

EXHIBIT B

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

EMILY GILBY; TEXAS DEMOCRATIC
PARTY; DSCC; DCCC,

Plaintiffs,

v.

RUTH HUGHS, in her official capacity as the
Texas Secretary of State,

Defendant.

Civil Action

Case No. 1:19-cv-01063

DECLARATION OF DANA DEBEAUVOIR

I, Dana DeBeauvoir, according to 28 U.S.C. §1746, hereby state:

1. My name is Dana DeBeauvoir. I am over 18, am competent to testify, and declare these facts based on my own personal knowledge.

2. I have been the Travis County Clerk for over thirty-two years and was first elected to office in 1986.

3. In Travis County, the Clerk's Office has a wide range of responsibilities including the conduct of elections, the filing and preservation of real property records, and the management of civil, probate, and misdemeanor court documents.

4. In Texas, the Secretary of State (the "Secretary") is the State's chief elections officer, making her responsible for the administration and implementation of election laws. Among other duties, the Secretary is responsible for the administration and implementation of election laws throughout the state, and for obtaining and maintaining uniformity in the way of Texas's election laws are carried out across the State. Per her authority to maintain uniformity of Texas's election laws, the Secretary is authorized to and does prepare detailed and comprehensive written

directives and instructions relating to certain election laws both within and outside of Texas's Election Code, which I and other local election officials are required to follow.

5. In light of the Secretary authority to implement, county clerks and other local election officials in Texas must -- and do -- defer to the Secretary of State for interpretation and implementation of various of Texas's election laws.

6. Pursuant to her authority, the Secretary issues Election Advisories, which are the Secretary's formal opinions and interpretations of Texas's election laws. These Election Advisories are published and maintained on the Texas Secretary of State's website and, as stated above, must be followed by local elections administrators and county clerks. Attached as an exhibit to this declaration is Election Advisory 2019-20, issued on October 9, 2019, by the Secretary's Director of Elections, providing directions on HB1888, which I am using to make decisions for upcoming elections.

7. As the Travis County Clerk, I am responsible for planning and implementing elections within the County, which includes planning for and designating early voting locations throughout the County, subject to approval of all such locations by the Travis County Commissioner's Court.

8. My office typically begins evaluating potential sites and identifying early voting locations approximately three months before the commencement of early voting in an election. For this reason, knowing whether we will be permitted to designate any temporary early voting locations for the 2020 General Election by early August 2020 would be the optimum timing for allowing my office to perform its task of selecting voting locations.

9. In recent years, before passage of HB1888, there have been two kinds of early voting polling places. First, we have "permanent" early voting locations, which remain open for

the entirety of the two-week-long early voting period. Before HB 1888, we also had “temporary” or “mobile” early voting polling places, which we moved throughout the County based on the needs of the communities we serve, and which were open for shorter periods of time, often for only a single day of the early voting period. As required by law, well before early voting began, my office would publish complete and detailed schedules of all early voting locations—both temporary and permanent—so voters had ample time to plan for early voting, had all information necessary to take advantage of early voting, and to avoid any risk of voter confusion.

10. During the November 2016 Presidential Election, Travis County hosted sixty-eight temporary early voting locations.

11. During the November 2018 General Election, Travis County hosted twenty-nine fulltime early voting locations and sixty-one temporary or mobile early voting locations. More than 28,000 people voted at those sixty-one rotating polling sites in Travis County in 2018, which accounted for almost six percent of all Travis County votes cast during the November 2018 midterm election.

12. Many of Travis County’s temporary early voting locations catered to rural residents and senior communities, as well as to young and first-time voters living on or around college campuses. College campuses are often ideal temporary early voting locations because they have large geographic footprints and experience high volumes of pedestrian traffic at predictable times of day.

13. In general, temporary early voting locations help me effectively do my job by allowing the County to move polling equipment and election officials from site to site, expanding access to the franchise for all County residents while also maximizing the County’s limited resources.

14. Temporary or mobile early voting is highly cost effective, because it allows election officials to serve an entire area of a county within a brief period of time, and to bring early voting and in-person voting, generally, to the people. Temporary early voting is the most cost-effective way to reach the most rural parts of the County. The County does not have enough money to offer—nor are the populations in these regions large enough to demand—permanent early voting locations. However, temporary early voting allowed me to provide access to the franchise for as many voters in Travis County as possible, based on the specific needs of my voters, and within the bounds of the limited resources at my disposal for conducting an election. This discretion to design an early voting plan that best serves my County is essential to my ability to effectively do my job of making access to the franchise fair and as equally accessible as is practicable.

15. In Texas, the counties are responsible for the costs of running an early voting program. In 2018, Travis County offered 61 mobile voting sites for a combined cost of approximately \$50,000. Based on an analysis conducted my office after HB 1888 was passed, we estimated that the cost of turning those same 61 sites into full-time early voting locations would cost the County approximately one million dollars.

16. Counties bear the financial burdens for conducting general elections, even though there are state and federal offices on the ballot. Travis County simply cannot afford the one-million-dollar cost associated with turning all 61 sites where we offered temporary early voting into 2018 permanent early voting locations. Additionally, many of the temporary early voting locations that we have used in the past could not possibly be used as permanent early voting locations, because these locations would not be able to offer us space for the full early voting period. At best, we expect to add only one or two permanent early voting locations in place of the 61 or more sites that will no longer offer early voting. Accordingly, unless HB 1888 (2019) is

enjoined, there will be far fewer early voting locations available in Travis County in 2020. Accordingly, without question, HB 1888 will require us to offer fewer early voting locations, making access to early voting less equal, less convenient, and less accessible than it was before HB 1888.

17. For example, unless HB 1888 is enjoined, Travis County likely will not be able to place an early voting location on Austin Community College's Eastview, Riverside, North Ridge, or South Austin campuses during the 2020 General Election, as Travis County has previously done, including in 2018. Similarly, unless HB 1888 is enjoined, Travis County likely will not be able to place an on-campus early voting at Huston-Tillotson University or St. Edwards University. Also similarly, unless HB 1888 is enjoined, Travis County likely will not be able to place an early voting location at the Westminster senior living facility during the 2020 General Election, as Travis County had previously done, including in 2018. If nothing else, Travis County will certainly not be able to offer a permanent early voting location at all of the above-listed locations.

18. My understanding is that one of the reasons stated by some in the Texas Legislature for their support of HB 1888 was to address problems they had perceived with the location of mobile voting centers during school bond elections. But there have never been problems with this issue in Travis County, particularly with regard to candidate elections.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 20, 2019.

DocuSigned by:
Dana DeBeauvoir
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Dana DeBeauvoir