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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROXANNE HOGE, an individual; ALI
MAZAREI, an individual; CORRIN
RANKIN, an individual,

Plaintiffs,

v.

ALEX PADILLA, in his official
capacity as the California Secretary of
State; STEVE GORDON, in his official
capacity as Director of California
Department of Motor Vehicles,

Defendants,

LEAGUE OF WOMEN VOTERS OF
CALIFORNIA; CALIFORNIA COMMON
CAUSE; MI FAMILIA VOTA
EDUCATION FUND; UNIDOSUS;
MICHAEL COHEN; SOPHIE
KOSMACHER; ANADELA NAVARRETE
GOMEZ; and KELLY LIPPMAN,

Intervenor-Defendants.

Case No. 2:19-cv-01985-MCE-AC

**DECLARATION OF SAMUEL
MOLINA IN SUPPORT OF MOTION
TO INTERVENE**

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25 *pro hac vice motion forthcoming

** not admitted in DC; DC practice limited to federal court only

**Declaration of Samuel Molina
(Pursuant to 28 U.S.C. § 1746)**

I, Samuel Molina, hereby declare as follows:

1. I am over the age of 18, fully competent to make this declaration, make this declaration from my personal knowledge and, if called upon to do so, could and would competently testify to the matters set forth herein in a court of law.

2. I am the California State Director for Mi Familia Vota Education Fund (MFVEF), a national organization dedicated to empowering and engaging the Latino community in the democratic process. As State Director, I oversee the day-to-day administration and management of MFVEF, and am responsible for developing strategy to ensure that we meet our organizational objectives and mission.

3. I have worked for MFVEF since 2014.

4. I have been a resident of California since 1987, and currently live in Fresno County.

5. MFVEF is a 501(c)(3) nonpartisan, nonprofit organization. MFVEF's mission is to build Latino political power by expanding the electorate, strengthening local infrastructure, and promoting year-round voter engagement. We are also training the next generation of leaders by opening opportunities through our Youth Development Programs and through our MFVEF work.

6. MFVEF engages with voters on a number of issues including immigration reform, education, health care, economic and worker justice, voting rights, and the environment. By providing critical information and assistance with immigration and citizenship programs, and by conducting voter registration and voter turnout programs, MFVEF seeks to unite the voices of the Latino community through teamwork, inclusivity, transparency, honesty, professionalism, and the pursuit of civil, social, and economic justice.

1 7. We are strategically located in states with some of the highest Latino population
2 counts, but have worked to identify and serve communities where Latino participation in the
3 electoral process is lacking. We advocate year-round on critically important issues that affect our
4 community and our constituents in the fields of immigration, voting rights, the environment,
5 workers' rights, education, and health care.

6 8. MFVEF has field offices in 15 cities across 6 states, including three offices in
7 California: Fresno, Modesto, and Riverside.

8 9. As of 2018, MFV had approximately 70,500 members nationwide, including more
9 than 7,000 members in California.

10 10. MFVEF currently has 10 staff members in California. Three of those individuals
11 do much of the voter registration work, and I personally do some voter registration work on
12 behalf of MFVEF. MFVEF also has 2 full-time campus organizers in California who regularly
13 engage in voter registration work of students.

14 11. In addition to voter registration, MFVEF engages in other activities to achieve its
15 mission, including work to encourage census participation, voter education (which includes
16 education about using mail ballots, and creating and promoting a voting instruction video),
17 advocacy about election reforms (this includes advocacy for better language access in voting),
18 get-out-the-vote advocacy, assistance and education to help individuals obtain citizenship (this
19 includes conducting citizenship workshops), and know-your-rights workshops,

20 12. MFVEF also engages in advocacy on behalf of undocumented individuals.

21 13. In addition to its paid staff, MFVEF has regular volunteers. MFVEF relies upon
22 its volunteers for all these activities.

23 14. Since 2012, MFVEF has helped over 50,000 people in California register to vote.

1 In California in 2016, MFVEF helped approximately 9,358 voters register, and in 2017, 6,158.
2 Most of those MFVEF has helped register to vote are between the ages of 17 and 30 years of age,
3 and 69% of them are Latino. Additionally, in 2018, MFVEF helped 5,320 individuals in
4 California register or update their registrations.

5 15. MFVEF regularly conducts voter registration events throughout California. For
6 example, MFVEF is currently working on campus organizing events involving regular voter
7 registration with six high schools in California. This work in high schools also involves pre-
8 registration of individuals who have not yet turned 18. Additionally, MFVEF staff and
9 volunteers attend approximately 40 events a year for the purpose of putting up a table to
10 encourage and assist individuals with registering to vote.
11

12 16. MFVEF often puts a specific focus on promoting and facilitating voter registration
13 by newly naturalized citizens—the precise constituents whose right to vote is most directly
14 threatened by the present litigation. For example, MFVEF conducts voter registration at the
15 naturalization ceremonies that take place in Fresno County once a month. During these
16 ceremonies, approximately 800 to 1,000 people become naturalized and MFVEF collects
17 registration applications from approximately 70 to 115 new citizens.
18

19 17. During voter registration events, MFVEF staff and volunteers always interact with
20 multiple individuals and collect voter registration forms, which they then deliver to local election
21 officials.
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23 18. MFVEF plans to continue all this voter registration work and plans to expand its
24 voter registration work in the coming years.

25 19. As part of its mission to expand the electorate, MFVEF devoted time advocating
26 for effective implementation of the New Motor Voter Law, A.B. 1461, Cal Elec Code Div. 2, Ch.
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1 4.5 §§ 2260 *et seq.*

2 20. MFVEF also worked to raise public awareness around the benefits of streamlining
3 the voter registration process through the DMV.

4 21. MFVEF's goal in doing this work was to encourage voter participation by
5 significantly increasing the voter registration rates in CA through automated voter registration of
6 eligible DMV clients.

7
8 22. The instant litigation seeks relief that will undermine the effectiveness of the New
9 Motor Voter program, causing it to reach far fewer eligible Californians.

10 23. If the Plaintiffs are successful, MFVEF's mission of expanding the electorate will
11 be compromised and thus MFVEF will be harmed.

12 24. Additionally, MFVEF believes that its membership of more than 7,000 members
13 in California includes persons some of whom may need to update their voter registrations and
14 who anticipate that their registrations will be automatically updated the next time they interact
15 with the DMV through the New Motor Voter program as currently implemented.

16
17 25. Additionally, if the New Motor Voter program is less effective, MFVEF will be
18 forced to redirect staff and volunteer time, and other organizational resources towards assisting
19 eligible voters with voter registration who otherwise would be registered through their
20 interactions with the DMV.

21 26. These injuries to MFVEF will be incurred if the instant litigation places
22 unnecessary barriers in front of eligible California voters who wish to register through the DMV.

23 27. Additionally, the instant litigation seeks relief that would require election officials
24 to use documents from the DMV to engage in efforts to remove voters from the rolls or prevent
25 future applicants from successfully registering to vote. This effort would likely result in the
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1 purge of eligible voters and would frustrate MFVEF's mission and undermine its efforts to
2 register eligible voters and to conduct voter education activities.

3 28. This effort would create a particular risk for the newly naturalized voters who
4 MFVEF currently is actively working to register. It would frustrate MFVEF's mission if an
5 eligible individual it helped get registered to vote were then subsequently removed from the rolls
6 or prevented from successful registration through the illegal practice that Plaintiffs seek.
7 Likewise, if Plaintiffs are successful in preventing eligible naturalized citizens from becoming
8 registered automatically through New Motor Voter, it will make it more difficult for MFVEF to
9 get those individuals out to vote and may require it to expend its own resources registering them.
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11 29. Election officials' use of such procedures as a result of this lawsuit would require
12 MFVEF to divert resources from other planned voter education activities in order to inform its
13 members and constituencies about the potential inaccuracies of any system of checking state and
14 local databases for citizenship information or purge lists and purge activities that Defendants
15 implement.
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17 30. If the State of California is pressured into adopting purge procedures sought in this
18 litigation, the mission of MFVEF would be significantly thwarted. MFVEF will have to divert
19 resources away from its get-out-the-vote, voter education programs, census work and education
20 about citizenship and immigrant rights, and instead invest resources into finding and re-
21 registering voters who were already registered, but were thrown off the rolls.
22

23 31. It would also require MFVEF to ensure that its eligible and properly registered
24 members and constituencies are neither intimidated nor discouraged from exercising their right to
25 vote by the illegal purge activity.

26 32. If Plaintiffs are successful in forcing the Defendants to implement the untried and
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1 potentially inaccurate voter purge procedures that Plaintiffs seek, MFVEF will also be forced to
2 expend additional resources to verify the accuracy of information held in state and local databases
3 regarding citizenship or immigration status; to verify the accuracy of the purge lists created using
4 this data; and to educate voters in underrepresented communities who fear disenfranchisement,
5 particularly naturalized citizens and other members of its constituencies, who may be improperly
6 identified as ineligible to vote.
7

8 33. MFVEF, its members, and its constituents were supporters of and advocated for
9 AB 60, now codified at Cal. Veh. Code § 12801.9. The advocacy work included ensuring that
10 AB 60 was implemented fully. MFVEF also was supportive of the privacy protections included
11 as part of AB 60.

12 34. MFVEF members and constituents have taken advantage of the opportunity
13 afforded by AB 60, and have obtained driver's licenses or identification cards without having to
14 provide documentation of their lawful presence. MFVEF has an interest in ensuring that these
15 individuals' rights to confidentiality as required by California law are protected.
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17 35. The Plaintiffs are seeking to compel the DMV to provide information about AB 60
18 license holders to the Secretary of State. This would be a violation of the privacy protections in
19 California law, and would jeopardize the privacy that AB 60 license holders possess under state
20 law. This could leave AB 60 holders open to potential harassment or deter them from becoming
21 licensed in the first place, causing harm to MFVEF members and constituents who have benefited
22 from or might benefit from obtaining AB 60 licenses in the future.
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2 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
3 was executed in Fresno, California on December 15, 2019.

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6 _____
Samuel Molina