

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MI FAMILIA VOTA EDUCATION FUND;
SARA SCHWARTZ; and MARLA LOPEZ,

Plaintiffs,

-against-

DONALD J. TRUMP, in his individual and
official capacity as President of the United States;
WILLIAM P. BARR, in his official capacity as
Attorney General; and CHAD F. WOLF, in his
official capacity as Acting Secretary of Homeland
Security,

Defendants.

No. 1-20-cv-03030

**DECLARATION OF
MARLA LOPEZ**

MARLA LOPEZ declares under penalties of perjury, pursuant to 28 U.S.C.

§ 1746, as follows:

1. I am a citizen of the United States, a resident of Harris County, Texas, and
a Plaintiff in this action.

2. I am registered to vote in Harris County, Texas.

3. I am a 23-year-old Latina woman.

4. Defendants' conduct has made me nervous about exercising my right to
vote in the upcoming presidential election.

Personal Background

5. I went to college at the University of Texas in Austin from 2015 to 2019.

6. I graduated in May of 2019 with a degree in history and public policy.

7. In the 2016 presidential election—the first for which I was eligible to vote—I voted in Austin, Texas. I have long been passionate about civic engagement, and I was excited to have the opportunity to vote.

8. After graduating from college, I moved to Houston, and in January 2020, I registered to vote in Harris County (where Houston is located).

9. In or around March 2020, when the COVID-19 pandemic hit the United States, I temporarily relocated to Tyler, TX, to quarantine there with my fiancée.

Voting in Texas's July 2020 Primary Runoff

10. I was still quarantining in Tyler during Texas's July 14, 2020 primary runoff. election. Tyler is not located in Harris County, where I was (and still am) registered to vote.

11. As a result, I decided to apply for a mail-in ballot so I could submit my vote by mail. Texas allows you to request a mail-in ballot if you expect to be outside the county in which you are registered to vote on election day and during the early period for in-person voting.

12. I did not make this decision lightly. Even back in June of 2020, I saw several statements from Trump arguing for the privatization of the Postal Service. I saw Trump attacking the Postal Service as inefficient and outdated. And I saw Trump appoint DeJoy, a Trump backer and funder, as Postmaster General.

13. These statements and actions made me concerned about voting by mail—my faith in the Postal Service was diminished, and I worried that Trump and DeJoy were attempting to dismantle the Postal Service, which could impact the delivery of both my application and my ballot.

14. Nonetheless, I filled out an application for a mail-in ballot, stating that I expected to be outside of Harris County for the election, and deposited the application in the mail more than one week before July 2, 2020, the date by which the application had to be received.

15. I never received a mail-in ballot. After the election, I received a letter from the Harris County Clerk saying my application did not arrive in time.

Voting in the November 2020 General Election

16. I very much want to vote in the November 2020 presidential election.

17. However, I have suffered from asthma all my life, which places me at increased risk for complications associated with COVID-19. Two people in my family have passed away as a result of COVID-19 infections, and I take the disease very seriously.

18. As a result, I do not want to vote in person. I fear there will be long lines and lots of people, and I am not willing to place my health at risk.

19. Though I am now back in Harris County, where I am registered, I am permitted to request a mail-in ballot because my asthma qualifies as a disability that entitles me to vote by mail.

20. I would therefore like to vote by mail, but Defendants have made me very nervous about doing so. Specifically, Defendants have made me concerned about four things.

1. Undue Scrutiny

21. First, I am concerned that my application for a mail-in ballot will be unduly scrutinized. I have heard Trump say that the courts will review mail-in ballots, and I am worried that my application will be submitted to a court for inspection.

22. My June 2020 mail-in ballot application stated that I was going to be outside of my county of registration (Harris County) for the election, but it did not state that I

was disabled. I spoke to the Harris County Clerk about how to fill out the application, and I understood from that conversation that I needed only to state that I was outside of Harris County to receive a ballot.

23. Because of Trump's comments, I am scared that a court is going to question my claim of disability, even though I have had asthma all my life, and Texas allows people with asthma to vote by mail.

2. Intimidation at the Drop-off Box

24. Second, assuming I receive a mail-in ballot, Defendants' statements have made me scared to deposit my ballot at a drop-off box.

25. I would prefer to drop-off my mail-in ballot at a drop-off box in order to avoid using the Postal Service, but Defendants' statements and rhetoric have made me nervous to do so.

26. I have heard Trump threaten to have law enforcement present at polling places—the thought of having to walk through armed law enforcement officials in order to cast my ballot is incredibly intimidating to me.

27. I have also heard Defendant Trump encourage his supporters to go to polling places to watch people vote.

28. I clearly remember Trump's tweet in the spring of 2020 in which he wrote "when the looting starts, the shooting starts." The tweet stuck with me as an example of Trump promoting violence. When I hear Trump encourage his supporters to go to polling places, I think back to that tweet and feel as if Trump would allow—even hope for—violence from his supporters at polling places.

29. I also routinely see advertisements on social media encouraging people to

join Trump's "army" of poll watchers. The use of military language frightens me. I watched over the summer as Trump used the U.S. military to suppress the voices of his political opponents. Labeling Trump's poll watchers an "army" makes me think that he wants them to be violent.

30. During the September presidential debate, I heard Trump tell the Proud Boys, a group that scares me, to "stand by." Harris County is the most populous county in Texas, and I am afraid that people will follow Trump's lead and show up to monitor Harris County's ballot drop-off box.

31. I am a petite woman—I weigh only 100 pounds. I am scared to walk past people who may or may not be armed and who are watching me, simply to cast my ballot. I am even more scared knowing that they are watching me with the President's approval.

32. I wish I could simply cast my vote without having to endure the prospect of being watched by people who intimidate me.

3. Defendants Have Undermined the Postal Service

33. Finally, I am nervous about sending my ballot in through the mail.

34. Trump's attacks on the Postal Service have continued throughout the summer. My faith in the Postal Service was already low following my experience in June. In the wake of Trump's continued rants against voting by mail and the Postal Service generally, I have even less confidence that my ballot would arrive, let alone arrive on time.

4. Trump's Refusal to Count Mail-in Ballots

35. Finally, I have observed Trump suggest by tweet and in interviews that he might take actions to prevent the counting of all absentee ballots. I am concerned that despite my compliance with all technical requirements, my absentee ballot still may not be counted. I fear the increasing likelihood that Trump will call the election for himself and then prevent

further ballot counting, leaving my vote and voice uncounted.

36. As of the date of this Declaration, I still do not know what I am going to do or how I am going to vote.

37. Defendants' statements and actions—particularly those of Trump—have intimidated me and made me nervous about exercising my right to vote.

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

Dated: October 19, 2020
Houston, Texas



MARLA LOPEZ