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May 11, 2020

VIA E-FILING

Christopher A. Prine, Clerk  
Fourteenth Court of Appeals  
301 Fannin, Room 245  
Houston, Texas 77002

Re: *State of Texas v. Texas Democratic Party et al.*, No. 14-20-00358-CV;  
Amicus on Motion for Emergency Relief

To the Clerk of the Court:

The Communications Workers of America, AFL-CIO ("CWA"), appearing by and through counsel, hereby submits this amicus letter in *State of Texas v. Texas Democratic Party et al.*, No. 14-20-00358-CV.

CWA is a labor organization that represents approximately 38,000 members in Texas. CWA's members work in a wide variety of jobs and include significant numbers of persons with underlying medical conditions making them more susceptible to serious injury and death from COVID-19 as well as a significant number of people of color who are likewise at an increased risk of significant injury and death should they contract the coronavirus and develop COVID-19.

This Court should issue an order to clarify that the declaratory judgment of the lower court, and the temporary injunction enforcing same, to the effect

that the Election Code's plain language definition of "disability" when applied to the context of a deadly pandemic allows those without immunity to the coronavirus to vote by mail, remain in effect pending appeal. *See* TEX. ELEC. CODE § 82.002. Voters are already requesting mail-in ballots for the July 14 primary run-off in which many CWA members wish to vote, and the deadline for requesting ballots, July 2, is a mere two weeks after this case is set for submission. CWA members wish to protect their health by avoiding unnecessary in-person contact and protect the health of their family members, co-workers, and the public by avoiding becoming asymptomatic carriers of the virus. Even with Texas "reopening" the daily new case count has not dropped and is unlikely to do so with increased in-person contact over the next few months.

To make this matter more urgent and necessary, the Texas Attorney General has seen fit to issue two "letter opinions" threatening felony prosecution to those who request mail ballots to avoid endangering their health and to those who advise others to do the same. This raises additional concerns for CWA. As an organization, CWA regularly encourages its members to vote and advises them on the mechanics of how to vote. The Attorney General's threats put the organization and its individual leaders and members at risk of prosecution, instilling in them a legitimate fear of prosecution, and seem designed to intimidate voters. This concern is not theoretical, given how aggressively the Attorney General has prosecuted "voter fraud" for even technical, inadvertent violations of the Election Code. Moreover, the Attorney General seems to focus on prosecuting people of color and women, and CWA's membership includes many of both categories of citizens. CWA and its members cannot exercise their First Amendment rights to free speech and their fundamental right to vote freely and without abridgment with a cloud of legal uncertainty hanging over the ongoing election.

No one should have to choose between protecting their health and exercising their right to vote. We ask the Court to grant the Plaintiff's and Intervenor-Plaintiffs' motion for emergency relief to protect the public health and liberty of voters and election workers alike.

Respectfully submitted,

/s/ David Van Os

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Certificate of Service

This is to certify that the above and foregoing Amicus Letter on Motion for Emergency Relief was filed with the Clerk of Court on May 11, 2020, using the efile.TXcourts.gov electronic filing system and served on the counsel shown below in accordance with Texas Rule of Appellate Procedure 9.5. My email address is [dvo@vanoslaw.com](mailto:dvo@vanoslaw.com).

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