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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 CLARISSA
MARTINEZ DE CASTRO 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 Clarissa Martinez De Castro

I, Clarissa Martinez De Castro, hereby declare as follows:

1. I am over the age of 18, 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. From 2014 until the present I have been the Deputy Vice President of UnidosUS (formerly National Council of La Raza). In that capacity, I provide leadership and management to the organization's policy and advocacy work, which includes issue-specific and cross-functional teams working on economic, health, education, immigration, criminal justice, and electoral issues. Within that, I directly oversee UnidosUs nonpartisan civic engagement work.

3. I have been with UnidosUS since 1996, and served in different capacities, including Director of Civic Engagement and Immigration, and Director of State/Local Public Policy. Prior to joining the staff at Unidos, I served as Assistant Director of the California-Mexico Project at the University of Southern California, as Public Policy Coordinator for the Southwest Voter Research Institute, and as an organizer and union representative.

4. UnidosUS, a 501(c)(3) organization, is the nation's largest Latino civil rights and advocacy organization working to build a stronger America by creating opportunities for Latinos. We envision an America where economic, political, and social advancement is a reality for all Latinos, where all Hispanics thrive, and where our community's contributions are recognized.

5. We serve the Hispanic community through research, policy analysis, and state and national advocacy efforts, as well as program work in communities nationwide. Our nationwide Affiliate network of close to 300 community-based organizations serves millions of citizens and immigrants annually in the areas of civic engagement, civil rights and immigration, education, workforce and the economy, health, and housing.

1 6. To achieve those goals, UnidosUS works in six key areas— affiliate engagement,
2 civil rights/immigration, education, health, housing and financial empowerment, and workforce
3 development—through applied research, policy analysis, advocacy, civic engagement, program
4 design and development, and capacity-building assistance to Affiliates working at the state and
5 local level to advance opportunities for individuals and families.

6 7. Our affiliates provide us a constant, direct connection to the Latino community
7 across the country. We provide our Affiliates with trainings and other support, partner on
8 program development and implementation, and engage in joint policy and advocacy activities at
9 the state and federal levels. This includes:
10

- 11 • Developing nonprofit leaders with culturally relevant trainings in specific program areas,
12 advocacy, and civic engagement.
- 13 • Convening Affiliates to foster peer-to-peer collaboration, highlighting their talents and
14 expertise.
- 15 • Linking Affiliates to opportunities for external funding, professional development, and
16 leadership.
- 17 • Providing access to special information, communications, materials, and services.
- 18 • Connecting Affiliates to a broad range of nonprofit resources including subgrants for
19 eligible Affiliates each year, as funding is available.
- 20 • Highlighting Affiliates through the broad reach of UnidosUS' integrated communications.

21 8. In addition, UnidosUS brings its Affiliates together several times a year to provide issue
22 briefings, grow their advocacy skills, and build their capacity. Particularly in the capacity-
23 building front, UnidosUS provides Affiliates with access to expert-led trainings on topics they
24 identify and prioritize, at little to no cost as funding is available. Topics include:

- 25 • Leadership Development
- 26 • Technology (Access/Training)
- 27 • Program Evaluation
- 28 • Board Development and Recruitment
- Fundraising and Resource Development
- Leadership Transition Planning
- Media and Communications (including social media)
- Social Enterprise

- Curriculum Training
- Advocacy
- Civic engagement

9. UnidosUS civic engagement program which helps eligible immigrants become citizens, citizens become voters, and the Hispanics overall become more engaged in the issues impacting their communities. On the voter engagement front, UnidosUS engages in nonpartisan voter registration, voter education, and Get-Out-The-Vote efforts (GOTV). We engage in these efforts through community canvassing, service provider, high school and online programs, and by developing and promoting tools for those eligible to register, as well as working with Affiliate organizations, and joining local efforts to make voter registration available.

10. UnidosUS staff work with partner organizations providing a mix of training and technical assistance, quality control oversight, subgrant support, and program management, in the implementation of voter registration activities. For example, in working with Affiliates, staff

- analyze Affiliate operations to determine most effective points at which to incorporate voter registration;
- review laws pertaining to 501(c)(3) organizations engaging in voter registration;
- help draft, review, monitor and assess progress of voter registration plans and goals;
- provide quality control over the voter registration process, and data management, as appropriate;
- organize monthly calls during election cycle, among all organizations participating in the program, to share best practices;
- hold weekly calls with each participating organization; and
- develop materials that can be used by all participating organizations.

11. UnidosUS has 57 affiliates in California.

Voter Registration:

12. UnidosUS has registered more than 700,000 eligible Americans to vote in the last decade, and plans to register 120,000 eligible voters nationwide in 2020.

13. In 2018, UnidosUS worked with 10 Affiliates in California on voter registration

1 activities, in addition to promoting and disseminating online registration tools. These efforts
2 achieved 9,158 registrations. While at a less intense pace, these organizations continue to
3 promote registration in off-cycle years.

4 14. UnidosUS and its California affiliates plan to continue voter registration work
5 in 2020 and beyond.

6 15. Planning for election year drives begins in the fall of the preceding year, or early
7 in the election year. For example, UnidosUS held a two-day training for its Affiliates, in
8 collaboration with the George Washington University Program in Political Management, in
9 October 2017, in preparation for 2018 activities. For 2020, UnidosUS will be conducting a three-
10 day training for organizations participating in our service-provider program. These efforts require
11 staff time, financial resources, and organization recruitment, training and management.
12

13 16. Voter participation is essential for a functioning democracy, and registration is a
14 critical need toward that goal. As a young community, voter registration is key for the Latino
15 community, as there is a significant gap between those eligible and those registered. The New
16 Motor Law, A.B. 1461, Cal Elec Code Div. 2, Ch. 4.5 §§ 2260 *et seq.*, was implemented in the
17 spring of 2018, and compared to the previous midterm elections, the percentage of Latinos
18 registered increased to 55%, compared with 48% in 2014 and 52% in 2010 (data from U.S.
19 Census Reports on Voting and Registration in the Elections for 2010, 2014, and 2018). That is
20 welcome progress, but much more is needed: as of 2018, 38% of eligible Californians remained
21 unregistered, and for Latinos, that figure was 45%. Thus, ensuring that eligible Californians are
22 able to register through the DMV is an essential component to close the state's registration gap.
23

24 17. As part of its civic engagement work, UnidosUS and a portion of its affiliates also
25 work on helping eligible immigrants become citizens, and once naturalized, become voters. In
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1 California, five of UnidosUS affiliates are active in those efforts. These new American voters are
2 the precise constituents whose right to vote is most directly threatened by the present litigation.

3 **New Motor Voter:**

4 18. In addition, as part of its mission to promote civic engagement and encourage
5 active participation in government, UnidosUS devoted resources as part of a coalition of
6 interested organizations advocating for effective implementation of the New Motor Voter law,
7 A.B. 1461, Cal Elec Code Div. 2, Ch. 4.5 §§ 2260 *et seq.*, including participation in weekly
8 coalition calls and periodic meetings with the California Secretary of State (SOS) and the
9 Department of Motor Vehicles (DMV) as they designed and developed the program.

10
11 19. UnidosUS and its affiliates worked to raise public awareness around the benefits
12 of streamlining the voter registration process through the DMV.

13
14 20. The goal of UnidosUS and its affiliates in doing this work was to significantly
15 increase voter registration rates among the eligible population in California through automated
16 voter registration of eligible DMV clients, an approach which would create onramps to
17 registration for millions of Californians, including unregistered eligible Latinos.

18 21. The instant litigation seeks relief that will undermine the effectiveness of the New
19 Motor Voter program, causing it to reach far fewer eligible Californians.

20 22. The result, if the Plaintiffs are successful, is that UnidosUS's mission of
21 encouraging civic engagement through increase voter registration will be compromised and will
22 be harmed..

23
24 23. Additionally, if the New Motor Voter program is less effective, UnidosUS and its
25 Affiliates will be forced to devote more resources to voter registration, instead of to other civic
26 participation, naturalization and capacity-building programs, when those eligible voters should be
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1 offered voter registration services by DMV.

2 24. These injuries to UnidosUS and its Affiliates will be incurred if the instant
3 litigation places unnecessary barriers on eligible California voters who wish to register through
4 the DMV.

5 25. Additionally, the instant litigation seeks relief that would require election officials
6 to use documents from the DMV to engage in efforts to remove voters from the rolls who are
7 allegedly not eligible and/or prevent future eligible applicants from registering to vote. This
8 effort would likely result in the illegal purge of eligible voter—as has been the case in other states
9 that have pursued this flawed approach—and would frustrate the mission of UnidosUS and its
10 Affiliates, and undermine its efforts to register eligible voters and to conduct voter education
11 activities.
12

13 26. This effort would create a particular risk for the newly eligible voters that
14 UnidosUS and its affiliates currently are actively working to register. It would frustrate their
15 mission if an eligible individual they registered to vote were then subsequently removed through
16 the illegal practice that Plaintiffs seek.
17

18 27. Election officials' use of such procedures as a result of this lawsuit would require
19 UnidosUS and its affiliates to divert resources from other planned activities in order to inform its
20 members and their communities about the potential inaccuracies of any purge lists and/or purge
21 activities that Defendant implement.
22

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

26 29. If Plaintiffs are successful in requiring Defendant to implement the untried and
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1 potentially inaccurate voter purge procedures that Plaintiffs seek, UnidosUS and its affiliates will
2 also be forced to expend additional resources to verify the accuracy of the new purge lists; to
3 educate voters in impacted communities who fear disenfranchisement, particularly naturalized
4 and Hispanic citizens, who may be improperly identified as ineligible to vote.

5 30. Additionally, beginning in February 2015, the UnidosUS engaged in ongoing
6 negotiations and litigation to vindication of its organizational and members' interests in
7 protecting the right to vote under the National Voter Registration Act ("NVRA"). *See League of*
8 *Women Voters of California v. Kelly*, No. 3:17-cv-026659-LB (N.D. Cal. 2017). The litigation
9 followed upon a 2016 Memorandum of Understanding between UnidosUS, Common Cause, the
10 League of Women Voters of California, and other advocates and Defendant Padilla, and
11 Defendant Gordon's predecessor as Director of the DMV.
12

13 31. The litigation ended in a January 2018 Settlement Agreement, which remains in
14 force today and will be enforced until December 31, 2020. Additionally, during the course of
15 ongoing discussions between the parties in that matter, additional Stipulated Orders have been
16 signed by the Court with the goal of further ensuring compliance by the State of California with
17 the NVRA. These additional Orders were signed by the Court on December 27, 2018, February
18 5, 2019 and May 9, 2019.
19

20 32. Among other things, in furtherance of enforcing the terms of these agreements, the
21 plaintiffs in that case participate in regular calls with Defendants to address outstanding issues
22 concerning the implementation of New Motor Voter as it relates to Defendants' obligations under
23 the NVRA, the very statute at issue in this litigation.
24

25 33. UnidosUS has a clear interest in protecting the substance and enforceability of
26 these agreements, all of which could be adversely impacted by the outcome of the present
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litigation, which could conflict with the agreements' terms by imposing a far more burdensome voter registration process than that spelled out by either the agreements or the NVRA.

AB60:

34. UnidosUS and a number of its California Affiliates were supporters of AB60. And a number of UnidosUS California Affiliates were members of the Drive California Coalition, a statewide coalition of immigrants' rights advocates, community-based organizations, service providers, faith-based organizations and worker' rights advocates that worked to ensure the passage and successful implementation of AB60 to make the roads safer for all Californians. This advocacy work included ensuring that AB60 privacy protections were implemented.

35. UnidosUS Affiliates members and constituents have taken advantage of the opportunity afforded by AB60, and UnidosUS has an interest in ensuring that these individuals' rights to confidentiality as required by California are protected.

36. The Plaintiffs are seeking to compel the DMV to provide information about AB60 license holders to the Secretary of State. This would be a violation of the privacy protections in California law, and would jeopardize the privacy that AB60 license holders believe they had. This could leave AB60 holders open to potential harassment or deter them from becoming licensed, causing harm to UnidosUS Affiliates members and constituents who have benefited from or might benefit from in the future obtaining AB60 licenses.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December _6_ 2019.



Clarissa Martinez De Castro