

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
HECTOR SANCHEZ BARBA**

HECTOR SANCHEZ BARBA declares under penalties of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Executive Director of Mi Familia Vota Education Fund, a Plaintiff in the above-captioned matter. I submit this Declaration in support of Plaintiffs' motion for a temporary restraining order and a preliminary injunction.

Background on MFV's Mission and Work

2. Mi Familia Vota Education Fund ("MFV") is a 501(c)(3), not-for-profit, national civic engagement organization with the mission of uniting Latino, immigrant, and allied communities to promote social and economic justice through citizenship workshops, voter registration, and voter participation. Our mission consists of public education, voter registration, and voter engagement. We have operations in Arizona, California, Colorado, Florida, Nevada, and Texas.

3. Our work focuses primarily on six issues: immigration, education, environmental justice, worker's rights, healthcare, and voting rights.

4. We have approximately 50 employees throughout the country. In the lead-up to a presidential election, however, we hire hundreds of additional people to help register voters. Currently, we are employing close to 200 people as we push to register and mobilize voters in advance of the November 3, 2020 election.

5. Over the last several months, our staff has spoken to thousands of voters in the states where we work.

6. The primary means by which we typically register voters are by sending voter registration teams to speak with people at their homes, by going door-to-door, and at central public gathering places such as churches, schools, and grocery stores.

7. In addition to registering people to vote, we typically devote significant resources to get out the vote campaigns and efforts to educate members of our communities on issues that are important in the upcoming election.

8. MFV also provides services that are not related to voting, including running citizenship workshops; referring people to pro bono legal services; providing education services in climate justice and immigration justice, including know-your-rights workshops; running youth development services; and administering a COVID relief fund for those in need.

9. In 2020, MFV is dedicated to registering 120,000 voters throughout the country for the election this year.

Voters' Fears Expressed to MFV

10. Our employees speak with hundreds of voters each day.

11. In the months and weeks leading up to the general election, we have heard

from many voters that they are fearful about going to the polls to vote in person and/or voting by mail.

A. Concerns About In-Person Voting

12. Some people have expressed concern about voting in person because of the COVID 19 pandemic.

13. Many others, however, have told us they are fearful about going to the polls because of statements made by President Trump, Attorney General Barr, and other federal officials.

14. We have spoken to people who are concerned that law enforcement officials will be present at their polling places, because they heard Trump threaten that law enforcement officials would be there.

15. We have also spoken to people who are concerned that Trump supporters will be at their polling places watching them or video-taping them, because Trump has told his supporters to go to the polls and encouraged white supremacist groups to monitor polling places.

16. Patrick Lucero, for example, a voter in Colorado told us, “As a retired laborer, I volunteer with my union every election. This year I wanted to go further by also volunteering my time at a poll center or drive-up ballot drop location. I shouldn’t be scared of volunteering out of kindness because of the fear of being intimidated by possible vigilantes and law enforcement that Donald Trump called on himself. I want to be able to feel comfortable and know I will make it back home safe after my volunteer time.”

17. This concern is particularly acute within the Latino communities we serve. Trump’s refusal to disavow white supremacist organizations, coupled with such organizations’ expressed support for him, has many Latino voters concerned that white supremacist groups will

be present at their polling stations.

18. A voter in Henderson, Nevada, for example, said this: “My wife and I want to vote in person because we want to make sure our [vote] counts, we are also concerned with surrounding the ballot at the voting location because we do not want to be accused that we are trying to vote twice. The president is making voting really hard this year, we are both elder and afraid to put our health at risk, but we want to make sure our vote is counted this year.”

B. Concerns About Mail-In Voting

19. Since the COVID-19 pandemic hit, we have seen a large increase in the number of voters who want to vote by mail.

20. Over the last several months, we have also seen that many voters who want to vote by mail are nervous about doing so.

21. Voters we have spoken to cite the President’s attacks on mail-in voting as the basis for their concerns.

22. Specifically, voters have told us that because of the President’s statements they are concerned that their mail-in vote will not be counted, that their mail-in ballot will be subjected to heightened scrutiny, perhaps by a court, and that their eligibility to vote will be scrutinized simply because they chose to vote by mail.

23. A voter in North Las Vegas, Nevada said this: “I am afraid to vote by mail because I heard that the president wants to cancel the election this year. If he tries to stop VBM [vote-by-mail] my vote will not count.”

24. Voters have also told us that they are concerned that the federal government is sabotaging the United States Postal Service for the specific purpose of ensuring that mail-in votes are not counted.

25. A voter in Texas, for example, expressed concern to one of our staff about voting by mail. She is in her 70s and afraid to vote in person because of COVID. But she has not yet received her mail-in ballot, and she sees the delay as further evidence that the Postal Service is unreliable, as Trump has repeatedly said. Assuming she receives her mail-in ballot in time, she is concerned about mailing it back in for fear that it will not be received in time and will not be effective.

MFV Has Diverted Significant Resources to Combat Defendants' Threats and Intimidation Tactics

26. MFV has had to devote substantial resources to combat the repeated attacks on mail-in voting by President Trump and other members of his administration.

27. While we have continued our voter registration efforts, we have diverted many of the resources we would typically use to educate voters about issues important to their community to educating voters about how to vote by mail—including how to obtain a mail-in ballot and how to fill out the ballot—and to assure people that lawful mail-in votes will be counted.

28. We have had to train our canvassers and phone bankers on the reliability of vote by mail options to combat the disinformation campaign being pushed by Trump and his senior officials.

29. We are spending time at the doors and on the phones discussing the reliability of vote by mail, telling people in the communities we serve that voting by mail is legal and effective, despite what Trump has said.

30. We posted the following message on Facebook to help combat the

misinformation Defendants have been spreading about voting by mail.¹



31. This time investment has a direct impact on the number of people that we are able to talk to. If it were not for Trump's baseless attempts to label mail-in votes as fraudulent and his threats that the courts would have to review mail-in ballots, we would not

¹ Mi Familia Vota, Facebook (Oct. 12, 2020; 5:59 PM), <https://www.facebook.com/MiFamiliaVota/posts/10158970636763055>.

have to spend time talking to people about these issues. While we would have asked about their voting plans, and we would have encouraged voters to vote early in person or by mail, we now have to spend time explaining to them that it is safe to vote by mail.

32. We would not have to spend time talking to voters about the reliability of legal voting systems were it not for Trump's repeated attacks on those systems.

33. In Texas, our team has had to spend significant time educating voters on the vote-by-mail process because we have spoken to so many voters who do not trust the vote-by-mail system because of Trump's repeated attacks.

34. Were it not for Trump's efforts to intimidate people from voting by mail, our Texas team would have spent its time trying to get out the vote and educating voters about issues relevant to their community. Instead, the team has to assure people about their right to vote by mail.

35. We are also working with another non-profit civic engagement organization to redirect some of our staff to build a program to fight the misinformation Trump and his officials have been peddling.

36. We will recruit our student leaders to help us monitor, inoculate, and clarify the misinformation Trump promotes, including that mail-in voting is fraudulent, that mail-in votes do not get properly counted, and that mail-in ballots will be subjected to increased scrutiny.

37. This time that our staff and volunteers will devote, would have otherwise been spent on get out the vote activities and conversations, not on trying to combat misinformation.

Defendants' Frustration of MFV's Mission

38. MFV is dedicated to helping people vote.

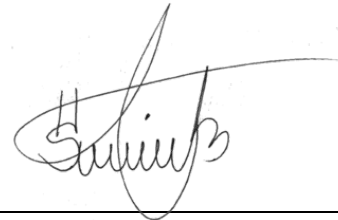
39. We have seen firsthand how Trump's statements, as well as those of his senior officials, are making people feel nervous and scared about voting.

40. People are concerned that they are going to be intimidated at polling places. And people are fearful that a mail-in vote will either be ineffective or, worse, subject them to undue scrutiny from the federal government.

41. The actions of the Defendants in this case are therefore frustrating one of MFV's core missions, which is to get people to vote.

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

Dated: October 19, 2020
Washington, DC

A handwritten signature in black ink, appearing to read "H. Sanchez Barba", written over a horizontal line.

HECTOR SANCHEZ BARBA