (1983).[7] The district court acknowledged that a remedy limited to voters disfavored by SB 14 might be appropriate for this as applied claim (as well as the poll tax claim) but the facial challenges demanded a facial remedy. *See* Dist. Ct. Op. at 142–43.

4. Poll Tax. Under SB 14, the only nominally free photo ID (possibly excepting the military ID) is the Election Identification Certificate, or EIC, yet state regulations nullify its so-called "free" availability. Specifically, as the district court found, under state regulations obtaining the EIC requires one of a limited list of documents, of which only a certified copy of a birth certificate is available to the general public. Attempting to make the birth certificate free,

[7] Appellants' claim—repeatedly made in the district court as well—that *Crawford v. Marion County*, 553 U.S. 181 (2007), validates this law is a reflection of the legislature's apparent mistaken view that because of *Crawford* any photo ID law is constitutional, no matter how pernicious or discriminatory.

the State has created the so-called EIC birth certificate, for which it has eliminated administrative fees, but not the $2 statutory fee (which may be increased to $3 by local officials). *See* Dist. Ct. Op. at 22–23, 70.[8] Since the EIC birth certificate cannot be used for any purpose other than voting, it is a state-mandated prerequisite for voting, *i.e.*, a $2 ticket of admission to the voting booth.[9]

Finding this sort of mandatory fee unconstitutional is consistent with other cases, most of which Appellants have chosen not to cite to this Court. Most recently, the Wisconsin Supreme Court, while upholding most of that state's photo ID law, held that a fee for a required birth certificate operated as a poll tax, and creatively interpreted state law to eliminate the fee. *Milwaukee Branch v. Walker*, 851 N.W.2d 262, 277 (Wis. 2014). The Seventh Circuit recognized this when upholding Wisconsin's law. *Frank v. Walker*, No. 14-2058, slip op. at 5–6 (7th Cir. Oct. 6, 2014); *see also Frank v. Walker*, No. 14-2058, Order Granting Stay Pending Appeal at 2 (7th Cir. Sep. 12, 2014) (explaining that elimination of the poll tax "reduces the likelihood of irreparable injury, and it also changes the balance of equities and thus the propriety of federal injunctive relief").

The Wisconsin Supreme Court cited several other cases holding that fees for voter identification did not constitute poll taxes only because voters could comply with the law without paying a fee. *See City of Memphis v. Hargett*, 414 S.W.3d 88, 106 (Tenn. 2013); *In re*

[8] The EIC is valid only for elections and may not be used for identification, and is so stamped on its face. *See* Dist. Ct. Op. at 22–23. The EIC birth certificate is likewise valid only for election purposes and may not be used for identification, and is so stamped on its face. *See id.* Thus, a voter who does not buy another form of photo ID (a) cannot vote without an EIC, (b) cannot get the EIC without a certified birth certificate, and (c) must pay $2-$3 for the birth certificate.

[9] Under controlling Supreme Court precedent, mandatory fees constitute taxes, *see, e.g.*, *National Federation of Independent Businesses v. Sebelius*, 132 S.Ct. 2566, 2595 (2012) (compiling cases), and it is unconstitutional for states to make payment of a tax a precondition to voting, no matter how small the tax, U.S. Const. Amnd. 24; *Harper v. Virginia State Board of Elections*, 383 U.S. 663, 668 (1966).

Request for Advisory Opinion Regarding Constitutionality of 2005 PA 71, 740 N.W.2d 444, 463-66 (Mich. 2007). This was also the case in Georgia, where the initial photo ID statute was struck down as a poll tax, *see Common Cause/Georgia v. Billups*, 406 F. Supp. 2d 1326, 1366–70 (N.D. Ga. 2005), and where the amended statute was upheld only because the legislature eliminated all statutory fees. *See Common Cause/Georgia v. Billups*, 554 F.3d 1340, 1346–47 (11th Cir. 2009).[10]

The only case cited by Appellants is the Arizona case, *Gonzalez v. Arizona*, 677 F.3d 383 (9th Cir. 2012), but that case likewise involved free alternatives. The district court held that a voter could present a "wide variety" of identification documents at the polls, such as free official mail. *Gonzalez v. Arizona*, No. 06-1268, 2006 WL 3627297 at *6 (D. Ariz. Sep. 11, 2006). Here Texas' regulations make the fee-pay birth certificate a prerequisite for voting for many of the Appellees and the public. Moreover, in *Gonzalez* the Ninth Circuit distinguished *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), on the ground that it required a showing of "invidious intent." *Gonzalez*, 677 F.3d at 408–09. This reading of *Harper* is demonstrably wrong, since, under *Harper*, "the requirement of fee paying *causes* an invidious discrimination that runs afoul of the Equal Protection Clause." *Harper*, 383 U.S. at 668 (emphasis added).

Appellants note that they could eliminate the birth certificate fee by statute (or possibly by regulation or administrative practice). State Emergency Motion at 34. This might well end the poll tax, but even if the State somehow crafts a statutory fix at the eleventh hour without a legislature in session, voters would need time and opportunity to learn that the EIC is truly free

[10] *Crawford* did not confront a poll tax claim but observed that "[t]he fact that most voters already possess . . . acceptable identification[] would not save the statute under our reasoning in Harper, if the State required voters to pay a tax or a fee to obtain a new photo identification." *Crawford*, 553 U.S. at 198 (emphasis added)).

and to obtain it. Thus, an injunction for this election would still be appropriate. In Georgia, after the district court determined that the original voter ID law constituted a poll tax, the state sought a stay (as Appellants do here) because of the imminence of elections, and the Eleventh Circuit denied the state's stay petition. *See Common Cause/Georgia*, 554 F.3d at 1346–47 (describing these holdings).

III.CONCLUSION

For the reasons above this court should deny the stay because it would maintain the confusion caused by SB 14 and because the injunction will allow the 2014 elections to go forward under the principles of true democracy.

Dated this 12th day of October, 2014.

Respectfully submitted,

/s/ Chad W. Dunn

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CERTIFICATE OF SERVICE

I hereby certify the foregoing Appellant's Brief has been electronically filed in the office of the Clerk for the United States Court of Appeals for the Fifth Circuit by electronic mail and service of a true and correct copy of the same has been provided to counsel also by electronic mail on this, the 12th day of October, 2014.

/s/ Chad W. Dunn
Chad W. Dunn

CERTIFICATE OF COMPLIANCE

Pursuant to 5th Circuit R. 32.2.7(c), the undersigned certifies this brief complies with the type-volume limitations of 5th Cir. R. 32.2.7(b).

I. EXCLUSIVE OF THE EXEMPTED PORTIONS IN 5TH CIR. R. 32.2.7(b)(3), THE BRIEF CONTAINS:

A. 4,558 words, which is less than 1/3 of the 14,000 word limitation permitted in a 30 page brief as required under 5th Cir. R. 32(a)(6)&(7) and as reduced in the order entered of October 11, 2014 entered in this case.

/s/ Chad W. Dunn

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

In re: State of Texas, Rick Perry in his Official Capacity as Governor of Texas, John Steen in his Official Capacity as Texas Secretary of State, Steve McGraw,

Petitioners

Petition for a Writ of Mandamus to the
Southern District of Texas, Corpus Christi

APPENDIX A

Declaration of Dallas County Election Administrator

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

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

DECLARATION OF ANTOINETTE 'TONI' PIPPINS-POOLE

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Antoinette "Toni" Pippins-Poole. I am the Elections Administrator for Dallas County. My duties include the administration of elections and maintenance of election and voter registration records. I have held my current position since 2011. Before holding my current post I was the Assistant Election Administrator for Dallas County for 23 years. January will mark my 26th year of professional experience in elections.
2. Upon learning that the U.S. District Court for the Southern District of Texas would enjoin SB 14, the TX photo ID bill, my office immediately took the following steps to comply with the court's order: Starting October 10, 2014, my office initiated various communications to election workers, the media, and members of the public informing them that SB 14 would be enjoined for this election and that a photo ID may not be required to vote in the upcoming election. Our office has conducted two training classes for election workers wherein we communicated the same and provided instruction on pre-SB14 as well as SB 14 election procedures and requirements. We have several more classes scheduled. Our training instructions are that the voter ID provisions that have been in effect for many years prior to SB 14 being implemented (i.e. the pre-SB 14 ID requirements) may be in use once again in this election. The vast majority of poll officials are very familiar with these requirements because they were in effect for many years and many poll officials administered past elections when these requirements were in effect. In addition, we saved Dallas County's voting forms and training materials that were used prior to SB 14's implementation in 2013, and we did so in case SB 14 was

enjoined. Our early voting and Election Day supply kits for election judges are being prepared for use of these forms and materials in connection with the upcoming election.

3. From talking with poll officials in my County, and having gone through several low turnout elections with SB 14 in effect, it is my opinion that there has been much confusion regarding the implementation of SB 14 and what photo IDs could be used at the polls. Some voters have been turned away or have been required to vote a provisional ballot because they lack the proper Identification even though they are duly registered voters in the County. Provisional ballots are required to be rejected if the voter fails to present SB 14 identification within six days at the Dallas County Election Office. For some voters our office is more than 30 miles away from their voting location. In addition, at training sessions held for elections administrators and poll officials over the last year, many of those poll workers have expressed confusion about the new photo ID requirements, especially with regard to expired driver's licenses, military identification and the different types of available exemptions.
4. Based on my experience with pre and post SB 14 requirements, my familiarity with the concerns of poll workers regarding what is and is not acceptable SB 14 identification, my familiarity with the concerns voiced by county voters and my decades long experience administering elections I believe that it will be less confusing and less chaotic for voters and poll officials alike if we use the pre-SB 14 ID requirements in the upcoming election. I believe that without the injunction of SB14 there will be more confusion for election officials and voters in part because based on historical patterns we are expecting this to be a higher turnout election. The implementation of SB 14 to date has caused confusion among voters and precinct level election officials. Returning to the voter identification requirements in place prior to SB 14 will result in much less confusion than SB14 in part because most of the workers in Dallas County have conducted more elections under pre SB 14 requirements and fewer voters, less than 12 percent have voted under SB14. Because Dallas County has only 30 early voting locations, we would easily be able to communicate the requirements to the polling judges prior to the start of early voting.
5. My office has communicated with several media outlets, including broadcast and print. Based on my understanding of the Court Order I informed these outlets that Dallas County will return to pre-SB 14 requirements for this upcoming election.
6. My office is in the process of distributing a mass mailing that will, among other things, inform the public that the photo ID requirements under SB 14 may not be in effect for the upcoming elections and reminding and educating individuals about pre-SB 14 requirements. Additionally, our website has already been updated to announce the same.
7. Since SB 14 went into effect last year, we have received inconsistent and confusing information about the photo law and its implementation. For example, just last week, a supervisor in our elections office noticed that the Secretary of State's office sent around training materials that incorrectly suggested that certain forms of veterans' identification lacked expiration dates. Because he is a veteran, he knows that these veterans' IDs actually have expiration dates. After he contacted the Secretary of State's office about this, the SOS office promised to look into the matter. However, the training materials sent out statewide by the SOS are erroneous on this point.
8. Based on my extensive experience with the administration of elections and familiarity with the difficulties that have been imposed on the election process by SB 14 requirements, I believe that it would be far easier for voters and poll officials to

administer effectively the upcoming elections for Dallas County using the pre-SB 14 requirements instead of SB 14's photo ID requirements. It is also the case that more voters would be disenfranchised in Dallas County if SB 14 were allowed to be in effect for the upcoming elections.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of October, 2014.

_/s/_ Antoinette "Toni" Pippins-Poole _____
Dallas County Election Administrator

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FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

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APPENDIX B

Declaration of Bexar County Election Administrator

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

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

DECLARATION OF JACQUELYN F. CALLANEN

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is JACQUELYN F. CALLANEN. I am the Election Administrator for Bexar County. I have held this position for over 9 years. I am aware the United States District Court for the Southern District of Texas, Corpus Christi Division, has entered an injunction against SB 14.
2. It would be far easier for voters and poll officials to administer effectively the upcoming elections for Bexar County using the pre-SB 14 requirements instead of SB 14's photo ID requirements.
3. Even though we have implemented SB 14 for the last few elections, we have had such a small voter turnout in these elections that the requirements of SB14 are still new for the vast majority of citizens.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of October, 2014.

/s/ JACQUELYN F. CALLANEN
Bexar County Administrator

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

In re: State of Texas, Rick Perry in his Official Capacity as Governor of Texas, John Steen in his Official Capacity as Texas Secretary of State, Steve McGraw,

Petitioners

Petition for a Writ of Mandamus to the Southern District of Texas, Corpus Christi

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APPENDIX C

Declaration of Travis County Election Administrator

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

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)
(Consolidated Action)

DECLARATION OF DANA DEBEAUVOIR

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Dana Debeauvoir. I am the County Clerk and Election Administrator for Travis County. I have held this position for almost 28 years.
2. Since SB 14 went into effect last year, we have received inconsistent and confusing information about the photo ID law and its implementation. For example, the instructions have been inconsistent on how to handle discrepancies in a voter's name when it appears differently on the voter roll than on the SB 14 approved ID, e.g., married women.
3. I agree with the Texas Secretary of State's Election Administrator, Keith Ingram's statement that Texas's implementation of SB14 has resembled building an airplane while trying to fly it.
4. It would be far easier for voters and poll officials to administer effectively the upcoming elections for Travis County using the pre-SB 14 requirements instead of SB 14's photo ID requirements. I believe It is also the case that more voters would be disenfranchised in Travis County if SB 14 were allowed to be in effect for the upcoming elections.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of October, 2014.

_/s/_ Dana DeBeauvoir_____
Travis County Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

In re: State of Texas, Rick Perry in his Official Capacity as Governor of Texas, John Steen in his Official Capacity as Texas Secretary of State, Steve McGraw,

Petitioners

Petition for a Writ of Mandamus to the
Southern District of Texas, Corpus Christi

APPENDIX D

Declaration of El Paso County Election Administrator

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

MARC VEASEY, *et al.*, Plaintiffs, v. RICK PERRY, *et al.*, Defendants.	Civil Action No. 2:13-cv-193 (NGR) (Consolidated Action)

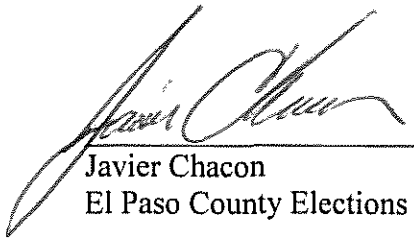
DECLARATION OF JAVIER CHACON

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is JAVIER CHACON. I am the Elections Administrator for El Paso County, Texas. I have held this position since January 2008 and have worked in the El Paso County Elections Department for approximately 31 years. I am aware the United States District Court for the Southern District of Texas, Corpus Christi Division, has entered an injunction against SB 14.
2. I anticipate there will be many more voters for the upcoming 2014 election than in recent elections, including many first time voters.
3. We have taken steps to implement the requirements of SB14, but I am concerned that many voters are still not adequately familiar with the requirements of SB14.
4. It would be far easier for voters and poll officials to effectively administer the upcoming elections for El Paso County using the pre-SB 14 requirements instead of SB 14's photo ID requirements.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11th day of October, 2014.



Javier Chacon
El Paso County Elections Administrator

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 14-41126
USDC No. 2:13-cv-00193

In re: State of Texas, Rick Perry in his Official Capacity as Governor of Texas, John Steen in his Official Capacity as Texas Secretary of State, Steve McGraw,

Petitioners

Petition for a Writ of Mandamus to the
Southern District of Texas, Corpus Christi

APPENDIX E

Declaration of Presidio County Election Administrator

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

MARC VEASY, et al.,

Plaintiffs

v.

CIVIL ACTION NO. 2:13-CV 193 (NGR)
(Consolidated Action)

RICK PERRY, et al.,

Defendants

DECLARATION OF VIRGINIA PALLAREZ

Pursuant to 28 U.S.C. §1746, I declare that:

1. My name is Virginia Pallarez. I am competent in all respects to make this Declaration. I am the Election Administrator for Presidio County. I am aware the United States District Court for the Southern District of Texas, Corpus Christi Division, has entered an injunction against SB 14.

2. It would be far easier for voters and poll officials to administer effectively the upcoming elections for Presidio County using the pre-SB 14 requirements instead of SB 14's photo ID requirements.

3. Even though we have implemented SB 14 for the last few elections, the requirements of SB 14 are still new for the vast majority of citizens.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 12th day of October, 2014.

Virginia Pallarez
Presidio County and District Clerk