

**TEXAS DEMOCRATIC PARTY AND
GILBERTO HINOJOSA, IN HIS
CAPACITY AS CHAIRMAN OF THE
TEXAS DEMOCRATIC PARTY,
JOSEPH DANIEL CASCINO AND
SHANDA MARIE SANSING**

Plaintiffs,

vs.

**DANA DEBEAUVOIR,
IN HER CAPACITY AS TRAVIS
COUNTY CLERK**

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

201st JUDICIAL DISTRICT

**PLAINTIFFS' BRIEF IN SUPPORT OF ITS
APPLICATION FOR TEMPORARY INJUNCTION**

TABLE OF DECLARATIONS

- Ex A. Declaration of Mitchell Carroll, M.D.
- Ex B. Declaration of Glen Maxey
- Ex C. Declaration of George Joseph Korbel
- Ex D. Declaration of Shanda Marie Sansing
- Ex. E. Declaration of Joseph Cascino

TABLE OF EXHIBITS

- Exhibit 1 State of Texas Election Advisory No 2020-14
- Exhibit 2 State of Texas COVID19 Disaster Proclamation
- Exhibit 3 Preparedness and Mitigation Order

Exhibit 4 Public Health Disaster by Dr. Hellerstedt

Exhibit 5 State of Texas Proclamation Suspending Election Code

* * * * *

COME NOW Plaintiffs, Texas Democratic Party and Gilberto Hinojosa, in his capacity as Chairman of the Texas Democratic Party, Joseph Daniel Cascino and Shanda Marie Sansing, individual qualified and registered voters in Travis County, who file this Application for Temporary Injunction would show the Court as follows:

I. Introduction

1. This is a simple, yet important case involving the needs of all Texans in the face of the worst crisis this State has faced in living memory. The spread of COVID 19 has destroyed our economy and has forever changed our institutions. One of the institutions most at risk because of this terrible illness is the Texas' promise of free and fair elections. Some Texas Cities, school districts, and water districts may hold their elections in the near future. Nearly all jurisdictions will be holding run-off elections on July 14, 2020. And, this Nation will elect its national, state, and many local leaders in November. Every single one of these elections is at risk. Election workers face the increased likelihood of inadvertent transmission by working at "in person" polling locations. Election authorities face uncertainty about costs, the administration of an election, and the fear of disfranchising large portions of the electorate. Finally, voters face the cruel choice of not voting or risking transmission of a potentially fatal disease.

2. Thankfully, existing state law provides that voters do not have to face the prospect of illness in order to vote. Texas law allows these persons to vote by mail: 1) voters absent from the county during the early vote period and Election Day; 2) a disabled voter; 3) a voter over the

age of 65 years of age on Election Day; and, 4) voters confined in jail. Tex. Elec. Code §§ 82.001-4. Specifically, “[a] qualified voter is eligible for early voting by mail if the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance *or of injuring the voter's health.*” Tex. Elec. Code § 82.002 (a). (emphasis added). The Plaintiffs request that this Court declare that fear of transmission of COVID 19 is sufficient for a voter to qualify as “disabled” for the purpose of obtaining a mail-in ballot in the upcoming elections. In addition, the Plaintiffs ask that this Court enjoin the Defendants and the State of Texas¹ from violating or threatening to violate the Texas Election Code by encouraging the rejection of vote by mail applications from these voters and/or (2) claiming that the vote by mail disability exemption cannot be utilized by voters under the age of 65 who are social distancing due to their physical condition of being susceptible to COVID-19.

II. Facts

A. The Plaintiffs & Defendant

3. The Texas Democratic Party (“TDP” or “the Party”) is a political party formed under the Texas Election Code. The TDP is the canvassing authority for many of the imminent run-off elections to be held on July 14, 2020. TDP is the political home to millions of Texas voters and thousands of Texas’ elected officials. The TDP expends resources in the attempt to help its voters who qualify vote by mail. TDP is injured by the Travis County Clerk and the State of Texas because of the uncertainty of the laws associated with voting by mail, the expense of financial resources used to help its members vote by mail, and the potential disfranchisement of its members.

4. Gilberto Hinojosa is the elected Chair of the TDP. He is one of the administrators of the upcoming run-off elections for the Texas Democratic Party. He is the canvassing authority

¹ State of Texas are intervenors in this action.

for the July run-off elections and is the leader of the Party by and through his statutory and rule-based powers. Chair Hinojosa is also a registered voter in Texas. Chair Hinojosa is injured by the Travis County Clerk and the State of Texas, because of the uncertainty of Texas law's regarding qualifications to vote by mail.

5. Joseph Daniel Cascino is a Travis County voter, who voted in Democratic primary election on March 3, 2020. He intends to vote by mail in the upcoming run-off elections and general elections. He is not 65 years of age. He intends to be in Travis County during the early vote period and Election Day. He has not been declared by a public authority to be physically disabled but he believes that he has a physical condition that leaves him without the ability to vote in person without the likelihood of injuring his health from COVID-19 and he wishes to vote by mail because of the risk of transmission by COVID 19 at polling places.

6. Shanda Marie Sansing is a Travis County voter, who has voted in Democratic primary & run-off elections and general elections in the past. She intends to vote by mail in the upcoming run-off elections and general elections. She is not 65 years of age. She intends to be in Travis County during the early vote period and Election Day. She has not been declared by a public authority to be physically disabled but she believes that she has a physical condition that leaves her without the ability to vote in person without the likelihood of injuring her health from COVID-19 and she wishes to vote by mail because of the risk of transmission by COVID 19 at polling places.

7. Dana Debeauvoir is the Travis County Clerk, a county public official elected by the voters of Travis County. The Travis County Clerk is the Early Vote Voting Clerk for Travis County. The Travis County Clerk has been contracted to administer the primary run-off by the Travis County Democratic Party for the July 14, 2020 run-off election.

B. Voting by Mail in Texas

8. Texas law allows voting by mail for registered voters who meet one of the qualifications stated in the Election Code. See Tex. Elec. Code Ch. 82. A voter is qualified to vote by mail if he (1) anticipates being absent from his county of residence on election day; (2) has an illness or other physical condition that disables him from appearing at the polling place; (3) is 65 or older; or (4) is confined in jail. Tex. Elec. Code §§ 82.001-4.

9. Voters apply to vote by mail with a mail ballot application sent to the early voting clerk. The early voting clerk is responsible for conducting early voting and must “review each application for a ballot to be voted by mail.” Tex. Elec. Code § 86.001(a). An early voting ballot application must include the applicant's name and the address at which the applicant is registered to vote and an indication of the ground of eligibility for early voting. Tex. Elec. Code § 84.002. Mail ballot application are certified by the applicant that “the information given in this application is true, and I understand that giving false information in this application is a crime.” Tex. Elec. Code § 84.011. It is a crime to “knowingly provide false information on an application for ballot by mail.” Tex. Elec. Code § 84.0041.

10. The early voting clerk must review each application for a ballot to be voted by mail. Tex. Elec. Code § 86.001. If the applicant is entitled to vote by mail, the clerk shall provide the voter a ballot by mail. *Id.* If the voter is not entitled to vote by mail, the clerk shall reject the application and give notice to the applicant. *Id.* A rejected applicant is not entitled to vote by mail. *Id.*

11. July 3, 2020 is the deadline for an early voting clerk to receive an application to vote by mail for the upcoming July 14, 2020 Democratic Party Run off. Tex. Elec. Code § 84.007 (c). All early voting ballots sent by mail from inside the United States that are received by 7:00

p.m. on Election Day must be counted on election night. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close on Election Day. Tex. Elec. Code § 86.007 (a) (1). If the early voting clerk cannot determine whether a ballot arrived before that deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. Tex. Elec. Code § 86.007 (b). The day after Election Day is the deadline to receive “late domestic ballots” that are postmarked before 7:00 PM on Election Day. Tex. Elec. Code § 86.007. There other deadlines that deal specifically with military ballots and certain overseas ballots.

C. COVID 19

12. COVID-19 is a global respiratory virus. Executive Order No. GA -08 (March 19, 2020). It is a novel virus meaning that humans have only recently become exposed to it and, therefore, have no “herd immunity” or inborn defenses against its spread. COVID-19 spreads through water droplets and is transmissible to humans by coming in contact with an infected individual or area. The virus has surface sustainability on plastic for 72 hours, meaning that COVID-19 may infect an area of plastic and remain on that area for three days.² The Governor has declared that COVID-19 “poses an imminent threat of disaster.” Tex. Gov. Proclamation (March 13, 2020 11:20 a.m.). Commissioner of Public Health, Dr. John Hellerstadt, declared that “the spread of the communicable disease known as COVID-19 ... has created an immediate threat, poses a high risk of death to a large number of people and creates substantial risk of public exposure because of the disease’s method of transmission.” Declaration of Public Health Disaster, Commissioner John W. Hellerstadt, MD (March 19, 2020 11:45 a.m.).

² Dr. Neeltje van Doremalen, *et al.* “Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1”, *New England Journal of Medicine*, March 17, 2020, at 1.

13. All Texans face significant danger from this contagious illness. Everyone can become infected. No one except those few with immunity are safe from COVID 19. There is no treatment for this illness. There is no cure.

14. In response to this pandemic, elected officials throughout Texas have sought “stay at home” orders or commanded Texans to “shelter in place”. Schools have ordered distance learning. Working from home has been ordered except for essential businesses. There are lines at grocery stores for basic essentials. There is a scarcity of sanitation materials and personal protective equipment throughout Texas. Finally, there is unique danger to our hospitals, doctors, and nurses. In short, we face a calamity that will be made worse if state law is construed as prohibiting voters of all eligible ages to vote by mail.

III. Law & Analysis

A. Voting by Mail in Texas

15. In order to vote by mail in Texas, a voter must be older than 65 on Election Day, out of the county during Election Day and the Early Vote period, confined in jail or disabled. For the purpose of voting by mail, a disability is a “physical condition that prevents the voter from appearing at the polling place on election day without a likelihood... of injuring the voter's health.” Tex. Elec. Code § 82.002 (a). The manner and procedure of casting absentee ballots, which includes mail-in ballots, "is mandatory and directed by statutory requirements." *Tiller v. Martinez*, 974 S.W.2d 769, 775 (Tex. App.-San Antonio 1998, pet. dism'd w.o.j.). Voters who submit mail ballots without authorization to do so are subject to having their ballots voided. Texas authorities support the conclusion that the mail-in ballots are permitted under these circumstances. According to Texas Attorney General, “[t]he plain language of section 82.002 does not require that a person satisfy any specific definition or standard of ‘disability’ outside of the Election Code in order to

qualify to vote by mail.” Op. Tex. Att’y Gen. No. KP-0009 (2015). In that opinion, the Attorney General found that a person who claimed a disability but had not been adjudicated by the Social Security Administration nevertheless qualified for a mail ballot under Section 82.002. *Id.* In a more recent opinion, the Attorney General opined, “a court would likely conclude that an individual civilly committed pursuant to chapter 841 and residing at the Center is eligible to vote by mail ...” Op. Tex. Att’y Gen No. KP-0149 (2017).

16. Currently, every voter in Texas who must vote “in person” who has not developed immunity is in a physical condition at risk of injuring the voter’s health, because he or she is breathing air in proximity to others. Long lines at polling places exacerbate the likelihood of transmission, because it increases the likelihood of breathing in aerosolized water droplets from someone infected with COVID-19. Voting vestibules are plastic and will be touched by hundreds of people during the election. The virus may live on plastic for three days. There is a significant risk that COVID-19 will be transmitted to voters or election workers while waiting to vote or using the voting apparatus. Thus, the reason for “stay-at-home orders” and “shelter-in-place orders”. A person confined at home in order to avoid the spread of disease plainly falls into the category of voters entitled to vote by mail under this statute and the Court should so declare to prevent uneven application of this provision and in order to give election officials and voters clarity on the matter.

17. Every voter who breathes in physical proximity to others is at risk to inuring their health. Therefore, every voter meets the definition of disability in order to receive a ballot by mail.

B. Standards for an Injunction³

18. “A person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief to prevent the violation

³ Tex. Elec. Code § 273.081 does not require the showing of the typical elements for injunctive relief, nevertheless, those elements are proven by Plaintiffs’ evidence so the standard is discussed here.

from continuing or occurring.” Tex. Elec. Code. 273.081. The Plaintiffs are in danger of being denied their right to vote by mail because of a restrictive view of voter qualification to vote by mail.

19. “Generally, in order to obtain temporary injunctive relief, the movant must show: (1) a probable right of recovery; (2) imminent, irreparable harm if the request is denied; and (3) no adequate remedy at law.” *EOG Res., Inc. v. Gutierrez*, 75 S.W.3d 50, 52 (Tex. App.—San Antonio 2002, no pet.). “It is well settled law in this State that a temporary injunction may be granted which will prevent the performance of an alleged wrongful act during the pendency of a lawsuit that seeks permanent relief, and is a remedy which is available to the interested litigant before trial of the case on the merits for the purpose of preserving the subject matter of the controversy as it existed at the time suit was instituted.” *State v. Friedmann*, 572 S.W.2d 373, 375 (Tex. Civ. App.—Corpus Christi 1978, writ ref’d n.r.e.).

i. Plaintiffs have a probable likelihood of Recovery

20. The Plaintiffs have a probable right of recovery. Texas law allows voters who in a physical condition that prevents the voter from appearing at the polling place on Election Day without a likelihood of injuring the voter's health to vote by mail. Tex. Elec. Code § 82.002 (a). “Expected or likely confinement for childbirth” is sufficient cause of a “disability” to entitle a voter to cast a mail-in ballot. *Id.* at (b). In fact, there is no specific definition of disability required to be met in order to qualify to vote by mail. Op. Tex. Att’y Gen. No. KP-0009 (2015). Confinement in jail also qualifies a voter to cast a vote by mail. Finally, sexually violent offenders who have been civilly committed and under travel restrictions are eligible to vote by mail. The Plaintiffs have been ordered confined to their homes by their elected officials and it is unknown

when the release will occur of when and how often it will be re-imposed. These voters deserve the same legal rights afforded sexually violent offenders.

21. The State of Texas has posited that the Plaintiffs do not have standing to seek the relief requested and that the issue is not yet ripe for consideration. This is false both factually and as a matter of law. Texas has described the relief sought in this case as creating “radical uncertainty surrounding the 2020 elections in Texas.” State of Texas’s Plea to the Jurisdiction, p. 1. In inaccurate assessment, election authorities throughout Texas will deny rightful mail ballot applications. In addition, any voter following the interpretation of the State of Texas would have a reasonable concern that requesting a mail ballot could be the commission of a crime. *See e.g.* Tex. Elec. Code § 84.0041. Texas law clearly allows “[a] person who is being harmed or is in danger of being harmed by a violation or threatened violation of ... [the Election Code] is entitled to appropriate injunctive relief to prevent the violation from continuing or occurring.” Tex. Elec. Code § 273.081. The violation of the Election Code is the threatened rejection of a legal and justified vote by mail application. Tex. Elec. Code § 86.001. The Plaintiffs, in fact all voters who have not developed immunity, meet the Election Code’s definition of “disabled” in order to receive a mail ballot for the any upcoming elections until there is a cure, treatment, or herd immunity for COVID-19. Finally, the State argues it is immune from suit, as are its political subdivisions. Texas is wrong. The State and its progeny have consented to suit in election matters concerning violations of the Election Code. Tex. Elec. Code § 273.081. The Plaintiffs have a probably right of recovery.

ii. Irreparable Injury

22. Without relief from this Court, the Plaintiffs and the voting public face the dangerous choice of voting in person and risking illness or being disfranchised. There will always be a significant risk of transmission of this highly virulent, contagious and novel illness until there

is a vaccine or treatment. There will be no federally-certified treatment for COVID-19 before the run-off election in July. There will be no vaccine until 2021. No matter the optimism and hope of the Governor or other elected officials, there will always be a significant risk of infection at least until next year. If this Court forces these voters to vote in person, the Plaintiffs will be compelled to choose between playing dice with their lives and lives of their community or casting a meaningful vote for the leaders whom they hope will lead them out of this crisis. That is no choice for most Texans. Disfranchisement is irreparable. A lost vote is a lost chance to affect the course of history. Elections are swiftly approaching and the rights of these voters to vote by mail during an epidemic is at risk without this Court granting temporary relief. There is no injury to the Defendant by allowing qualified voters to cast a mail-in ballot.

iii. No other Remedy at law

23. Voters who are injured or about to be injured may seek injunction to remedy or prevent violations of the Election Code. Tex. Elec. Code § 273.081. There is no other remedy afforded under the Election Code; therefore, there is no other remedy at law to secure the right of the Plaintiffs to vote by mail.

IV. Prayer

The plaintiffs have proven that they are likely to prevail on the merits of their claims, that absent injunction they will suffer irreparable injury, and that there is no adequate remedy at law to prevent the harm of disfranchisement. At this time, the Plaintiffs respectfully request that this Court issue a temporary injunction that:

- 1) Enjoins the Travis County Clerk and the State of Texas from denying the Plaintiffs a mail-in ballot based on disability because of the risk of transmission of COVID-19; and,

- 2) Mandates that the Travis County Clerk and the State of Texas allow all voters to vote by mail who apply to vote by mail because of the disability caused by the risk of transmission of COVID-19 and who are otherwise eligible to vote.

DATED: April 13, 2020

Respectfully submitted,

TEXAS DEMOCRATIC PARTY

By: _____/s/ Chad W. Dunn

Chad W. Dunn

General Counsel

State Bar No. 24036507

Brazil & Dunn, LLP

4407 Bee Caves Road, Suite 111

Austin, Texas 78746

Telephone: (512) 717-9822

Facsimile: (512) 515-9355

chad@brazilanddunn.com

K. Scott Brazil

State Bar No. 02934050

Brazil & Dunn, LLP

13231 Champion Forest Drive, Suite 406

Houston, Texas 77069

Telephone: (281) 580-6310

Facsimile: (281) 580-6362

scott@brazilanddunn.com

Dicky Grigg

State Bar No. 08487500

Law Office of Dicky Grigg, P.C.

4407 Bee Caves Road, Suite 111

Austin, Texas 78746

Telephone: 512-474-6061

Facsimile: 512-582-8560

dicky@grigg-law.com

Martin Golando

The Law Office of Martin Golando, PLLC

SBN #: 24059153

N. Saint Mary's, Ste. 700

San Antonio, Texas 78205
(210) 892-8543
martin.golando@gmail.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing response has been sent via the Court's electronic filing system to all counsel of record on April 13, 2020.

/s/ Chad W. Dunn
Chad W. Dunn

EXHIBIT A

No. D-1-GN-20-001610

TEXAS DEMOCRATIC PARTY, ET AL	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiffs</i>	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
RUTH HUGHS, IN HER OFFICIAL	§	
CAPACITY AS TEXAS SECRETARY OF	§	
STATE, ET AL	§	
	§	
<i>Defendants</i>	§	201 st JUDICIAL DISTRICT

DECLARATION OF DR. MITCHELL CARROLL

STATE OF TEXAS §
§
COUNTY OF DALLAS §

On April 12, 2020 DR. MITCHELL CARROLL appeared and executed this declaration in compliance with Texas Civil Practice and Remedies Code §132.001 and stated the following:

“My name is MITCHELL CARROLL, MD. My date of birth is March 12, 1972 and my address is 600 N. Brookside Dr. Dallas, Texas 75214, Dallas County, Texas. I declare under penalty of perjury that the foregoing is true and correct.

EDUCATION

INTERNAL MEDICINE RESIDENCY - Presbyterian Hospital of Dallas - Dallas, TX July 1999 – June 2002

MEDICAL DIPLOMA - MD – UT Southwestern Medical School - Dallas, TX - 1997 to 2002

WORK EXPERIENCE

- Texas Health Adult and Senior Care THPG – Internist **Dallas – August 2002 - Current**

HONORS

- Robert L. North Teaching Award. THR Presbyterian Hospital Dallas - **2016 - 2017**
- UT Southwestern Alpha Omega Alpha Honor Society Outpatient Teaching Award. - **June 2015**

LICENSURE AND CERTIFICATIONS

- Board Certification Internal Medicine **2002 and 2012**
- Texas Medical License **August 6, 2002 - Current**

TEACHING EXPERIENCE

- Medical Director for Internal Medicine Residency Ambulatory Clinic - **2005 – Current**
- Key Clinical Faculty for IM Residency Program, THR Presbyterian Dallas - **June 2009 - Current**
- Volunteer Faculty for UT Southwestern Medical School - **20013 – 20015**
-

MATERIALS REVIEWED

Rapid Expert Consultation on SARS-CoV-2 Survival in Relation to Temperature and Humidity and Potential for Seasonality for the COVID-19 Pandemic National Academies of Sciences, Engineering, and Medicine 2020. (April 7, 2020).

Voting and Infection Prevention of COVID-19 Luskin School of Public Affairs, UCLA Authors: Cassandra DeWitt, Annabelle de St. Maurice and Michael Rios (April 1, 2020)

COVID-19 Rapid Response Impact Initiative | White Paper 2, When Can We Go Out? Evaluating Policy Paradigms for Responding to the COVID-19 Threat Danielle Allen, PhD, PhD Lucas Stanczyk, PhD Rajiv Sethi, PhD Glen Weyl, PhD Edmond Safra School of Ethics, Harvard University, (March 25, 2020)

Voting and Infection Prevention of COVID-19 Luskin School of Public Affairs, UCLA Authors: Cassandra DeWitt, Annabelle de St. Maurice and Michael Rios² (April 1, 2020)

Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1, New England Medical Journal of Medicine (March 26, 2020)

Impact of non-pharmaceutical interventions (NPIs) to reduce COVID-19 mortality and healthcare demand, Imperial College Covid-19 Response Team (March 16, 2020)

In addition to the above listed documents, in my medical practice I have been keeping up with the scientific information available in the medical community on Coronavirus.

MY OPINIONS

Coronavirus is spread, especially by people in personal contact within enclosed spaces.

People of all ages are susceptible to contracting and spreading Coronavirus.

Voting by mail is much safer for the public than voting in person.

Coronavirus will be a threat to the public in both July and November.

Although the virus may not be nationwide or statewide, it can break out in localized pockets.

Until there is a vaccine, any person who has not contracted the virus and developed anti-bodies, will be susceptible to contracting the virus.

Medically, if a person has not developed an immunity, they have a physical condition that appearing in person at polling place presents a likelihood of injuring his health.

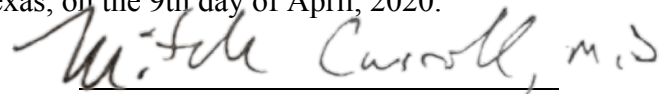
Without widespread serology testing, there is no way to if a person is immune from the virus or if voting in person presents a likelihood of injuring their health. There is nearly none of this testing available in the U.S. today and it is unknown if and when it will be available.

“To be safe, election workers should use personal protection equipment similar that is used by hospital personnel. This is problematic because there is already an extreme shortage of this type of equipment.”

All of the opinions expressed herein are based on reasonable medical probability.

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

Executed in Dallas County, State of Texas, on the 9th day of April, 2020.


MITCH CARROLL, MD

**TEXAS DEMOCRATIC PARTY AND
GILBERTO HINOJOSA, IN HIS
CAPACITY AS CHAIRMAN OF THE
TEXAS DEMOCRATIC PARTY,
JOSEPH DANIEL CASCINO AND
SHANDA MARIE SANSING**

Plaintiffs,

vs.

**DANA DEBEAUVOIR,
IN HER CAPACITY AS TRAVIS
COUNTY CLERK**

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

201st JUDICIAL DISTRICT

Glen Maxey Declaration

Now comes Glen Maxey who swears, affirms, declares and deposes as follows:

1. My name is Tommy Glen Maxey and I am a registered voter in Austin, Travis County, Texas. I currently am the Primary Director of the Texas Democratic Party, serve as the Legislative Director working on election related issues before the Texas Legislature, and have served as the staffer most closely associated with access to voting-by-mail programs by campaigns and the Texas Democratic Party. I have served six terms in the Texas Legislature and have been involved in political campaign activities for over 50 years. My participation predates the State of Texas adopting mail balloting as a trusted method of voting for seniors and persons with disabilities.

2. Governor Abbott has set the date of both the Senate District 14 special election in Bastrop and Travis County and the Democratic Primary Runoff election in all 254 Texas counties on July 14, 2020. Under current law, ballot content must be set by 74 days before an election. In the Senate District 14 election, the Governor set the filing deadline of May 13, 2020. The Clerk cannot go to print with ballots until that deadline has passed, the ballot order is drawn by the Secretary of State and other ministerial actions are taken.

3. During the primary or for the November General Election state election law requires all ballot information be complete by 74 days before the election. During that time, Clerks must do all of the following:

- proof ballot submissions, order races appropriately, merge with many jurisdictions (county, cities, school, special districts, bonds, etc) appearing on the ballot (i.e. for

Bastrop and Travis to decide on how to handle ballot styles for Democratic Primary, Republican Primary where applicable, and the Senate District 14 special election).

- work with ballot companies to lay out for printing multiple ballot styles (into perhaps a hundred plus in Harris
- program ballot scanners, controllers, and related technology
- prepare ballot carriers for vote by mail applications and returned ballots (sometimes by scanning applications and ballot signatures into machines) for the use of signature verification committees and ballot boards,
- hire election workers for polling locations, early voting locations, and central counting;
- train all workers;
- determine polling locations for election day and early voting, negotiate contracts with locations, etc.
- deal with payroll issues of dozens to thousands of temporary workers.
- deal with delivering and picking up equipment while keeping it secure and free from tampering before, during and after the polling locations open and close.

4. For most Election Clerks and Election Administrators, 74 days to prepare the election after the ballot is settled is already a tight timeframe.. 74 days from July 14, 2020 is May 1, 2020

5. With COVID-19 social distancing underway, requests for ballots by mail will be the highest level in history. In the absence of definitive guidance, political actors are already beginning the messaging and distribution of vote by mail applications.

6. Voters will not want to risk their health to go to an in-person polling place or even with social distancing, interact with a voting clerk checking in voters, a clerk obtaining signatures on a combination form, or on an electronic poll book (touched by hundreds in succession), and then a clerk issuing a code to use with the machines.

7. Election workers are also uniquely at risk for repeated exposure to COVID-19 from infected voters. Election workers are usually senior citizens, placing them at higher risk for complications from an infection from COVID-19. The amount of personal protection equipment (PPE) necessary to operate in-person voting would be staggering and to my knowledge is unavailable for purchase at this time.

8. The materials needed to sanitize election equipment are also difficult to source. In almost all counties in Texas, a voter will then have to use a Hart Intercivic or an Election Systems and Software (ES&S) machine that hundreds of voters in each location will touch and breathe while voting.

9. It is my opinion from my time in the Legislature and my years of election activity, that the “black and white” letter of this law allows persons between 18 and 65 who are susceptible to COVID-19 because they have not yet contracted it to claim a ballot by mail by reason of this disability. In this current pandemic, a person without immunity to COVID-19 has “a physical condition that prevents the voter from appearing at the polling place on election day without a likelihood Of injuring the voter’s health.” The statute states:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health.

(b) Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote under Subsection (a).

10. Since the pandemic spread to the U.S. in earnest about one month ago, various state actors have confused the state of our elections by either providing no guidance or by confusing matters with their election comments. I have personally asked Keith Ingram, Director of Elections, Texas Secretary of State's office, while on a call with numerous county election administrators, what will happen to voters who chose disability to vote by mail. Many election administrators on this call also wanted to know the answer. No answer was given. The state's advisory issued on April 1, 2020 also served to confusion the issue by raising the disability topic but it provided not guidance. Mixing messages, the Advisory also told administrators to prepare for more voting by mail and also be prepared to sanitize equipment. Because of the failure of the Texas Secretary of State to issue clear guidance on this point, many election administrators as well as voters, require certainty that if they request a ballot under Sec. 82.002 that they will not be prosecuted for filing a fraudulent mail-in ballot application.

11. Meanwhile, the Governor has made these statements about this lawsuit of which I am aware:

[https://twitter.com/GregAbbott_TX/status/1247933526680285189?s=20:](https://twitter.com/GregAbbott_TX/status/1247933526680285189?s=20)

[52:12] REPORTER: Yesterday Texas Democrats filed a lawsuit that everyone would be allowed to vote by mail because of the coronavirus outbreak. Governor, I wanted to get your reaction to the lawsuit and ask if you support expanding vote by mail during the coronavirus outbreak to what extent and during what specific elections would you support that?

ABBOTT: I haven't seen the lawsuit. What I know is this there is a state law in the state of Texas that allows people to vote in person. And that's a state law that I don't want to way but I think that people have a legal right to vote in person and we need to try to conduct elections that are consistent with that. Hence the superior strategy is exactly what I ordered in an executive order. And that is to move the elections that were scheduled for May to July hoping that by the time we get to July it'll be more accommodative for people to have the option to vote in person.

KFDX News

[https://www.texomashomepage.com/news/local-news/watch-exclusive-interview-gov-abbott-talks-social-distancing-future-of-covid-19/:](https://www.texomashomepage.com/news/local-news/watch-exclusive-interview-gov-abbott-talks-social-distancing-future-of-covid-19/)

REPORTER: Texas democratic party filed a federal lawsuit against you and the Secretary of State to demand a vote by mail election. What's your reaction to that?

ABBOTT: Well, I don't think it will succeed for this reason and that is because Texas law provides that allows people to vote in person. So it's not just a tradition. It is a law and I think Texas law should be upheld allowing people to vote in person. I think the courts will agree.

[https://twitter.com/PatrickSvitek/status/1247949072260108290?s=20:](https://twitter.com/PatrickSvitek/status/1247949072260108290?s=20)



Patrick Svitek 
@PatrickSvitek

Asked about TDP lawsuit/expanding vote-by-mail, @GovAbbott says "the superior strategy is exactly what I ordered in an executive order" – moving runoffs to July 14 – "hoping that by the time we get to July, it'll be more accommodative for people to vote in person."

#coronavirus

1:06 PM · Apr 8, 2020 · [Twitter Web App](#)

[https://twitter.com/alexazura/status/1247949407292661761?s=20:](https://twitter.com/alexazura/status/1247949407292661761?s=20)



Alexa Ura 
@alexazura

At #coronavirus presser, @GovAbbott responded to Texas Dems efforts to ease vote-by-mail restrictions: "I think people have a legal right to vote in person" & best strategy is to delay elections to accommodate that. (The Dem lawsuit would not prohibit in-person voting.)

#txlege

1:08 PM · Apr 8, 2020 · [TweetDeck](#)

[https://twitter.com/alexazura/status/1247614396228079620?s=20:](https://twitter.com/alexazura/status/1247614396228079620?s=20)



Alexa Ura
@alexazura

After suing in state district court, Texas Democrats are taking their fight to ease vote-by-mail rules to federal court.

Why? The U.S. Supreme Court's decision on the Wisconsin presidential primary.

texastribune.org/2020/04/07/dem... #txlege



Texas Democrats again sue to ease vote-by-mail rules during coronav...

The Texas Democratic Party is now asking both federal and state courts to rule on whether any voter in upcoming elections should be able to ask for an absentee ...

texastribune.org

2:57 PM · Apr 7, 2020 · TweetDeck

12. Yet, neither this lawsuit nor the Texas Democratic Party seeks to eliminate in-person voting. Instead, we and most other elections officials in the state, are seeking legally binding guidance on what happens with the voters who are under age 65 and select disability on a vote by mail applications. The lack of lawful and legally binding guidance on this important questions leaves, TDP, its members, voters and election workers at risk. For voters, that risk includes possible criminal prosecution for trying to vote.

13. In the last week alone, I've been asked for guidance on this issue by no fewer than ten county chairs, activists, campaigns and candidates. Campaigns, political parties and election admonitors are being questioned by voters.

14. Meanwhile, many Texans are already requesting mail-in ballots (VBM), fully expecting that a VBM will arrive. If an early voting clerk denies their application, many of these voters will not learn of the failure of a clerk to issue ballots until it's too late for them to act. If a Clerk decides on their own volition to reject applications for these voters, nothing in current law

requires the Clerk to notify the voter. Under current law, a rejected applicant most often receives a letter after the election saying that the application has been rejected. With 254 local early voting clerks making decisions of what this statute means and issuing conflicting answers, the confusion will be a total disaster. No voter in Texas should be prosecuted for taking the step of requesting a mail ballot given the circumstances.

15. The right to vote should not be in conflict with the desire to not place your life at risk which is why the plain language of the statute was drafted to allow anyone to vote by mail in this situation.

16. Even were the statute to not allow voters under the age of 65 to request and receive mail ballots, there is a need to lower the burden on “in person” polling locations in the age of COVID-19. Most election judges and clerks are senior citizens. They have been a reliable temporary work force to conduct elections in Texas since we’ve held elections.

17. I am the administrator for 42 small counties where there is not a local Democratic Chair in place to run the primary or the July 14, 2020 runoff. Election Administrators (EA’s) and Clerks have are challenged in the best of times to find the workforce needed to staff in-person voting.

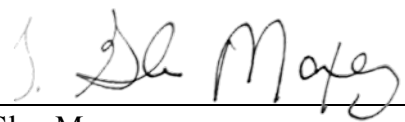
18. Also, many of our polling locations across Texas are in traditional senior centers, community centers that serve seniors, or nursing homes. Those locations are now unavailable to election clerks. Many schools, public offices and other locations used small meeting rooms or classrooms as the voting location within the building. These extremely close quarters will not allow social distancing at all, and no Clerk will want to be liable for putting workers and voters at such a deadly risk. In most if not all areas of the state, there are not enough large public buildings available to practice adequate social distancing, even if you could staff and supply them.

19. It is of the utmost importance for election officials to know in the next weeks at a minimum the possible scope of their mail balloting needs. Whereas, all major urban areas use voting devices that do not require a pre-printed ballot, Clerks must now anticipate the number of paper ballots needed to be mailed and order those immediately. This is not something that can happen after the Clerk realizes there is a 500-fold increase in ballot requests by the July 3, 2020 date that an application must be in the Clerk’s office in order to receive a ballot.

20. The state’s election apparatus needs clarification NOW as to what to do with the disability vote by mail applications already being received in greater numbers than have ever been seen before.

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

Executed in Travis County, State of Texas, on the 13th day of April, 2020.



Glen Maxey

EXHIBIT C

NO. D-1-GN-20-001610

**TEXAS DEMOCRATIC PARTY AND
GILBERTO HINOJOSA, IN HIS
CAPACITY AS CHAIRMAN OF THE
TEXAS DEMOCRATIC PARTY,
JOSEPH DANIEL CASCINO AND
SHANDA MARIE SANSING**

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

Plaintiffs,

vs.

TRAVIS COUNTY, TEXAS

**DANA DEBEAUVOIR,
IN HER CAPACITY AS TRAVIS
COUNTY CLERK**

Defendant.

201st JUDICIAL DISTRICT

George Korbel Declaration

Now comes George Korbel who swears, affirms, declares and deposes as follows:

1. My name is George Joseph Korbel, My date of birth is July 9, 1943 and my address is 220 Gardenview, Castle Hills, Texas in the United State of America. I am 76 years old.

2. I have been a lawyer for 52 years and for the past 49 years I have appeared as either a lawyer or an expert witness in well over 100 voting cases in Texas. These have been in both the state and federal court. The cases have included testimony on racially polarized voting, socio-economic and educational discrimination, gerrymandering, the history of election discrimination in Texas, election fraud as well as the creation and analysis of election districts. I have appeared as an expert and/or a lawyer for both plaintiffs and Defendants.

3. In 1974 I was one of the witness who testified before committees of both houses of US Congress laying out the factual record to support the extension and expansion of the special

provisions of the Federal Voting Rights Act to include Texas. That testimony has been cited by numerous courts in the interpretation of provisions of the act. This has included three by the U.S. Supreme Court.

4. After the 1975 enactment of the extension and expansion of the Voting Rights Act, I was asked by the Federal Election Commission to serve on a committee to determine best practices in the implementation of the language provisions of the Voting Rights Act. Such a document was prepared and became the reference point to the translation of elections into several languages.

5. In 1981, I was called to testify before a Committee of the US House of Representatives considering the factual and legal factors involved in the extension of the Voting Rights Act. I also offered testimony concerning the so called “attorney’s fee” provision of the Voting Rights Act.

6. I have been hired by more than 50 jurisdictions in Texas to draw redistricting plans after the 2000 and 2010 census. I have been involved in well over 100 administrative cases before the US Department of Justice involving the Voting Rights Act. Several of these included election fraud.

7. I have testified to issues involving actions taken by individuals to discourage voting and turn out before Congress as well as in the state and federal courts. In addition, I have taught in university as an adjunct. I have published in academic journals and in governmental studies. A copy of my curriculum vitae is attached as an exhibit to this declaration.

8. In this case as well as all other cases, I was asked to testify and give opinions on Texas’ recent history of state criminal enforcement on election crimes and whether or not voters may have a reasonable concern about prosecution if they submit a mail ballot application and check disability for social distancing.

9. It is my conclusion in reviewing this case and recent election crime investigations, that voters should have a reasonable concern about prosecution if they submit a mail ballot application and check disability for social distancing. Other Texans have made similar kinds of statements on mail-ballot applications and have been investigated, arrested, and prosecuted.

The Attorney General's Role in Prosecuting Election Crimes

10. The Office of the Attorney General (OAG) has statewide investigation authority over the election laws of the State. The OAG helps to train and assist local law enforcement and prosecution in working up complex and challenging election fraud cases.

11. An individual may submit an election complaint to the Texas Secretary of State through the use of a form found online. The Secretary of State will refer these complaints to the Office of the Attorney General to investigate the allegations of election fraud. Chapter 273, Texas Election Code, gives the OAG authority to investigate election code violations anywhere in Texas.

12. One need only look at the public statements and actions of the Attorney General to know that voters should have a reasonable fear that they will be prosecuted. This is especially true for women of color.

2018 Robstown Prosecutions

13. On March 7, 2018, Attorney General Ken Paxton announced that his office would prosecute of three Robstown residents who were indicted by a San Patricio County grand jury for nine counts of voter fraud during the 2016 election cycle in Nueces County.

14. Cynthia Kay Gonzalez was indicted on four counts of election fraud stemming from the May 2016 Nueces County Democratic primary runoff election. The charges against her included illegal voting, a second-degree felony punishable by a prison term of two to 20 years. Rosita

Torres Flores was charged with two counts of voter fraud. She's accused of obtaining an elderly victim's mail-in ballot and using it to vote without the voter's direction during the 2016 general election. Robert Gonzalez was charged with three counts of unlawfully divulging a vote, a third-degree felony. Gonzalez was on the ballot as a candidate for the 2016 Robstown Municipal Utility Board runoff election. He was charged with observing the secret ballot of another voter in a polling place and unlawfully divulging the person's vote.

15. The AG announced his intent to prosecute these election workers as part of a larger "voter fraud" initiative.¹ In the end, however, these prosecutions amounted to almost nothing. Robert Gonzalez was acquitted. The AG's office conceded that his office didn't have anything resembling a big case against Ms. Gonzalez or Ms. Torres. Both Ms. Gonzalez and Torres pled to misdemeanors involving unauthorized assistance.

16. It has been my experience that all of this din about persons voting illegally and the invalidated investigations surrounding them have a negative effect on voting by Hispanics and African Americans. They are afraid that they will get in trouble for doing something wrong or just don't want to risk it.

2019 Starr County Prosecution

17. On January 31, 2019, General Paxton announced that the Election Fraud Unit of his office arrested Bernice Annette Garza for using a dead person's identity to vote illegally in the March 1, 2016, Democratic primary election in Starr County. Garza was indicted by a grand jury in Hidalgo County and is charged with voter impersonation, illegal voting, and providing false information on an application for an early voting ballot.

18. General Paxton claimed that in 2016, Garza signed and submitted an application for early

¹ <https://www.texasattorneygeneral.gov/news/releases/ag-paxtons-office-prosecute-nine-counts-voter-fraud-nueces-county>

voting ballot by mail for Hortencia Rios, who had been dead for 9 years.²

19. However, a short year later, Garza offered DNA evidence that proved that Ms. Garza had not even touched the ballot in question.³ On November 6, 2019, this case was dismissed. *See* Order of Dismissal, *The State of Texas v. Bernice Annette Garza*, No. CR-0115-19-J (November 6, 2019 10:09 AM).

2018 Tarrant County Arrests

20. On October 12, 2018, General Paxton announced that four individuals in Tarrant County were indicted on 30 felony counts of voter fraud and arrested following a lengthy investigation by the Election Fraud Unit of his office. Their names are: Leticia Sanchez, Leticia Tepichin Sanchez, Maria Solis, and Laura Parra.⁴

21. All defendants in the case were charged with state jail felony charges of providing false information on an application for a mail ballot – Sanchez (16 counts), Leticia Sanchez Tepichin (10 counts), Maria Solis (two counts) and Laura Parra (one count).

22. There has been no resolution in this case, which is now a 1.5 year prosecution with 4 year-old allegations.

23. Also in Tarrant County in 2018, Crystal Mason was sentenced to a 5-year prison term for voting the 2016 election because she was on supervised release for a federal felony. She said she was unaware that she could not vote. In Texas, felons cannot vote until the completion of their full sentence. She was not even registered to vote. But, she was allowed to vote provisionally.

24. She is currently appealing her conviction, in part, because the vote she cast was not even

² <https://www.texasattorneygeneral.gov/news/releases/ag-paxtons-election-fraud-unit-arrests-starr-county-woman-illegal-voting-using-dead-persons-identity>

³ <https://www.valleymorningstar.com/2019/09/28/attorney-dna-proves-woman-didnt-cast-illegal-vote-in-starr-county/>

⁴ <https://www.texasattorneygeneral.gov/news/releases/work-ag-paxtons-election-fraud-unit-results-arrests-4-members-organized-voter-fraud-ring-north-fort>

counted.

2018 Jefferson County Arrests

25. On April 27, 2018, General Paxton announced that a grand jury issued indictments against three candidates from the 2016 Jefferson County Sheriff's race for criminal violations for fraud related to campaign contributions in the primary or general election.

26. A grand jury in Chambers County indicted 52-year-old Zena Collins Stephens on one count of tampering with a government record, a state jail felony, and two counts of accepting cash contributions exceeding \$100, class A misdemeanors. Stephens was elected sheriff of Jefferson County in November 2016. The grand jury also indicted 67-year-old Ray Elliott Beck on one count of accepting a cash contribution exceeding \$100 and one count of failure to return a political contribution, both class A misdemeanors. In addition, 59-year-old Joseph Sterling Stevenson was indicted on one count of accepting a cash contribution exceeding \$100, a class A misdemeanor.

27. Three candidates for the Office or Sheriff of Jefferson County are alleged to have accepted cash campaign contributions from an individual greater than the \$100 amount allowed by law, ordinarily, if proven, a civil administrative matter handled by the Texas Ethics Commission but at most, and rarely, prosecuted as a misdemeanor. All three candidates were indicted, but only Sheriff Stephens was indicted for a felony because she was alleged to have reported the cash in a way on her form that the attorney general found objectionable while at least one of the defendants who did not report it all, was not indicted for the felony.

28. Sheriff Stephens filed a motion to quash the indictment, with subsequent amendments. The trial court granted Sheriff Stephens motion to quash, ruling that the attorney general did not have the authority to prosecute alleged Penal Code violations. The State has appealed this ruling.

Conclusion

29. General Paxton has frequently publicized the arrests made in connection with voter fraud. AG Paxton has arrested people for illegal assistance and for putting false information on a mail ballot application. He has also attempted prosecute at least one candidate by using a penal code violation for a possible purely technical violation of campaign finance regulations. Given the public statements by General Paxton and his track record, a voter should have a reasonable fear that he or she would face criminal sanction if he or she checked the disability box on a mail ballot application because of the need to social distance.

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

Executed in Bexar County, State of Texas, on the 12th day of April, 2020.

Signed in Bexar County, Texas. On this 12th day of April, 2020.


George Korbel

EXHIBIT 1

George Korbel CV

**Resume of
George J. Korbel
220 Gardenview
San Antonio, Texas 78213**

Business Address: 1931 NW Military Highway
Suite 250
San Antonio, Texas 78213
Tel. (210) 216-3336

**Educational
Background:**

B.A. in Government from St. John's University
Collegeville, Minnesota

J.D. Degree, University of Minnesota, Minneapolis

Employment:

Joint Venture with the Law Offices of Rolando L. Rios
involving to redistricting of local units of government.
2000 to 2008

Director, Constitutional and Civil Rights Litigation Project
Texas Rural Legal Aid, Inc. 1985-present
Previously worked as Litigation Coordinator for Texas
Rural Legal Aid, Inc. *1981-1985.*

Limited Private Practice, Civil Rights Litigation, *1977-present*

Texas Regional Director, Mexican American Legal
Defense and Educational Fund (MALDEF), San
Antonio, Texas. *1975-76.*

Supervisory Attorney, Equal Employment Opportunity Commission,
Chicago Litigation Center, Chicago, Illinois, *1974-75.*

Staff Attorney, MALDEF, San Antonio, Texas *1972-74.*

Volunteers in Service to America, VISTA Attorney, San Antonio, Texas,
1971-72.

Brief History of Experience:

During the past forty plus years I have specialized in the handling of complex federal litigation which usually has involved the rights of Mexican Americans and Blacks. These cases have included election discrimination; matters under the Federal Voting Rights Act; employment discrimination (Title VIII); abuse of authority, police brutality and equal access to services and entitlements. Many of these matters have been certified as class actions for either or both defendant and plaintiff. This practice has been before District and Circuit Courts generally throughout Texas and in the District of Columbia. In addition, I have been involved in a significant amount practice before the U.S. Supreme Court.

I have testified before committees in both houses of the United States Congress, as well as before both houses of the state legislature. This includes the expansion of the Voting Rights Act to cover Texas in 1975 and the extension of the Voting Rights Act in 1981. I have appeared as counsel for persons who were testifying as witnesses before both houses of Congress. In the 1975 Hearings on the extension of Voting Rights Act of 1965, I was asked to prepare the legal and factual case to support the expansion of the special provisions of the Act to cover Texas. I assisted in the coordination and ultimately successful presentation of the case to both Houses of Congress and to the Executive Branch.

Articles which I have written have been cited as authority by several federal courts including at least three instances by the U.S. Supreme Court.

I testified as an expert witness in a state district court case which invalidated the 1971 and 1981 apportionment of the Texas State House of Representatives. I testified as an expert witness in the state court litigation which invalidated the 1991 apportionment of the Texas State Senate and House of Representatives. I have testified as an expert witness in the question of the award of attorney's fees numerous Federal District Court cases. I have prepared, presented and cross-examined expert witnesses on several subjects ranging from medical to complex statistical projections. I have designed, directed and commissioned various statistical studies which have been used in litigation.

I have been involved as lead counsel in federal litigation in which over three million dollars of attorney's fees have been awarded. The most recent award was at the level of \$350.00 per hour.

I have appeared as a speaker at various continuing legal educational seminars. I have taught guest classes at the college and law school level. I was the author of various sections of several monographs which have been published by the U.S. Commission on Civil Rights. These have covered areas of the law including the electoral process, education, employment in both the private and public sectors and the rights of aliens.

During the forty years I have lived and worked in Texas, I have helped various members of the Texas House and Senate to draft and arrange for the passage of bills. In some situations this was at the request of the members (several of whom have been my clients) and in other instances it was on behalf of non-member clients or in an attempt to settle outstanding litigation against the state. I have filed amicus briefs on behalf of the Mexican American and Black caucuses in the Texas Legislature.

While in college, I was a member of a national small college championship football team. After graduation from law school, I played semi-professional football as a hobby through the 2003 season. I have played rugby football and wrestled at both the collegiate and the club level.

Selected Examples of Litigation:

The Redistricting of the Texas Legislature in 1971: Graves v. Barnes, 343 F. Supp. 648 (W.D. Tex. 1971) (Three Judge) aff'd in relevant part sub nom (White v. Register), 412 U. S. 755 (1973). This was a suit brought by plaintiffs to apportion the at-large state legislative districts into single member districts. It was the first case of this type in which plaintiffs were successful before the Court and the basis for substantial additional litigation. I handled the matter on behalf of the Mexican American plaintiffs. Fees of slightly in excess of one million dollars were awarded by the District Court and upheld by the Fifth Circuit. This is the leading case involving Hispanic voting and is the basis for the extension of the Voting Rights Act of 1965 to include Texas.

The Texas Employment Commission and the Spanish Language Issue: These were a series of Federal Court cases under the Fourteenth Amendment which led to a settlement involving state legislation which requires that all applicants for Texas Employment Services have a certified interpreter available for hearings and that all Commission forms be translated into Spanish. Citations available on request.

The Single Member District/At-Large Election Issue: These are a series of Federal court cases under the Fourteenth Amendment which led to the adoption of single member districts in several cities and school districts in the state of Texas including the cities of San Antonio, Houston and Waco. Citations available on request.

The Federal Voting Rights Act-Section 5 Issues: These are a series of Federal court cases under Section 5 of the Voting Rights Act and the Fourteenth Amendment including one to enjoin the Texas Secretary of State from purging all of the registered voters in the state. Citations available on request.

The Election Intimidation Issue: This involved a Federal suit which enjoined the Secretary of State in conjunction with Federal and State Law enforcement agencies from using various techniques to intimidate minority voters. Among other things, discovery indicated that the National Crime Information Computer (NCIC) system facilities were being illegally used to purge registered voters. In addition to the patent illegality, the information from the NCIC was in excess of 90% inaccurate.

The State Constitutional Reapportionment Issues: This involved 1981 and 1991 state court litigation in to invalidate legislative redistricting under the State Constitutional provisions, Valles v. Clements, State District Court Travis County (July 17,1981) aff'd Clements v. Valles, 620 S.W. 2d 112(Tex. 1981).

Criminal Experience: Although most of my practice has involved Federal civil rights statutes, it frequently has included collateral criminal issues.

I have represented several criminal defendants on court appointments. I assumed the representation of a Medical Doctor sentenced to serve ten years after the entry of a nolo plea to Medicaid fraud accusations. The appeal led to the joint motion with the government to permit the withdrawal of the nolo pleas. Thereafter, I assisted the extensive preparations and trial which resulted in his acquittal.

I handled a civil suit as a class action on behalf of material witnesses being held by the Federal Courts in the Western District of Texas, which led to a constitutionally acceptable procedure for preservation of their testimony.

I was involved in a case which led to a change in the federal policies which prohibited federal prosecutions in police brutality cases after unsatisfactory state verdicts were returned. Citations and additional examples available on request.

Selected Examples of Publications:

The Case for the Extension of Section 5 of the Voting Rights Act to include Texas, Testimony before the Subcommittee on Civil and Constitutional Rights, Committee of the Industry. U.S. House of Representatives, 94th Congress Committee Print at 360 cited in Dougherty County v. White, 439 U. S. 32, 46-47, 58 I Ed. 2d. at 283 (1978)

At-Large Elections and Minority Group Representation: A Re-Examination of Historical and Contemporary Evidence, The Journal of Policies, Vol. 43 at 982, 1981.

“At-Large Elections “ included in Minority Vote Dilution, The Joint Center for Political Studies, Howard University Press, 1984 cited in Thornburg v. Gingles, 478 U.S. 30, at 47 n. 13, 92 L.Ed. 2d at 25 (1986).

Texas, The State of Civil Rights, Ten Years Later, The U.S. Commission on Civil Rights, 1982. Study done to measure the impact of civil rights litigation in Texas from 1968 through 1978. I was responsible for the introduction and the sections on voting and the judicial process.

There are a number of other monographs and studies put out over the name of the Texas Advisory Committee to the U.S. Commission on Civil Rights Which I was either editor of and/or responsible for writing significant portions. These dealt with immigration, grand jury selection and education.

Additional Disclosure under Federal Rules of Civil Procedure/Background of Witness

I have looked at the local rules and find no reference special local provision relating to expert disclosure. I have not written any articles in the last ten (10) years and I have testified in seven (7) cases in the past four (4) years. I will be happy to provide you with any level of detail that you want. Six of these are essentially Section 2 cases. These were against the Pasadena ISD, Galveston County; The Lone Star Community College District; The Beaumont ISD; The State of Texas (concerning the House and Congressional reapportionment); The State of Texas (concerning the reapportionment of the Texas Senate) and a Section 5 case against the State of Texas concerning the 2010 redistricting of the Texas House, Congress and Senate).

Although I am a lawyer, I have also been an adjunct faculty member in the Department of Political Science and Geography and have taught a course on the redistricting process. I have testified in a number of at-large vote dilution cases beginning in 1971 with the district court trial of *Graves v. Barnes I* / . In *Graves* my testimony was used to identify the socio-economic, historical, and other such considerations that used to test for the degree of vote dilution which are some times referred to as *White, Zimmer* of Senate factors.^{2/} Articles I have written or

^{1/} *Graves v. Barnes*, 343 F. Supp. 704 (Class action certified for all four districts in Texas 1972) (three judge) (*Graves I*); *Graves v. Barnes*, 405 U.S. 1201 (1972); *White v. v. Regester*, 412 U.S. 755; 93 S. Ct. 2332; 37 L. Ed. 2d 314 (1973); on remand *Graves v. Barnes*, 378 F. Supp. 640, (Class action certified for all four districts in Texas 1974) (*Graves II*) (three judge); *White v. Regester*, 422 U.S. 935, 45 L. Ed. 2d 662, 95 S. Ct. 2670 (1975); on remand *Graves v. Barnes*, 408 F. Supp. 1050, (Class action certified for all four districts in Texas 1976) (*Graves III*) (three judge); *Graves v. Barnes*, 446 F. Supp. 560 (Class action certified for all four districts in Texas 1976) (*Graves IV*)

^{2/} These factors were derived from the analytical framework of *White v. Regester*, 412 U.S. 755, 93 S.Ct. 2332, 37 L.ED...2d 314 (1973), as refined and developed by the lower courts, in

testimony which I have given have been cited by numerous Federal Courts including three occasions by the Supreme Court in interpreting the Voting Rights Act,

I was also called upon to prepare plans of apportionment to demonstrate various ways that a jurisdiction can be divided into districting arrangements. Plans which I drew or collaborated upon were used in the *Graves/White* litigation to split formerly at-large legislative districts in all Texas urban areas including Bexar (San Antonio), Dallas, Travis (Austin), El Paso, McLennan (Waco), Nueces (Corpus Christi), and Lubbock counties. 3/

I was responsible for or significantly involved in negotiation which led to the drawing of single member districting plans used after litigation for a number of the Cities in Texas including Houston 4/, San Antonio, and Waco. I also testified as an expert in litigation after the 1981, and the 1991 redistricting of the Texas legislature. In 1981, I was the expert witness for the effort which led to the invalidation of the entire Texas legislative plan on a combination of State Constitutional and Fourteenth Amendments theories.

particular by the Fifth Circuit in *Zimmer v. McKeithen*, 485 F. 2d 1297 (1973) (en banc), aff'd sub nom *East Carroll Parish School Board v. Marshall*, 434 U.S. 636, 96 S.Ct. 1083, 47 L.ED..2d 296 (1976) (per curiam) S.Rep., at 28, n. 113.

^{3/} Although I had been named as an attorney in the case, with the agreement of the defendants, I participated in the first trial of the case (*Graves I*) as an expert witness on issues of remedy (creation of single member districts) polarization and cohesion. In addition I did a number of socio-economic studies on the majority and minority communities and the history of discrimination in Texas. In later stages, (*Graves II* and *Graves III*) I functioned as a the lead counsel for the Hispanic plaintiffs and intervenors.

^{4/} *Leroy v. City of Houston*, No. H-75-1731 (S.D.Tex. 1975) (*Leroy I*); *Greater Houston Civic Counsel v. Mann (GHCCO)*, 440 F. Supp. 696 (S.D. Tex. 1977); *Leroy v. City of Houston*, No. H-78-2174 (S.D.Tex. 1979) (*Leroy II*); *In re Houston*, 745 F.2d 925 (5th Cir. Tex. 1984); *Leroy v. Houston*, 584 F. Supp. 653 (S.D. Tex. 1984) (*Leroy III*); *Le Roy v. Houston*, 592 F. Supp. 415 (S.D. Tex. 1984); *Leroy v. Houston*, 648 F. Supp. 537 (S.D. Tex. 1986); *Leroy v. Houston*, 831 F.2d 576 (5th Cir. Tex. 1987) *cert. denied*, 486 U.S. 1008, 108 S. Ct. 1735, 100 L. Ed. 2d 199 (1988) (*Leroy IV*); *Leroy v. Houston*, 906 F.2d 1068 (1990) (*Leroy V*)

Much of the Texas House redistricting which followed was based upon plans which I drew or collaborated upon. After the 1990 Census, I testified in state court in a successful effort to invalidate the 1991 apportionments of the House, Senate and Congress using the Texas Constitution's Equal Rights Amendment.^{5/} The District Court ordered plans into effect which I offered in litigation and the 1990 redistricting plans used by Texas for the House, Senate and Congressional Districts are the result of negotiation which followed using the plaintiffs plans which I sponsored as the essential element.

I have testified in a number of cases in both State and Federal Court which have been litigated in the Southeast Texas including *Perez v. Pasadena Ind. Sch. Dist.*, 958 F. Supp. 1196 (S.D. Tex. 1997). In that case, the district court found:

Plaintiffs also offered the testimony of George Korbel as an expert witness on the Gingles threshold, as well as on the Zimmer factors. [matter omitted] Korbel is a recognized voting rights expert, whose focus is on the non-statistical analysis of elections and the factors that influence their outcome.

The court finds that ...Mr. Korbel is an expert in the field of non-statistical voting rights analysis.

Perez 958 F. Supp. at 1204 (S.D. Tex. 1997)

and *League of United Latin American Citizens (LULAC) v. North East Ind. Sch. Dist.*, 903 F. Supp. 1071 (W.D. Tex. 1995).

After the 2000 Census I acted as coordinator and expert in redistricting by a number of jurisdictions including the Houston Community College District, the Houston ISD, the San Antonio ISD, the San Antonio Community College, the City of San Antonio, Webb County (Laredo), Gregg County (Longview), Cameron County (Brownsville), Red River County, the San Marcos ISD, the Bexar Metropolitan Water District, Uvalde County, Bastrop County, Hays County and Val Verde County

I was involved as a lawyer and also as a congressional witness in the successful effort to extend the special provisions of the Voting Rights Act of 1965 to cover Texas. My testimony on

^{5/} During the effort to pass the Federal Equal Rights Amendment, the Texas legislature not only ratified the proposal but the voters overwhelmingly installed it a part of our Constitution. It was argued that the rights guaranteed under our Constitution were similar to but stronger than those in Section 2 of the Federal Voting Rights Act or the Fourteenth Amendment.

the historical pattern of discrimination is generally credited as forming the basis for the legal argument to include Texas and has been cited by several federal courts including the Supreme Court in the interpretation of Sections 2 and 5 of the Act. In 1982, I again offered Congressional testimony in support of the adoption of the new provisions for Section 2 of the Voting Rights Act. As the legislative history indicates, the effort was to install the legal analysis which resulted from *Graves/White*.

EXHIBIT D

No. D-1-GN-20-001610

TEXAS DEMOCRATIC PARTY AND
GILBERTO HINOJOSA, IN HIS
CAPACITY AS CHAIRMAN OF THE
TEXAS DEMOCRATIC PARTY,
JOSEPH DANIEL CASCINO AND
SHANDA MARIE SANSING,

Plaintiffs

vs.

RUTH HUGHS, IN HER OFFICIAL
CAPACITY AS TEXAS SECRETARY OF
STATE AND DANA DEBEAUVOIR, IN
HER CAPACITY AS TRAVIS COUNTY
CLERK,

Defendants

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201ST JUDICIAL DISTRICT

DECLARATION OF SHANDA SANSING

"My name is Shanda Marie Sansing and execute this declaration in compliance with Texas Civil Practice and Remedies Code section 132.001. My date of birth is February 19, 1960, and my address is 1428 Briarcliff Blvd., Austin, Texas, 78723 in the United State of America.

I am 60 years of age and a resident of Travis County. I am a citizen of the United States.

I am currently a registered voter in Travis County and have been a registered voter in Travis for approximately 35 years.

I voted in person in the Democratic Primary in Travis County on March 3, 2020.

I intend to vote in the Democratic Primary run off to be held on July 14, 2020 in Travis County and want to vote by mail to avoid injuring myself or others.

I am a registered voter of Travis County. I am not over the age of 65, I will not be absent from Travis County on election day and during the regular hours for conducting early voting at the main early voting polling place for that part of the period for early voting by personal appearance. In addition, I have not been determined disabled by the Social Security Administration.

I grew up in Travis County and acquired a Bachelor of Science in Radio, Television and Film in

the School of Communications from the University of Texas at Austin and have always voted in person in state, national and local elections.

I am familiar with and have read articles regarding COVID-19 and regularly watch television depicting the Coronavirus, its spread and general information. I am concerned about the virus for various reasons. Based upon my prior voting history I know that the polling place will likely be a confined area with poll workers and other voters, I will be in close proximity to the poll workers and other voters and I will be touching the voting equipment, the doors to the building, etc. Not only am I concerned that I might acquire the virus, but I am extremely anxious about exposing my family to same. My husband and my daughter are both asthmatics and have compromised respiratory systems. Because of this, I am very vigilant about self-containment. I am fearful of infecting myself or someone else in my family or community.

Because of these fears and the likely hood of it injuring my health and the health of my loved ones, I want to vote by mail in the Democratic primary run off on July 14, 2020 as well as the November General Election.

From what I know and have read about this virus, the fear of contamination and spread of this disease will still be a real concern in July, 2020. The state has been prosecuting people for all kinds of activities relative to voting. I recall that about a year ago Ken Paxton announced he was investigating people who registered to vote. Without a court order or some other lawful protection, I am fearful of sending in a vote by mail application because I am unsure if the government will try to investigate me or prosecute me for trying to vote by mail.

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

Executed in Travis County, State of Texas, on the 12 day of April, 2020.
(Month) (Year)

Signed in Travis County, Texas. On this 12 day of April, 2020.

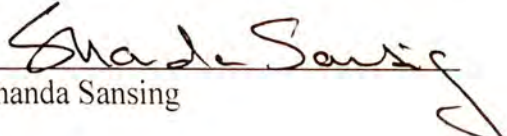

Shanda Sansing

EXHIBIT E

No. D-1-GN-20-001610

TEXAS DEMOCRATIC PARTY AND
GILBERTO HINOJOSA, IN HIS
CAPACITY AS CHAIRMAN OF THE
TEXAS DEMOCRATIC PARTY,
JOSEPH DANIEL CASCINO AND
SHANDA MARIE SANSING,

Plaintiffs

vs.

RUTH HUGHS, IN HER OFFICIAL
CAPACITY AS TEXAS SECRETARY OF
STATE AND DANA DEBEAUVOIR, IN
HER CAPACITY AS TRAVIS COUNTY
CLERK,

Defendants

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201st JUDICIAL DISTRICT

DECLARATION OF JOSEPH CASCINO

My name is Joseph Daniel Cascino and execute this declaration in compliance with Texas Civil Practice and Remedies Code section 132.001. I was born on April 7, 2000 in Chicago, Illinois and I live at 2216 San Gabriel St. #205, Austin, TX 78705.

I am 20 years of age and have been a resident of Travis County since August 2018 when I moved from Parker County, Texas to attend the University of Texas at Austin.

I am a citizen of the United States.

I am currently a registered voter in Travis County and have been since May 2019.

I voted in person in the March 3rd, Democratic Primary in Travis County, first in line at the Flawn Academic Center polling location at seven in the morning on February 18th, the first day of early voting.

I intend to vote in the Democratic Primary Runoff to be held on July 14, 2020 in Travis County and want to vote by mail to avoid endangering myself and others. I have not been deemed disabled by the Social Security Administration nor am I over 65 years of age. Furthermore, I will not be absent from Travis County on election-day and during the regular hours for conducting early voting at the main early voting polling place for that part of the period for early voting by personal appearance.

I am currently studying Government and History at the University of Texas at Austin, aiming to graduate in May 2022 and have been involved in electoral politics in one way or another since age seven.

I have read extensively about the threat of the coronavirus given my mother's status as immunocompromised and my own issues with asthma. I am particularly concerned about how easily the virus passes and that as a 20-year-old, I am in prime condition to be an asymptomatic carrier. I am also familiar with local shelter-in-place orders and am adhering to them, only leaving my home to occasionally go to the grocery store (wearing gloves and a mask) or to go on walks. Having voted before, I know that the polling place is a confined space in which I have to touch doors, voting equipment, and turn over my ID. These are activities all primed for exposure to the coronavirus. Given how quickly the coronavirus is spreading, I believe it will still be a cause for concern by the July and November elections. Thus, I worry about infecting myself or others at the polling place.

Because of the high potential of injury to my health, the health of my family, and the health of people in my community, I seek to vote by mail in the 2020 Texas Democratic Primary Runoff. The state has been prosecuting people for all kinds of activities relative to voting. I am aware of Ken Paxton announcing he was investigating all these people who registered to vote. Without a court order or some other lawful protection, I am fearful of sending in a vote by mail application because I do not know if the government will try to investigate me or prosecute me for trying to vote.

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

Executed in Parker County, State of Texas, on the 13th day of April, 2020.
(Month) (Year)

Signed in Parker County, Texas. On this 13th day of April, 2020.


Joseph Cascino

EXHIBIT 1

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov




Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

ELECTION ADVISORY

N0. 2020-14

TO: Election Officials

FROM: Keith Ingram, Director of Elections 

DATE: April 2, 2020

RE: COVID-19 (Coronavirus) Voting and Election Procedures

The purpose of this advisory is to assist election officials in facilitating voting for individuals that may be affected by COVID-19, and in preparing for the conduct of elections in the context of this public health issue.

Voter Registration Procedures

Stay-at-home orders and office closures in your jurisdiction may impact voters seeking to obtain voter registration applications. There are several existing options that you should encourage voters to utilize:

- **In-County Updates via [Texas Online](#):** If a voter has moved within the same county, the voter may update their address online at www.Texas.gov. Voters that are active or in suspense can update their name and/or residence address through this secure website.
- **Printed Voter Registration Applications:** If a voter has access to a printer, the voter can use the [SOS Informal Online Application](#) to complete a voter registration application. This application can be printed and mailed to the applicable county voter registrar. When the voter selects their county of residence, it will preprint the county voter registrar's address on the form so that when the voter mails it, they send it directly to their county voter registrar.
- **Postage-Paid Voter Registration Applications:** If a voter does not have access to a printer, the voter can request that a blank postage-paid voter registration application be mailed directly to the voter. The voter can fill out the [request form](#) on the SOS website. Counties can also mail blank applications to voters upon request.
- **Revisions to Voter Registration Certificate:** If a voter has their current voter registration certificate, they may make any necessary corrections or updates to the certificate, sign it and return it to the voter registrar.

- **Register2Vote.org:** This is a third-party website that provides a remote printing option for voters. Voters can complete a form online and have a pre-filled application sent to them for completion. The voter must complete the form, sign it, and mail it in the included postage-paid envelope. This form is sent directly to the county voter registrar.

Voting Procedures Authorized under the Texas Election Code

Below we have described some of the procedures that are authorized under Texas law that may be of assistance to voters that are affected by a recent sickness or a physical disability.

Voting by Mail

In Texas, in order to vote by mail, a voter must have a qualifying reason. A voter may vote early by mail if they:

- will be away from their county on Election Day and during early voting;
- are sick or disabled;
- are 65 years of age or older on Election Day; or
- are confined in jail, but eligible to vote.

One of the grounds for voting by mail is disability. The Election Code defines “disability” to include “a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health.” (Sec. 82.002). Voters who meet this definition and wish to vote a ballot by mail must submit an application for ballot by mail.

- [Application for a Ballot by Mail.](#)

Chapter 102, Late Voting Due to Recent Sickness or Physical Disability

The Election Code authorizes late voting if a voter becomes sick or disabled on or after the day before the last day for submitting an application for a ballot to be voted by mail, and is unable to go to the polling place on Election Day. The voter must designate a representative to submit an application on the voter's behalf in person to the early voting clerk. To be eligible to serve as a voter's representative, a person: 1) must be at least 18 years of age; 2) must not be employed by or related within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to a candidate whose name appears on the ballot; and 3) must not have served in the election as the representative for another applicant. The application must be received before 5:00 p.m. on Election Day. The application is reviewed and the early voting clerk verifies the applicant's registration status in the same manner as early voting by mail. The early voting clerk must provide the same balloting materials that are used for early voting by mail to the representative who will deliver them to the voter. The voter should mark and seal the ballot in the same manner as voting by mail **including signing** the back flap of the carrier envelope. The ballot must be returned in its carrier envelope to the early voting clerk before 7:00 p.m. on Election Day **by the same representative** who delivered the ballot to the voter.

- [Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability](#)
- [Instructions for Voter to include with Balloting Materials](#)

Chapter 104, Voting at Main Early Voting Location

The Election Code authorizes voters who are sick or disabled to vote on Election Day at the main early voting place, so long as voting machines of some type are used in the voter's precinct and the voter's sickness or disability prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. For this procedure, the voter must complete and submit the applicable affidavit to be provided with the balloting materials used for early voting by mail. The voter must mark and seal the ballot in the same manner as in early voting by mail, except that the certificate on the carrier envelope need not be completed. After sealing the carrier envelope, the voter must give it to the clerk at the main early voting polling place between the hours of 7:00 a.m. and 7:00 p.m. The Early Voting Clerk must note on the envelope that the ballot was voted under Chapter 104.

- [Affidavit for Voting at Early Voting Place on Election Day](#)

Curbside Voting

If a voter is physically unable to enter the polling place without assistance or likelihood of injury to his or her health, the voter is eligible for entrance or curbside voting. (Sec. 64.009). This option **must** be made available at all polling locations. To provide for voting curbside, the voter must be qualified by the election officer before the voter can receive the ballot. An election officer may deliver a ballot or a DRE voting machine to the voter at the entrance or curb of the polling place. Poll watchers and inspectors must be allowed to accompany the election officer. Once the voter has marked his or her ballot, the election officer deposits the ballot for the voter. On the voter's request, a person accompanying the voter to the polling place must be permitted to select the voter's ballot and to deposit the ballot in the ballot box after the voter has voted. If the voter is not only physically unable to enter the polling place, but is also eligible for voter assistance in marking his or her ballot, they may receive assistance in marking and completing their ballot in accordance with Chapter 64, Subchapter B of the Election Code. Either two election officers may assist the voter or the voter may be given assistance by a person of the voter's choice, other than the voter's employer, an agent of that employer or an officer or agent of the voter's labor union. For voters that are voting at the curbside, **instruct polling place workers to allow the curbside voter the same privacy as a voter in the voting booth**. We anticipate providing further guidance regarding curbside voting in the coming weeks.

Potential Court Order to Address Quarantined Voters

Voting in-person during early voting or on Election Day may not be an available option for all voters, including those affected by quarantines. Political subdivisions may need to act quickly to address the rapidly changing public health situation. In monitoring your situations locally, it is important to note that you may have a need to modify certain voting procedures. In these circumstances, you may want to consider seeking a court order to authorize exceptions to the voting procedures outlined in certain chapters of the Texas Election Code for these voters. The following are possible considerations:

1. **Expanding Eligibility Requirements Under Chapter 102 (Late Voting for Sickness or Physical Disability):** A court order could provide for a temporary expansion of the eligibility requirements for Chapter 102 voting to allow voters in quarantine to vote in this fashion. This option would also require the court, in some instances, to temporarily waive or modify the

requirement for a physician's signature on the application for this type of late ballot for purposes of any election(s) impacted by COVID-19.

2. **Other Modifications to Voting Procedures:** A court order could provide for modifications to other voting procedures as necessary to address the impact of COVID-19 within the jurisdiction. For example, in 2014, Dallas County obtained a court order authorizing modified voting procedures for individuals affected by the Ebola quarantine, modeled on the procedures outlined in Section 105.004 of the Texas Election Code for certain military voters in hostile fire pay zones.

If your county obtains a court order allowing modifications to voting procedures to address COVID-19, please send a copy of the court order to the Secretary of State's Office.

Other Considerations Related to COVID-19 or Other Illnesses

If your political subdivision is affected by a stay-at-home order, quarantine or outbreak of COVID-19 or any other type of illness, the conduct of your elections could be impacted. In order to protect the health and safety of election workers, below are some considerations:

- **Cleaning and Sanitizing Voting System Equipment:**
 - **Voting System and e-Pollbook Equipment:** Please check with your vendor about the specific procedures you should follow to clean and sanitize any equipment that is handled by voters or polling place workers. We received specific information from the following vendors about proper techniques for cleaning equipment:
 - **Hart Intercivic Voting System Equipment:** Users may wipe Hart equipment with 50% or higher clear, fragrance-free, isopropyl alcohol solution and a lint-free wipe. Do not use ammonia or detergent-based solutions as these may be harmful to the screen or the plastics surrounding the display. To avoid spotting, make certain that equipment screens are wiped dry (do not leave puddles).
 - **ES&S Voting System Equipment:** You can use a soft, lint free cloth and isopropyl alcohol to clean the touchscreen of the voting machine. Do not spray directly on the touch screen. Only lightly dampen the cloth, do not soak it. Do not use any harsh cleaning products on the screen as this may damage the touch screen. Do not allow any liquid cleaner to come in contact with ballot stock.
- **Cleaning and Sanitizing Polling Places:** The Centers for Disease Control and Prevention (CDC) has issued [recommendations](#) for preventing the spread of coronavirus specifically in election polling locations. Here are a few of their specific suggestions:
 - **Encourage workers to wash hands frequently:** wash hands often with soap and water for at least 20 seconds. If soap and water are not readily available, use an alcohol-based hand sanitizer that contains at least 60% alcohol.
 - **Practice routine cleaning of frequently touched surfaces with household cleaning spray or wipe:** including tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, etc.

- **Disinfect surfaces that may be contaminated with germs after cleaning:** A list of products with EPA-approved emerging viral pathogens claims is available on the EPA's [website](#). Products with EPA-approved emerging viral pathogens claims are expected to be effective against the virus that causes COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, use of personal protective equipment).
- **Arrangement of Polling Places:** It is imperative that you review your procedures related to setting up your polling place. Voting stations should be set up in a way that adheres to the suggested social and physical distance guidelines and allow for at least 6 feet between voters. Additionally, you should review your check-in stations to ensure you are providing adequate space between voters. This may include providing your workers with tape to mark off spacing guidelines on the floor of the polling place.
- **Election Judges and Clerks:**
 - **Training and Recruiting of Election Workers:**
 - **Recruitment of Election Workers:** We recommend that you make efforts to recruit and train additional workers beyond what you project to need for a given election. This will ensure that you have adequate back up workers to assist in the event that you have election workers that are unavailable at the last minute.
 - **Recruiting from Current Workers:** With regard to recruiting workers, you may want to ask your current appointed judges to provide recommendations of other individuals that can serve. Additionally, you may have different judges and clerks depending on the type of election you hold. We suggest you reach out to your entire pool of potential workers to determine availability for 2020 election dates.
 - **Student Election Clerks:** You may also want to consider enlisting [student election clerks](#) in your pool of available workers. For elections occurring outside of the school year, the student clerks would not need to obtain permission from their high school principal provided they obtained permission from their parent or legal guardian.
 - **Training of Election Workers:** In order to train a larger pool of workers, you may want to consider allowing your election workers to utilize the Secretary of State's [online Poll Worker Training](#). This training is focused on the legal procedures related to acceptance of voters and the voting process. Any procedures that are specific to your county would need to be provided through additional training or supplemental materials.
 - **Unavailability of Judges:** If both the presiding judge and alternate judge are unavailable to serve and this is discovered after the 20th day before election day, the presiding officer of the appointing authority, or if the presiding officer is unavailable, the authority responsible for distributing supplies for the election, shall appoint a replacement judge. (Sec. 32.007). Additionally, if the authority is

unable to find an election judge who is a qualified voter of the specific precinct needing a judge, the authority may appoint individuals that meet the eligibility requirements of an election clerk which encompasses a broader territory. (Sec 32.051(b)).

Type of Election	Presiding Officer of Appointing Authority	Authority responsible for Delivering Supplies
Primary Election	County Chair of Political Party	County Chair of Political Party
Joint Primary	County Election Officer	County Election Officer
General Election for State and County Officers or County Ordered Election	County Judge	County Election Officer
Cities	Mayor	City Secretary
Other Political Subdivision Elections	Presiding Officer of Governing Body of Political Subdivision	Secretary of Governing Body; if no secretary, the presiding officer of governing body

- **Polling Locations:**

- **Review List of Locations:** We recommend reviewing your list of current polling locations to determine if you should consider proactively relocating them. For example, if you are currently using assisted living facilities or residential care facilities that have residents that would be in one of the higher-risk categories, relocating the polling place may be in the best interest of the individuals at that location. Please be advised that if you choose to relocate a polling place in a facility like this, we **strongly recommend** that you provide information to the residents about voting by mail to ensure that they are still able to vote in upcoming elections without the difficulty of leaving the facility to travel to a different polling place. Additionally, you should be monitoring your current polling places to determine if any of those locations have been closed as a result of business or government building closures.
- **Unavailable Locations:** If polling locations become unavailable, you may need to relocate your polling location or combine and consolidate that location with another polling place in close proximity to it. To the extent possible, any changes to polling locations must be made in accordance with Chapters 42 and 43 of the Texas Election Code. If you are in a situation where you will have difficulty complying with these chapters, please contact the Secretary of State’s office to discuss other available options.

- **Notice of Changes to Polling Locations:** Please be advised that if you have a polling location change, you must post [notice](#) of that change at the location that is no longer being used. Any websites that contain polling locations should be updated. For certain county-run elections, polling place information must also be updated with the Secretary of State's office, if applicable.
- **Website Notices:** At this time, you may want to consider posting a notice on your website instructing voters to check your website for updates and changes to polling locations prior to early voting and election day. This will help ensure that voters are always getting updated and accurate information.
- **Voting by Mail Considerations:** At this time, the CDC has not provided any special recommendations or precautions for the storage of ballots. However, it is recommended that workers handling mail ballots practice [hand hygiene](#) frequently. Please continue to stay updated on the CDC's website as they provide additional recommendations regarding the handling of mail and other topics.
 - **Additional Ballot by Mail Supplies:** Because there may be a higher volume of ballot by mail requests in 2020, we strongly recommend that you review your current supply of applications, balloting materials, and ballot stock for future elections. It is important you have the necessary supply on hand to meet increased requests you may receive.
- **Election Office Hours:** Election officials are required to maintain certain office hours related to their election duties for a prescribed number of days before and after an election. If your office is closed for public health reasons or you are unable to be at your office during the mandatory office hour time frame, we advise that entities post information on how to get in contact with the applicable officials for election related information. This may include posting phone numbers, an email address that can receive public inquiries, or even a mailing address that can receive written requests for information. We recommend that you assign someone to periodically check for voicemails, emails, or mail related to your election.
- **Voter Registration Office Hours:** Section 12.004(c) requires the voter registrar's office to be open while the polls are open on the date of any election held in the county on a uniform election date. If you have entities that will be holding an election on May 2, 2020, you must satisfy this requirement. However, we believe that as long as you can provide answers to voter registration questions remotely and you notify your entities about how to reach you, you do not need to be physically in the office. You must also be able to provide all of the same voter registration services you would otherwise provide to your local political subdivisions if you were in the office.
- **Volunteer Deputy Registrars (VDR):** You still have a legal obligation to process volunteer deputy registrar applications. If you must suspend volunteer deputy registrar classes, we strongly advise that you adopt the SOS online Volunteer Deputy Registrar training and in-person examination option. This would allow you to schedule the examinations based on need or desire by VDRs and would allow you to temporarily reduce or cancel in-person training as dictated by your county's circumstances. For more information about adopting the online training and examination, please see [Advisory 2019-04](#). Additionally, you still have an obligation to receive voter registration

applications from VDRs. To eliminate person-to-person contact, you could provide drop boxes for voter registration applications. These drop boxes should be located in close proximity to your main office or connected to it. They should be secured and checked regularly.

- **Cybersecurity Impacts:** If your political subdivision is affected by a widespread quarantine or outbreak of COVID-19 or any other type of illness, your office staff might be mandated to work remotely. In addition, the volume of voters that will start to utilize your internet-based resources will increase. During a crisis situation, bad actors may try to capitalize on the circumstances to take actions that could compromise the security of your elections office. Please remain vigilant about following best practices related to cybersecurity and election security.
 - **Service Interruption:** Networks are normally built to sustain high volume traffic, but the magnitude of the COVID-19 crisis presents an increased risk that systems may become compromised. An abnormal increase in network traffic could be misinterpreted as a DOS (Denial of Service) attack which could shut down networks depending on the type of security implementation.
 - **Ransomware:** Cybercriminals can infect the computers of government agencies before demanding that they pay a ransom for an encryption key that will free their locked files and records. Ransomware can lock up databases preventing polling places from verifying eligibility and confirming that voters are in the right districts/precincts.
 - **Election Systems and e-Pollbook Equipment:** As mentioned above, databases are susceptible because they must have a constant network connectivity. When relocating polling places, it is very important to ensure that the systems are connected to a secure and reliable network.
 - **Voter Registration Scams:** Voter registration procedures are not conducted over the phone or the internet other than the previously mentioned authorized channels. Be aware of scams that are targeted to steal personally identifiable information from voters and/or election workers. It is especially important not to provide personal information of voters or election workers over the phone if your office is solicited in this manner.
- **Communications Plan:** You should develop a plan for communicating to voters and election workers when any changes occur that may impact them. The communications plan should involve updating your official website with specific details. Any use of social media should direct people back to your official website to ensure that only official, accurate, and authorized information is being disseminated to the public. We suggest you develop a plan for working with local media to keep the public informed. Finally, any major changes that affect the election process in your county should be communicated to the Secretary of State's office.

Additional Resources

Here are a list of additional resources that may be helpful to you.

- [Election Assistance Commission - Coronavirus \(COVID-19\) Resources.](#)

- [Centers for Disease Control and Prevention \(CDC\) – Recommendations for Election Polling Locations](#)
- [Texas Department of State Health Services – Coronavirus Disease 2019 \(COVID-19\)](#)

If you have any questions regarding this advisory, please contact the Elections Division at 1-800-252-2216.

KI:CA

EXHIBIT 2

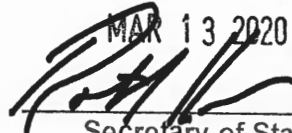


GOVERNOR GREG ABBOTT

March 13, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 13 2020

Secretary of State

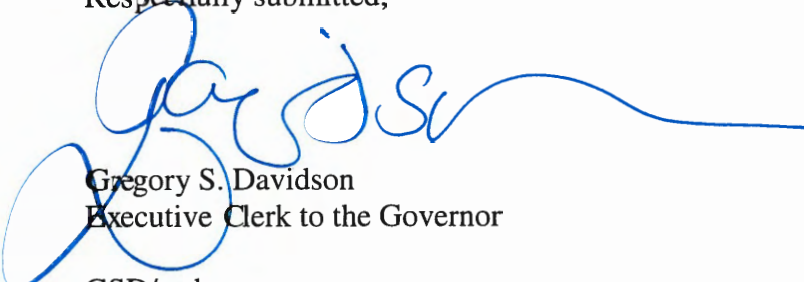
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, as of March 13, 2020, there are more than 30 confirmed cases of COVID-19 located in multiple Texas counties; and

WHEREAS, there are more than 50 Texans with pending tests for COVID-19 in Texas; and

WHEREAS, some schools, universities, and other governmental entities are beginning to alter their schedules, and some venues are beginning to temporarily close, as precautionary responses to the increasing presence of COVID-19 in Texas; and

WHEREAS, costs incurred to prepare for and respond to COVID-19 are beginning to mount at the state and local levels; and

WHEREAS, the State of Texas has already taken numerous steps to prepare for COVID-19, such as increasing laboratory testing capacity, coordinating preparedness efforts across state agencies, and working with local partners to promote appropriate mitigation efforts; and

WHEREAS, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans; and

WHEREAS, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response.

NOW, THEREFORE, I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that COVID-19 poses an imminent threat of disaster. In accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby declare a state of disaster for all counties in Texas.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20AM O'CLOCK

MAR 13 2020

with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 13th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

MAR 13 2020

EXHIBIT 3

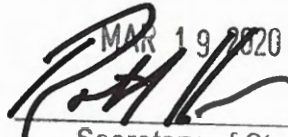


GOVERNOR GREG ABBOTT

March 19, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 19 2020

Secretary of State

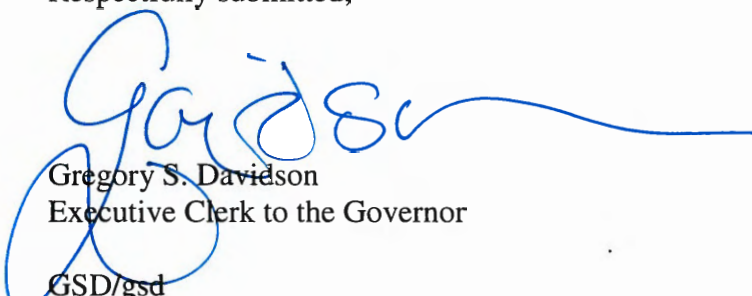
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 19, 2020

EXECUTIVE ORDER
GA 08

Relating to COVID-19 preparedness and mitigation.

WHEREAS, the novel coronavirus (COVID-19) has been recognized globally as a contagious respiratory virus; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for all counties in the state of Texas; and

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

WHEREAS, the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the CDC on March 16, 2020, call upon Americans to slow the spread of COVID-19 by avoiding social gatherings in groups of more than 10 people, using drive-thru, pickup, or delivery options at restaurants and bars, and avoiding visitation at nursing homes, among other steps; and

WHEREAS, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, under the Texas Disaster Act of 1975, "[t]he governor is responsible for meeting . . . the dangers to the state and people presented by disasters" (Section 418.001 of the Texas Government Code), and the legislature has given the governor broad authority to fulfill that responsibility.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, subject to extension thereafter based on the status of COVID-19 in Texas and the recommendations of the CDC:

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

MAR 19 2020

- Order No. 1 In accordance with the Guidelines from the President and the CDC, every person in Texas shall avoid social gatherings in groups of more than 10 people.
- Order No. 2 In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.
- Order No. 3 In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.
- Order No. 4 In accordance with the Guidelines from the President and the CDC, schools shall temporarily close.

This executive order does not prohibit people from visiting a variety of places, including grocery stores, gas stations, parks, and banks, so long as the necessary precautions are maintained to reduce the transmission of COVID-19. This executive order does not mandate sheltering in place. All critical infrastructure will remain operational, domestic travel will remain unrestricted, and government entities and businesses will continue providing essential services. For offices and workplaces that remain open, employees should practice good hygiene and, where feasible, work from home in order to achieve optimum isolation from COVID-19. The more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms, and this order shall remain in effect and in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.



Given under my hand this the
19th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughes".

RUTH R. HUGHES
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:59 AM O'CLOCK

MAR 19 2020

EXHIBIT 4



Commissioner John W. Hellerstedt, M.D.

DECLARATION OF A PUBLIC HEALTH DISASTER IN THE STATE OF TEXAS

March 19, 2020

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, John W. Hellerstedt, M.D., Commissioner of the Department of State Health Services, do hereby certify that the introduction and spread of the communicable disease known as COVID-19 in the State of Texas has created an immediate threat, poses a high risk of death to a large number of people and creates a substantial risk of public exposure because of the disease's method of transmission and evidence that there is community spread in Texas.

THEREFORE, in accordance with the authority vested in me by Section 81.082(d) of the Texas Health and Safety Code, I do hereby declare a state of public health disaster for the entire State of Texas.

Pursuant to Section 81.002 of the code, each person shall act responsibly to prevent and control communicable disease. The following actions, taken immediately, will reduce and delay the spread of COVID-19:

- People, businesses and communities should immediately undertake hygiene, cleanliness and sanitation practices that are accessible, affordable and known to be effective against COVID-19.
 - Wash hands often for 20 seconds and encourage others to do the same.
 - If no soap and water are available, use hand sanitizer with at least 60% alcohol.
 - Cover coughs and sneezes with a tissue, then throw the tissue away.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
 - Disinfect surfaces, buttons, handles, knobs, and other places touched often.
 - Avoid close contact with people who are sick.
- People who are known to have, or are under investigation or monitoring, for COVID-19, should adhere to the direction provided to them by duly authorized persons, including public health officials. Failure to abide by such direction may result in involuntary quarantine or isolation for the purposes of preventing further community spread of COVID-19.

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45am O'CLOCK

- People who are ill, especially those with symptoms consistent with influenza or COVID-19, should isolate themselves at home until they recover. Such persons should only present for medical evaluation and treatment if their symptoms are such that they cannot continue to be cared for in their home. And, when seeking medical care should call their doctor or health care facility before arriving to allow them to prepare.
- Limit trips into the public to essential outings. Traveling to work, the grocery store, the pharmacy or to seek medical care would be considered essential trips.
- Limit as much as possible close contact with other people. Stay six feet away.
- Do not gather in social groups of more than ten (10) individuals.
- Employers should allow work at home alternatives to the greatest extent possible.
- Restaurants should not allow dine-in options, either inside or outside. Take-out and curbside options with minimal contact are permitted and highly encouraged.

The Texas Department of State Health Services will continue to provide the most current and practical advice on how to control the spread of COVID-19 and encourages all Texans to seek additional information from a trusted source such as <https://www.dshs.texas.gov/coronavirus/> or from the Centers for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/>.

Adherence to these rules and the sound public health principles that support them will provide optimal protection for the people of Texas. These measures are necessary to advance the health and safety of all Texans.

Copies of this proclamation will be filed with applicable authorities.

Given under my hand this the

19 day of March, 2020.



JOHN W. HELLERSTEDT, M.D.
Commissioner of Public Health

ATTESTED BY:



Ruth Hughs
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:45 AM O'CLOCK

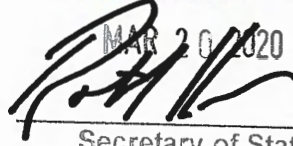


GOVERNOR GREG ABBOTT

March 20, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:35pm CLOCK

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

MAR 20 2020

Secretary of State

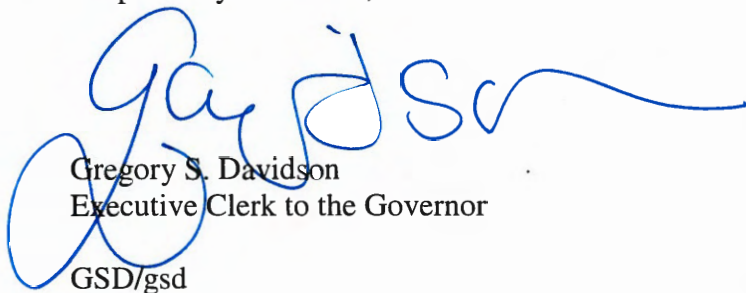
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation that: suspends Section 41.007(b) of the Texas Election Code to the extent necessary to postpone the runoff primary election date until Tuesday, July 14, 2020; suspends Section 41.007(d) of the Texas Election Code to the extent necessary to allow for the runoff primary election to be held on the same date as the special election for Texas State Senate District No. 14, which has already been ordered for Tuesday, July 14, 2020; and suspends Section 41.008 of the Texas Election Code to the extent it would preclude holding the runoff primary election on July 14, 2020.

The original of this proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, Texas held its general primary election on March 3, 2020, and in multiple races, no candidate received a majority of the total number of votes cast; and

WHEREAS, Section 2.021 of the Texas Election Code requires that a runoff election be held if no candidate receives the votes necessary to be elected; and

WHEREAS, Section 41.007(b) of the Texas Election Code requires that the runoff primary election date is the fourth Tuesday in May following the general primary election, and for this year, that date is May 26, 2020; and

WHEREAS, Section 41.007(d) of the Texas Election Code provides that no other election may be held on the date of a primary election; and

WHEREAS, Section 41.008 of the Texas Election Code provides that an election held on a date not permitted is void; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, also on March 19, 2020, the Governor issued an executive order in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention, and mandated certain obligations for Texans that are aimed at slowing the spread of COVID-19; and

WHEREAS, Texas law provides that eligible voters have a right to cast a vote in person on the day of the election; and

WHEREAS, holding the runoff primary election on May 26, 2020, would cause the congregation of large gatherings of people in confined spaces and force numerous election workers to come into close proximity with others, thereby threatening the health and safety of many Texans and literally exposing them to risk of death due to COVID-19; and

WHEREAS, holding the runoff primary election on May 26, 2020, would therefore prevent, hinder, or delay necessary action in containing the COVID-19 disaster; and

WHEREAS, there is precedent in Texas for moving a runoff primary election to a later date, such as in 2012 when a runoff primary election was held in July; and

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:35PM O'CLOCK

MAR 20 2020

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, the Governor has the express authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster:

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and laws of the State of Texas, do hereby suspend Section 41.007(b) of the Texas Election Code to the extent necessary to postpone the runoff primary election date until Tuesday, July 14, 2020. I further hereby suspend Section 41.007(d) of the Texas Election Code to the extent necessary to allow for the runoff primary election to be held on the same date as the special election for Texas State Senate District No. 14, which has already been ordered for Tuesday, July 14, 2020. Finally, I hereby suspend Section 41.008 of the Texas Election Code to the extent it would preclude holding the runoff primary election on July 14, 2020.

Early voting by personal appearance shall begin on Monday, July 6, 2020, in accordance with Section 85.001(b) of the Texas Election Code.



IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 20th day of March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:35 pm O'CLOCK
MAR 20 2020