

Cause No. 2020-52383

THE STATE OF TEXAS,
Plaintiff,

v.

CHRIS HOLLINS, in his official capacity
as Harris County Clerk
Defendant.

§
§
§
§
§
§
§
§

In the District Court of

Harris County, Texas

127th Judicial District

Joint Stipulation of Facts

Plaintiff the State of Texas and Defendant Chris Hollins, in his official capacity as Harris County Clerk, hereby stipulate to the following:

1. Chris Hollins is Harris County Clerk. He is the county's chief elections officer and early voting clerk.
2. On August 25, 2020, Hollins announced that he would send vote-by-mail applications to all registered voters in Harris County.
3. In a letter dated August 27, 2020, Keith Ingram, the Secretary of State's Director of Elections, directed Hollins to "immediately halt any plan to send an application for ballot by mail to all registered voters."
4. On August 31, 2020, Hollins and Ingram spoke by phone and discussed Hollins's plan and Ingram's objections to it.
5. The Secretary of State does not object to the sending of unsolicited vote-by-mail applications to voters aged 65 and older in Harris County because these voters are eligible to vote by mail.
6. The Secretary of State objects to the sending of unsolicited vote-by-mail applications to voters under 65 in Harris County for the reasons stated in Ingram's August 27, 2020 letter to Hollins.
7. The Secretary of State does not object to Hollins's sending of unsolicited educational materials regarding the eligibility criteria for voting by mail to all registered voters in Harris County, including those under 65.
8. The Secretary of State maintains a PDF of the vote-by-mail application on her website.
9. Hollins maintains a PDF of the vote-by-mail application on his website.

10. Any person may download the application from either website.
11. According to the Centers for Disease Control and Prevention (CDC) people of any age with **certain underlying medical conditions** are at increased risk for severe illness from COVID-19. People of any age with the following conditions **are at increased risk** of severe illness from COVID-19:
 - Cancer
 - Chronic kidney disease
 - COPD (chronic obstructive pulmonary disease)
 - Immunocompromised state (weakened immune system) from solid organ transplant
 - Obesity (body mass index [BMI] of 30 or higher)
 - Serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
 - Sickle cell disease
 - Type 2 diabetes mellitus

COVID-19 is a new disease. Currently there are limited data and information about the impact of underlying medical conditions and whether they increase the risk for severe illness from COVID-19. Based on what we know at this time, people with the following conditions **might be at an increased risk** for severe illness from COVID-19:

- Asthma (moderate-to-severe)
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Cystic fibrosis
- Hypertension or high blood pressure
- Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
- Neurologic conditions, such as dementia
- Liver disease
- Pregnancy
- Pulmonary fibrosis (having damaged or scarred lung tissues)
- Smoking
- Thalassemia (a type of blood disorder)
- Type 1 diabetes mellitus

The list of underlying conditions is meant to inform clinicians to help them provide the best care possible for patients, and to inform individuals as to what their level of risk may be so they can make individual decisions about illness prevention. We are learning more about COVID-19 every day. This list is a living document that may be updated at any time, subject to potentially rapid change as the science evolves.

12. Based on the Health of Houston Survey, in Harris County among people aged 18-64:

- a. 4.2% or slightly more than one in twenty-four have had, or currently have, cancer;
 - b. 6.9% or slightly more than one in fifteen currently have asthma;
 - c. 32.4% or about one in three are obese (body mass index (“BMI”) of 30 or greater);
 - d. 24.0% or slightly more than one in four have high blood pressure;
 - e. 5.7% or slightly more than one in eighteen have cardiovascular disease, including heart attack, stroke, coronary heart disease, or angina;
 - f. 8.5% or slightly more than one in twelve have type 2 diabetes;
 - g. 2.2% or slightly more than one in forty-six have chronic obstructive pulmonary disease (“COPD”); and
 - h. 14.3% or slightly more than one in seven are smokers.
13. According to the United States Census, an estimated 6.7% of Harris County was disabled under the Census Bureau’s definition of that term as of July 1, 2019.
 14. The Secretary of State believes this measure of disability supports her belief that a large majority of voters under 65 are not eligible under the disability category.
 15. The election results for the primaries, primary run-offs, and general elections for 2016, 1-2018, and 2020 to date as provided on Joint Stipulated Defendant’s Exhibit 19.
 16. The mailer Hollins intends to send to all registered voters is reproduced on the following page and is Defendant’s Exhibit 1:

Unofficial Copy Office of Harris County District Clerk

Para recibir esta información o la Solicitud de Voto por Correo en Español, comuníquese con:

Để nhận được thông tin này hoặc Đơn Xin Bầu Cử Bằng Thư bằng Tiếng Việt, xin liên lạc:

要接收此信息或中英文的遞投票申請表格, 請聯繫:

QUESTIONS? CONTACT: vbm@harrisvotes.com 713-755-6965



DO YOU QUALIFY TO VOTE BY MAIL?



READ THIS BEFORE APPLYING FOR A MAIL BALLOT
The Harris County Clerk's Office is sending you this application as a service to all registered voters. However, **NOT ALL VOTERS ARE ELIGIBLE TO VOTE BY MAIL.**
READ THIS ADVISORY TO DETERMINE IF YOU ARE ELIGIBLE BEFORE APPLYING.



You are eligible to vote by mail if:

- You are age 65 or older by Election Day, November 3, 2020;
- You will be outside of Harris County for all of the Early Voting period (October 13th - October 30th) and on Election Day (November 3rd);
- You are confined in jail but otherwise eligible to vote;
- You have a disability. Under Texas law, you qualify as disabled if you are sick, pregnant, or if voting in person will create a likelihood of injury to your health.
 - The Texas Supreme Court has ruled that lack of immunity to COVID-19 can be considered as a factor in your decision as to whether voting in person will create a likelihood of injury to your health, but it cannot be the only factor. You can take into consideration aspects of your health and health history that are physical conditions in deciding whether, under the circumstances, voting in person will cause a likelihood of injury to your health.
 - YOU DO NOT QUALIFY TO VOTE BY MAIL AS "DISABLED" JUST BECAUSE YOU FEAR CONTRACTING COVID-19. YOU MUST HAVE AN ACCOMPANYING PHYSICAL CONDITION. IF YOU DO NOT QUALIFY AS "DISABLED," YOU MAY STILL QUALIFY IN CATEGORIES 1 - 3 ABOVE.**
 - It's up to you to determine your health status—the Harris County Clerk's Office does not have the authority or ability to question your judgment. If you properly apply to vote by mail under any of the categories of eligibility, the Harris County Clerk's Office must send you a mail ballot.
 - To read guidance from the U.S. Centers for Disease Control and Prevention (CDC) on which medical conditions put people at increased risk of severe illness from COVID-19, please visit: www.HarrisVotes.com/CDC

If you have read this advisory and determined that you are eligible to vote by mail, please complete the attached application and return it to the Harris County Clerk's Office! Voting by mail is a secure way to vote, and it is also the safest and most convenient way to vote.

To receive CRITICAL ELECTION UPDATES, sign up at: www.harrisvotes.com/text

For Official Use Only (VAD) (County Election Post) 1230000000/906

APPLICATION FOR BALLOT BY MAIL

CHRIS HOLLINS



- Fill in (or verify) your name and address
- Select your reason for using Ballot By Mail
- Select your Election(s)
- Sign your application, affix a stamp, and place in the mail

PROTECTING YOUR RIGHT TO VOTE

<p>1 APPLICANT'S VOTER REGISTRATION: Name/Address/City/State/Zip Code</p> <p>JOHN Q. PUBLIC 123 MAIN STREET HOUSTON, TEXAS 77078-0044</p> <p>PHONE NUMBER: (Optional)</p>	<p>PREFERRED MAILING ADDRESS (REQUIRED FOR OUT OF COUNTY & IN JAIL): Address/City/State/Zip Code</p> <p>1230000000</p>	<p>2 REASON FOR APPLYING FOR BALLOT BY MAIL:</p> <p><input type="checkbox"/> Age 65 or older</p> <p><input type="checkbox"/> I have a disability</p> <p><input type="checkbox"/> **Outside the county throughout Early Voting & Election Day (Oct. 13 - Oct. 30, 2020 & Nov. 3, 2020)</p> <p><input type="checkbox"/> Confined in jail</p> <p>(**Dates You Will be Outside the County: / / - / /)</p>
<p>3 ELECTIONS FOR WHICH YOU ARE APPLYING:</p> <p><input type="checkbox"/> ALL 2020 ELECTIONS</p> <p><input type="checkbox"/> November 3, 2020</p>		<p>4 I certify that the information given on this application is true, and I understand that giving false information on this application is a crime. SIGN HERE X</p> <p>Signature of Applicant As Registered</p>
<p>5 OPTIONAL - FILL OUT THIS SECTION ONLY IF YOU ASSISTED A VOTER WITH THIS FORM</p> <p><input type="checkbox"/> Check this box if acting as an ASSISTANT</p> <p>X Signature of Assistant</p> <p>PRINT FULL NAME of Assistant</p> <p>Assistant's Address of Residence or Title of Elections Official</p> <p>Assistant's Relationship to Applicant</p>		<p>6 OPTIONAL - FILL OUT THIS SECTION ONLY IF YOU ARE A WITNESS FOR A VOTER WITH THIS FORM</p> <p><input type="checkbox"/> Check this box if acting as a WITNESS</p> <p>X FOR WITNESS: Applicant, if unable to sign, shall make a mark in the presence of witness. If applicant is unable to make mark, the witness shall check here</p> <p>X Signature of Witness</p> <p>PRINT FULL NAME of Witness</p> <p>Witness' Address of Residence or Title of Elections Official</p> <p>Witness' Relationship to Applicant</p>

Respectfully submitted,

Vince Ryan
Harris County Attorney

/s/ Susan Hays
Cameron A. Hatzel
Assistant County Attorney
State Bar No. 24074373
Email: cameron.hatzel@cao.hctx.net

Douglas Ray
Special Assistant County Attorney
State Bar No. 16599300
Email: douglas.ray@cao.hctx.net
1019 Congress, 15th Floor
Houston, Texas 77002
Telephone: (713) 274-5376
Telecopier: (713) 755-8924

Susan Hays
Law Office of Susan Hays, PC
State Bar No. 24002249
P.O. Box 41647
Austin, Texas 78704
Telephone: (214) 557-4819
Telecopier: (214) 432-8273
Email: hayslaw@me.com

Christopher M. Odell
Arnold & Porter Kaye Scholer LLP
State Bar No. 24037205
700 Louisiana St., Ste. 4000
Houston, Texas 77098
Telephone: (713) 576-2400
Telecopier: (713) 576-2499
christopher.odell@arnoldporter.com

Unofficial Copy Office of Main Building Patriotic Clerk

R. Stanton Jones*
Daniel F. Jacobson*
John B. Swanson, Jr.*
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave. NW
Washington, DC 20001
Telephone: (202) 942-5000
Telecopier: (202) 942-5999
Email: Stanton.Jones@arnoldporter.com

Counsel for Chris Hollins, Harris County Clerk

* *Pro hac vice* motions filed on this day.

/s/ Charles K. Eldred
CHARLES K. ELDRED
Special Litigation Counsel
State Bar No. 00793681

KATHLEEN T. HUNKER
Special Counsel

Counsel for the State of Texas

Unofficial Copy Office of Martin Burgett District Clerk