

No. 24-50826

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**In the United States Court of Appeals  
for the  
Fifth Circuit**

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LA UNIÓN DEL PUEBLO ENTERO, *ET AL.*,  
*Plaintiffs-Appellees,*

v.

GREGORY W. ABBOTT, *ET AL.*,  
*Defendants-Appellants,*

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**On Appeal from the United States District Court  
for the Western District of Texas, San Antonio Division**

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**PLAINTIFFS-APPELLEES' OPPOSITION TO  
STATE DEFENDANTS' MOTION TO EXPEDITE DECISION ON  
MOTION FOR STAY PENDING APPEAL OR, IN THE ALTERNATIVE,  
FOR AN ADMINISTRATIVE STAY**

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LA UNIÓN DEL PUEBLO ENTERO, *ET AL.*,  
*Plaintiffs-Appellees*,

v.

GREGORY W. ABBOTT, *ET AL.*,  
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The undersigned counsel of record certifies that the following listed persons and entities (other than governmental parties) 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 so the judges of this Court may evaluate possible disqualification or recusal:

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Mexican American Bar Association of Texas

Texas Hispanics Organized for Political Education

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## INTRODUCTION

The Texas Attorney General and Secretary of State (together, “State Defendants”) have been permanently enjoined from enforcing six provisions of Senate Bill 1 (“S.B.1”) that unlawfully restricted assistance for voters who require assistance to vote in violation of Section 208 of the Voting Rights Act (the “Injunction”) since November 6, 2024.

On November 5, 2024, State Defendants moved this Court for a further stay pending appeal. Doc. 70.<sup>1</sup> State Defendants did not ask this Court to expedite its consideration of their stay motion, despite knowing that it would be “submitted to the panel assigned to hear argument in” the underlying appeal, which would not be fully briefed for months. Doc. 34-2. Now, on the eve of an election that was scheduled months ago, State Defendants seek “emergency” relief to avoid their obligation to comply with federal law. The Court should deny this request, and in any event, the Court should deny State Defendants’ motion for a stay pending appeal for the reasons Plaintiffs explained in their briefing on the motion.

State Defendants cannot—and do not try to—show that they are entitled to emergency relief. The Injunction is the status quo and has been in effect for nearly five months. It does not require State Defendants to create different rules governing

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<sup>1</sup> “Doc.” refers to the 5th Circuit docket in Case No. 24-50826.

voting assistance in different counties, nor does it require the Secretary of State to create two sets of voting forms. Rather, the Injunction currently in place imposes uniform, statewide requirements for State Defendants to ensure compliance with Section 208. Moreover, any claim to a purported emergency is of their own creation and, in any event, severely undermined by the declaration of Texas’s Director of the Elections Division, which makes clear that State Defendants want the Injunction to be stayed by April 4th, but, if it is not stayed, they can comply with the current Injunction. Doc. 219, Ex. A (“Adkins Decl.”) ¶ 15. To grant a stay now would permit Texas to defy a decades-old federal law and upend the status quo just days before Texans begin early voting. *See* Ex. 1 (“Nunez Landry Decl.”); Ex. 2 (“Baker Decl.”); Ex. 3 (“Miller Decl.”); Ex. 4 (“Thrasher Decl.”); Ex. 5 (“Halvorson Decl.”).

Plaintiffs do not oppose expedited consideration of Defendants’ motion for a stay pending appeal, but respectfully request that the Court deny the motion to stay for the reasons set forth in Plaintiffs’ oppositions, Docs. 145-1 & 146, and for the reasons set forth herein.

### **BACKGROUND**

S.B.1 Sections 6.03, 6.05, and 6.07 require people who provide voting assistance to disclose their relationship to the voter they are assisting (the “Relationship Disclosures”). ROA.37679-81. Section 6.04 amended the Oath of Assistance that assistors must swear when helping with in-person voting or voting

by mail (“Assistor Oath”). ROA.37678-79. Providing voting assistance without completing the Relationship Disclosures or the Assistor Oath is a state jail felony (with some exceptions) and may result in the rejection of the 208 voter’s ballot. ROA.37679, 37681-82. Section 6.06 makes it a felony to compensate a mail ballot assistor who is not an attendant or caregiver previously known to the voter, or to offer, solicit, receive, or accept compensation in connection with such assistance. Section 7.04 makes it a felony to knowingly provide, offer, or receive any “compensation or other benefit” in exchange for voter outreach that includes advocating on ballot measures in the presence of a mail ballot. This brief refers to sections 6.03, 6.04, 6.05, 6.06, 6.07, and 7.04 collectively as the “Assistance Restrictions.”

Following a six-week bench trial, the district court concluded that the Assistance Restrictions are preempted by Section 208 because they impose regulations on assistors beyond those permitted by Section 208. The district court found that the Assistance Restrictions deter voters entitled to assistance under Section 208 (“208 voters”) from receiving and requesting assistance, and they deter assistors from offering such assistance. ROA.37755-66. Without their assistor of choice, the district court found, “some voters who need assistance have forgone assistance altogether and struggled to complete their ballots.” ROA.37703. Moreover, some 208 voters who sought help from election officials, who were not

their original assistants of choice, “sacrificed their privacy while voting but still did not receive the assistance they needed.” *Id.*

The district court concluded that State Defendants enforce the Assistance Restrictions. The Secretary of State creates and disseminates statewide the forms implementing S.B.1 Sections 6.03-6.05 and 6.07. ROA.37739, 37743. The Attorney General investigates and prosecutes alleged violations of the Assistance Restrictions. ROA.37741-45, 37747. Accordingly, the district court permanently enjoined State Defendants from enforcing the preempted Assistance Restrictions. ROA.37777-81. The Injunction requires the Secretary of State to “revise any applicable forms and training and instructional materials for state and county election officials to remove language that reflects the substance of the Enjoined Oath Language [of Section 6.04]” and “the substance of the Voter Relationship Disclosure Requirement [of Sections 6.03, 6.05, and 6.07].” ROA.37779-80. The Injunction also prohibits the Attorney General from investigating, referring for prosecution, or prosecuting “any potential violations of the Enjoined Oath Language,” the Relationship Disclosures, and the prohibitions on compensated assistance. ROA.37778, 37780-82. The Injunction further prohibits county district attorneys from acting in concert with or at the appointment of the Attorney General to enforce the preempted Assistance Restrictions. ROA.37778-82.

The district court stayed the Injunction against the Secretary of State *sua sponte* through November 5, 2024, the day of the November election. ROA.37779-80. Nevertheless, on October 15, Defendants moved the district court to stay the remainder of its Injunction. ROA.37789-37815. While that motion was pending, on October 18, they sought a stay pending appeal in this Court, which granted a temporary administrative stay. Docs. 20, 31-2. That same day, the district court stayed the remainder of the Injunction through the November 2024 election. ROA.37864-75. Accordingly, this Court dissolved its administrative stay, noting that Defendants could file a motion for a stay, which would be referred to the merits panel, after the November 2024 election. Doc. 34-2.

On November 5, 2024, Defendants again moved for a stay pending appeal. Doc. 70. They did not seek expedited consideration of their motion to stay, nor did they request a decision in advance of the convening of the merits panel on the underlying appeal, nor did they indicate that they needed a decision by a specific date. Their motion is fully briefed (Docs. 70, 145-1, 146, 150) and pending.

### **ARGUMENT**

“A stay is not a matter of right” but “an exercise of judicial discretion.” *Nken v. Holder*, 556 U.S. 418, 433 (2009) (citations omitted). As the party seeking a stay of a permanent injunction, Texas bears the burden to demonstrate that a stay is warranted. *See Thomas v. Bryant*, 919 F.3d 298, 303 (5th Cir. 2019). To meet this

burden, Texas must demonstrate: (1) a strong showing that it is likely to succeed on the merits; (2) that it will be irreparably injured absent a stay; (3) that the stay will not substantially injure other parties, including Plaintiffs and 208 voters; and (4) that the public interest favors a stay. *Id.* The first two factors are the most critical. *Id.* Texas must show more than the mere possibility of success on the merits or irreparable injury. *Id.* Because the district court already issued the Injunction, this Court reviews its grant only for abuse of discretion. *Id.*

**A. State Defendants Are Not Entitled to a Stay Pending Appeal.**

Defendants’ motion for a stay pending appeal has been fully briefed for months. State Defendants do not raise any new arguments in their instant motion. Doc. 219 (“Mot.”). For the reasons Plaintiffs explained in their oppositions to the stay motion, *see* Docs. 145-1, 146, Defendants fail to meet the substantial burden required to justify a stay pending appeal. *Plaquemines Parish v. Chevron USA, Inc.*, 84 F.4th 362, 373 (5th Cir. 2023); *Patino v. City of Pasadena*, 677 F. App’x 950, 955 (5th Cir. 2017).

State Defendants have not made any showing, let alone a “strong showing,” of likelihood of success on the merits. *Thomas*, 919 F.3d at 303; *see also Ala. State Conf. of NAACP v. Att’y Gen.*, No. 24-13111, 2024 WL 4481489 (11th Cir. Oct. 11, 2024) (denying emergency motion for stay of district court’s injunction of state law restricting voting assistance). The Assistance Restrictions “limit[] voter[s]’ choice”

of assistor and are therefore preempted by Section 208 because they “impermissibly narrow[] the right guaranteed by Section 208.” *OCA-Greater Houston v. Texas*, 867 F.3d 604, 615 (5th Cir. 2017). Plaintiffs have now briefed the merits of this appeal, Docs. 212, 213, 216, and their briefing further demonstrates that Defendants are unlikely to succeed on the merits. Additionally, denial of a stay will not injure State Defendants because no harm can flow from an injunction that prohibits them from enforcing a law that violates and is preempted by federal law. *See Book People, Inc. v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024).

A stay would reimpose barriers to the assistance on which 208 voters rely, substantially injuring Plaintiffs and the 208 voters they support. Plaintiff organizations will miss opportunities to assist voters that will be permanently lost. *See League of Women Voters v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016); *see also* Baker Decl. ¶ 6 (Delta Sigma Theta member Kimberley Baker explaining that she will not assist elderly members of her church with voting if a stay is granted). 208 voters will continue to go without voting assistance, suffering an irreparable injury to their fundamental voting rights. *See Ala. State Conf. of NAACP*, 2024 WL 4481489. Without that assistance, disabled voters will be forced to choose “between three dignitary harms—voting without any assistance, losing their privacy while voting, or foregoing the voting process altogether.” ROA.37721-22; *see also* Nunez Landry Decl. ¶ 10 (The Arc Member Jodi Lydia Nunez Landry explaining that she

will have to vote without assistance if a stay is granted); Halvorson Decl. ¶ 11 (Laura Halvorson, member of the Arc, explaining that she will likewise have to vote without assistance if a stay is granted). Finally, a stay would harm the public interest: it would permit State Defendants to enforce an election law that violates federal law. *See Ingebretsen ex rel. Ingebretsen v. Jackson Pub. Sch. Dist.*, 88 F.3d 274, 280 (5th Cir. 1996).

Accordingly, this Court should deny Defendants’ motion for a stay pending appeal. Whether the Court denies Defendants’ motion now or denies it later makes no difference, but there is no need for the Court to review Defendants’ motion for a stay pending appeal on an expedited or “emergency” basis.

**B. State Defendants Are Not Entitled to An Administrative Stay Through the May 2025 Elections.**

An administrative stay should be denied for five reasons.

*First*, the concern expressed in the instant Motion about lack of uniformity among Texas counties rehashes the argument in Defendants’ motion for a stay pending appeal and misrepresents the district court’s Injunction. The motion claims that the Injunction applies in only five counties. Mot. 5-6. To the contrary, the district court ordered the Secretary of State to amend certain election forms—which all counties must use, Tex. Elec. Code § 31.002 (d) (“TEC”) —to eliminate items required by the enjoined Assistance Provisions. The district court further directed the Secretary of State to change her trainings for, and directives to, local election



officials accordingly. These commands of the Injunction are effective in all Texas counties: the Injunction against the Secretary of State is statewide. In addition, the district court enjoined the State of Texas, the Attorney General—who goes unmentioned in the instant Motion—and the Secretary of State, as well as their agents, from investigating or prosecuting alleged violations of the Assistance Restrictions in all counties. ROA.37778-82. Because this Court has acknowledged that local prosecutors act as agents of the State when prosecuting violations of S.B.1, this portion of the injunction therefore applies statewide. *See Mi Familia Vota v. Ogg*, 105 F.4th 313, 325 (5th Cir. 2024). The district court also specifically enjoined election administrators and district attorneys in five counties, who were parties below, from enforcing certain parts of the Assistance Restrictions, but the statewide obligations of State Defendants mean that there will be no county-to-county inconsistency in the application of the Injunction.

There is simply no basis for State Defendants’ argument that, absent a stay, the Secretary of State will be required to promulgate two separate sets of forms, one for the counties that have been directly enjoined, and one for the other counties. Mot. 7. To the contrary, the Injunction and Texas election law require the Secretary of State to promulgate *one* set of forms that comply with the Injunction. The Injunction likewise requires the Secretary of State to give *one* set of trainings to local election officials that comply with Section 208. *E.g.*, ROA.37780 (“The Secretary shall

revise all applicable forms and training and instructional materials for state and county officials to remove [all] language that reflects the substance of the Voter Relationship Disclosure Requirement.”).

Any concern that different voter assistance rules could apply in different counties is therefore unwarranted. Texas law requires local election officials to use the forms prescribed by the Secretary of State. TEC § 31.002(d); *see also OCA-Greater Houston*, 867 F.3d at 613 (The Secretary of State is the “chief election officer of the state” (quoting TEC § 31.00.(a))). Accordingly, under the Injunction, election officials across the state must use the same set of forms prescribed by the Secretary of State. No local election officials have joined the instant Motion or the November 5, 2024 motion for a stay pending appeal. Presumably, therefore, election officials across Texas are prepared to implement the Secretary of State’s forms and directives and to conduct the upcoming May elections in compliance with the Injunction.

To argue that the Secretary of State does not in fact ensure uniformity in the operation of Texas election law, State Defendants point to this Court’s decision in *La Union del Pueblo Entero v. Abbott*, 119 F.4th 404 (5th Cir. 2024) (*LUPE II*). Mot. 6. There, this Court granted, on a compressed timeline, a stay pending appeal of the district court’s injunction of Section 7.04 on vagueness and First Amendment grounds. The basis for the stay was the proximity of the district court’s injunction to

the upcoming November elections. *LUPE II*, 119 F.4th at 407-08. Here, by contrast, the Injunction went into effect almost six months before the May elections, so *LUPE II* does not control. Moreover State Defendants’ argument that the Secretary of State’s compliance with the Injunction will create a patchwork of voter-assistance rules is foreclosed by *OCA-Greater Houston*, which held that the Secretary of State enforces Texas election laws because it is required “to obtain and maintain uniformity in the application [ and] operation” of election laws, 867 F.3d at 614 (quoting TEC § 31.003). Obtaining and maintaining uniformity in the application of the voter-assistance rules is precisely what the Injunction requires of the Secretary of State here.

*Second*, State Defendants make *no* argument that an administrative stay of the Injunction against the Attorney General is necessary. Nor could they. The Attorney General has been prohibited from enforcing the enjoined Assistance Restrictions since November 6, 2024. The Injunction eliminates would-be assistors’ real fear of prosecution for inadvertently violating the Assistance Restrictions. As the district court found, without the Injunction, disabled voters such as Ms. Halvorson—who relies on a breathing machine and a power wheelchair—will be forced to vote without assistance because her caregiver is a green card holder who fears exposing herself to criminal liability that could risk her lawful permanent resident status. ROA.37706. The Injunction thus enables 208 voters to vote with their preferred

assistant and to access the assistance they need. The Injunction against the Attorney General is the status quo; it creates no uniformity issues; and it imposes no burden on the Attorney General. State Defendants have abandoned any argument that the Attorney General is entitled to an administrative stay, so *at a minimum*, their motion must be denied with respect to the Attorney General.

*Third*, “[p]arties should not file motions seeking emergency relief unless there is an emergency sufficient to justify disruption of the normal appellate process.” 5th Cir. R. 27.3. There is no emergency here. As Director Adkins explains, the Secretary of State can produce and disseminate the forms necessary for the May elections provided the office knows of any changes by April 4th. Adkins Decl. ¶ 15. Accordingly, in the absence of a stay—either because this Court denies one, or because this Court does not rule on the requested stay by April 4, 2025—the Secretary of State will be able to comply with the Injunction.

*Fourth*, State Defendants raised no argument under *Purcell v. Gonzalez*, 549 U.S. 1 (2006), in their motion for a stay pending appeal, Doc. 70, and do not now claim that an emergency administrative stay is warranted under *Purcell* to avoid voter confusion. Thus, proximity to the May election cannot, in itself, be a basis for the emergency relief that State Defendants request.

To the contrary, the stay that State Defendants now seek just days before early voting begins would effectively *create* a *Purcell* issue.

Indeed, it is State Defendants who seek to alter election administration rules on the eve of an election. The stay of the Injunction lapsed the day after the November 2024 election. The Injunction has been in effect, therefore, since November 6, 2024, approximately five months. During this time, Plaintiffs, their members, and the Texas voters they serve have relied on the Injunction's prohibition on enforcement of the Assistance Restrictions to make their voting plans for the May elections and to educate voters about their rights. For example, Ms. Nunez Landry plans to vote in May with her partner as her assistor; she has progressive muscular dystrophy and her partner is her primary caregiver. But if a stay is imposed, she would not feel comfortable asking her partner to assist her because she is scared of exposing him to criminal liability. She would have to make a plan to vote without assistance, which will be difficult for her on such short notice. Nunez Landry Decl. ¶¶ 9-10. Likewise, Ms. Halvorson does not want to subject her assistor (a green card holder) to potential criminal liability and the threat of deportation through the assistor oath. If S.B.1 is allowed to go into effect, she plans to vote in person without assistance, which is made more difficult for her because of her disabilities. Halvorson Decl. ¶¶ 8, 11.

Imposing a stay would also impact those individuals who want to serve as assistors under Section 208. For example, Jennifer Miller plans to act as her daughter's assistor during the May 2025 elections. But the Assistor Oath has her

worried that her assistance will subject her to potential criminal liability if S.B.1 is allowed to go into effect before the May elections. Miller Decl ¶¶ 10-11. Similarly, Ms. Baker plans to assist elderly neighbors and members of her church with voting in the May elections. But if a stay is imposed, she will not feel comfortable providing them assistance, and she is worried that some people who need voting assistance will not be able to vote. Baker Decl. ¶¶ 5-6.

As the accompanying declarations make clear, an administrative stay so soon before the May elections would sow chaos and confusion. 208 voters who are planning to vote with their assistor of choice would suddenly be forced to make new plans to vote without assistance. Some 208 voters who are unable to make new plans on such short notice will be unable to vote at all. In other words, an administrative stay would upend the status quo. *See Frank v. Walker*, 574 U.S. 929 (2014) (vacating stay of injunction of state law requiring photo ID to vote where the court of appeals issued the stay almost five months after the district court’s injunction and less than two months before an election); *Plaquemines Parish*, 84 F.4th at 378 (vacating stay pending appeal where the stay “upended the status quo during the seven weeks preceding the stay”); *Tex. Top Cop Shop, Inc. v. Garland*, No. 24-40792, 2024 WL 5524138 (5th Cir. Dec. 26, 2024) (vacating emergency motion to stay district court injunction pending appeal “in order to preserve the constitutional status quo while the merits panel considers the parties’ weighty substantive arguments”).

*Purcell* and its progeny seek to prevent precisely such disruption. “Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls.” 549 U.S. at 4-5. Applying that principle, this Court has not permitted changes to the existing rules governing elections when early voting is eighteen days away. *Tex. All. for Retired Ams. v. Hughs*, 976 F.3d 564, 568 (5th Cir. 2020) (“*TARA*”). Here, State Defendants ask this Court to alter the status quo governing elections by April 4, eighteen days before early voting is set to begin on April 22. Adkins Decl. ¶ 5. This Court rejected an identical request in *TARA* and should do the same here.

State Defendants seek to muddy the requirements of *Purcell* by claiming that the relevant status quo is the prior elections during which the unlawful Assistance Restrictions were in effect. Mot. 8-9. Not only does this argument ignore the fact that disabled Texas voters have now relied on the Injunction in preparation for the upcoming May elections, but it also elides the basis for the district court’s October 18, 2024 administrative stay. The district court *temporarily* stayed its Injunction through the November 2024 election based on *Purcell*. ROA.37875-76. Once the election was over, State Defendants no longer had a *Purcell* concern. They should not be permitted to manufacture one by waiting until the eve of another election to seek an expedited ruling that they could have asked for months ago.

*Fifth*, State Defendants have known since October what they must do to comply with the Injunction in the May 2025 elections. If there were an emergency here concerning their ability to comply—and the declaration of Elections Director Adkins does not support any claim of emergency—it would be of the State Defendants’ own making.

State Defendants could have moved to expedite, or for an administrative stay, at any time in the last five months. They chose not to. This failure further demonstrates the absence of justification for their motion for an administrative stay. Absent an emergency, an administrative stay to “buy the court time to deliberate,” Mot. 8, is unnecessary.

### **CONCLUSION**

State Defendants’ Motion for an Administrative Stay should be denied. Whether the Court decides the issue on an expedited or standard schedule, State Defendants’ November 5 Motion for a Stay Pending Appeal should be denied.

Dated this 31st of March 2025

Respectfully submitted,

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### **CERTIFICATE OF COMPLIANCE**

This motion complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 3799 words, excluding the parts of the motion exempted by rule; and (2) 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 (the same program used to calculate the word count).

/s/ Victor Genecin  
Victor Genecin

### **CERTIFICATE OF SERVICE**

On March 31, 2025, this document was served via CM/ECF on all registered counsel and transmitted to the Clerk of the Court. Counsel further certifies that: (1) any required privacy redactions have been made in compliance with Fifth Circuit Rule 25.2.13; (2) the electronic submission is an exact copy of the paper document in compliance with Fifth Circuit Rule 25.2.1; and (3) the document has been scanned with the most recent version of Symantec Endpoint Protection and is free of viruses.

/s/ Victor Genecin  
Victor Genecin

IN THE 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.

Docket Number 24-50826  
(consolidated cases)

**DECLARATION OF JODI LYDIA NUNEZ LANDRY**

My name is Jodi Lydia Nunez Landry. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I am a 55-year-old woman who currently lives in Harris County, Texas. I registered to vote for the first time in Ohio after I turned 18, sometime before the 1992 presidential election, which was the first election I voted in.
2. I make this declaration to inform the Court that I have been preparing to vote in the upcoming May 2025 Texas elections in reliance on the injunction barring the assistor restrictions of SB 1 from going into effect, and that my voting plans would be profoundly disrupted if a stay of the injunction were entered at this late date.
3. As I testified before the trial court, I have Muscular Dystrophy. This is a disability that substantially limits several major life activities. Because of my Muscular Dystrophy, I need assistance from caregivers the majority of the time to perform essentially all activities of daily living including cooking, dressing, and bathing.
4. Per my previous testimony, when I vote in person, I need someone to drive me to the polling station. I use a power wheelchair, and when I am in the voting booth it can be difficult to use the touch screen or feed paper into the machine, for those that require

paper. Even accessible machines with remotes can be difficult for me to use. It is also difficult to predict when I will experience muscle fatigue that would prevent me from using a touch screen or a remote. As a result, I have frequently needed assistance to use the touch screen or feed paper into the machine.

5. Voting is important to me. I have voted in every presidential election since 1992 and most other local and state elections since then. I try to encourage others with disabilities to get out and exercise their right to vote by posting pictures of myself after I have voted on social media.
6. I am a member of REV UP Texas and The Arc of Texas and am involved in The Arc of Texas' Partners in Disability Leadership.
7. I am also an active participant in the Texas Disability Issues Forum to encourage voter turnout among people with disabilities.
8. I want to be able to vote like everyone else. I would prefer for my partner to assist me, but under SB 1, the process for securing assistance at the polling location made me nervous which meant that I was not able to vote with the assistor of my choice in the November 2024 election.
9. As a person with a disability, I already face significant barriers to vote and SB 1 has added additional barriers to my right to vote. I am planning to vote in person with my partner as my assistor for the local elections in May 2025.
10. If SB 1 went back into effect before the May 2025 elections, I would not feel comfortable asking my partner to be my assistor because I am scared that he could be subject to criminal liability for inadvertently violating SB 1. I would have to make a plan to vote without assistance, which would be difficult for me to do on such short notice.
11. I would be very angry and frustrated if SB 1 were allowed to take effect before the May

2025 elections. I work to register disabled voters, and since SB 1 went into effect, many have been confused about what they can and cannot do when they vote, and what additional barriers to voting they face. Letting SB 1 go back into effect after the district court's injunction, mere weeks before an election in May, would only add to that confusion, and I fear that it would disenfranchise disabled voters who had been planning to vote with their preferred assistor.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on 31/03/2025, at Harris County, Texas.

Jodi Lydia Nunez Landry

Jodi Lydia Nunez Landry  
Jodi Lydia Nunez Landry (Mar 31, 2025 13:23 CDT)

**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.

No. 24-50826

**DECLARATION OF KIMBERLEY BAKER**

My name is Kimberley Baker. I am over the age of 21 and fully competent to make this Declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Harris County, Texas. I am a member of Bay Area Houston Alumnae Chapter of Delta Sigma Theta Sorority, Inc.
2. I make this Declaration to inform the Court that I have been preparing to assist voters in the upcoming May elections in reliance on the injunction barring the assistor restrictions of S.B.1 from going into effect, and that my plans to provide voting assistance would be profoundly disrupted if a stay of the injunction were entered at this late date.
3. Before S.B.1 went into effect, I used to assist my parents and members of my church with voting. My father was in a wheelchair, and my mother is legally blind and cannot hear well. My sister and I would drive my parents to the polls and help them vote. I also used to drive members of my church to the polls.
4. After S.B.1 went into effect, I stopped providing voting assistance to members of my church because I was afraid that I was risking prosecution for inadvertently violating the law. Members of my church were also scared for me: they feared that my assistance could



run afoul of S.B.1, so they did not want me to assist them. I continued to assist my parents with voting because without assistance they would have been unable to vote at all. I was resentful that I had to sign the Oath because I was simply helping my parents exercise their constitutional rights.

5. I was relieved to learn that the assistor restrictions of S.B.1 had been enjoined. Because of that injunction, I have been planning to assist members of my church and my neighbors with voting in the upcoming May elections, in addition to helping my mother with her mail-in ballot.
6. I would feel very frustrated if S.B.1 were put back into place for the May 2025 election. I would not be comfortable assisting members of my church or my neighbors, who may not be able to find anyone else to assist them with voting. I would still assist my mother, but I will again be uncomfortable swearing to the Oath of Assistance. I am scared about how S.B.1 will affect me if the law is allowed to go back into effect so soon before the May election.
7. I worry that if the rules about voting assistance change again, some people will not vote.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on 03/31/25 at Harris County, Texas.

*Kimberley Baker*  
Kimberley Baker

IN THE 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.

Docket Number 24-50826  
(consolidated cases)

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**DECLARATION OF JENNIFER MILLER**

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My name is Jennifer Miller. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based on my personal knowledge:

1. I currently live in Travis County, Texas. I am 57 years old.
2. I make this declaration to inform the Court that I have been preparing to provide voting assistance for my daughter, Danielle Miller, in the upcoming May 2025 Texas elections in reliance on the injunction barring the assistor restrictions of SB 1 from going into effect. My plans for assisting my daughter, and her plans for voting with my help, would be profoundly disrupted if a stay of the injunction were entered at this late date.
3. As I related in my previous testimony to the district court, Danielle lives with me. She is a 26-year-old woman who is also a registered voter in Travis County, Texas. Danielle has voted in elections since turning 18 years old.
4. Danielle is a person with Autism. Her disabilities substantially limit several life activities, including communicating and social interactions, and she has delays in processing information and some motor skills. She needs consistent routines and struggles when those

routines are interrupted. She has dyslexia, which substantially limits and interferes with her ability to read and to relate speech sounds to written letters and words.

5. Because of my daughter's disabilities, we use a supportive decision-making model to help her to make informed choices. My daughter selected me as a trusted advisor, and I assist her in making important life choices without making those choices for her.

6. We are members of The Arc of Texas.

7. My daughter has difficulty voting independently in person. Although it is easier for Danielle to vote by mail, doing so is also very confusing.

8. I help my daughter find her ballot information and request a ballot. When the ballot arrives, I assist in opening the envelope for her due to her delayed motor skills so that it is not ripped or damaged. We read the ballot together. Danielle always chooses whom to vote for, and I never provide any input or influence. When preparing the ballot envelope, I usually remind her to complete certain portions and review to ensure everything is done correctly. I also remind her to sign it in the correct place. Danielle signs her ballot and then I review it for completeness. Next, I assist in placing the ballot in the double envelopes due to Danielle's delayed motor skills. We both sign the envelope. Then I drive her to the post office so she can mail the ballot. We live in a more rural area, so I want to ensure that our ballots get to the post office because pickups from the postal box near us are inconsistent. I provide this support in part to prevent my daughter's ballot from being rejected due to a mistake.

9. Danielle is registered to vote by mail for the May 2025 election.

10. I would feel very frustrated if S.B.1 were put back into place for the May 2025 elections. I would be afraid about its effects on my ability to assist my daughter while voting. I would again feel uncomfortable when completing the SB 1 Oath, and I am scared that my assistance to my daughter would be misunderstood as a violation of the Oath. When I am scared

for myself, I am less able to provide my daughter with the assistance she needs, which will make voting more difficult for her.

11. As my daughter's trusted assistor, I want to do everything I can to help her access her fundamental right to vote. I am a law-abiding citizen, and I am scared about how SB 1 will affect me if the law is allowed to go back into effect so soon before the May election.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on 31/03/2025 at Travis County, Texas.

  
Jennifer Miller (Mar 31, 2025 10:56 CDT)  
Jennifer Miller

**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.

No. 24-50826

**DECLARATION OF ADRIENNE THRASHER**

My name is Adrienne Thrasher. I am over the age of 21 and fully competent to make this declaration. Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Williamson County, Texas. I am a member of Austin Alumnae Chapter of Delta Sigma Theta Sorority, Inc.
2. Before S.B.1 went into effect, I assisted elderly voters with voting. I helped people register to vote and to apply for mail-in ballots. If elderly people requested help completing their mail-in ballots, I read the ballots aloud and explained how to complete their ballots. I have also helped people with intellectual disabilities vote by mail. The people I assisted with voting were people I knew through church, friends, or family members.
3. After S.B.1 went into effect, I stopped providing individual voting assistance because I was scared of accidentally violating the law and risking criminal prosecution. It is not clear what S.B.1 allows or prohibits, and I was unsure whether I could violate it without intending to. I was especially frustrated that S.B.1 prevented me from assisting a 98-year-old woman to complete her mail-in ballot, which in turn hindered her ability to vote.

4. With the injunction in effect against the assistor restrictions of S.B.1, I am able to consider providing voting assistance during the May 2025 Texas elections to people I know who need assistance completing their ballots. But if the injunction is stayed and S.B.1 is put back into effect, I will not provide voting assistance. I am too scared of accidentally violating the law.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on 03/31/2025 at Williamson County, Texas.

  
ADRIENNE THRASHER

IN THE 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.

Docket Number 24-50826  
(consolidated cases)

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**DECLARATION OF LAURA HALVORSON**

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My name is Laura Halvorson. I am over the age of 21 and fully competent to make this declaration.

Under penalty of perjury, I declare the following based upon my personal knowledge:

1. I currently live in Bexar County, Texas. I registered to vote for the first time after I turned 18 and sometime before the 2004 presidential election in which I voted.
2. Voting is important to me. I have voted in every presidential election since 2004 and most other local and state elections since then. I plan to vote in the May 2025 local elections in Bexar County.
3. I make this declaration to inform the Court that I have been preparing to vote in the upcoming May 2025 Texas elections in reliance on the injunction barring the assistor restrictions of SB 1 from going into effect, and that my voting plans would be profoundly disrupted if a stay of the injunction were entered at this late date.
4. I am a member of REVUP Texas (“REVUP”) and The Arc of Texas.
5. As I testified before the district court, I have several disabilities that substantially limit

several major life activities. I have a very progressive form of Muscular Dystrophy that substantially limits my mobility (including walking, standing, lifting, and bending), ability to complete my activities of daily living (ADLs) necessary to care for myself, and my breathing. I am on a BIPAP breathing machine 24 hours a day, require attendant care for 90% of my ADLs, and use a power wheelchair for all mobility. My conditions also cause me severe pain.

6. How I have voted has changed over time as my Muscular Dystrophy has progressed and the pandemic also changed my method of voting. From 2004 through 2014, when I was voting in the Dallas metro area, I typically voted early in person. Since that time, my disabilities have progressed, and voting by myself has become more painful and difficult.
7. As my disabilities have progressed, I have typically relied on assistants to help me with the voting process. For example, I voted in the 2020 presidential primaries in person during early voting. I required total assistance from my personal care attendant. They drove me to the polling place, helped me get out of my wheelchair accessible van, and put on a mask to protect me from COVID-19 because I could not lift my hands to do these activities for myself. While I am able to move my powerchair myself, they had to open doors for me to enter the building. I waited in a very short line and when it was my turn, I approached the poll worker. My personal care attendant then had to remove my Texas ID from my wallet and give it to the poll worker who confirmed my voter registration.
8. I voted by mail-in ballot during the March 2022 primary elections. As I testified at trial, my personal care attendant was not willing to assist me with opening or marking my ballot—as a green card holder, she was unwilling to take the oath to assist me (in



person or by mail) because she was afraid of the threat of criminal prosecution and the impact on her legal status. Because she was not able to help me, I had to open and mark the ballot myself. Because of my disabilities, it took me four different times to mark my ballot spread across two days, and I had serious difficulty completing the information on the envelope and seal the envelope.

9. I submitted my mail-in ballot before the due date and it was shown as received on February 26 on the Secretary of State's website; however, it was not marked as accepted until well after the election when I looked online at the time. If there had been a problem with my ballot – like if I had transposed numbers in my Texas ID number, my handwriting had been illegible, or I hadn't been able to press hard enough for the signature on the envelope flap, I would not have been able to correct my ballot and my vote would have been thrown out.
10. Because of how long it took to process my March 2022 primary mail-in ballot, I do not trust voting by mail because if I am unable to mark the ballot hard enough with the pen or transpose two numbers in my ID, I would not be notified with enough time to be able to correct my ballot or early vote in person, which means I would not get to vote at all.
11. Because of my experience in March 2022, I plan to vote in person for the May 2025 local elections. If SB 1 is allowed to go into effect, I worry that my caregivers will once again refuse to sign the intimidating assistants' oath and put themselves at risk of criminal sanctions and deportation. Therefore, if SB 1 goes into effect again, I would have to make a plan to vote without assistance, which would be very difficult for me to do on such short notice. Voting on my own, whether in person or by mail, is a physically and mentally taxing process for me.

12. As a person with a disability, I have faced numerous barriers in exercising my right to vote. Allowing SB 1 to go into effect just weeks before the May 2025 will add much more unneeded stress and hardship to my life, and will make the already difficult task of voting with a disability in Texas even more challenging and confusing.

This Declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct. Executed on Mar 31, 2025 at Bexar County, Texas.

Laura Halvorson  
Laura Halvorson (Mar 31, 2025 15:47 CDT)  
Laura Halvorson