

EXHIBIT

16

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS	§	
	§	
<i>Plaintiff,</i>	§	Case No. 1:12-CV-00128
	§	
vs.	§	
	§	(RMC, DST, RLW)
ERIC H. HOLDER, JR.,	§	Three-Judge Court
Attorney General of the United States,	§	
	§	
<i>Defendant.</i>	§	
	§	

**PLAINTIFF’S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO
DEFENDANT’S FIRST SET OF INTERROGATORIES**

TO: Defendant ERIC H. HOLDER, JR, Attorney General of the United States, by and through his attorney of record, Elizabeth Stewart Westfall, U.S. Department of Justice, Civil Rights Division, Voting Section, 950 Pennsylvania, Avenue NW, NWB-Room 7202, Washington D.C. 20530.

Plaintiff the State of Texas (“Plaintiff”) serves these Supplemental Objections and Responses to Defendant’s First Set of Interrogatories under Federal Rule of Civil Procedure 33.

GENERAL OBJECTIONS

Plaintiff objects to each interrogatory: (1) insofar as it seeks information not in Plaintiff’s possession, custody, or control; (2) insofar as it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise privileged; (3) insofar as it seeks information which is publicly available or otherwise equally available and/or

uniquely or equally available from third parties; (4) insofar as it seeks information that does not specifically refer to the events which are the subject matter of this litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Plaintiff and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Plaintiff's investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Plaintiff's right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Plaintiff likewise does not waive the right to object, on any and all grounds, to (1) the evidentiary use of the information contained in these responses and objections; and (2) discovery requests relating to these objections and responses.

Plaintiff will provide its responses based on terms as they are commonly understood, and consistent with the Federal Rules of Civil Procedure. Plaintiff objects to and will refrain from extending or modifying any words employed in the requests to comport with expanded definitions or instructions.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify each person who was involved in any manner in the drafting, proposing, development, or analysis of S.B. 14, including but not limited to Legislators, the Texas Legislative Council, the Office of the Governor, the Office of the Lieutenant Governor, the Office of the Attorney General, the Office of the Secretary of State, and any other persons not employed by or serving as an agent of the State, and describe each person's involvement.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The request for persons who were "involved in any manner in the drafting, proposing, development, or analysis of S.B. 14" imposes an unlimited burden to identify every individual, regardless of location, level of involvement, or relationship to the State, who happened to analyze S.B. 14 for any purpose. The number of such persons far exceeds the set of individuals who might have information material to the claims in this lawsuit. Plaintiff cannot reasonably comply with the request to describe the involvement of all such persons because many are non-parties whose activities and deliberations are not within Plaintiff's knowledge, possession, custody, or control, and many are not reasonably identifiable.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

The Honorable Patricia Harless
Texas House of Representatives
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Representative Harless sponsored S.B. 14 in the Texas House of Representatives.

The Honorable Aaron Peña
Texas House of Representatives
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

(512) 936-1695

Representative Peña was a joint sponsor of S.B. 14 in the Texas House of Representatives.

The Honorable Larry Gonzales
Texas House of Representatives
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Representative Gonzales was a co-sponsor of S.B. 14 in the Texas House of Representatives.

The Honorable Jose Aliseda
Texas House of Representatives
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Representative Aliseda was a co-sponsor of S.B. 14 in the Texas House of Representatives.

The Honorable Troy Fraser
Texas Senate
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Senator Fraser authored S.B. 14 in the Texas Senate.

Janice McCoy
Chief of Staff to the Honorable Troy Fraser
Texas Senate
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

(512) 936-1695

Ms. McCoy assisted with the drafting, development, and passage of S.B. 14 in the Texas Senate.

Colby Beuck
Chief of Staff to the Honorable Patricia Harless
Texas House of Representatives
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Beuck assisted with the drafting, development, and passage of S.B. 14 in the Texas House of Representatives.

Brandy Marty
Deputy Chief of Staff
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Marty monitored the progress and assisted with the analysis of S.B. 14 as director of the Office of Budget, Planning and Policy for Governor Perry.

Michael Schofield
Former Policy Advisor
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Schofield monitored the progress and assisted with the analysis of S.B. 14 as an advisor in the Office of Budget, Planning and Policy for Governor Perry.

Ray Sullivan
Former Chief of Staff

Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Sullivan monitored the progress and assisted with the analysis of S.B. 14 as chief of staff for Governor Perry.

Jeff Boyd
Chief of Staff
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Boyd monitored the progress and assisted with the legal analysis of S.B. 14 as general counsel for Governor Perry.

Kathy Walt
Deputy Chief of Staff
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Walt monitored the progress and assisted with the analysis of S.B. 14 as deputy chief of staff for Governor Perry.

The Honorable Ken Armbrister
Legislative Director
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Senator Armbrister monitored the progress and assisted with the analysis of S.B. 14 as legislative director for Governor Perry.

David Eichler
Deputy Legislative Director
Office of Governor Rick Perry
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Eichler monitored the progress and assisted with the analysis of S.B. 14 as deputy legislative director for Governor Perry.

Bryan Hebert
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Hebert was involved in the drafting and analysis of S.B. 14 as deputy general counsel to Lieutenant Governor David Dewhurst.

Julia Rathgeber
Deputy Chief of Staff
Lieutenant Governor David Dewhurst
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Rathgeber monitored the progress and assisted with the development of S.B. 14 as deputy chief of staff to the Lieutenant Governor.

Frank Battle
General Counsel
Lieutenant Governor David Dewhurst
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

(512) 936-1695

Mr. Battle assisted with analysis of legal questions relating to S.B. 14.

Blaine Brunson
Chief of Staff
Lieutenant Governor David Dewhurst
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Brunson was involved in the development of S.B. 14 as chief of staff to the Lieutenant Governor.

David Hanna
Jennifer Jackson
Anne Peters
Texas Legislative Council
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Jackson and Ms. Peters had primary responsibility within the Texas Legislative Council for drafting legislative documents associated with S.B. 14.

Tammy Edgerly
Carey Eskridge
Liz Morris
Texas Legislative Council
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Edgerly, Ms. Eskridge, and Ms. Morris had primary responsibility within the Texas Legislative Council for preparing analyses for S.B. 14.

Keith Ingram

Director of Elections
Office of the Texas Secretary of State
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Ingram participated in the administrative preclearance process of S.B. 14.

Ann McGeehan
Assistant General Counsel
Texas County and District Retirement System
901 South Mopac
Barton Oaks Plaza IV, Suite 500
Austin, TX 78745
(512) 328-8889

Ms. McGeehan was involved in the development and analysis of S.B. 14 as the director of the elections division of the Office of the Secretary of State.

John Sepehri
Patton Boggs LLP
2000 McKinney Ave
Suite 1700
Dallas, TX 75201
(214) 758-1500

Mr. Sepehri was involved in the development and analysis of S.B. 14 as general counsel to the Secretary of State.

Amanda Montagne
General Counsel
The Honorable Tommy Williams
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Montagne was involved in the analysis of S.B. 14.

Ryan Larue

Office of the Honorable Tommy Williams
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Larue was involved in the analysis of S.B. 14 as a member of Senator Tommy Williams's staff.

Jonathan Stinson
Legislative Director
The Honorable Joan Huffman
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Mr. Stinson was involved in the analysis of S.B. 14.

Jennifer Fagan
Office of the Honorable Robert Duncan
c/o Jonathan Mitchell
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1695

Ms. Fagan was involved in the development of S.B. 14 as a member of Senator Duncan's staff.

George Hammerlein
Associate Director
Office of the Harris County Clerk
201 Caroline Suite 460
P.O. Box 1525
Houston, Texas 77251
(713) 755-6411

Mr. Hammerlein was involved in the development of S.B. 14.

Ed Johnson
Office of the Harris County Clerk

201 Caroline Suite 460
P.O. Box 1525
Houston, Texas 77251
(713) 203-6633

Mr. Johnson was involved in the development of S.B. 14.

Jessica Gomez
Voting Rights Policy Specialist
Advocacy Incorporated
7800 Shoal Creek Blvd., Suite 171-E
Austin, Texas 78757-1024
(512) 454-4816

Ms. Gomez was involved in the drafting of S.B. 14.

B.R. "Skipper" Wallace
P.O. Box 886
Lampasas, TX 76550
(512) 556-6624

Mr. Wallace was involved in the proposal of S.B. 14.

Joseph Gerald Hebert
191 Somerville Street
Suite 405
Alexandria, VA 22304
(703) 628-4673

Mr. Hebert participated in the development of S.B. 14 by giving testimony to the Legislature regarding the bill.

Gary Bledsoe
316 West 12th St., Suite 307
Austin, Texas 78701
(512) 322-9992

Mr. Bledsoe participated in the development of S.B. 14 by giving testimony to the Legislature regarding the bill.

In addition to the individuals listed above, the set of persons "involved in any manner in the drafting, proposing, development, or analysis of S.B. 14" includes all members of Texas Senate, all members of the Select House Committee on Voter Identification and Voter Fraud, members of the conference committee, and all

members of the Texas House of Representatives who voted on S.B. 14, as well as members of their staffs, and all witnesses who provided live testimony or written comments on S.B. 14. Pursuant to Federal Rule of Civil Procedure 33(d), the identity of witnesses who provided testimony on S.B. 14 is available through publicly available sources and in documents numbered TX00000001 through 00004759, including TX_00002680–TX_00002681, TX_00002769–TX_00002771, and TX_00002764–TX_00002764.

INTERROGATORY NO. 2:

Identify all documents and communications presented to, relied upon, produced by, transmitted to, or relied upon by the State of Texas, including but not limited to the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, Legislators, and Texas county election officials, related to the drafting, proposing, development, or plans to implement S.B. 14.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this interrogatory on the ground that it seeks disclosure of information subject to attorney-client privilege, legislative privilege, deliberative process privilege, and attorney work-product protection. Plaintiff objects to this interrogatory on the ground that it seeks information within the control of non-parties whose documents, communications, and deliberations are not within Plaintiff's possession, custody, or control. Plaintiff objects to this interrogatory on the ground that it seeks documents and communications from Texas county election officials, whose documents, communications, and deliberations are not within Plaintiff's knowledge, possession, custody, or control.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: The Texas Secretary of State's office was not involved in the proposing or drafting of SB-14, except as a resource for the Legislators. The Secretary of State is charged with the implementation of the law, and in that regard the office pursued administrative preclearance at the Department of Justice. The preclearance materials submitted to the Department of Justice included two administrative rules related to implementation of the law.

The Texas Legislative Council identifies the following documents and communications:

- The original bill file for S.B. 14 from the Legislative Reference Library.
- Entries in the journal identifying amendments to S.B. 14 that were considered and rejected by the Texas Legislature.

- Privileged and confidential legislative draft files created as work product by the Texas Legislative Council's attorneys in the course of providing legislative services and legal advice and services to the Texas Legislature.
- Privileged and confidential bill analysis files prepared by the council's research division in the course of providing legislative services to the Texas Legislature.
- Privileged and confidential mapping project prepared by the council's mapping section in the course of providing legislative services to the Texas Legislature.
- Privileged and confidential emails between the council's attorneys and legal division employees and their clients within the legislature discussing the substance and timing of the delivery of legislative drafts.
- Privileged and confidential emails between the council's research division employees and their clients within the legislature discussing the substance and timing of the delivery of bill analyses of S.B. 14.
- Privileged and confidential documents obtained in the course of providing legal advice and services regarding requests for public information from the offices of two state representatives.

Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), further information responsive to this request may be derived from documents numbered TX00000001 through TX00004759, TX00028108 through TX00028586, TX 00034435 through TX00034592, and TX00022292 through TX00026018.

INTERROGATORY NO. 3:

Identify all persons with knowledge of and all documents and communications concerning the procedural sequence of the drafting, introduction, consideration, and enactment of S.B. 14.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence because it imposes an unlimited burden to identify every individual, regardless of location, level of involvement, or relationship to the State, who has any "knowledge of . . . the procedural sequence of the drafting, introduction, consideration, and enactment of S.B. 14." The class of such persons far exceeds the set of individuals who might have information material to the claims in this

lawsuit, and Plaintiff cannot reasonably comply with the request to identify them all.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff reads the word "documents" out of this interrogatory and accordingly construes the request as a single interrogatory under Rule 33(a). Please see response to Interrogatory No. 1. Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), further information responsive to this request may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586.

INTERROGATORY NO. 4:

Identify all documents and persons containing or possessing knowledge or information that the State of Texas contends support its factual allegation in paragraph 33 of the First Amended Complaint (Doc. 25) that "Texas's Voter-ID law was not enacted with the purpose of disenfranchising minority voters," including but not limited to each and every reason, justification, rationale, interest, or purpose related to the enactment of S.B. 14 and the nexus between any or all of those purposes and S.B. 14.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, vague, and not reasonably specific insofar as it seeks the identity of "all persons" possessing knowledge that "Texas's Voter-ID law was not enacted with the purpose of disenfranchising minority voters." Plaintiff objects to this interrogatory on the ground that it seeks disclosure of information subject to attorney-client privilege, legislative privilege, deliberative process privilege, and attorney work-product protection.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff reads the word "documents" out of this interrogatory and accordingly construes the request as a single interrogatory under Rule 33(a). Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), the requested information may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586. Please see response to Interrogatory No. 1.

INTERROGATORY NO. 5:

Identify all documents and persons containing or possessing knowledge or information that the State of Texas contends support its factual allegation in paragraph 36 of the First Amended Complaint (Doc. 25) that S.B. 14 imposes a minor inconvenience on voters.

Plaintiff objects to this interrogatory as overbroad, unduly burdensome, vague, and not reasonably specific insofar as it seeks the identity of “all persons” possessing knowledge that S.B. 14 imposes a minor inconvenience on voters. Plaintiff objects to this interrogatory on the ground that it seeks disclosure of information subject to attorney-client privilege, legislative privilege, deliberative process privilege, and attorney work-product protection. Plaintiff objects to this interrogatory on the ground that it seeks documents within the control of independent officers of the State of Texas whose documents, communications, and deliberations are not within Plaintiff’s possession, custody, or control. Plaintiff objects to this interrogatory as unduly burdensome and premature in light of the fact that discovery is still ongoing. Plaintiff will identify such information pursuant to the Court’s scheduling order requiring the parties to exchange exhibit lists.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court’s oral ruling of April 10, 2012, Plaintiff reads the word “documents” out of this interrogatory and accordingly construes the request as a single interrogatory under Rule 33(a). *See Crawford v. Marion County Elec. Bd.*, 553 U.S. 181, 198 (2008) (opinion of Stevens, J.) (“For most voters who need them, the inconvenience of making a trip to the BMV, gathering the required documents, and posing for a photograph surely does not qualify as a substantial burden on the right to vote, or even represent a significant increase over the usual burdens of voting.”); *id.* at 209 (Scalia, J. concurring in the judgment) (“The universally applicable requirements of Indiana’s voter-identification law are eminently reasonable. The burden of acquiring, possessing, and showing a free photo identification is simply not severe, because it does not ‘even represent a significant increase over the usual burdens of voting.’”). Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), the requested information may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586. Please see response to Interrogatory No. 1. Plaintiff will identify experts pursuant to the Court’s scheduling order.

INTERROGATORY NO. 6:

Identify all documents and persons containing or possessing knowledge or information that the State of Texas contends support its factual allegation in Claim One of the First Amended Complaint (Doc. 25) that S.B. 14 does not have the “effect of denying or abridging the right to vote on account of race or color, or because of membership in a language minority group.”

RESPONSE: Plaintiff objects to this interrogatory as overbroad, unduly burdensome, vague, and not reasonably specific insofar as it seeks the identity of “all persons” possessing knowledge that S.B. 14 does not have the “effect of denying or abridging the right to vote on account of race or color, or because of membership in a language minority group.” Plaintiff objects to this interrogatory on the ground

that it seeks disclosure of information subject to attorney-client privilege, legislative privilege, deliberative process privilege, and attorney work-product protection.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff reads the word "documents" out of this interrogatory and accordingly construes the request as a single interrogatory under Rule 33(a). Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), the requested information may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586. Please see response to Interrogatory No. 1. Plaintiff will identify experts pursuant to the Court's scheduling order.

INTERROGATORY NO. 7:

Identify and describe all databases and other documents that contain lists of Texas residents who (a) are registered to vote in the State of Texas; (b) possess a valid Texas driver license or Texas personal identification card issued by the Texas Department of Public Safety; (c) possess a valid Texas concealed handgun license; (d) are members of the United States armed forces who reside in Texas; (e) possess a United States citizenship certificate; or (f) possess a United States passport. Please include a description of each category of information that is maintained for each individual in each of these databases.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence because Defendants' request imposes an unlimited burden to identify "all databases and other documents" without regard to their nature, location, custodian, or availability to Plaintiff. Plaintiff cannot possibly identify all such documents, nor can it identify all custodians of such documents. To the extent such documents are in the possession of non-parties, they are not within Plaintiff's custody, possession, or control. Plaintiff objects to this interrogatory insofar as it seeks disclosure of information subject to attorney-client privilege, legislative privilege, deliberative process privilege, and attorney work-product protection.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Consistent with the Court's oral ruling of April 10, 2012, Plaintiff construes Interrogatory No. 7 as two separate interrogatories.

The Office of the Secretary of State maintains the T.E.A.M. database, containing data reflecting the identification of Texas residents who are registered to vote in the State of Texas. The T.E.A.M. database includes the following fields of data: name, residence address, mailing address (if different), date of birth, driver's license number, last four digits of social security number, and indication whether the person wishes to be an election worker or not. These fields correspond to the

current voter registration application. In the past, other information was collected including the full social security numbers for some voters. Those full social security numbers remain in the field for the last four of the social security numbers. In addition to the T.E.A.M. database, forty counties (one of which will be online by the end of the year) in the State of Texas that are not linked to the T.E.A.M. database and considered “off-line” maintain separate county databases containing data reflecting the identification of Texas residents who are registered to vote in the State of Texas. Each county in the State of Texas is responsible for maintaining voter registration cards.

The Office of the Secretary of State has access to and utilizes the “Live-Check” web portal, which is a gateway to information databases including deceased persons and DPS drivers license/ID card information, both of which are kept at the Secretary of State. It also accesses a port at the Department of Public Safety, where the last four digits of the social security number provided by a prospective voter is then checked against the Social Security Administration and the response routed back through the DPS to our system. The in-house Secretary of State database containing data reflecting the identification of Texas residents who possess a valid driver’s license or Texas personal identification card issued by the Texas Department of Public Safety receives updates every weekday from DPS. What we think of as the “Live-Check” drivers’ license database includes the following fields of data: name, driver’s license number, date of birth.

The Texas Department of Public Safety maintains the databases containing information regarding Texas driver licenses and identification cards. The Texas driver license and Texas identification card information is contained within the same database. The driver license and identification card database is the Driver License System (DLS).

The Driver License System (DLS) database is used throughout the state of Texas to issue driver licenses and identification certificates and to maintain all information related to the driver record and support law enforcement and criminal justice entities. DLS is a very complex, ‘Driver’ oriented database. The application stores the data in relational DB2 Database which consist of DLS Data Tables, Audit Tables and Image Data. The Database consists of the following tables:

DLS Data Tables = 122
DLS Image Tables =13
DLS Audit Tables = 111

There are approximately 27 Million Driver License records contained within the DLS Database and these records are related to many other data tables within the DLS Database that contain hundreds of millions of data rows.

Most data within the system is related to or associated with a Person record and the Person record is at the core of the system. A record must be created in the Person Table prior to entering any other information into the system for an individual. The database contains three main entities—Person, Issuance and Event. Each person may hold multiple issuances and may have multiple events.

The Person Table contains data for each person including but not limited to: name of person (Last, First, Middle), date of birth, mailing and street address, city, state, zip, county, gender, physical description, race, social security number, citizenship status, county addresses, contact information (email, phone), AKA Information (AKA Driver license, AKA Social Security Numbers, and AKA Name Information), image information from both microfilm and digital sources, parent taught driver education information, sex offender information, issuance and expiration information, events, and administrative status, license type, license status, photographic/digital images of the individual, signatures and thumbprints.

The Issuance Record Tables store information regarding the kind of issuance documents (driver license, ID card, occupational license, or unlicensed) held by the person. Child tables in issuance contain information about specific cards, endorsements, restrictions, card status.

The Event Tables keep track of activity associated with the person. This activity can include accidents, appeal requests, suspension and compliance information, convictions, driver responsibility programs, enforcement actions, findings, hearing requests, medical advisory board information and transactions.

The various tables in the system work together to provide information of the complete individual driver or ID certificate record of the 27 million individuals listed in the database. The individuals listed in the database reflect all current and past driver license and identification card holders.

The License to Carry (LTC) database is the database regarding the concealed handgun license (CHL) program in Texas. The database is maintained by the Texas Department of Public Safety. It is utilized to maintain the records regarding all CHL applicants, license holders and hand gun instructors. The application stores the data in an Sql database which includes more than 110 tables. These tables are grouped into five logical sections in order to reduce the difficulty of finding required information quickly. The five categories of tables are: Primary, Reference, Other Import/Export, DPS to Web and Web to DPS.

The Primary Tables are those that comprise the heart of the LTC software. These are the primary tables used to record personal identifying information regarding applicants, the application documents, resulting licenses, and instructor certificates.

Data tables contained within the Primary Tables are used to record the key information about an individual who has applied for a concealed handgun license or an instructor's certification. Individuals will not have more than one Applicant record. These tables include fields for personal identifying information that include: applicant name, date of birth, sex, race, driver license number, other state issued identification, social security number, physical description, birth city, birth state id, license or certificate number, license type, issuance date, renewal date, expiration date, license status, mailing address, residence address, work address, home phone, work phone, deceased date, suspension information.

Reference tables are those that serve in a supporting role, and contain lists of codes, statuses, and other items that are referenced by primary tables. These tables tend to be small and to only have a few columns. Reference tables include those items such as state, county, district, configuration. These tables do not contain any information related to any particular applicant or license.

Other Import/Export tables are those tables used to contain the information received from or sent to other information systems excluding the Computerized Criminal History (CCH) system and the Texas Online Web Site.

DPS to Web tables are those tables used to send applicant information and other related information to the TexasOnline website.

Web to DPS tables are those tables used to receive information such as applications, address changes and other information from the TexasOnline website.

The various tables in the system work together to provide information of the complete individual applicant, license holder and handgun instructor. There are over 500,000 individuals listed in the database. The data includes all current and past applicants, license holders and handgun instructors.

On information and belief, the databases that contain lists of Texas residents who are members of the United States armed forces, who possess a United States citizenship certificate, and who possess a United States passport are in the custody and possession of the United States.

INTERROGATORY NO. 8:

Describe in detail the process of obtaining an election identification certificate, including but not limited to (a) each and every location in the State at which one may obtain an election identification certificate and its hours of operation; (b) the secondary identification that a voter must supply to obtain an election identification certificate; (c) for each and every piece of secondary identification, the process for

obtaining such identification and the cost associated with obtaining such identification.

RESPONSE: Plaintiff objects to this interrogatory as overbroad, unduly burdensome, vague, and not reasonably specific. Plaintiff objects to this interrogatory as overly burdensome and seeking publicly available information that is equally accessible to Defendant. Plaintiff objects to this interrogatory as overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible information. Plaintiff objects to this interrogatory on the ground that it seeks information that is publicly available and equally and/or uniquely available to Defendant. Plaintiff objects to the request for “the process for obtaining . . . and the cost associated with obtaining” “each and every piece of secondary identification” as vague and ambiguous insofar as the cost of obtaining an original or certified copy of a court order changing name or gender varies with the cost of obtaining relief on the underlying claim, and the cost of obtaining a certified copy of such order is set by the district clerk of each court under Texas Government Code § 51.318(b)(7).

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court’s oral ruling of April 10, 2012, Plaintiff will construe all subparts of this interrogatory as a single interrogatory under Rule 33(a). Pursuant to Federal Rule of Civil Procedure 33(d), the requested information may be derived from publicly available documents containing the fee schedule set by county district clerks. *See, e.g.,* Harris County District Clerk, Civil and Family Cases, Filing and Service Fees (Jan. 1, 2011), *at* http://www.hcdistrictclerk.com/Common/Civil/pdf/Fee_Schedule_Civil_and_Family.pdf.

Persons who do not have photo identification acceptable for voting may visit any Texas driver license office that issues original documents and complete a DL-14C, Application for Texas Election Certificate. Upon presentation of the completed application and required documents proving US citizenship and identity, the applicant’s images will be captured and a temporary receipt will be issued to the applicant for the Election Certificate, which will be acceptable for voting in the same manner as the actual card.

An applicant for an election identification certificate must provide documents satisfactory to the Department of Public Safety, and all documents must be verifiable. An applicant may present one piece of primary identification, two pieces of secondary identification, or one piece of secondary plus two pieces of supporting identification.

Primary Identification is a Texas driver license or personal identification card issued to the person that has been expired for 60 days and is within two years of expiration date.

The following four documents are secondary identification and must be recorded governmental documents from the United States, one of the 50 states, a U.S. territory, or District of Columbia:

- Original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency;
- Original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad); or
- Original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender.
- U.S. citizenship or naturalization papers without identifiable photo.

Supporting identification consists of other records or documents that aid examining personnel in establishing the identity of the applicant.

- voter registration card
- school records
- insurance policy (at least two years old)
- Texas vehicle or boat title or registration
- military records
- unexpired military dependant identification card
- original or certified copy of marriage license or divorce decree
- Social Security card
- pilot's license
- unexpired photo DL or photo ID issued by another (United States) state, U.S. territory, the District of Columbia
- expired photo DL or photo ID issued by another (United States) state, U.S. territory, or the District of Columbia that is within two years of the expiration date
- an offender identification card or similar form of identification issued by the Texas Department of Criminal Justice
- forms W-2 or 1099
- Numident record from the Social Security Administration
- expired Texas driver license or personal identification certificate (expired more than two years)
- professional license issued by Texas state agency
- identification card issued by government agency
- parole or mandatory release certificate issued by the Texas Department of Criminal Justice
- federal inmate identification card

- federal parole or release certificate
- Medicare or Medicaid card
- Selective Service card
- immunization records
- tribal membership card from federally recognized tribe
- Certificate of Degree of Indian Blood
- Veteran's Administration card
- hospital issued birth record
- any document that may be added to Section 15.24 of this title (relating to Identification of Applicants) other than those issued to persons who are not citizens of the U.S.

S.B.14 provides that the Department of Public Safety may require applicants for an election identification certificate to furnish information required to obtain a driver license or personal identification certificate. The acceptable documents list established for the issuance of driver licenses and personal identification certificates is the basis for the list of acceptable documents for election certificates. DPS does not maintain information relating to the cost of obtaining these documents. Many of the supporting documents have no associated costs. Additionally, DPS does not maintain information on how to obtain the documents or copies.

The cost to obtain a certified Texas birth certificate in person at the Department of State Health Services is \$22. Additional charges may apply for expedited processing and delivery for documents ordered through other means.

INTERROGATORY NO. 9:

Identify each and every form of photo identification currently issued by the State and for each such form of photo identification, identify the agency, office, or entity that issues it.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and vague insofar as it fails to define the term "photo identification" and seeks to impose an obligation on Plaintiff to identify every document that might fit within the definition of that term without regard to the information necessary to obtain such document or the information contained in such document.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: The Texas Department of Public Safety issues the following forms of identification containing photographs:

- Texas Driver License
- Texas Personal Identification Certificate

- Texas Concealed Handgun License
- Texas Vehicle Inspector access cards
- Department of Public Safety Employee Identification Cards
- DPS and Capitol Complex employee access cards

The agencies listed below use DPS resources to issue security access cards to their employees:

Texas Senate

Texas House of Representatives

Texas Legislative Council

Legislative Budget Board

Legislative Reference Library

Sunset Advisory Commission

Supreme Court of Texas

Texas Board of Law Examiners

Court of Criminal Appeals

Office of Court Administration

State Prosecuting Attorney

Office of Capital Writs

Third District Court of Appeals

State Commission on Judicial Conduct

Texas State Law Library

Office of the Governor

Office of the Attorney General

Texas Facilities Commission

Comptroller of Public Accounts

General Land Office and Veteran Land Board

Texas State Library and Archives

Texas Secretary of State

State Auditor's Office

State Securities Board

Department of Information Resources

Texas Workforce Commission

Fire Fighters' Pension Commission

Texas Employees' Retirement System

Texas Real Estate Commission

Texas Department of Housing and Community Affairs

Texas Board of Tax Professionals

Pension Review Board

Public Finance Authority

Bond Review Board

Texas Aerospace Commission

Texas Ethics Commission

Public Insurance Council

State Office of Administrative Hearings

Health Professions Council
Veterans Commission
Texas Department of Public Safety
Commission on Jail Standards
Texas Commission on Fire Protection
Texas Savings and Loan Department
Department of Banking
Department of Licensing and Regulation
Texas Department of Insurance
Texas Railroad Commission
Texas State Board of Public Accountancy
Texas Board of Architectural Examiners
Office of Consumer Credit Commission
Structural Pest Control Board
Public Utility Commission
Public Utility Council
Advisory Commission on State Emergency
Office of Risk Management
Board of Professional Geo-Scientist
Board of Medical Examiners
Board of Dental Examiners
Board of Nursing

Board of Chiropractic Examiners

Board of Podiatry Examiners

Funeral Communications

Optometry Board

Board of Pharmacy

Board of Psychologists Examiners

Health and Human Services Commission

Executive Council of Physical and Occupational Therapy

Department of State Health Services

Department of Assistance and Rehab Services

Department of Agriculture

Veterinary Medical Examiners

Water Development Board

Texas Department of Transportation

Texas Department of Motor Vehicles

Texas Juvenile Justice Department

Department of Criminal Justice

Department of Criminal Justice—Pardons and Paroles Division

Texas Education Agency

Texas Southern University

LBJ School of Public Affairs

Office of Demographers

Texas Forensic Scientist Commission
Stephen F. Austin State University
University of North Texas System
Board of Regents, Texas State University System
Texas Parks & Wildlife Department
Texas Historical Commission
State Preservation Board
Texas Commission on the Arts
Treasury Safekeeping Trust Company

These cards contain a digital image of the employee. The cards issued to employees of these agencies consist of a Security Access Card (HID Proximity Card, approved state employees for access to buildings administered by DPS) and Texas House of Representatives Capitol Access Card (HID Proximity Card, approved House employees for access to House-controlled areas of the state Capitol building under agreement with the State Preservation Board).

INTERROGATORY NO. 10:

Identify all documents and persons containing or possessing knowledge or information related to the matches of registered-voter data with data sources maintained by the State's Department of Public Safety sent to the Attorney General on September 7, 2011; October 4, 2011; and January 12, 2012.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence because it imposes an unlimited burden to identify all persons "possessing knowledge or information related to the matches of registered-voter data" without regard to the nature or extent of their knowledge or the degree of its relation to the information provided to the United States Attorney General.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff reads the word "documents" out of this interrogatory and accordingly construes the request as a single interrogatory under Rule 33(a).

The following employees and former employees of the Texas Secretary of State may have knowledge or information responsive to this interrogatory:

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Deputy Secretary of State
Office of the Texas Secretary of State
c/o Jonathan Mitchell
Office of the Attorney General
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Keith Ingram
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Austin, TX 78745
(512) 328-8889

John Sepehri
Patton Boggs LLP
2000 McKinney Ave
Suite 1700
Dallas, TX 75201
(214) 758-1500

The following employees of the Texas Department of Public Safety may have knowledge regarding the collection and production of information to the Secretary of State's office:

Michael Terry
Deputy Assistant Director, Policy and Business Improvement
Driver License Division
Texas Department of Public Safety

c/o Jonathan Mitchell
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Janie Smith
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Sheri Gipson
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Driver License Division
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Enrique Gomez
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Texas Department of Public Safety
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INTERROGATORY NOS. 11A and 11B:

Identify all documents concerning, and every person with knowledge or information about any and all (a) in-person voter impersonation or other in-person voter fraud that occurred in the State of Texas from January 1, 2002, to the present and (b) instances of voting in Texas by persons who are not citizens of the United States from January 1, 2002, to the present.

RESPONSE: Plaintiff objects to this interrogatory on the ground that it contains four separate interrogatories. By asking Plaintiff to identify “every person” with knowledge or information about (a) in-person voter fraud and (b) instances of voting by non-citizens, the interrogatory “introduces a line of inquiry that is separate and distinct from the inquiry made by the portion of the interrogatory that precedes it.” *Willingham v. Ashcroft*, 226 F.R.D. 57, 59 (D.D.C. 2005) (internal quotations and citations omitted). Plaintiff will therefore construe Interrogatory No. 11 as two interrogatories.

- A. **Interrogatory 11A:** Identify all documents concerning, and every person with knowledge or information about any and all (a) in-person voter impersonation or other in-person voter fraud that occurred in the State of Texas from January 1, 2002, to the present

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence insofar as it purports to impose an unlimited obligation to identify “all documents concerning . . . any and all” in-person voter fraud over a period of more than ten years without regard to their location, custodian, or availability to Plaintiff. Plaintiff cannot possibly identify all such documents, nor can it identify all custodians of such documents. To the extent such documents are in the possession of non-parties, including private citizens and local government officials, they are not within Plaintiff’s possession, custody, or control. Plaintiff reserves the right to supplement its response and to introduce at trial any evidence of in-person voter impersonation or other in-person voter fraud.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court’s oral ruling of April 10, 2012, Plaintiff reads the word “documents” out of this interrogatory and accordingly construes the request for persons with knowledge or information about in-person voter impersonation or other in-person voter fraud that occurred in the State of Texas since January 1, 2002 as a single interrogatory under Rule 33(a).

The Office of the Texas Secretary of State identifies the individuals listed in the attached Exhibit 1. The Texas Legislative Council identifies the following individuals as persons with knowledge of confidential and privileged policy research projects related to voter impersonation that were produced in the course of providing legislative services to the Texas Legislature:

Jason Bane
c/o Jonathan Mitchell

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(512) 936-1695

Chandler Lewis
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Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), further responsive information may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586. Please see response to Interrogatory No. 1. Plaintiff will identify experts pursuant to the Court's scheduling order.

- B. **Interrogatory 11B**: Identify all documents concerning, and every person with knowledge or information about any and all . . . (b) instances of voting in Texas by persons who are not citizens of the United States from January 1, 2002, to the present.

RESPONSE: Plaintiff objects to this interrogatory as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The request to identify "every person with knowledge or information about any and all . . . instances of voting in Texas by persons who are not citizens of the United States" over a period of more than ten years imposes an unlimited burden to identify every individual, regardless of location or relationship to the State, who might have any knowledge or information about voting by non-citizens. Plaintiff cannot reasonably comply with this request. Plaintiff objects to this request on the ground that it calls for the identity of non-parties whose identity and knowledge are not within Plaintiff's knowledge, possession, custody, or control. Plaintiff reserves the right to supplement its response and to introduce at trial any evidence of voting by non-citizens.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff reads the word "documents" out of this interrogatory and accordingly construes the request for persons with knowledge or information about instances of voting in Texas by persons who are not citizens of the United States from January 1, 2002, to the present as a single interrogatory under Rule 33(a). The Secretary of State's Office

responds that Gary L. Sintas of Culberson County, Texas made a complaint in April, 2006 to the Secretary of State's office alleging that non-citizens were voting in the March primary that year. That complaint was referred by Ann McGeehan to the Office of the Attorney General for further investigation. Linda Mae Wilson of the City of Waelder made a complaint that a non-citizen was allowed to vote in the May 8, 2010 City of Waelder General Election. Plaintiff states that pursuant to Federal Rule of Civil Procedure 33(d), further responsive information may be derived from documents numbered TX00000001 through 00004759 and TX00028108 through TX00028586. Please see response to Interrogatory No. 1. Plaintiff will identify experts pursuant to the Court's scheduling order.

INTERROGATORY NO. 12:

Identify the specific nature of and the schedule for all training, voter education, and outreach relating to S.B. 14, including but not limited to training of county election officials, state agencies, and election-related organizations or associations; voter education; and mobile outreach or any other effort to provide individuals with an election identification certificate. Identify all documents supporting your response to this Interrogatory.

RESPONSE: Plaintiff objects to this request as overbroad, unduly burdensome, and premature to the extent it requests the nature and schedule for "all training, voter education, and outreach relating to S.B. 14." Because S.B. 14 has not yet received preclearance under Section 5 of the Voting Rights Act, it cannot be implemented, and a complete schedule for training, voter education, and outreach has not been finalized. Plaintiff objects to this request on the ground that the terms "nature of," "county election officials" and "election-related organizations or associations" are vague and undefined. Plaintiff objects to this request on the ground that it contains distinct subparts, which should be counted as separate interrogatories.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Based on the Court's oral ruling of April 10, 2012, Plaintiff construes the request as two interrogatories under Rule 33(a). The Office of the Secretary of State has begun developing and preparing to implement training, voter education and/or outreach related to S.B. 14 and is continuing to develop additional training and education, the finalization and implementation of which is contingent upon the outcome of this case. Illustrative examples of the training and voter education that has been developed include the following:

Training of Election Officials:

- Multi-media presentations
- Training Handbook
- Seminar Materials
- Frequently Asked Questions (F.A.Q.) sheet
- Speaker presentation outlines impacted by S.B. 14

Education Campaign for the Public:

- Notices notifying public of S.B. 14 changes (posted and distributed to voters at November 2011 election sites)
- Television advertising (being formulated and under development)
- Print advertising (being formulated and under development)
- Multi-media and social-media advertising (being formulated and under development)

See also paragraphs 5, 6 and 7 of Keith Ingram's affidavit dated March 22, 2012 for additional information.

Dated: April 20, 2012

Respectfully Submitted,

FOR THE PLAINTIFF:

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CERTIFICATE OF SERVICE

I certify that on April 20, 2012, I served the foregoing by electronic mail on the following counsel of record:

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