



MALDEF

The Latino Legal Voice for Civil Rights in America.

**San Antonio
Regional Office**
110 Broadway
Suite 300
San Antonio, TX 78205
Tel: 210.224.5476
Fax: 210.224.5382

Via First Class Mail and Electronic Mail

November 2, 2016

**National Headquarters
Los Angeles
Regional Office**
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
Fax: 213.629.0266

Mr. Stan Stanart
Harris County Clerk
Harris County Civil Courthouse
201 Caroline
Houston, TX 77002

Dear Mr. Stanart,

**Chicago
Regional Office**
11 East Adams Street
Suite 700
Chicago, IL 60603
Tel: 312.427.0701
Fax: 312.427.0691

I write to inform you that Harris County is providing false information about Texas voter identification rules to voters. Specifically, poll workers across the county are instructing individuals waiting in line to vote to have photo ID ready. Additionally, at least one election judge at the Champion Forest Baptist Church early voting location emphasizes to individuals preparing to sign reasonable impediment declarations that they must sign under penalty of perjury. According to reports, several individuals hearing the election judge's statement have left the voting location without casting a ballot.

**Sacramento
Policy Office**
1512 14th Street
Sacramento, CA 95814
Tel: 916.444.3031
Fax: 916.444.7207

As you are aware, a federal court has ordered Texas election officials to allow voters who do not possess photo voter ID to provide alternative identification documents. Additionally, the court ordered that election officials shall not question or challenge voters concerning a voter's lack of photo ID. MALDEF requests that you immediately direct poll workers to cease announcing strict photo ID requirements that are not in effect for this election and cease questioning or challenging potential voters concerning their lack of photo ID.

**Washington, D.C.
Regional Office**
1016 16th Street, NW
Suite 100
Washington, DC 20036
Tel: 202.293.2828
Fax: 202.293.2849

Enclosed please find a copy of a temporary restraining order we obtained on October 28, 2016 against Bexar County officials for failing to inform voters of voter ID alternatives. Like Harris County, Bexar County officials were perpetuating illegal and discriminatory ID requirements, and a state court judge quickly intervened to prevent the county from misleading and deterring voters.

Last week, Keith Ingram, the Director of Elections for the Texas Secretary of State, sent an email to you and other county elections administrators directing that poll workers be instructed to use specific language to inform voters of alternatives to showing photo ID. These instructions are mandatory.

As Election Day draws near, it is imperative that you act immediately to ensure that the information provided by poll workers is correct and that poll workers do not intimidate voters by questioning or challenging voters concerning their lack of photo ID. We look forward to your prompt response detailing how you intend to address this urgent issue.

Advancing Latino Civil Rights for over 45 Years
www.maldef.org

November 2, 2016

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If you have any questions, please do not hesitate to contact me at (210) 224-5476 ext. 220 or Marisa Bono at ext. 204.

Sincerely,

A handwritten signature in cursive script that reads "Nina Perales".

Nina Perales
Vice President of Litigation

cc: Harris County Commissioners (via facsimile)
Carlos H. Cascos, Texas Secretary of State (via facsimile email)
Hector DeLeon, Harris County Voter Outreach Department

Carmen Leija

From: Elections Internet <Elections@sos.texas.gov>
Sent: Thursday, October 27, 2016 1:35 PM
To: Elections Internet
Subject: MASS EMAIL--CC/EA--Voter ID procedures

Hello Everyone,

We understand that some counties may have greeters instructing voters in line to prepare for voter processing in order to move along the line. Please inform your poll workers, and especially greeters, that any verbal instructions in line aimed at preparing voters for voter processing should explain that voters possessing a photo ID should have it ready, and voters not possessing a photo ID and not reasonably able to obtain one should have a supporting document ready in order to execute a reasonable impediment declaration.

Thank you for your hard work.

Keith Ingram
Director, Elections Division
Office of the Secretary of State
800-252-VOTE(8683)
www.sos.state.tx.us/elections/index.shtml
For Voter Related Information, please visit:



The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

NO. 2016-CI-18915

SOUTHWEST VOTER REGISTRATION §
EDUCATION PROJECT §

IN THE DISTRICT COURT, §

Plaintiff, §

v. §

JACQUELYN F. CALLANEN, in her §
official capacity as Elections §
Administrator of the Bexar County §
Elections Department; NELSON §
WOLFF, in his official capacity as §
Bexar County Judge; and SERGIO §
RODRIGUEZ, PAUL ELIZONDO, §
KEVIN A. WOLFF, and TOMMY §
CALVERT, in their official capacities §
as Bexar County Commissioners §

OF BEXAR COUNTY, TEXAS §

Defendants. §

438th JUDICIAL DISTRICT §

TEMPORARY RESTRAINING ORDER

On the date and time stated at the end of this Order, the Court heard Plaintiff's application for a temporary restraining order. All parties received notice of a hearing on this Temporary Restraining Order and had the opportunity to appear through their attorneys of record. After considering the pleadings, exhibits, all other documents filed in this case, and the arguments of counsel at the hearing, the Court is of the opinion that Plaintiff's application for a temporary restraining order should be, and is, GRANTED because:

(1) Plaintiff has asserted valid ultra vires claims against Defendants for declaratory and injunctive relief for Defendants' failure to perform ministerial acts required by Texas law and Defendants' actions undertaken without legal authority. See *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154 (Tex. 2016).

(2) Plaintiff has shown a probable right to declaratory and injunctive relief because Texas law specifies ministerial acts for elections administrators. *See, e.g.*, Tex. Elec. Code § 51.001; 51.003-04; 62.011; 62.016.

(3) Plaintiff will suffer imminent and irreparable harm, including the diversion of its resources to educate voters about the correct Voter ID requirements. Defendants' actions hinder Plaintiff from dedicating its resources, including its scarce allotment of time before the election, to other get-out-the vote activities. Additionally, money damages are unavailable in ultra vires actions.

(4) This Temporary Restraining Order will preserve the status quo and serve the public's interest. The harm to Plaintiff if this Temporary Restraining Order is not granted outweighs any potential harm to Defendants by the issuance of this Temporary Restraining Order. Granting injunctive relief will benefit the public's interest.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Application for Temporary Restraining Order be and is hereby GRANTED.

ACCORDINGLY, JACQUELYN F. CALLANEN, her agents, servants, employees, independent contractors, attorneys, representatives, and those persons in active concert or participation with her who receive actual notice of the order by personal service or otherwise, be and hereby are ORDERED:

- a. to remove any remaining signs and other materials with the illegal requirements and replace them with the signs promulgated by the Texas Secretary of State for this election, at all early voting polling locations;

- b. to change the recorded telephone message at the Bexar county elections department to say "ID" instead of "photo ID," except when listing the forms of acceptable photo ID;
- c. to change the webpage of the Bexar County Elections Department to say "ID" instead of "photo ID;"
- d. to ensure that the materials provided to poll workers for early voting and on November 8, 2016, are the materials promulgated by the Texas Secretary of State for this election; and
- e. to notify early voting and Election Day poll workers that they cannot display materials that contain the outdated requirements.

IT IS FURTHER ORDERED that Plaintiff shall execute and file with the clerk of this Court a bond, or cash deposit in lieu of bond, in the amount stated below in conformity with Rule 684 of the Texas Rules of Civil Procedure, payable to Defendant and conditioned that Plaintiff will abide by the decision which may be made in the cause and that Plaintiff will pay all sums of money and costs that may be adjudged against it if the Temporary Restraining Order shall be dissolved in whole or in part.

The clerk shall forthwith, when so requested by Plaintiff and after Plaintiff has filed the bond described above, issue a write of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that, unless extended by agreement of the parties or changed by further order of this Court, this Order becomes effective only at such time as Plaintiff files with the clerk of this Court a bond in the amount of \$100.00.

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction will be heard before this Court on November ¹⁰/₁₁, 2016 at 8:30 a.m. *Room 1.09 Presiding*

IT IS FURTHER ORDERED that this Order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

SO ORDERED this 28th day of October, 2016 at 3:40 o'clock p.m.

Michael E. Mery
JUDGE MICHAEL MERY

Agreed as to form:

Nina Perales

Nina Perales

Clark Brown

Clark Brown
00798082