

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—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.

**Black Texans Are Disproportionately Impacted by the Mask Exemption at the Polls**

5. Texas's Governor has recognized that making masks voluntary does not work. And 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.

6. In this context, the Governor signed Executive Order GA, which requires mandatory face coverings throughout the state. The Order acknowledges that there is a public health benefit from face coverings in reducing the transmission of COVID-19. But the Order has an exemption for voters, poll workers, and poll watchers. This exception deprives Texans at the polls of a crucial protection from exposure to the virus.

7. The Order's exemption disproportionately burdens Black Texan's ability to participate in the political process. Many Black Texans vote in person. Because of worse outcomes, and greater community spread—both because of their jobs and denser communities—Black Texans are justifiably more wary of contracting the virus. Consequently, the Order's exemption for its face covering mandate at polling stations—compounded by the threat of long lines at polling stations—will disproportionately threaten and chill Black Texans from participating in the election.

### **Many Black Texans Vote in Person**

8. 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.

9. Moreover, under Texas law, many of our members are not eligible to vote absentee.

10. Even those who are eligible may choose to vote in person because of the issues with the Postal Service and the limitations Texas law places on how absentee ballots can be delivered to voting officials.

11. As a result, voting in person is only that much more important to ensure our members' votes count. And it is critical that our many members whose only option is to vote in person as well as those who want to vote in person can do so safely during the pandemic.

### **Black Texans Have Reasonable Fears of Disproportionate Impacts from COVID-19**

12. The virus has spread greatly in Texas since May, and Black Texans and other minority populations in our State have been the hardest hit.

13. Many of our members and constituents have told us that they fear contracting coronavirus if they vote in person under the State's current COVID-safety procedures where other voters and poll workers will not be required to wear masks. And many Black Texans are concerned about the impacts of COVID-19 to a greater degree than the general population—and with good reason. Because of higher rates of infection of the disease amongst communities of color, worse outcomes once infected, and widespread reporting on these dangers, people in the Black community experience the dangers and devastation of the virus differently.

14. Many of our constituents and 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.

15. More Black Texans, by population, have contracted the virus than non-Black Texans. Attached as Exhibit A is a true and correct copy of an article published by Vox on September 29, 2020, that substantiates the then-statistic that 1 in 1,000 Black Americans have died in the pandemic (which I understand has since gotten worse). And of those who have not contracted it, many of them know more people in their community that have. As a result of their lived experience of the pandemic, Black Texans' fears of contracting, spreading, and dying from the virus are generally more immediate. And the threat of contracting the virus while voting with other Texans who are not wearing masks is a greater chill than for the general population.

16. The lack of a mandate for face covering in polling stations is compounded by long voting lines serving communities of color. Based on the state's experience of excessively long lines in primary voting in March of this year, there is every reason to believe that polling lines, combined with no requirement that voters and poll workers wear masks, could produce crowds that could become a "super spreader" event. The higher early voting turnout so far strongly suggests this. Voters could be in these crowded lines for extended periods of time, both inside and outside. These lines compound the dangers from polling stations where face coverings are not required.

17. Finally, Black Texans understand that if they 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 where they come in contact with a higher number of people. As a result, they recognize the consequences of contracting the virus for others—as well as themselves—is greater than the average population.

**Failing to Require Face Coverings at the Polls Will Impact Black Texans Disproportionately**

18. Without basic protections like mandatory face coverings at the polls, Black Texans must choose between not voting or risking their lives or the lives of their loved ones to vote. This burden will dissuade some Black Texans, including some of our members, from voting.

19. The chill from the Order's exemption is born disproportionately by Black Texans because of the mutually exacerbating combination of worse outcomes for Black Texans once infected, greater risk of infection from longer lines, and greater societal repercussions to their work and home communities once infected.

20. The public interest and all voters will be greatly served by a sensible and reasonable order that protects the lives of people. Excising the exception for face coverings in polling places is an important step.

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

Executed in Travis County, State of Texas, on the 20th day of October 2020.



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Gary L. Bledsoe President Texas State Conference of the NAACP

# **Exhibit A**

# It's true: 1 in 1,000 Black Americans have died in the Covid-19 pandemic

Biden cited a horrific statistic to make his case against Trump. The worst part is it's true.

By Dylan Scott@dylaniscott@vox.com Sep 29, 2020, 11:30pm EDT



Joe Biden speaks during the first of three planned presidential debates. Scott Olson/Getty Images

During a discussion on race in America in **the first presidential debate**, former Vice President Joe Biden cited a horrific statistic to punctuate his case that President Donald Trump has not been good for Black Americans: 1 in 1,000 Black Americans have died in the **Covid-19 pandemic**.

"You talk about helping African Americans — 1 in 1,000 African Americans has been killed because of the coronavirus," the Democratic nominee said Tuesday. "And if he doesn't do something quickly, by the end of the year, 1 in 500 will have been killed. 1 in 500 African Americans."

"This man is the savior of African Americans? This man cares at all? This man's done virtually nothing," Biden continued. "Look, the fact is, you have to look at what he talks about. You have to look at what he did, and what he did has been disastrous for the African American community."

The most remarkable thing about Biden's statement? It was true.

According to **the APM Research Lab**, as of mid-September, "1 in 1,020 Black Americans has died (or 97.9 deaths per 100,000)." More than 200,000 Americans are confirmed dead from Covid-19, and a disproportionate number of them are Black. It's that simple. (Biden's

statement that 1 in 500 could die by the end of the year without swift action would appear to reflect the estimates that the US death toll could grow to 400,000 by January 1.)

There are several reasons why. Black Americans have disproportionately higher rates of preexisting conditions, including heart disease and cancer, which are associated with more deaths and hospitalizations from Covid-19. Black Americans are also more likely to work in jobs that are considered “essential,” which **requires them to go into work and risk exposure to the coronavirus.**

Housing segregation has also led to Black Americans having less access to clean water and created many longstanding health disparities. Race, place, income, and health, as should be obvious by now, are inextricably linked. And the health consequences of these inequities have been especially evident during the pandemic, as David Williams, a professor of public health and sociology at Harvard, wrote in **a May 2020 editorial for JAMA:**

Economic status matters profoundly for reducing the risk of exposure to SARS-CoV-2. Lower-income and minority workers are overrepresented among essential service workers who must work outside the home when shelter-in-place directives are given. Many must travel to work on buses and subways.

But the bottom line is, due to both systemic racism and factors particular to Covid-19 and the accompanying economic crisis, Black Americans have died at disproportionately high rates during the pandemic. The Trump campaign has feinted during the 2020 campaign toward appealing to Black Americans, or at least assuaging their white supporters that the Republican Party is not racist. Trump’s support has grown slightly among predominantly Black men, but Biden is still expected to overwhelmingly carry Black voters.

But Biden, as he did throughout the debate, brought the issue back to Covid-19. America’s failures, in the past six months but also throughout its history, have led to that tragic outcome.