

No. 24-50826

---

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,  
*Plaintiffs-Appellees,*

*v.*

GREGORY W. ABBOTT, *et al.*,  
*Defendants-Appellants.*

---

On Appeal from the United States District Court  
for the Western District of Texas, San Antonio Division,  
No. 5:21-cv-00844, Judge Xavier Rodriguez

---

**BRIEF OF NON-PROFIT DISABILITY RIGHTS ORGANIZATIONS  
AS AMICUS CURIAE SUPPORTING  
PLAINTIFFS-APPELLEES AND AFFIRMANCE**

---

MATT JONES  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037  
matt.jones@wilmerhale.com

ELISSA GERSHON  
CENTER FOR PUBLIC  
REPRESENTATION  
5 Ferry Street #314  
Easthampton, MA 01027  
egershon@cpr-ma.org

STEPHANIE LIN  
VICTORIA L. MORENO  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
stephanie.lin@wilmerhale.com  
victoria.moreno@wilmerhale.com

MEGAN RUSCIANO  
CENTER FOR PUBLIC  
REPRESENTATION  
820 First Street, NE Suite 750  
Washington, DC 20002  
mrusciano@cpr-ma.org

April 2, 2025

*Counsel for Amicus Curiae*

---

## **CERTIFICATE OF INTERESTED PARTIES**

*La Unión Del Pueblo Entero et al., v. Gregory W. Abbott et al.*, No. 24-50826

Pursuant to Fifth Circuit Rule 29.2, the undersigned counsel of record certifies that, in addition to the persons and entities listed in Plaintiffs/Appellees' Certificate of Interested Persons, the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

### **Amici Curiae**

Access Ready

American Association of People with Disabilities

American Council of the Blind

Association of Programs for Rural Independent Living

Autistic Self-Advocacy Network

Judge David L. Bazelon Center for Mental Health Law

Center for Public Representation

CommunicationFIRST

Disability Rights Advocates

Disability Rights Education and Defense Fund

National Council on Independent Living

The National Disability Rights Network

National Federation of the Blind of Texas

New Disabled South

Self Advocates Becoming Empowered

United Spinal Association

**Counsel for Amicus Curiae**

Matt Jones  
Stephanie Lin  
Victoria L. Moreno  
WILMER CUTLER PICKERING HALE AND DORR LLP

Elissa Gershon  
Megan Rusciano  
CENTER FOR PUBLIC REPRESENTATION

Dated: April 2, 2025

/s/ Matt Jones  
MATT JONES  
*Attorney of Record for Amicus  
Curiae*

## TABLE OF CONTENTS

	Page
CERTIFICATE OF INTERESTED PARTIES .....	i
TABLE OF AUTHORITIES .....	iv
STATEMENT OF INTERESTS.....	1
SUMMARY OF ARGUMENT .....	1
I. VOTERS WITH DISABILITIES CHOOSE TRUSTED ASSISTORS TO EXERCISE THEIR CONSTITUTIONAL RIGHT TO VOTE .....	4
A. Millions of Eligible Texans Require Voting Assistance.....	4
B. Texans With Disabilities Rely on Trusted Assistors to Provide Critical, Commonplace, and Individualized Voting Assistance .....	8
C. Known and Trusted Assistors Are Especially Important To Voters with Cognitive or Mental Health Impairments.....	11
II. S.B.1’S ONEROUS AND UNDEFINED REQUIREMENTS DENY VOTERS WITH DISABILITIES NEEDED ASSISTANCE .....	13
A. S.B.1 Has Deterred Voters From Requesting Voting Assistance They Are Legally Entitled To And Need.....	14
B. S.B.1 Is Vague About What Constitutes Criminal Assistance .....	16
C. Texas Will Prosecute Individuals For Violating S.B.1 .....	19
D. S.B.1 Manufactures A Problem That Does Not Exist And Burdens Voters With Disabilities.....	20
III. SECTION 208 GUARANTEES VOTERS THE RIGHT TO CHOOSE THEIR ASSISTOR .....	22
IV. TEXAS’ PIONEERING SDM LEGISLATION RECOGNIZED THE VALUE AND NEED OF ALLOWING INDIVIDUALS TO CHOOSE ASSISTORS .....	25
CONCLUSION .....	28
CERTIFICATE OF COMPLIANCE	
CERTIFICATE OF SERVICE	



## TABLE OF AUTHORITIES

### CASES

	Page(s)
<i>Grayned v. City of Rockford</i> , <u>408 U.S. 104,109</u> (1972) .....	19
<i>OCA-Greater Houston v. Texas</i> , <u>867 F.3d 604</u> (5th Cir. 2017) .....	23

### STATUTES, RULES, AND REGULATIONS

<u>52 U.S.C. §10508</u> .....	2, 23
 Tex. Est. Code	
§1357.002 .....	12, 25, 26, 27
§1357.051 .....	28
§1357.053 .....	27
§1357.055-1357.056 (2015) .....	28
 <u>Tex. Penal Code</u>	
<u>§12.35</u> .....	24
§38.01(3) .....	18
 <u>Tex. Election Code</u>	
<u>§64.0322(a)</u> .....	3
§64.034 .....	3
§86.010 .....	3, 24
§86.013(b) .....	3
§86.0105 .....	4
§276.018(a)(2)–(b) .....	24
 <u>45 C.F.R. §1324.303(a)(5)(i)</u> .....	 26

### LEGISLATIVE MATERIALS

S.Rep.No. 97-417 (May 25, 1982).....	2, 4, 23, 24, 25
 Hearing on S.B. 1881 Before the Texas Senate Committee on Health & Human Services, 2015 Leg., 85th Sess. (Tex. 2015), <a href="http://tlcsenate.granicus.com/MediaPlayer.php?view_id=30&amp;clip_id=9607">http://tlcsenate.granicus.com/MediaPlayer.php?view_id=30&amp;clip_id=9607</a> .....	
	27, 28

Hearing Before the Texas Senate Committee on State Affairs (July 20, 2021), <a href="https://senate.texas.gov/videoplayer.php?vid=16772&amp;lang=en">https://senate.texas.gov/videoplayer.php?vid=16772&amp;lang=en</a> .....	6
---	---

## OTHER AUTHORITIES

ABA Commission on Law and Aging and the Penn Memory Center, <i>Assisting Cognitively Impaired Individuals with Voting: A Quick Guide</i> (2020), <a href="https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-voting-guide.pdf">https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-voting-guide.pdf</a> .....	11
Center for Public Representation, <i>U.S. Supported Decision-Making Laws</i> , <a href="https://supporteddecisions.org/resources-on-sdm/state-supported-decision-making-laws-and-court-decisions/">https://supporteddecisions.org/resources-on-sdm/state-supported-decision-making-laws-and-court-decisions/</a> .....	26
Hale, Jo Mhairi, et al., <i>Cognitive Impairment in the U.S.: Lifetime Risk, Age at Onset, and Years Impaired</i> , 11 SSM - Population Health 100577 (2020), <a href="https://doi.org/10.1016/j.ssmph.2020.100577">https://doi.org/10.1016/j.ssmph.2020.100577</a> .....	11
Leppert, Rebecca & Katherine Schaeffer, <i>8 Facts About Americans with Disabilities</i> , Pew Research Center (July 27, 2023), <a href="https://www.pewresearch.org/short-reads/2023/07/24/8-facts-about-americans-with-disabilities/">https://www.pewresearch.org/short-reads/2023/07/24/8-facts-about-americans-with-disabilities/</a> .....	5
Press Release No. CB24-TPS.1-7, U.S. Census Bureau, <i>New Report on U.S. Veterans and Service-Connected Disabilities</i> (Nov. 6, 2024), <a href="https://www.census.gov/newsroom/press-releases/2024/service-connected-disabilities.html">https://www.census.gov/newsroom/press-releases/2024/service-connected-disabilities.html</a> .....	7
Schur, Lisa, et al., <i>Disability and Voter Turnout in the 2022 Elections</i> , U.S. Election Assistance Commission, Rutgers University, <a href="https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Fact_Sheet_Disability_Voter_Turnout_2022_Elections.pdf">https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Fact_Sheet_Disability_Voter_Turnout_2022_Elections.pdf</a> .....	5
Texas Education Agency, <i>Dyslexia, Dysgraphia, and Dyscalculia in the Individualized Education Program</i> , <a href="https://teadev.tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf">https://teadev.tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf</a> .....	9

Texas Legislature, SB 1881 History, <a href="https://capitol.texas.gov/BillLookup/History.aspx?LegSess=84R&amp;Bill=SB1881">https://capitol.texas.gov/BillLookup/History.aspx?LegSess=84  R&amp;Bill=SB1881</a> .....	26
Vespa, Jonathan, <i>Aging Veterans: America’s Veteran Population in  Later Life</i> , U.S. Census Bureau (July 2023), <a href="https://www.census.gov/content/dam/Census/library/publications/2023/acs/acs-54.pdf">https://www.census.gov/content/dam/Census/library/publicatio  ns/2023/acs/acs-54.pdf</a> .....	7
Vespa, Jonathan and Caitlin Carter, <i>Trends in Veteran Disability  Status and Service-Connected Disability: 2008-2022</i> , U.S. Census Bureau (Nov. 2024), <a href="https://www2.census.gov/library/publications/2024/demo/acs-58.pdf">https://www2.census.gov/library/publications/2024/demo/acs-  58.pdf</a> .....	7
Whitlatch, Morgan K. and Rebekah Diller, <i>Supported Decision-  Making: Potential and Challenges for Older Persons</i> , 72 Syracuse L. Rev. 165 (2022) .....	26

## STATEMENT OF INTERESTS<sup>1</sup>

*Amici* are non-profit organizations dedicated to enforcing and expanding the rights of people with disabilities and seniors to maximize their autonomy and independence in all areas of their lives. *Amici* represent millions of people with a range of disabilities, including physical, intellectual, developmental, cognitive, visual, and mental health disabilities. *Amici* rely on legal strategies, direct service, advocacy (including self-advocacy), and policy reform to ensure these communities have access to equal opportunity, economic power, independent living, and political participation. A full list of *amici* is included in the Certificate of Interested Parties.

S.B.1 burdens disabled voters and deters them from requesting—and assistors from providing—assistance in the voting process, thus violating the protections guaranteed by Section 208 of the Voting Rights Act. Accordingly, *amici* urge this Court to affirm the district court’s order.

## SUMMARY OF ARGUMENT

Millions of Texas voters—often seniors and veterans—have some form of disability, including mobility, cognitive, mental health, and sensory impairments. Federal law guarantees those Texans the right to choose a trusted person to assist

---

<sup>1</sup> No party, party’s counsel, or person other than the *amici*, their members, and counsel who authored this brief in whole or in part, contributed money intended to fund preparing or submitting this brief.

them, with limited exceptions for the voter's employer or union representative. A husband with vision loss may ask his wife of 50 years to read him the ballot; a young woman with cerebral palsy may ask the personal care attendant who helps her bathe, get dressed, and prepare for her day, to mark her selections; or a veteran with Post-Traumatic Stress Disorder may ask his friend to accompany him to a busy polling place. Choosing an assistor is a personal decision that helps disabled voters freely and fully exercise their right to vote.

Congress recognized the importance of that choice over 40 years ago when it amended the Voting Rights Act to “achieve full participation for all Americans in our democracy.” S.Rep.No. 97-417, 4 (May 25, 1982). Of relevance here, Congress added Section 208, ensuring that “[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance *by a person of the voter's choice*.” 52 U.S.C. §10508.<sup>2</sup> The only exceptions are the voter's “employer or agent of that employer or officer or agent of the voter's union.” *Id.* A decade ago, Texas similarly recognized the importance of empowering people with disabilities to choose who supports them by pioneering Supported Decision-Making (“SDM”) arrangements, whereby people with disabilities, including seniors, can designate individuals they trust to help them effectuate their own decisions, including in voting.

---

<sup>2</sup> All emphases added unless otherwise noted.

Texas law S.B.1. betrays both federal law and state principles by illegally undermining eligible voters’ ability to choose their assistors. Specifically, Sections 6.03, 6.05, and 6.07 (“Assistor Disclosures”)<sup>3</sup> impose new, additional disclosure and documentation requirements on would-be assistors. Section 6.04 amends the required assistor oath (“Oath”), including swearing “under *penalty of perjury*” that “the voter [they are] assisting represented [that] they are eligible to receive assistance,” and the assistor “did not pressure or coerce the voter into choosing [them] to provide assistance”—an oath that poll workers and election officials are not required to take. TEC §64.034. Failure to comply with the Assistor Disclosures or the Oath is a state jail felony and may result in the rejection of the voter’s ballot. TEC §§86.010(d), (f)–(g). Section 6.06 (“Assistor Compensation provision”) criminalizes compensating assistors, or soliciting, receiving, and accepting compensation for assisting voters with their mail-in ballots, with limited and vague

---

<sup>3</sup> Section 6.03 requires “[a] person, other than an election officer, who assists a voter ... to complete a form stating: (1) the name and address of the person assisting the voter; (2) the relationship to the voter of the person assisting the voter; and (3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.” Texas Election Code (“TEC”) §64.0322(a). Section 6.05 requires an assistor to disclose their relationship with the voter and any compensation from a candidate, campaign, or political committee on the voter’s mail-in envelope. TEC §86.010(e). Section 6.07 requires anyone providing ballot-dropping assistance to disclose their relationship to the voter. TEC §86.013(b).

exceptions for caregivers, even absent fraud. TEC §§86.0105(a),(c); [ROA.37723-37724](#).

These restrictions were enacted to address purported fraud, but there is no evidence that voting assistance fraud exists. Rather, these provisions (together, “Assistor Restrictions”) and the threat of severe punishment burden disabled voters and have a proven chilling effect on voting assistance. That effect is exacerbated by the difficulty voters and assistors face in determining what constitutes a violation, as the operative language is undefined and confusing. Many voters with disabilities have simply foregone the assistance they are legally entitled to, sacrificed their privacy by using assistors they did not choose, or opted out of voting altogether. Such a result does not allow for the “full participation for *all* Americans in our democracy,” S.Rep.No. 97-417, 4, and should not stand.

## **ARGUMENT**

### **I. VOTERS WITH DISABILITIES CHOOSE TRUSTED ASSISTORS TO EXERCISE THEIR CONSTITUTIONAL RIGHT TO VOTE**

#### **A. Millions of Eligible Texans Require Voting Assistance**

Nationwide, nearly 16 million people with disabilities voted in the 2022 elections.<sup>4</sup> Of those, 8.7 million had mobility limitations, 5.6 million had hearing

---

<sup>4</sup> Schur et al., *Disability and Voter Turnout in the 2022 Elections* 3, U.S. Election Assistance Comm’n, Rutgers Univ., [https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program\\_Disability\\_Research/Fact\\_Sheet\\_Disability\\_Voter\\_Turnout\\_2022\\_Elections.pdf](https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Fact_Sheet_Disability_Voter_Turnout_2022_Elections.pdf).

impairments, 2.3 million had visual impairments, and 3.8 million had mental or cognitive impairments.<sup>5</sup> Older Americans are significantly more likely than younger adults to have a disability. According to Census Bureau estimates, 46% of Americans 75 and older and 24% of those age 65 to 74 report having a disability, compared with 12% of adults age 35 to 64 and 8% of adults under 35.<sup>6</sup> The number of voters with disabilities increases over time because disability correlates “[v]ery, very highly” with age. Dist.Ct.Dkt.<sup>7</sup> 852, Plaintiffs’ Proposed Findings of Fact (“PFOF”)<sup>8</sup> ¶104. As Nicky Boyte, an Austin resident with disabilities, reminded the Texas Senate committee when testifying in opposition to S.B.1, nondisabled people are only “temporarily-able bodied,” because everyone will experience disability at some point in their lives.<sup>9</sup> Indeed, the most common bases

---

<sup>5</sup> *Id.*

<sup>6</sup> Leppert and Schaeffer, *8 Facts About Americans with Disabilities*, Pew Research Center (July 27, 2023), <https://www.pewresearch.org/short-reads/2023/07/24/8-facts-about-americans-with-disabilities/>.

<sup>7</sup> “Dist.Ct.Dkt.” refers to the Western District of Texas docket for 5:21-cv-00844-XR. “Dkt” refers to the Fifth Circuit Court of Appeals docket for 24-50826.

<sup>8</sup> Paragraph numbers refer to PFOF (pgs. 1-93) in Dist.Ct.Dkt.852.

<sup>9</sup> Hearing Before the Texas Senate Committee on State Affairs (July 20, 2021), <https://senate.texas.gov/videooplayer.php?vid=16772&lang=en> (testimony starts at 06:11:30).



for voting by mail eligibility are the “over 65” and “disability” categories.

PFOF¶128.

At least three million voting-eligible Texans have disabilities, or nearly one out of every seven. PFOF¶¶104-105. Over half of Texans with disabilities have a mobility impairment, which can pose challenges with accessing polling places. PFOF¶107. Voters with dexterity issues, such as Cerebral Palsy, Parkinson’s disease, or quadriplegia, may have difficulties writing on the ballot or putting a mail-in ballot into the envelope without aid. PFOF¶141. Approximately one-third of voting-eligible Texans with disabilities have some form of cognitive impairment, which may impact their reading comprehension, recall, or concentration. PFOF¶109. Nationwide, approximately 22% of voters with disabilities have visual impairments, affecting their ability to read and fill out a ballot. PFOF¶140.

Many Texans acquire a disability during military service, and veterans are more likely to have a disability than non-veterans.<sup>10</sup> The share of U.S. veterans with service-connected disabilities increased from 15% in 2008 to about 30% in

---

<sup>10</sup> Press Release No. CB24-TPS.1-7, U.S. Census Bureau, *New Report on U.S. Veterans and Service-Connected Disabilities* (Nov. 6, 2024), <https://www.census.gov/newsroom/press-releases/2024/service-connected-disabilities.html>.

2022.<sup>11</sup> Higher disability rates stem from service-related injuries, as well as the physical and psychological demands of military service.<sup>12</sup> Also, veterans likely have higher disability rates because nearly 50 percent are older adults.<sup>13</sup>

People with disabilities often face challenges to ensure their voices are heard in the electoral process. They turn out at lower rates than those without disabilities, in part due to lower education and income levels, social isolation, and psychological factors, but also because of difficulties they face in voting. PFOF¶¶124-125. Disabled voters are nearly twice as likely as nondisabled voters to encounter issues when voting in person, such as problems waiting in line or marking their ballot, and more than twice as likely to have difficulties voting by mail, including challenges in requesting, marking, and returning their ballots. PFOF¶¶136, 138-139. As such, voters with disabilities are twice as likely to need assistance when voting in person, and ten times more likely to need assistance voting by mail. PFOF¶¶147-148.

---

<sup>11</sup> *Id.*

<sup>12</sup> Vespa and Carter, *Trends in Veteran Disability Status and Service-Connected Disability: 2008-2022*, U.S. Census Bureau (Nov. 2024), <https://www2.census.gov/library/publications/2024/demo/acs-58.pdf>.

<sup>13</sup> Vespa, *Aging Veterans: America's Veteran Population in Later Life*, U.S. Census Bureau (July 2023), <https://www.census.gov/content/dam/Census/library/publications/2023/acs/acs-54.pdf>.

The ability to choose a trusted assistor mitigates these challenges. Voting assistance is most often provided by family members, but one-fifth of voters with disabilities choose to receive voting assistance from non-family members.

PFOF¶149. While such voters often choose friends or neighbors, they may also engage professionals they already know and trust and who assist them with other daily activities, like dressing, bathing, and eating. Moreover, direct care staff, facility social workers, or volunteers with community organizations may be the best and only option for voters with disabilities who are socially isolated, living alone or in institutions. When disabled voters are free to choose their assistors—whether family members, friends, or staff—they protect their right to effective assistance *and* the privacy and sanctity of their vote.

**B. Texans With Disabilities Rely on Trusted Assistors to Provide Critical, Commonplace, and Individualized Voting Assistance**

Disabled voters may need a variety of personalized voting assistance. They may need help using accessible voting machines or accessing them in conjunction with their own assistive technology, like wheelchairs or communication devices. Voters may need assistance physically getting to the voting booth or may direct someone to submit their vote. They may also need assistance in reading or filling out the ballot. The types of assistance that disabled voters utilize are commonplace and should not implicate concerns about election integrity, as appellants suggest.

*See e.g.*, Dkt.192 at 2, 6, 36, 40.

The trial record is replete with examples. Voters Danielle Miller and Jodi Lydia Nunez Landry rely on family members to assist them in the voting process. Danielle has autism, dyslexia, and dysgraphia<sup>14</sup>, which causes her handwriting to appear rudimentary. Jennifer Miller, Danielle's mother and designated supporter under an SDM arrangement, helps Danielle with daily activities and with voting, including making sure her entries are legible and comply with the forms' requirements. PFOF¶¶56-57. Ms. Nunez Landry, who has muscular dystrophy, requires assistance with most activities of daily living, and uses a power wheelchair. Ms. Nunez Landry's partner is her preferred assistor because he understands her disability, and his support allows her to maintain her privacy. [ROA.37704-37705](#). She prefers to vote in person with the help of her partner, who touches the screen at a polling place to mark her desired selection. PFOF¶299.

Voters Amy Litzinger, Laura Halverson, and Toby Cole rely upon known and trusted paid direct care staff to assist them in the voting process. For example, Ms. Litzinger, who has cerebral palsy, prefers to have her personal care attendant assist her with in-person voting because, due to her limited dexterity, the assistance involves interacting with intimate parts of her body, which could make her unsafe

---

<sup>14</sup> Dysgraphia is a neurological condition that affects writing, causing difficulty with handwriting and spelling, among other things. See Texas Education Agency, *Dyslexia, Dysgraphia, and Dyscalculia in the Individualized Education Program* at 4, [https://teadev.tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3\\_accessible%208.1.pdf](https://teadev.tea.texas.gov/sites/default/files/Dyslexia%20in%20the%20IEP%206.3_accessible%208.1.pdf).

or uncomfortable if performed by a stranger, like a poll worker. [ROA.37703, 37707](#). When voting in person, her attendant drives her accessible van, loads and unloads Ms. Litzinger from the van, handles her identification, and places the completed ballot in the machine. [ROA.37707-37708](#). When voting by mail, Ms. Litzinger needs her attendant to open the envelope, fill it out, and tape it down so she can sign it. [ROA.37708](#).

Due to her muscular dystrophy, Ms. Halvorson uses a wheelchair and requires assistance for almost all physical activities. [ROA.37706](#). When voting, Ms. Halvorson cannot reach the buttons on the touchscreens, so she relies on her attendant to hand her identification to the poll worker and press the buttons based on her verbal commands. PFOF¶80. As Ms. Halvorson's disability is progressive, she will rely on her attendant more in the future. [ROA.37706](#).

Toby Cole, an attorney who is quadriplegic, relies on assistance to get dressed, transfer, eat, and complete personal hygiene tasks. PFOF¶96. He prefers to have an assistant, rather than a poll worker, help him vote because it is too personal. PFOF¶¶94, 100. Mr. Cole—who typically votes in person, curbside—has his assistant drive him to the polling location, hand the poll worker his identification, maneuver the machine into the van, and turn the knobs based on Mr. Cole's verbal commands. PFOF¶99. Mr. Cole sometimes asks his assistant to help him reference his own notes about his ballot choices. [ROA.37771](#).

Each of these voters is entitled to assistance when voting and to choose a trusted assistor who knows their needs on both a practical and personal level. The choice of assistor ensures these individuals can vote with dignity and privacy.

**C. Known and Trusted Assistors Are Especially Important To Voters with Cognitive or Mental Health Impairments**

People with cognitive or mental health impairments, including seniors,<sup>15</sup> can make important decisions such as voting and may rely on trusted assistors in executing those decisions.<sup>16</sup> Such voters may require personalized assistance to understand and complete each step in the voting process.

Assistance for voters with cognitive disabilities may require an iterative dialogue of questions and answers that helps them understand the voting process, also known as cuing. Assistors may use prompts such as “what were the things you said were important to you,” or “who were the individuals that you were interested in voting for.” Others with cognitive disabilities benefit from basic gestures to guide them through the multi-step process for voting, including showing them

---

<sup>15</sup> Approximately two out of three Americans experience some level of cognitive impairment at approximately 70 years. See Hale, et al., *Cognitive Impairment in the U.S.: Lifetime Risk, Age at Onset, and Years Impaired*, 11 SSM-Population Health 100577(2020), <https://doi.org/10.1016/j.ssmph.2020.100577>.

<sup>16</sup> So long as an individual with a cognitive impairment “indicate[s] a desire to vote, he or she can also indicate a choice among available ballot selections.” ABA Comm’n on Law and Aging and the Penn Memory Center, *Assisting Cognitively Impaired Individuals with Voting: A Quick Guide* at 3(2020), [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2020-voting-guide.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-voting-guide.pdf).

where to correctly mark and sign their ballots in keeping with their expressed wishes. PFOF ¶153.

Assistors may also aid voters with cognitive or mental health disabilities, including seniors, pursuant to SDM arrangements under Texas law. Tex. Est. Code §1357.002; *see also infra* Section IV. Voters with disabilities may select a known and trusted supporter, such as a family member, friend, neighbor, church member, or other person, to provide voting assistance. Disability expert Dr. Kara Ayers explained that supporters may help voters learn about the voting process, including the steps to register, request ballots, and plan for voting at the polls. Dist.Ct.Dkt. 642-2, Ex.3(Ayers Decl.) ¶25. Supporters can also help request accommodations (e.g., having the voter's phone present with notes about candidates), offer reminders and guidance about completing ballots correctly, and provide assistance with reading, understanding, marking, and returning a ballot. As her daughter's supporter, Jennifer Miller helps her review her ballot for completeness and ensures that she signs in the right place. *Id.*, Ex.15(Miller Decl.) ¶¶11,17. Relying on the assistance of trusted supporters can preserve voting privacy and enable people with disabilities to receive appropriate assistance, instead of forcing them to rely on strangers who do not know or understand their specific needs.

## II. S.B.1'S ONEROUS AND UNDEFINED REQUIREMENTS DENY VOTERS WITH DISABILITIES NEEDED ASSISTANCE

S.B.1's Assistor Restrictions prevent voters with disabilities from requesting and receiving assistance in the voting process and may disenfranchise them entirely. As Mr. Cole explained:

I talk to a lot of people after they get disabled...as you make things harder, you just start cutting things out ... [I]t's too hard to find someone to feed me, or it's embarrassing, so I don't want to go to dinner. It's too hard to get on an airplane to go travel, so I just don't do that. And so every time you put even one little road bump or one little barrier in front, it just makes it that much harder, and so you don't do it ... I look at the oath and it says "I swear under the penalty of perjury."...That's a big deal. That's a scary deal. ... *[A]m I going to have somebody that may get ... thrown in jail come help me? No, I'm just not going to vote. I'm just not going to exercise that right.*

ROA.37723.

Likewise, Anne Robinson, a quadriplegic army veteran, submitted testimony to the Texas legislature about her "concerns ... that [S.B.1] would greatly affect those of us with severe disabilities." Dist.Ct.Dkt.642-2, Ex.8(Robinson testimony) at 1. Ms. Robinson predicted that "putting extra requirements on the person helping [the voter] could potentially discourage voting." *Id.* at 2. She suggested "[p]roviding clarification for the assistant and lessening their requirements" so that "the disabled voter [could] have a much smoother time casting a ballot." *Id.*



Ms. Robinson was right. The threat of criminal liability, combined with the lack of clarity about whose and what activity is prohibited, made foregoing assistance altogether the safest option for some voters and their assistants. For others, the possibility of losing the care they need to live is too great to risk voting.

[ROA.37722](#); *see also* [ROA.37705](#) (Nunez Landry noting that S.B.1 is “frightening for many” who do not want to “risk losing attendants”).

**A. S.B.1 Has Deterred Voters From Requesting Voting Assistance They Are Legally Entitled To And Need**

The Assistor Restrictions, including the Oath’s “intimidating,” “scary,” and “threatening” language, [ROA.37710](#), forced voters with disabilities to struggle to complete their ballots without assistance, relinquish their privacy by having a stranger assist, or forgo voting altogether. The trial record bears this out.

Ms. Litzinger testified that when she voted in November 2022, she and her personal care attendant “were both nervous because [they] were unclear if the help [she] receive[s] would be included under the oath, and...when the process of voting starts and stops.” PFOF¶239. As a result, she voted alone with much difficulty. Ms. Litzinger, who uses a chest clip to keep her upright in her wheelchair, voted with it fastened—a process that was “quite painful”—because she was unsure whether asking her aide to unclip it would constitute assistance. [ROA.37708](#).

Ms. Halvorson also had to endure unnecessary pain in completing her mail-in ballot for the March 2022 primary. Her personal care attendant, a green card

holder, was not comfortable taking an oath that could risk her immigration status. This was the first time a personal care attendant ever declined to assist Ms. Halvorson in voting. Because her muscle weakness inhibited her ability to write legibly, Ms. Halvorson was forced to fill out her ballot in 10-to-15-minute intervals over the course of two full days. [ROA.37706](#).

Ms. Nunez Landry also struggled to vote in November 2022. Although she typically relies on her partner for assistance, she did not “want to put him in jeopardy” or have people think she was “being coerced.” So when she could not access the remote that would allow her to vote independently, she had to rely on multiple inexperienced poll workers for help, who made her “really nervous” and “all voted with [her], much to [her] chagrin and frustration.” Because of S.B.1, she was forced to navigate the process with strangers she did not trust, sacrifice her privacy, and endure a longer, physically taxing process. [ROA.37704-37706](#).

The Assistor Disclosures also chill the activity of would-be assistors, like Maria Gomez, a volunteer at La Unión Del Pueblo Entero (LUPE). Ms. Gomez has provided voting assistance for more than 25 years but is no longer willing to do so because of the risk of criminal liability. [ROA.37719](#).

The same is true of Section 6.06, which bans voters from “compensat[ing]” someone other than an “attendant or caregiver previously known to the voter” from assisting with a mail-in ballot. This provision prevents professionals who assist

with daily tasks from assisting with voting. People with disabilities and seniors who reside in institutions, such as nursing facilities, assisted living facilities, and other congregate settings, may rely on social workers or other, non-caregiver staff, to assist them with the voting process. Indeed, the district court found that “Section 6.06 impliedly *does* interfere with the duties of ... professionals [such as an activities director at an assisted living facility] who might provide mail-ballot assistance in the ordinary course of their employment.” [ROA.37767](#) (emphasis in original). Moreover, these institutions have historically relied on trusted community organizations like LUPE to assist residents with mail-in ballots but now are denied that assistance. Instead, LUPE advises voters to seek the help of family or friends. [ROA.37725](#); *see also* [ROA.37726](#) (describing how League of Women's Voters-Texas similarly stopped providing voting assistance to individuals in retirement homes and assisted care facilities).

#### **B. S.B.1 Is Vague About What Constitutes Criminal Assistance**

The Assistor Restrictions are unclear and confusing, which further deters voters and would-be assistors. The Oath does not explain what constitutes voting assistance. Ms. Litzinger testified she was reluctant to get voting assistance because of confusion about “when the process of voting starts and stops.”

PFOF¶239. At trial, Former Director of the Elections Division, Keith Ingram, conceded that whether an attendant who pushes a voter’s wheelchair to the poll booth

without otherwise helping her cast a ballot, must take the Oath is “a very *gray area* and kind of *depends on the presiding judge*.” [ROA.37712-37713](#). Voters like Ms. Litzinger, and assistors, are understandably wary of wading into a “gray area” where criminal penalties are threatened.

The State also conceded that the Oath “does not set out the criteria for eligibility for assistance for a voter.” PFOF¶281. The district court properly found that the State’s suggestion that disabled voters call the Secretary of State’s office to find out if they are eligible for assistance is not only impractical, but it “would not cure the Oath’s Section 208 problem because ... it would impose an additional eligibility requirement on voters who need assistance.” [ROA.37760](#).

Even worse, the Oath requires assistors to swear they did not “pressure or coerce the voter into choosing [them] to provide assistance,” but fails to define “pressure” or “coerce.” At trial, Cameron County Election Administrator Remi Garza testified that “[t]he wording is vague enough where ... [assistors] might be concerned that they are going to violate the oath if they signed it.” [ROA.37761-37762](#). Voters and assistors agreed. Ms. Nunez Landry worried that “confusion” about what “pressure or coerc[ion] mean in this context” will make “people ... too afraid to help us.” PFOF¶274. Ms. Miller, who helps her daughter vote, confirmed that she had “no idea” how to interpret this provision. PFOF¶276.

The Assistor Compensation provision is also unclear. Compensation is defined as “anything reasonably regarded as an economic gain or advantage.” Tex. Penal Code §38.01(3). Because the state has not defined this term and violations can result in criminal liability, voters are deterred from offering any tokens of appreciation, such as gas money, refreshments, or a thank-you-lunch to a neighbor or volunteer who assists them with their mail-in ballot. PFOF ¶¶328-334.<sup>17</sup> Further, although attendants and caregivers are exempted from the provision, the Secretary of State has not offered any guidance on who qualifies as an “attendant” or “caregiver,” which leaves facility staff such as salaried social workers and activities directors, as well as informal helpers such as a neighbor who shops or collects mail for a disabled person for nominal remuneration, in this dangerous gray area. PFOF ¶353; *see also* Dkt.212 at 29 (discussing how these terms remain undefined and the burden of proof would rest on Plaintiffs to prove they qualify as attendants or caregivers).

Without clarity about what constitutes a criminal offense, voters and assistors are understandably cautious, leading to voters with disabilities not receiving the assistance they are entitled to, and unnecessary barriers to exercising their constitutional right. *See Grayned v. City of Rockford*, 408 U.S. 104,109 (1972)

---

<sup>17</sup> The provision in Section 6.03 that requires assistors to disclose whether they received compensation similarly deters well-meaning assistors who cannot know with certainty whether they received compensation for assisting a disabled voter.

(“Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked.”).

### **C. Texas Will Prosecute Individuals For Violating S.B.1**

The fear of criminal prosecution is not hyperbole or hypothetical. At trial, the chief of the Attorney General’s (OAG) Election Integrity Unit testified that his office is willing to and *has* previously enforced the TEC, including S.B.1. In fact, investigating and prosecuting allegations of voter fraud is one of the Office’s key priorities. [ROA.37695](#). Country district attorneys have also investigated and prosecuted alleged violations. [ROA.37700-37701](#).

Texas has shown that it can and will prosecute individuals for even *unintentional* errors in understanding complicated voting laws. Following the 2020 election, social worker Kelly Brunner was indicted for 134 election fraud crimes for mistakenly signing the applications of voters she was assisting in a residential facility as an “agent,” which has a narrow definition under Texas law.<sup>18</sup> She faced years in prison and expensive legal bills, eventually agreeing to a deal for

---

<sup>18</sup> Ex. A, Dexheimer, *How Ken Paxton Cast a Social Worker Registering Disabled Voters as Texas’ Worst Election Criminal*, Hous. Chron. (Nov. 28, 2022), <https://www.houstonchronicle.com/politics/texas/article/Texas-AG-Paxton-raised-alarms-in-2021-with-four-17589784.php>.

probation. And her nightmare continues, as Texas education regulators seek to suspend her teaching license citing the felony conviction.<sup>19</sup>

Such stories serve as cautionary tales for would-be, well-meaning assistors, who may decide to play safe rather than sorry.

**D. S.B.1 Manufactures A Problem That Does Not Exist And Burdens Voters With Disabilities**

The Assistor Restrictions subject voters with disabilities and their assistors to onerous requirements that cannot be justified by invoking election integrity concerns, as appellants attempt to do. *See* PFOF ¶¶216-218, 221. There is no evidence that S.B. 1’s Assistor Restrictions do anything other than burden and insult disabled voters, including by creating a mistaken impression that they are committing fraud or are being manipulated. [ROA.37718](#) (OAG’s tracker of resolved election crime prosecutions does not identify a single case of voter assistance fraud at the polling place); *see also* [ROA.37715](#). In fact, one county clerk who administered elections for more than three decades, described voter fraud as a “unicorn” that was “extremely rare and in most cases unintentional.” Dist.Ct.Dkt.856 Tr.856:11-19.

---

<sup>19</sup> Ex. B, Dexheimer, *Paxton Made Her the State’s Worst Election Criminal. Now Texas Is Coming For Her Teaching License*, Hous. Chron. (Updated Nov. 7, 2023), <https://www.houstonchronicle.com/news/investigations/article/brunner-paxton-voter-fraud-license-18459837.php>.

As Ms. Nunez Landry explained, prior to S.B.1, she never needed to tell her partner (who typically helps her vote) that she was eligible to receive assistance, which is now required by the Oath. Nor had she disclosed their relationship to others, which the Assistor Disclosures demand. She testified that such disclosures render her a “second class citizen,” a sentiment shared by Mr. Cole, who testified that these provisions are “offensive” because they require him to share his private health information with an assistor, something voters without disabilities are not forced to do. [ROA.37713-37714](#); *see also* PFOF¶255. Similarly, the Oath requires would-be assistors to swear that they are not “coerc[ing] or pressur[ing]” voters with disabilities, incorrectly and paternalistically implying that these voters are more vulnerable to manipulation.

There is no evidence that assistors have attempted to manipulate or otherwise influence these voters’ decisions. On the contrary, their assistors are often loved ones or trusted professionals who support them in every aspect of their lives. Personal care assistants pride themselves on ensuring that people with disabilities can fully participate in everyday life, including voting. As Cathy Cranston, a personal care attendant for approximately 40 years, testified: “I’m there to help them fulfill their civic duty, their responsibility in voting, their right.” PFOF¶87.

Ms. Litzinger explained that her personal care attendant cannot manipulate how she votes because Ms. Litzinger is always present when her attendant helps



her mark the ballot and she verifies what her attendant marks. [ROA.37703](#). Ms. Halvorson explained that she has never felt that one of her personal care attendants was trying to influence her choices or manipulate her ballot. *Id.* And even the Appellant Counties testified that they are not aware of *any* instances in which someone has tried to improperly influence a voter's decision while providing assistance; nor have they seen evidence of voter fraud resulting from voter assistance at the polling place. PFOF¶221.

The Assistor Restrictions do nothing to prevent voter manipulation, and the suggestion that voters with disabilities must be protected from this unproven fraud is not only incorrect but insulting.

### **III. SECTION 208 GUARANTEES VOTERS THE RIGHT TO CHOOSE THEIR ASSISTOR**

As the district court observed, the Assistor Restrictions “leave many voters in need of assistance with a choice between three dignitary harms—voting without any assistance, losing their privacy while voting, or foregoing the voting process altogether.” [ROA.37721-37721](#). Section 208 was intended to promote equal access for voters who need assistance, without coercion or manipulation. Critical to both goals is allowing voters to choose their assistors, which preserves autonomy, agency, and independence. Congress provided only two exceptions to this right: the “voter’s employer or agent of that employer or officer or agent of the voter’s union.” [52 U.S.C. §10508](#); *see also OCA-Greater Houston v. Texas*, [867 F.3d 604](#).

608 (5th Cir. 2017) (“the right to select any assistor of [the voter’s] choice” is “subject only to the restrictions expressed in Section 208 ... itself”). Beyond those enumerated limitations, voters who require assistance are best suited to assess their own needs and select someone they trust to adhere to their wishes when voting.

Embedded in the right to vote is the right to do so in secret. In passing Section 208, Congress acknowledged that not allowing voters to choose their own assistants “discriminates against those voters who need such aid because it infringes upon their right to a secret ballot and can discourage many from voting for fear of intimidation or lack of privacy.” S.Rep.No. 97-417, 62 n.207. Congress understood that burdening the ability to choose an assistor would deter some voters from voting at all:

Specifically, it is only natural that many such voters may feel apprehensive about casting a ballot in the presence of, or may be misled by, someone *other than a person of their own choice*. As a result, people requiring assistance in some jurisdictions are forced to choose between casting a ballot under the adverse circumstances of not being able to choose their own assistance or forfeiting their right to vote. *The Committee is concerned that some people in this situation do in fact elect to forfeit their right to vote.*

*Id.*, 62.

Through cherry-picked excerpts, Appellants turn the legislative history on its head, to suggest that “one of Congress’s central motivations in adopting Section 208” was to “[p]rotect[] vulnerable voters from undue influence or coercion.”

Dkt.192 at 38. But Congress explicitly stated that “the only way to assure meaningful voting assistance *and* to avoid possible intimidation or manipulation,” is to allow the voter “*to have the assistance of a person of their own choice.*”

S.Rep.No. 97-417, 62. In other words, voters can and do make this personal decision in their own best interest. Although Congress recognized that states should be able to “establish necessary election procedures,” it also reiterated that “State provisions would be preempted ... [if] they unduly burden the right recognized in this section.” *Id.*, 63.

The Assistor Restrictions do just that—unduly burden voters with disabilities with provisions that pose barriers to voting and create a chilling effect on receiving needed assistance. The risk of criminal liability for vague and undefined offenses is significant because violations are *a felony*, punishable by up to two years in prison and a fine of up to \$10,000. TEC §276.018(a)(2)–(b); §86.010(g); Tex. Penal Code §§12.35(a)-(b). These provisions betray both the letter and spirit of Section 208, which sought to create “voter assistance procedures ... to assure privacy for the voter and the secrecy of his [or her] vote ... in a manner which *encourages* greater participation in our electoral process.” S.Rep.No. 97-417, 62-63. Simply put, rather than enabling participation in the electoral process, these provisions inhibit voters who are legally entitled to choose their own assistor from exercising that choice.

#### IV. TEXAS' PIONEERING SDM LEGISLATION RECOGNIZED THE VALUE AND NEED OF ALLOWING INDIVIDUALS TO CHOOSE ASSISTORS

S.B.1 is not only at odds with federal law, but with Texas' long-held principle that people with disabilities, including seniors,<sup>20</sup> can and should retain their autonomy and right to self-determination. Texas was at the forefront of a national movement that recognized that people with disabilities have the right to identify and access the assistance they need to make and effectuate their own decisions, including in voting, without government interference. In 2015, Texas became the first state<sup>21</sup> to pass legislation formalizing SDM arrangements, a process whereby a person with a disability designates another person they trust, called a "supporter," to help them understand their options and responsibilities, and to communicate and

---

<sup>20</sup> Texas' SDM law applies to all adults with disabilities. Tex. Est. Code § 1357.002.

<sup>21</sup> Since Texas passed legislation in 2015 recognizing SDM agreements as an alternative to guardianship, 21 states and Washington, D.C. have followed suit. At least 36 states and Washington, D.C. have passed legislation acknowledging SDM in various ways. *See* Center for Public Representation, *U.S. Supported Decision-Making Laws*, <https://supporteddecisions.org/resources-on-sdm/state-supported-decision-making-laws-and-court-decisions/>. Even in States without SDM statutes, SDM has been recognized as an option for older adults and people with disabilities. *See* Whitlatch & Diller, *Supported Decision-Making: Potential and Challenges for Older Persons*, 72 Syracuse L. Rev. 165, 174-175, n. 33-35 (2022) (stating that, as of 2022, courts in at least 13 States and D.C. have terminated, or refused to impose, a guardianship because of SDM, and many without a change first being made to state law). *See also* 45 C.F.R. §1324.303(a)(5)(i) (recognizing SDM as a means of preserving an older person's rights and autonomy in lieu of guardianship).

effectuate their own decisions in lieu of a court-appointed guardian. Tex. Est. Code §1357.002. This bipartisan legislation passed the Texas legislature unanimously.<sup>22</sup>

SDM embodies fundamental respect for the privacy, freedom, and autonomy of older adults and people with disabilities, while protecting them against fraud and coercion. Texas’ SDM law recognizes that people with disabilities have the right to rely upon individuals they choose<sup>23</sup> to inform and effectuate their own decision-making in specific areas of their life.<sup>24</sup> For instance, a senior with a disability may require assistance selecting medical providers or taking notes at a medical appointment. Similarly, a person with a visual impairment may need help reading her mail-in ballot and confirming that she has signed in the correct places. Texas’ SDM law allows these individuals to select a “supporter”—often a family member, friend, neighbor, church member, or other trusted person—to provide that

---

<sup>22</sup> Texas Legislature, SB 1881 History, <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=84R&Bill=SB1881>.

<sup>23</sup> The choice of supporter is largely unrestricted. *See* Tex. Est. Code §§1357.002, 1357.053 (defining “Supporter” as an adult who has entered into a SDM agreement with an adult with a disability and only terminating the agreement in limited circumstances, including if the supporter is found liable for abuse, neglect, or exploitation).

<sup>24</sup> *See* Hearing on S.B. 1881 Before the S.Comm. on Health & Human Servs., 2015 Leg., 85th Sess. (Tex. 2015), [http://tlcsenate.granicus.com/MediaPlayer.php?view\\_id=30&clip\\_id=9607](http://tlcsenate.granicus.com/MediaPlayer.php?view_id=30&clip_id=9607) (testimony of Senator Zaffirini, beginning at 04:55 of the recording, and Richard LaVallo, Legal Director of Disability Rights Texas, beginning at 1:30:33 of the recording).

assistance, without these individuals ceding their decision-making authority. For almost ten years, implementation of this SDM law has demonstrated the feasibility of allowing disabled voters to make their own decisions with the help of chosen assistants.

Texas' SDM law was intended to help people with disabilities, including seniors, avoid abuse and exploitation within the guardianship system. Guardianship strips people of the legal authority to make their own life decisions and places it in the hands of another person selected by the court.<sup>25</sup> SDM acknowledges that there are less restrictive alternatives to guardianship and avoids government intervention into a disabled person's life. A supporter cannot make decisions for a person with a disability or unduly influence the person's decision-making. Tex. Est. Code §1357.051. Rather, the law specifies the kinds of help supporters can provide, including assisting the disabled person to: (1) understand their options, their responsibilities, and the consequences of their decisions; (2) access, obtain, and understand information they need to make decisions; and (3) communicate their decisions to others. *Id.* Notably, neither formal SDM agreements nor informal SDM arrangements require supporters to swear an oath under penalty of perjury or

---

<sup>25</sup> See Hearing on S.B. 1881 Before the S. Comm. on Health & Human Servs., 2015 Leg., 85th Sess. (Tex. 2015), [http://tlcsenate.granicus.com/MediaPlayer.php?view\\_id=30&clip\\_id=9607](http://tlcsenate.granicus.com/MediaPlayer.php?view_id=30&clip_id=9607) (testimony of Chief Justice Nathan Hecht, beginning at 08:35, explaining that SDM legislation was part of a larger package of bills aimed at addressing guardianship abuse).

disclose burdensome personal information, nor do they prohibit someone from receiving compensation as a supporter. Tex. Est. Code §1357.055-1357.056 (2015). There is no reason for S.B.1 to impose more stringent requirements on voter assistants than it does on SDM supporters.

### CONCLUSION

Appellants attempt to frame S.B.1 as a set of “*de minimis*,” “commonsense,” and “reasonable” requirements. *See e.g.*, Dkt.192 at 2, 42, 45. But their argument relies on a paternalistic presumption that voters with disabilities are incapable of choosing who will best serve their needs. Appellants cast themselves as guardians, who must “protect” these “vulnerable voters,” who they assert would otherwise be subject to “abuse[,],” “coercion,” and “manipulation.” *See e.g., id.* at 2, 6, 16, 36. S.B.1 instead burdens and disenfranchises a community that has been systematically and historically left out of the democratic process. In enacting Section 208, Congress sought to empower and mobilize voters with disabilities. S.B.1 does the opposite by imposing additional, unnecessary, and vague requirements, and robs this community of the autonomy, privacy, and independence they deserve.

The Court should affirm the district court’s order.

Respectfully submitted.

/s/ Matt Jones\_\_\_\_\_

MATT JONES  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037  
matt.jones@wilmerhale.com

ELISSA GERSHON  
CENTER FOR PUBLIC  
REPRESENTATION  
5 Ferry Street #314  
Easthampton, MA 01027  
egershon@cpr-ma.org

STEPHANIE LIN  
VICTORIA L. MORENO  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
stephanie.lin@wilmerhale.com  
victoria.moreno@wilmerhale.com

MEGAN RUSCIANO  
CENTER FOR PUBLIC  
REPRESENTATION  
820 First Street, NE Suite 750  
Washington, DC 20002  
mrusciano@cpr-ma.org



### **CERTIFICATE OF COMPLIANCE**

This amicus brief supporting appellants' motions contains 6,417 words, excluding the parts of the brief exempted by rule. This filing complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Times New Roman) using Microsoft Word.

/s/ Matt Jones

MATT JONES

April 2, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of April 2025, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Matt Jones

MATT JONES

April 2, 2025

# **EXHIBIT A**

SALE: 25¢ for 3 months! Be informed. Stay connected. **ACT NOW**

POLITICS // TEXAS POLITICS

## How Ken Paxton cast a social worker registering disabled voters as Texas' worst election criminal

By **Eric Dexheimer**, *Austin Bureau*  
Updated Nov 28, 2022 11:33 a.m.



Texas Attorney General Ken Paxton, who raised alarms about an unprecedented rise in election fraud cases in the state in 2021, appears at a rally for Donald Trump in October, 2022.  
Nick Wagner, FRE / Associated Press

MEXIA — Kelly Brunner had been working at the State Supported Living Center here for just over a year when her bosses at the Texas Health and Human Services Commission appointed her to the Voter Registration Liaison team.

Residents of the facility outside Waco include those diagnosed with serious psychiatric disorders; most also have been accused of crimes. Yet many remained legally eligible to vote as the 2020 general election approached.

SALE: 25¢ for 3 months! Be informed. Stay connected.

**ACT NOW**

As a licensed social worker and former special education teacher, Brunner took her assignment seriously. "The purpose of the center is to teach residents life skills," she said. "Part of that is teaching them how to be citizens."

## ADVERTISEMENT

Article continues below this ad

**BACKGROUND:** Paxton's \$2.2M voter fraud unit closed three cases in 2021. GOP lawmakers still boosted its budget.

She explained her plan in an email that fall: With the facility in COVID lockdown, "We

will be applying for mail-in ballots and we will be reading the ballot to them. We have also discussed making posters listing the candidates and their stance on key issues so that the guys can make an informed decision."

She and other caseworkers worked for months to identify any residents who had been found incompetent to vote by a judge — an uncommon legal order. She also noted those who expressed interest in voting when they were admitted.

Eventually, she provided 67 residents who appeared to meet all the criteria with pre-filled out voter registration applications. "If you work for a public service agency, the law says you're required to assist the clients," she said. Where the form asked for "Signature of applicant or agent and relationship," Brunner signed her name and her connection to the residents — their licensed social worker — and sent the packet to the Limestone County Elections Administration.

One of Brunner's clients had been displaying mysterious bruises, so she assumed that was what the sheriff's deputy wanted to discuss when she was called to the center's administrative offices a week later.

ADVERTISEMENT  
Article continues below this ad

Instead, she was about to become one of Attorney General Ken Paxton's top exhibits of a supposed wave of election fraud sweeping Texas and the country.

Brunner was quickly indicted for 134 election fraud crimes — one of the largest illegal voting cases filed in Texas.

Paxton, who would become an active and enthusiastic [amplifier of Donald Trump's false claim](#) that fraud cost him the presidential race — including speaking at the Jan. 6, 2021, rally before the U.S. Capitol assault — depicted her as the worst sort of vote-stealer.

"It is particularly offensive when individuals purport to be champions for disability rights, when in reality they are abusing our most vulnerable citizens in order to gain access to their ballots and amplify their own political voice," [he said in a news release](#) touting his agency's role in bringing the case. He thanked local officials for "ensuring a free and fair presidential election in the face of unprecedented fraud."

Gov. Greg Abbott also piled on: "Election fraud is real," he told his nearly 1 million Twitter followers. Brunner — a volunteer firefighter and Little League coach — had her mugshot beamed across the country.

Over a five-month period bracketing the November 2020 election, Paxton announced the largest election fraud cases since the attorney general's office began tracking them in 2005. In addition to Brunner's 134 counts, there was a 142-count prosecution in Medina County, outside of San Antonio; and a case in Gregg County, in East Texas, alleging 134 felony voting crimes.

A sprawling case filed earlier in Edinburg, in the Rio Grande Valley, tacked three dozen more onto the count.

As Texas lawmakers gathered for the 2021 legislative session, influential Republicans cited the eye-popping numbers as evidence of rampant tampering in Texas. "Voter fraud is real and failure of the states to better secure future elections will only serve to undermine public confidence in the ballot box," U.S. Rep. [Chip Roy said in April](#), citing the big cases.

"There are over 400 open cases," state Sen. [Bryan Hughes told CNN](#). New voting rules in his Senate Bill 1 helped drop Texas to a 46-out-of-50 rank in the nation for voting accessibility, [according to a recent evaluation](#). (Previously ranked 45th, Texas "did not have a lot of room to fall," the Cost of Voting Index acknowledged.)






Yet over the past year, as the lens through which the alarming accusations were viewed shifted from the political to the legal, each of the huge cases has deflated into something much less. For Paxton, the result is a record of courtroom whiffs that raises questions about the purpose of filing and broadcasting such ominous-sounding cases.

"I got hit with 35 counts of election fraud for going to an assisted living facility one day

Most Popular

- 1. 17 Houston billionaires make Forbes list of world's wealthiest people
- 2. What to know about Texas' over-65 homestead exemption
- 3. Can the Texas Lottery recover cash from an unfair \$95 million jackpot?
- 4. Ted Cruz reacts to Donald Trump's musings about a third term as president
- 5. James Beard finalists include 4 Houston restaurants and chefs: See the full list

Latest Politics News

- Hakeem Jeffries threatens suit over delayed special election in Houston district 
- How Catholic schools could get a big boost under Texas voucher plan 
- Ted Cruz reacts to Donald Trump's musings about a third term as president 
- Texas immigrant legal aid group shedding more staff after federal cuts 
- Texas moves closer to banning chips, soda and candy from food stamp program 

and asking for votes and then leaving," said Tomas Ramirez III, a Medina County Justice of the peace whose case was dismissed two months ago. "Politics is the only explanation that makes sense to me. When you add the counts up it makes it sound like a lot of election fraud in Texas."



Medina County Justice of the Peace Precinct 4 Tomas Ramirez III outside his private legal office in Devine. Indicted for 35 election crimes in February 2021, his case was dismissed two months ago.  
Eric Dexheimer/Staff

Brunner concedes she misunderstood some technical instructions as she worked with the living center residents she was assigned to help register. But "I didn't intentionally do anything wrong," she said. "They charged me with fraud for their own political gain. I am collateral damage."

## Fraud-hunting with Trump

Trump began planting the seed of a fraud-riddled vote in the months leading up to November 2020. "The only way we're going to lose this election is if the election is rigged," he said in August. Following Joe Biden's victory by more than 7 million popular and 74 electoral college votes, Trump continued claiming the election was stolen even as court decisions concluding otherwise piled up.

Paxton recently had expanded his agency's efforts to root out examples of Texans subverting the ballot. As members of the House Elections Committee gathered to identify urgent priorities for the 2021 legislative session, the attorney general's top voter fraud lieutenants were summoned to testify.

Josh Reno, the unit's top attorney, warned of a grim trend the agency had observed. For years the unit had handled mostly small cases with a few criminal charges. But now, he said, "What I'm going to talk to you about is the number of charges that have increased for prosecution."

"We've got about 500-and-something cases currently pending in criminal courts," Reno continued, mixing up cases with the number of individual charges. "A little over 400 of those have been filed in the last 12 months. I cannot tell you why. I cannot give you the explanation for it. All I can tell you is we are seeing this trend."

Driving the alarming numbers, added Jonathan White, the chief prosecutor, was a handful of major vote-harvesting cases — organized attempts to subvert elections. He referenced the Edinburg, Gregg County and Medina County cases, which accounted for the majority of the 500 or so pending charges. Brunner's 134 counts made up most of the remainder.

Yet in some ways, the trend identified by Paxton's office appears self-created.

Piling up identical criminal charges on certain defendants can make sense, said Shannon Edmonds, head of governmental relations for the Texas District and County Attorneys Association. According to Texas law, charging a separate crime against child pornographers for each image, for example, can result in a lengthy prison term because the sentences for each conviction are served consecutively.

With election fraud, however, Edmonds said stacking dozens of the same charge on a single defendant provides no courtroom payoff because each sentence runs concurrently. A person convicted of one or 100 identical counts of election fraud receives the same penalty.

So "why do it?" Edmonds said. "I can't say."

Paxton's office did not respond to questions.

## Not-guilty in Edinburg



Prosecutors and local politicians announced an investigation soon after county commissioner candidate Shannon Brown won the March 2018 Precinct 4 primary by only five votes. But it wasn't until six weeks before the 2020 general election that Paxton unveiled a 134-count indictment charging Brown, his wife and two election workers with illegally rounding up mail ballots.

"We have a county commissioner under indictment for mail ballot fraud," Hughes said last year at a signing ceremony for his elections bill in nearby Tyler. "Anybody who tells you there is no voter fraud in Texas is telling you a very big lie."



State Rep. Jay Dean speaks about the Texas Attorney General's Office investigating a complaint of vote harvesting in Gregg county, on May 23, 2018, at the Gregg County Court House.  
Michael Cavazos, MEC / Longview News-Journal

Early this year, however, the case quietly and dramatically shriveled. Each defendant admitted to a single misdemeanor infraction. Brown, who apologized for one technical election code violation, stayed in office. (He lost re-election in this spring's Democratic primary.)

Officials have repeatedly refused to explain how a 134-felony indictment deflated to a four-misdemeanor violation. District Attorney Tom Watson, who is leaving office at the end of the year, did not return calls.

Another signature case took a hit this summer when a Hidalgo County jury acquitted former Edinburg Mayor Richard Molina of 12 counts of election fraud.

Molina was arrested in 2019 for "orchestrating an organized illegal voting scheme," according to an attorney general's office news release. Prosecutors said he tried to persuade voters to change their addresses — in some cases to an apartment complex he owned — so they could vote for him.

Molina, who won the 2017 race by more than 1,200 votes, said the case was instigated by a political opponent. At his August trial, he said he had relied on published opinions from the Texas Secretary of State and attorney general to try to decipher a vague state law describing where a person could claim to live for voting purposes. He noted the Legislature changed the law in 2021 to include more precise language.

"Nobody tried to hide anything," added his lawyer, Jaime Pena.

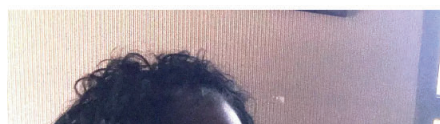
It is unclear how Molina's verdict will affect the still-pending cases of his wife and more than a dozen residents alleged to have reported moving into Edinburg to vote for him.

## Another case dissolves

A month later, Paxton's 142-count Medina County case began disintegrating when a judge dismissed all charges against Ramirez.

A small-town lawyer in Devine, Ramirez had decided to run for Precinct 4 justice of the peace in 2018. A friend and old legal client invited him to campaign at her residential home for mentally disabled adults a few blocks from Ramirez's law office.

The residents "have always voted," Brenda Burford said. If a politician sought their support, "I'd tell them, 'Come over and bring some Cokes or something. You tell them, 'I'm running for this; remember my name.' That's all you've got to do."





Brenda Burford, who owns one of the Medina County assisted living homes where many residents voted only for Ramirez, said he was the only JP candidate to campaign there.  
Eric Dexheimer/Staff

"I met with people in the waiting room," Ramirez recalled. "I handed out cards and left — maybe stayed a total of 15 minutes." He later visited another residential center just outside of Devine.

Three years later — two years after he took office — Ramirez was indicted on 35 counts of election fraud.

A county elections official became suspicious after noticing the same signatures of a handful of workers on residents' paperwork, a violation of state law strictly limiting who can sign on behalf of a voter. Investigators examining the ballots found many residents had voted only in the JP race, for Ramirez.

Burford pointed out he was also the only candidate who bothered to visit. Police reports show investigators built their case in part by asking relatives of the residents if their loved ones had the intellectual capacity to vote.

Yet whether a disabled person appears competent to vote is irrelevant, said Molly Broadway, an elections specialist with Disability Rights Texas. Until a judge specifically removes the right, Texas law says he or she may participate in elections.

Ramirez was removed from the bench while charges against him were pending. His case was tossed last month for legal reasons after the Texas Court of Criminal Appeals ruled the attorney general's office could not initiate election fraud cases unilaterally without permission from local prosecutors.

Ramirez said he didn't want that to give people the wrong idea. "This isn't a technicality in any way; I'm completely innocent of these charges," he said.

Although charges against the three care facility workers remain pending, their attorneys said they expect them to be dismissed because of the same court decision.

## Thrown 'to the wolves'

Emails from summer 2020 show caseworkers at the Mexia facility struggled to understand how the state's complicated voting laws applied to living center residents. They wondered about legal eligibility versus mental capacity and exchanged lists of clients as they tried to determine who wanted to vote and who legally could.

"How would I know if a court has deemed them eligible to vote?" one asked in early September. "I'm not trying to be funny, but I really don't know what the voting parameters are out here anymore," another wrote in early October.

After compiling a list of residents who seemed eligible and interested, Brunner signed and sent the registration applications to the county in late September.

Brunner's main crime appears to have been a terminology mix-up. "It is absolutely within the role of social worker to assist residents of these facilities," said Lisa Snead, a Disability Rights Texas attorney who works closely with the state living centers. But she signed as an "agent" — a narrow legal designation that under Texas law can be performed only by a close relative who is a qualified voter in the same county.

Because Brunner's violation was so glaring — social workers can't be agents — it was easily caught.

"It was pretty obvious," said Limestone County Elections Administrator Jennifer Southard, adding that none of the improperly registered Mexia clients voted in the



Snead cited another reason the applications may have received so much scrutiny. "There remains an assumption that people with intellectual disabilities or people in facilities do not have the capacity to vote," she said. "So registrations and applications submitted by or for them are somehow inherently indicative of fraud or inappropriate influence."

Back at the living center, Brunner's life began unraveling. After the sheriff's deputy questioned her, she sent a panicked email to Mexia's director: "How can the state tell me to do something and then just throw me to the wolves when someone questions it?"



Kelly Brunner visits with her horses Wednesday, November 23, 2022 at her home in Mt. Calm, Texas. (Jerry Larson, For The Chronicle)

The center's director said she told investigators Brunner was "just trying to afford all of our folks the opportunity to vote," but Brunner was charged in late October. In addition to improperly signing the applications, she was accused of helping register clients who had not actively requested it, as well as trying to register residents who were legally prohibited from voting.

"People were going, 'No! Not Kelly,'" recalled Dave Maner, a Mexia colleague. "She's one of the best social workers I've ever met."

Limestone County District Attorney William Roy DeFriend did not respond to multiple interview requests by phone and email. But determining if a person's voting rights have been officially terminated can be confusing and even disputed, said longtime Travis County Probate Judge Guy Herman.

Three days after the November election, with Trump's claims of vote-stealing dominating headlines, Paxton tweeted Brunner's case as a despicable example of election tampering. The mischaracterization has stuck.

"She was taking ballots from the clients and voting on their behalf, all for Biden," Lance Phillips, chair of the Limestone County Republican Party, said in a recent interview.

Brunner was fired in December 2020 for "violation of rules." She borrowed money to pay for her legal defense. (Her attorney, Jeff Kearney, did not return numerous phone calls and emails.) She was threatened on social media.

Facing 10 years in prison, in April she agreed to take a deal sentencing her to probation. "I didn't want to take any chances, especially in this political environment," she said.

She said she has struggled to explain to her mother why Texas' most powerful men would want to cast a conscientious social worker as one of the state's worst voter fraud criminals. "I just tell her," Brunner said, "you can't make sense out of nonsense."

[eric.dexheimer@chron.com](mailto:eric.dexheimer@chron.com)

Nov 28, 2022 | Updated Nov 28, 2022 11:33 a.m.



**Eric Dexheimer**

INVESTIGATIVE REPORTER



Eric Dexheimer is a member of the Houston Chronicle's investigations team. He can be reached at [eric.dexheimer@houstonchronicle.com](mailto:eric.dexheimer@houstonchronicle.com).

Eric covers a wide variety of beats, from criminal justice to education to politics. He has also written about surveying history and recreational explosives.

Prior to working at the Chronicle, he worked for the Austin American-Statesman, alt-weeklies in Denver and Portland and daily and weekly newspapers in New York. He is originally from Batavia (Exit 48, NYS Thruway).

#### Editor's Picks



##### RESTAURANTS & BARS

The best dishes our critic Bao Ong ate in March



##### LOCAL

Rare photos of Houston's Astrodome



##### BUSINESS

16 Houston billionaires make Forbes ranking



##### BUSINESS

Texas' over-65 homestead exemption, explained

# **EXHIBIT B**



SALE! 25¢ for 3 Months

[Sign in](#)

SALE: 25¢ for 3 months! Be informed. Stay connected.

ACT NOW

## Paxton made her the state's worst election criminal. Now Texas is coming for her teaching license.



Kelly Brunner visits with her horses at her home in Mount Calm in this November 2022 photo.  
Jerry Larson/For the Chronicle

By **Eric Dexheimer**, Staff writer

Updated Nov 7, 2023 9:08 a.m.



**K**elly Brunner's 15 minutes of unwelcome fame came courtesy of bare-knuckle Texas politics. She lost her job, went thousands of dollars into debt and saw her mug shot broadcast worldwide while the most powerful men in the state cast her as Exhibit 1 in an epidemic of election fraud. By last year, she at least could say the episode was finally



She was wrong, though.

A social worker at the State Supported Living Center in Mexia, a residential facility for people with intellectual and developmental disorders, Brunner in 2020 was assigned to prepare clients for the upcoming election. The law is complicated, and Brunner acknowledges she made technical errors as she worked to identify who could and couldn't vote among a complicated population.

The mistakes were quickly caught; none of the center's residents ever got close to casting an improper ballot. But the \$35,000-a-year state employee became a prop in a political narrative that out-of-control voter fraud was tainting elections across the country.

---

**ADVERTISEMENT**

Article continues below this ad

---

With the help of Attorney General Ken Paxton, who within weeks would assume a central role promoting Donald Trump's decisively disproven claims of a rigged election, local prosecutors charged Brunner with 134 separate election crimes. The staggering number cast the small-town volunteer firefighter and Little League coach as one of the single biggest election criminals in Texas.

"It is particularly offensive when individuals purport to be champions for disability rights, when in reality they are abusing our most vulnerable citizens in order to gain access to their ballots and amplify their own political voice," Paxton declared in a news release.

Election fraud is real," Gov. Greg Abbott added, to his nearly 1 million followers on Twitter (now X).

Facing years in prison and a \$50,000 legal bill, Brunner eventually agreed to a deal that placed her on probation. "Pleading guilty was probably the hardest thing I've done in my life," she said.

It turned out Texas wasn't done with her yet. Citing the felony conviction, state education regulators now are moving to suspend Brunner's teaching license.

---

**ADVERTISEMENT**

Article continues below this ad

---

In legal filings, the State Board for Education Certification said the election incident rendered her "unworthy to instruct or supervise the youth of this state."

A former special education teacher, Brunner said she learned of the latest action when she applied to substitute at her local elementary school, about 30 miles northeast of Waco.

Three years after Trump's false assertions that victory was stolen from him created a widespread perception of voter fraud, the legal reverberations continue to echo through marbled courtrooms. The former president has been indicted in a federal election case, while several of his highest-profile attorneys recently pleaded guilty to charges they conspired to overturn Georgia's results.

In Texas, meanwhile, a challenge to sweeping new voting rules legislators passed in the wake of the divisive 2020 election is being heard in a San Antonio federal courtroom. The trial is expected to last through the beginning

As Brunner's latest battle with state regulators demonstrates, however, shrapnel from the 2020 election continues to fall on even bit players in smaller unseen venues, as well. "I thought it was over," she said. But "it's just this ripple effect."

---

**ADVERTISEMENT**

Article continues below this ad

---

## **Risky assignment: Texas voter registrar**

Although residents of the state's Mexia living center have been diagnosed with serious disorders — and, in many cases, convicted of crimes — most are still legally eligible to vote, said Mike Davis, a former director of the facility. When elections approach, social workers and caseworkers typically are assigned to help residents who are interested and eligible to register with the Limestone County election office, he said.

Brunner, who'd been hired the previous year, was appointed voter registrar assistant in the summer of 2020. She took the assignment seriously. With the facility in COVID lockdown, "we will be applying for mail-in ballots and we will be reading the ballot to them," she wrote to colleagues. "We have also discussed making posters listing the candidates and their stance on key issues so that the guys can make an informed decision."

Yet the state's instructions and support for the task were minimal, she recalled. "Our only training was a vague PowerPoint," she recalled. "So we had to do a lot of digging on our own."

In an email, a spokeswoman for the state's Health and Human Services Commission, which oversees the living centers, suggested Brunner overstepped her authority: "Staff may not make a determination about a person's eligibility to register other than a determination of whether the person is of voting age or is a U.S. citizen."

Yet communications between caseworkers at the time show confusion about their role. "How would I know if a court has deemed them eligible to vote?" one emailed.

"I really don't know what the voting parameters are out here anymore,"

Molly Broadway, a voter rights specialist for Disability Rights-Texas who works with state agencies, said voter training for employees at such facilities typically is quick and basic even though the election code is complex. That is especially true for voters like those at the Mexia center whose legal rights are complicated by psychiatric or guardianship issues, she said.

"It takes some work and experience to know what to look for," she said. "To read the election code is strenuous, at best."

Brunner said she and others worked on the project for months. She eventually identified 67 residents who appeared eligible and provided them with pre-filled out voter registration applications. Where the forms asked for "Signature of applicant or agent and relationship," she signed her name and title, and mailed in the packet of forms.

Yet "agent" in the state's election code is a narrow legal term. Only approved relatives qualify. Brunner noted she wasn't trying to hide anything; her signature and "LSW" credential were front and center on the forms.

The error "was pretty obvious," Limestone County Elections Administrator Jennifer Southard told Hearst last year, adding that none of the applicants was ever registered to vote, much less cast a ballot in the election. "Our system worked."

But three days after Election Day, Republican District Attorney Roy DeFriend, with Paxton's assistance, criminally charged Brunner with two crimes — improperly acting as an agent and election fraud — for each application, a total of 134 counts. In election cases, penalties for redundant crimes run concurrently, meaning Brunner would face the same punishment if she had been charged with only two of the crimes.

Neither DeFriend nor Brunner's lawyer, Jeff Kearney, responded to interview requests. But a spokeswoman for the attorney general's office told Hearst in 2021 that the agency's election integrity unit measured its success not by the number of defendants charged, but by the number of offenses alleged.

During the 2021 legislative session, prosecutors with Paxton's office cited eye-popping numbers of pending election charges — not cases — as evidence that Texas urgently needed new voter restrictions. Brunner's case,



which was pending at the time, would have accounted for about a quarter of them.

## Any felony triggers TEA sanctions

Since her April 2022 plea deal, Brunner said she has fielded inquiries from both the state Behavioral Health Executive Council, which oversees her Texas social worker license, and the Texas Education Agency's Board for Educator Certification, which licenses teachers. While the behavioral council has not indicated it would sanction her license (a spokesman said he could not comment), the education agency said in filings it intended to act on Brunner's conviction.

State occupational rules typically require prosecutors to try to reach a settlement with licensees before filing a case against them. Earlier this year, Brunner mailed TEA a five-page explanation of her saga.

"Ensuring that my clients were able to exercise their right (to vote) does not constitute conduct making me unworthy to supervise the students of Texas," she argued. "In fact, it would be the opposite."

A spokesman for the TEA said it does not comment on pending legal matters. But attorneys who represent teachers said Texas law requires the agency to sanction license holders who have been convicted of a felony, no matter if the sentence is deferred adjudication, as in Brunner's case. Her deal also called for the convictions to be expunged when her probation ended, Brunner said.

The board of educator certification has scheduled a hearing for mid-December. In it, its attorneys will argue that Brunner's license should be suspended for five years, legal filings show.

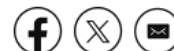
"I don't see how I can show the evidence and them not see," she said. "I feel like I'm in the 'Twilight Zone.'"

Nov 6, 2023 | Updated Nov 7, 2023 9:08 a.m.



**Eric Dexheimer**

INVESTIGATIVE REPORTER



Eric Dexheimer is a member of the Houston Chronicle's investigations team. He can be reached at [eric.dexheimer@houstonchronicle.com](mailto:eric.dexheimer@houstonchronicle.com).

Eric covers a wide variety of beats, from criminal justice to education to politics. He has also written about surveying history and recreational explosives.



Let's Play

 SpellTower

 Pile-Up Poker

 Typeshift

 Really Bad Chess

 Flipart



HOUSTON★CHRONICLE



About

- Our Company
- Careers
- Our Use of AI
- Standards and Practices

Contact

- Customer Service
- Frequently Asked Questions
- Newsroom Contacts


Services

- Archives
- Advertising

Return To Top ^

Account   Subscribe   e-Edition   Newsletters

HEARST *newspapers*   © 2025 Hearst Newspapers, LLC   Terms of Use   Privacy Notice   DAA Industry Opt Out

 Your Privacy Choices (Opt Out of Sale/Targeted Ads)

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

April 03, 2025

Mr. Matthew Jones  
Wilmer Cutler Pickering Hale and Dorr, L.L.P.  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

No. 24-50826      La Union del Pueblo Entero v. Abbott  
USDC No. 5:21-CV-844  
USDC No. 1:21-CV-780  
USDC No. 1:21-CV-786  
USDC No. 5:21-CV-848  
USDC No. 5:21-CV-920

Dear Mr. Jones,

You must electronically file a "Form for Appearance of Counsel" within 5 days from this date. You must name each party you represent, see Fed. R. App. P. 12(b) and 5th Cir. R. 12 & 46.3. The form is available from the Fifth Circuit's website, [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov). If you fail to electronically file the form, the brief will be stricken and returned unfiled.

You must submit the 7 paper copies of your brief required by 5th Cir. R. 31.1 within 5 days of the date of this notice pursuant to 5th Cir. ECF Filing Standard E.1.

Sincerely,

LYLE W. CAYCE, Clerk

*Lisa E. Ferrara*

By: \_\_\_\_\_  
Lisa E. Ferrara, Deputy Clerk  
504-310-7675

cc:

Ms. Jessica Ring Amunson  
Mr. Patrick Berry  
Mr. Thomas Paul Buser-Clancy  
Mr. Dayton Campbell-Harris  
Mr. Louis Joseph Capozzi III  
Mr. Adriel I. Cepeda Derieux

Ms. Sarah Xiyi Chen  
Ms. Maia Cole  
Mr. William Francis Cole  
Ms. Meagan Corser  
Mr. Mark A. Csoros  
Mr. Aaron J. Curtis  
Mr. Christopher D. Dodge  
Mr. Zachary Dolling  
Mr. Charles Kyle Gehnrich  
Mr. Victor Genecin  
Mr. John Matthew Gore  
Mr. Derek Ha  
Ms. Ashley Alcantara Harris  
Ms. Jennifer A. Holmes  
Ms. Courtney Marie Hostetler  
Ms. Kathleen Theresa Hunker  
Ms. Kateland R. Jackson  
Mr. Jason Scott Kanterman  
Mr. Michael Courtney Keats  
Mr. Ryan Glen Kercher  
Ms. Savannah Kumar  
Ms. Sophia Lin Lakin  
Mr. Cory Liu  
Ms. Rebecca L. Martin  
Ms. Amira M. Mattar  
Mr. Christopher McGreal  
Mr. Marcos Mocine-McQueen  
Mr. Evan Monod  
Mr. Sean Morales-Doyle  
Mr. Eric J. R. Nichols  
Mr. Aaron Lloyd Nielson  
Mr. Uzoma Nkem Nkwonta  
Ms. Nina Perales  
Ms. Adriana Cecilia Pinon  
Mr. Bradley R. Prowant  
Ms. Elizabeth Ryan  
Mr. Edgar Saldivar  
Mr. Ari J. Savitzky  
Ms. Uruj Sheikh  
Mr. J. Michael Showalter  
Mr. Jasleen Kaur Singh  
Mr. Patrick Stegemoeller  
Mr. Zachary Tripp  
Ms. Leah Tulin  
Ms. Shira Wakschlag  
Mr. William D. Wassdorf  
Ms. Breanna Della Williams  
Ms. Julie Zuckerbrod