

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MI FAMILIA VOTA, TEXAS STATE
CONFERENCE OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, MICAELA
RODRIGUEZ and GUADALUPE TORRES,

Plaintiffs

v.

GREG ABBOTT, Governor of Texas; RUTH
HUGHS, Texas Secretary of State,

Defendants.

No. 5:20-cv-00830

**DECLARATION OF GARY L. BLEDSOE, PRESIDENT OF PLAINTIFF TEXAS
STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

1. My name is Gary L. Bledsoe. I am of legal age and competent to provide this declaration. The facts stated herein are true, correct, and within my personal knowledge.

2. I am the President of the Texas State Conference of the National Association for the Advancement of Colored People (“Texas NAACP”), a plaintiff in the above-captioned matter. I am authorized to provide this declaration on behalf of the NAACP. I have held the position of President since first being elected to the position in 1991.

3. The Texas NAACP coordinates the Texas branches of the NAACP, a nonpartisan, nonprofit organization that is to my knowledge the nation’s largest civil rights organization. The Texas State Conference includes approximately 100 units statewide, and more than 10,000 individual dues-paying members who reside in Texas and many of whom are registered to vote in Texas. The NAACP’s membership consists largely of African-Americans, and it aims to support all people of color and members of underrepresented and vulnerable populations, such as

those with disabilities.

4. The NAACP's mission is "to secure the political educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons." One of our key objectives in support of this mission is fostering voter education and participation. To achieve those goals, the Texas NAACP engages in voter protection, education, and registration activities across the state.

5. This year's coronavirus epidemic has substantially impacted and disrupted our work, the lives of our members, and the way our members can safely vote. The Texas NAACP has focused above all other projects on addressing the coronavirus and its impact on our members this year. In particular, the virus has spread greatly in Texas since May, and Black Texans and other minority populations in our State have been the hardest hit. Members have tested positive, family of our members have tested positive, and even a member of our National Board has tested positive. The disease is real, and containing the spread is critical for our work, our members' health, our state economy, and our democracy.

6. Ensuring that Texans and our members can vote safely without contracting or spreading coronavirus is one of our highest priorities. For many of our members, voting in person is very important, particularly because of how this opportunity was denied to African-Americans for so many years. Many of our units generally include as part of their get-out-the-vote program the need to bring attention to elderly persons in nursing homes and that has been seriously complicated by the Covid-19 virus. And with existing and other potential disruptions to the Postal Service, voting in person is only that much more important to ensure our members' votes count.

7. Because of the issues with the Postal Service and the limitations Texas law places on how absentee ballots can be delivered to voting officials, many more Texans are likely to choose to vote in person than would have done so before the post office fiasco, instead of taking the less risky approach of voting absentee.

8. It is critical that our many members who want to vote in person (and/or whose only option is to vote in person) can vote in person safely during the pandemic. Many of our members suffer from underlying health conditions such as diabetes, heart disease, and high blood pressure, which put them at higher-than-average risk for becoming seriously ill from COVID-19. And if Black Texans cannot vote safely, that will create broader risks to Texas communities, because of the many African-Americans who serve as frontline workers in grocery stores, hospitals, public transit, and the hospitality industry.

9. Unfortunately, the Governor and Secretary of State's current plans for addressing polling place safety are not sufficient to ensure our members' and other Texans' safety. The guidance provided to local election officials is similar to—or provides even less protection than—the re-opening guidance that preceded the recent increase of coronavirus in our State. There is every reason to believe that polling lines could produce crowds that could become a “super spreader” event. Under the State's current guidance, voters could be in these crowded lines for extended periods of time, both inside and outside. Social distancing is encouraged but not mandated. Interactions with polling officials lack important mandates as does the maintenance of the polling machines themselves. Election officials have told the Texas NAACP that the State provided a video with some instructions on polling place safety, but to their knowledge no other specific training, and they felt the video training was completely inadequate. In other words the guidance itself is inadequate, and mandates are non-existent. This is a

prescription for disaster.

10. Many of our members have told us that they fear contracting coronavirus if they vote in person under the State's current COVID-safety procedures. We have heard from members, our local units, and local election officials a number of examples of unsafe polling place conditions and protocols.¹ Because of the lack of mandates from the State, protocols vary across counties in ways that leave voters confused and unable to know the level of risk they might encounter at their polling site. For example, some counties have no real plan for how to handle voters who arrive without masks, while others plan to ask individuals not wearing masks to leave—with no mechanism to enforce this other than not issuing them a ballot. Some counties plan to give poll workers disinfectant such as Lysol, but they are not required to sanitize voting machines after each use. A number of counties do not offer Plexiglas protection. Some polling places have continued to have long lines that, in addition to risking exposure to the coronavirus, are particularly problematic to voters who may not be in the best physical condition. McLennan County reportedly has a polling site in a basement where air circulation is believed to be especially poor, increasing the risk of coronavirus transmission.

11. Due to the State's insufficient pandemic voting plan, the Texas NAACP through its many units and partners has shifted a significant amount of its work to addressing the safety of polling places. This has included gathering expertise from medical and election experts, marshalling that expertise to lobby local and state officials, providing detailed guidance for local officials, and advising member voters on how to vote safely in their particular county. The State's failure to issue uniform mandates has resulted in significant disunity and frequent flux

¹ For example, see Exhibit 1, attached, reporting the experiences and concerns of our Missouri City, TX branch.

among local polling places' plans to address coronavirus, so in order to accurately advise potential voters the Texas NAACP has had to do significant and continual outreach to local officials. We have incorporated this safety information into calls to potential voters, radio and media announcements, newspaper advertisements, and regularly updated information on our website. We have also engaged with Texas leadership to lobby for policies and protocols required to ensure safe in-person voting, including sending letters to the Governor and Secretary of State raising concerns about the challenges Black Texans face regarding voting safely during the pandemic.

12. Protecting Texans' access to the polls is a critical part of the Texas NAACP's work every election year, but polling place *safety* is not typically a part of our work, and has been necessitated only because the State's pandemic voting plan fails to sufficiently protect voter safety during the pandemic.

13. If the Texas NAACP had not diverted its resources to address these gaps left by the Governor and Secretary of State's pandemic voting plan, its members would have faced greater confusion and health risks, and our mission of fostering voter education and participation would have suffered.

14. Addressing the pandemic and its effects on our constituents, including its effect on their voting rights and the burdens imposed by the State's in-person voting protocols, has taken most of the NAACP's time since March 2020. We have had to suspend or significantly curtail many of our standard activities, such as our financial literacy seminars, feeding the homeless, helping with home building, promoting census completion, and door-to-door voter registration drives.

15. The extra work and diverted resources detailed above have been made even more

difficult by the disruptions coronavirus has imposed on the Texas NAACP. Like much of America, the virus has forced significant changes in our operations. The pandemic has caused our local units to be spread thin with fewer volunteers than usual, and, of course, nearly all activities must be done virtually now. Many local units have also had to cancel fundraising events. Though the State is not responsible for the direct impacts of coronavirus on the Texas NAACP and its local units, the increased burdens of operating during the pandemic have exacerbated the extra resources needed to address the State's insufficient pandemic voting plans.

16. It is clear that there is no State plan and that the kind of superspreader event we have all been concerned about could very well happen as a result of this election. The Governor has recognized that making masks voluntary does not work. And recently he has scaled back the reopening of our State. This amounts to an admission that the virus is not contained. The virus is spreading and many more people could be infected and die. Since these numbers could be greatly reduced with a little guidance that avoids giving voters the Hobson's choice of not voting or voting in danger, the public interest and all voters will be greatly served by a sensible and reasonable order that protects the lives of people. Elections are important but the lives of Texans of all colors are even more important.

17. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 26th day of August 2020.


DocuSigned by:

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Gary L. Bledsoe
President
Texas State Conference of the NAACP

EXHIBIT 1



NAACP – MISSOURI CITY, TX and VICINITY BRANCH

National Association for the Advancement of Colored People

Unit #6262
PO BOX 1053
Missouri City, TX
77459

To: NAACP Texas

From: NAACP Missouri City Texas Branch

RE: Concerns Regarding Provisions of the Texas Election Code

Date: August 25, 2020

Introduction

Throughout the 2020 voting cycle, the Missouri City Texas Branch of the NAACP (hereinafter "the Branch") observed numerous burdens to both Branch and community members, as it relates to ensuring protection of the right to vote. Inconsistent declarations made by governmental executive officers, unreliable postal service, lack of reasonable voting alternatives, and the constant threat of death or debilitating harm resulting from Covid-19, have discouraged Branch and community members from participating in election exercises.

Notwithstanding existing obstacles such as lack of voter registration, voter education, and voter interest, the Branch faces the arduous task of encouraging its constituency to traverse the perils of social interaction, to congregate at polling stations, and exercise their right to vote. Recently, the Branch received complaints from members, of unsafe polling site conditions. For example, At the Al-Rabba Supermarket located in New Territory, poll workers were observed sitting four to a table and in close proximity, polling machines were close together, and the enforcement of mask wearing protocols were questionable. The Branch believes that reasonable in-person voting alternatives such as curbside voting, mail-in voting, and the use of drop boxes, are necessary to ensure the safe and efficient exercise of its community member's right to vote.

Based on recent events (*see infra*), the Branch joins in the opinion that its constituency will be unduly burdened by the State's current in-person voting protocols in the midst of this unprecedented time of crisis.

Discussion

A. Substantial changes to the Branch's Voter Awareness Initiatives will result in lower voter participation in the upcoming election.

During the 2020 voting cycle and in the advent of the Covid-19 pandemic, the Branch faced difficulty regarding voter education, voter awareness, and voter registration. Throughout each year, the Branch organizes in-person voter registration drives with churches and community partners, to increase voter registration within Fort Bend County, Texas. Through these initiatives, the Branch serves as a reliable repository of information for community members seeking the optimal method to exercise their right to vote. Absent normal and constant communication channels, the Branch's best practice is to encourage individuals to follow the law as it pertains to voting practices. Under the State's current in-person voting protocols, the Branch is unable to provide reliable information regarding constitutionally established practices and procedures. Consequently, the credibility of the Branch is called into question when contradictory interpretation and implementation arise. Given the limited conduits of information regarding voting practices, our membership and community, who rely upon the Branch's interpretation of voting practices, will be disproportionately and disparately affected and under-represented during the 2020 election cycle. To combat the lack of reliable information regarding best voting practices, the Branch implemented new methods to encourage the community to vote such as: non-contact marketing (digital information dissemination), a drive-by voter registration initiative, and a

get-out the vote campaign via print media. Despite of the Branch's best efforts, community members and branch constituents express apathy in participating in the upcoming election due to fear of contracting Covid-19 due to interpersonal interaction resulting from in-person voting.

B. Concerns about Postal Service within Fort Bend County have resulted in a heightened awareness and lack of confidence in the local postal service operations.

As of August 2020, the Branch, its constituents, and community members expressed concern regarding the reliability of the postal service. During an August 18, 2020 news conference, it was reported that a Missouri City, Texas Veteran's medication was delayed, when sent through the mail. This is consistent with the Branch's analysis of recent procedural changes announced by the postal service and senior governmental leadership. Specifically, the reduction of overtime directly correlates to the efficient delivery of the mail. During the first two weeks of the month, there is an increase in the volume of mail requiring delivery. This includes medication and salary checks. Community and Branch members increasingly express concern about the timely receipt of their mail. Confidence is questionable at best. These factors make safe in-voting person even more important to ensure our constituents and community members have their votes counted.

C. Lack of Adequate Drop Boxes within Fort Bend County make it unnecessarily difficult for community members to participate in the upcoming election.

Given the pre-existing concerns with the postal service within Fort Bend County Texas, the Branch believes the use of drop boxes are a reasonable and effective alternative to in-person voting at polling stations. It has been acknowledged before a Senate Committee that drop boxes compliment the limited postal services that are available in communities. Currently, there are no drop boxes within Fort Bend County, Texas. The Branch made a formal request for drop box placement to Fort Bend Election Administrator John Odom; however, as of the date of this correspondence, there has been neither a response nor placement of a drop box within the County. Consequently, the elderly and others seeking to avoid in person voting at polling stations, but ensure their vote is submitted, must drive to Richmond, Texas and submit their ballot in person.

Conclusion

Based on recent events the Branch joins in the opinion that its constituency will be unduly burdened if current protocols for safe in-person voting are not significantly improved. Presently, Fort Bend County has reported over 14,000 cases of Covid-19. As a result, many eligible voters are discouraged from in-person voting. Combined with the lack of voter awareness, unreliable mail service, and a lack of effective alternatives to in-person voting, the Branch's constituency will be adversely affected due to low voter turn-out.

Regards,

/s/ Linda Coleman

Linda Coleman, President
Missouri City Branch NAACP

/s/ Allen Woodward

Allen Woodward, Legal Redress Chair
Missouri City Branch NAACP