



MALDEF

The Latino Legal Voice for Civil Rights in America.

Via First Class Mail and Electronic Mail

**San Antonio
Regional Office**

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Tel: 210.224.5476
Fax: 210.224.5382

November 2, 2016

Ms. Blanca McBride
Elections Administrator

P. O. Box 169
115 N. Gonzales St.
Cuero, Texas 77954

National Headquarters

**Los Angeles
Regional Office**
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
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Dear Ms. McBride,

I write to inform you that Dewitt County is providing false information about Texas voter identification rules to voters. Specifically, as shown in the attached photograph, the early voting location at 115 N. Gonzales St., Cuero, Texas displays a notice stating "Photo I.D. Required." Additionally, the County's website states "PHOTO IDENTIFICATION REQUIRED FOR VOTING IN PERSON." 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. The Texas Secretary of State has promulgated new voter ID materials for use in polling places and to educate the public. MALDEF requests that you immediately cease implementation of strict photo ID requirements that are not in effect for this election.

County election officials are required by the Texas Election Code to post materials in the polling place that show acceptable forms of voter ID. The Texas Secretary of State creates these materials and County election officials are required to post the materials promulgated by the Secretary of State. At the same time, County elections officials are also prohibited by the Texas Election Code from posting materials that contain "information that is not authorized or required by law." Tex. Election Code 62.013.

County elections officials have no legal authority to post materials other than the materials promulgated by the Texas Secretary of State for the election. When you post materials other than the materials promulgated by the Texas Secretary of State, you act without legal authority under Texas law.

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 Dewitt 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.

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Advancing Latino Civil Rights for over 45 Years


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As Election Day draws near, it is imperative that you act immediately to ensure that the materials you provide to poll workers, and the materials that poll workers use and communicate to voters, are the correct materials promulgated by the Texas Secretary of State for this election. We look forward to your prompt response detailing how you intend to address this urgent issue.

If you have any questions, please do not hesitate to contact me at (210) 224-5476 ext. 220 or Marisa Bono at x204.

Sincerely,

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

Nina Perales
Vice President of Litigation

cc: Dewitt County Commissioners (via facsimile)
Carlos H. Cascos, Texas Secretary of State (via facsimile and email)



bobphoto
@bobphoto

 Follow

DeWitt County, Cuero TX seeing record
#earlyvoting, photo ID required per signs
[@TexasTribune](#) [@bobphoto](#)



11:50 AM - 26 Oct 2016

 Cuero, TX



NO. 2016-CI-18915

SOUTHWEST VOTER REGISTRATION
EDUCATION PROJECT

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

Defendants.

IN THE DISTRICT COURT,

OF BEXAR COUNTY, TEXAS

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