

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BEAUMONT BRANCH OF THE NAACP and
JESSICA DAYE,

Plaintiffs,

v.

JEFFERSON COUNTY, TEXAS, JEFFERSON
COUNTY COMMISSIONERS COURT, LAURIE
LEISTER, in her official capacity as the JEFFERSON
COUNTY CLERK, and MARY BETH BOWLING, in
her official capacity as the PRESIDING JUDGE OF
THE JOHN PAUL DAVIS COMMUNITY CENTER,

Defendants.

Civil Action No. 22 Civ. 488

**DECLARATION OF WILBUREAN BENARD IN SUPPORT OF PLAINTIFF'S
EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER**

I, WILBUREAN BENARD, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the below is true and correct:

1. I have lived in Beaumont in Jefferson County for my whole life. I am 75 years old. I am a citizen and eligible to vote in Texas. I am registered to vote in Jefferson County. I have been registered to vote since I was 18 years old.

2. As voting is important to me, I try to vote in every election.

3. I have been a poll worker for approximately 16 years in Jefferson County and have served at multiple locations.

4. I usually vote at the polling place where I am working on election day.

5. During the early voting period which ran from October 24 to November 4, for the 2022 November 8 general election, I served as the alternate presiding judge appointed by the

Democratic Party at the John Paul Davis Community Center, located at 3580 E. Lucas Drive, Beaumont, Texas 77701 (“Community Center”), during every day of early voting in Jefferson County.

6. I served the morning shift as the alternate presiding judge during early voting in Jefferson County. During the first week of early voting, I served from 6:30AM until 12:30PM. During the second week of early voting, I served from 6:30AM until 1:00PM.

7. I will be serving as a poll worker at the Lamar University Montagne Center, located at 4401 S. MLK Parkway, Beaumont, Texas 77705, on Election Day. I plan to vote at this location on Election Day.

8. The Community Center is located in a predominantly Black neighborhood in the North End of Beaumont.

9. Based on my past experience serving as a poll worker at the Community Center, I estimate that more than ninety percent of the voters who vote at this location are Black.

10. At any given time during early voting at the Community Center, there were typically four poll watchers, two from each political party. There were also six election workers, including me as the alternate presiding judge and two Democrat clerks, and Mary Beth Bowling as the presiding judge and two Republican clerks. The Democratic election workers were mostly, if not all, Black. The Republican election workers were mostly, if not all, White.

11. The Community Center is in one building surrounded by a parking lot and some grassy areas. The setup is as follows: The voter enters through the front door and turns right. Three tables are pushed together to form one check-in table that is set up to the right of the main entrance.

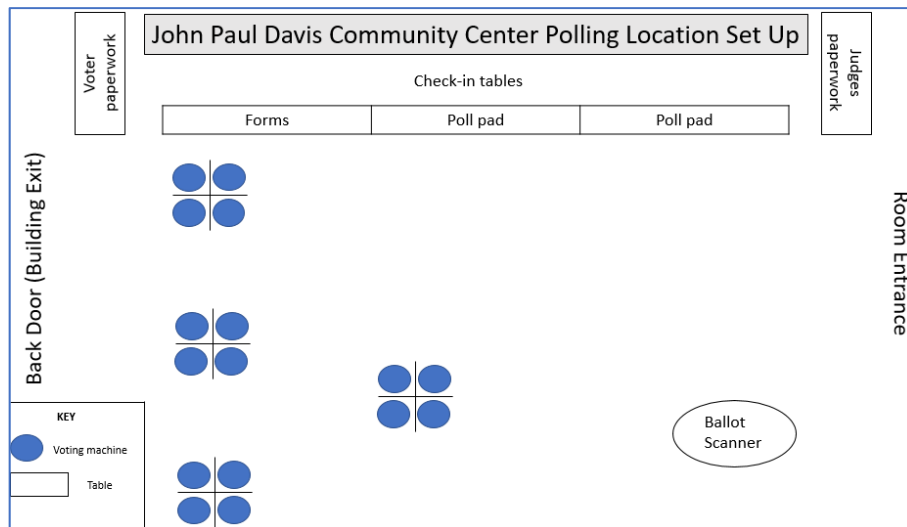
12. There are two poll pads at the check-in table. Two election workers sit at the check-in desk in front of each of the poll books. Each election worker checks a voter in one at a time. The election workers at the check-in table are typically one from each party. The check-in process

involves a voter producing identification, signing in, and then signing any other forms that may be required.

13. The voting machines are set up about three to four feet away from the check-in desk. After being checked in, the voter usually walks away from the check-in desk to the back center of the room to get to the voting machines. The first pod of four voting machines is only about 3-4 feet from the check-in desk. Especially when there were relatively few voters, this is where most people cast their ballot. There are four voting pods, each containing four voting machines, for a total of 16 machines. None of the pods have curtains, just small blinders on either side.

14. On the opposite side from the check in tables, there are ballot scanners where the voter can scan their ballot in. Normally there were election workers near the ballot scanner who are supposed to help voters scan their ballot.

15. A very rough visual of the polling setup is as follows:



16. Since the first day of early voting, one of the poll workers has created an intimidating and hostile environment for me as a fellow poll worker, for voters, and for other election workers at the Community Center.

17. The poll worker, Mary Beth Bowling, is White. Ms. Bowling is the presiding judge at the Community Center appointed by the Republican Party. Ms. Bowling worked every day of early voting, with the exception of Friday, November 4, when I understand that she was sick. She also served the morning shift. During the first week of early voting, she served from 6:30AM until 12:30PM. During the second week of early voting, she served from 6:30AM until 1:00PM. She is scheduled to work for the full day on election day, November 8, at the Community Center.

18. On or around Wednesday, November 2, I witnessed Ms. Bowling tell two elderly Black voters that they might not want to vote a provisional ballot because these votes would not be counted unless there was a tie in the election vote count. Based on my extensive experience as a poll worker and familiarity with the Texas Election Code, I know that this is not the case. These voters left without voting. I did not witness Ms. Bowling give the same false information to any White voters. These same elderly Black voters returned to the Community Center on Thursday, November 3 and cast provisional ballots. My understanding is that they voted provisionally because the poll pad indicated that they had been sent a mail-in ballot that had not been returned.

19. Since the first day of early voting, I witnessed Ms. Bowling stand over and second-guess the work of a more experienced Black poll worker, Katherine Campbell. I witnessed Ms. Bowling hover over Ms. Campbell and demand the voter's identification after Ms. Campbell had already checked them in. The voters that Ms. Campbell was serving during these interactions appeared upset and intimidated.

20. Throughout early voting, I witnessed Ms. Bowling and other white poll workers demand that voters repeat their full address out loud, in the presence of other election workers and voters. They made these requests, in aggressive tones, only to Black voters—and not White voters.

21. At least twice during the last week of early voting, I witnessed poll watchers stand very close to Black voters who were voting. They were standing no more than two feet away and

appeared to be watching how voters were marking their ballots. Voters appeared upset and intimidated by these actions. I only saw the poll watcher look over the shoulders of Black voters. All of the poll watchers engaged in this behavior are White.

Executed on November 6, 2022 in the City of Beaumont, Jefferson County, Texas

BY: Wilburean Benard
Wilburean Benard