

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

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No. 14-41127  
USDC No. 2:13-cv-00193

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MARC VEASEY, et al.,

*Appellees,*

v.

RICK PERRY, et al.,

*Appellants.*

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION

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**Veasey-LULAC Appellees' Motion to Expedite Appeal**

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CHAD W. DUNN  
K. SCOTT BRAZIL  
Brazil & Dunn  
4201 Cypress Creek Pkwy  
Suite 530  
Houston, Texas 77068

J. GERALD HEBERT  
JOSHUA J. BONE  
Campaign Legal Center  
215 E Street NE  
Washington, DC 20002

*(Additional counsel listed on next page)*

ARMAND G. DERFNER  
Derfner, Altman & Wilborn, LLC  
P.O. Box 600  
Charleston, S.C. 29402

NEIL G. BARON  
Law Office of Neil G. Barron  
914 FM 517 W, Suite 242  
Dickinson, Texas 77539

DAVID RICHARDS  
Richards, Rodriguez & Skeith, LLP  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701

LUIS ROBERTO VERA, JR.  
LULAC National General Counsel  
1325 Riverview Towers, 111 Soledad  
San Antonio, Texas 78205-2260

*Counsel for the Veasey-LULAC Appellees-Movants*

## CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of 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.

1. Veasey-LULAC, *et al.*, Appellees
  - Marc Veasey
  - Jane Hamilton
  - Sergio DeLeon
  - Floyd Carrier
  - Anna Burns
  - Michael Montez
  - Penny Pope
  - Oscar Ortiz
  - Koby Ozias
  - John Mellor-Crumley
  - League of United Latin American Citizens
  
2. Counsel for Veasey-LULAC, *et al.*, Appellees:
  - Chad W. Dunn  
Kembrel Scott Brazil  
BRAZIL & DUNN
  - J. Gerald Hebert  
Joshua J. Bone  
CAMPAIGN LEGAL CENTER
  - Armand G. Derfner  
DERFNER, ALTMAN & WILBORN, LLC
  - Neil G. Barron  
LAW OFFICE OF NEIL G. BARRON
  - David Richards  
RICHARDS, RODRIGUEZ & SKEITH, LLP
  - Luis Roberto Vera, Jr.  
LULAC
  
3. United States of America, Appellee

4. Counsel for the United States of America

- Anna Baldwin  
Bradley E. Heard  
Elizabeth S. Westfall  
Richard Dellheim  
Robert S. Berman  
Avner Michael Shapiro  
Daniel J. Freeman  
Meredith Bell-Platts  
Jennifer L. Maranzano  
Bruce I. Gear  
Diana Flynn  
Erin Flynn  
U.S. DEPARTMENT OF JUSTICE
- John Alert Smith, III  
OFFICE OF THE U.S. ATTORNEY

5. Taylor, *et al.*, Appellees

- Lenard Taylor
- Eulalio Mendez Jr.
- Lionel Estrada
- Estela Garcia Espinoza
- Margarito Martinez Lara
- Maximina Martinez Lara
- La Union Del Pueblo Entero, Inc.

6. Counsel for Taylor, *et al.*, Appellees

- Robert W. Doggett  
Marinda van Dalen  
Kathryn Trenholm Newell  
Priscilla Noriega  
TEXAS RIOGRANDE LEGAL AID, INC.
- Jose Garza  
LAW OFFICE OF JOSE GARZA

7. MALC/NAACP Appellees

- Texas State Conference of NAACP Branches
- Mexican American Legislative Caucus, Texas House of Representatives

8. Counsel for MALC/NAACP Appellees

- Lindsey Beth Cohan  
Amy Lynne Rudd  
Michelle Yeary  
DECHERT LLP
- Jennifer Clark  
Myrna Perez  
Vishal Agraharkar  
Wendy Weiser  
BRENNAN CENTER FOR JUSTICE
- Ezra Rosenberg  
Robert A. Kengle  
Mark A. Posner  
Erandi Zamora  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
- Daniel Gavin Covich  
COVICH LAW FIRM LLC
- Gary Bledsoe  
POTTERBLEDSOE, L.L.P.
- Robert Notzon  
THE LAW OFFICE OF ROBERT NOTZON
- Kim Keenan  
Marshall Taylor  
Victor Goode  
NAACP

9. Texas League of Young Voters, *et al.*, Appellees

- Texas League of Young Voters Education Fund
- Imani Clark

10. Counsel for Texas League of Young Voters, *et al.*, Appellees
  - Christina A. Swarns  
Leah Aden  
Natasha Korgaonkar  
Ryan Haygood  
Deuel Ross  
NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.
  - Danielle Conley  
Jonathan E. Paikin  
Kelly Dunbar  
Sonya Lebsack  
Richard F. Shordt  
Tania C. Faransso  
Gerard J. Sinzdak  
WILMER CUTLER PICKERING HALE & DORR
11. Texas Association of Hispanic County Judges and County Commissioners, Appellees
12. Counsel for Texas Association of Hispanic County Judges and County Commissioners
  - Rolando Rios  
LAW OFFICES OF ROLANDO L. RIOS
13. State of Texas, *et al.*, Appellants
  - Rick Perry in his Official Capacity as Governor of Texas
  - Nandita Berry in her Official Capacity as Texas Secretary of State
  - State of Texas
  - Steve McGraw in his Official Capacity as Director of the Texas Department of Public Safety
14. Counsel for State of Texas, *et al.*, Appellants
  - Arthur D'Andrea  
John Barret Scott  
Adam Warren Aston

Gregory David Whitley  
Jennifer Marie Roscetti  
Lindsey Elizabeth Wolf  
Stephen Ronald Keister  
Stephen Lyle Tatum, Jr.  
John Reed Clay, Jr.  
Jonathan F. Mitchell  
James D. Blacklock  
OFFICE OF THE ATTORNEY GENERAL

- Ben Addison Donnell  
DONNELL ABERNETHY KIESCHNICK

15. Third Party Defendants-Appellants

- Third Party Legislators
- Texas Health and Human Services Commission

16. Interested Third Parties

- Bipartisan Legal Advisory Group of the United States House of Representatives
- Kirk P. Watson
- Rodney Ellis
- Juan Hinojosa
- Jose Rodriguez
- Carlos Uresti
- Royce West
- John Whitmire
- Judith Zaffirini
- Lon Burnam
- Yvonne Davis
- Jessica Farrar
- Helen Giddings
- Roland Gutierrez
- Borris Miles
- Sergio Munoz, Jr.
- Ron Reynolds
- Chris Turner

- Armando Walle
- Kerry W. Kircher  
OFFICE OF THE GENERAL COUNSEL, U.S. HOUSE OF REPRESENTATIVES
- Alice London  
BISHOP LONDON & DODDS
- James B. Eccles  
OFFICE OF THE ATTORNEY GENERAL
- Dallas County, Texas
- Hidalgo County, Texas
- Lynn Eisenberg
- Robert M. Allensworth
- C. Richard Quade

*/s/ Chad W. Dunn*  
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Chad W. Dunn  
*Counsel of record for Veasey-LULAC*  
*Appellees*



## I. INTRODUCTION

The Veasey-LULAC Appellees hereby move this Court, pursuant to Fifth Circuit Local Rules 27.5 and 34.5, to expedite consideration of this appeal of a decision by the United States District Court for the Southern District of Texas striking down Texas's voter ID law, SB 14 of 2011. For the reasons explained below, this Court should seek to resolve this appeal as promptly as possible in order to ensure that a constitutional system of voter identification is implemented for upcoming elections, including municipal elections scheduled in many Texas cities for May 9, 2015,<sup>1</sup> municipal elections scheduled in many other Texas cities for November 3, 2015,<sup>2</sup> and state and national primary elections scheduled in Texas for March 1, 2016. *See* App'x A (timeline of key upcoming Texas election dates). Pursuant to Local Rule 27.4, counsel for Veasey-LULAC Appellees have contacted counsel for Defendants-Appellants, who have indicated that Defendants-Appellants oppose this motion.

The district court, following a nine-day trial, issued a comprehensive opinion finding that SB 14 is infected with a racially discriminatory purpose and violates several important provisions of federal statutory and constitutional law. *See Veasey v. Perry*, No. 13-00193, 2014 WL 5090258 (S.D. Tex. Oct. 9, 2014).

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<sup>1</sup> Our research reveals that a large number of Texas municipalities, including large cities such as Dallas and San Antonio, midsize cities such as Amarillo and Allen, and many small municipalities are holding elections on May 9, 2015.

<sup>2</sup> Houston, among other municipalities, will hold municipal elections on November 3, 2015.

Texas immediately sought a stay pending appeal from this Court, which this Court granted for the reason that changing the rules so close to the November 4, 2014 election would cause excessive confusion. *Veasey v. Perry*, 769 F.3d 890, 892 (5th Cir. 2014) (“Based primarily on the extremely fast-approaching election date, we STAY the district court's judgment pending appeal.”); *id.* at 896 (Costa, J., concurring in the judgment) (“The district court issued a thorough order finding that the Texas voter ID law is discriminatory. We should be extremely reluctant to have an election take place under a law that a district court has found, and that our court may find, is discriminatory.”). The Supreme Court subsequently refused to vacate the stay, though, like the Fifth Circuit, the Supreme Court majority made no mention of Texas’s likelihood of success on the merits of this appeal. *But see Veasey v. Perry*, No. 14A393, slip. op. at 2 (U.S. Oct. 18, 2014) (Ginsburg, J., dissenting) (extensively praising the district court’s opinion).

This Court has yet to enter a briefing schedule or set an oral argument date for this appeal. The Veasey-LULAC Appellees respectfully request that this Court expedite consideration of this appeal so that, in the event that this Court affirms the district court, municipalities will have as much time as possible to return to the pre-SB 14 law before upcoming elections.<sup>3</sup> Such expedition could include scheduling

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<sup>3</sup> Although portions of the record are still being filed, that is a technical matter that should not hold up the beginning of the briefing schedule, inasmuch as the contents of the record are familiar to all parties.

this case for the earliest possible oral argument date following completion of briefing. These appellees are willing to abbreviate the briefing schedule if doing so would help the Court expedite this appeal.<sup>4</sup>

## **II. REASONS FOR GRANTING THE MOTION**

Because this Court has allowed Texas to enforce SB 14 during the pendency of this appeal, and because elections are upcoming, this Court should expedite consideration of this appeal. The district court found that hundreds of thousands of Texas voters, a disproportionate number of whom are African-American or Hispanic, faced injury from enforcement of SB 14. If the district court is correct—and no appellate court has yet cast any doubt on the validity of the district court’s careful, fact-bound conclusions—the same injury will recur in upcoming elections. This Court should seek to minimize the number of validly registered Texas voters forced to comply with SB 14—and the number who therefore find themselves disenfranchised by SB 14—solely because of a stay pending appeal issued to avoid confusion in an election held months earlier.

If this Court expedites this appeal, this Court could provide election administrators with sufficient time to return to the pre-SB 14 law for upcoming elections without creating significant confusion. This is especially true because

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<sup>4</sup> These appellees believe it should be possible to shorten the briefing schedule without sacrificing quality because all parties have been through substantial briefing of the issues in the trial court and in connection with the stay application in this Court and the proceedings in the Supreme Court.

returning to the pre-SB 14 law would not require any voters possessing SB 14-compliant ID to obtain new ID; under the pre-SB 14 law, voters may use either any ID that was acceptable before SB 14 or any ID that became acceptable by virtue of SB 14 (the Election Identification Certificate).

Appellees recognize that expediting this appeal might pose challenges for counsel and the Court, but it is worth the effort in the interests of the citizens of Texas.

### **III. CONCLUSION**

The Veasey-LULAC appellees pray that this Court take such actions as will make it possible for a constitutional system of voter identification to be implemented at the upcoming elections.

November 26, 2014

Respectfully submitted,

*/s/ Chad W. Dunn*

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Chad W. Dunn  
K. Scott Brazil  
BRAZIL & DUNN  
4201 Cypress Creek Parkway, Suite 530  
Houston, Texas 77068  
(281) 580-6310

J. Gerald Hebert  
Joshua James Bone  
CAMPAIGN LEGAL CENTER  
215 E Street, NE  
Washington, DC 20002  
(202) 736-2200

Armand G. Derfner  
DERFNER, ALTMAN & WILBORN, LLC  
P.O. Box 600  
Charleston, S.C. 29402  
(843) 723-9804

Neil G. Baron  
LAW OFFICE OF NEIL G. BARON  
914 FM 517 W, Suite 242  
Dickinson, Texas 77539  
(281) 534-2748

David Richards  
RICHARDS, RODRIGUEZ & SKEITH,  
LLP  
816 Congress Avenue, Suite 1200  
Austin, Texas 78701  
(512) 476-0005

*Attorneys for Veasey-LULAC Appellees*

Luis Roberto Vera, Jr.  
LULAC National General Counsel  
1325 Riverview Towers, 111 Soledad  
San Antonio, Texas 78205-2260  
(210) 225-3300

*Attorney for LULAC*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2014, I served a true and correct copy of the foregoing via the Court's ECF system on all counsel of record.

*/s/ Chad W. Dunn*

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Chad W. Dunn  
BRAZIL & DUNN  
4201 Cypress Creek Pkwy  
Ste 530  
Houston, TX 77068  
281-580-6310  
[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)

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**APPENDIX A**

**Timeline of Key Upcoming Texas Election Dates**

### **Timeline of Key Upcoming Election Dates**

April 27, 2015: In-person early voting begins for municipal general elections

May 9, 2015: Municipal general elections

Late May 2015 through late June 2015: In-person early voting begins for municipal runoff elections (if needed)

Early June 2015 through early July 2015: Municipal runoff elections (if needed)

October 19, 2015: In-person early voting begins for municipal general elections

November 3, 2015: Municipal general elections

Mid-November 2015 through mid-December 2015: In-person early voting begins for municipal runoff elections (if needed)

Late November 2015 through late December 2015: Municipal runoff elections (if needed)

February 15, 2016: In-person early voting begins for state and national primary elections

March 1, 2016: State and national primary elections

To be determined (probably late April or early May 2016): State and national primary runoff elections (if needed)