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Admissions by Texas That its Purge List Included US Citizens

Texas knew that its voter purge would target thousands of naturalized U.S. citizens before commencing the purge. Exhibits from Garibay Plaintiffs' preliminary injunction motion and transcripts of court and Texas legislative hearings show when Texas officials admitted that they were endangering the voting rights of legally registered U.S. citizens.

- During the final day of the Court's hearing on plaintiffs' preliminary injunction motions, Keith Ingram admitted approximately how many naturalized citizens the Secretary of State's office had discovered in its list. Court Transcript 2/25/19 at 459:19-461:19 (Keith Ingram, Director of Elections for the Secretary of State testifying "just over 25,000" persons who were identified on the list were in fact U.S. citizens)
- Mr. Ingram also explained to the Texas House Elections Committee that the process that the Secretary's office used to create the list would likely include naturalized U.S. citizens. Tr. 2/11/19 (Keith Ingram, Director of Elections for the Secretary of State, before the Texas House of Representatives Elections Committee) 31:53-32:12: testifying the Secretary of State's office "understood there was a significant possibility" that the list of voters it was sending to counties for citizenship reviews likely included naturalized citizens.
- Also at the preliminary injunction hearing on April 20, 2019, Mr. Ingram admitted that DPS had communicated to the Secretary of State's office in April of 2018 that there would be an issue with trying to determine citizenship because people who were naturalized after they came to DPS would not necessarily have told the DPS of that fact. Tr. 2/20/19 Keith Ingram confirmed in his testimony that in April 2018 "[w]e definitely knew that" individuals could have naturalized after their last visit to DPS. (Ingram) 360:16-24.
- When it had become clear to the public that there were massive problems with the voter purge, Texas Secretary of State David Whitley wrote a letter to Texas lawmakers about the purge. Part of the letter, found in Garibay Plaintiffs' exhibits read as follows: Garibay PI Exhibit 68 (2-13-19 Secretary of State Whitley letter to Texas House of Representatives): "In hindsight, however, before announcing the number of people who may not be eligible to vote, more time should have been devoted to additional communication

with the counties and DPS to further eliminate anyone from our original list who is, in fact, eligible to vote”

- Mr. Ingram also claimed before the Texas House Elections Committee that his office could not determine whether a person who had obtained a driver license may have later become a U.S. citizen. Tr. 2/11/19 (Keith Ingram, Director of Elections for the Secretary of State, before the Texas House of Representatives Elections Committee) 25:2-26:4: “[W]e had a sure -- as sure as you can be that the voter who we pointed out is the same person that the last time they were at DPS, [--] the very last time they visited DPS, they proved lawful presence. So that was our attempt to minimize the impact on eligible voters recognizing that there is a variable for which we could not solve, and that is the persons who have since become naturalized citizens.”
- On February 22, 2019, the Secretary of State advised the Court that it knew that there were U.S. citizens on its purge list, and that it knew how to remove the citizens. ECF 44 (SOS advisory to the court): “After consulting with the Texas Department of Public Safety (“DPS”) over the prior weeks, the Secretary’s office has determined that the data from DPS can be refined to further exclude additional likely citizens from the list maintenance process. At approximately 3:00 p.m. on Friday, February 22, 2018, the Secretary’s office informed the counties of this additional refinement. The Secretary’s office likewise informed the counties that it would immediately mark those excluded individuals as resolved in the statewide voter database, and his office told the counties that they did not need to take any further action regarding those individuals.”
- Secretary Whitley testified in his confirmation hearing on February 14, 2019, that his office discovered that there were U.S. citizens included in his purge list. Tr. 2/14/19 (Secretary Whitley testimony before Senate Committee on Nominations) Tr. 2:50:05-2:50:30: “We’ve proven a willingness in the SOS office to tell the counties to change their process as a part of this examination as was exhibited by what happened shortly thereafter when they received the data. When we had information that some people might be citizens, we instructed the counties to handle those appropriately.”
- Again, Mr. Ingram admitted again before the Texas House Elections Committee that he knew that the purge list included U.S. citizens. Tr. 2/11/19 (Keith Ingram, Director of Elections for the Secretary of State, before the Texas House of Representatives Elections Committee) 34:11-20 (“UNIDENTIFIED MALE SPEAKER: Sure. I guess a couple more things here and we’ll wrap up. There clearly are lots of reports of, you know, naturalized citizens being on the list. I mean, you agree with that, you’ve seen those lists, and you know that they’re on there? MR. KEITH INGRAM: Absolutely. And I know that the counties are doing their work to remove them. This is the way the process is supposed to work and it is working exactly as it’s supposed to.”).